

ADAMS BROADWELL JOSEPH & CARDOZO

A PROFESSIONAL CORPORATION

ATTORNEYS AT LAW

601 GATEWAY BOULEVARD, SUITE 1000
SOUTH SAN FRANCISCO, CA 94080-7037

TEL: (650) 589-1660
FAX: (650) 589-5062

lhorton@adamsbroadwell.com

SACRAMENTO OFFICE

520 CAPITOL MALL, SUITE 350
SACRAMENTO, CA 95814-4721

TEL: (916) 444-6201
FAX: (916) 444-6209

DANIEL L. CARDOZO
CHRISTINA M. CARO
THOMAS A. ENSLOW
TANYA A. GULESSERIAN
LAURA E. HORTON
MARC D. JOSEPH
RACHAEL E. KOSS
JAMIE L. MAULDIN
ADAM J. REGELE
ELLEN L. WEHR

March 16, 2016

VIA EMAIL AND U.S. MAIL

Planning Commission
Oakland City Hall
One Frank H. Ogawa Plaza, Hearing Room No. 1
Oakland, CA 94612

Emails: jmoore.ocpc@gmail.com
nagrajplanning@gmail.com
jahazielbonillaoaklandpc@gmail.com
amandamonchamp@gmail.com
jmyres.oakplanningcommission@gmail.com
pattillo@pgadesign.com
EW.Oakland@gmail.com

Peterson Vollman
Planner II
City of Oakland
250 Frank H. Ogawa Plaza, Suite 2114
Oakland, CA 94612
Email: pvollmann@oaklandnet.com

Re: Responses to Comments on the Jack London Square 4th & Madison Project (ER 15-005)

Dear Honorable Members of the Oakland Planning Commission and Mr. Vollman:

We are writing on behalf of **Oakland Residents for Responsible Development** regarding the Jack London Square 4th & Madison Project ("Project"), proposed by the Carmel Partners ("Applicant"). Based on our review of the Final Environmental Impact Report ("FEIR") prepared by the City of Oakland ("City"), as well as the Project's Staff Report for the March 16, 2016 hearing, we believe the City has adequately addressed the issues raised in our September 25, 2015 comments on the

3387-006rc

March 16, 2016

Page 2

Draft Environmental Impact Report ("DEIR"). We describe below the most important issues raised in our comments and the City's responses.

First, we previously commented that the DEIR failed to sufficiently describe the Project by failing to adequately describe aspects of the Project's design features and failing to describe dewatering requirements for the Project, which could lead to potentially significant impacts. In response, the City made several changes to the FEIR, which now provides: more specific details on the construction schedule; further explanation that the retail space analysis is not dependent on the retail space location; further details on transportation design features including driveway locations, as well as further detail on the City process for reviewing the final design to ensure adequate site distance is provided and all safety issues are addressed; and further analysis on the potential for dewatering and exposure to contaminated soil and water, including the process and schedule for dewatering as well as the requirements of the Construction General Permit and the City's Standard Conditions of Approval as applied to discharges of contaminated water from the Project site.

Second, we commented that the DEIR underestimated construction emissions by failing to use the correct modeling inputs for architectural coating, demolition of existing buildings, percent reductions for daily trip rates, construction duration, and assumption of Tier 4 engine use. In response, the City prepared revised air modeling using corrected inputs. Specifically, the City changed the concentration of VOCs in architectural coatings, which we noted was inconsistent between the DEIR and modeling files. In addition, the City provided further explanation of construction activities associated with site preparation and building demolition, as reflected in the modeling files. The City also removed the 16.2 percent reduction we noted was incorrectly applied in the modeling files because it had already applied a reduction elsewhere in the modeling. Finally, the revised air modeling used the appropriate default construction durations. The Project will also implement all basic and enhanced best management practices for construction and the City has ensured the use of Tier 4 engines by including it as enforceable mitigation, which would further reduce construction emissions. The revised model concluded that the Project's emissions will not result in a significant air quality impact.

Third, we previously commented that the DEIR underestimated Greenhouse Gas Emissions ("GHGs") because it incorrectly calculated the service population and used incorrect parameters and an inflated percent reduction in daily trips in its

3387-006rc

March 16, 2016

Page 3

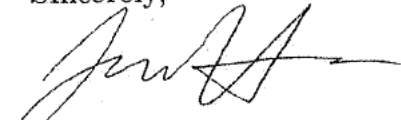
modeling files, as explained above. The FEIR clarified the City's approach to determining the Project's service population. Specifically, the City explained that the 2013 United States Census for the City of Oakland, which it used in its estimation, relies on population per room, and not only bedrooms. The City then revised its estimate, taking into account our modeling file input comments as explained above. In addition, the Project will implement several mitigation measures, such as compliance with CALGreen mandatory measures and the applicable requirements of the Green Building Ordinance, which would further reduce the Project's GHG emissions. The City's revised model falls below the significance threshold.

Fourth, we commented that because of the Project site's long history of industrial uses, potential soil and groundwater contamination had not been adequately evaluated. Specifically, we found that the DEIR had not adequately evaluated the dewatering potential and associated impacts, and had not completed a Phase II Environmental Site Assessment ("ESA"). In response, as stated above, the City provided further details on potential dewatering impacts and clarified the City's plan to handle stormwater contaminants related to industrial uses. In addition, the City conducted a Phase II ESA for the Project site, which found that no further studies or remedial action are recommended for the projects site at this time.

We thank the City for taking seriously the legal and technical issues identified in our submittal, and for its thorough and good faith responses and additional analysis and mitigation added in the FEIR. In light of the City's response to our comments, we have no further comments and withdraw our objections to the EIR and the Project.

Thank you for your attention to this matter.

Sincerely,



Laura E. Horton

LEH:ric

3387-006rc