
Master Responses to Recurring Comments

This section of the Response to Comments document contains master responses to those comments on the following, frequently raised issues:

1. Many comments expressed concern that the Specific Plan will lead to greater gentrification of West Oakland's neighborhoods, will result in changed economic conditions that will cause indirect displacement of existing residents and business and will result in the direct displacement of people from West Oakland, or will directly result in the displacement of residents or local businesses. These same comments state that the Draft EIR does not adequately analyze, disclose and mitigate these effects. As those comments relate to CEQA, they are addressed in the first Master Response.
2. A large number of comments received in response to the Draft EIR speak to the merits of the Specific Plan. These Plan-related comments include, without limitation, the topics of historic resource preservation strategies, the relative merits of the Plan's recommended industrial and other land use overlays, the proposed land use recommendations for certain properties, development incentives and requirements, the provision of open space, local hiring requirements, urban design considerations, economic viability and market conditions affecting the Plan Area, and additional topics that commenters believe should have been included in the Specific Plan, but that were not. These comments do not pertain to the EIR or CEQA, but are noted for the public record as part of this second Master Response.
3. Many commenters have expressed their concerns regarding certain land use and transportation recommendations of the proposed Specific Plan (the Project), particularly as to the disposition of new land use policies and regulations that may apply to the property or properties that they own, and to specific traffic calming strategies identified for individual street segments throughout West Oakland. Staff has individually reviewed each of these comments on the Plan and the Draft EIR, and has prepared revisions to the Specific Plan that are appropriate and necessary to better achieve land use compatibility, safety and clarity. These changes are summarized, together with a conclusion as to whether these changes affect the EIR analysis, in the third Master Response.
4. Because West Oakland already bears a disproportionate burden of illness associated with poor air quality, commenters have suggested that additional mitigation measures and/or more stringent conditions of project approvals related to the emission of, and exposure to diesel PM and other toxic air contaminants should be required within West Oakland. These issues are addressed in the fourth Master Response.

Master Response #1: Gentrification and Displacement

Issues associated with gentrification and direct and the potential for displacement of residents and small businesses are among the most predominant topics expressed in reaction to the West Oakland Specific Plan and its Draft EIR. Most of the written comments received on the Draft EIR and many of the comments expressed during the Planning Commission’s hearing on the Draft EIR express concern and various opinions directly related to these issues.

Definitions

Commenters have expressed concerns regarding gentrification and displacement. For purposes of this Response to Comments, the following definitions for these terms, as included within the West Oakland Specific Plan and the Draft EIR,^{1,2} are used:

- “Gentrification” is defined (for the purposes of this Response) as a shift in an urban community toward wealthier residents and/or businesses and increasing property values, sometimes at the expense of the poorer residents of the community. It is often associated with increases in educational attainment and household incomes, as well as an appreciation in housing prices. It is also often associated, but not directly linked to an overall change in the racial or ethnic makeup of a community. Gentrification does not necessarily include any level of displacement that may be triggered in the process.
- “Indirect displacement” is defined as the potential outcome of community investment that results in rising property values, benefiting homeowners and property owners but causing serious economic challenges for renters and prospective owners. These challenges may include existing residential renters and local small businesses facing higher and unaffordable rents, and potential local homebuyers trying to compete with outside cash investors for single family homes. As a result, housing or business costs may become (more) unaffordable, and existing tenants may be forced by changing economic trends to find more affordable housing or business locations elsewhere, if available.
- “Direct displacement” is defined as a more intentional outcome, at a small or broad scale, of planned changes in land use and the direct redevelopment of existing neighborhoods or business properties. Direct displacement occurs when existing homes and/or business properties are converted to new and different land uses or when affordable rental properties are converted into less affordable use (i.e., condominiums). New or changed land use regulations that facilitate or enable such changes in land use can be the root cause of direct displacement.

CEQA Considerations Related to Gentrification and Displacement

CEQA Guidelines define the parameters under which consideration of socio-economic impacts is included in an EIR. Section 15131(a) of the Guidelines states that; “. . . economic or social effects of a project shall not be treated as significant effects on the environment. An EIR may trace a chain of cause and effect from a proposed decision on a project, through anticipated economic or social changes resulting from the project, to physical changes caused in turn by the economic or social changes. . . The focus of the analysis shall be on the physical changes.” Thus, changes in population and demographics

¹ West Oakland Specific Plan, page 9-15

² West Oakland Specific Plan Draft EIR, page 4.8-15

are generally characterized for CEQA purposes as social and economic effects, not physical effects on the environment and not a part of the City's CEQA considerations. Based on these CEQA Guidelines:

The Draft EIR does not, and is not required to address the effects of the West Oakland Specific Plan on the potential for increased gentrification, a change measured under social and economic demographic criteria.

The Draft EIR does not speculate on the extent to which potential indirect displacement of existing residences or businesses may result in physical changes as a result of implementation of the Specific Plan. The extent to which indirect displacement may occur (or is already occurring) in West Oakland will depend on the extent to which community-based organizations and the City of Oakland can support and enable existing residents and businesses to participate in and benefit from new economic activity in West Oakland. The extent to which equity-based programs identified in the Specific Plan (i.e., affordable housing, job training and development, local hiring, etc.) are successful in achieving equitable economic development for all will depend, in large measure, on the diligent and cooperative efforts of existing residents and businesses, City staff and elected officials, and developers of projects envisioned under this Plan. The EIR cannot assess or attempt to quantify the magnitude of potential indirect displacement resulting from implementation of the Specific Plan because the ultimate success of the City's equitable economic development efforts cannot be known, and because indirect displacement is a current condition which may not be negatively influenced by the Plan (see later discussion regarding how the West Oakland Specific Plan interact with existing trends). The EIR does not speculate on potential secondary physical impacts (such as increased commute distances and associated increases in emissions of air pollutants, GHG emissions and traffic congestion) that might result from indirect displacement because the magnitude of potential indirect displacement is not known, and because the significance of secondary physical impacts would be fully dependent upon decisions made by residents and businesses that may suffer from indirect displacement and to the extent that indirect displacement may result from implementation of the Plan regarding individual choices (or lack of choices) about where they live and work. Quantifying these impacts would be overly speculative.

However, pursuant to CEQA Guidelines the Draft EIR does analyze the issue of direct displacement associated with implementation of the West Oakland Specific Plan (see pages 4.8-15 through 4.8-19). The issues addressed in the Draft EIR include whether the Specific Plan would result in directly displacing substantial numbers of housing units and necessitating construction of replacement housing elsewhere in excess of that contained in the City's Housing Element, and whether the Specific Plan would result in direct displacement of substantial numbers of people necessitating the construction of replacement housing or employment elsewhere in excess of that contained in the City's General Plan.

- The Draft EIR concludes that implementation of the Specific Plan would not result in the direct displacement of housing or people. No housing is proposed to be removed or changed to a non-residential use. The Specific Plan does not propose any new development outside the identified Opportunity Areas. The existing residential neighborhoods of West Oakland are identified in the Specific Plan as "Enhancement Areas", where no land use change is proposed. The Specific Plan also proposes to retain the limited number of existing housing units located within the Opportunity Areas (see DEIR, page 4.8-15).

Non-CEQA Considerations Related to Gentrification and Displacement

Although gentrification and indirect displacement are not considered part of the permanent physical environment and thus are not environmental issues requiring analysis under CEQA, and although the City does not have thresholds of significance related to these issues, the following response is provided for informational purposes in an effort to provide the public and City decision-makers with relevant

information on these topics, and additional information regarding how the West Oakland Specific Plan addresses (or does not address) issues of gentrification and indirect displacement. By providing this information in this Final EIR, the City of Oakland has not determined that gentrification and indirect displacement are now CEQA-threshold issues to be included in other City CEQA documents.

Current Condition, West Oakland in Context

The following population and demographic data is derived from the Draft EIR (pages 4.8-1 through -5) and from the Draft West Oakland Specific Plan (Chapter 9). While some of these data are now three years old, they are still considered representative of existing conditions and trends.

Population

The population of West Oakland has grown from approximately 23,400 in 1990 to 25,250 persons in 2011, an increase of 15%. This growth rate is faster than the City's overall growth rate during the same time period, which was at 11%.

Race and Ethnicity

West Oakland has been a primarily African American community since the mid-20th century, but in recent decades the West Oakland population has become more diverse. In 2011, African Americans represented only a slight majority of West Oakland residents, representing a significant shift in the racial and ethnic composition of West Oakland. White, Asian and Hispanic populations have increased both in absolute number and as a proportion of total West Oakland residents, while the absolute number of African Americans has decreased. In 1990, there were 18,000 African American residents, representing 77% of the West Oakland population. By 2011, West Oakland's African American population had decreased by approximately 5,000 people (to just over 13,000) and represented 53% of West Oakland's total population.

Income

Median household incomes throughout West Oakland rose sharply between 1990 and 2000. The 1990 household income was reported at \$12,306 in 1990 and at \$22,424 in 2000, for an 82% increase. Household median incomes rose again by 2011, to \$27,055 (just over a 20% increase). Between 1990 and 2000, the median household income in West Oakland rose faster than did the median household incomes for the City as a whole, and rose at about the same rate as the rest of the City between 2000 and 2011 (18%). However, two-thirds of West Oakland households have median incomes below the federally-defined poverty level, and significantly lower than the City-wide average. These data indicate that while median incomes have gone up substantially, they still remain below the poverty level for many (the majority, or 2/3) of West Oakland households.

