



EMERYVILLE GENERAL PLAN

Final Environmental Impact Report

EMERYVILLE GENERAL PLAN

Final Environmental Impact Report

Table of Contents

I	Introduction.....	I-1
	Purpose.....	I-1
	Organization.....	I-1
	Process.....	I-2
2	Comments on the Draft EIR.....	2-1
3	Response to Comments on the Draft EIR.....	3-1
	Agencies.....	3-1
	Organizations/Individuals.....	3-5
	Oral Testimony.....	3-9
4	Revisions to the Draft EIR.....	4-1
	Appendix A: Revisions to the Draft General Plan	A-1

I Introduction

This Program Final Environmental Impact Report (EIR) has been prepared on behalf of the City of Emeryville (City) in accordance with the California Environmental Quality Act (CEQA). The City is the lead agency responsible for ensuring that the proposed Emeryville General Plan (General Plan) complies with CEQA.

PURPOSE

This Final EIR, which includes the Draft EIR, Comments on and Responses to Comments on the Draft EIR, and minor corrections and clarifications to the Draft EIR, is intended to disclose to City decision makers, responsible agencies, organizations, and the general public, the potential impacts of implementing the proposed General Plan. This program level analysis addresses potential impacts of activities associated with implementation of the General Plan, which are described in Chapter 2: Project Description, of the Draft EIR.

The primary purpose of the Final EIR is to revise and refine the environmental analysis in the Draft EIR, published May 15, 2009, in response to comments received during the 45-day public review period. The review period for the Draft EIR (State Clearinghouse No. 2006022008) was from May 15, 2009 to June 30, 2009. This Response Addendum, combined with the Draft EIR, constitutes the Final EIR on the project. This Final EIR amends and incorporates by reference the Draft EIR, which is available as a separately bound document from the City of Emeryville Planning Department, 1333 Park Avenue, in Emeryville.

The Draft EIR contains some impacts that are significant and unavoidable despite extensive mitigating policies, such as impacts to air quality, traffic, cultural resources and noise. Other potentially significant impacts can be avoided or reduced to levels that are not significant through implementation of the policies identified in the Draft EIR.

ORGANIZATION

The remainder of this document contains the following components:

- Chapter 2 lists all of the agencies and individuals that submitted either written or oral comments on the Draft EIR; reproduces all comments and provides a unique number for each EIR comment in the page margin.
- Chapter 3 provides responses to comments, numbered, and in order according to the comment letters in Chapter 2.
- Chapter 4 lists revisions to the Draft EIR by chapter and page, in the same order as the revisions would appear in the Draft EIR. Revision attachments appear at the end of the section, also in the same order that they would appear in the Draft EIR.
- Appendix A lists revisions to the Draft General Plan.

PROCESS

Upon issuance of the Final EIR, the City will hold public hearings to certify the EIR and to consider adoption of the proposed General Plan. The City will determine the adequacy of the Final EIR, and, if determined adequate, will make findings and certify the document as compliant with CEQA.

Copies of the Final EIR have been provided to agencies and other parties that sent in General Plan EIR comments or have requested the Final EIR. The Final EIR is also available at the City of Emeryville, Planning Department, 1333 Park Avenue, in Emeryville and the City's website at: <http://ca-emeryville.civicplus.com/index.aspx?nid=385>.

2 Comments on the Draft EIR

This chapter contains copies of the comment letters and oral comments received on the Draft EIR of the proposed General Plan. A total of 12 letters were received during the 45-day comment period. Additionally, oral comments were received at a Planning Commission public hearing on the Draft EIR. Each comment letter is numbered, and each individual comment is lettered in the page margin. Responses to each comment are provided in Chapter 3 of this document. Please note that only comments on the Draft EIR are addressed in this Final EIR. Where appropriate, the information and/or revisions suggested in these comment letters have been incorporated into the Final EIR. These revisions are included in Chapter 4 of this document.

Comments on the General Plan Plan are addressed separately by City staff and are appended in Appendix A.

Comments Received on the proposed Emeryville General Plan

Letter #	Date	Agency/Organization	Commenter
<i>Agencies (Federal, State Regional, Local) (A)</i>			
A1	June 29, 2009	East Bay Municipal Utility District	William R. Kirkpatrick
A2	June 30, 2009	San Francisco Bay Conservation and Development Commission	Sara Polgar
A3	June 30, 2009	Department of Transportation	Lisa Carboni
<i>Organizations/Individuals (B)</i>			
B1	June 2, 2009		Brian Donahue
B2	June 4, 2009		Brian Donahue
B3	June 5, 2009		Brian Donahue
B4	June 6, 2009		Brian Donahue
B5	June 6, 2009		Brian Donahue
B6	June 6, 2009		Brian Donahue
B7	June 7, 2009		Brian Donahue
B8	June 22, 2009	Nady Systems	Frederic Schrag
B9	June 30, 2009	Level 3 Communications	Ryan Mcmanis
<i>Oral Testimony (C)</i>			
C1	June 25, 2009	Planning Commission Hearing on Draft EIR	Oral Comments

June 29, 2009

Deborah Diamond, Project Manager
General Plan and Zoning Update
City of Emeryville
1333 Park Avenue
Emeryville, CA 94608

Re: Draft Environment Impact Report – City of Emeryville General Plan, Emeryville

Dear Ms. Diamond:

East Bay Municipal Utility District (EBMUD) appreciates the opportunity to comment on the Draft Environmental Impact Report (EIR) for the City of Emeryville (City) General Plan. EBMUD has the following comments.

GENERAL

A1-1

The General Plan contains outdated information about the size of EBMUD's water and wastewater service area, number of customers, demand, and facility statistics and needs to be revised. Updated information and statistics can be found in the enclosed pamphlets *All About EBMUD* and *EBMUD's Annual Report 2008*. References within the Draft EIR and corresponding tables utilizing the updated information also need to be revised.

A1-2

Page 3.10-20, under Impact Statement 3.10-2, the first paragraph states "*This EIR considers whether changes in population projects in the proposed Emeryville General Plan would make a significant difference water demand currently planned for in the 2005 UWMP.*" The City should note that EBMUD uses land-use method to project its water demands because population based methods do not capture water demand from non-residential use.

WATER SERVICE

A1-3

The Draft EIR does not reference specific development projects. Any development project associated with the General Plan will be subject to the following general requirements:

Main extensions that may be required to serve any specific development projects that will provide adequate domestic water supply, fire flows, and system redundancy will be at the project sponsor's expense. Pipeline and fire hydrant relocations and replacements due to modifications of existing streets, and off-site pipeline improvements, also at the project sponsor's expense, may be required depending on EBMUD metering requirements and fire flow requirements set by the local fire department. All project sponsors should contact

Deborah Diamond, Project Manager

June 29, 2009

Page 2

EBMUD's New Business Office and request a water service estimate to determine costs and conditions of providing water service to the development. Engineering and installation of new and relocated pipeline and services requires substantial lead-time, which should be provided for in the project sponsor's development schedule.

Please note that depending on the size and/or square footage, the lead agency for future individual projects within the City's General Plan should contact EBMUD to request a Water Supply Assessment (WSA) that meets the threshold of a WSA pursuant to Section 15155 of the California Environmental Quality Act Guidelines, and Section 10910-10915 of the California Water Code. EBMUD requires project sponsors to provide future water demand data and estimates for individual project sites for analysis of the WSA. Please be aware that the WSA can take up to 90 days to complete from the day on which the request is received.

The Draft EIR indicates the presence of hazardous materials throughout the City that are of potential concern. The project sponsor should be aware that EBMUD will not inspect, install or maintain pipeline in contaminated soil or groundwater (if groundwater is present at any time during the year at the depth piping is to be installed) that must be handled as a hazardous waste or that may pose a health and safety risk to construction or maintenance personnel wearing Level D personal protective equipment. Nor will EBMUD install piping in areas where groundwater contaminant concentrations exceed specified limits for discharge to sanitary sewer systems or sewage treatment plants. Applicants for EBMUD services requiring excavation in contaminated areas must submit copies of existing information regarding soil and groundwater quality within or adjacent to the project boundary. In addition, the applicant must provide a legally sufficient, complete and specific written remedial plan establishing the methodology, planning and design of all necessary systems for the removal, treatment, and disposal of all identified contaminated soil and/or groundwater.

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

WASTEWATER PLANNING

The Draft EIR should include additional language under section 3.10, Public Services and Utilities, about the Federal Clean Water Act and the City's National Pollutant Discharge Elimination System (NPDES) permit and associated Cease and Desist Order. The General Plan and Draft EIR should be consistent with the requirements of the City's NPDES Permit and Cease and Desist Order and include a statement to that end.

A1-4

A1-5

The Draft EIR should modify the discussion of Impact 3.10-3 to include wet weather flows. The Draft EIR presents projections for future dry weather flows and makes that case that the projected increases represent a small percentage of available treatment capacity at EBMUD's Main Wastewater Treatment Plant (MWWTP). EBMUD requests the following revision to the impact statement on page 3.10-22:

Impact 3.10-3 New development would not exceed wastewater treatment capacity of the EBMUD, and would not require construction of new wastewater treatment facilities; ~~expansion of existing facilities or implementation of programs and policies to further reduce inflow and infiltration (I/I) of storm water into the city's wastewater collection system and private sewer laterals during wet weather events.~~ (Less than Significant)

The impact statement, as written in the Draft EIR, contradicts recent regulatory changes requiring cessation of discharges from EBMUD's Wet Weather Facilities and reduction in inflow and infiltration (I/I) throughout the East Bay wastewater collection system. EBMUD's MWWTP and interceptor system are anticipated to have adequate dry weather capacity to treat the proposed wastewater flows from this project, provided that the wastewater meets the requirements of the current EBMUD Wastewater Control Ordinance. However, wet weather flows are a concern. EBMUD has historically operated three Wet Weather Facilities to provide treatment for high wet weather flows that exceed the treatment capacity of the MWWTP. On January 14, 2009, due to the Environmental Protection Agency's (EPA) and State Water Resources Control Board's re-interpretation of applicable law, the Regional Water Quality Control Board issued an order prohibiting further discharges from EBMUD's Wet Weather Facilities.

Currently, there is insufficient information to forecast how these changes will impact allowable wet weather flows in the individual collection system subbasins contributing to the EBMUD wastewater system, including the subbasins that encompass the general plan project area. As ordered by EPA, EBMUD is conducting extensive flow monitoring and hydraulic modeling to determine the level of flow reductions that will be needed in order to comply with the new zero-discharge requirement at the Wet Weather Facilities. It is reasonable to assume that a new regional wet weather flow allocation process may occur in the East Bay, but the schedule for implementation of any new flow allocations has not yet been determined.

A1-6

In the mean time, it would be prudent for the City to incorporate the following requirements for any new development into the proposed project: (1) replace or rehabilitate any existing sanitary sewer collection systems to reduce inflow and infiltration (I/I) to the maximum extent feasible, and (2) ensure any new wastewater collection systems are constructed to prevent I/I to the maximum extent feasible. Such provisions should be incorporated into the project and described in the Draft EIR under the discussion of Impact 3.10-3. Estimates of peak wet weather flows that are expected to result from the project and compare those projected flows to current peak wet weather flows should be included. The discussion to acknowledge the possible future need for additional I/I reduction in order to meet regulatory requirements should be revised accordingly.

Deborah Diamond, Project Manager
June 29, 2009
Page 4

WATER RECYCLING

A1-7

Page 3.10-3, under Recycled Water and Conservation, fourth sentence of the first paragraph, EBMUD's Non-Potable Water Policy number should be changed to 8.01.

Page 3.10-3, under Recycled Water and Conservation, the last sentence of the first paragraph should be revised to read "*Uses for recycled water include non-residential landscape irrigation, commercial and industrial process purposes, and toilet and urinal flushing in commercial buildings.*"

Page 3.10-3, under Recycled Water and Conservation, the first and second sentences in the third paragraph should be revised to read "*In 2008, the average daily recycled water use was 5.5 mgd. By 2020, EBMUD plans to recycle a total of 14 mgd in order to meet the anticipated potable water needs of its service area.*"

Page 3.10-4, under Recycled Water and Conservation, the second sentence of the first paragraph should be revised to read "*This multi-phased project, commenced in 2003 with Phase 1A recently completed, will provide up to 2.2 mgd of recycled water from EBMUD's Main Wastewater Treatment Plant to customers in the aforementioned areas.*"


WATER CONSERVATION

A1-8

Individual projects within the City's General Plan Update may present opportunity to incorporate water conservation measures. EBMUD would request that the City include in its conditions of approval a requirement that the project sponsor comply with Article 9-4.54 of the Municipal Code of the City of Emeryville: Landscape Design and Development Requirements. Project sponsors should be aware that Section 31 of EBMUD's Water Service Regulations requires that water service shall not be furnished for new or expanded service unless all the applicable water-efficiency measures described in the regulation are installed at the project sponsor's expense.

If you have any questions concerning this response, please contact David J. Rehnstrom, Senior Civil Engineer, Water Service Planning at (510) 287-1365.

Sincerely,



William R. Kirkpatrick
Manager of Water Distribution Planning

WRK:AMW:sb
sb09_129.doc

Enclosures



Making San Francisco Bay Better

LETTER A2

June 30, 2009

Deborah Diamond
Project Manager, General Plan and Zoning Update
Planning Division
1333 Park Ave.
Emeryville, CA 94608

Subject: City of Emeryville General Plan Update. BCDC Inquiry File No. AL.EY.6501.1.

Dear Ms. Diamond:

Thank you for the opportunity to comment on the draft environmental impact report (draft EIR) for the Emeryville General Plan update, State Clearinghouse Number 2006022008 received in our office on May 14, 2009. The Commission has not reviewed this draft EIR, so the staff comments in this letter are based on the *San Francisco Bay Plan* (Bay Plan) and the McAteer-Petris Act.

Jurisdiction. In *Chapter 3: Settings, Impacts and Mitigation Measures*, in the Land Use and Housing, Biological Resources, and Hydrology and Flooding sections, the draft EIR describes BCDC's jurisdiction and authority. There are a few inconsistencies and minor errors in these descriptions that should be resolved. For example, on page 3.4-8, the description of the 100-foot shoreline band should say that it extends inland from mean high tide line, as opposed to "the high tide line" as currently stated here. The following paragraphs provide information about BCDC's jurisdiction and authority to discuss in the Regulatory Setting sections of the report.

The Commission has "Bay" jurisdiction over all areas of the Bay subject to tidal action which is defined by the shoreline. The shoreline is located at the mean high tide line, except in marsh areas, where the shoreline is located at five feet above mean sea level. The Commission's "Bay" jurisdiction extends to certain waterways identified in the McAteer-Petris Act consisting of all areas of the waterways that are subject to tidal action including submerged lands, tidelands, and marshlands up to five feet above mean sea level. Additionally, the Commission has "shoreline band" jurisdiction over an area 100 feet wide inland and parallel to the shoreline.

The Commission controls filling and dredging within its "Bay" jurisdiction through the permit system established by the McAteer-Petris Act. The Commission also administers permits for development within its 100-foot "shoreline band" jurisdiction. However, the Commission's authority along the shoreline is more limited; it may deny a permit application for a proposed project only if the project fails to provide maximum feasible public access to the Bay and shoreline consistent with the project, or is inconsistent with a priority use designation.

In accordance with provisions of the McAteer-Petris Act, the Commission has designated certain areas within the 100-foot "shoreline band" for specific priority uses for ports, water-related industry, water-oriented recreation, airports and wildlife refuges. The Commission is authorized to grant or deny permits for development within these priority use

areas based on appropriate Bay Plan development policies pertaining to the priority use. Along the Emeryville shoreline, the Bay Plan designates the southern and western shores of the peninsula as Waterfront Park, Beach priority use area, and the crescent as a Wildlife Refuge priority use area.

Sea Level Rise and Safety of Fills. We strongly support inclusion of measures in the General Plan update to “monitor climate change effects and implement any measures necessary to reduce any risk of flooding from sea level rise in the future” as stated on page 3.5-23.

A2-2

Additionally, although a 2100 scenario of sea level rise is beyond the planning horizon for the General Plan update, it would still be valuable to assess potential impacts to new construction (under the built-out Proposed General Plan) of a 55-inch sea level rise. We suggest this in part because the cost of flood protection for this new development could become extremely expensive with a higher sea level in the second half of the century, and creating this future hazard and cost may not be consistent with Proposed General Plan Key Principle #8 (page E-3).

A2-3

The draft EIR considers impacts of future sea level rise in the Hydrology and Flooding section (3.5). The descriptions of future sea level rise scenarios in the Environmental Setting and Impact Analysis sections are inconsistent with each other, and some of the information is outdated. In describing BCDC’s assessment of sea level rise impacts to the Bay and its shoreline, the draft EIR should consistently reference the draft BCDC staff report, *Living with a Rising Bay: Vulnerability and Adaptation in San Francisco Bay and on the Shoreline*, released in April 2009. This BCDC report assessed sea level rise projections of 16-inches and 55-inches at mid-century and end of century, respectively. Furthermore, in addition to noting on page 3.5-6 that the BCDC maps of vulnerable areas do not account for existing shoreline protection, it should also be noted in this text that the maps do not indicate increases to storm-related flood areas (such as the 100-year flood zone).

A2-4

The draft EIR accurately references the sea level rise projections from BCDC’s April 2009 report in the map in Figure 3.5-4 and the paragraph beginning on page 3.5-9 and continuing on the next page. However, the final sentence of the paragraph preceding this (on page 3.5-8) states, “Average sea levels ...are projected to rise by at least another one-third of a foot and up to almost three feet by the year 2100.” This statement should have a reference to allow readers to understand the source of this projection information, particularly since this sea level rise projection differs from the BCDC assessment described in the next paragraph.

A2-5

The analysis of the significance of Impact 3.5-5 on page 3.5-22 is based on an older analysis of sea level rise in San Francisco Bay. This impact analysis should be done based on the sea level rise scenarios (i.e. 16-inches and 55-inches) from the recent (April 2009) BCDC assessment report.

A2-6

In the description of the Regulatory Setting in the Hydrology and Flooding section (3.5), the draft EIR should reference existing Bay Plan safety of fills findings and policies that anticipate the need for planning associated with sea level rise. The Safety of Fills findings recognize that “Bay water levels are likely to increase in the future because of a relative rise in sea level... Relative rise in sea level is the sum of: (1) a rise in global sea level and (2) land elevation change (lifting and subsidence) around the Bay.” Policy 5 states, in part, “...structures on fill or near the shoreline should be above the highest estimated tide level for the expected life of the project water level during the expected life of the project or be sufficiently protected by levees...” Additionally, Policy 6 states, “local governments and special districts with responsibilities for flood protection should assure that their requirements and criteria reflect

future relative sea level rise and should assure that new structures and uses attracting people are not approved in flood prone areas or in areas that will become flood prone in the future, and that structures and uses that are approvable will be built at stable elevations to assure long-term protection from flood hazards.” It may also be appropriate to recognize in the Regulatory Setting description that shoreline development within BCDC’s jurisdiction may be subject to future permit controls related to sea level rise impacts.

A2-7

The assessment of significance in Impact 3.5-5 in the Hydrology and Flooding section is, overall, difficult for the reader to follow. The draft EIR states on pages 3.5-9 and 3.5-22 and 3.5-23 that the scenarios of sea level rise do “not suggest vulnerability” to structures or urbanized areas. However, Figure 3.5-4 entitled Areas Vulnerable to a 16-inch Sea Level Rise by Mid-Century, shows that existing structures and public access on the Emeryville peninsula are potentially subject to regular inundation under this scenario. The draft EIR does not explicitly show where new development could occur along the shoreline under the Proposed General Plan build out, so it is not possible for the reader to conclude that the Impact 3.5-5 would be less than significant (as stated on page 3.5-23). Additionally, the justification of the significance determination for Impact 3.5-5 on page 3.5-23 references Impact 3.13-7 which we were unable to find.

A2-8

Lastly, although the draft EIR assesses potential impacts to structures along the shoreline due to future projected sea level rise, it does not consider impacts to recreation and biological resources. Figure 3.5-4 suggests that under the mid-century sea level rise scenario portions of Point Emery and Shorebird Park, the Emeryville Marina, and the mudflats and wetlands in the Emeryville Crescent will be inundated. Specifically addressing these future impacts in policies may be beyond the scope and timeframe of the Proposed General Plan update. However, it would be valuable to consider the potential losses of these very important recreational resources and habitats in planning for future development in Emeryville.

