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## Written Comments on the DEIR and Responses to those Comments

This chapter includes copies of the written comments received by hand-delivered mail or electronic mail during the public review and comment period on the DEIR. Specific responses to the individual comments in each correspondence follow each letter.

Each correspondence is identified by a numeric designator (e.g., “1”). Commenters who submitted multiple correspondences are presented with the same numeric designator, followed by an alphabetical designator indicating its sequence (e.g., 1A and 1B are consecutive letters submitted by the same commenter). Specific comments within each correspondence also are identified by a numeric designator that reflects the numeric sequence of the specific comment within the correspondence (e.g., “1A-3” for the third comment in Comment Letter 1A).

Responses focus on comments that pertain to the adequacy of the analysis in the EIR or to other aspects pertinent to the potential effects of the West Oakland Specific Plan on the environment, pursuant to CEQA. Comments that address topics beyond the purview of the EIR or CEQA are noted as such for the public record. Where comments have triggered changes to the DEIR, these changes appear as part of the specific response and are consolidated in Chapter 7: Revisions to the Draft EIR, where they are listed in the order that the revision would appear in the Draft EIR document.

# Comment "1"



ALAMEDA COUNTY HEALTH CARE SERVICES AGENCY  
PUBLIC HEALTH DEPARTMENT

Alex Briscoe, Director  
Muntu Davis, MD, MPH, Director and Health Officer

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March 17, 2014

Ulla-Britt Jonsson  
City of Oakland  
Strategic Planning Division  
250 Frank H. Ogawa Plaza, Suite 3315  
Oakland, CA 94612  
Email: [ujonsson@oaklandnet.com](mailto:ujonsson@oaklandnet.com)

Re: West Oakland Specific Plan Draft Environmental Impact Report and Public Health

Dear Ms. Jonsson:

I am writing to share my comments on behalf of the Alameda County Public Health Department (ACPHD) regarding addressing the public health and environmental impacts of the West Oakland Specific Plan Draft Environmental Impact Report (DEIR). As the Director and Health Officer for the agency responsible for monitoring and advising on the development of policies and practices that protect and promote health and well-being, particularly for areas of Alameda County with the worst documented health outcomes related to air quality, I recommend adopting measures to further reduce the potential negative public health impacts of the West Oakland Specific Plan (Plan) by including the development of a healthy development checklist tool as a mitigation measure in the DEIR, strengthening the construction control measures for all projects and requiring both a health risk analysis and all appropriate risk reduction measures that is not limited to the list in the DEIR. Having strong air quality protections and mitigations is necessary to protect those areas and community health.

1-1

One of those areas with the worst health outcomes is West Oakland, which has a disproportionate burden of illness associated with air pollution. Current conditions in the Plan Area put existing and new sensitive receptors at risk of poor health outcomes because of the proximity to sources of air pollution, specifically diesel particulate matter. Sensitive receptors are people and places vulnerable to the health effects of a toxic air contaminant, such as children under 5, the elderly and people with illnesses and include sites such as schools, playgrounds, residences, churches, daycare center, senior centers and hospitals. As stated in the DEIR, the area is impacted by existing elevated health risks from air toxics, in particular diesel particulate matter. West Oakland residents have one of the highest rates of asthma hospitalization in Alameda County – two times the average – and children living in West Oakland under five years of age are hospitalized for asthma at a rate 2.7 times higher than the county.<sup>1</sup> The health burden in West Oakland adds up to shorter lives; an African American child in West Oakland can expect to live about 15 years less than a White child in the Oakland Hills.<sup>2</sup> Additionally, this area of Oakland is identified by the Bay Area Air Quality Management District as suffering some of the highest health risks from toxic air contaminants.

1-2

<sup>1</sup> Alameda County Public Health Department, Community Assessment, Planning, Education and Evaluation with data from Office of Statewide Health Planning and Development (OSHPD) Emergency Department (ED) and Patient Discharge Data (PDD) 2009-11.

<sup>2</sup> Alameda County Public Health Department. 2008. Life and Death from Unnatural Causes. Available at: <http://www.acphd.org/media/53628/unnatcs2008.pdf>

## Comment "1"

Given that the Plan Area already has high health risks, the DEIR should exhaust all opportunities to mitigate impacts of air pollution. The DEIR finds that the Plan has Significant and Unavoidable Impacts due to allowing for increased residential density near stationary sources, the 880 freeway, and the Port and Oakland Army Base development, areas with existing significant sources of air pollution and that there is a high potential for multiple new sources to exacerbate air quality and odors in after applying the Standard Conditions of Approvals, policies and mitigations. These impacts include: odor impacts, construction emissions; new traffic and area source emissions; new industry, manufacturing and diesel generators raising cancer risks and chronic hazards; exposure of new sensitive receptors to existing substantial health risks from toxic air contaminants (TACs) or PM 2.5 from sources of diesel particulate matter and gaseous emissions and project-level greenhouse gas emissions (See Impacts Air-3, 5, 7, 9, 10 and Cumulative Impacts and Impact GHG-3). Taking into account that these impacts will further exacerbate existing health conditions in West Oakland, the DEIR should and can include stronger mitigations to prevent further community health deterioration.

1-3

To give a level of certainty to the project developer of the health and environmental protection goals at the project level, as well as give Planners a framework for issues around health impacts, I recommend including the development of a healthy development checklist tool that is incorporated into the front end of the project application process as a mitigation in the DEIR. Institutionalizing a review of projects for health impacts allows Planners to ensure that proposed projects are aligned with the Plan's policy goals and vision and an provides an opportunity to develop mitigations that address the impacts as projects are reviewed, rather than a one-size fits all set of Conditions. To develop this tool, I strongly recommend working in collaboration with agencies and community stakeholders. Protection of community health should be considered at an early stage in the development process. It is my understanding that the Standard Conditions of Approval are a tool that is incorporated in the project development process after project design and prior to approval of construction-related permits. Having the Conditions at the tail end of the process can lead to upsets or non-compliance due to unanticipated project design elements and costs for the project developer.

1-4

Because the Plan proposes land uses that may pose continued or new potential conflicts, such as exposure of new and existing sensitive receptors, to diesel particulate matter, I recommend combining the lists of Basic and Enhanced construction measures and requiring both lists for all development projects within the Plan Area. To be more health-protective, the existing DEIR Standard Conditions of Approvals (SCA) and mitigations should be made more stringent. Construction for projects should comply with both lists for Standard Conditions of Approval for construction (SCA – A) the Basic and Enhanced Construction-related air pollution controls. The threshold for using the Enhanced list seems too high considering the existing health disparities in West Oakland.

1-5

With regard to the risk reduction measures in the Standard Conditions of Approvals Exposure to Air Pollution (Toxic Air Contaminants) (SCA – B), I recommend that all projects be required to conduct a health risk analysis and incorporation of the risk reduction measures. As currently written, SCA – B allows project applicants to choose between conducting a health risk assessment and then incorporating risk already-defined reduction measures if the risk is high enough; or, choosing to incorporate the health risk reduction measures in lieu of conducting the health risk assessment. First, this approach is not precautionary because it assumes that the health risk reduction measures offered are alone sufficient to mitigating the health risk without providing an analysis of health risks before or after incorporating the measures. Conducting a health risk analysis is important as it gives the public and City an understanding of the relative risk of a project and assurances that appropriate mitigations are developed as a response to the severity of risk and prevents the drawbacks of having unmitigated risks later on. Second, having a pre-determined list of health risk reduction measures precludes the use of more effective mitigations that become readily available based on funding, such as upgrading or replacing stationary diesel sources with best available control technology. Last, applying siting limitations and mitigation measures only within a 1000 foot threshold from large sources situated near each other, such as rail yards and ports, seems too small of an area considering the existing disproportionate cumulative health impacts in West Oakland; a health risk analysis would help determine the actual relative risks. Given these issues raised, I recommend amending SCA-B to include both a health risk analysis and then incorporating all appropriate risk reduction measures that includes but is not limited to the list in the DEIR for all projects in the DEIR.

1-6

1-7

1-8


1-9

1-10

## Comment "1"

We are continually dedicated to improving the health of all Oakland residents and to preventing avoidable health risks. In our efforts to do so, we are committed to partnering with the City of Oakland on ensuring healthy planning. Please feel free to contact me with any questions or concerns.