Home Ownership vs. Rental

In 2000, there were 9,415 housing units in West Oakland and 8,181 of these units were occupied. Of the total occupied units, approximately 21% were owner-occupied and 79% were renter-occupied. By 2010 the number of occupied units had increased to 9,040 and 25% of these were owner-occupied. Year 2013 data shows that of there were 9,409 total occupied units and approximately 24% were owner-occupied and 76% were renter-occupied. Since the number of total housing units increased from 2000 to 2013, there are currently more homeowners in West Oakland than there were in 1990 or 2000.

Home Prices

Based on US Census data, the median home price in West Oakland was \$98,737 in 1990, and rose to \$139,314 by year 2000.³ There was a dramatic increase in the real estate value of the average single family home in the five-year period between 2000 and 2005, during which time the 2004 Census trend estimates the median home price in West Oakland at \$237,377. Actual purchase prices were as high as \$331,000 according to other estimates.⁴ After the economic downturn of 2007 and 2008, property prices in West Oakland have increased by about 46% between 2009 and 2010. In contrast to long-term data trends, 2010 median home sales prices were higher in West Oakland than for the City as a whole.

Foreclosures

Oakland has been substantially affected by the national foreclosure trend following the 2008 collapse of the housing market. There was a 106% increase in foreclosure activity in West Oakland in 2008, compared to a 46% increase City-wide, with a slight moderation in 2009.

Rental Rates

Rental rates in West Oakland have fluctuated slightly since 2008 but have largely remained constant over the years. Unlike the rapid apartment rent increases projected for the City and the larger region, West Oakland rents remain flat. West Oakland has been seen as a discounted price rental market. However, West Oakland has a high percentage of residents that are cost burdened and who may have difficulty affording necessities such as food, clothing, transportation and medical care after paying rent.

Labor Force Participation, Jobs and Wages

West Oakland residents are less likely to be employed or to participate in the labor force than Oakland residents as a whole. In 2011, 42% of West Oakland residents over age 16 were employed in civilian workplaces as compared to 55% of all Oakland residents over age 16. Roughly 42% of West Oakland adults are reported as not participating in the labor force, compared to 36% of City-wide residents.

According to the 2010 US Census, there is a higher concentration of jobs in West Oakland in the industrial and construction-related industries than in the City as a whole. However, few West Oakland residents were employed in the higher-paying industrial and construction-related sectors. Instead, most employed West Oakland residents worked in the service sector. Meanwhile, City-wide there are more jobs in the educational services and professional, scientific, and technical services sectors.

There is also a difference in earnings between West Oakland jobs and citywide jobs. A larger proportion of the City of Oakland's workers earned higher wages (defined as earnings over \$3,333 per month) than workers employed in West Oakland. However, the City as whole also had a higher proportion of low earning workers (defined as earnings of \$1,250 or less per month) compared to West Oakland.

Implications & Conclusions

The data presented above indicate that the process of gentrification (as defined above) is well underway in West Oakland, in advance of and independent of any consideration of the West Oakland Specific Plan.

³ City of Oakland, accessed at:

<http://www.planning.org/communityassistance/2005/pdf/WestOaklandDemographicProfile.pdf>

⁴ Social Compact, Neighborhood Market DrillDown, accessed at:

<http://www.urbanstrategies.org/documents/WestOaklandBook.pdf>

- While West Oakland's population has increased by nearly 2,000 people between 1990 and 2010 (at a rapid rate of 15%), the African American population of West Oakland has declined by nearly 5,000 people during the same time period.
- African Americans now represent about 53% of the West Oakland population, compared to 1990 when African Americans represented about 77% of the West Oakland population.
- Median household incomes have risen sharply between 1990 and 2000 (by about 50%), but approximately two-thirds of West Oakland households still have median incomes below the federally-defined poverty level. This indicates that the income levels of some West Oakland residents are substantially higher than the median incomes of others (i.e., a widening wealth gap).
- In contrast to longer-term trends, the 2010 median home sales price in West Oakland (a strong indicator of relative property values) was higher in West Oakland than for the City as a whole, reflecting a rapid increase in property values.
- Although rents have so far remained relatively stable, the reintroduction of previously foreclosed homes in West Oakland (many purchased by corporate investors at low prices during the Recession and now offered at substantially greater than purchased prices) indicates a substantial increase in the relative unaffordability of housing for many West Oakland residents.

The declining number of African Americans in West Oakland is indicative of an already-occurring process of indirect dislocation of this population, although there are likely many reasons why this population may have chosen to relocate.

How Does the West Oakland Specific Plan Interact with these Trends?

Many commenters have expressed the opinion that implementation of the West Oakland Specific Plan will exacerbate these pre-existing gentrification trends, and will not only result in definable indirect displacement but also will result in direct displacement of residents, small businesses and employees. Below is an assessment of the extent to which the Specific Plan interacts with current gentrification and displacement trends. The assessment examines the following issues:

- the extent to which land use changes are proposed for West Oakland's residential neighborhoods,
- opportunity for small scale residential development,
- increases in number of new housing units,
- removal of existing economic barriers, and
- the impact of particular proposed zones for business enhancement, low intensity business, high intensity business and retail services.

The assessment indicates whether these Specific Plan elements counter the gentrification and displacement trends, exacerbates these trends, or is neutral and maintains the status quo.

No Land Use Changes in West Oakland Residential Neighborhoods

One of the first products of the Specific Plan effort presented to the public was the boundary for each of the Plan's Opportunity Areas. The Opportunity Areas are the places where new growth and development is facilitated by the Specific Plan and is most likely to occur. Many of the sites located within these Opportunity Areas are long-standing dormant and/or underutilized properties, potential development sites available as a result of the relocated I-880 freeway and other prospective developments sites expected to be vacated when current uses proceed with planned relocation to the

former Oakland Army Base. Development of these Opportunity Area sites has been historically challenging, yet their strategic location affords them the potential to assist in revitalizing the areas surrounding them. The boundaries of the Opportunity Areas were carefully drawn to not include any of West Oakland's residential neighborhoods. Instead, the residential neighborhoods are identified in the Specific Plan as Residential Enhancement Areas which should be enhanced through the preservation of historic resources, by facilitating maintenance of homes by property owners, with improved streetscapes, and by small-scaled infill of vacant parcels with similarly-scaled and compatible housing. The Specific Plan keeps all of West Oakland's single family homes and residential neighborhoods intact, with no change in land use designation, zoning or other land use plans within any of West Oakland's residential neighborhoods.

- Because it cannot dictate market values, the Specific Plan maintains the status quo regarding the transition of West Oakland's neighborhoods and increasing home prices and rents. However, the Specific Plan counters on-going speculation occurring within West Oakland's neighborhoods, where property owners or developers may have anticipated substantial redevelopment opportunities to convert existing older single-family home neighborhoods in to new, more dense and more profitable development projects. The Specific Plan does not offer any new land use changes within West Oakland's neighborhoods that would facilitate or permit such development.

Smaller-Scale Residential Development Opportunities

The Specific Plan relaxes current development regulations within existing single-family neighborhoods to permit and encourage the creation of secondary units by easing the City's Planning Code restrictions relative to parking and setbacks.

- This component of the Specific Plan counters displacement trends by making smaller, affordable secondary units more easily obtained, and increases the relative income potential for existing individual single-family homeowners.

Increased Number of New Housing Units

Outside of the existing West Oakland residential neighborhoods, the Specific Plan substantially increases the number of potential new housing development opportunities within the Plan's identified Opportunity Areas. The majority of these new housing units are associated with the expected transit-oriented development at the West Oakland BART station (West Oakland BART TOD). The Specific Plan supports and reaffirms the City's long-standing commitment to development of the West Oakland BART TOD, which has been planned for nearly a decade and which is already allowed and encouraged under current City zoning. Other residential development anticipated pursuant to the Specific Plan includes the conversion of underutilized industrial properties at the Roadway site near Raimondi Park and at the Phoenix Iron Works site near I-800, to residential use. It also envisions the infill of mixed-use development along the 7th Street and San Pablo Avenue corridors. The development of new housing opportunities at all of these locations would result in increasing the number of housing units available in West Oakland by about 5,000 units over the buildout term of the Plan.

- By encouraging the addition of new housing units to the West Oakland market, it is likely that these new units would ease the market demand on existing houses. With greater housing supply, the market may respond by lowering the rate at which housing prices have escalated in the recent past, thus countering current economic trends.
- By encouraging new housing (especially at the West Oakland BART station), it will encourage and likely facilitate the current demographic changes already taking place in West Oakland. Transit

Oriented Development (TOD) at the West Oakland BART station area will likely be an attractive opportunity for new commuters that will see this location as being relatively affordable and an easy BART commute away from San Francisco. As such, the new housing envisioned under the Plan will add greater diversity of housing types and price ranges to that which currently exist in West Oakland, resulting in an exacerbation of the current demographic changes related to increasing income levels and changes in the race and ethnicity composition of new West Oakland residents.

Removal of Existing Economic Development Barriers

An important goal of the West Oakland Specific Plan is to remove or reduce several recognized barriers to economic development and business retention. These barriers, as identified in the Plan include substandard public infrastructure; abandoned rail lines in the middle of the streets; crime and the need for improved means of police response, communication, reporting of criminal acts and prosecution of offenders; illegal dumping; graffiti on public and private property; weeds and debris on public and private property; homeless encampments; blight; and the presence of contaminated soils and groundwater. These conditions are identified as barriers that hinder economic development. The Specific Plan identifies current City efforts and possible new strategies to better address the physical and land use improvements needed to remove these obstacles to growth, development and revitalization.