A2-9

Bay Trail Alignment. Development of the proposed spur alignment for the Bay Trail (Figure 3.2-5) that runs along the Emeryville Crescent to Interstate 80 may pose regulatory challenges. There are many wildlife demands on the portion of the Crescent where the trail would be located. The upland areas are designated in the Bay Plan as a wildlife refuge priority land use area (Bay Plan Map 4) and are improved with required habitat mitigation for environmental impacts of the Interstate 80 HOV improvement project. These mitigations are required in BCDC and US Army Corps of Engineers permits. Therefore, these areas cannot be displaced by a trail, unless the City provides equal or better mitigation elsewhere and convinces the regulatory agencies that the mitigation meets or exceeds current benefits. Moreover, the trail would likely be required to provide mitigation for its impacts. If a trail were built along the Crescent, it would probably have to displace the freeway. This freeway is such a vital link in the Bay Area transportation network, carrying high volumes of traffic daily; it is unlikely that such a modification would be possible now or in near future. It may be valuable to identify these and other challenges in the draft EIR discussion of impacts due to build out of the Proposed General Plan.

Deborah Diamond

June 30, 2009

Page 4 of 4

Thank you for your consideration of our comments. If you have any questions regarding this letter please contact me by phone at 415 352-3654 or email sarap@bcd.ca.gov.

Sincerely,

SARA POLGAR
Coastal Planner



ARNOLD SCHWARZENEGGER
GOVERNOR

STATE OF CALIFORNIA
GOVERNOR'S OFFICE of PLANNING AND RESEARCH
STATE CLEARINGHOUSE AND PLANNING UNIT



CYNTHIA BRYANT
DIRECTOR

June 30, 2009

LETTER A3

Deborah Diamond
City of Emeryville
1333 Park Avenue
Emeryville, CA 94608

Subject: City of Emeryville General Plan Update
SCH#: 2006022008

Dear Deborah Diamond:

The enclosed comment (s) on your Draft EIR was (were) received by the State Clearinghouse after the end of the state review period, which closed on June 29, 2009. We are forwarding these comments to you because they provide information or raise issues that should be addressed in your final environmental document.

The California Environmental Quality Act does not require Lead Agencies to respond to late comments. However, we encourage you to incorporate these additional comments into your final environmental document and to consider them prior to taking final action on the proposed project.

Please contact the State Clearinghouse at (916) 445-0613 if you have any questions concerning the environmental review process. If you have a question regarding the above-named project, please refer to the ten-digit State Clearinghouse number (2006022008) when contacting this office.

Sincerely,

Terry Roberts
Senior Planner, State Clearinghouse

Enclosures

cc: Resources Agency

DEPARTMENT OF TRANSPORTATION

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



*Flex your power!
Be energy efficient!*

RECEIVED

JUN 30 2009

STATE CLEARING HOUSE

June 30, 2009

ALAGEN221
SCH#2006022008

Ms. Deborah Diamond
City of Emeryville
1333 Park Avenue
Emeryville, CA 94608

*Clear
6/29/09
late e*

Dear Ms. Diamond:

Emeryville General Plan Update – Draft Environmental Impact Report

A3-1 Thank you for including the California Department of Transportation (Department) in the environmental review process for the Emeryville General Plan Update. The following comments are based on the Draft Environmental Impact Report. As lead agency, the City of Emeryville is responsible for all project mitigation, including any needed improvements to State highways. The project's fair share contribution, financing, scheduling, and implementation responsibilities as well as lead agency monitoring should be fully discussed for all proposed mitigation measures and the project's traffic mitigation fees should be specifically identified in the environmental document. Any required roadway improvements should be completed prior to issuance of project occupancy permits. An encroachment permit is required when the project involves work in the State's right of way (ROW). The Department will not issue an encroachment permit until our concerns are adequately addressed. Therefore, we strongly recommend that the lead agency ensure resolution of the Department's California Environmental Quality Act (CEQA) concerns prior to submittal of the encroachment permit application; see the end of this letter for more information regarding the encroachment permit process.

Community Planning

A3-2 The Department encourages you to locate any needed housing, jobs and neighborhood services near major mass transit nodes, and connected to these nodes with streets configured to facilitate walking and biking, as a means of promoting mass transit use and reducing regional vehicle miles traveled and traffic impacts on the state highways.

Please consider developing and applying pedestrian, bicycling and transit performance or quality of service measures and modeling pedestrian, bicycle and transit trips that your project will generate so that impacts and mitigation measures can be quantified. In addition to urban design treatments, these measures could include Travel Demand Management (TDM) policies (for example, lower parking ratios, car-sharing programs, transit subsidies, etc.) to encourage usage of nearby public transit lines.

"Caltrans improves mobility across California"

Ms. Deborah Diamond/City of Emeryville
June 30, 2009
Page 2

In addition, please analyze secondary impacts on pedestrians and bicyclists that may result from any traffic impact mitigation measures. Please describe any pedestrian and bicycle mitigation measures and safety countermeasures that would therefore be needed as a means of maintaining and improving access to transit facilities and reducing traffic impacts on state highways.

Encroachment Permit

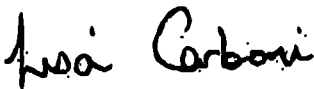
Any work or traffic control within the State ROW requires an encroachment permit that is issued by the Department. Traffic-related mitigation measures will be incorporated into the construction plans during the encroachment permit process. See the following website link for more information: <http://www.dot.ca.gov/hq/traffops/developserv/permits/>

A3-3

To apply for an encroachment permit, submit a completed encroachment permit application, environmental documentation, and five (5) sets of plans which clearly indicate State ROW to the address at the top of this letterhead, marked ATTN: Michael Condie, Mail Stop #5E.

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

Sincerely,



LISA CARBONI
District Branch Chief
Local Development - Intergovernmental Review

c: State Clearinghouse

From: Brian Donahue [sophbeau@yahoo.com]
Sent: Tuesday, June 02, 2009 5:05 PM
To: Charles Bryant; Deborah Diamond
Cc: Patrick D O'Keeffe
Subject: Public Comment: DEIR to the General Plan

LETTER B1

This e-mail is to serve as a written response to the Draft EIR for the new General Plan (the Plan). Please include a response in the EIR.

Response To The DEIR For The General Plan

The 'photo simulations' on pages 3.12-13 through 3.12-15 are not based on any findings of fact from the Plan. In fact, they have been manipulated by a 'cherry-picking' from the Plan to provide a rosier picture of Emeryville after implementation of the Plan. This would be 'playing politics'.

The pictures clearly show an increase in the pedestrian and bicycle activity from the 'Before' to the 'After' shots. This increase in activity is consistent with the findings of the Plan. The problem is the photos show *no increase in the automobile traffic*, demonstrably not supported by findings of the Plan.

B1-1

Any reading of the Plan clearly indicates an increase in the auto traffic, so why has this not been shown in the photos alongside the increase in the bike/ped traffic which IS shown? This is a mistake and if the final EIR doesn't correct this, it is directly provable that there is politics being played with the authors of the EIR and consequently, the credibility of the EIR will be in question.

A telephone conversation with Charlie Bryant, head of the Emeryville Planning Dept, on June 2, 2009 validated my charge of politics being played. Mr Bryant indicated that under no circumstances would the photo simulations in question be altered for inclusion into the EIR.

B1-2

This is counter to the function of the DEIR. Members of the public are allowed to point out mistakes in the document and if the writers of the DEIR agree, presumably the mistakes will be corrected for the EIR. According to Mr Bryant, this eventuality is not possible for purposes of this EIR. So I have to ask: Why should members of the public even respond to the DEIR if the outcome is pre-determined?

In addition to the purposeful manipulations I have illustrated above there is the problem of the photo depictions of the street trees. The 'After' pictures show a plethora of large, beautiful, mature street trees. The problem is there are no provisions in the Plan to protect the existing street trees and our Urban Forestry Ordinance (UFO) historically has been too weak to provide protection so the depiction of such large trees would be wishful thinking at best. The UFO makes it very easy and cheap for developers to cut down our trees and this is exactly what happens to the vast majority of our street trees; they aren't able to grow to the scale depicted in the simulations. A more accurate depiction would show 'lollipop' trees continuing on into the future (barring a strengthening of the UFO). The DIER should make no assumptions about a future strengthening of our UFO.

An (D)EIR should be prepared with a basis in demonstrable finding of fact. The photo

simulations in this document have been presented in a most shoddy and unprofessional manner. These are not fact based, rather they serve to smooth the way for the Plan becoming law by obfuscating the negative aspects of the Plan. The public part of this has been subverted.

Brian Donahue

Emeryville Resident

From: Brian Donahue [sophbeau@yahoo.com]
Sent: Thursday, June 04, 2009 4:02 PM
To: Charles Bryant; Deborah Diamond
Cc: Patrick D O'Keeffe
Subject: Horton St Bike Blvd: General Plan DEIR

LETTER B2

Please include this e-mail in the FEIR and respond

Response to the DEIR for the proposed Emeryville General Plan

The Draft Environmental Impact Report (DEIR) for the proposed General Plan (the Plan) fails to sufficiently identify an important existing transportation element. This is the Horton/Overland Bicycle Boulevard.

B2-1 A bicycle boulevard is designed as a route that places the number one priority on bikes but allows vehicular traffic as a subordinate mode. It has been recognized that bicycle boulevards become failures when vehicular traffic exceeds a certain prescribed number of "trips" thus rendering the bikes subordinate to the cars, demonstrably not a bicycle boulevard. Further it has been recognized that an excess of vehicular speed will also render a bike boulevard as a failure. The actual numerical facts I allude to here are recognized by other Bay Area municipalities such as Palo Alto and Berkeley. These cities have installed traffic calming measures to prevent failures such as I described.

To transform the Horton Street Bicycle Boulevard also into a Transit Boulevard by definition degrades this existing route from its 'bikes as number one priority' into something less as far as bicycles are concerned. Further, it is universally recognized that buses and bikes are a bad combination and to be avoided in close proximity owing to the large size of buses and their reduced capacity to visualize bicyclists as compared to automobiles. So this change represents a reduction in the existing environment for bicycle transportation and the DEIR has not adequately addressed it.

It is a further insult that the Plan is calling for massively increasing automobile traffic on Holden Street with the addition of the Transit Center and the Sherwin Williams Project. The Plan and the DEIR have made no actual provisions to protect the Bike Boulevard from increases in vehicular volume and speed. A provision might take the form of a 'diverter' to allow bikes and buses but not cars. Also a critically placed 'choker' or two could provide protection for bikes.

Both the Plan and DEIR gush with praise for bicycle travel in town but they fail to advocate for the measures that would be needed if the town is to grow as they call for. We have seen what happens when the hard decisions are not made and much flowery talk is offered: it is all sound and fury, signifying nothing. I had hoped for a more bicycle friendly document.

Brian Donahue
Resident

From: Brian Donahue [sophbeau@yahoo.com]
Sent: Friday, June 05, 2009 7:07 PM
To: Charles Bryant
Cc: Deborah Diamond; Patrick D O'Keeffe
Subject: Addendum to the Horton St DEIR Response

LETTER B3

Please include this addendum to my previous e-mail regarding the Horton Street Bike Blvd into the responses to the DEIR for the General Plan.

Addendum to Response to DEIR for the General Plan

The DEIR categorically states "The proposed General Plan would not physically divide any established communities..". This is untrue.

B3-1 As I explained in the previous e-mail, the existing Horton/Overland Bicycle Boulevard would be harmed by the addition of traffic from the Sherwin Williams Project and the Transit Center without the express provision for traffic calming to reduce vehicle speed and volume to universally agreed upon maximums. More importantly though are the negative effects from the inclusion of the street as a Transit Boulevard and the fact that the defining characteristic of a bike boulevard would necessarily be diminished, vis a vis bicycles with this action.

B3-2 These two problems, brought on by the enactment of the Plan would, by definition, reduce the connectivity for bicycle transportation for those wishing to travel in a North/South direction in Emeryville and would as a result, divide an existing community at least by degree. Consequently, impact # 3.1-1 must be identified as a "significant" impact in the absence of any identified mitigation. Please remove the "beneficial" finding for this impact for inclusion into the EIR.

Brian Donahue
Resident

From: Brian Donahue [sophbeau@yahoo.com]
Sent: Saturday, June 06, 2009 1:50 PM
To: Charles Bryant; Deborah Diamond
Cc: Patrick D O'Keeffe
Subject: DEIR to General Plan: the Transit Center

LETTER B4

Please include this e-mail response to the DEIR in the FEIR and respond in kind.

Response to the DEIR for the General Plan

B4-1

I have noted the collective will of the General Plan Committee to craft an over riding concept to answer ideas about building density and building heights permissible in Emeryville. This has been expressed as a vision of a "core" of tall buildings in the center with heights and densities lowering as one moves laterally. Specifically, the area between the freeway and the railroad tracks has been identified as the place to receive this high density. The rationale being this would allow for the most growth while being the least impactful to the existing neighborhoods and residents.

Looking at the Maximum Floor Area Ratios (FAR) (figure 2.3-2), one notes a glaring exception has been made to the reasoned maxim without benefit of a cogent rationality. This is the piece of land adjoining the rail road tracks immediately to the north of the Amtrack Station, a parcel owned by Wareham Development Corporation.

There has been much talk by City Hall that this should be a "Transit Center". Without delving into the obvious and venal politics of this exception, the DEIR has not examined the effects, not the least of which would be the dividing of an existing community, this exemption would cause. In addition, by making claim to community/environmental benefits from a "Transit Center", the General Plan has not qualified what a transit center is. This makes an thoughtful analysis of costs/benefits impossible. In this context, I take it as a given that a profit seeking developer would use the term "transit center" to describe a proposed development if he felt it would make more likely a favorable outcome with the decision makers. Since there are no metrics being offered, any development is/could be a "transit center".

To increase the permissible FAR up to 5.5/8.0 on this parcel of land, counter to the stated goals of the Plan, from the surrounding permissible FARs means the building scale would be inconsistent and would be further exacerbated by the fact there is no accompanying meaningful reduction in auto use. This will be a significant negative impact to an existing neighborhood/community.

The people need more transparency regarding public land use policy than is being offered up here. The General Plan is not providing it and the DEIR should make note of this since it involves environmental impact.

Special note to any readers of this letter from the general public: Note the probable use of Orwellian government-speak this letter will bring in response. There is common sense and then there is the real agenda of the well connected taking what they want.

Brian Donahue
Resident

From: Brian Donahue [sophbeau@yahoo.com]
Sent: Saturday, June 06, 2009 2:54 PM
To: Charles Bryant; Deborah Diamond
Cc: Patrick D O'Keeffe
Subject: Response to the DEIR: "Family Friendly Housing"

LETTER B5

please include this e-mail into the responses to the DEIR

Response to the DEIR for the General Plan

B5-1

The proposed General Plan makes reference in the Guiding Principles, to the need to create "family friendly housing" in the Diverse, Balanced and Inclusive Community section (#7). Neither the Plan nor the DEIR explains what this would be.

As a parent, I can say family friendly encompasses more than number of bedrooms in a residence. There are many more qualities that need to be in effect to rightfully call a residence "family friendly" and yet this is pretty much what makes up the criterion as far as these documents are concerned.

It is not good enough to proclaim a proposed development as "family friendly" as a way to move a proposal forward through the permit process. This must be qualified, otherwise Emeryville will not get real family friendly housing and unethical developers will be permitted to game the system to their advantage at the resident's expense.

For sake of accuracy and efficacy, the term 'family friendly housing' should not be used by the Plan or the DEIR unless and until it can be measured.

Brian Donahue
Resident

From: sophbeau@yahoo.com
Sent: Saturday, June 06, 2009 10:17 PM
To: Charles Bryant; Deborah Diamond
Cc: Patrick D O'Keeffe
Subject: Response to DEIR: LOS vs QOS

LETTER B6

The function of a general plan is to guide a city in developing consistent with the will of the people. Any plan should be written in a way that is understandable by the general population and not an arcane, jargon filled document for city planning officials. This being true, the call from the Emeryville General Plan to abandon the old way to measure traffic movement and adapt a new way without the benefit of an easily observable line of continuity is unnecessarily vague and will unfairly serve to allow more traffic on the streets in a clandestine fashion.

B6-1

For years, residents have been able to use the old traffic model, Level Of Service (LOS) to definitively see how traffic has increased and how ease of access has eroded as a result of development decisions by City Hall. LOS uses an A through F model everyone knows from school. They can easily track how votes for certain City Council members ultimately translates into intersections dropping from B to D for instance. In this way, the electorate is informed well. The DEIR accepts the General Plan dropping of LOS in favor a new model Quality Of Service (QOS) with no analysis. This is a mistake since the loss of information continuity will result in a degradation of critical information residents need to keep in check future negative environmental impacts.

While the information QOS tracks may be of value, residents lose a measurement that will effectively 'reset the clock' on traffic increase. After 15 years of massive development in Emeryville, this is a grave mistake. More then ever, we need to accurately keep track of how our government is serving or not serving us. This resetting can be used to sneak in much more development then would have been politically possible if the LOS were to still be in effect. As a town with a well earned reputation for being very pro-development, this eventuality is likely.

Lastly, the DEIR gives no reason as to why LOS couldn't continue uninterrupted alongside QOS. There needs to be a rationale for the wholesale trashing of this valuable accounting mechanism.

Brian Donahue
Resident

From: Brian Donahue [sophbeau@yahoo.com]
Sent: Sunday, June 07, 2009 2:29 PM
To: Charles Bryant; Deborah Diamond
Cc: Ken James; Patrick D O'Keeffe
Subject: General Plan DEIR: Police Services

LETTER B7

Please include the previous e-mail I sent regarding LOS vs QOS into the record for the General Plan FEIR. In addition also include this e-mail.

Response to the DEIR for the General Plan

B7-1

I have concerns that a potential environmental impact involving Police services has not been identified by the DEIR. Impact #3.10-5 makes reference to Police Department citizen response time and station adequacy to meet the needs of the population increase the General Plan calls for but mistakenly assumes a state of constant Police morale.

It is common knowledge that the hard to qualify notion of morale is critical to an effective Police force but what is not hard to qualify is how low pay will lower morale universally. It should be noted that the pay for rank and file EPD sworn officers has been dropped from an historic Oakland Police Dept parity to a much lower rate. It was assumed that since Emeryville is virtually surrounded by Oakland and shares a urban culture with attendant criminality, the pay rate should be the same. The pay erosion condition has deteriorated so far that EPD pay has now dropped to below the median for the ten East Bay urban core cities used to justify EPD pay. This is a recent thing and the DEIR is moving forward from this position as the "normal" state from which to measure impacts. I maintain Police morale slips with the knowledge that they are not keeping pace with their colleague's pay rate in neighboring cities, and as morale slips so will Police services to the community. One remedy of course could be a requirement to raise pay rates for EPD personnel and call for a mechanism to keep the higher rate in pace with neighboring cities so as to not fall into a more impactful environment for the community.

The DEIR needs to assume lowering Police pay will negatively impact the community and have this be quantified in the FEIR.

Brian Donahue
Resident

-----Original Message-----

From: Frederic Schrag [<mailto:schrag@nady.com>]

Sent: Monday, June 22, 2009 3:36 PM

To: Deborah Diamond

Subject: General Plan

Hi Deborah,

The Planning Commission is holding a hearing this coming Thursday, June 25, 2009, to accept comments on the Draft Environmental Impact Report (DEIR) prepared for the Draft Emeryville General Plan.

The DEIR includes the Draft Emeryville General Plan's land use recommendations to the Planning Commission. Before the June 25 hearing, will city staff add a note to the proposed General Plan's land use recommendation to the Planning Commission for its consideration of the DEIR indicating that the General Plan and Zoning Update Steering Committee members are not in agreement as to whether the Northwest corner of the city should be rezoned to non-residential/mixed use or whether it should be rezoned to allow for residential/mixed use development with a concomitant height limit of 75/100 feet? (See your and my June 5, 2009 emails copied herein.)

B8-1

Shouldn't the DEIR and the EIR prepared for the proposed General Plan analyze the discussed alternative zoning that would allow residential/mixed use development with a concomitant height limit of 75/100 feet?

Do I need to raise that issue at the June 25 hearing, or will city staff's note to the proposed General Plan's land use recommendation to the Planning Commission suffice to preserve the issue for adequacy of the EIR in the event that the city adopts the alternative zoning and height limitation in the new General Plan?

Please advise.

