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August 3, 2016

VIA EMAIL and HAND DELIVERY

Chair Jim Moore and
Planning Commission
Oakland City Hall
One Frank H. Ogawa Plaza, Hearing Room No. 1
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Christina Ferracane
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**Re: Supplemental Comments on the CEQA Analysis for the W12
Mixed-Use Project (PLN16-133)**

Dear Chair Moore, Honorable Members of the Oakland Planning Commission and Ms. Ferracane:

We write on behalf of **Oakland Residents for Responsible Development** to provide supplemental comments on the City of Oakland's analysis of the W12 Mixed-Use Project ("Project). We previously submitted comments to Ms. Ferracane on Tuesday August 2, 2016, and plan to hand-deliver them to the Commission at tonight's hearing. Immediately following our submission of the August 2 comments, which noted that the City had failed to provide us with all necessary information regarding air quality impacts and on-site hazards, the City then provided us with those documents.

We reviewed those additional documents with the help of experts Matt Hagemann and Jessie Jaeger of Soil / Water / Air Protection Enterprise ("SWAPE"). Their attached supplemental technical comments are submitted in addition to the

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comments in this letter.¹ The curricula vitae of these experts were attached as exhibits to our August 2 comments. The documents reveal additional legal deficiencies in the City's analysis of hazards, as well as health risks and air quality during construction. In light of the fact that the City sent us these documents after close of business the night before the hearing, we hereby reserve the right to provide more detailed comments on these issues once we have had the opportunity to evaluate the documents in depth.

Regarding the City's air quality analysis, SWAPE finds that several of the assumptions used and values inputted into the Project's CalEEMod output files are inconsistent with information disclosed in the CEQA Analysis, thus undermining the accuracy of the model. These inconsistencies are discussed in detail in SWAPE's letter, and include (1) the City's failure to include parking land use in the model and (2) the City's incorrect assumption regarding the use of Level 3 DPF off-road equipment. Therefore, SWAPE concludes that the Project's construction emissions are artificially reduced and the City's CalEEMod air modeling should not be relied upon to determine Project significance.²

Regarding the Project's health risks from diesel particulate matter emissions, SWAPE conducted its own health risk assessment based on the CalEEMod files received from the City. SWAPE's model shows that the excess cancer risk to adults, children, and infants during Project construction for the sensitive receptors located 25 meters away are 6.76, 39, and 130 in one million, respectively.³ The child and infantile exposure for the sensitive receptors far exceed the Bay Area Air Quality Management District threshold of 10 in one million.⁴ As a result, SWAPE concludes that a refined health risk assessment must be prepared and included in an EIR.⁵

Regarding the Project's hazards, SWAPE reiterates the dangers of the highly contaminated site, including risks from TCE and other contaminants, and identifies additional hazards associated with the site, including:⁶

¹ See Letter from Matt Hagemann and Jessie Jaeger, SWAPE, to Laura Horton re: Supplemental Comments on the W12 Mixed-Use Project (hereinafter, "SWAPE Comments"), August 3, 2016, **Attachment A**.

² *Id.*, at 1 – 3.

³ *Id.*, at 6.

⁴ *Id.*

⁵ *Id.*

⁶ *Id.*, at 7.

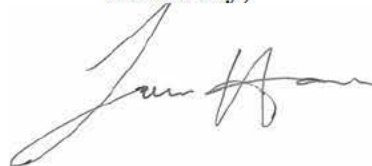
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- A suspected waste oil underground storage tank (UST), exact location and regulatory status unknown;
- The presence of seven hydraulic lifts and two possible tanks associated with the hydraulic lifts at the southeastern part of the 301 and 345 12th Street portion of the site – no removal records were found in regulatory agency files;
- The presence of five historical aboveground storage tanks;
- The presence of an 800-gallon oil-containing UST;
- Use of the property for vehicle service and mechanical repair and the presence of a floor drain, in association with these activities;
- The presence of a floor drain in an area of paint and body repair;
- Numerous historical dry-cleaning and auto service facilities in proximity to the Project site.

SWAPE notes that “[n]o requirements for assessment and cleanup to concentrations that are health-protective of construction workers and future Project occupants are included in the Analysis.”⁷ Therefore, SWAPE concludes that an EIR is necessary to ensure that a thorough investigation is conducted prior to proceeding with soil excavation and Project construction, to determine if development as a residential community is appropriate on the proposed site.⁸

For these reasons and the reasons identified in our August 2 comments, we urge the City to revise its analysis, identify feasible mitigation measure and disclose its revised analysis in an EIR, as required by CEQA, before the City considers approval of the Project.

Sincerely,



Laura E. Horton

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Attachment

⁷ *Id.*

⁸ *Id.*