Sincerely,

A handwritten signature in black ink, appearing to read 'Muntu Davis', followed by the text 'MD, MPH' in a smaller font.

Muntu Davis, MD, MPH  
Director and Health Officer



## Letter #1 Response – Alameda County Public Health Department

- 1-1: This comment provides a general introduction to the more detailed comments below. Please see responses to detailed comments below.
- 1-2: This comment describes the health implications associated with the poor air quality conditions in West Oakland, which bears a disproportionate burden of illnesses associated with air pollution. These statements are consistent with the description of Existing Setting as included in the Draft EIR, and no response is needed.
- 1-3: This comment suggests that, given all the health risks and the Draft EIR’s findings of significant and unavoidable impacts related to air quality, the EIR should and can include stronger mitigations to prevent community health deterioration. Please see responses to suggested additional mitigation measures, below and in Master Responses to Comments 4-1 through 4-3.
- 1-4: This comment recommends development of a healthy development checklist tool to be incorporated into the front end of the City project application process, and recommends that this checklist tool should be a mitigation measure in the EIR. It suggests that by institutionalizing review of health impacts it will better allow planners to ensure that future projects include individualized mitigation, rather than a set of standardized SCAs that are applied to projects at the end of the review process.

The list of Standard Conditions of Approval (SCAs) is a planning tool made available to prospective developers in advance of the project development and design process. During the City’s pre-application conference and as part of initiation of environmental review, City staff encourages applicants to incorporate and anticipate these conditions of approval as part of their design submittal. The SCAs are then made a condition of project approval for construction-related permits as a means of ensuring compliance. That said, the City is interested and willing to work collaboratively with Alameda County Health Department, the BAAQMD and other interested agencies and stakeholders to consider development of a healthy development checklist tool that can enhance and supplement the City’s project review process for West Oakland and perhaps elsewhere. The City is aware of many different types of checklists (i.e., WOEIP, SF Dept. of Health, etc.), that might provide a template or good starting point for this collaborative effort.

- 1-5: This comment recommends combining the list of Basic and Enhanced construction measures, and requiring both lists for all development projects within the Plan Area. Please see Master Response to Comments #4-1 addressing construction period mitigation measures.
- 1-6: This comment recommends that all projects be required to conduct a health risk analysis and to incorporate risk reduction measures. The comment suggests that the City’s SCA B currently allows project applicants to choose between conducting a health risk assessment and then incorporating pre-defined risk reduction measures; or choosing to incorporate health risk reduction measures in lieu of conducting the health risk assessment. Supplemental SCA B provides developers of new projects with the option of either conducting a health risk analysis to determine appropriate and necessary mitigation, or going directly to implementation of mitigation measures. The purpose of this option is two-fold.
- Since Supplemental SCA B applies to new sensitive land uses proposed to be located within 1,000’ of known sources of air pollution and which exceed the health risk

screening criteria, the option to conduct further, more detailed health risk analysis allows for a more accurate assessment of the actual health risk associated with a particular location. More detailed modeling may conclude that the health risks associated with a particular site do not warrant mitigation, or may verify the need for mitigation.

- The option to go directly to implementation of identified mitigation measures enables the developer of a project to invest directly in those physical mitigation strategies that are known to improve air quality for the new residents, rather than spending more money on further analysis.

1-7: This comment suggests that Supplemental SCA B is not sufficiently precautionary because it assumes that the health risk reduction measures offered are alone sufficient to mitigate health risks. It does not provide for an analysis of health risks before or after incorporating the measures, does not give the public and the City an understanding of the relative risk of a project, and provides no assurances that appropriate mitigations are developed in response to the severity of the risk.

The measures included in Supplemental SCA B include all feasible measures known by the City to be protective of health risks, 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. However, given the existing air quality conditions in West Oakland, City staff is supportive of requiring implementation of additional best management practices (supplemental to those measures identified in Supplemental SCA B) for new sensitive receptors in West Oakland to further reduce health risks to new residents. See Master Response to Comments #4-3.

1-8: This comment suggests that the pre-determined list of health risk reduction measures included in Supplemental SCA B precludes the use of more effective mitigations that may become readily available, such as upgrading or replacing stationary diesel sources with best available control technology. Supplemental SCA B is designed to establish the minimum requirements to mitigate impacts, but includes flexibility should control technology improve over the lifetime of the Plan. For example, Supplemental SCA B a) (2) indicates use of air filtration systems shall be rated MERV-13 *or higher*, establishing a minimum threshold for mitigation and allowing for more advanced technology should it become available. See also Master Response to Comment #4-3, which requires additional best management practices to further address diesel PM exposure in West Oakland.

1-9: This comment suggests that the siting limitations and mitigation measures that apply within a 1,000 foot threshold from large emission sources seems too small, considering the existing disproportionate cumulative health impacts in West Oakland, and that a health risk analysis would help determine the actual relative risks.

The 1,000-foot threshold for application of Supplemental SCA B was generally derived from the CARB *"Air Quality and Land Use Handbook"*, which is intended to serve as a general reference guide for evaluating and reducing air pollution impacts on new sensitive land uses such as homes, medical facilities, daycare centers, schools and playgrounds. Key recommendations in the Handbook include taking steps to avoid siting new, sensitive land uses within 500 feet of a freeway, within 1,000 feet of a major service and maintenance rail yard, immediately downwind of ports and petroleum refineries, within 300 feet of any dry cleaning operation, and within 300 feet of a large gas station. The City has used the larger of the recommended distances (1,000 feet) as a conservative basis for application of this SCA and believes it to be effective. The CARB Handbook also acknowledges that its recommended distances are advisory, and that land use agencies have to balance other considerations including housing and transportation needs, economic development priorities, and other issues.

- 1-10: This comment recommends amending Supplemental SCA B to include both a health risk analysis and then incorporating all appropriate risk reduction measures, including but not limited to the list in the DEIR, to be applied to all projects identified in the DEIR.

The Draft EIR Air Quality analysis assessed the relative health risks associated with development of a number of proposed development sites in West Oakland (including the West Oakland BART Station TOD, the Phoenix Iron Works site on Pine Street, the Roadway site south of Raimondi Park, the Mayway site along Mandela Parkway and site along the upper portion of San Pablo Avenue). The assessment utilized conservative screening-level data derived from the BAAQMD, which provides a publicly available inventory of TAC-related health risks from permitted stationary sources as well as from freeways (see DEIR pages 4.2-45 through 4.2-52). The assessment presents relative health risk hazards based on screening tools and tables that are intentionally conservative and intended to indicate whether additional review is necessary or whether exposure to toxic air contaminants is such that the potential health risks require mitigation. This assessment concluded that each of these sites, with the exception of upper San Pablo Avenue, could expose new sensitive uses to risk of contracting cancer greater than established threshold levels. Therefore, any development of new sensitive land uses at these locations (other than upper San Pablo Avenue) will be required to implement all applicable City of Oakland Standard Conditions of Approval (including Supplemental SCA B) and any additional mitigation measures as adopted pursuant to the West Oakland Specific Plan (see Master Response to Comment #4-3, which requires additional best management practices) to further address diesel PM exposure. The Draft EIR also indicates that the screening level analysis may not identify all of the air quality health risks associated with all sources within or nearby each site, such that all emissions from the Port of Oakland, the former Oakland Army Base and the Union Pacific rail yard may not be fully accounted for in the analysis tool and further evaluation of such sources may be necessary on a project-specific basis pursuant to subsequent development projects.

The list of measures included in Supplemental SCA B, as well as those additional best management practices (see Master Response to Comment #4-3) will be required to be incorporated into project designs. The City believes that this approach is conservative and appropriate, and represents the best reasonably feasible method for reducing adverse impacts. Under this approach, health risk reduction measures will be required for all projects that exceed the conservative health risk screening criteria.

The standard conditions and mitigation measures would not be required only under the situation wherein an applicant chooses to conduct a more detailed and site-specific health risk assessments (HRA) using air quality dispersion modeling methodologies as recommended by the BAAQMD, and the conclusions of that HRA find that (despite the location and the conservative screening assessment conclusions) modeled site-specific exposures would be less-than-significant.