Frederic D. Schrag
General Counsel
Nady Systems, Inc.
6701 Shellmound Street
Emeryville, CA 94608
Tel: 510.652.2411 ext. 263
Fax: 510.652.5075
schrag@nady.com

-----Original Message-----

From: Deborah Diamond [<mailto:ddiamond@ci.emeryville.ca.us>]

Sent: Friday, June 05, 2009 4:13 PM

To: schrag@nady.com

Subject: RE: General Plan

Hi Frederic,

Confirmed. Staff has been instructed to do so by the Steering Committee.
This will be included in the staff reports for the Planning Commission and City Council. No additional action is need.

Deborah

-----Original Message-----

From: Frederic Schrag [<mailto:schrag@nady.com>]
Sent: Fri 6/5/2009 2:49 PM
To: Deborah Diamond
Subject: General Plan

Hi Deborah,

At the April 15, 2009 General Plan and Zoning Update Steering Committee meeting, the committee instructed staff to add a note to the proposed General Plan's land use recommendation to the Planning Commission and City Council that the committee members are not in agreement as to whether the Northwest corner of the city should be rezoned to non-residential/mixed use or whether it should be rezoned to allow for residential/mixed use development with a concomitant height limit of 75/100 feet.

Are all the "necessaries" in place for staff to add that note to the Planning Commission and City Council without further committee action, or do I need to attend the upcoming June 9, 2009 GPZUSC meeting to press for some further committee action to accomplish that?

Please advise.

Frederic D. Schrag
General Counsel
Nady Systems, Inc.
6701 Shellmound Street
Emeryville, CA 94608
Tel: 510.652.2411 ext. 263
Fax: 510.652.5075
schrag@nady.com

LETTER B9

From: McManis, Ryan [mailto:Ryan.Mcmanis@Level3.com]
Sent: Tuesday, June 30, 2009 1:15 PM
To: Deborah Diamond; Charles Bryant
Cc: Greg Harper; Reed, Jason; Novak, Bob
Subject: Comment to Draft EIR - Level 3 Communications

Dear Ms. Diamond,

I am Corporate Counsel for Level 3 Communications, owner and occupier of 5000 Hollis Street.

Level 3 wishes to note that the land use designation of its property, per the proposed general plan, changed from a combination of "Park/Open Space" and "Public" at the time the draft EIR was published for circulation, to "Office/Technology" at the time the plan was finalized by the General Plan Steering Committee. Level 3 does not presume that these changes necessarily or significantly affect the Environmental Impact Report, it merely notes that the impacts, if any, of these changes might be considered by the Study's authors.

Please don't hesitate to contact me if you have questions or need additional information.

Yours,

Ryan McManis

Ryan McManis
Corporate Counsel
Level 3 Communications
1025 Eldorado Boulevard
Broomfield, Colorado 80021
Phone: (720) 888-1318
Facsimile: (720) 888-5619

This message and any attachments are intended to be confidential, may contain privileged information, and are not intended for review by persons other than the addressees. If you have received this message in error, please notify the sender immediately, do not disseminate this message, and destroy this message immediately.

SUMMARY OF PLANNING COMMISSION COMMENTS ON THE EMERYVILLE GENERAL PLAN DRAFT EIR

Planning Commission Public Hearing

June 25, 2009

Jim Martin

- C1-1 1. Why are there no mitigation measures in the Draft EIR? The EIR should be revised to clarify what mitigation measures were added as a result of environmental review.
- C1-2 2. The Final EIR should include a listing of all revisions to the Public Review Draft General Plan, published in January 2009.
- C1-3 3. Page 3.1-19 and 3.1-20 describe 70 housing units being lost to redevelopment. Where are these units? Does this include affordable housing? How is this not a significant impact?
- C1-4 4. Fehr & Peers and Nelson/Nygaard prepared a set of feasible improvements to intersections which were not referenced in the Draft EIR. Those studies should be referenced through new policies to continue studying these recommendations.
- C1-5 5. Policy T-P-3 regarding Quality of Service is too long, wordy, and detailed.
- C1-6 6. There are inconsistencies between the discussion of tsunamis and sea level rise on pages 5.5-8 through 3.5-9 and Figure 3.5-4 on page 3.5-10. The EIR should acknowledge flooding risks and require the City to cooperate with local and state agencies to reduce flooding impacts.
- C1-7 7. Only one policy measure is listed on page 3.7-17 to mitigate Impact 3.7-1. The General Plan should expand on existing noise policies in the General Plan and include additional noise mitigation policies to reduce ambient noise and construction-generated noise, and to enable noise attenuation measures for rooftop and other mechanical equipment to mitigate impacts in Section 3.7: Noise of the General Plan.
- C1-8 8. Impact 3.8-2 is concluded to be a significant and unavoidable impact. Are the City's existing ordinances regarding preservation and demolition adequate if there is a potential to lose Tier 1 and 2 resources?
- C1-9 9. Policies on pages 3.11-8 through 3.11-9 of the Draft EIR should be renumbered and reordered to start with the broadest ideas and logically build on one another.
- C1-10 10. Impact 3.11-3 should be edited to read: The construction or expansion of recreation facilities ~~would~~could have an adverse physical effect on the community.
- C1-11 11. The proposed FAR of 0.75/1.25 in the Eastern Residential Neighborhoods seems too high compared with the FARs of existing structure. This could have the potential to disrupt neighborhood character. This does not suggest a "beneficial" impact as concluded in Impact 3.12-2 of the Draft EIR.
- C1-12 12. Add a note to Figure 2.3-2: Maximum Floor Area Ratios that FAR values include parking area.

Patricia Jeffery

- C1-13** 13. Impact 3.1-3 should include a table that identifies how the General Plan is consistent with the existing local and regional plans and Zoning Ordinance described in this section.
- C1-14** 14. More discussion is need in Chapter 4: Alternatives to evaluate the three alternatives and support the conclusion of an environmentally superior alternative.

John Scheuerman

- C1-15** 15. Grade separation of local traffic (vehicles, bicycles, and pedestrians) from the railroad tracks at 65th Street has benefits for both circulation and noise: this linkage needs to be articulated in the relevant sections of the Draft EIR. Closing some of the at-grade crossings can reduce train noise impacts, while improving the Emery Go-Round route by allowing for a loop circulation.
- C1-16** 16. Why do the existing and projected railroad contours appear the same if rail traffic is expected to increase over time?

Gail Donaldson

- C1-17** 17. Agree with the comment regarding the FAR values for the Eastern Residential Neighborhoods.

3 Response to Comments on the Draft EIR

This chapter includes responses to each comment, and in the same order, as presented in Chapter 2. The responses are marked with the same number-letter combination as the comment to which they respond, as shown in the margin of the comment letters.

AGENCIES

A1: East Bay Municipal Utility District (EBMUD)

- A1-1: A revision has been provided on page 3.10-2 of the Draft EIR to address this comment and update general information about EBMUD. See Chapter 4 of this Final EIR for revision. The same comment pertaining to the General Plan is noted.
- A1-2: Impact 3.10-2 on page 3.10-20 of the Draft EIR and the discussions that follow project water demand based on total potential customers—both residents and workers—thereby encompassing future residential and non-residential development. These findings are shown in Table 3.10-5. The discussion recognizes that EBMUD projections are based only “in part” on population. The City acknowledges that EBMUD uses a land use method to project its water demand in order to capture demand from residential and non-residential use.
- A1-3: The General Plan Draft EIR is a program-level EIR and does not include specific development projects. Individual projects will be subject to their own environmental assessment, including any necessary analysis of water supply and fire flows, and site remediation.

The City uses standard conditions of approval that are applied to projects as warranted. The City’s Subdivision Ordinance requires projects to construct infrastructure improvements, including water hookups, as a condition of subdivision, parcel map, or other division of land approval. An action item in the proposed General Plan calls for the City’s Public Works Department to “continue to coordinate with utilities service providers as necessary (i.e. PG&E, EBMUD).”

In terms of the commenter’s concern about hazardous materials presence another contamination, the City appreciates and concurs with EBMUD’s concern for public health and safety. Emeryville is an urban area that was affected by brownfields, but has shown leadership in efforts to clean up sites, allowing new uses and ensuring the healthy and safety of residents, workers, and visitors. As described on page 3.3-6 of the Draft EIR, in Alameda County, remediation of contaminated sites is generally performed under the oversight of the California Department of Toxic Substances, San Francisco Bay Regional Water Quality Control Board, Alameda County Department of Environmental Health and/or the City. At sites where contamination is suspected or known to occur, the project sponsor is required to perform a site investigation and draw up a remediation plan, if necessary. For typical development projects, site remediation is completed either before or during the construction phase of the project.

The City provides parcel-based information on contamination status; assistance with State regulatory agencies regarding investigation and preparation of clean-up documents; and grants and no/low interest loans for investigations and clean-up. As described in Chapter 7: Sustainability of the proposed General Plan, the City has cleaned up 240 acres of land with substantial soil and groundwater contamination. This was aided through the City's selection, by the Environmental Protection Agency, for a pilot program of brownfields cleanup and a \$5.8 million grant for this purpose. Emeryville also received Sweden's Bangemann Challenge Award (now known as the Stockholm Challenge Award) in recognition of its international leadership in brownfields remediation.

- A1-4: The Federal Clean Water Act and the National Pollutant Discharge Elimination System are described on page 3.5-11 of the Hydrology and Flooding section of the Draft EIR. This discussion has been revised to include the Cease and Desist Order described by the commenter; see Chapter 4 for revision. Moreover, a policy has been added to page 6-30 of the Conservation Element of the General Plan consistent with the requirements of the NPDES system and the Order, as shown in Appendix A.
- A1-5: Comments noted. Impact 3.10-3 on page 3.10-22 of the Draft EIR has been revised to address this comment and to be consistent with recent regulatory changes. See Chapter 4 for revision.
- A1-6: The City appreciates EBMUD's guidance on how to address project-level wastewater management. Emeryville has significantly reduced I/I of storm water into its wastewater collection system over the last 20 years (and was acknowledged by representatives of the United States and the State of California for these improvements). As described in the response to comment A1-4, above, the City has added a policy into the General Plan to implement programs to reduce inflow and infiltration.
- A1-7: Revisions have been provided on page 3.10-3 and 3.10-4 of the Draft EIR to address this comment and clarify and update EBMUD's policy and projections for non-potable water use and treatment facilities. See Chapter 4 for revisions.
- A1-8: The City appreciates EBMUD's interest in maximizing water conservation. The General Plan Draft EIR is a program-level EIR and does not evaluate specific development projects. Individual projects will be subject to City development regulations, such as Article 9-4.54 cited in EBMUD's comment, and which include water service standards and efficiency measures. The General Plan does not change developers' responsibilities to meet all applicable City regulations and requirements. Regarding EBMUD requirements, General Plan policy CSN-A-3, cited on Draft EIR page 3.10-22, explicitly states that the City will "implement EBMUD water efficiency requirements for new and rehabilitation projects" without having to list all the EBMUD requirements individually therein.

A2: San Francisco Bay Conservation and Development Commission (BCDC)

- A2-1: BDCD's jurisdiction and authority have been revised on pages 3.1-5, 3.4-8, and 3.5-13 of the Draft EIR to address this comment. Section 3.1: Land Use and Housing, of the Draft EIR includes a discussion of BCDC in terms of the consistency of the Bay Plan with the proposed General Plan and its permitting authority for developments. Section 3.4: Biological Resources includes BCDC due to its regulation along the shoreline, which has the potential to contain biological resources. Lastly, the Section 3.4: Hydrology and Flooding addresses BCDC's policies protection of the Bay and related waterways and its implications for flood hazards. See Chapter 4 for revisions.
- A2-2: The City appreciates BCDC's interest in protecting and preparing for potential hazards due to sea level rise. The Draft EIR provides a map showing areas of the city that may be vulnerable to a 16-inch sea level rise scenario (Figure 3.5-4), which BCDC has projected at mid-century (i.e. around 2050). In addition, the discussion on page 3.5-9 acknowledges BCDC's further projection of a possible 55-inch sea level rise in 2100. The Draft EIR evaluates potential impacts of activities associated with implementation of the proposed General Plan, which as described in Chapter 2: Project Description of the Draft EIR, has a planning horizon of 2030. It is unknown how severe sea level rise and its effects will be to Emeryville, the region, and the world, and it is beyond the scope of this analysis and the capacity of the City on its own to plan for that scenario. The City wants to be responsible and proactive in addressing this potential hazard. Therefore, in response to this comment, the City has added a policy to the proposed General Plan and subsequently to page 3.5-23 of the Draft EIR to cooperate with regulatory agencies (such as BCDC) regarding flood hazards due to a variety of impacts, including sea level rise. In this way, the City can address seal level rise and other potential flooding hazards by working together to address this regional and global threat.
- A2-3: In response to this comment, the discussion regarding sea level rise on page 3.5-9 of the Draft EIR has been updated. See Chapter 4 for revision.
- A2-4: In response to this comment, the discussion regarding sea level rise on page 3.5-8 has been updated. See Chapter 4 for revision.
- A2-5: In response to this comment, the impact analysis for Impact 3.5-5 on page 3.5-22 has been updated. See Chapter 4 for revision.
- A2-6: In response to this comment, the Regulatory Setting regarding BCDC safety of fills finding and policies associated with planning for sea level rise (page 3.5-13) has been updated. See Chapter 4 for revision.
- A2-7: In response to this comment, Impact 3.5-5 has been reorganized to better describe the potential flood hazards and the General Plan policies that reduce the impact to a less than significant level. Additionally, a figure has been added to Chapter 2: Project Description (page 2-14) of the Draft EIR to illustrate where new development may be expected under the proposed General Plan. This map shows where new development is likely to occur in the proposed General Plan; these areas are not located in a flood

hazard area or area subject to sea level rise hazard at mid-century. See Chapter 4 for revision.

- A2-8: The City appreciates BCDC's interest in protecting existing parks and open spaces from potential flood hazards. Much of the City's existing open space is located west of I-80 and therefore near or in areas with a potential for flooding due to wave action or sea level rise. The City shares this concern about its existing natural and recreation resources. Through General Plan policies the City has made a commitment to protect these amenities, including "... to encourage protection of essential habitat for special status species and support habitat protection and enhancement within Emeryville that are within the City's control." In addition, a new policy referenced in the response to comment A2-2, addresses the threat due to sea level rise, along with other potential hazards, by working with regional agencies. The threat to these wetland and park areas will continue to be evaluated as information and projections become available.
- A2-9: The City appreciates BCDC's interest in protecting the Emeryville Crescent as a wildlife refuge. The City shares an interest in the protection of this valuable resource and has designated this portion of land as Conservation Area on Figure 3.11-1 which appears on page 3.11-5 of the Draft EIR. As described in the proposed General Plan, the Bay Trail route along the Emeryville Crescent was removed from local and regional plans several years ago due to concerns about its potential impacts on the fragile ecosystem of the adjacent mudflats. Since that time, a similar trail has been built along the Albany Mudflats about four miles to the north. Since the Emeryville Crescent trail would provide a critical shoreline link between East Bay cities and the Bay Bridge, the General Plan proposes that it be constructed following design studies to ensure that any impacts on the adjacent wildlife habitat are adequately mitigated. Plan policies have been revised and added, in response to this comment, to ensure that BCDC and other habitat protection measures are met:
- CSN-P-21 (revised): Provide visual, and where practical, physical, access to the Emeryville Crescent in a manner consistent with the protection of this fragile ecological system. Improvements to the Bay Trail in the Emeryville Crescent must be consistent with habitat protection.
 - New Policy: Where new trails or other improvements are proposed in the vicinity of the baylands and essential habitat for special-status species, require adequate avoidance and mitigation necessary to protect sensitive resources.

A3: Department of Transportation (Caltrans)

- A3-1: Comment noted. Traffic mitigation fees are assessed at the project-level in the City of Emeryville, on the basis of the number of units and size of the development for residential and non-residential projects, respectively.
- A3-2: The guiding principles of the General Plan as described in Chapter 2: Project Description of the Draft EIR prioritizes a balance of residential and employment uses that capitalize on transit nodes and enhanced pedestrian and bicycle networks. As a result, vehicle miles traveled per trip are expected to decrease under buildout of the

General Plan as shown on page 3.2-28 of the Draft EIR. The General Plan includes a Quality of Service standard to measure transportation performance for all transportation modes, not just automobiles:

- T-P-3: A “Quality of Service” standard that seeks to optimize travel by all transportation modes shall be developed and used to measure transportation performance. The City does not recognize “Level of Service” (LOS) as a valid measure of overall transportation operations, and sets no maximum or minimum acceptable LOS levels, with the exception of streets that are part of the regional Congestion Management Agency network. (These streets may change, but as of 2008 include San Pablo Avenue, Frontage Road, and Powell and Adeline streets.) LOS shall not be used to measure transportation performance in environmental review documents or for any other purpose unless it is mandated by another agency over which the City has no jurisdiction (such as Caltrans, Berkeley, Oakland, and the Congestion Management Agency), and then it shall only be used for the purposes mandated by that agency.

No mitigation measures have been identified in the Draft EIR. Rather policy measures have been integrated into the General Plan, thereby creating a self-mitigating plan. As can be seen in the analysis on page 3.2-39 of the Draft EIR, automobile capacity expansions are considered infeasible for improving mobility in the project area, so all measures to increase mobility target increasing bicycle, pedestrian, and transit options, convenience, and safety. Therefore, there is no need for secondary analysis of impacts of traffic mitigation measures on bicyclist and pedestrians.

A3-3: Comment noted regarding the process for applying for encroachment permits.

ORGANIZATIONS/INDIVIDUALS

B1: Brian Donahue

B1-1: Comment noted. The visual simulations are not projections or analyses of the traffic levels expected in the future under the implementation of the General Plan. The visual simulations are intended to illustrate streetscape conditions in specific parts of the community based on the land use and urban design policies and development densities and intensities that can be expected from implementing the General Plan. As such, the simulations are included in Section 3.12: Visual Resources of the Draft EIR, not in Section 3.2: Transportation. These simulations, furthermore, are not the primary basis of the visual resources evaluation. The evaluation for this resource area is qualitative, and therefore the anticipated level of impact is based primarily on the effects of proposed General Plan policies. For urban design and streetscape, there are a multitude of such policies: Impact 3.12-2 lists 45 discrete urban design policies that the EIR preparers believe will help to achieve the streetscape depicted in the simulations, most notably UD-A-1 which commits the City to preparing Design Guidelines for various urban design elements, and UD-A-4 which requires the city to prepare a citywide streetscape plan.

- B1-2: In the telephone conversation noted, Mr. Bryant indicated that the City's contract with the firm that prepared the photo simulations had been completed, and that no further revisions to the simulations were being contemplated. In a follow-up voicemail message to Mr. Donahue, Mr. Bryant clarified his previous comments, noting that all comments on the Draft EIR would be responded to in the Final EIR, and that any revisions to the Draft EIR necessary to make it accurate and legally adequate would be made in the Final EIR.

B2: Brian Donahue

- B2-1: Comments noted. However, these comments represent comments on the Plan and do not concern the substance of the Draft EIR. The commenter is encouraged to review the transportation typologies described in Chapter 3: Transportation of the General Plan, which articulates safety measures and potential conflicts between modes:

- Major Transit Hub – These are transfer points where high volume transit lines intersect. These are located in the Amtrak station with access from both sides of the rail line, and at 40th Street and San Pablo Avenue.
- Bicycle Boulevard – These are through-routes for bicycles providing continuous access and connections to the local and regional bicycle route network. Through-motor vehicle traffic is discouraged. High volumes of motor vehicle traffic are also discouraged, but may be allowed in localized areas where necessary to accommodate adjacent land uses. *Local automobile, truck, and transit traffic are accommodated in the roadway, but if there are conflicts, bicycles have priority. Traffic calming techniques to slow and discourage through-automobile and truck traffic may be appropriate. Pedestrians are accommodated with ample sidewalks on both sides of the road.* (Emphasis added.)
- Transit Street - These are primary routes for AC Transit, Emery Go-Round, and other public transit providers. Signal preemption for transit vehicles, bus stops, and, where appropriate, bus lanes, are provided. Other travel modes, including automobiles, bicycles, and trucks, are accommodated in the roadway, but if there are conflicts, transit has priority. These streets accommodate moderate to high volumes of through-traffic within and beyond the city. Pedestrians are accommodated with ample sidewalks on both sides of the street, and amenities around bus stops (e.g. shelters, benches, lighting, etc).

Safety and potential conflict between bicycles and transit are addressed through the following General Plan policies:

- T-P-47: The City supports “traffic calming” and other neighborhood traffic management techniques to enhance the quality of life within existing neighborhoods and to discourage through-traffic on bicycle boulevards and local streets.