- The barriers listed above not only make West Oakland a less attractive place for investment and economic development, they also make West Oakland a less desirable place for existing residents and businesses. They are generally economically-driven social conditions which result in negative images of West Oakland as a place to live and to conduct business, and they detract from the quality of life of those who now live in West Oakland. Removal of blight, addressing crime, securing basic public infrastructure and remediation of toxic contamination are considered essential components of a healthier West Oakland community for all people.
- By improving these conditions (toxics, air quality, infrastructure, blight, and crime), one of the possible results may be an increase in the relative value of surrounding properties. The resulting socio-economic changes related to increased property values may include motivating landlords to raise rents, increasing housing prices even further to the detriment of existing residents looking to purchase, and causing even more frequent land sales with a compounding increase in property values.

Business Enhancement Zone

Of the 270 net acres of property currently zoned for businesses and industrial uses, the Specific Plan proposes to zone 133 acres (approximately 50%) as Business Enhancement zones. The purpose of the Business Enhancement zone is to facilitate more intensive use of existing buildings and facilities which remain structurally sound and economically viable, thereby lowering vacancies and increasing utilization. New development projects proposing to demolish an existing non-blighted building within a Business Enhancement zone would be required to demonstrate that it is economically, functionally, architecturally or structurally infeasible to reuse the existing structure. This zone provides for the retention of nearly 5.2 million square feet of existing industrial building space within West Oakland.

- Although this Specific Plan strategy received fewer comments than did other topics, it is perhaps the boldest recommendation included in the Plan to counter potential displacement of existing small businesses and the loss of industrial lands and buildings. Much of the older industrial building stock in West Oakland provides relatively affordable industrial space, and contains smaller industrial businesses that provide a substantial number of well-paying industrial and construction-related jobs. The Business Enhancement zone will significantly reduce the extent of speculative land holding, as

property owners realize that building demolition, land clearing and construction of new and higher intensity business space will not be easily permitted.

Low Intensity Business Zone

Of the 270 net acres of property currently zoned for businesses and industrial uses, the Specific Plan proposes to zone 48 acres (approximately 18%) as Low Intensity Business zones. The purpose of the Low Intensity Business zone is to identify where new business and light industrial development should occur, generally in similar scale and character as the surrounding industrial and business area. Generally, sites proposed to be zoned Low Intensity Business are vacant or underutilized lots, or properties which contain structures so heavily blighted or compromised as to be a hazard or a detriment to the economic development of surrounding properties. Frequently, these sites also have a legacy of soil and groundwater contamination in need of clean-up and remediation. The Low Intensity Business zone would place further restrictions on the expansion or introduction of intensive land uses such as new primary truck and freight operations and recycling and waste operations, and would lower the permitted floor-area ratio (FAR) from the current ratio of 4:1, to a new ratio of 2:1. The Low Intensity Business zone has a buildout potential of as much as nearly 1.18 million square feet of new building business and industrial space.

- The Specific Plan's Low Intensity Business zone also counters potential displacement of existing small businesses within West Oakland. It reduces the currently allowed development envelope for new business space by one-half and is targeted specifically to those types of industries that have substantial market potential in West Oakland (i.e., urban and custom manufacturing, industrial arts, construction and related design and engineering, and "green" economy jobs). The Low Intensity Business zone will reduce the extent of speculative land holdings by reducing permitted FAR. The majority of jobs in those industries most likely to be accommodated within the Low Intensity Business Zone are in the production and construction occupations. These occupations offer good-paying, middle-wage jobs for workers with less than a college education, and many offer on-the-job training and advancement opportunities. The green economy business sector includes a mix of newer and diversified industries that are also targeted for occupancy in the Low Intensity Business Zone. This business sector typically offers a range of job types, with the majority of jobs in middle-wage occupations often defined as green-collar occupations. They typically offer good-paying jobs, may not require higher education, and can also provide training and advancement opportunities for workers.

High Intensity Business Zone

Of the 270 net acres of property currently zoned for businesses and industrial uses, 66 acres (approximately 25%) are proposed under the Specific Plan as having a High Intensity Business zone. The purpose of the High Intensity Business zone is to identify appropriate sites where particularly strong locational advantages make possible the attraction of higher-intensity business uses in the information, life sciences and biotechnology sectors. This zone identifies preferred locations for these more intensively developed (i.e., mid-rise building heights, densely developed, likely served by structured parking) sites, more likely to be developed in the mid-term or later. The High Intensity zone would encourage buildings with more interior improvements and amenities and more costly structured parking, generally supported by businesses with greater rent-paying abilities. The High Intensity Business zone is expected to be able to accommodate as much as 4.68 million square feet of new building space.

- The life sciences and information sectors typically have a large share of jobs in the professional, technical, and scientific occupations. These are higher-wage occupations and many require college

educations. These business sectors also support jobs that provide on-the-job training for employees without higher education, and they include jobs in good-paying, middle-wage occupations as well. Entry level jobs exist in support of business in these sectors, some which offer career ladder pathways with attainment of specific technical credentials.

- The future development of new building space serving these business sectors would change the character of West Oakland's industrial area, particularly if left un-checked. However, the High Intensity Business zone is applied to a limited number of targeted sites and serves to guide (and limit) new larger-scaled development in the information, life sciences and biotechnology sectors, rather than reacting to changing market conditions.

Retail Services

West Oakland is severely underserved by retail uses that supply the basic consumer needs of its residents. The degree to which retail needs are left unmet by local shops is greater than for the City as a whole. As stated in the Specific Plan, "great neighborhoods include local shopping districts that provide opportunities for people to take part in the social life of the greater community as they satisfy their everyday shopping needs. Currently, there are few if any local and walkable neighborhood commercial streets that give focus and identity to the community". West Oakland's historic neighborhood commercial districts were focused along 7th Street and Market Street, but these commercial districts were largely removed (directly displaced) in the 1960s and 1970s. The Specific Plan seeks to re-establish West Oakland's traditional neighborhood districts with active ground-floor retail including grocers, locally-serving convenience retail and destination retail.

- The provision of greater retail opportunities throughout West Oakland can increase the availability of goods and services for local residents and businesses, especially grocery stores; can capture "economic leakage" (dollars from West Oakland residents that are spent within and that benefit other neighborhoods and communities); and can create additional retail jobs.

Affordable Housing and Equitable Economic Development

The Specific Plan includes an entire chapter addressing the broader implications of development with respect to access to affordable housing and equitable economic development. This chapter of the Specific Plan recommends strategies for ensuring that existing residents and local workers, households and businesses can participate in and benefit from future development in West Oakland. The Specific Plan acknowledges that there is the potential that new development will raise concerns about the effects of neighborhood change and displacement on long-standing residents and businesses. The strategies recommended in the Specific Plan to address these concerns build upon the prior efforts of Community-Based Organizations (CBOs) and the City of Oakland to support the ability for existing residents as well as newer residents and businesses to participate in and benefit from new economic activity in West Oakland.

Affordable Housing

Affordable housing is a critical component of a sustainable neighborhood, and the Plan acknowledges that it is therefore imperative to have a strategy in place to ensure affordable housing is available to all existing and future residents, especially since having affordable rents targeted to 30% of household income both stabilizes low income residents and provides these households with expendable income for other living and recreating expenses. Due to declining federal assistance to support new affordable housing construction, the recent statewide dissolution of California's Redevelopment Agencies (including the Oakland Redevelopment Agency) and a still-recovering City revenue projection, a creative

menu of strategies is needed to provide additional affordable housing to accommodate the area's projected population growth and maintain a balanced mix of incomes in the area.

The Specific Plan recognizes several existing City and other non-profit programs that provide various forms of effective (though limited by reduced funding availability) assistance, including:

- **City of Oakland Housing Programs:** These housing programs support and fund housing rehabilitation, provide assistance to first time home buyers, help fund housing development, and provide other miscellaneous housing services for low- and moderate-income households. Although these housing programs no longer have access to the former Redevelopment Agency's locally-generated redevelopment funds, the City does receive funding support from federal HOME funds and Community Development Block Grant funds.
- **First Time Homebuyer Assistance:** The City is engaged in a variety of efforts to provide opportunities for first-time homebuyers to purchase homes. The City's Mortgage Assistance Programs provides deferred payment second mortgages to low and very low income homebuyers. The City develops new and rehabilitates existing housing units for purchase at affordable prices to low income families through collaboration with non-profits such as Habitat for Humanity, Oakland Community Land Trust, and East Bay Asian Local Development Corporation (EBALDC). Other programs provided by the City and by organizations, such as the Unity Council, with whom the City has developed partnerships include counseling and education for first-time homebuyers.
- **Tenant Protections:** Several tenant protection ordinances currently exist in Oakland that includes Rent Adjustment and Just Cause for Eviction. However, these largely benefit current tenants, benefit eligible residents regardless of income levels, and do not guarantee rents that are affordable to the households currently living in the units.
- **Residential Lending Programs:** One key component of equitable housing development and prevention of displacement of existing Oakland residents are programs to improve existing smaller residential buildings, particularly those owned by low to moderate income households, and/or seniors. The Residential Lending Division of the City's Department of Housing provides technical and financial assistance for repairs to owner-occupied homes and grants for accessibility modifications to 1-4 unit owner-occupied and rental properties.
- **Affordable Housing Development Programs:** Under these programs, City staff works with for-profit and non-profit developers to revitalize neighborhoods and increase housing opportunities through new construction, substantial rehabilitation and preservation of rental and ownership housing for very low-, low- and moderate income households. Staff implements the City's annual Notice of Funding Availability (NOFA) process to make competitive funding awards for affordable housing projects and monitors the City's portfolio, including 18 developments and 1,437 units in West Oakland, to ensure proper management and maintenance and compliance with rent and income limits.
- **Oakland Community Land Trust (OakCLT):** The mission of OakCLT is to help provide permanently affordable homes and to stave off blight in Oakland's neighborhoods. The Oakland Community Land Trust (OakCLT) was established through the joint efforts of Urban Strategies Council and other community partners to acquire and rehabilitate vacant, foreclosed homes and then sell the renovated homes to new homebuyers at a price affordable to working families earning 50 to 80% of the area's median income.