## Comment "2A"

From: Alison Kirk [mailto:[AKirk@baaqmd.gov](mailto:AKirk@baaqmd.gov)]  
Sent: Thursday, January 23, 2014 9:51 AM  
To: Jonsson, Ulla-Britt  
Cc: Anna Lee; Richard Grow; David Vintze  
Subject: Follow up to WOSP Community Health Steering & TAC meeting

Hello,

Thank you to City of Oakland staff and consultants for holding an informative and productive meeting last night on the West Oakland Specific Plan's Section 9.3 Community Health.

I want to further clarify one of the comments I made last night in reference to p. 9-13 of the section, which states:

"...As better information on the sources and emissions of toxic air contaminants in West Oakland is developed, and the effectiveness of on-going programs and regulations in achieving reductions in TAC concentrations are assessed, further strategies for addressing community health risks - particularly at highly impacted locations - may be evaluated. Such strategies may become integral components of a Community Risk Reduction Plan (CRRP)."

The Air District looks forward to continued work with the City of Oakland, including on a CRRP. However, we do not agree that further study and better information on the sources and emissions of TACs is needed - we feel that this is already well documented in a number of places referenced in Section 9.3, for example the "West Oakland Health Risk Assessment" Final Report (December 2008). Perhaps this sentence can be updated to reflect that emissions are already well documented?

Thanks again.

Sincerely,  
Alison Kirk, AICP  
Senior Environmental Planner  
Bay Area Air Quality Management District  
939 Ellis Street  
San Francisco, CA 94109  
Tel. 415-749-5169  
Fax 415-749-4741

2A-1

## Comment "2B"

From: Alison Kirk [mailto:[AKirk@baaqmd.gov](mailto:AKirk@baaqmd.gov)]

Sent: Monday, February 24, 2014 4:33 PM

To: Jonsson, Ulla-Britt

Subject: Caleemod release

[http://www.baaqmd.gov/Divisions/Planning-and-Research/CEQA-GUIDELINES.as](http://www.baaqmd.gov/Divisions/Planning-and-Research/CEQA-GUIDELINES.aspx)

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CalEEMod Release

Update: August 5, 2013

On July 31, 2013, the California Air Pollution Control Officers Association (CAPCOA) released CalEEMod 2013.2. This land use model can be downloaded [fromwww.caleemod.com](http://www.caleemod.com) <<http://www.caleemod.com/>> .

From this point forward, the BAAQMD will no longer support the use of Urbemis. Please perform all future analyses using CalEEMod. For more information or to ask questions, please contact Alison Kirk, Senior Environmental Planner at [akirk@baaqmd.gov](mailto:akirk@baaqmd.gov) <mailto:[akirk@baaqmd.gov](mailto:akirk@baaqmd.gov)> or [415-749-5169](tel:415-749-5169).

Alison Kirk, AICP

Senior Environmental Planner

Bay Area Air Quality Management District

939 Ellis Street

San Francisco, CA 94109

2B-1

## Comment "2C"



BAY AREA  
AIR QUALITY  
MANAGEMENT  
DISTRICT

March 20, 2014

Ulla-Britt Jonsson, Planner II  
City of Oakland Strategic Planning Division  
250 Frank Ogawa Plaza, Suite 3315  
Oakland, CA 94612

**Subject: Draft Environmental Impact Report for the West Oakland Specific Plan**

**ALAMEDA COUNTY**

Tom Bates  
Scott Haggerty  
Nate Miley  
(Chair)  
Tim Sbranti

**CONTRA COSTA COUNTY**

John Giola  
David Hudson  
Mary Piepho  
Mark Ross

**MARIN COUNTY**

Susan Adams

**NAPA COUNTY**

Brad Wagenknecht

**SAN FRANCISCO COUNTY**

John Avalos  
Edwin M. Lee  
Eric Mar  
(Secretary)

**SAN MATEO COUNTY**

Carole Groom  
(Vice-Chair)  
Carol Klatt

**SANTA CLARA COUNTY**

Cindy Chavez  
Ash Kalra  
Liz Kniss  
Jan Pepper

**SOLANO COUNTY**

James Spering

**SONOMA COUNTY**

Teresa Barrett  
Shirlee Zane

Jack P. Broadbent  
EXECUTIVE OFFICER/AFCCO

Dear Ms. Jonsson:

Bay Area Air Quality Management District (Air District) staff reviewed the Draft Environmental Impact Report (DEIR) for the West Oakland Specific Plan (Plan). The Plan will guide future development in the area generally bounded by Interstate 880 on the west and south; 980 on the east; and 580 on the north. The West Oakland BART station is located in the southern portion of the Plan area. The Plan area is approximately 2 square miles and has a current population of 25,000 residents and 15,000 employees. The Plan area includes a mix of land uses, including residential, commercial, industrial (including diesel truck-related uses), government and institutional uses.

In 2008, the California Air Resources Board (CARB) released the report *Diesel Particulate Matter Health Risk Assessment for the West Oakland Community* (Report), which concluded that the West Oakland community is exposed to diesel PM ambient concentrations that are almost three times higher than any other area in the Air District's jurisdiction. The Report anticipated that these levels of exposure would drop in future years due to the implementation of CARB's diesel regulations. However, the Report also concluded that this decrease in exposure is not enough to protect health in West Oakland, and that much more needs to be done to ensure that potential cancer risks are reduced even lower as quickly as possible.

The Air District assisted CARB with the Report, and has been involved in other efforts to evaluate and reduce risks caused by toxic air contaminants (TACs) and diesel particulate matter (DPM) in West Oakland. The Air District has identified West Oakland as a Community Air Risk Evaluation (CARE) Community and made it a priority to spend incentive funds in CARE communities. The Air District also participated in the West Oakland Truck Survey (Survey) and the West Oakland Measurement Study (Study). Both the Survey and the Study helped refine the information available on the health risks faced by West Oakland residents.

**Impact Air-7 and Impact Air-9: Operational-Related Criteria Air Pollutants and TAC Emissions**

The DEIR finds that development facilitated by the Plan would result in operational-related criteria air pollutants that are significant and unavoidable, and that no

## Comment "2C"

mitigations are available. The DEIR also finds that development facilitated by the Plan would result in operational-related TAC emissions that are significant and unavoidable with mitigations.

While the Air District strongly supports the City's Standard Conditions of Approval, Air District staff also believe that there are additional mitigation measures that the City can implement to address both of these significant and unavoidable impacts. The Air District recommends that the City require that 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.
- New development should offset 100 percent of its TAC emissions within the Plan area through a mitigation program administered by the City.

2C-1

### Impact Air-5: Construction-Period Criteria Pollutants

The DEIR finds that development facilitated by the Plan would result in construction-period criteria pollutant emissions that are significant and unavoidable with mitigations. The DEIR requires that construction projects within the Plan area implement the City's Standard Conditions of Approval (SCA), either the 'Basic' or 'Enhanced' measures, depending on the size of the project.

Again, while the District strongly supports the City's Standard Conditions of Approval, we do not believe that these measures represent *all* feasible measures available to reduce the significant impacts or to protect the health of Plan area residents. Therefore, the District recommends that the City require all construction projects within the Plan area implement the 'Enhanced' measures, and the following additional measures:

- 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.
- 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.

2C-2

## Comment "2C"

Ms. Jonsson

- 3 -

March 20, 2014

In summary, Air District staff believes that the City should require that future construction and operational activities in the Plan area do not contribute to unhealthy air and take extra precautions to protect residents from additional exposure. For more information about CARB's Health Risk Assessment of West Oakland, download the report from <http://www.arb.ca.gov/ch/communities/ra/westoakland/westoakland.htm>. For more information about the Air District's work in West Oakland, see <http://www.baaqmd.gov/Divisions/Planning-and-Research/CARE-Program.aspx>.

If you have any questions regarding these comments, please contact Alison Kirk, Senior Environmental Planner, at 415-749-5169.

Sincerely,



Jean Roggenkamp  
Deputy Air Pollution Control Officer

C: BAAQMD Director Tom Bates  
BAAQMD Director Scott Haggerty  
BAAQMD Director Nate Miley (Chair)

## Letters #2 Response – Bay Area Air Quality Management District (BAAQMD)

2A-1: This comment indicates that the BAAQMD does not feel that further study and better information on the sources and emissions of TACs in West Oakland is needed, as is suggested in the West Oakland Specific Plan document (not in the EIR). The comment indicates that the BAAQMD believes that sources and emission area already well documented in a number of places referenced in Section 9.3 of the Plan (for example the "West Oakland Health Risk Assessment" Final Report (December 2008)).