- T-P-48: The City will establish equal priority to bicycles and public transit (and discourage through-traffic by other modes) on streets in the vicinity of the Amtrak station that are designated as both Transit Streets and Bicycle Boulevards.

B3: Brian Donahue

B3-1: See response to comment B2-1, above.

B3-2: Comments noted. However, the City respectfully disagrees. The proposed General Plan is a comprehensive, program-level document that represents a careful balancing of the needs and desires of the whole community for sustainable future development. Improved connectivity is one of the paramount goals and policy strategies of the proposed General Plan. As described in the findings for Impact 3.1-1 on page 3.1-18 of the Draft EIR, land use and transportation policies identify opportunities to provide new streets, sidewalks, and circulation access for all modes of travel. Furthermore, the proposed General Plan may change the nature or character of specific streets, but a change in character or nature of a street's use does not constitute a significant adverse effect under CEQA. Rather, the environmental analysis, in this case of the physical division of established communities, is designed to look at the overall program of actions and make a determination as to whether the program as a whole is causing a significant adverse effect. The analysis in the Draft EIR concludes that the General Plan policies and land use program, taken as a whole, actually provide more linkages within Emeryville and between Emeryville and surrounding communities (Draft EIR p. 3.1-18).

B4: Brian Donahue

B4-1: Comments noted. However, these comments represent comments on the Plan and do not concern the substance of the Draft EIR. For information, Chapter 5: Urban Design of the General Plan (page 5-6) describes the high-intensity nature of the Powell/Christie core and transit center as a focal point for transit-oriented high-density mixed-use development:

- The Powell Street/Christie Avenue core is at the center of much of the proposed growth under the General Plan and will experience considerable transformation over the next 20 years. A variety of activities, ranging from retail and entertainment, to office and residential uses will ensure the district maintains a lively, yet community-centered character. Heights will also increase substantially to fill in the Emeryville skyline—thus creating a more consistent pattern to the district's urban form and allowing views of the Bay and the hills. The transit center at the Amtrak Station and the Marketplace development are key projects to fulfill this transit-oriented mixed-use concept.

In addition, the definition of major transit hubs is provided in the response to comment B2-1, where two hubs are identified. Finally, several policies, including the following, illustrate the character of this area:

- LU-P-2: The Powell/Christie/Shellmound/I-80 interchange area will be developed into a compact but high-intensity regional transit hub. This hub will include a retail

core, with stores, restaurants, and hotels; a financial and commercial center, creating a daytime work population; and a residential neighborhood, providing vitality during non-work hours.

- T-P-36: The City supports Transit-Oriented Development with reduced parking requirements, and amenities to encourage transit use and increase pedestrian comfort around the Major Transit Hubs at the Amtrak station and the 40th Street/San Pablo Avenue intersection.

B5: Brian Donahue

B5-1: Comments noted. However, these comments represent comments on the Plan and do not concern the substance of the Draft EIR. The Draft EIR does not attempt to measure or evaluate the “family-friendliness” of the proposed General Plan, nor is it required to do so under CEQA.

B6: Brian Donahue

B6-1: Comments noted. The critique of switching from LOS to QOS represents a comment on the Plan and does not concern the substance of the Draft EIR. The commenter is encouraged to review page 3-7 of the General Plan, which describes the basis for transitioning to a Quality Service metric and away from a Level of Service standard. An excerpt of this section is provided here:

- In 2002 the Florida Department of Transportation published the 2002 Quality/Level of Service Handbook. The document’s methodologies incorporated extensive research into the road user’s perspective of their travel experience. As a result of this research, the analytical techniques used to analyze pedestrian, bicycle, and transit modes are as rigorously developed and tested as those for automobiles. Emeryville intends to use this current state of the practice research and other valid transportation engineering methodologies for assessing and optimizing the quality of service for all travel modes.
- Because automobile travel has been the dominant form of transportation, “Level of Service” (LOS) has traditionally been measured for vehicle drivers, with minimal regard to bicycle, pedestrian, and transit users. This bias unintentionally but inherently ignores overall mobility and conditions for non-auto road users and perpetuates a system that focuses on expanding vehicle capacity, which can reduce the quality of service for pedestrians and bicyclists.

Regarding the Draft EIR, as there are no current data about QOS, an LOS analysis is provided for information. Page 3.2-3 through 3.2-34 report results of the comparison of LOS for existing conditions, a no growth 2030 future scenario, and the proposed General Plan 2030 scenario. Furthermore, Impact 3.2-1 acknowledges that in the future the LOS on various roadway segments will be E or F. While many roadways will have failing LOS even under the No Growth scenario, some will be even less functional (for automobiles) under the proposed General Plan. This significant and unavoidable impact, which the Draft EIR acknowledges and fully discloses, is in part why the General Plan policies focus on improvements to bicycle, pedestrian, and transit

mobility, and why the Plan proposes a switch to a service standard that better reflects the functionality of these other modes.

B7: Brian Donahue

B7-1: Comments noted. However, these comments represent comments on the pay rate of Emeryville Police Department and do not concern the substance of the Draft EIR, which evaluates environmental impacts and physical changes.

B8: Frederic Schrag

B8-1: Alternative B: Neighborhood Centers as described on page 4-4 of the Draft EIR evaluates a scenario which assumes “high-rise mixed-use [development] along the freeway edge (up to 250 feet) with FARs assumed to average about 3.5.” Moreover, this alternative shows a classification of High Intensity Mixed Use (which allow residential development) in the northwest corner of the city. Therefore, this alternative adequately accounts for the impacts of a residential/mixed-use development with just a 75/100 foot height limit.

B9: Ryan McManis

B9-1: Comments noted. During the public review period, the southern proposed large park location was adjusted and some land use designations altered on either side of Hollis between 53rd Streets and Park Avenue. These changes to the General Plan are documented in Appendix A. The impact of these changes were not substantial to the development buildout of the General Plan and therefore do not affect the impact analysis or conclusions.

ORAL TESTIMONY

C-1: Planning Commission Hearing on Draft EIR

C1-1: During the preparation of the Draft EIR, additional policy measures were proposed for inclusion in the General Plan based on analysis of resulting impacts. These measures could have been added to the Draft EIR in the form of mitigation measures, but in an effort to create a self-mitigating document with a clear implementation program, all policy measures have been consolidated into the Plan itself. These policies are denoted with a letter “A” (e.g. LU-P-8A) and may be found on the following pages of the Draft EIR: 3.1-23, 3.2-42, and 3.2-43. Moreover, in response to comments on the Draft EIR and due to recommendations from the General Plan and Zoning Update Steering Committee and City staff, additional policy measures have been proposed for inclusion in the General Plan, and subsequently—in many cases—in the EIR. All new General Plan policies are noted in Appendix A.

C1-2: Appendix A documents all substantive changes between the Public Review Draft General Plan (January 2009) and Hearing Draft General Plan (August 2009).

C1-3: The “loss of existing due to redevelopment” value represents an accounting measure that estimates the proportion of existing development that may be redeveloped on each site in an area of change. The General Plan and Draft EIR (pages 3.1-17 through 3.1-20)

have been edited in response to this comment to clarify the meaning of these values. See Chapter 4 for Draft EIR revisions.

- C1-4: In response to this comment, a policy has been added to Chapter 3: Transportation of the General Plan to continue to evaluate recommendations from the traffic studies prepared for four major development projects: Marketplace, Site B, Transit Center, and Gateway, to determine appropriate traffic and transportation improvements.
- C1-5: Comments noted. However, this comment represents a comment on the Plan and does not concern the substance of the Draft EIR.
- C1-6: See response to comment A2-2, which describes BCDC's modeling of two sea level rise scenarios, their applicability to the proposed General Plan, and a new policy that has been added to the Draft EIR, as a result of this comment. See Chapter 4 for revision to pages 3.5-22 and 3.5-23.
- C1-7: In response to this comment, policies have been added to the General Plan that will serve as additional mitigations to Impact 3.7-1. These policies have also been added to the discussion on page 3.7-17 of the Draft EIR. See Chapter 4 for Draft EIR revisions.
- C1-8: Comments noted. As described on page 3.8-18, the City's existing demolition and preservation ordinance prohibits the movement, removing or demolition of a Tier 1 or Tier 2 architecturally significant building or structure unless the Planning Commission, and in turn, the City Council, first approves such action. Article 67 of the Emeryville Municipal Code outlines the findings and conditions of approval required for removal or demolition of a significant structure. These measures are deemed sufficient for the protection of historic resources in the Park Avenue Overlay District. The significant and unavoidable conclusion to Impact 3.8-2 is a result of a 1997 court decision that the demolition of any historic building may be a potential significant and unavoidable impact and therefore may not be authorized without the preparation of an EIR (*League for Protection of Oakland's Architectural and Historic Resources v. Oakland* (1997) 52 Cal.App.4th 896).
- C1-9: Comment noted. However, this is a comment on the Plan and does not concern the substance of the Draft EIR.
- C1-10: In response to this comment, page 3.11-10 of the Draft EIR has been edited. See Chapter 4 for Draft EIR revisions.
- C1-11: In response to this comment and related discussions at the City staff and General Plan Steering Committee levels, FAR values in the Eastern Residential Neighborhoods have been adjusted to 0.75 (base) and 1.0 (base with bonus). The intent of the FAR values in this area is to preserve the neighborhood character while including allowance for off-street parking in the FAR value. This is exemplified through General Plan goals and policies:

- LU-G-5: Preservation of residential neighborhoods—Residential use, structures, low-rise scale, and character of the Triangle, Doyle Street, and Watergate neighborhoods preserved, and the scale of other areas of stability maintained.
- LU-P-13: Building heights will step down to the east and west from the Powell/Christie core; buildings taller than 55 feet are not permitted east of Hollis Street. The height and scale of existing development (30 feet maximum) in the Doyle Street and Triangle neighborhoods will be maintained.
- UD-P-15: Infill residential development should incorporate the scale, character and identity of adjacent existing development.

The Draft EIR has been revised to reflect the new FAR values. See Chapter 4 for Draft EIR revisions.

C1-12: In response to this comment, Figure 2.3-2 on page 2-11 has been updated to include a note about the inclusion of parking in the FAR value. See Chapter 4 for Draft EIR revisions.

C1-13: See Chapter 4 for Draft EIR revisions (to page 3.1-21).

C1-14: In response to this comment, the Chapter 4: Alternatives analysis in has been updated to reflect total overall development (page 4-7) for each alternative and to expand the discussion of the environmentally superior alternative (page 4-25 and 4-26). See Chapter 4 for Draft EIR revisions.

C1-15: In response to this comment, page 3.7-26 was updated to consider the dual benefit of grade-separated railroad crossings to both improve circulation and reduce noise impacts. See Chapter 4 for Draft EIR revisions.

C1-16: In response to this comment, the projected noise contours, shown in Figure 7.2-3, were revised to reflect increases in freight rail traffic, particularly during night hours when noise is most disturbing to residents. See Chapter 4 for Draft EIR revisions.

C1-17: See response to comment C1-11.

4 Revisions to the Draft EIR

This chapter includes the revisions to the Draft EIR. These revisions have been made in response to comments or based on review by the EIR preparers. The revisions appear here in the order they appear in the Draft EIR. Text additions are noted in underline and text deletions appear in ~~strikeout~~.

The City has refined the proposed General Plan based upon agency and public comments. The changes to the Plan as described in Appendix A do not alter the conclusions presented in the Draft EIR regarding significant environmental impacts or mitigation measures and therefore do not trigger recirculation. Revisions to the Draft EIR are described in Table 4-1 and organized by chapter, page and table or figure, where applicable. Certain revised pages (including revised figures) have been appended to the end of this chapter, for clarity purposes; these pages are referenced in the table.

Table 4-1: Revisions to the Draft EIR

<i>Chapter/ Section</i>	<i>Page</i>	<i>Table/ Figure</i>	<i>Correction</i>
2	8	Fig. 2-3-1	Land Use Diagram figure updated as described in Appendix A.
2	11	Fig. 2-3-2	FAR figure updated as described in Appendix A.
2	12	Fig. 2-3-3	Residential Density figure updated as described in Appendix A.
2	13	Fig. 2-3-4	Building Heights figure updated as described in Appendix A.
2	14	New Fig 2.4-1	Insert new figure: Areas and Change and Stability after page 2-14. Update text as follows: In order to estimate potential buildout, the Plan makes several assumptions. A set of opportunity sites have been identified for redevelopment, <u>as shown in Figure 2.4-1: Areas of Change and Stability.</u> These include vacant and underutilized sites, as well as sites with proposed or approved projects.
3.1	15		BCDC regulates new development within the first 100 feet inland from the San Francisco Bay shoreline in order to ensure as much public access to the Bay as possible. The Commission has "Bay" jurisdiction over all areas of the Bay subject to tidal action which is defined by the shoreline. The shoreline is located at the mean high tide line, except in marsh areas, where the shoreline is located at five feet above mean sea level. This jurisdiction includes substantial changes to land use, building construction or remodeling, and subdivision of property, as well as Bay fill and structures over the Bay. BCDC authored The San Francisco Bay Plan in 1969 to protect and preserve the bay through regional efforts and defines its jurisdiction and major strategies. Key initiatives that pertain to Emeryville include: developing maritime ports, water-related industries, and waterfront parks and recreation facilities; maintaining wildlife refuges in baylands; and encouraging private shoreline development. For the purposes of the updated General Plan, the BCDC's power of review would mainly affect any changes to land uses or structures on the

Table 4-1: Revisions to the Draft EIR

Chapter/ Section	Page	Table/ Figure	Correction
			<p>Peninsula and any redevelopment of I-80's Ashby Avenue interchange. (Note: By statute Watergate and Trader Vic's are regulated only to mean high tide, not 100 feet, and the entire marina is included in BCDC jurisdiction, even beyond 100 feet inland <u>from the mean high tide line</u>.)</p> <p><u>The Commission controls filling and dredging within its "Bay" jurisdiction through the permit system established by the McAteer-Petris Act. The Commission also administers permits for development within its 100-foot "shoreline band" jurisdiction. However, the Commission's authority along the shoreline is more limited; it may deny a permit application for a proposed project only if the project fails to provide maximum feasible public access to the Bay and shoreline consistent with the project, or is inconsistent with a priority use designation.</u></p>
3.1	17	Tab. 3.1-2	See updated table and page at the end of this chapter.
3.1	19-20		<p>Impact 3.1-2: Changes in land uses under the proposed General Plan may result in the displacement of a minimal number of houses, businesses, and/or people. (Less than Significant)</p> <p>Generally, existing residential uses were classified in the General Plan as areas of stability, meaning that they would not undergo significant land use changes under the proposed General Plan. However, the proposed General Plan does estimate that approximately 70 existing housing units <u>some residential and non-residential development</u> could be lost due to redevelopment, in the North Hollis district and southern portion of the San Pablo Avenue corridor. The "loss of existing due to redevelopment" value <u>represents an accounting measure that estimates the proportion of existing development that may be redeveloped on each site in an area of change. It does not refer to actual units and does not represent a policy statement to replace housing units. Rather, over time, sites may redevelop as opportunities and need for rehabilitation or replacement arises.</u></p>
3.1	21		See updated table and page at the end of this chapter.
3.4	8		<p>BCDC jurisdiction includes the Bay and a shoreline band that extends inland 100 feet from the high tide line. BCDC permits are required for all work within either the high Bay or the shoreline band. The Commission has "Bay" jurisdiction over all areas of the Bay subject to tidal action which is defined by the shoreline. The shoreline is located at the mean high tide line, except in marsh areas, where the shoreline is located at five feet above mean sea level.</p> <p><u>The Commission's "Bay" jurisdiction extends to certain waterways identified in the McAteer-Petris Act consisting of all areas of the waterways that are subject to tidal action including submerged lands, tidelands, and marshlands up to five feet above mean sea level. Additionally, the Commission has "shoreline band" jurisdiction over an area 100 feet wide inland and parallel to the shoreline.</u></p>
3.5	8		Average sea levels have risen between one third and two third of a foot

Table 4-1: Revisions to the Draft EIR

Chapter/ Section	Page	Table/ Figure	Correction
			over the course of the 20th century and are projected to rise by at least another one-third of a foot and up to almost three feet by the year 2100.
3.5	9		Note that the USGS model compares the sea level rise scenario to land-surface elevation data and does not account for shoreline protection; therefore the area south of 64th Street and west of I-80 does not account for the at-grade freeway barrier. <u>Moreover, these projections do not account for potential changes to storm-related flood areas (such as the 100-year flood zone).</u>
3.5	11		<p>Following first paragraph:</p> <p><u>In late 2008, the United States of America, on behalf of the EPA, and the State of California, on behalf of the California State Water Resources Control Board and California Regional Water Quality Control Board, San Francisco Bay Region, filed a complaint against the East Bay Municipal Utility District (EBMUD) alleging that EBMUD has discharged pollutants to San Francisco Bay in violation of the federal Clean Water Act, California Water Code and the terms of its NPDES Permits. (see United States Environmental Protection Agency, California State Water Resources Control Board, California Regional Water Quality Control Board, San Francisco Bay Region v. East Bay Municipal Utility District: United States District Court, Northern District of California, Case No. CV 09-0186 MEJ).</u></p> <p><u>On January 15, 2009, a Stipulated Order (“Order”) negotiated by EBMUD with the United States and State of California was filed in the U.S. District Court and presently awaits the approval of the Court.</u></p> <p><u>EBMUD receives wastewater from Emeryville and the other Satellite agencies via EBMUD’s interceptor system. The interceptor system transports wastewater to EBMUD’s year round main wastewater treatment plant near the eastern anchorage of the Bay Bridge. During wet weather, inflow and infiltration (I/I) of storm water into the wastewater collection system and private sewer laterals during severe wet weather events – via misconnections, cracks and other imperfections in system pipes, joints and manholes – can lead to a 10-fold increase in the volume of wastewater that reaches EBMUD’s interceptor system. Accordingly, the main wastewater treatment plant can be overwhelmed resulting in illicit discharges to the Bay.</u></p> <p><u>The Order requires EBMUD to undertake additional data gathering and studies over the next few years regarding wet weather flows to their system and measures to reduce such flows. These studies will likely result in a Consent Decree between the Satellite agencies and the United States and the State of California to implement programs and improvements to further eliminate inflow and infiltrate into the wastewater system. While Emeryville has significantly reduced I/I of storm water into its wastewater collection system over the last 20 years (and was acknowledged by representatives of the United States and State of California), it shares drainage basins with Oakland which has not achieved the same results as Emery-</u></p>

Table 4-1: Revisions to the Draft EIR

Chapter/ Section	Page	Table/ Figure	Correction
			<p>ville.</p> <p><u>As provided in the Order, the United States, State of California, and EBMUD have determined that the primary means to reduce wet-weather-related water-quality impacts to San Francisco Bay is to reduce wet-weather flows in the wastewater collection systems of the Satellite agencies and in private sewer laterals which discharge to the Satellite agencies' wastewater collection systems. Construction of new wastewater treatment systems or expansion of existing facilities is not identified as the preferred means to address this issue primarily due to the significant costs of constructing such facilities. Accordingly, the Order provides that EBMUD shall adopt a Regional Private Sewer Lateral Ordinance ("Regional Ordinance") setting standards for the performance of lateral sewer pipes that extend from privately-owned property/structures to the Satellites' wastewater collection systems. These standards are to provide for the testing of private sewer laterals; repair or replacement of defective laterals; and elimination of improper inflow connections (e.g. removal of downspout connections to a sewer line). The Regional Ordinance will also require the owner of a private sewer lateral to obtain a "Compliance Certificate" from EBMUD (or from the Satellite agency if the Satellite agency has adopted an ordinance imposing standards no less Stringent than the Regional Ordinance) prior to (a) transferring title to such property or structure, (b) obtaining any permit or other approval needed for the construction or significant modification of any structure, and (c) obtaining approval from EBMUD for an increase or decrease in size of the owner's water service. Finally, EBMUD is required to develop and fund a Private Lateral Incentive Work Program that will include, among other measures, financial incentives to accelerate the testing of private laterals, repair or replacement of defective sewer laterals, and elimination of improper inflow connections.</u></p>
3.5	13		<p>Insert as second paragraph under "McAteer-Petris Act/San Francisco Bay Conservation and Development Commission"</p> <p><u>The Safety of Fills findings in BCD's Bay Plan recognize that "Bay water levels are likely to increase in the future because of a relative rise in sea level... Relative rise in sea level is the sum of: (1) a rise in global sea level and (2) land elevation change (lifting and subsidence) around the Bay." Policy 5 states, in part, "...structures on fill or near the shoreline should be above the highest estimated tide level for the expected life of the project water level during the expected life of the project or be sufficiently protected by levees..." Additionally, Policy 6 states, "local governments and special districts with responsibilities for flood protection should assure that their requirements and criteria reflect future relative sea level rise and should assure that new structures and uses attracting people are not approved in flood prone areas or in areas that will become flood prone in the future, and that structures and uses that are approvable will be built at stable elevations to assure long-term protection from flood hazards."</u></p>