The Specific Plan recommends that the City target 15% of the new units to be built in West Oakland between now and 2035 for low- and moderate-income households, consistent with former state

Redevelopment Area requirements. The financing method for these new affordable units is uncertain given the state-wide dissolution of former Redevelopment agencies, but the City is currently undertaking a number of city-wide initiatives to develop new funding mechanisms to produce affordable housing. The Specific Plan also discourages an over-concentration of affordable or other special needs housing within one area or development, and instead recommends that such housing should be distributed throughout West Oakland and be well integrated with general market-rate housing. In addition, the Plan recommends that City programs should be used to help existing restricted affordable housing properties stay in excellent condition, and to cultivate first-time homebuyers as well as to provide resources for existing low income residents to remain in their units by lowering cost burdens. Additional strategies that are intended to ensure continued availability of affordable housing options for lower and moderate income households in West Oakland are included in the Specific Plan. These strategies, as outlined below also include more detailed implementation recommendations that are not itemized in this list.

- Prioritize preservation of subsidized affordable housing and seek out additional sources of funding to continue the City of Oakland’s programs.
- In addition to providing market-rate new units, expand, stabilize, and improve affordable housing opportunities for extremely low to moderate income renters and homebuyers.
- Promote intergovernmental coordination in review and approval of residential development proposals when more than one governmental agency has jurisdiction.
- Expand opportunities for affordable homeownership and rentals, while balancing the needs for both additional market rate and affordable housing.
- Ensure continued availability of safe and affordable housing options for lower income and moderate income households.
- Take steps to reduce the vulnerability to foreclosures of existing owners and renters, and to ensure that new owners of foreclosed properties become responsible stewards of the properties
- Conserve and improve older housing and neighborhoods.
- Preserve the affordability of subsidized rental housing for lower-income households that may be at-risk of converting to market rate housing.
- Promote equal housing opportunity.
- Develop and promote sustainable development and sustainable communities that in turn create more disposable income for housing.
- Study the feasibility to enact a “right of first refusal” policy, where not in place, to require that housing units that are renovated through redevelopment, rehabilitation (including due to code enforcement activities), to be offered to existing tenants first, before being sold or re-rented on the private market.
- Explore ways to evaluate and mitigate displacement by individual development projects.

Equitable Economic Development

The Specific Plan also presents a number of strategies for empowering existing residents and businesses to participate in and benefit from the new development and economic activity planned for West Oakland by building on and connecting existing governmental and community-based equitable economic development programs. The Specific Plan includes strategies that seek to empower residents

at a range of education and skill levels to find high quality and well-paying jobs, either in West Oakland or elsewhere in the region; to support, develop and retain small businesses including locally-owned neighborhood-serving businesses, as well as the growing industrial arts and urban manufacturing sectors; to cultivate a business environment that contributes to West Oakland's overall economic competitiveness; and to ensure that households have access to neighborhood-serving retail and other goods and services to support a high quality of life. These strategies, which are outlined below (and which also include more detailed implementation recommendations that are not itemized in this list) seek to ensure that all West Oakland residents, workers and businesses have the opportunity to participate in and benefit from economic growth:

- Continue to work with public agencies to identify additional job opportunities on major public construction and/or operations projects.
- Continue to work with local job readiness, training, and placement organizations to establish career pathways in construction and operations.
- Continue to work with public agencies to bring job training, placement and referral resources for an array of employment types to the West Oakland Job Resource Center.
- Work with West Oakland employers, Community-Based Organizations, and educational institutions to establish career pathways for residents in a range of local industries.
- Work with regional employers, Community-Based Organizations, educational institutions to establish career pathways for residents in a range of industries at the regional level.
- Enact land use policies, zoning regulations, and design guidelines to protect historic, architecturally and structurally significant structures through adaptive reuse and encourage infill development between existing buildings.
- Encourage the preservation of affordable space for artists and/or small urban manufacturers.
- Market West Oakland's arts and culture districts and unique "maker" identity.
- Include local art, design, and fabrication as integral components of new development.
- Continue to offer and raise awareness of small business support opportunities for West Oakland businesses through the City of Oakland's existing economic and workforce development programs.
- Establish a neighborhood economic development corporation to provide entrepreneurship training and small business support in West Oakland.
- Support the expansion of an existing grocery store and/or the establishment of new grocery stores in West Oakland.
- Promote the development of community-based, neighborhood-serving retail and service businesses.
- Identify vacant or underutilized publicly-owned land in West Oakland with the potential for community benefit.
- Work with the developers of the West Oakland Transit Village project to include space for community-based businesses as part of the development.
- Explore long-term opportunities to leverage new development and industries for community benefit.

Conclusions

The West Oakland Specific Plan does not have any policies, strategies or recommendations that would result in direct displacement of existing businesses or residents. No housing is proposed to be removed or changed, and no shift in land use plans or policies pertaining to West Oakland's existing residential neighborhoods is recommended. The Specific Plan does not have any recommendations or land use plans that would displace any existing businesses, but instead seeks to direct new business and industrial development to currently vacant and blighted properties, or properties that may be vacated by the existing businesses for reasons unrelated to the Specific Plan.

The West Oakland Specific Plan may contribute to existing trends toward gentrification of West Oakland. A fundamental purpose of the Specific Plan is to facilitate development and redevelopment of vacant and/or underutilized properties, and is intended to attract developers to key sites and to encourage new targeted economic development. The Specific Plan contains a "roadmap" for reducing blight, attracting new industry, promoting smart growth and transit-oriented development that serves a range of incomes, and encouraging enhancements to existing transit. If implemented, these stated purposes of the Specific Plan would likely contribute to current gentrification trends already realized in West Oakland - toward wealthier residents and/or businesses, increased property values, and a continued increase in racial diversity.

The City staff and consultants who have collaborated in preparing this response also recognize that the debate over whether this Plan does enough to counter the potential for unintended, indirect displacement of existing residents and businesses is fair, and that the debate will likely continue well beyond consideration of approval of this Plan. The Specific Plan includes a variety of planning strategies (described above) intended to empower existing residents and businesses to participate in and benefit from new development and economic activity, to improve the quality of life for existing and future residents, and to increase community-wide benefits associated with new development. However, the Plan itself cannot provide the funding or the guarantees that these planning strategies will be rigorously implemented over time. These guarantees can only be achieved through diligent, cooperative implementation efforts between existing residents and businesses, City staff and elected officials, and developers of the projects envisioned under this Plan.

Master Response #2: Specific Plan Merits and Related Non-CEQA Topics

A large number of comments received in response to the DEIR speak to the merits of the Specific Plan. These Plan-related comments include without limitation the topics of historic resource preservation strategies, the relative merits of the Plan's recommended industrial and other land use overlays, the proposed land use recommendations for certain properties, development incentives and requirements, the provision of open space, local hiring requirements, urban design considerations, economic viability and market conditions affecting the Plan Area, and additional topics that commenters believe should have been included in the Specific Plan but that were not. Other non-CEQA comments pertained to the adequacy of the public review process of the Plan and EIR process.

Recognizing that some of these topics can affect the physical environment within the purview of CEQA, appropriate responses to comments addressing those instances are presented in Chapters 5 and 6 of this document. Other non-CEQA comments pertained to the adequacy of the public review process of the Plan and EIR process.

This Master Response specifically addresses Plan-related comments that raise non-CEQA issues that clearly do not affect the physical environment or pertain to the adequacy of the analysis in the EIR or that address the Specific Plan's physical impacts on the environment pursuant to CEQA. The majority of

Plan-related comments and concerns are not related to quantifiable, physical environmental issues that are addressed in an EIR document, and cannot be objectively assessed against the significance criteria provided by the City of Oakland's CEQA Thresholds/Criteria of Significance. Many of the Plan-related, non-CEQA comments address economic and social considerations that the City must consider. Specifically, section 15131(b) of the CEQA Guidelines provides that the economic or social impacts of a project shall be evaluated in an EIR if there is evidence that the economic or social effects of the project will produce significant physical environmental impacts. To the extent that the economic and social effects of the Plan could result in physical changes to the environment, such potential environmental impacts have been identified and fully analyzed in the relevant topical sections of the DEIR.

Each of the Plan-related comments and comments that address topics beyond the purview of the EIR or CEQA is noted in this document for the public record of this process. The City has considered and in many cases addressed (through Plan revisions – see Master Response #3, below) these Plan-related comments as it prepared the *May 2014 West Oakland Specific Plan*. Further, many of these expressed concerns regarding the Specific Plan will be summarized and addressed in a separate Attachment to the City Planning Commission's staff report on the Specific Plan. Moreover, these concerns will be considered by the City decision-makers prior to taking action on the Specific Plan as part of the planning considerations of discretionary matters that the City must balance in its deliberations of the Project. Additionally, certain Plan-related comments may be specifically addressed further during the City's subsequent discretionary and design review processes for implementation of individual development projects pursuant to the Specific Plan.