Comment noted. The "West Oakland Health Risk Assessment" Final Report (December 2008) is cited in the Draft EIR as a key source of existing conditions information.

2B-1: This comment informs that on July 31, 2013, the California Air Pollution Control Officers Association (CAPCOA) released CalEEMod 2013.2. From that point forward, the BAAQMD will no longer support the use of Urbemis. The NOP for the West Oakland Specific Plan was published on October 22, 2012 and the environmental analysis commenced in early 2013, well before the California Air Pollution Control Officers Association released CalEEMod 2013.2 at the end of July 2013. Thus, the use of Urbemis as the air quality modeling tool in early 2013 was appropriate at the time. CEQA Guidelines Section 15125 provides that the description of the environmental conditions (or setting, or baseline) shall be as they exist at the time the Notice of Preparation is published, or if no NOP is published, at the time environmental analysis is commenced.

2C-1: This comment indicates that the Air District strongly supports the City's Standard Conditions of Approval, but also believes that there are additional mitigation measures that the City can implement to address significant and unavoidable impacts. The Air District recommends that the City require that all new projects that would attract diesel truck trips, such as retail and commercial outlets be required to meet additional conditions and requirements. Please see Master Response #4-3 for additional mitigation measures pertinent to new projects that would have diesel emissions during operations.

2C-2: This comment indicates that the BAAQMD does not believe that the SCAs identified in the Draft EIR represent all feasible measures available to reduce significant impacts or to protect the health of Plan area residents, and recommends that the City require all construction projects within the Plan area implement the 'Enhanced' measures, plus a list of additional diesel reduction measures. Please see Master Response #4-2 for additional mitigation measures pertinent to new construction projects within the West Oakland Project Area to further reduce construction-period diesel emissions.



## Comment "3"

March 17, 2014

To: Ulla-Britt Jonsson, Ed Manasse, Elois Thornton; City of Oakland

From: Richard Grow, US EPA, Region 9

Thank you for the opportunity to comment on the Draft West Oakland Specific Plan (WOSP) and accompanying Draft Environmental Impact Report (DEIR.)

We want to acknowledge the extensive work and effort that have gone into the Plan and DEIR, which are both very impressive documents. We would also like to acknowledge the inclusive process that has been used in developing these documents. We have participated in the Technical Advisory Committee since the summer of 2012 and attended almost every Steering Committee meeting since then.

The main issue we have sought to bring to this planning process has been environmental justice, particularly in the form the issue took at the inception of the environmental justice movement, which was centered around disproportionate impacts to low income and minority communities due to exposure to toxic pollutants. In this planning effort we particularly emphasized the need to address impacts due to air toxics, including those due to mobile sources and diesel pollutants. It is in this regard that we feel both the Plan and the EIR have fallen short.

Nevertheless, we want to acknowledge several aspects of the documents that are to be commended:

- The Plan includes a goal of "lessening existing land-use conflicts in West Oakland and ensuring avoidance of future conflicts between residential neighborhoods and non-residential uses." (page 2-1, Plan and Page 5-2 DEIR under "Community-Based Goals and Objectives.")
- The EIR acknowledges studies by the California Air Resources Board (CARB) and Bay Area Air Quality Management District (BAAQMD) that the area is already severely impacted by diesel and other air toxics to the extent that the risk of excess cancer in the area is 2-3 times that of the Bay Area in general.
- The EIR considered exposure to toxic air contaminants (TAC) and looked at potential land uses with regard to such impacts. The EIR discussed six development sites and applied available risk assessment tools to assess whether those sites could violate thresholds for significant risk due to TACs. (pp 4.2-45 thru 4.2-48)
- The EIR described an extensive list of mitigation measures for potential TAC impacts, including potential use of health risk assessments (HRA) and Risk Reduction Plans for individual projects. (Chapter 4.2, DEIR)
- The Plan is generally consistent with the livability principles of the federal Partnership for Sustainable Communities. (<http://www.sustainablecommunities.gov/index.html>) EPA supports the development of housing and jobs with access to transit, as long as that development also takes into consideration of the need to protect residents and workers from environmental and public health risks.

The Plan and EIR, however, fail to effectively address the fundamental concerns which we have raised about environmental justice (EJ) and disproportionate impacts. Regarding the DEIR's conclusion that impacts due to toxic air contaminants (TAC) are significant but unavoidable, we agree that they are significant but, as discussed below, disagree with the statement that they are unavoidable.

## Comment “3”

The seriousness of the TAC impacts of the Plan show up in several places in the EIR, for instance as noted above, in studies showing the exposure and risk in West Oakland are typically 2-3 times those experienced by Bay Area residents in general. In the study by BAAQMD cited above, looking at health risks associated with TACs in the Bay Area, the community of West Oakland was found to be disproportionately impacted. These significant impacts show up plainly in the discussion of impacts Air-9 and Air-10, and in particular the discussion of 6 sites of potential future development. For most of these the EIR projects the real possibility of significant increases in risk, above widely recognized thresholds for such risks. Nevertheless for both of these impacts the document states that even after application of the mitigation measures the impacts would remain “significant and unavoidable.”

### Failure to consider an EJ alternative

While there is a need for further discussion as to how avoidable these impacts are at this point in the process, we feel strongly they could have been avoided if concerns regarding these impacts had been addressed more systematically earlier in the planning process. This could be accomplished in many ways, but we would remind the City of a comment we provided several times during the process:

*“Alternatives. Implementation of Strategies ENV 3-5a. and b. imply the need for additional alternatives beyond those currently listed at page 8 of the Project description document. Both of these strategies describe a need to “prioritize” or “site” particular land uses with regard to minimizing community toxics exposures. It is hard to see how either of these strategies could have any meaning if they are only brought into the process after the basic land uses have already been fixed. The plan should describe, and the EIR assess, at least one scenario (or alternative) demonstrating what application of these principles in practice would look like. The DDDC “Crossroads” study referenced above provides one methodology for addressing these by way of buffers, mitigation and other approaches.” (Emphasis added)*

(“Comments on Draft West Oakland Specific Plan Description,” email October 19, 2012, EPA to Gregory; “NOP for West Oakland Specific Plan,” email EPA to Elois Thornton, November 11, 2012; and in comments on Administrative Draft WOSP, email EPA to Ed Manasse, Elois Thornton et al, November 8, 2013.)

As the DEIR demonstrates, tools are available, and indeed were applied in the DEIR’s analysis, that could reveal the extent to which sites targeted for development are likely to result in significant health risks due to exposure to TAC. The tool used in the DEIR is described as “BAAQMD’s Stationary Source Risk & Hazard Analysis Tool” and has been available at least since 2011, well before the WOSP planning effort took shape and before the EPA recommendation described above.

The DEIR acknowledges the CEQA requirement for “the identification and analysis of alternatives that would avoid or substantially lessen any of the significant effects of the Project.” (emphasis added, p5-2) The Plan and DEIR, however, did not consider an alternative to lessen the EJ-related impacts described in impacts Air-9 and Air-10. Two of the alternatives, “Reduced Project” (Alternative 2) and “Maximum Buildout” (Alternative 4) applied across-the-board factors to activities projected in the Plan and thus also had a negative effect on goals for housing and economic development.

The only alternative describing a more targeted approach (Alternative 3: Scenario with Commercial and Jobs Emphasis”) did nothing to lessen the potential land use conflicts and toxic impacts identified for the problematic development zones. And while Alternatives 1 (No Project) and 2 were judged

3-3

3-4

## Comment “3”

“environmentally superior” (p2-8, Executive Summary), they also sacrificed other benefits of the proposed Plan by reducing economic and housing activities. Nor did they relieve the significant TAC impacts since, “certain future development projects in accordance with the No Project Alternative could expose new sensitive receptors to” significant levels of air toxics.

All of this goes to the point that in order to relieve the projected significant EJ and toxics impacts, a scenario – an alternative - would need to be projected, as suggested by EPA and which, rather than a blanket across-the-board reduction in projected activities and growth, instead targeted appropriate land uses so that sensitive populations and uses were not in close proximity to highly toxic sources. Such an alternative could, at the same time, redirect activities projected for those sensitive sites to other sites in West Oakland not already overburdened by such environmental impacts, thus retaining for West Oakland other benefits related to jobs, housing and other activities addressed in the plan. Such an alternative was not considered in either the WOSP or DEIR.