Table 4-1: Revisions to the Draft EIR

Chapter/ Section	Page	Table/ Figure	Correction
			Moreover, shoreline development within BCD's jurisdiction may be subject to future permit controls related to sea level rise impacts.
3.5	22-23		See updated pages at the end of this chapter.
3.7	17		<p>The following new policies are being added to the General Plan, and Draft EIR to help reduce the impact:</p> <ul style="list-style-type: none"> • <u>Noise impacts should be controlled at the noise source where feasible, as opposed to at receptor end. This includes measures to buffer, dampen or actively cancel noise sources.</u> • <u>The City shall require noise buffering, dampening, or active cancellation, on roof-top or other outdoor mechanical equipment located near residences, parks, and other noise sensitive land uses.</u> • <u>The City shall limit the potential noise impacts of construction activities on surrounding land uses through Noise Ordinance regulations that address allowed days and hours of construction, types of work, construction equipment, notification of neighbors, and sound attenuation devices.</u>
3.7	19	Fig. 3.7-3	Future Noise Contours figure updated as described in Appendix A.
3.7	26		<p>Following second paragraph:</p> <p><u>In addition, proposed grade-separated crossings over the railroad have the dual benefit of both improving circulation for vehicles, pedestrians, transit, and bicycles, as well as reducing noise impacts from trains.</u></p>
3.10	2		The District supplies water to approximately 1.3 million customers within a 334,325 -square-mile service area and provides wastewater treatment to approximately 642,000 residents within an 8883 -square-mile area.
3.10	3		EBMUD's Non-potable Water Policy No. 738.01 (1996) mandates that all customers use recycled water for non-domestic purposes when such water is of adequate quality and quantity, available at reasonable cost, not detrimental to public health, and not injurious to plant life, fish, and wildlife.
3.10	3		Uses for recycled water include <u>non-residential</u> landscape and agricultural irrigation, <u>commercial and industrial process</u> purposes, <u>wetlands restoration and stream flow augmentation</u> , and toilet flushing <u>and urinal flushing</u> in commercial buildings.
3.10	3		In 2005 <u>2008</u> , the average daily recycled water use was 65.5 mgd. By 2020, EBMUD hopes plans to recycle a total of 14 mgd and uphold this goal through the year 2030 in order to meet the anticipated potable water needs of its service area.
3.10	4		This multi-phased project, commenced in 2003 with phase one expected to be Phase IA recently completed in 2009 , will provide up to 2.52 <u>2.2</u> mgd of recycled water from EBMUD's Main Wastewater Treatment Plant to customers in the aforementioned areas.

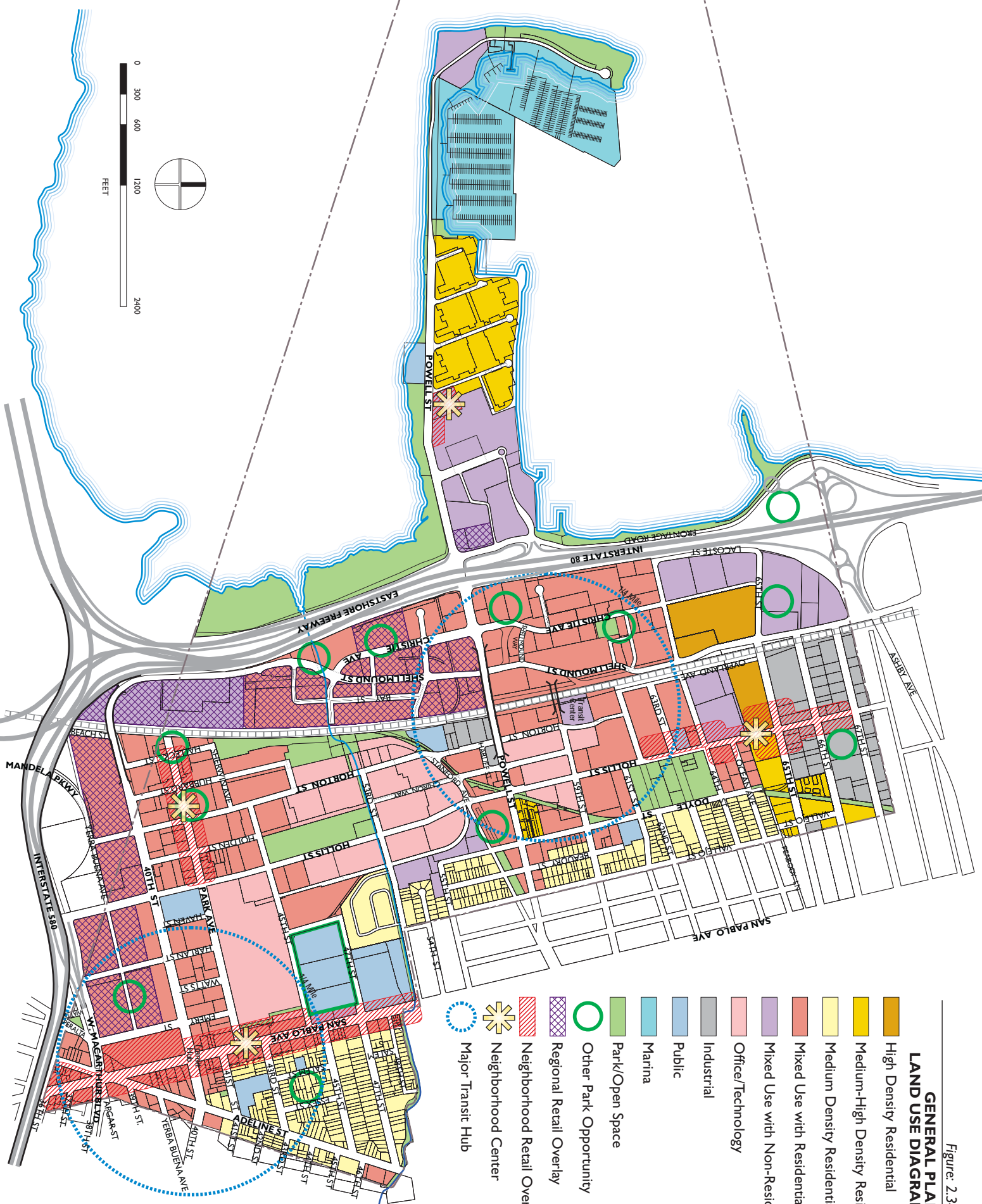
Table 4-1: Revisions to the Draft EIR

<i>Chapter/ Section</i>	<i>Page</i>	<i>Table/ Figure</i>	<i>Correction</i>
3.10	22		Impact 3.10-3: New development would not exceed wastewater treatment capacity of the EBMUD, and would not require construction of new wastewater treatment facilities. Expansion of existing facilities of implementation of programs and policies to further reduce inflow and infiltration (I/I) of storm water into the city's wastewater collection system and private sewer laterals during wet weather events. (Less than Significant)
3.11	10		Impact 3.11-3: The construction or expansion of recreation facilities would <u>could</u> have an adverse physical effect on the community.
4	7	4.3-1	See updated table and page at the end of this chapter.
4	25-26	4.4-1	See updated table and page at the end of this chapter.

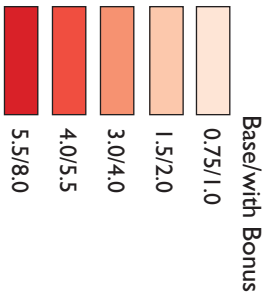
Figure 2.3-1

GENERAL PLAN LAND USE DIAGRAM

- High Density Residential
- Medium-High Density Residential
- Medium Density Residential
- Mixed Use with Residential
- Mixed Use with Non-Residential
- Office/Technology
- Industrial
- Public
- Marina
- Park/Open Space
- Other Park Opportunity
- Regional Retail Overlay
- Neighborhood Retail Overlay
- Major Transit Hub



FLOOR AREA RATIO



Notes: Parking is included in FAR value.

Maximum FAR may not be attainable on all sites given development standards in the Zoning Ordinance.

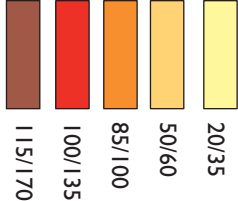
Bonus FAR is discretionary and will be awarded only after developers demonstrate that projects meet community goals.

* FARs are established by Planned Unit Developments (PUDs) and do not include parking in the calculations.

Figure 2.3-3

MAXIMUM RESIDENTIAL DENSITY

Base/with Bonus (units/acre)



Notes: Maximum residential density may not be attainable on all sites given development standards in the Zoning Ordinance.

Bonus residential density is discretionary and will be awarded only after developers demonstrate that projects meet community goals.

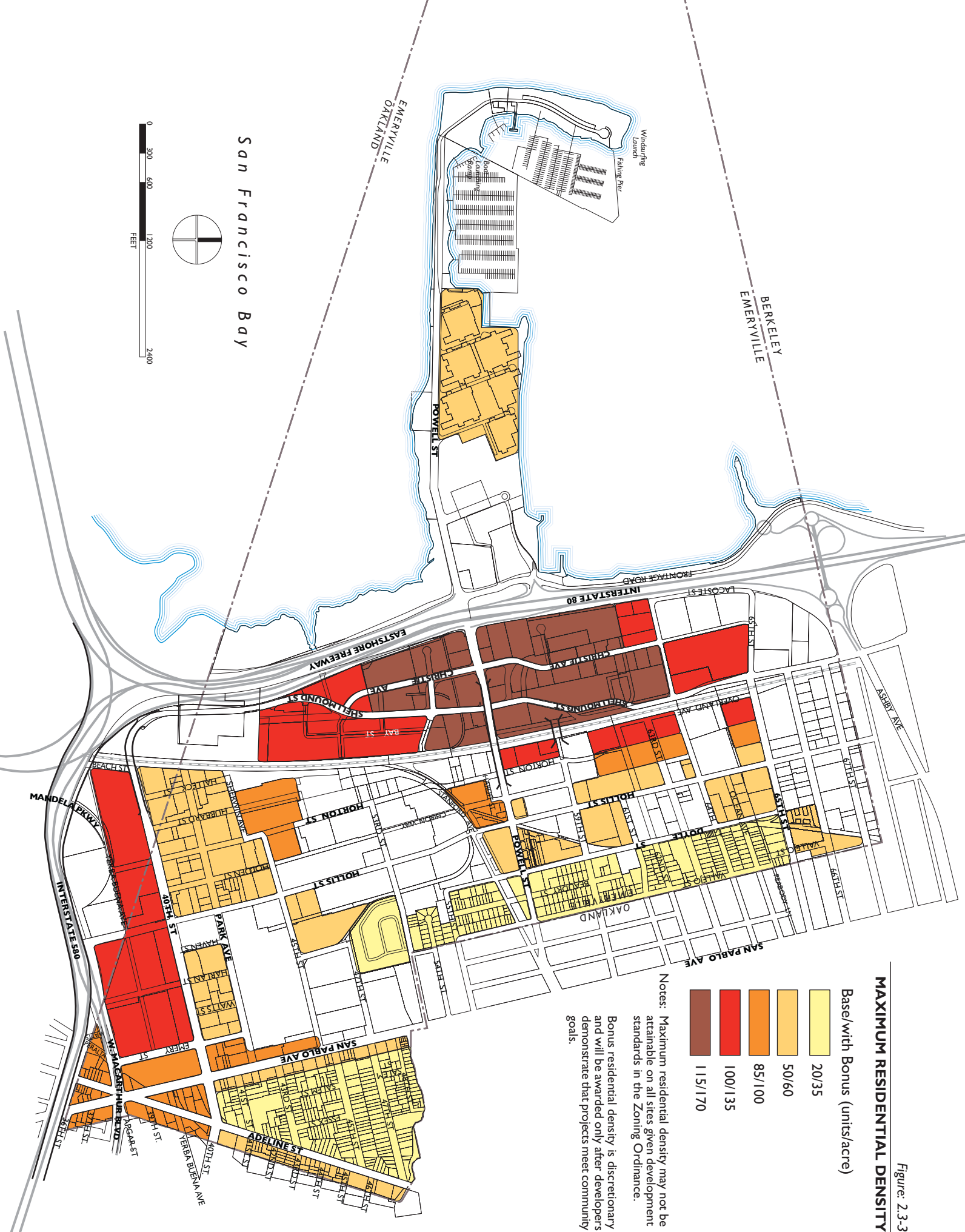


Figure: 2.3-4

MAXIMUM BUILDING HEIGHTS

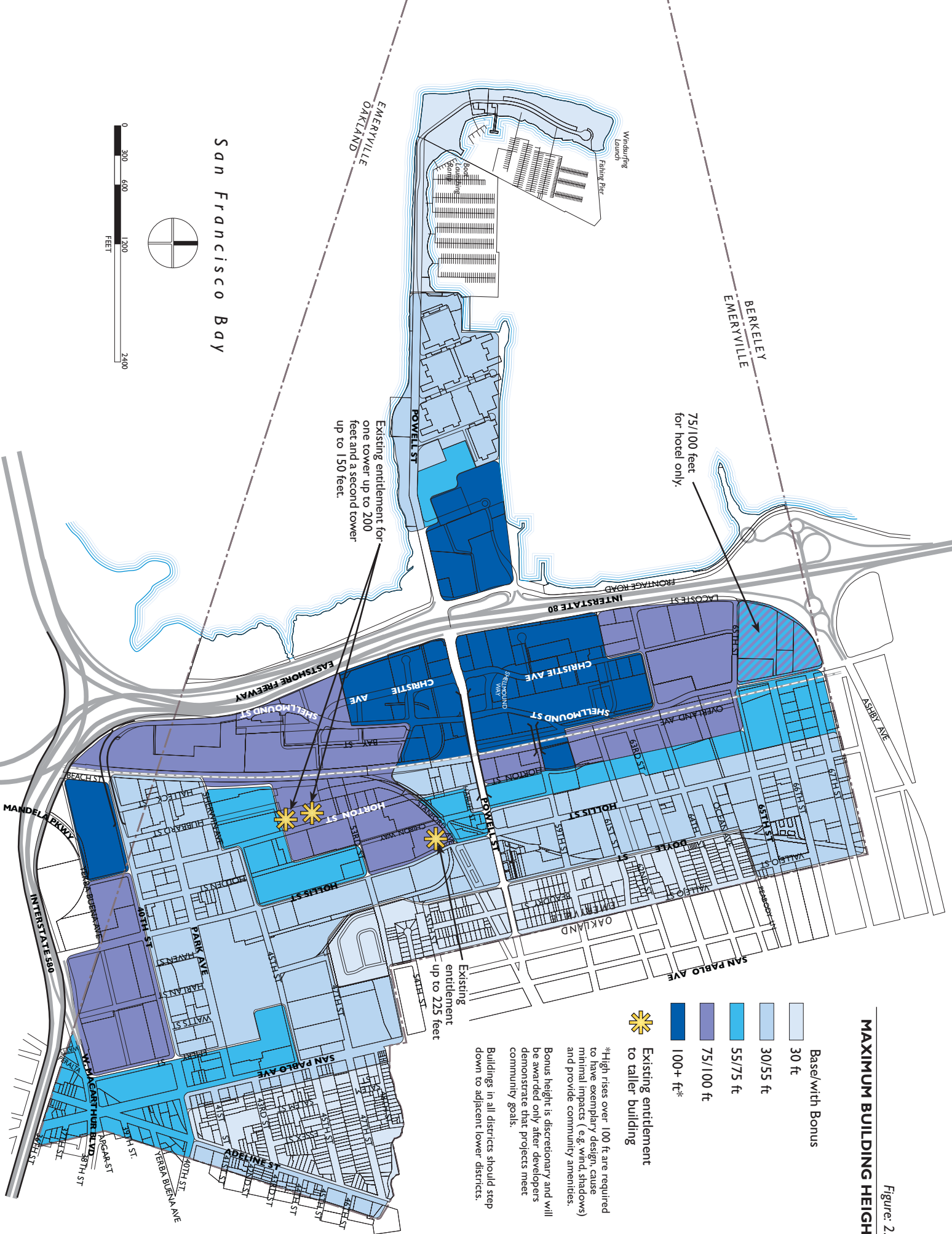


Figure 2.4-1

AREAS OF CHANGE

- Areas of Potential Change
- Master Plan Areas
- Areas of Stability

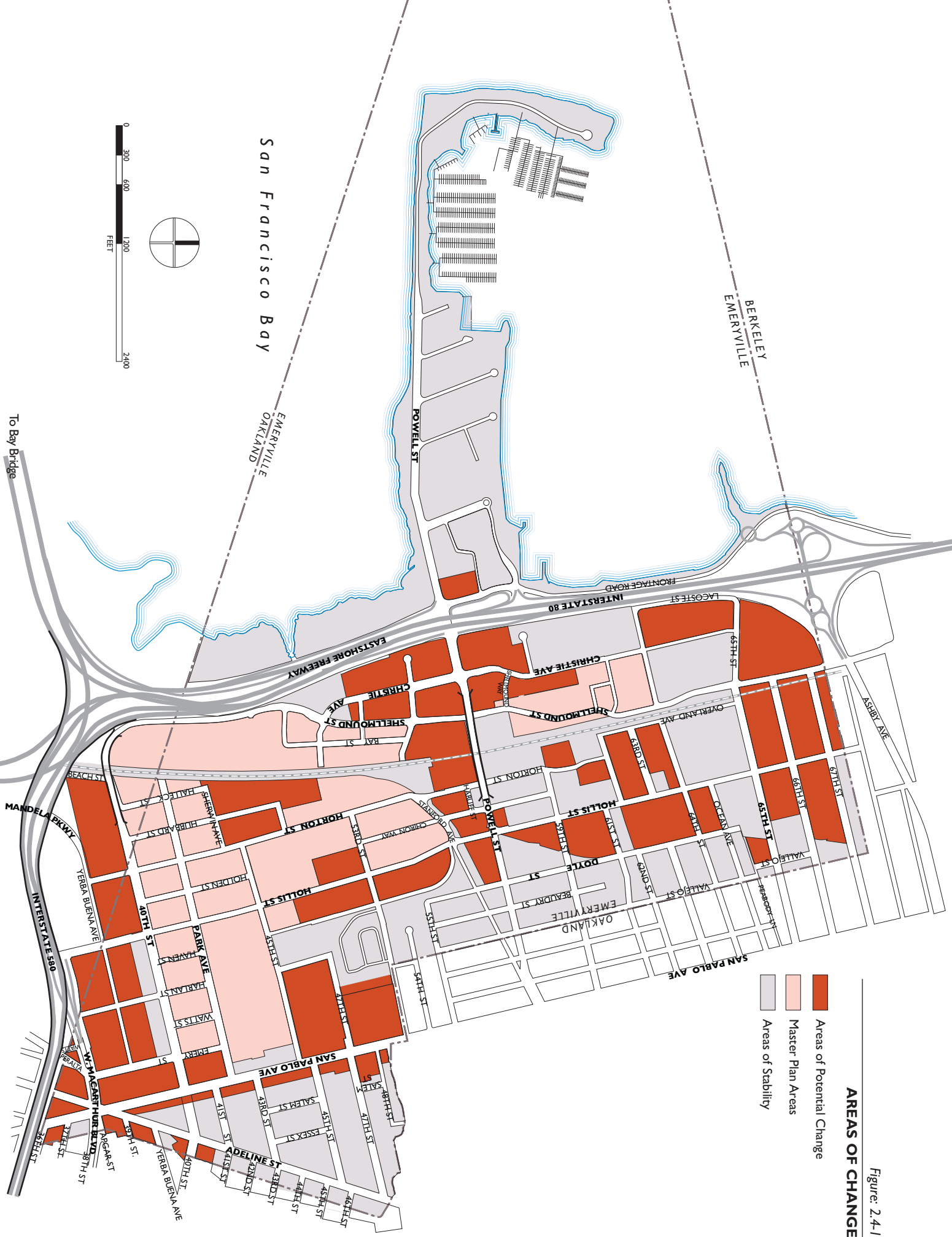


Table 3.1-2: General Plan Development at 2030, by Land Use

	<i>Residential (units)</i>	<i>Retail (SF)</i>	<i>Hotel (SF)</i>	<i>Office (SF)</i>	<i>Industrial (SF)</i>
A. Approved Development	907	34,461		1,313,000	
B. Gross New Development	2,930	1,075,400	324,600	1,569,700	76,200
C. Loss of Existing Due to Redevelopment	70 0	468,598 469,000	14,375 14,000	509,740 510,000	855,377 855,000
D. Net New Development (A+B+C)	3,767 3,837	641,263 640,861	310,225 310,600	2,372,960 2,372,700	779,177 778,800
E. Existing Development	5,988	2,441,660	464,500	4,852,118	4,132,675
F. City at 2030 (D+E)	9,800	3,083,000	775,000	7,225,000	3,353,000 3,354,000
Percent Change from Existing to 2030 Build-Out	63%	26%	67%	49%	-19%

Note: Office includes R&D development. Residential buildout rounded to nearest hundred; non-residential to nearest thousand

Source: Dyett & Bhatia, 2008. (Approved Development as of November 2007; Existing Development as of 2005.)