Master Response#3: Changes to the Project Description

Many of the comments on the Specific Plan are particular to certain physical elements or recommendations of the Specific Plan that also form the basis for the Project Description as presented in the Draft EIR and as analyzed in the Draft EIR. City staff has carefully considered these comments, and in certain cases has revised the Specific Plan (as now presented in the May 2014 West Oakland Specific Plan), such that the Project Description presented in the Draft EIR has also been modified. A listing of those physical elements of the proposed Specific Plan that have been modified or changed in the May 2014 version of the Plan is provided below, together with a discussion of their CEQA-related implications.

CIX Land Use Overlays

One of the strategies underlying the January 2014 Draft Specific Plan was establishment of new land use overlays applicable to individual areas within the current CIX-1 zones. These overlay zones added additional regulations to the current CIX-1 zoning provisions. Of the 270 net acres of property currently zoned for businesses and industrial uses, 66 acres (approximately 25%) were proposed under January 2014 Specific Plan for a High Intensity Business overlay, 48 acres (approximately 18%) were proposed for a Low Intensity overlay, 133 acres (approximately 50%) were proposed for a Business Enhancement overlay, and 23 acres (approximately 7%) were proposed for a Large Format Retail Overlay.

In response to numerous comments, staff has proposed to amend the original overlay scheme. Rather than adding an additional land use overlay, staff now proposes to amend the Planning Code to create new zoning districts for West Oakland's industrial areas. These new zoning districts include much of the same land use rules as were recommended in the overlays, but instead now simplifies these new land use rules into one more easily assessable and consistent set of zoning regulations.

Additionally, staff has reviewed the individual sites where these new land zoning districts would be applied, and has made adjustments to the boundaries of these new zoning districts as compared to the overlay boundaries presented in the January 2014 Plan. The adjusted boundaries of new CIX zoning districts are shown on **Figure 4-1**, and are included in the current, May 2014 West Oakland Specific Plan.

CEQA Considerations

The new CIX zoning districts now proposed by staff are similar to the previously recommended overlays, but functionally more efficient and easier to implement than a separate overlay system. Therefore, the analysis of potential environmental consequences associated with the business and industrial land use overlays as presented in the Draft EIR remains the same. Additionally, although minor modifications have been made to the boundaries of where the new zones would apply as compared to the boundaries of the previous overlays (see **Figure 4-2**), the total acreage within each new zoning district is generally similar to the acreage of each of the previous overlays. Therefore, the potential buildout numbers presented in the Draft EIR remain generally similar and do not result in any new environmental impacts, or any increase in the severity of potential environmental impacts as described in the Draft EIR.

Mayway/Coca-Cola Bottling Company Site

This site is located at the northeast corner of the Mandela Parkway/12th Street intersection. The current General Plan land use designation for this site is Business Mix, and the current zoning for this site is CIX-1. The January Draft Specific Plan proposed to amend this site's land use designation to Housing and Business Mix and to re-zone this site to Housing/Business Mix (HBX-2) to enable reuse of the site for new residences and live/work units.

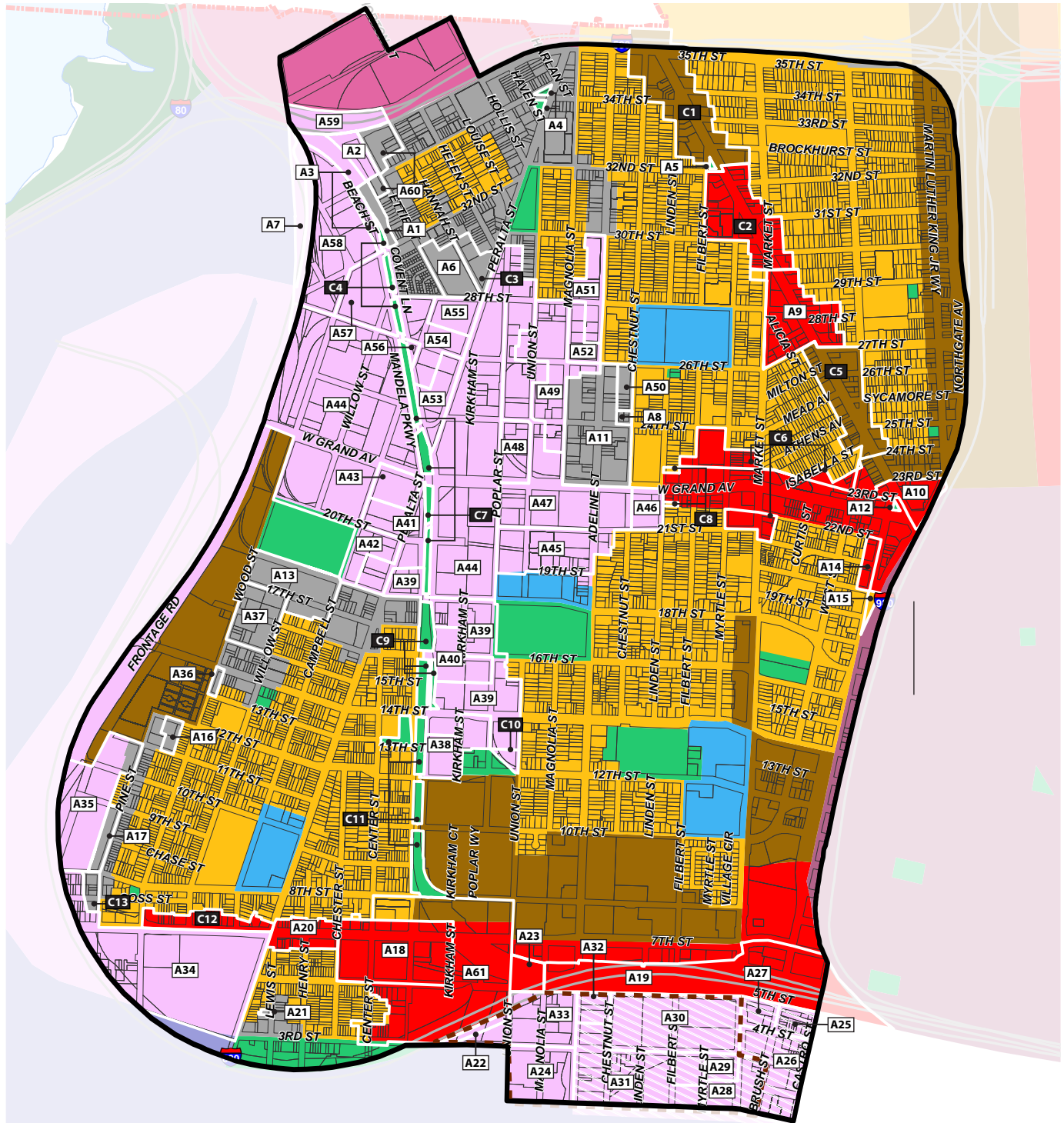
Staff now agrees with numerous comments (including those of the property owner) that new residential use at this site may result in conflicts with adjacent industrial uses, and the proposal to re-zone this site to HBX-2 has removed from consideration for residential conversion (see Draft EIR Revisions, Chapter 7 of this Response to Comments document).

CEQA Considerations

The Draft EIR (page 4.6-24) indicated that the originally proposed General Plan amendment and rezoning of the Mayway/Coca-Cola site would be in direct conflict with the City's Industrial Land Use Policy. Under staff's current proposal for this site, this conflict with the industrial land use protection policy would no longer occur. Retention of industrial land uses at the Mayway site would not result in any new environmental impacts, or any increase in the severity of potential environmental impacts as described in the Draft EIR.

EBMUD's Adeline Street Maintenance Center

This site is located along the south side of West Grand Avenue, east of Mandela Parkway. The current General Plan land use designation for this site is Business Mix and the current zoning for this site is CIX-1. The January Draft Specific Plan proposed to designate this site with a High Intensity Business land use overlay, indicating that this site was an appropriate location for higher intensity commercial and light industrial land uses. Staff proposes to remove the High Intensity land use designation from this site (see Draft EIR Revisions, Chapter 7 of this Response to Comments document).