3-5

### Alternatives and environmental justice

The importance of consideration of alternatives has long been recognized as the “heart” of environmental review under such statutes as the National Environmental Policy Act (NEPA) and analogous state requirements such as CEQA. Consideration of alternatives also plays an important role in addressing environmental justice and avoiding discriminatory activities such as those prohibited under Title VI of the Civil Rights Act. For instance, EPA’s Title VI regulations prohibit recipients of federal funding from not only intentional discrimination, but also actions that have *discriminatory effect*. Under EPA’s regulations actions having such effect are prohibited “unless it is shown that they are justified and that there is no less discriminatory alternative.”<sup>1</sup> (Emphasis added.) Among the discriminatory effects to be avoided is subjection of minority and low income communities to “disproportionately high and adverse environmental effects”<sup>2</sup>. As described above, the area covered by this plan has already been found to be subject to disproportionate impacts due to toxic air pollutants, yet the currently proposed plan has not considered alternative scenarios recommended to relieve these impacts.

3-6

### Including EJ early in the planning process

It is axiomatic in addressing EJ that the earlier it is considered in any process, whether it is permitting, planning, enforcement, etc., the more likely it is that EJ concerns will be effectively addressed. Unless EJ considerations are incorporated early in the process, then often they become seen as a more or less “unfortunate” or residual effect, to be mitigated or seen as “unavoidable.” As described above, in this case they could have been more effectively addressed, perhaps avoided, by consideration of alternatives to address these effects, which is why we do not agree that they should be understood as “unavoidable.”

To describe where else in the planning process were there opportunities to bring the EJ and air toxics issues meaningfully on to the planning process table, two examples follow:

<sup>1</sup> See <http://www.epa.gov/civilrights/t6home.htm>

<sup>2</sup> See Presidential Memorandum accompanying E.O. 12898, February 11, 1994.  
[http://www.epa.gov/fedfac/documents/executive\\_order\\_12898.htm](http://www.epa.gov/fedfac/documents/executive_order_12898.htm)

## Comment “3”

- Goals and “land use conflicts.” As noted earlier, one of several goals for the Plan was “lessening existing land-use conflicts in West Oakland and ensuring avoidance of future conflicts between residential neighborhoods and non-residential uses.” On the face of it this language appears to anticipate problems related to the mix of industrial and residential activities. However, the planning process did not translate this goal into a functional working definition of “conflicts” which would include safety and health effects due to proximity to sources of toxic pollutants. 3-7
  
- “Equity Framework.” Early in the process an “Equity Framework” was presented to WOSP stakeholders (WOSP website, presentation dated June 12, 2012.) The presentation provides a definition of “equitable development” which reads: “An approach to ensure that low income residents and communities of color participate in and benefit from...growth and development [in their communities]” (Slide 5, citing ABAG.) The remainder of the presentation frames the equity issue in terms of economic activity, jobs, housing, displacement and affordability. There is, however, no reference to housing also needing to be “safe” or “healthy.” In short there is no environmental, public health or EJ equity aspect included in this supposed Equity Framework. 3-8

### Mitigation measures

In addition to the extensive list of mitigation measures, there should be a commitment to require implementation at the project level of “best practices” for addressing toxics impacts. This could take the form of a general requirement accompanied by some sort of living document in the form of a checklist for project applicants or some equivalent tool available to developers. The maintenance and updating of such a tool or list should be clearly assigned to an agency/office, and advice should be periodically obtained from other agencies whose missions include public health (i.e. Alameda County Public Health, BAAQMD, CARB, US EPA etc.) 3-9

Regarding the specific mitigation measures for Air-9 and Air-10:

#### IMPACT AIR-9:

Impact Air-9 is described as “*development pursuant to the West Oakland Specific Plan [that] would include new light industrial, custom manufacturing and other similar land uses, as well as the introduction of new diesel generators that could emit toxic emissions.*”

The following mitigation measures are included for this impact, which is deemed “significant and unavoidable.”

*Applicants for projects that would include backup generators 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 project sources, when combined with local cancer risks from cumulative sources with 1,000 feet would be less than 100 in one million.*

*b) Installation of non-diesel fueled generators.*

## Comment “3”

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.

### Suggestions

1. In (a) above it is unclear what would be included in the cumulative risk assessment. Would this assessment only include point sources, or would on-road and non-road mobile sources also be included? It would be helpful if the EIR were clear if the risk level of 100 in a million would include “background” risk in the area from mobile source and port activities that may originate outside of the 1000 feet radius, but still present a risk in the proposed project area. 3-10
2. Given that, under this impact scenario, impacts could occur from sources other than just diesel generators, it is unclear why the mitigation measures only address projects that would include backup diesel generators. We recommend clarifying this, and if appropriate, including relevant mitigation measures for the light industrial, custom manufacturing and other similar land uses that would be allowed under this WOSP EIR. 3-11
3. There are 3 choices above for mitigation measures, but it is unclear how a project applicant would be expected to choose between them. It would be helpful if the EIR demonstrated the risk variations between the 3 alternatives. In particular, how do the risks compare between (b) and (c), and if there is a significant difference in the risk between the two options, what is the rationale for not requiring (b) for all diesel-generator projects. 3-12

IMPACT AIR-10:

WEST OAKLAND BART STATION TOD

Impact AIR-10 discusses impacts of the environment on the project (i.e siting considerations).

One of the proposed projects discussed under this impact is the West Oakland BART Station TOD site, which is located on several parcels immediately surrounding the West Oakland BART Station.

The description of the project notes:

*The TOD development envisioned under the Specific Plan would include new residential development in tall, high density buildings that would step down in height from the I-880 freeway to the surrounding neighborhoods. This TOD is projected to contain as many as 2,300 new residential units, housing a population of as much as 5,320 people. Several parcels within the TOD development site are located immediately adjacent to the freeway, and other parcels along 7th Street are located approximately 500 feet from the freeway at their nearest point and slightly more than 1,000 feet from the freeway at their furthest point. **Residential uses nearest to the freeway would be located atop a multi-story parking garage, and residential uses furthest from the freeway would be developed above ground floor retail and commercial space along 7th Street.** High to medium-density residential use is consistent with the General Plan and zoning for these sites. Detailed designs for the West Oakland BART TOD project are not currently available or proposed.*

### Suggestions

Recognizing that detailed design plans are not currently available, we recommend that the EIR discuss mitigation requirements for impacts from the parking garage on the residents living in units above the parking garage, including requirements for where air intakes are located to minimize pollution from the 3-13

### Comment “3”

freeway and the parking garage. If possible, we would recommend that the site plan emphasize locating commercial and parking space closest to the freeway, with residential units furthest from the freeway, and ideally, not atop a parking structure. This is particularly important given that the EIR notes that impacts from gaseous pollutants cannot be mitigated.

3-14

#### STANDARD CONDITIONS OF APPROVAL/BEST PRACTICES

There are several standard conditions of approval listed under Impact Air-10. One such condition includes the planting of trees and/or vegetation between receptors and pollution sources. We commend the authors for including suggested vegetation species. The measure could be further strengthened by including language that specifies that the vegetative barrier thickness should be adequate for complete coverage to avoid gaps where pollution can enter. There should be no spaces between or under trees and no gaps from dead or dying vegetation. The conditions of approval should also include a plan for maintaining vegetative barriers. These additional specifications could be added under the “best practices” section.

3-15

An additional best practice that could be included would be disclosure to potential building occupants of known or suspected health risks.

3-16

#### Implementation and enforceability

Finally we recommend that in order to avoid any confusion as to the application or enforceability of the EIR recommendations, all recommendations be included, either by reference or by addition of an appendix to the Plan. This should include recommendations in the plan categorized as “non CEQA.”

3-17

Thank you for considering our comments.