The Land Use Diagram, as shown in the Chapter 2: Project Description, Figure 2.3-1, designates the proposed location, distribution, and extent of activities that may take place throughout the city. Land use classifications—shown as color/graphic patterns on the diagram—allow for a range of activities within each classification.

SUMMARY OF IMPACTS

The proposed General Plan does not physically divide any established community. Rather, by providing better connectivity both locally and regionally, the plan provides more linkages within Emeryville and between surrounding communities.

Existing neighborhoods are designated as areas of stability and the plan does not anticipate major changes in intensity and character to these areas. While construction of proposed improvements could temporarily disrupt neighborhoods and businesses, completed improvements are expected to contribute to a vital living and working environment.

Redevelopment caused by new permitted land uses or different densities may remove a very small amount of housing in the city, as a result of redevelopment activities over time, in the North Hollis district and southern portion of the San Pablo Avenue corridor, but The overall proposed plan will significantly increase the number of housing units in Emeryville such that any displaced residents will be able to find accommodation in the same area. To the extent that any development activity of the Redevelopment Agency results in the removal of housing, State redevelopment law requires replacement of like type of housing within the city.

Inserted on page 3.1-21, following “Proposed General Plan Actions that Reduce the Impact.”

<i>Plan</i>	<i>Consistent?</i>	<i>Discussion/Modification</i>
City of Emeryville		
Emeryville Zoning Ordinance	No, but pending	Zoning Ordinance must be updated to be consistent with proposed General Plan land use districts, floor area ratios, height limits, and residential densities. Proposed General Plan policies and actions call for the update of the Zoning Ordinance accordingly (already underway).
North Hollis Area Urban Design Program	Yes	The General Plan contains a policy to develop North Hollis consistently with the program’s guidelines, which include: infill residential uses; a balance of transportation modes; sufficient public parking; and pedestrian improvements. Proposed General Plan policies regarding land use, transportation, and urban design, are consistent.
San Pablo Avenue Urban Design Plan	Yes	Much of the plan has already been implemented. The General Plan shares the priorities from this design plan. Moreover, the General Plan contains a policy to continue to use the design plan to guide landscaping, streetscape design and development along the corridor. Proposed General Plan policies regarding urban design are consistent.
South Bayfront Design Guidelines	Yes	Much of the South Bayfront has already been developed using these guidelines. The proposed General Plan shares its priorities in terms of streets and blocks that enable pedestrian activity; building materials and detailing; public spaces that create visual interest; and improved pedestrian and bicycle connections.
Park Avenue District Plan	Yes	The proposed General Plan supports the Park Avenue District Plan through land use, urban design, and historic resources policies. The plans are consistent in terms of FAR values, an expanded street grid (i.e. the extension of Hubbard Street), the extended Greenway, and guidelines for the development of the Sherwin Williams site. As described by a proposed General Plan policy, the Park Avenue District Plan will continue to guide development in the area.
Surrounding Jurisdictions		
Berkeley Waterfront Plan	Yes	This plan covers the area of Berkeley from the railroad to the Bay shoreline. Most importantly for Emeryville, it calls for the cities of Berkeley, Albany and Emeryville to establish a joint sub-regional growth management system to minimize traffic congestion in the plan area by phasing development. This strategy is suggested due to concern that capacity along I-80 is limited and excessive development in these three cities could decline levels of service on the highway. The plan was adopted in 1986, so its assumptions have changed substantially since that time. Still, the proposed General Plan includes a policy to work with the City of Berkeley on improvements to the Ashby Avenue/I-80 interchange as a way to relieve congestion. In that way, the plans are consistent.
West Berkeley Area Plan	Yes	This plan’s jurisdiction covers the area north of the Emeryville city limits between the railroad and San Pablo Avenue. Adopted in 1993, the Plan and the West Berkeley district are currently undergoing evaluation for zoning changes and possible Plan amendments. In its current form, the plan seeks to maintain a mix of land uses, buildings, and people in the area to prevent it from becoming excessively redeveloped or gentrified. The City of Berkeley is working with stakeholder groups to identify opportunities and challenges. This coordination will need to be maintained by both cities to ensure consistency.

Oakland General Plan Land Use and Transportation Elements	Yes	The strategic map of Oakland's General Plan designates the area to the southwest of Emeryville, as well as portions of San Pablo Avenue around Emeryville, as some of the city's key areas for growth and change. The triangular area between I-580 and Peralta Street is considered a "Housing and Business Mix Area," where both uses are allowed and neither dominates. Recommended policies of interest to Emeryville include: improving the appearance of San Pablo Avenue; targeting the Golden Gate neighborhood (east of Emeryville) for blight abatement, façade and streetscape improvements, and business attraction activities; and designating the MacArthur BART station—the one nearest to Emeryville—as a transit-oriented district. All of these policies are consistent with, and in many cases supported by, land use and urban design policies in the proposed General Plan.
Redevelopment Plan for West Oakland	Yes	<p>This plan for the Oakland Redevelopment Agency designates the area between the Emeryville city limits, Peralta Street, and I-580 for regional commercial land uses, and the area east of Peralta Street as far north as 40th Street as mixed-typology housing. Development activities that are pertinent to Emeryville include: creating a pedestrian-friendly environment along San Pablo Avenue and Adeline Street; developing mixed-use, commercial, and high-density residential developments on San Pablo Avenue between 27th and 32nd streets; and requiring on-site public art.</p> <p>In the Hoover/West MacArthur area (to the southeast of Emeryville), the plan impose a five year moratorium starting in 2003 on the use of redevelopment funds for the construction of new affordable rental housing, due to the existing over-concentration of low-income housing in the area. All of these policies are consistent with, and in many cases supported by, land use and urban design policies in the proposed General Plan.</p>
Redevelopment Plan for Broadway/Mac Arthur/San Pablo	Yes	This plan for the Oakland Redevelopment Agency covers two areas, one of which is immediately adjacent to the City of Emeryville: the Golden Gate neighborhood, stretching from the Emeryville city limits to San Pablo Avenue between 53 rd and 67 th streets. The area's A five-year implementation plan for the San Pablo subarea lays out actions for streetscape and other capital improvements; and support for business development and retention in the area. In the second portion of the Redevelopment Area, near the MacArthur BART Station, a mixed-use transit village has been approved. These policies are consistent with and in many cases supported by economic development, urban design, and transportation policies defined in the proposed General Plan.
Regional		
San Francisco Bay Conservation and Development Commission (BCDC)	Yes	General Plan policies call for the coordination with regulatory agencies, including BCDC, regarding hazard mitigation and development approvals. For the purposes of the updated General Plan, would become involved for proposed changes to land uses or structures on the Peninsula, the I-80/Ashby Avenue interchange, and the Emeryville Crescent, as described in BCDC's jurisdiction outlined in the Bay Plan.
Association of Bay Area Governments (ABAG)	No, but pending	Emeryville's buildout expectations in the proposed General Plan exceed ABAG's 2007 Projections. However, the City has been in communication with ABAG during preparation of the Plan and ABAG is expected to revise its 2009 Projections to be consistent with Emeryville's anticipated growth.

<p>Eastshore State Park General Plan</p>	<p>Yes.</p>	<p>This plan covers the state park that runs from Oakland to Richmond, which includes the waterfront in Emeryville both north and south of the Peninsula. For the sections of the State Park within Emeryville, the plan designates the shoreline south of the Peninsula as a preservation area, and the rest of the park within Emeryville as a conservation area; there are no recreational sections of the park within Emeryville.</p> <p>Public access to preservation areas is restricted, while conservation areas permit passive recreation. Consequently, the plan calls for: restricting access to the shoreline south of the Peninsula, perhaps with a fence (though not on the south side of Powell Street); creating a non-paved trail along the eastern section of the Peninsula in a way that connects with the existing paved section of the Bay Trail; installing a vista point and a bird blind on the Peninsula; and providing parking for up to 20 vehicles. In particular, the proposed Emeryville General Plan calls for improvements to the Bay Trail and other improvements in a manner consistent with habitat protection and providing mitigations, as necessary. An action item in the proposed General Plan calls for coordination with the East Bay Regional Parks District.</p>
--	-------------	--

Figure 3.2-2

STREET SYSTEM

- Transit Streets
- Connector Streets
- Local Streets
- New Streets
- Bike Boulevards
- Auto Dominated Highways
- Existing Overpass
- Existing Railroad Grade Crossing



Figure 3.2-3

TRANSIT SYSTEM

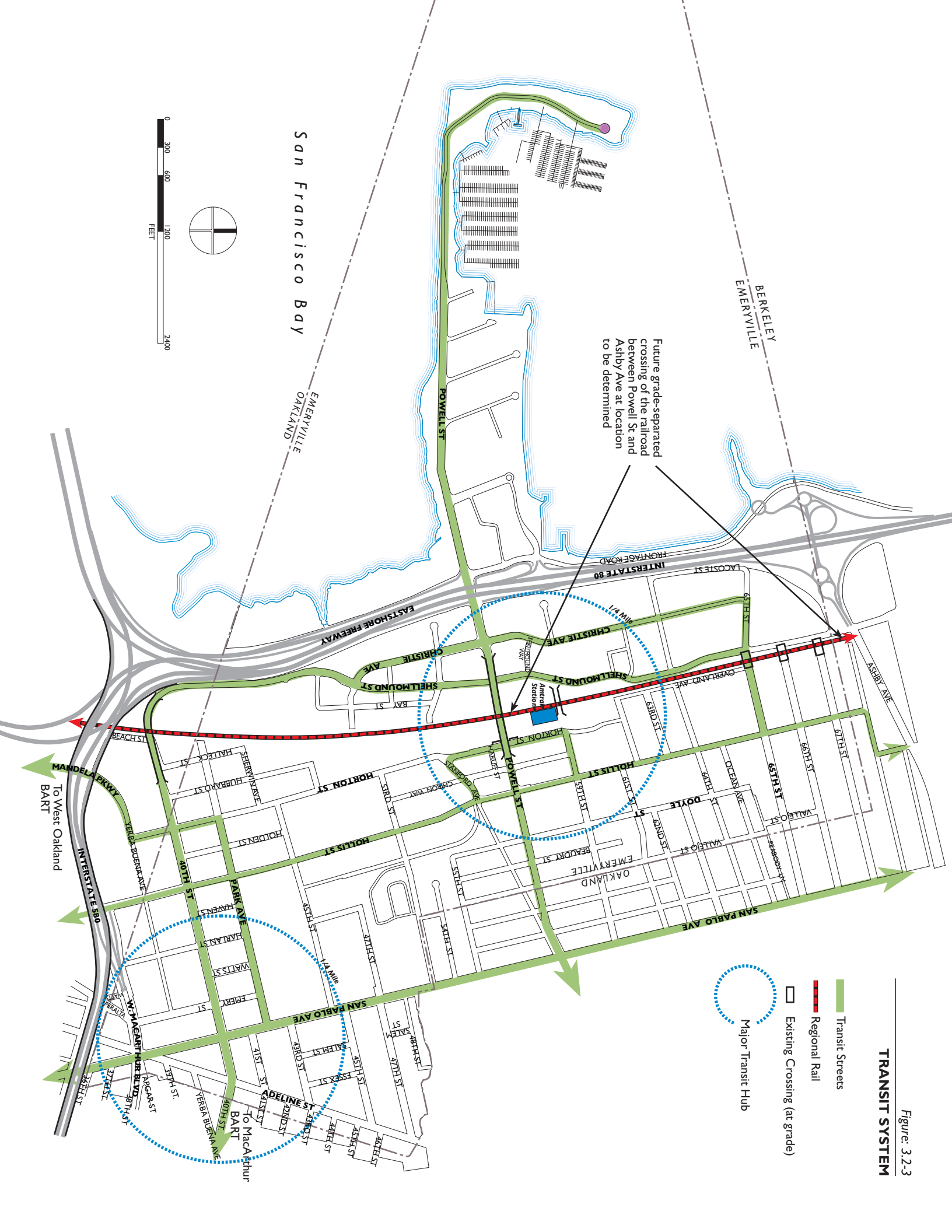


Figure 3.2.4

PEDESTRIAN SYSTEM

- Pedestrian Paths
- Bicycle/Pedestrian Paths
- Pedestrian Priority Route
- Pedestrian Priority Zone
- Key Green Streets
- Existing Overpass
- Approved Overpass/Underpass

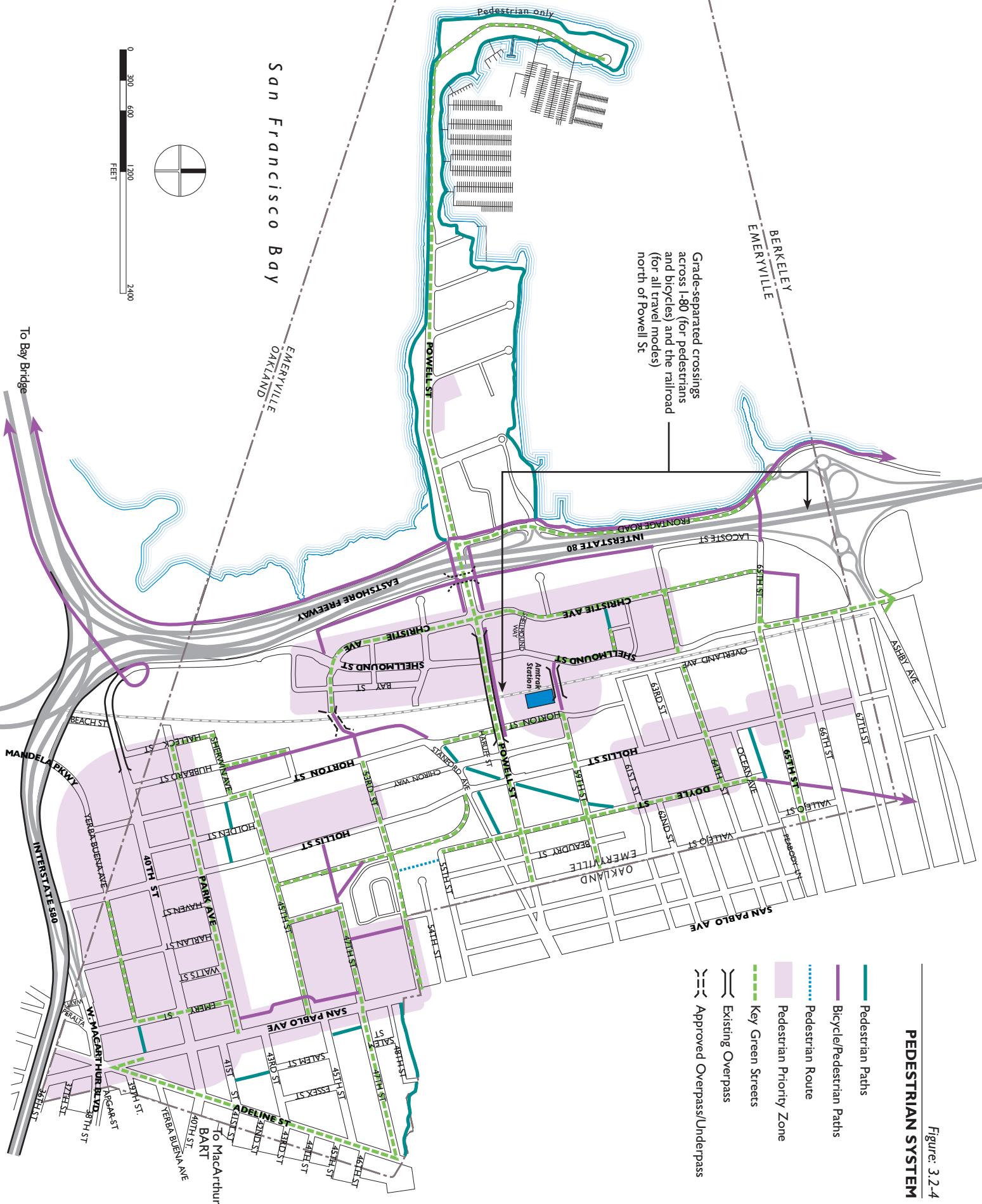


Figure 3.2-5

BAY TRAIL

- Bay Trail
- Spur Trail
- Spur Pedestrian Only Trail
- Existing Overpass
- Approved Overpass