Legend

- City Boundary (Red dashed line)
- WOSP Plan Boundary (Black solid line)
- Area changing from Estuary Policy Plan to Land Use & Transportation Element (Light blue shading)
- "T" Combining Zone (Brown dashed line)

General Plan Designations

- Mixed Housing Type Residential (Yellow)
- Urban Residential (Brown)
- Neighborhood Center Mixed Use (Orange)
- Community Commercial (Red)
- Housing and Business Mix (Grey)
- Regional Commercial (Pink)
- Business Mix (Light Purple)
- Gen Industrial/Transportation (Dark Purple)
- Institutional (Blue)
- Urban Open Space (Green)

General Plan / Zoning Changes:

- A1 (Circle with 'A')

General Plan / Zoning Corrections:

- C1 (Square with 'C')

Figure 4-1
Proposed General Plan Amendments and Zoning Changes, Updated Project Description

Source: City of Oakland

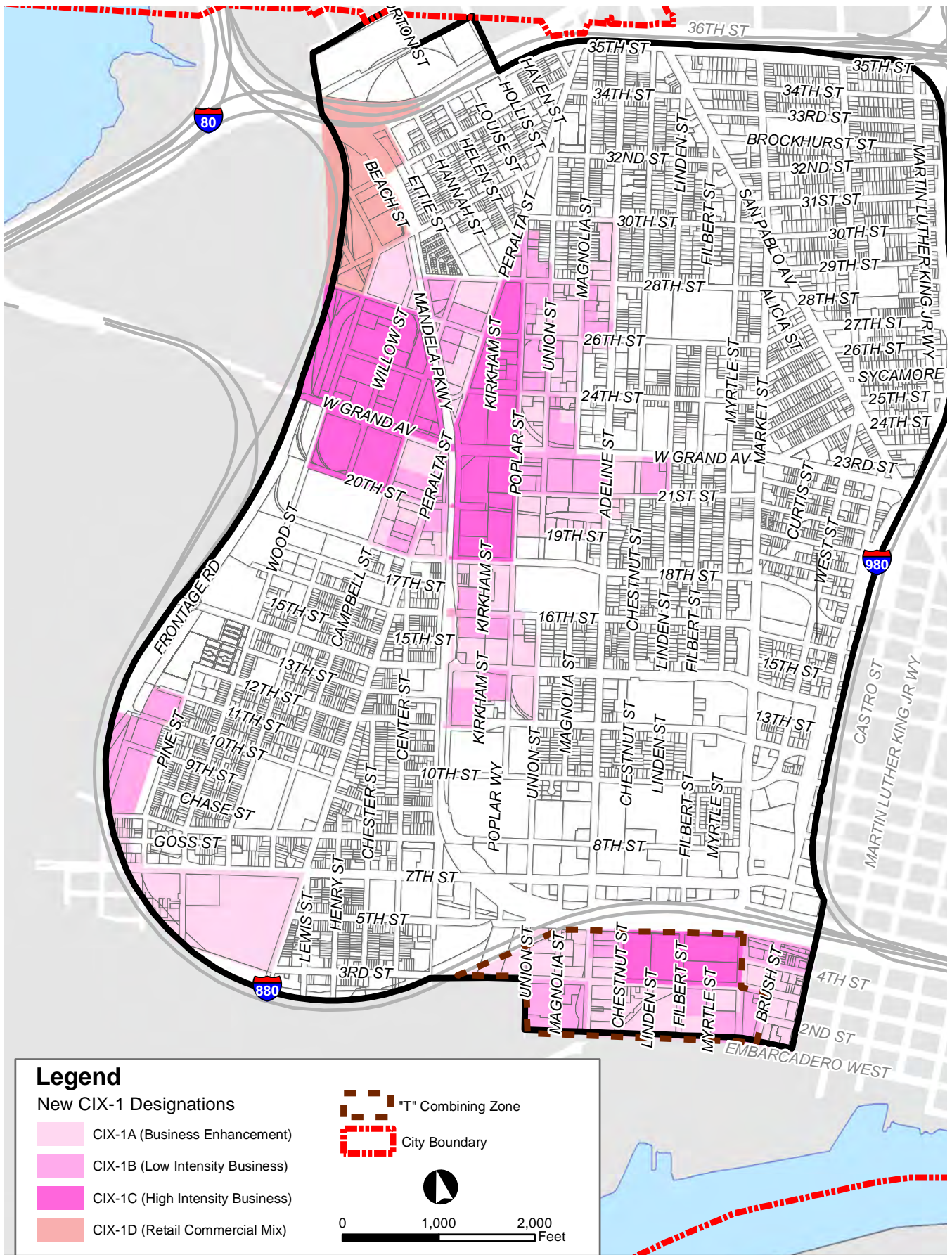


Figure 4-2
Proposed New Commercial / Industrial Mix (CIX)
Zones

Source: City of Oakland

CEQA Considerations

The Draft EIR's designation of this site for High Intensity business land use would have resulted in substantially greater development of this site than what currently exists at the EBMUD facility, contributing to the Project's overall traffic, air quality and GHG impacts, and resulting in greater overall change in the Mandela/West Grand Opportunity area. Under staff's current proposal to retain the lower intensity zoning for this site, the increases in environmental effects associated with the higher intensity of use would no longer occur. Retention of the lower intensity business and industrial land use zoning at the EBMUD Adeline site would not result in any new environmental impacts, or any increase in the severity of potential environmental impacts as described in the Draft EIR.

Lane Reductions

The January 2014 Specific Plan recommended a network of "complete streets" throughout West Oakland. The Complete Streets policy and Ordinance (C.M.S. 13153) specifically calls for a "comprehensive, integrated transportation network, with roadways designed and operated to enable safe, attractive, and comfortable access and travel for all users, including: pedestrians, bicyclists, persons with disabilities, seniors, children, motorists, movers of commercial goods, operators of public transportation, public transportation users of all abilities, and emergency responders". The streets named below were therefore designated to serve not only the automobile, but also providing an interconnected system of bicycle paths and lanes, pedestrian improvements and streetscape amenities, and transit improvements. As part of the complete streets strategy, the Plan proposed roadway travel lane reductions at the following locations:

- reducing the number of travel lanes on West Grand Avenue from the existing six travel lanes to four travel lanes between West Street and Mandela Parkway, while retaining bike lanes and passage for transit;
- reducing the number of travel lanes on Adeline Street between 3rd Street and 36th Street from the existing four travel lanes to two travel lanes with a center turn lane;
- reducing the number of travel lanes on 12th Street between Market Street and Mandela Parkway, from the existing four travel lanes to two travel lanes with a center turn lane;
- reducing the number of travel lanes on 14th Street between Market Street and Mandela Parkway, from the existing four travel lanes to two travel lanes with a center turn lane; and
- reducing the number of travel lanes on 8th Street between Market Street and Mandela Parkway, from the existing four travel lanes to two travel lanes with a center turn lane.

These proposed lane reductions have been criticized by numerous commenters as potentially causing greater conflicts between pedestrian, bicyclists and motor vehicles (including trucks); as presenting operational problems for transit services; as reducing traffic capacity resulting in congestion; and as economic development disincentives. Staff now proposes to remove the lane reductions previously recommended for 14th Street, 12th Street and 8th Street.

Staff also provides the following additional information to further clarify that the lane reductions indicated on West Grand Avenue and Adeline Street are those same bicycle lane improvements called for in the City of Oakland's Bicycle Master Plan that were adopted by City Council in 2007 as part of the Land Use and Transportation Element of the City's General Plan, and reaffirmed by City Council on December 4, 2012. As required by the complete streets Ordinance and consistent with the City of Oakland's Bicycle Master Plan, bike lanes are to be added on Adeline Street from 3rd Street to 36th Street at the Emeryville border, and on West Grand Avenue from Mandela Parkway to Market Street.

Both projects will close gaps in the citywide bikeway network. The projects will be implemented in coordination with the City's Pavement Management Program through the City's update to the Five Year Paving Plan. If the roadways are not part of the updated Five Year Paving Plan, the projects will be implemented as restriping projects funded by the City's Capital Improvement Program for Bicycle Master Plan Implementation.

- The new bike lanes on Adeline Street will create a continuous bikeway through Oakland and Emeryville, from 3rd Street to 61st Street near the Berkeley border. These bicycle lanes will intersect with existing bikeways on 3rd Street, 8th Street, 14th Street, and 32nd Street. The Adeline Street bike lanes will require reconfiguration of Adeline Street from two travel lanes in each direction to one travel lane and one bike lane in each direction, plus a two-way center turn lane.
- The bike lanes on West Grand Avenue will close a key gap from Mandela Parkway to Market Street and connect to the existing bikeway on Grand Avenue between Market Street and Embarcadero in the Grand Lake neighborhood. In conjunction with the proposed Gateway Park/Bike Bridge to West Oakland project, the West Grand Avenue bike lanes will provide direct access to the eastern span of the San Francisco - Oakland Bay Bridge from West Oakland, downtown, and the Lake Merritt neighborhoods. The West Grand Avenue bike lanes will reconfigure the roadway from three travel lanes in each direction to two travel lanes and one bike lane in each direction.

Please also see Chapter 7: Draft EIR Revisions in this Response to Comments document.

CEQA Considerations

The proposed bike lanes on Adeline Street and West Grand Avenue were included in the original Project Description of the Draft EIR, and have been studied for feasibility and evaluated for environmental impacts as part of the Draft EIR. No further analysis is required. The demand for freight movement, transit and bicycling on both Adeline Street and West Grand Avenue current exists, regardless of the lane configuration. Separated bike lanes provide for safer separations between cyclists and heavy vehicles does a shared lane. The reconfigured lane geometry on Adeline Street and West Grand Avenue will also provide dedicated left turn lanes that can be used by heavy vehicles, providing for safer turning movements that are not shared by through traffic.

By not moving forward with bike lanes on 14th Street, 12th Street and 8th Street at this time, the existing lane dimensions and configurations of 8th Street, 12th Street and 14th Street would be retained as they currently exist. The removal of the previously planned improvements would not introduce any new environmental impacts, or cause an increase in the severity of any environmental effects as described in the Draft EIR.

Roundabouts

The January 2014 Draft Plan recommended installing roundabouts or other traffic-calming features to enhance the streetscape and to identify gateways or landmarks along Adeline Street at 12th, 14th and 18th Streets; and along Peralta Street at 18th and 28th Streets. These roundabouts have been criticized by numerous commenters, suggesting similar adverse consequences as might occur with the lane reductions. Staff now proposes to remove the proposed roundabouts from further consideration (see Draft EIR Revisions, Chapter 7 of this Response to Comments document).