Richard Grow  
U.S. EPA  
Region 9  
(415) 947-4104



**Letter #3 Response: U.S. Environmental Protection Agency, Region 9 (US EPA)**

- 3-1: This comment introduces the US EPA's main issue regarding environmental justice, particularly the disproportionate impacts to low income and minority communities due to exposure to toxic pollutants, indicating that US EPA feels both the Plan and the EIR have fallen short on the topic. Please see responses to more detailed and specific comments on this topic, below.
- 3-2: This comment acknowledges several aspects of the documents that are to be commended.
- 3-3: This comment suggests that concerns related to the seriousness of toxic air contaminant impacts could have been better addressed if the Draft EIR included at least one scenario (or alternative) demonstrating how to better locate future land uses to minimize community toxics exposures. As described in the Draft EIR ( page 5-4), Alternative 3: Scenario with Commercial and Jobs Emphasis was developed, at least in part, to consider locating new commercial or business uses rather than residential or other more sensitive land uses in proximity to the freeways. That alternative also considers a development program for the West Oakland BART station TOD would include a mix of uses with a substantial component of commercial/institutional office space.
- 3-4: This comment suggests that Alternative 3: Scenario with Commercial and Jobs Emphasis does nothing to lessen the potential land use conflicts and toxic impacts identified for problematic development zones. The Specific Plan (as described in the Project Description) does propose residential land use at several locations adjacent to the I-880 freeway which have increased cancer risk and increased health risks due to PM2.5 concentrations. These sites include development at and immediately adjacent to the West Oakland BART Station, locations along the 7th Street corridor, the Phoenix Iron Works site, the Roadway site and a site at 12th and Mandela. However, contrary to the comment above, Alternative #3 would substantially reduce the extent to which future sensitive land uses would be exposed to toxic air contaminants (including PM2.5). Alternative #3 would replace as many as 950 of the more sensitive residential units proposed under the Project at the West Oakland BART Station site with less-sensitive office-type uses. Furthermore, Alternative #3 would not result in development of new residential land uses at several locations along the 7th Street corridor, the Phoenix Iron Works site, the Roadway site and the site at 12th and Mandela. These are among the locations found to be exposed to high levels of toxic air contaminants. Alternative #3 would substantially reduce the extent to which new sensitive receptors would be exposed to toxic air contaminants as compared to the Project.
- 3-5: This comment suggests that an alternative should have been presented that targeted appropriate land uses so that sensitive populations and uses were not in close proximity to highly toxic sources. This comment suggests that such an alternative was not considered in either the WOSP or the Draft EIR. Please see Response 3-4 above regarding Alternative #3 of the Draft EIR.
- 3-6: This comment indicates that EPA prohibits recipients of federal funding from discrimination and from actions that have discriminatory effect. Among the discriminatory effects to be avoided is the subjection of minority and low income communities to disproportionately high and adverse environmental effects. The comment indicates that West Oakland has already been found to be subject to disproportionate impacts due to toxic air pollutants, and suggests that the Project has not considered alternative scenarios to relieve these impacts.

Both the Draft Specific Plan (Chapter 9.3: Community Health Checklist, now part of the Appendix) and the Draft EIR (Chapter 4.2: Air Quality - Existing Setting) recognize that West Oakland is a community with particularly high ambient toxic air contaminant concentrations as well as a high concentration of sensitive populations. Both documents cite studies that have found diesel PM accounts for about 80% of the toxic air contaminants responsible for cumulative cancer risk in West Oakland. Of the total West Oakland diesel PM exposure risk, emissions from Port seaport operations contribute approximately 16%; Union Pacific rail yard sources contribute 4%, and other sources in and around West Oakland account for about 80%.<sup>1</sup> Heavy-duty trucks on the roadway within West Oakland and on the freeways surrounding West Oakland are the largest contributors of diesel PM. The Draft EIR fully recognizes this existing context.

Both the Draft Plan and the Draft EIR reference numerous efforts made by CARB, the BAAQMD and the Port of Oakland to significantly reduce diesel emissions that affect West Oakland residents. The Specific Plan also includes numerous objectives and strategies intended to help reduce the adverse effects of freight-related truck traffic and its associated emissions of diesel PM. These strategies include but are not limited to:

- maintaining only those truck routes necessary to serve Port of Oakland activities but prohibiting additional encroachment of truck routes into West Oakland neighborhoods;
- relocating truck parking and services from West Oakland neighborhoods to a consolidated site or sites in the Port/Oakland Army Base area;
- implementing a traffic calming program in residential neighborhoods (potentially including vehicle lane reductions, speed humps, pedestrian crossing improvements, etc.) to discourage truck traffic in neighborhoods;
- enhancing truck route enforcement and education;
- continuing, expanding and improving the Port's Diesel Truck Replacement Program;
- further restricting the expansion or introduction of new freight/truck terminals, truck yards and primary waste collection centers, thereby reducing truck traffic on local roads that and reducing emissions of diesel PM within the interior of West Oakland;
- encouraging greater use of transit, alternative transportation modes and sustainable development patterns which reduce transportation demand and reduce vehicle-related emissions.

The Specific Plan's numerous policies, strategies and requirements will effectively help reduce diesel PM and other toxic air contaminant emissions that are adversely affecting the health of West Oakland residents. These policies and strategies are not discriminatory, nor do they have discriminatory effects. The Specific Plan's strategies, together with other state-wide and regional rules that have already begun to reduce cancer and non-cancer health risks in West Oakland, alleviate (rather than subject) minority and low income communities from disproportionately high and adverse environmental effects.

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<sup>1</sup> This emission inventory from the ARB "Diesel Particulate Matter Health Risk Assessment for the West Oakland Community" represents the most comprehensive inventory of diesel PM emissions in the West Oakland area that has been prepared to date

- 3-7: This comment suggests that the Project's definition of "land use conflicts to be avoided" should have included safety and health effects due to proximity to sources of toxic pollutants. This is primarily a comment on the merits of the proposed Project and is not a comment on the accuracy or adequacy of the EIR. However, air quality in West Oakland is adversely affected by existing industrial uses, three interstate freeways, the Port of Oakland, two rail yards and rail tracks, numerous trucking-based distribution centers and a host of truck-related businesses. The Specific Plan attempts to balance the health and safety effects associated with new development with acknowledgement of all of these existing known sources of pollution.
- 3-8: This comment suggests that there is no environmental, public health or environmental justice equity aspect included in the Specific Plan's Equity Framework. This comment pertains to the merits of the Specific Plan and is beyond the purview of the EIR and CEQA. Please see Master Response #2 in Chapter 4 of this document.
- 3-9: This comment suggests that the City address toxic impacts on/from new development with a checklist. This comment pertains to the merits of the Specific Plan and is beyond the purview of the EIR and CEQA. However, the City is interested and willing to work collaboratively with the US EPA, Alameda County Health Department, the BAAQMD and other interested agencies and stakeholders to consider development of a healthy development checklist tool that can enhance and supplement the City's project review process for West Oakland and perhaps elsewhere. The City is aware of many different types of checklists (i.e., WOEIP, SF Dept. of Health, etc.), that might provide a template or good starting point for this collaborative effort.
- 3-10: This comment requests clarification on methodologies to be used in preparing a Risk Reduction Plan pursuant to Mitigation Measure Air-9 in the Draft EIR. Based on the methodologies recommended by the BAAQMD, the screening analysis or health risk assessment required pursuant to Mitigation Measure Air-9 would include point sources and on-road emissions generated within 1,000 feet from the site. Mobile source and port activities that originate outside of the 1,000 feet radius would not be included in the analysis.
- 3-11: This comment suggests expanding the applicability of MM Air-9 to include sources other than just diesel generators, such as light industrial and custom manufacturing uses. Based on this and other comments, MM Air-9 would apply to applicants for future projects that would include backup generators or other sources of toxic air contaminants. See also Master Response #4-2 in Chapter 4 of this document.
- 3-12: This comment requests a comparative assessment between the relative health benefits associated with the use of non-diesel fueled generators versus diesel generators equipped with an EPA-certified Tier 4 engine or engines that are retrofitted with an ARB Level 3 Verified Diesel Emissions Control Strategy. Depending upon the application and future land use type being considered, there may be issues of feasibility or applicability for any best management practice selected to achieve the necessary reductions in health risk associated with toxic air emissions. Therefore, MM Air-9 includes, but is not limited to the several potential strategies listed in that measure.
- 3-13: This comment recommends that the EIR discuss mitigation requirements for the BART TOD parking garage, including requirements for where air intakes are located to minimize pollution from the freeway and the parking garage. A screening level analysis for the West Oakland BART Station TOD site has been conducted and presented in the Draft EIR (see page 4.2-46). This

screening analysis indicates that the TOD site is subject to emissions from the I-880 freeway, and that the level of health risk varies with distance from the freeway. Based on these results, future development of residential uses at the West Oakland BART Station TOD site will be required to implement all City of Oakland Standard Conditions of Approval, including Supplemental SCA B (see Draft EIR, page 4.2-49). Pursuant to this SCA, unless more detailed modeling can demonstrate that exposure levels would be less-than-significant, the project applicant shall incorporate health risk reduction measures into the project, which shall be submitted to the City for review and approval and be included on the project drawings submitted for the construction-related permit or on other documentation submitted to the City. One of the requirements of this SCA is that operable windows, balconies, and building air intakes shall be located as far away from existing TAC emission sources as feasible.