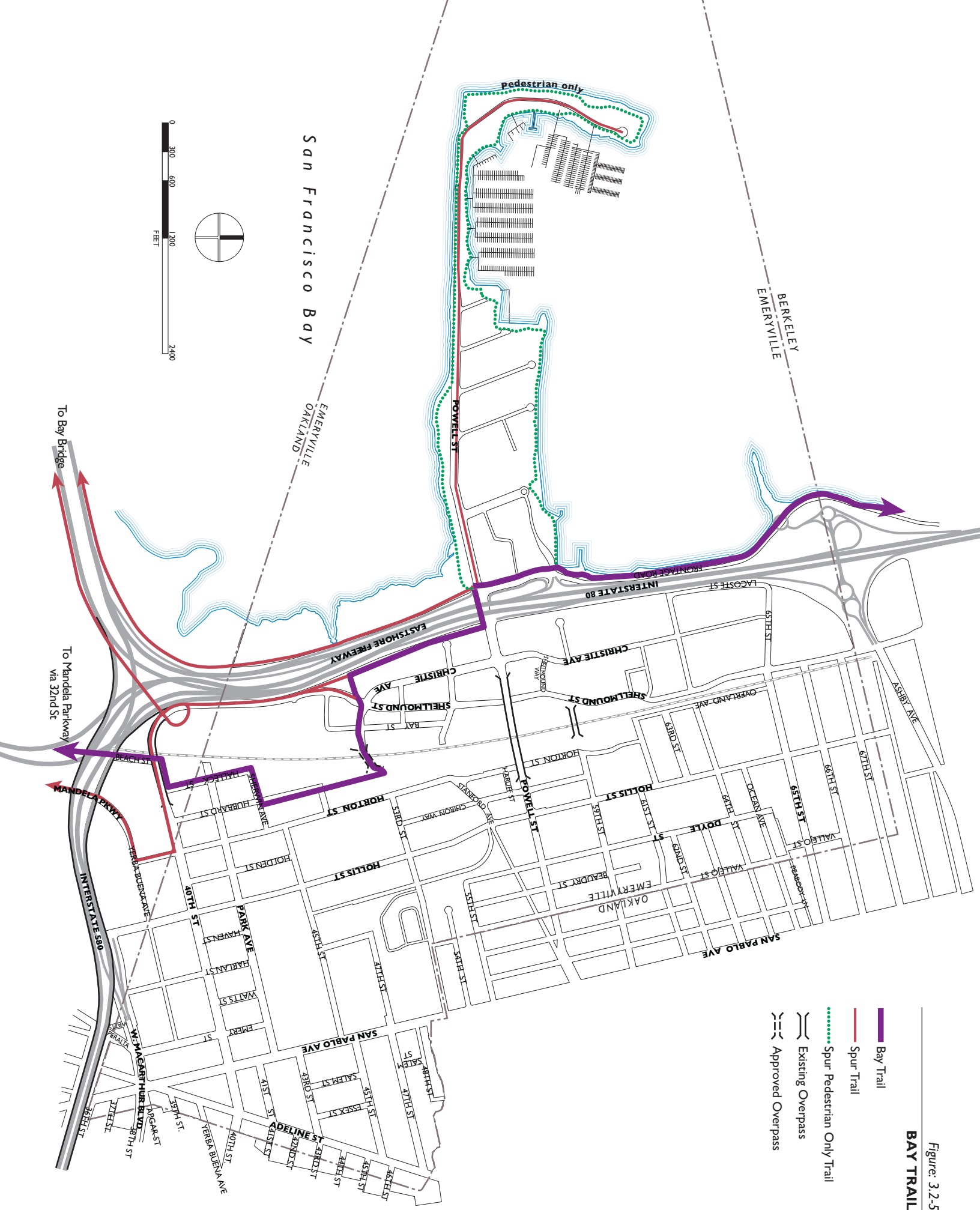
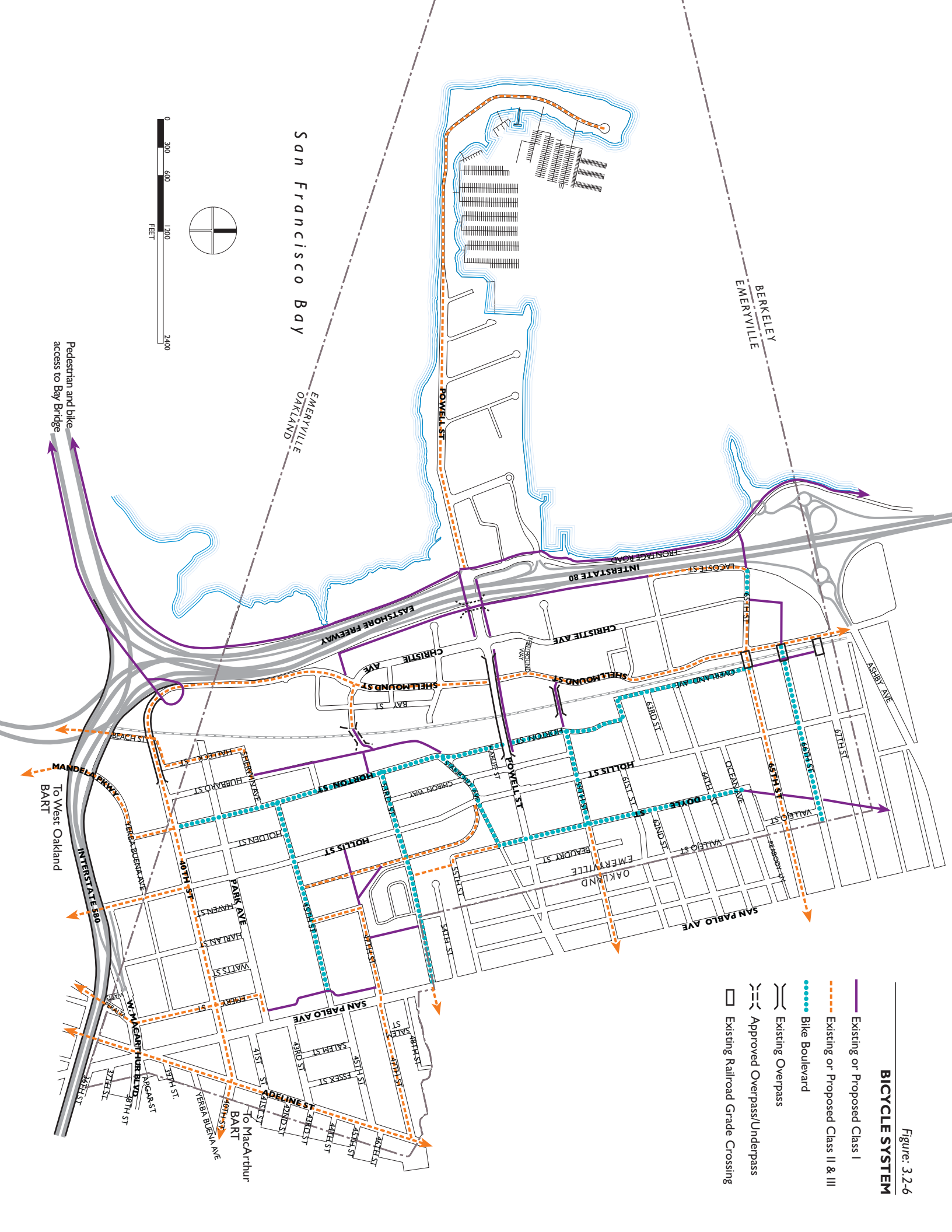


Figure: 3.2-6

BICYCLE SYSTEM

- Existing or Proposed Class I
- Existing or Proposed Class II & III
- Bike Boulevard
- Existing Overpass
- Approved Overpass/Underpass
- Existing Railroad Grade Crossing



established where feasible, with removal of invasive species and additional opportunities for riparian vegetation. Following the creation of the riparian corridor, the creek would continue to flow in the below-grade pipe. Temescal Creek is largely a sub-surface drainage flowing through culverts as shown in Figure 3.5-2, therefore the construction activities associated with creation of the riparian corridor would involve excavation and clearing of paved areas in the vicinity. Short-term stormwater and potential erosion and sedimentation impacts could occur during the temporary construction phase. These short term construction-related impacts are assessed under Impacts 3.5-1 and 3.5-2. However, in the long term, the riparian corridor and vegetative stormwater treatment of the creek would provide a natural hydrology and water resource, which would be a beneficial impact.

Mitigation Measures

None required.

Impact

3.5-5 New development under the proposed General Plan could be subject to flooding. (*Less than Significant*)

New development identified in the General Plan is not subject to a significant level of flooding. As discussed in the Setting section above, the majority of Emeryville lies in Zone CX, which signifies areas of minimal flooding hazard. therefore, the new development (i.e., housing or other structures) under the General Plan would not lie within a 100-year flood hazard area. The shoreline and marina areas are designated as Zone V and lie within the 100-year flood zone; however, these areas do not contain urban uses or structures, nor are such uses identified in the proposed General Plan.

However, in addition to FEMA designated flood zones, the city faces several environmental threats that could contribute to flooding, including dam inundation, mudflows and seiches, tsunamis, and sea level rise which must also be considered. These potential impacts are discussed below.

~~As discussed in Impact 3.5-4 above, storm drainage facilities and stormwater control measures would minimize any adverse flooding effects. Although portions of Emeryville lie in the inundation area for Temescal dam, the dam is overseen by DSOD considered to be safe and inundation due to a dam failure unlikely.~~ The DSOD engineers and engineering geologists review and approve plans and specifications for dams for the site geology, seismic setting, site investigations, construction material evaluation, dam stability, hydrology, hydraulics, and structural review of appurtenant structures. In addition, the DSOD engineers inspect the dams on a yearly schedule to insure they are performing and being maintained in a safe manner. Due to the high maintenance and inspection standards, failure of the Temescal Dam is highly unlikely, therefore the risk from flooding to the development proposed under the General Plan is not considered high. ~~The impact would be less than significant.~~

There is a low likelihood for mudflows and seiches to occur in Emeryville due to the flat topography and absence of enclosed water bodies, therefore the General Plan would not expose people or structures to a significant risk from a seiche or mudflows.

As discussed previously, the U.S. Geologic Survey estimates that a 20-foot wave at the Golden Gate Bridge (an event estimated to possibly occur once in 200 years) could potentially cause a run-up of a 10-foot wave in the Emeryville Peninsula and the shoreline area. Some of the proposed development under the General Plan would occur along the shoreline and could be subject to the risk from a tsunami, if one were to occur. The State Office of Emergency Service is currently in the process of updating tsunami hazard maps for Alameda County. The existing USGS estimates do not suggest a threat to the built environment in Emeryville, but Plan policies described below ensure that this potential hazard will continue to be evaluated as information becomes available and conditions change (e.g. the hazard is rendered more severe due to sea level rise). The impact would be less than significant.

Sea level rise is a global repercussion of climate change; thus the direct influence of Emeryville's GHG emissions on Bay Area sea level rise is impossible to determine with any certainty. Nonetheless, sea level rise is likely to have widespread effects on coastal structures, infrastructure, beaches, wetlands, agricultural lands, and water supply. As discussed in Setting, the San Francisco Bay Area Conservation Commission BCDC has modeled the impact of a sea level rise of 3 feet (or approximately 1 meter) on the San Francisco Bay Area 16-inch sea level rise projection at mid-century and 55-inch projection at end of century. The model has identified areas that would be under water due to sea level rise; the areas do not include Emeryville. Therefore the development proposed under the General Plan along the shoreline in Emeryville would not be subject to the risk of flooding from sea level rise. The mid-century projection shows vulnerable areas along the shoreline of the Emeryville Crescent and peninsula, but does not suggest vulnerability to structures or urbanized areas. (The BCDC/USGS model compares the sea level rise scenario to land-surface elevation data and does not account for shoreline protection; therefore the area south of 64th Street and west of I-80 does not account for the at-grade freeway barrier.) The 2100 scenario, projecting 55-inch sea level rise could have implications for Emeryville's urban area, but lies beyond the scope and planning horizon of the proposed General Plan. However, General Plan policies, along with the City's Climate Action Plan, commit the City of Emeryville ~~will~~to monitor the climate change effects and implement any measures necessary to reduce any risk of flooding from sea level rise in the future. The impact would be less than significant (Also refer to Impact 3.13-7).

Because many of the risks from these hazards are unknown (tsunamis) and subject to change over time (sea level rise), the City has committed through General Plan policies and other City initiatives and regulations to reduce the impacts of these threats. As discussed in Impact 3.5-4 above, storm drainage facilities and stormwater control measures would minimize any adverse flooding effects.

Adherence to the proposed General Plan policy listed above ensures the potential impact is less than significant.

Proposed General Plan Policies that Reduce the Impact

<u>New Policy:</u>	<u>The City will cooperate with State and federal agencies to address flooding risks due to dam inundation, tsunamis, sea level rise, or major flood events.</u>
<u>CSN-P-13</u>	<u>The City promotes construction and incorporation of cisterns, green roofs and other rainwater harvesting methods in existing, new and rehabilitation projects.</u>
<u>CSN-P-38</u>	<u>The City will continue to require development projects to implement on-site stormwater management measures through the City's development permit process.</u>
<u>CSN-P-39</u>	<u>Storm drains shall be maintained, and replaced or upgraded as needed to reduce potential flooding.</u>
<u>CSN-A-8</u>	<u>Cooperate with appropriate government agencies and public and private organizations to address seismic hazards and flooding risks due to dam inundation, tsunamis, sea level rise, or major flood events.</u>
<u>CSN-A-9</u>	<u>Implement and update emergency management operations plan, including evacuation routes, cache of supplies, training of City staff, as necessary, as the city continues to develop.</u>

Adherence to established regulations, the Climate Action Plan and the proposed General Plan policies listed above, ensure the potential impact is less than significant.

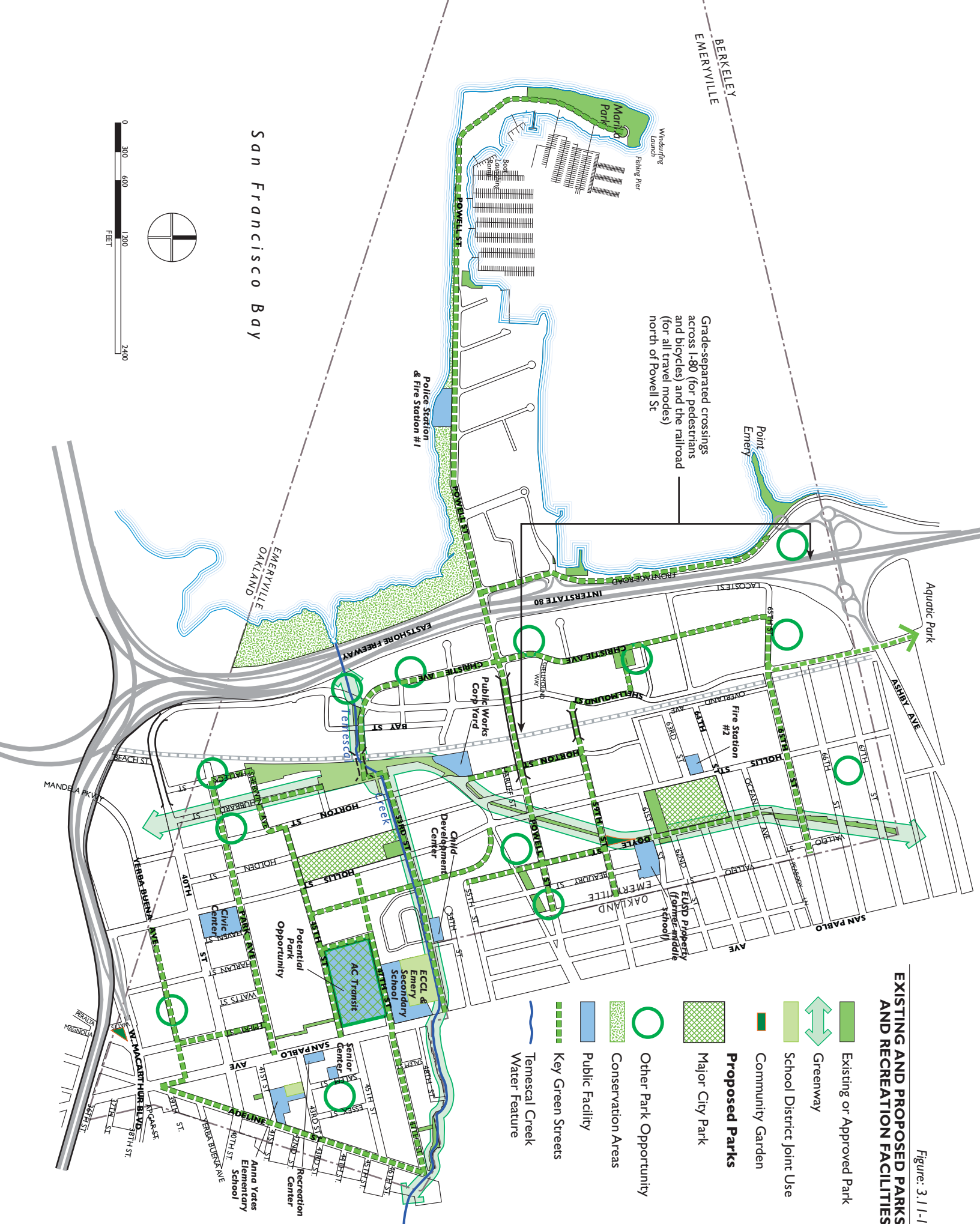
Mitigation Measures

None required.

Figure 3.11-1

**EXISTING AND PROPOSED PARKS
AND RECREATION FACILITIES**

- Existing or Approved Park
- Greenway
- School District Joint Use
- Community Garden
- Proposed Parks**
- Major City Park
- Other Park Opportunity
- Conservation Areas
- Public Facility
- Key Green Streets
- Temescal Creek Water Feature



4.1 COMPARATIVE IMPACT ANALYSIS

LAND USE AND HOUSING

Table 4.3-1 shows land use by acreage at full buildout in each alternative. The alternatives differ in the amount of land dedicated to residential and non-residential uses, as well as the density and intensity of development.

The comparison of alternatives with respect to land use is summarized below. None of the alternatives would divide an established community or displace substantial numbers of existing housing or people. Because all development is infill in Emeryville, all developments will result in the same amount of land devoted to urban uses. None are expected to create any significant land use incompatibilities. Because there are no agricultural lands in Emeryville, no agricultural land would be converted.

- *Alternative 1: Mixed-Use City.* Alternative 1 devotes more land to employment uses such as office and retail space than the proposed General Plan. This comes at a comparative loss of residential developments, with this approach providing nearly 1,000 fewer units than in the proposed General Plan. Alternative 1 would result in a jobs/employed residents ratio of 3.1.
- *Alternative 2: Neighborhood Centers.* Alternative 2 has the largest increase in housing and population, accommodating 13 percent more housing than the proposed General Plan and resulting in the most development overall compared with the other alternatives. This comes at a comparative loss of employment, with 2,000 fewer jobs than in the proposed General Plan. This alternative would result in the most balanced jobs/employed residents ratio of 2.0.
- *No Project.* The No Project alternative would result in fewer housing units, fewer jobs, and the smallest population of all proposed alternatives. The No Project alternative would also result in the least dense development. However, jobs and housing would both increase, indicating that any jobs or homes lost to redevelopment could relocate within Emeryville. Further, the No Project alternative would not make as many changes in terms of increasing connectivity. Finally, the No Project alternative would result in the highest job/employed residents ratio, 3.3, as compared with the proposed General Plan and other alternatives.

Table 4.3-1: 2030 Buildout of Alternatives

<i>Land Use</i>	<i>Proposed General Plan</i>	<i>Alternative 1</i>	<i>Alternative 2</i>	<i>No Project</i>
Residential (Units)	9,800	8,900	11,700	7,505
Retail (SF)	3,083,000	3,345,000	2,833,000	3,149,000
Hotel (SF)	775,000	913,000	597,000	615,000
Office (SF)	7,255,000	8,052,000	6,812,000	6,806,000
Industrial (SF)	3,353,000	3,511,000	3,805,955	4,095,000
Parks (acres)	49	30	41	23
Total (SF)¹	<u>26,716,000</u>	<u>26,946,000</u>	<u>28,672,955</u>	<u>24,046,250</u>

1. Total square footage excludes parks, but includes residential units (assumes 1,250 sf/unit)

Source: Dyett & Bhatia, 2008.

- *Alternative 2.* Alternative 2 would result in 1,900 more housing units and 3,300 more new residents than the proposed General Plan, but 2,000 less jobs. The estimate of 1.136 million VMT under Alternative 2 is the lowest of any alternative, including the proposed General Plan. Therefore, the demand for transportation energy is the least of any alternative. Further, due to the larger population in Alternative 2, the per capita use of transportation energy is 18 percent less than in the proposed General Plan. Electricity and natural gas use would be higher than under the No Project, but slightly less than under the General Plan, and considerably less than Alternative 1. Alternative 2 would also result in the lowest per capita GHG emissions of any alternative, due to the focus on housing, resulting in a greater jobs-to-housing ratio and the lowest overall VMT. Finally, the energy-saving and GHG reduction policies implemented under the proposed General Plan would apply to Alternative 2, reducing energy demand and GHG emissions further.
- *No Project.* The No Project alternative would result in 2,300 fewer housing units, 3,900 fewer residents, and 1,000 fewer jobs than the proposed General Plan. However, the VMT in the No Project scenario is higher than in the proposed General Plan and Alternative 2, at approximately 1.174 million. Therefore, the No Project alternative would result in the second highest overall demand for transportation energy, behind Alternative 1. The lower growth in jobs and population would result in the lowest electricity and natural gas use of any alternative. Finally, the No Project would result in the lowest GHG emissions, though when considering the smaller population, the per capita GHG emissions are actually the highest of all alternatives. The No Project alternative is the only alternative that would not include the energy-saving and GHG reduction policies implemented under the proposed General Plan. However, the Emeryville CAP includes many of these measures and would result in lower energy use and GHG emissions than shown in this analysis.

4.4 CONSIDERATION AND DISCUSSION OF THE ENVIRONMENTALLY SUPERIOR ALTERNATIVE

CEQA Guidelines (Section 15126.6(e)(2)) require the identification of an environmentally superior alternative among the alternatives analyzed. Although the environmental superiority can vary depending on the topic, or even depending on analysis criteria for the same topic, overall the proposed General Plan represents the environmentally superior alternative.

~~Because CEQA requires identification of an environmentally superior alternative, The No Project Alternative, because of the lower amount of growth and the resulting lessening of adverse impacts, would be environmentally superior. The No Project scenario would result in lower population and job growth—and consequently reduced impacts—in several topic areas, such as noise, public services and utilities, and traffic. However, CEQA Guidelines mandate that if the No Project alternative is identified as the environmentally superior alternative, then another environmentally superior alternative must be identified, among the other alternatives and the Project. Even so, the No Project Alternative has several tradeoffs that make it less appealing compared with the other alternatives, namely enabling the highest jobs/employed residents ratio (3.3), thereby continuing the city's imbalance between jobs and housing; and the lowest provision of parks and aesthetic improvements.~~

The proposed General Plan represents the environmentally superior alternative because it minimizes impacts while achieving the goals and guiding principles developed by the General Plan Steering Committee. In particular, the proposed Project focuses development at key nodes and around transit hubs, and improves the balance of job and residential growth, lessening the strain on public facilities. Notably, it provides the most amount of parkland compared with the rest of the alternatives. Alternative 2: Neighborhood Centers shows results similar to the proposed General Plan, even reducing impacts to traffic, air quality, and energy usage. But, it has greater impacts on public facilities and services due to a larger residential population. Table 4.4-1 summarizes the relative impacts for each alternative, for all of the topics discussed in this chapter. Quantitatively, the proposed General Plan appears on par with the No Project Alternative, as shown in the “Total” column; however, qualitatively, the proposed General Plan satisfies the Plan’s overarching goals. Alternative 1 and 2 both score higher (worse) in terms of their relative impacts.