CEQA Considerations

Retaining the existing intersection geometry (rather than introducing roundabouts) at the Adeline/12th, Adeline/14th, Adeline/18th, Peralta/18th and Peralta/28th intersections would not introduce any new

environmental impacts, or cause an increase in the severity of any environmental effects as described in the Draft EIR.

Master Response #4: Additional Air Quality Mitigation Measures

Comments by the Bay Air Quality Management District, the Alameda County Health Department, the US EPA and others have suggested that additional mitigation measures and/or more stringent Standard Conditions of Approval related to air quality emissions and exposure to poor air quality should be required within West Oakland and pursuant to the West Oakland Specific Plan, particularly because West Oakland already bears a disproportionate burden of illness associated with poor air quality. Many of these comments cite the 2008 California Air Resource Board (CARB) report, *Diesel Particulate Matter Health Risk Assessment for the West Oakland Community*, which concludes that exposure to diesel PM concentrations will drop in future years due to implementation of CARB's diesel reduction regulations, but that this decrease in exposure is not enough to protect health in West Oakland and that more needs to be done to ensure that potential cancer risks are reduced even lower as quickly as possible. A discussion of the Draft EIR's findings regarding the environmental topic, the mitigation measures suggested by the commenters, and the City's response to the recommended mitigation measures is provided below.

Master Response #4-1: Operation-Related Criteria Pollutants and TAC Emission Reductions

Draft EIR Findings

The Draft EIR determined that development facilitated by the Specific Plan would result in significant operational-related emissions of criteria pollutants (including particulate matter), and cites to the City of Oakland Standard Condition of Approval (SCA) 24: Parking and Traffic Management Plan as being able to reduce criteria air pollutants. It concludes that this SCA may not be fully effective in reducing emissions to below threshold levels and concludes that this impact would be **significant and unavoidable** (page 4.2-42 of the DEIR).

The Draft EIR also discusses that new development pursuant to the West Oakland Specific Plan (including new light industrial, custom manufacturing and other similar land uses) as well as the introduction of new diesel generators, would emit toxic air contaminant (TAC) emissions that could exceed cumulative cancer risks thresholds (page 4.2-44 of the DEIR). SCA B would apply to new sensitive uses (i.e., residential uses, schools, daycare centers, nursing homes, and medical centers), requiring future qualifying development projects (projects that include new sensitive land uses and that are located within 1,000 feet of substantial sources of air pollution) to either incorporate health risk reduction measures into the project, or to conduct site-specific health risk assessments and incorporate health risk reduction measures into the project if necessary. The Draft EIR also recommends Mitigation Measure AIR-9: Risk Reduction Plan, which requires that applicants for projects that would include backup generators prepare and implement a Risk Reduction Plan to reduce cumulative localized cancer risks to the maximum feasible extent. The Risk Reduction Plan recommended in MM Air-9 may contain, but is not limited to the following strategies:

- Demonstration using screening analysis or a health risk assessment that project sources, when combined with local cancer risks from cumulative sources with 1,000 feet would be less than 100 in one million.
- Installation of non-diesel fueled generators.

- Installation of diesel generators with an EPA-certified Tier 4 engine or engines that are retrofitted with an ARB Level 3 Verified Diesel Emissions Control Strategy.

The Draft EIR concludes that clean diesel generators and other strategies of the Risk Reduction Plan would substantially reduce potential cancer risks, but that cumulative risks could still exceed threshold levels and this impact is conservatively identified as **significant and unavoidable**.

Recommended Mitigation Measures

Commenters have expressed support for the City's SCAs, but also believe that there are additional mitigation measures that the City can implement to further reduce impacts. Recommendations suggest that the City require all new projects that would attract diesel truck trips, such as retail and commercial outlets, be required to meet the following conditions:

- Place loading docks as far from residences as feasible, and never within 200 feet of residences.
- If the project includes a truck fleet of any size that is registered to the project applicant, the trucks brought into the Plan area must meet CARB's highest engine tier available at the time that building permits are issued, through new clean diesel trucks, lower-tier diesel engine trucks with added PM filters, hybrid trucks, alternative energy trucks, or another method that achieves the same emission standards as the highest engine tier available; and
- New development should offset 100% of its TAC emissions within the Plan area through a mitigation program administered by the City.

City Response to the Recommended Measures

City staff supports the emissions reduction concepts advanced in many of the recommended additional mitigation measures; however, some of the specific details of these recommendations are not feasible to implement. Accordingly, the City recommends the following additional measures which contain some modifications to the proposed language.

Loading Docks

Mitigation Measure Air-9B: Place loading docks as far from residences as feasible.

Staff supports locating loading docks away from residences. However, there may be instances where new projects, fully consistent with all other current zoning requirements, may not be able to feasibly implement the 200-foot loading dock setback requirement as recommended, based on individual or unique parcel size or lot shape. In addition, there is no evidence that a 200-foot setback is a reasonable or necessary distance. The requirements for "as far as feasible" will allow the City to work with project applicants to ensure that loading docks are appropriately sited to minimize adverse effects, achieving a minimum 200-foot setback wherever feasible.

Truck Fleet Requirements

Mitigation Measure Air-9C: If the project includes a truck fleet of any size that is registered to the project applicant, the truck fleet must comply with all applicable CARB requirements to control emissions from diesel engines, and demonstrate compliance at the time building permits are issued. Means by which compliance may be achieved may include, but are not limited to new clean diesel trucks, lower-tier diesel engine trucks with added PM filters, hybrid trucks, alternative energy trucks, or another method that achieves the CARB emission standards. Compliance with this requirement shall be verified through CARB’s Verification Procedure for In-Use Strategies to Control Emissions from Diesel Engines.

City staff is highly supportive of ensuring that new development projects in West Oakland that include operational truck fleets be required reduce the health risks associated with their associated diesel PM emissions, and that new projects should not rely on use of older model diesel truck fleets that do not comply with current regulations but could otherwise go unchecked. However, staff believes that the recommended language regarding “the highest engine tier available” is not specific and is subject to various interpretations over time; whereas “comply with all applicable CARB requirements” is specific and quantifiable. Current requirements are for Level 3 standards (an 85% reduction in diesel emissions, or an emission level of 0.01 grams/brake horsepower-hour/hour), which can be achieved with year 2007 or later model engines or through CARB-verified Level 3 diesel particulate filters on older model engines. Staff also recommends the CARB Verification Procedure as an effective and available means for ensuring real emission reductions, along with an emission control system that is durable and compatible with various engines and applications. CARB does not charge a fee for this verification.

100 Percent TAC Emission Offset

With respect to the suggested requirement that new development provide a 100% TAC emission offset, the City is not aware of any other jurisdiction within California that administers such a 100% TAC emission off-set program, nor is it aware of any “mitigation bank” or other similar exchange where TAC emission credits can be purchased or sold, and that therefore, implementation of such a program (under the current regulatory framework and particularly within only one portion of the City), is infeasible.

The City would welcome a joint effort with other local jurisdictions and regulatory government agencies such as BAAQMD, the County Health department and the US EPA in the development of a regional approach to toxic air emission reductions, potentially including an emission off-set program. However, any such program would need to be a comprehensive, logical and fair process that assesses TAC emissions accurately across all development projects.

The City also supports the following modification to Mitigation Measure Air-9, which is intended to further reduce the cumulative health risks associated with diesel PM and other TAC emissions:

Mitigation Measure AIR-9A: Risk Reduction Plan. Applicants for projects that would include backup generators or other stationary sources of toxic air contaminants shall prepare and submit to the City, a Risk Reduction Plan for City review and approval. The applicant shall implement the approved Plan. This Plan shall reduce cumulative localized cancer risks to the maximum feasible extent. The Risk Reduction Plan may contain, but is not limited to the following strategies:

- a) Demonstration using screening analysis or a health risk assessment that all project sources of toxic air contaminants, when combined with other cumulative sources with 1,000 feet, would result in a cancer risk level less than 100 in a million, a non-cancer risk (chronic or acute) hazard index of less than 10.0, or an annual average concentration of PM_{2.5} of less than 0.8 micrograms per cubic meter.

- b) Installation of non-diesel fueled generators.
- c) Installation of diesel generators with an EPA-certified Tier 4 engine or engines that are retrofitted with an ARB Level 3 Verified Diesel Emissions Control Strategy.

As indicated in the Draft EIR, implementation of this measure would substantially reduce potential cancer risks associated with diesel PM and other TAC emissions to the maximum feasible extent. While the individual risk for a given project's emission source is required to result in a cancer risk level of less than 10 in one million (which is considered protective of community health), the degree to which other multiple sources may (even already) contribute to cumulative risks in excess of 100 in one million cannot be assured.

Master Response #4-2: Construction-related TAC Emission Reductions

Draft EIR Findings

The DEIR determined that development facilitated by the Plan would result in construction-period criteria pollutant emissions that are significant and unavoidable, even with implementation of City SCAs. The DEIR cites SCA A, which requires that construction projects within the Plan area implement either 'Basic' or 'Enhanced' measures, depending on the size of the project.

Recommended Mitigation Measures

While the commenters support the City's SCAs, they do not believe that these requirements represent all feasible measures available to reduce the significant impacts or to protect the health of Plan area residents. Recommendations suggest that the City:

- require that all construction projects within the Plan area implement both the 'Basic' and 'Enhanced' measures,
- require that all off-road equipment and on-road equipment used for construction projects within the Plan area shall be no older than eight years at the time the building permit is issued. This requirement will ensure that these projects use the newest and cleanest equipment available, and
- require that all portable diesel engines shall be prohibited at construction sites within the Plan area. Where access to grid power is available, grid power electricity should be used. If grid power is not available, propane and natural gas generators may be used.