- 3-14: This comment recommends that the site plan for the West Oakland BART Station TOD should locate commercial and parking space closest to the freeway, with residential units furthest from the freeway, and ideally, not atop a parking structure. The West Oakland BART Station TOD will be required to incorporate the health risk reduction measures of Supplemental SCA B, which includes a number of site planning considerations (i.e., locating sensitive receptors as far away from the source(s) of air pollution as feasible; locating operable windows, balconies and building air intakes as far away from pollution sources as feasible; locating sensitive uses as far from a loading as feasible; not locating sensitive receptors on the ground floor if feasible; and planting trees and/or vegetation between sensitive receptors and pollution source if feasible).
- 3-15: This comment recommends several additions to the City Supplemental SCA B regarding trees and vegetation. The specific recommendations from this comment have been added to the new Mitigation Measure Air-9 incorporated into this EIR. See Master Response #4-3 in Chapter 4 of this document.
- 3-16: This comment recommends that a disclosure be provided to potential building occupants of known or suspected health risks. Prior to August 2013, the City of Oakland's air quality SCAs required qualifying residential projects to prepare a Homeowner's Manual to be included in the CC&R's that was to also include a disclosure to buyers of any air quality analysis findings. In August of 2013, the City of Oakland refined, clarified and replaced the City's previous SCA regarding exposure to air pollution (now indicated in the Draft EIR as Supplemental SCA B) to better conform to current guidance from the Bay Area Air Quality Management District (BAAQMD) and the EIR certified for the Plan Bay Area adopted by the Association of Bay Area Governments (ABAG) and the Metropolitan Transportation Commission (MTC). The current Supplemental SCA does not include reference to a Homeowner's Manual or any disclosures of any type. City staff will reconsider this portion of the current Supplemental SCA, in particular whether any such disclosure should be required and how such disclosures (if determined appropriate) should be presented.
- 3-17: This final comment recommends that all recommendations of the EIR be included, either by reference or by addition of an appendix to the Plan, including those recommendations categorized as "non- CEQA." CEQA Guidelines require public agencies to adopt a reporting and monitoring program for changes to the project which it has adopted or made a condition of project approval in order to mitigate or avoid significant effects on the environment. A list of all EIR mitigation measures and SCAs will be developed for the project and incorporated into a document titled Standard Conditions of Approval and Mitigation Monitoring and Reporting Program (SCAMMRP). The SCAMMRP is required for the proposed project because this EIR identifies potentially

significant adverse impacts, and SCAs and/or mitigation measures have been identified to reduce those impacts. Adoption of the SCAMMRP would occur along with approval of the proposed project.

## Comment “4”



1111 Broadway, Suite 800, Oakland, CA 94607 • 510.208.7400 • www.AlamedaCTC.org

March 17, 2014

Ulla-Britt Jonsson  
City of Oakland  
Strategic Planning Division  
250 Frank H. Ogawa Plaza, Suite 3312  
Oakland, CA 94612

SUBJECT: Comments on Draft Environmental Impact Report for the West Oakland Specific Plan

Dear Ms. Jonnson,

Thank you for the opportunity to comment on the Draft Environmental Impact Report for the City of Oakland West Oakland Specific Plan. The nearly 3 square mile West Oakland Planning Area encompasses the area generally bounded by Interstate 580 to the north, Interstate 980 to the east and Interstate 880 to the west, plus two additional areas that are “gateways” to West Oakland: the industrial area south of I-880 centered on 3<sup>rd</sup> Street, and the Oakland portion of the East Bay Bridge Shopping Center north of I-580 adjacent to Emeryville.

The West Oakland Specific Plan establishes a land use and development framework, identifies needed transportation and infrastructure improvements, and recommends strategies needed to develop vacant and underutilized properties in West Oakland. The plan identifies several Opportunity Areas for new development. The Plan also assesses the impacts of Transit Oriented Development (TOD) build-out scenarios in these Opportunity Areas and the transportation infrastructure improvements needed to support this build-out. The Opportunity Areas currently contain 9,770 jobs and 265 housing units. With full build-out of a Residential TOD based scenario, the Opportunity Areas would contain 24,660 jobs and 5,264 housing units; with full build-out of a Commercial/Office TOD scenario, the Opportunity Areas would contain 26,335 jobs and 4,281 housing units. The plan also identifies a series of transportation improvements to support the projected land use build-out, including a series of road diets on roads with excess vehicle capacity to create a network of complete streets, roundabouts and other traffic calming features to enhance gateways at project boundary locations, and a circulator loop transit route to connect BART stations and other major regional destinations.

The Alameda County Transportation Commission (Alameda CTC) respectfully submits the following comments:

Comments on Specific Plan:

- The Specific Plan discusses creation of a new circulator bus route in West Oakland. The development of any such route should be closely coordinated with AC Transit as well as neighboring jurisdictions to ensure that operational considerations are appropriately accounted for and to ensure that any new routes are complementary and not duplicative of existing services. Moreover, the development of any such route should strive for consistency with the Alameda Countywide Transit Plan and AC Transit’s Major Corridor Study.



## Comment "4"

Ulla Britt Jonsson  
March 17, 2014  
Page 2

### Comments on DEIR:

- The DEIR identifies an impact at the intersection of San Pablo Avenue and 40<sup>th</sup> Street and proposes that the City of Oakland should work with the City of Emeryville to determine the feasibility of mitigation measures, including the potential addition of a second eastbound left turn lane and signal retiming. As mitigation measures are explored, options other than roadway geometry changes and signal timing changes (which could have negative, secondary impacts for pedestrians and bicyclists) should be explored. For instance, much of the traffic making this eastbound left turn movement may be traveling from the nearby shopping center to destinations to the north in Emeryville and Berkeley, so improving connections between the shopping center and the 72 San Pablo bus route may be an alternative solution. Similarly, there may be network level solutions that can avoid costly intersection widening in an already built-out area, such as directing some vehicle traffic to Adeline Street, Market Street, and Sacramento Street which serves as a parallel route to San Pablo Avenue. 4-2
- The DEIR presents an analysis of impacts to transit travel times, however this analysis does not examine any impacts to the 72 San Pablo route, despite the fact that this is one of AC Transit's highest ridership routes and goes through the Project area. The DEIR should be explicit about the criteria used to select routes for analysis. Furthermore, in the quantitative analysis that is presented, the DEIR identifies that transit speeds will drop significantly for some routes and claims that "the travel time increase would be offset by support of the transit systems." The DEIR should more explicitly demonstrate how the transit strategies contained within the Specific Plan – which primarily involve introducing a new circulator route – will serve to protect the speed and competitiveness of existing transit routes. 4-3  
4-4
- More generally, the DEIR notes that "bus service, in general, is extremely transitory" and further notes that "similar to parking, transit service is not part of the physical environment and can generally change over time." While these facts are acknowledged, it seems reasonable to assume that some level of transit service on major corridors like San Pablo Avenue, Martin Luther King Jr. Way, and Market Street will remain, particularly given the Specific Plan's vision for considerable additional Transit Oriented Development. To that end, the Specific Plan should seek to identify locations where improvements are needed to protect transit speed, even if such analysis is done as a non-CEQA issue. Such analysis is critical to ensure that high quality transit is present to accommodate the thousands of additional jobs and residents planned for the area. 4-5

Thank you for the opportunity to comment on this DEIR. Please contact me at (510) 208-7405 or Matthew Bomberg of my staff at (510) 208-7444 if you have any questions.