Since all new development in the city will result from infill development—the redevelopment of existing sites—each alternative expects development on the same set of sites. Therefore, impacts are no different for many issue areas, including biological resources, hydrology, and geology. Likewise, there is no difference in displacement impacts due to land use changes. For the topics where significant impacts have been identified—traffic, noise, and air quality—differences between the alternatives and the proposed General Plan are negligible in a program EIR. For each of these topics, the result is still a significant and unavoidable impact.

Table 4.4-1: Comparison of Impacts				
<i>Topic</i>	<i>Proposed General Plan</i>	<i>Alternative 1</i>	<i>Alternative 2</i>	<i>No Project</i>
Land Use and Housing	-	-	-	-
Traffic, Circulation, and Parking	2	4	2	1
Hazardous Materials and Toxics	-	-	-	-
Biological Resources	-	-	-	-
Hydrology and Flooding	-	-	-	-
Geology, Soils, and Seismicity	-	-	-	-
Noise	2	4	2	1
Cultural Resources	4	4	4	4
Air Quality	2	4	1	3
Public Services and Utilities				
Schools	1	1	4	1
Water Supply	2	4	3	1
Wastewater Treatment	2	4	4	1
Solid Waste	2	4	2	1
Public Safety and Emergency Preparedness	2	4	4	1
Parks and Recreation	1	3	2	4
Aesthetics	1	1	1	4
Energy	3	4	1	2
Total	24	41	30	24

1 - 4 = Relative Impact (1= Lowest, 4 = Highest)

- = No Difference and Less than Significant

 = Significant Project Impact

Appendix A: Revisions to the Draft General Plan

This Final EIR document responded to comments on the Draft EIR and, subsequently, identified relevant changes to the Plan and Draft EIR. In addition to these changes, the General Plan and Zoning Update Steering Committee and/or City staff made some additional minor changes following several meetings:

- Public Open House (February 7, 2009)
- Joint City Council/Planning Commission Study Session (February 21, 2009)
- Steering Committee Meetings (April and June 2009)

The table below describes changes made to the proposed Emeryville General Plan. Many of these changes were also discussed in Chapter 3: Response to Comments on the Draft EIR and documented in Chapter 4: Revisions to the Draft EIR. It is organized by chapter/element and only reflects substantive changes. (Typos, formatting, clarifications, and updated cross-references are not recognized in the table.) Statements in **bold**, are followed by actual General Plan text and/or edits. All page, table, figure, goal, and policy numbers refer to the numbers in the January 2009 Public Review Draft.

Revisions to the Draft EIR

Chapter/ Page	Table/ Figure	Correction
Introduction		
I-3		Deleted specific park reference from Guiding Principle #3: Two large new parks are proposed in the General Plan, as described in Chapter 4: Parks, Open Space, and Public Facilities, and Figure 4-1.
I-11		Corrected redevelopment project area expiration dates: However, the 1976 Project Area will expire in 2016 <u>2019</u> , and the Shellmound Project Area will expire in 2027 <u>2028</u> , both during the General Plan period.
I-12		Expanded discussion of fiscal sustainability and balanced amidst changing economic conditions: <u>This multi-faceted land use approach will allow the city to be flexible and resilient as market conditions change. An analysis of projected General Fund revenues illustrates the benefit of this mix of uses.</u>
I-16	Fig. I-2	Updated figure to include Emery Bay Village in Eastern Residential Neighborhoods.
I-17	Fig. I-3	Updated figure to expand boundaries of San Pablo Urban Design Guidelines.
I-18		Corrected redevelopment project area expiration dates: The older of the two, the 503-acre 1976 Project Area, will be operational until 2016 <u>2019</u> , the 270-acre Shellmound Project Area until 2027 <u>2028</u> .
I-19	Fig. I-4	Updated figure to include redevelopment area boundaries in the Bay.

Chapter/ Page	Table/ Figure	Correction
Land Use		
2-8	Tab. 2-2	Expanded explanation of “Loss of Existing Due to Redevelopment:” This value reflects existing underutilized properties that will <u>may</u> be replaced by new uses. <u>This is an accounting measure that estimates the proportion of existing development that may be redeveloped on each site in an area of change.</u> Table updated to reflect rounded numbers and modification of residential units lost to zero.
2-9	Chart 2-5	Updated chart to include the 2030 projection for jobs/employed residents ratio.
2-11	Fig. 2-2	Updated figure to: <ul style="list-style-type: none"> • Extend Mixed Use with Residential designation along Doyle Street (north of 64th Street and south of 61st Street). • Change northwest corner of Powell Street and Frontage Road to Mixed Use with Non-Residential. • Add community gardens and Stanford, Oak Walk, and Christie parks. • Amend southern park to bound 53rd, Holden, Hollis, and 45th streets. Amend opposite parcel east of Hollis Street to Office/Technology, and the northeast and southwest corners of Holden and 45th streets as Mixed Use with Residential. • Add AC Transit site at 47th Street and San Pablo Avenue as a potential park opportunity.
2-12		Clarified what is permitted in the Industrial classification: A range of industrial and high technology uses, including light manufacturing, repair, testing, printing, service commercial, and biotechnology uses. <u>Live/work is appropriate east of Hollis Street. “Heavy” live/work uses (e.g. work involving manufacturing, welding, and assembly) will only be allowed, west of Hollis Street.</u> West of Hollis Street, north of 65th Street, general manufacturing uses are permitted. East of Hollis Street, new general manufacturing uses are not permitted, but General manufacturing uses are permitted west of Hollis Street, north of 65th Street. East of Hollis Street, new light industrial uses are permitted, but new general manufacturing uses are not. Existing general manufacturing uses can continue as conforming uses with performance standards for noise, air quality, and truck traffic, to safeguard adjacent residential uses. Unrelated retail and commercial uses that could be more appropriately located elsewhere in the city are not permitted, except for offices, subject to appropriate standards, and in Neighborhood Retail Overlay areas (i.e., North Hollis).
2-13		Updated explanation of base and bonus FAR. See new section under the heading “Density/Intensity.”

Chapter/ Page	Table/ Figure	Correction
2-14	Fig. 2-3	<p>Updated figure to:</p> <ul style="list-style-type: none"> Streamline base/bonus FARs into five categories (except for already established Planned Unit Developments) Reduce FAR in Eastern Residential Neighborhoods' FAR to 0.75/1.0, base and base with bonus. Increase FAR between San Pablo Avenue and Adeline Street, south of 40th Street to 3.0/4.0, base and base with bonus. Increase FAR between Peabody Lane, and Vallejo, Doyle, and 65th streets, to 1.5/2.0, base and base with bonus.
2-16	Fig. 2-4	<p>Updated figure to:</p> <ul style="list-style-type: none"> Streamline base/bonus building heights into five categories (except for already established Planned Unit Developments) Increase height between San Pablo Avenue and Adeline Street, south of 40th Street to 55/75 feet, base and base with bonus. Increase height between Peabody Lane, and Vallejo, Doyle, and 65th streets, to 55/75 feet, base and base with bonus.
2-17	Fig. 2-5	Updated to show revised southern park site (bounded by 53 rd , Holden, Hollis, and 45 th streets).
2-18	Fig. 2-6	<p>Updated figure to:</p> <ul style="list-style-type: none"> Streamline base/bonus residential densities into five categories. Increase density between San Pablo Avenue and Adeline Street, south of 40th Street to 50/60 units/acre, base and base with bonus. Increase density between Peabody Lane, and Vallejo, Doyle, and 65th streets, to 85/100 units/acre, base and base with bonus. Remove parks and non-residential sites; add new residential opportunities that result from changes to the Land Use Diagram. Increase lowest residential density category to 20/35 units/acre, base and base with bonus, to reflect existing regulations.
2-19		<p>Revised bonus program criteria:</p> <ul style="list-style-type: none"> Public Parking. <u>All or a portion of publicly accessible parking will be excluded from FAR calculations and may be counted towards height and density bonuses.</u> . . . Exceptional Design. <p>Added statement to remove exceptional design as bonus criteria, but maintain for findings:</p> <p><u>Bonuses are discretionary and contingent on excellence in design.</u></p>
2-20		<p>Amended policy:</p> <p>LU-G-13 Local employment opportunities—encourage establishment of businesses that will employ <u>and serve</u> Emeryville residents.</p>
2-21		<p>Inserted new policy:</p> <ul style="list-style-type: none"> Zoning performance measures will ensure health and safety compatibility for industrial uses bordering residential uses.

Chapter/ Page	Table/ Figure	Correction
2-22		<p>Amended policy:</p> <p>LU-P-18: The area around the Amtrak station shall be developed with <u>pedestrian and bicycle amenities, and</u> transit-supportive uses, through measures such as reduced parking requirement, incorporation of public parking in developments, and accounting for transit proximity when considering height and FAR bonuses.</p>
Transportation		
3-6, 3-9, 3-12, 3- 16	Fig. 3-1, 3-2, 3-4, 3-6	<p>Updated figures to:</p> <ul style="list-style-type: none"> • Create a bike/pedestrian path extending Christie Avenue, north of 65th Street, and connecting to 67th Street. • Add a bike/pedestrian path just west of San Pablo Avenue, between 45th and 47th streets. • Add a pedestrian priority zone to the AC Transit site at 47th Street and San Pablo Avenue and the revised southern park location.
3-15		Move entire Street System section (Section 3.6) after Section 3.2: Circulation. Add a new map and discussion to this section, designating regional retail routes.
3-17		Added truck routes figure to Section 8: Goods Movement.
3-20 through 3-23		<p>Inserted new policies:</p> <ul style="list-style-type: none"> • The City shall continue to evaluate recommendations from the traffic studies prepared for four major development projects: Marketplace, Site B, Transit Center, and Gateway, to determine appropriate traffic and transportation improvements. • The City will work with Caltrans and the City of Berkeley to develop improvements to the Ashby Interchange. • The City will undertake a study to enhance transit mobility, including feasibility of transit-only lanes (dedicated, peak-hours only/shared with automobiles at other times, or converted from parking lanes to transit-only during peak hours), especially along congested transit streets, and potentially in the form of a high-frequency loop that would provide walking access from most of the city, and connect major destinations within Emeryville and to BART. • The City will support the expansion of the Emery Go-Round to accommodate workers, residents, visitors. <p>Amended policy: T-P-57: Truck freight movement will be accommodated to and from local businesses, consistent with the typologies described in this chapter. <u>Through truck traffic is discouraged.</u></p>
Parks, Open Space, Public Facilities, and Services		
4-6, 4-8, 4-9		Emery Unified and Emeryville Center of Community Life discussion updated per comments from School Board and City/Schools Committee, respectively.
4-2		<p>Emphasize that open spaces will accommodate active and passive uses: The General Plan proposes several different park types to accommodate the needs of present and future residents, workers, and visitors and to create a cohesive network of open spaces. <u>The proposed strategic master plan will outline recommended programming for both active recreation and passive park use. A general framework is described here:</u></p>

Chapter/ Page	Table/ Figure	Correction
4-7	Fig. 4-1	<p>Updated figure to:</p> <ul style="list-style-type: none"> • Add community gardens and Christie Park • Shift “Key Green Street” on the Peninsula from the pedestrian path to Powell Street. • Amend southern park to bound 53rd, Holden, Hollis, and 45th streets. • Add AC Transit site at 47th Street and San Pablo Avenue as a potential park opportunity.
4-12		<p>Add discussion of Community Emergency Response Training:</p> <p><u>The Community Emergency Response Team (CERT) Program educates people about disaster preparedness for hazards that may impact their area and trains them in basic disaster response skills, such as fire safety, light search and rescue, team organization, and disaster medical operations. Using the training learned in the classroom and during exercises, CERT members can assist others in their neighborhood or workplace following an event when professional responders are not immediately available to help. CERT members also are encouraged to support emergency response agencies by taking a more active role in emergency preparedness projects in their community.</u></p>
4-15		<p>Reordered policies P-1 through p-13.</p> <p>Amended policies:</p> <p>PP-P-4: Two new large parks (five acres or larger), one each north and south of Powell Street, shall be provided. Active recreation uses will be a component of these parks.</p> <ul style="list-style-type: none"> • One potential southern park site is shown on the PG&E site on Hollis Street, between 45th and 53rd streets. On this site, consideration shall be given as to how to incorporate the existing buildings, which are rated Tier 1 and Tier 2 in the Park Avenue District Plan, into future park uses. • The second potential park site is located at the AC Transit bus yard between 45th and 47th streets, adjacent to the proposed Center of Community Life. Should this site become available, the city shall explore the possibility of a public park—along or with other public uses. If a large park at this site is feasible and is considered desirable, all or part of the PG&E site may no longer be needed for a public park. <p>PP-P-9: Shading of parks and green streets located adjacent to<u>by</u> buildings will be minimized.</p> <p>PP-P-13: Open spaces that have deteriorated, have design features that limit access and use opportunities, and/or are in need of activity and revitalization<u>shall be revitalized.</u></p>
4-16		<p>Inserted new policy:</p> <p>The City will support community involvement in disaster preparation and response through the Fire Department’s Community Emergency Response Training program.</p>

Urban Design		
5-4	Fig. 5-1	Updated figure to: <ul style="list-style-type: none"> • Reflect land use and park location changes • Add a gateway at 53th and San Pablo Avenue
5-6		Expand discussion of North Bayfront and Powell/Christie core as a mixed-use transit-oriented district.
5-6 through 5-9		Amended 3D graphics to include street labels, north arrows, and correct district boundaries.
5-12, 5-14	Fig. 5-4	Updated active frontage street discussion to encompass all streets. Removed accompanying map which only specified certain streets.
		Updated tower spacing discussion: Because full block development at lower floors will be permitted in many places in Emeryville, large floor plates are permitted for building bases. To ensure generous light and views, upper floors will be stepped back, and towers will be slender and spaced apart. However, in several sections of the city bulkier buildings at upper levels are allowed to accommodate employment-oriented uses.
5-26 through 5-31		Inserted photo simulations of six intersections/areas of the city, illustrating how urban design concepts could be carried out, to improve the public realm and overall quality of life.
5-35		Updated gateway discussion to add the entry point at San Pablo Avenue and 53 rd Street as a gateway and encourage additional signage at other entry points to the city, such as Hollis and 67 th streets.
5-39		Inserted new policy: Infill development shall provide activation at the lot frontage and minimize visible off-street parking.
5-40		Amended policies: UD-P-25: Commercial uses, such as retail, restaurants, hotel lobbies, and offices, shall be required at the ground level along Active Frontage Streets in neighborhood centers and regional retail overlay districts. UD-P-26: Development shall be brought to the street edge, on Active Frontage Streets, locating parking in the rear. All ground-level street frontages should be activated. Driveways, loading zones, and curb cuts shall be provided but minimized.
5-41		Amended policy: UD-P-45: Street trees shall be provided on City UD-P-46 streets where feasible. Street trees shall be planted in a row along the curb, between the vehicle roadway and sidewalk, unless this is physically impossible due to constraints such as underground water or sewer lines.
5-43		Amended policy: UD-P-60: Above-grade parking structures should be wrapped with active uses, in Pedestrian Priority Zones and along Active Frontage Streets.

Conservation, Safety, and Noise		
6-4		Described graywater systems: <u>Graywater — water that comes from sinks, showers, and washing machines — may be reused on-site to flush toilets and irrigate non-edible landscape plants.</u>
6-5		Updated special species discussion: <u>Additional species that have the potential to occur in the city include: Coopers Hawk, Sharp-shinned Hawk, and the Peregrine Falcon.</u>
6-18	Fig. 6-7	Updated flood zone discussion and dam inundation map to reflect the recently released Federal Emergency Management Agency's flood zones maps. Updated sea level rise discussion and added new figure showing 16-inch potential sea level rise scenario.
6-26	Fig. 6-9	Updated figure to reflect changes in assumptions about future railroad use.
6-27		Amended goal: Preservation and protection of natural resources— <u>Preservation and enhancement of natural habitat, and protection of biological resources,</u> particularly around the Emeryville Crescent. Inserted new goal: Ambient noise reduction—Strive to minimize increases in ambient noise levels.
6-28		Inserted new policy: The City shall revise plumbing and building code requirements, as necessary, to allow for graywater and rainwater harvesting systems.
6-29		Amended policies: CSN-P-17: The City will protect <u>encourage protection of essential habitat for special status wildlif</u> especies and the seven special status plant species and will support habitat protection and enhancement and open spaces within Emeryville that are within the City's control. CSN-P-18: The natural environment, <u>including mature trees and landscaping,</u> shall be protected from destruction during new construction and redevelopment. <u>Adequate replacement shall be provided where protection is impossible.</u> CSN-P-21: Provide visual, and where practical, physical, access to the Emeryville Crescent in a manner consistent with the protection of this fragile ecological system. <u>Improvements to the Bay Trail in the Emeryville Crescent must be consistent with habitat protection.</u>
6-29		Inserted new policies: <ul style="list-style-type: none"> • Where new trails or other improvements are proposed in the vicinity of the baylands and essential habitat for special-status species, require adequate avoidance and mitigation necessary to protect sensitive resources. • The City shall explore opportunities for habitat restoration and enhancement, particularly in larger parks and open space areas. • In order to reduce light pollution and use less energy, lighting (including on streets, recreational facilities, and in parking areas) should be designed to prevent artificial lighting from illuminating natural resources or adjacent residential neighborhoods.

6-30		<p>Amended policy:</p> <p>CSN-P-32: Prior to reuse, former commercial and industrial development sites will be cleaned up <u>remediated</u>, according to relevant State and federal regulations.</p> <p>Inserted new policies:</p> <ul style="list-style-type: none"> • The City will cooperate with EMBUD and other relevant agencies to adopt and implement programs and policies to further reduce inflow and infiltration (I/I) of stormwater in the City's wastewater collection system and private sewer laterals during wet weather events. • The City will cooperate with State and federal agencies to address flooding risks due to dam inundation, tsunamis, sea level rise, or major flood events. • Noise impacts should be controlled at the noise source where feasible, as opposed to at receptor end. This includes measures to buffer, dampen or actively cancel noise sources. • The City will work with the California Public Utilities Commission, other pertinent agencies and stakeholders to determine the feasibility of developing a railroad quiet zone in Emeryville. • The City shall require noise buffering, dampening, or active cancellation, on roof-top or other outdoor mechanical equipment located near residences, parks, and other noise sensitive land uses. • The City shall limit the potential noise impacts of construction activities on surrounding land uses through Noise Ordinance regulations that address allowed days and hours of construction, types of work, construction equipment, notification of neighbors, and sound attenuation devices.
Sustainability		
7-22		Update green building and construction discussion and accompanying text box to reflect Bay-Friendly Landscaping policies.
7-30		ST-G-8: Environmentally-friendly and energy-efficient buildings <u>and landscaping</u> —Green building <u>and Bay-Friendly Landscaping</u> practices throughout Emeryville in new construction, redevelopment and retrofit projects.
Implementation		
8-3		Inserted the City Manager's responsibilities
8-9		Inserted the General Plan annual report to the State, as an action item.
8-15	Tab. 8-3	<p>Amended action item:</p> <p>Work with <u>other public agencies, including PG&E, AC Transit, Amtrak, the Post Office and the School District</u> and local neighborhoods on appropriate land uses for <u>schools</u> sites no longer needed for educational purposes by the respective public agency.</p>
8-16	Tab. 8-3	<p>Inserted new action item:</p> <p>Continue to operate the Community Emergency Response Team (CERT) Program.</p>

8-19	Tab. 8-5	Amended action item: CSN-A-9: Cooperate with appropriate government agencies and public and private organizations to address seismic hazards <u>and flooding risks due to dam inundation, tsunamis, sea level rise, or major flood events.</u>
8-20	Tab. 8-5	Inserted new action item: Coordinate with the Public Utilities Commission and other public agencies to develop railroad quiet zones

This page intentionally left blank.

DYETT & BHATIA
Urban and Regional Planners

755 Sansome Street, Suite 400
San Francisco, California 94111
📞 415 956 4300 📠 415 956 7315