City Response to the Recommended Measures

City staff is in general support of these recommendations, and suggests the following:

Basic and Enhanced Measures for all Construction Projects:

Rather than imposing all 'Enhanced' measures on every project regardless of the size of the project, staff recommends the following additional Basic measure be incorporated into the City's Standard Conditions of Approval for all construction projects:

- a) At all construction sites where access to grid power is available, grid power electricity shall be used. If grid power is not available, then propane or natural gas generators may be used, as feasible. Only if propane or natural gas generators prove infeasible shall portable diesel engines be allowed.

The City believes that there may be instances where propane or natural gas generators may not be a feasible option when electrical grid power is unavailable, and would allow diesel generators only as a

last resort. Staff also believes that this updated condition of approval is more fully consistent with current BAAQMD guidance (BAAQMD CEQA Guidelines, May 2012) and with its incorporation into the City's SCAs represents all feasible mitigation available to reduce the significant impact and to protect the health of area residents. As a result, staff will make this change applicable City-wide by updating Supplemental SCA A.

Furthermore, most of the larger potential development Opportunity Sites pursuant to the West Oakland Specific Plan (e.g., the BART Station TOD site, the Roadway Site near Raimondi Park, and each of the larger sites designated for High Intensity Business uses) are large enough or would include development of a scale that would require implementation of Enhanced measures pursuant to the current City SCA. These additional Enhanced measures would be capable of further reducing the emission of toxic air contaminants to achieve health risk thresholds during construction at these larger sites.

Master Response #4-3: Reductions in TAC Exposure of New Sensitive Receptors

Draft EIR Findings

The DEIR concludes that future development projects in accordance with the West Oakland Specific Plan could result in new sensitive receptors being exposed to toxic air contaminants (TACs) or concentrations of PM_{2.5} that could result in increased cancer risk or other health hazards. Future development of new residential projects (or other sensitive uses) that may ultimately be proposed on sites identified as being susceptible to health risks will be required to implement all City of Oakland Standard Conditions of Approval, including Supplemental SCA B. Compliance with Supplemental SCA B would reduce each site's exposure to diesel PM through the installation of air filtration systems (with 85 percent filtration efficiency) or other equivalent measures to reduce indoor exposure to diesel PM to acceptable levels. Impacts related to diesel PM-borne TACs would be less than significant, since SCA policies are sufficient to reduce the risk to acceptable levels. However, for TACs originating from gaseous sources, implementation of Supplemental SCA B cannot with certainty reduce risks to an acceptable level. While the site planning and filtration methods can capture/screen out airborne particulate matter, these methods do not reduce risks from gaseous TACs. There are no known feasible technologies or site planning considerations that have been shown to reduce risks of gaseous TACs. Therefore, impacts related to gaseous TACs would be **significant and unavoidable**, since SCA requirements are not sufficient to reduce the risk to acceptable levels.

Comments and Recommendations

Comments suggest that Supplemental SCA B is not sufficiently precautionary because it assumes that the included list of health risk reduction measures are sufficient to mitigate health risks, and that implementation of these measures provide assurance that appropriate mitigations are developed in response to the individual severity of risk at any particular site. Comments also suggest that the pre-determined list of health risk reduction measures included in Supplemental SCA B preclude the use of more effective mitigations that may become readily available, such as upgrading or replacing stationary diesel sources with best available control technology.

Specific recommendations offered both in response to the NOP and as comments on the Draft EIR include:

- **Buffer Zones:** Future development intended for occupancy by sensitive receptors should be located approximately 1,000 feet from the edge of the I-880 freeway, and approximately 200 feet from I-580 within the West Oakland Planning Area.

- **Delayed Development Implementation:** Consider Plan implementation phasing that delays occupancy of units with highest health risk exposure, so that source emission regulations and vehicle fleet turnover that will result in lower emissions may take greater effect and thereby lower exposure levels.
- **Other Best Management Practices:** In addition to the City's Standard Conditions of Approval (i.e., Supplemental SCA B) consider requiring future individual discretionary development projects on those sites which would place new sensitive receptors in areas subject to cancer risks and exposure to PM2.5 concentrations to incorporate additional best management practices for air quality.

City Response to the Recommended Measures

The measures included in Supplemental SCA B include measures known by the City to be protective of human health, as compiled from numerous sources including the CARB and BAAQMD, as well as individual mitigation measures that have been recommended based on prior health risk assessments conducted on prior projects. As a standard practice, the City updates its Standard Conditions of Approval as new information becomes available and will continue to update the mitigation strategies included in Supplemental SCA B as new or better ideas and technologies develop. The City continues to believe that compliance with Supplemental SCA B will reduce exposure to diesel PM (particularly through the installation of required air filtration systems) to acceptable levels on a City-wide basis.

However, as reported in the Draft EIR, the California Air Resources Board's "*West Oakland Health Risk Assessment*" includes findings that ambient diesel PM concentrations in West Oakland are estimated to be nearly three times the background concentrations averaged over the entire Bay Area. Other reports indicate that the air inside of homes in West Oakland has black soot at nearly 5 times the concentration levels of other Oakland homes, that West Oakland residents are 5 times more likely to be hospitalized for asthma and children in West Oakland are 7 times more likely to be hospitalized for asthma as compared to the average California resident, and that heavy-duty trucks on the roadways within West Oakland and on the freeways surrounding West Oakland are the largest contributors of diesel PM. Under the BAAQMD's Community Air Risk Evaluation (CARE) program, West Oakland has been identified as an area with high TAC emissions and sensitive populations affected by these emissions.

A recent UC Berkeley study has found that once the emission control programs for trucks entering the Port of Oakland took effect in early 2010, black smoke emissions from diesel trucks have been reduced by about half, and nitrogen oxide (NOx) emissions have dropped by 40%. A Port of Oakland 2012 Emissions Inventory shows that emissions from ocean-going vessels has been reduced by 72%, emissions from cargo-handling equipment has been reduced by 63%, emissions from harbor craft has been reduced by 30%, emissions from locomotives has been reduced by 77%, and emissions from trucks has been reduced by 88%, for an overall reduction in Port emission from 2005 to 2012 of 70%. The direct improvements to the health of West Oakland's residents have yet to be modeled, but the CARB expects reduction in diesel PM emissions and commensurate reductions in resulting average health risk of between 75% and 80% by year 2020. Despite these seemingly encouraging results, the current health risk to West Oakland residents from diesel PM emissions remains high. Continued efforts to monitor and better address toxic air contaminants of all types, but in particular diesel PM, remains crucial for the health of existing and future West Oakland residents.

Given the existing air quality conditions in West Oakland, City staff is supportive of requiring implementation of additional best management practices for new sensitive receptors in West Oakland that are proposed within 1,000' of known sources of air pollution as identified in Supplemental SCA B (e.g., freeways, rail lines, major distribution centers, major rail or truck yards, the Port of Oakland and stationary pollutant source requiring a permit from BAAQMD). Staff recommends the following

additional mitigation measure for all new sensitive receptors within the West Oakland Planning Area that meet these siting criteria, at least until such time as evidence demonstrates that air quality conditions in West Oakland have improved to levels commensurate with other areas within the City:

Mitigation Measure Air-10: In addition to the City’s Standard Conditions of Approval (Supplemental SCA B and C), require future discretionary development projects that would place new sensitive receptors in areas subject to cancer risks and exposure to diesel PM concentrations that exceed applicable thresholds to incorporate the following additional (i.e., in addition to the SCAs) best management practices (BMPs) for air quality:

- a) Air filtration units shall be installed to achieve BAAQMD effectiveness performance standards in removing PM2.5 from indoor air. The system effectiveness requirement shall be determined during final design when the exact level of exposure is known, based on proximity to emission sources. According to recent BAAQMD recommendations, air filtration systems rated MERV 16 or higher protect sensitive receptors from toxic air containments and PM2.5 concentrations while inside a building. This measure is effective for reducing exposure from TACs and PM2.5 emissions from diesel engines, highways and roadways.
- b) When locating sensitive receptors near at-grade highways, to the extent feasible, encourage uses that serve sensitive receptors to locate on the upper floors of buildings. PM2.5 concentrations generally decrease with elevation.
- c) Where appropriate, install passive electrostatic filtering systems, especially those with low air velocities (i.e., 1 mph).

This mitigation measure was included as an additional recommendation in the Draft EIR to further reduce the exposure of new sensitive receptors in West Oakland to toxic air contaminants, and is now carried forward as a staff recommendation for the Project. With inclusion of this additional measure, all feasible mitigation measures to reduce significant impacts have been incorporated.

As indicated in the Draft EIR, implementation of a 1,000-foot buffer prohibiting new sensitive land uses is infeasible, as it is inconsistent with the basic objectives of the Specific Plan to provide additional housing along the 7th Street corridor and near the BART Station in order to generate additional vitality and foot traffic, ridership for transit, and social and business activity. Staff also believes that implementation of phasing that delays new development until such time that vehicle fleet turnover will result in lower emissions is uncertain, may not effectively reduce impacts, and would preclude near-term development of the West Oakland BART Station TOD and other residential development sites pursuant to the Specific Plan and introduce substantial uncertainty into the development process. With implementation of all City of Oakland SCAs, the risk of exposure to toxic air contaminants will be reduced to less than significant levels and the new Mitigation Measure Air-10 (above) will even further reduce exposure in sensitive locations.