Sincerely,



Tess Lengyel  
Deputy Director of Planning and Policy

cc: Matthew Bomberg, Assistant Transportation Planner

file: CMP/Environmental Review Opinions/2014

## Response to Letter #4: Alameda County Transportation Commission

- 4-1: The comment requests that development of the enhanced transit route should be coordinated with AC Transit and neighboring jurisdictions, and that the route should strive for consistency with the Alameda Countywide Transit Plan and AC Transit's Major Corridor Study. This is a comment on the merits the Project, and is addressed in the Specific Plan's recommendation for development of the enhanced transit route, providing that: "To develop a fully complete and enhanced local transit service, the City of Oakland, in conjunction with AC Transit, BART, Caltrans, Emeryville and the Port of Oakland, should undertake a West Oakland Transit Needs Study . . ."
- 4-2: This comment suggests that there may be options other than roadway geometry changes and signal timing changes that should be explored to mitigate traffic impacts at the intersection of San Pablo Avenue and 40th Street. As noted in the Draft EIR (page 4.10-36), "To implement this measure [Mitigation Measure Trans-2 at San Pablo Avenue and 40th Street] the City shall work with the City of Emeryville to determine the feasibility of the mitigation measure and enter into an agreement to fund the necessary improvement to alleviate congestion at this location. As part of this agreement, the City of Oakland will work with the City of Emeryville to identify ways to alleviate congestion at the San Pablo Avenue and 40th Street intersection, and all reasonable measures would be considered, including the ideas suggested by the commenter.
- 4-3: This comment indicates that the DEIR does not examine travel time impacts on the #72 San Pablo bus route despite the fact that this is one of AC Transit's highest ridership routes and goes through the Project area. As indicated in the Draft EIR (page 4.10-48), the City of Oakland has a general threshold for transit travel time, but no numerical threshold for "substantially increased travel times." This is due to the nature of transit, wherein bus service is transitory and can change quite frequently; transit service is not part of the physical environment and can change over time in response to external factors; and because there are no well-established methodologies for characterizing the operations of transit service in relation to travel times. For bus service, there is no well-established level of service (equivalent to intersection or roadway segment LOS) for characterizing transit service in relation to travel times.

For the analysis contained in the Draft EIR (beginning on page 4.10-48), a quantitative analysis was performed to determine how new growth and development pursuant to the Specific Plan would affect existing transit travel times for three selected bus routes serving major arterial streets in West Oakland (Route NL on West Grand Avenue, Route 26 on Adeline Street, and Route 62 on 7th Street) – it did not analyze all of the numerous routes throughout West Oakland, including Route 72. The analysis concluded that transit travel time would increase along these and other corridors (at varying levels), with the addition of Project-generated traffic.

Another method for assessing travel time along the transit corridors is to compare future roadway segment level of service (as derived from the Countywide Travel Model) under with- and without Project conditions. For the without Project condition, future baseline traffic forecasts for 2035 were extracted from the Countywide Travel Model for all CMP and MTS roadway segments (including San Pablo Avenue) and presented in Table 4.10-11 of the Draft EIR. The results for Year 2035 with Project conditions are presented in Table 4.10-12 of the Draft EIR. Under Year 2035 conditions, San Pablo Avenue north of 35th Street is projected to operate at LOS F under both 2035 Baseline (without Project) and 2035 with Project scenarios, with similar volume/capacity ratios under both scenarios. Since the LOS and v/c ratios remain unchanged between the two

scenarios, the Project was considered to have a less-than-significant impact on CMP-designated roadways (including San Pablo Avenue) under Year 2035 conditions. This is partially because the number of total trips generated in West Oakland under the Specific Plan is generally consistent with the projected trips already assumed in the CTM Traffic Model, although some areas in or around the Opportunity Areas would experience more traffic with the implementation of the Project and other areas would have a projected decline in traffic volumes. Since the Project was considered to have a less-than-significant impact on the future level of service along the San Pablo Avenue corridor as compared to without-Project conditions, the Specific Plan itself would also have a similar, less than significant effect on transit travel times along San Pablo Avenue in comparison to without-Project conditions.

4-4: This comment indicates that the DEIR identifies that transit speeds will drop significantly for some routes and claims that "the travel time increase would be offset by support of the transit systems", but does not demonstrate how the transit strategies contained within the Specific Plan will serve to protect the speed and competitiveness of existing transit routes. The actual statement in the Draft EIR (at page 4.10-56) indicates that; "While the Project may increase some bus travel times, the travel time increase would be offset by support of the transit systems and the safety and convenience of pedestrian, bicycle and transit users (underline added). While the transit enhancement strategies that would further contribute to transit connectivity as outlined in the Specific Plan were not individually listed in the Draft EIR, these strategies include:

- The land use strategy inherent in the Specific Plan encourages new development along corridors served by expanded transit service, including Mandela Parkway, West Grand Avenue, 7th Street, and San Pablo Avenue. These corridors are identified as locations where new and enhanced employment and housing growth can be effectively and efficiently served by expanded transit service;
- working with AC Transit to expand bus service schedules, especially at night and on weekends (evening/weekend services, longer service hours, greater frequencies, bus stop amenities, etc.);
- working with AC Transit to expand AC Transit bus service routes to better serve key destinations such as the Oakland Army Base, West Oakland job centers, Emeryville, Jack London Square and downtown Oakland;
- working with AC Transit to insure that bus service increases as development occurs and transit demand increases;
- providing optimal bus stop locations throughout West Oakland. Bus stops should be located so as to maintain a minimum of 1,000 feet between transit stops, should be located on the far-side of intersections, and should be designed in a manner that permits vehicles to pass during loading and unloading (i.e., with turn-outs); and
- enhancing bus stops with appropriate new amenities (e.g., shelters, benches, lighting, real-time passenger information, and security apparatus) to improve the comfort and safety of transit riders.

If implemented (as recommended in the Specific Plan) these transit enhancement strategies would further contribute to transit connectivity and would serve to reduce impacts with respect to increased transit travel time to a level of less than significant.

- 4-5: This comment suggests that specific locations where improvements are needed to protect transit speed should be identified, even if such analysis is done as a non-CEQA issue, to ensure that high quality transit is present to accommodate the new jobs and residents planned for the area. Addressing transit service for a large section of the city like West Oakland likely requires a dedicated and coordinated planning effort between the City and transit providers such as AC Transit, and consideration of matters beyond the scope of the EIR. The City looks forward to working with AC Transit, the AC Transportation Commission and other transit agencies at such time as those agencies may initiate Transit Plan updates or pursuant to preparation of the Plan's recommended West Oakland Transit Needs Study to ensure that transit speed, rider access and connectivity, and other aspects of their transit system are addressed.

## Comment "5"



### SAN FRANCISCO BAY AREA RAPID TRANSIT DISTRICT

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2014

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9TH DISTRICT

March 17, 2014

Ulla-Britt Jonsson  
City of Oakland Strategic Planning Division  
250 Frank H. Ogawa Plaza, Suite 3315  
Oakland, CA 94612  
[ujonsson@oaklandnet.com](mailto:ujonsson@oaklandnet.com)

RE: West Oakland Specific Plan Draft Environmental Impact Report

Dear Ms. Jonsson:

On behalf of the San Francisco Bay Area Rapid Transit District (BART), I would like to thank the City for its invitation to provide the comments on the West Oakland Specific Plan Draft Environmental Impact Report (EIR).

In July 2005, the BART Board of Directors adopted a Transit-Oriented Development Policy, which promotes high quality, more intensive development at or near BART stations. Station area development will, in turn, generate increased ridership as well as new revenues for transit. In addition, transit-oriented development (TOD) reduces the impact of congestion and increased air pollution by encouraging built-in ridership at the station.

We therefore support the vision for new development that is outlined in the West Oakland Specific Plan, one that features a walkable setting and includes a mix of uses, higher density development, placemaking elements and other public amenities, particularly at the BART station. Importantly, the Plan also encourages sustainable transportation modes, such as walking, biking and transit. As BART ridership grows, BART seeks to expand the station access mode share for pedestrians, bicyclists, and transit connections. Appropriate pedestrian, bicycle, and transit improvements as outlined in the Specific Plan would make significant strides to accommodate growing demand for access to the BART system, which BART greatly appreciates.

BART looks forward to collaborating with the City to make the vision in the Specific Plan a reality, and thank you for your thoughtful review and consideration of the comments below. If you have any questions, please contact Hannah Lindelof at 510-464-6426 or at [hlindel@bart.gov](mailto:hlindel@bart.gov).

Sincerely,

A handwritten signature in blue ink that reads "Val Menotti".

Val Joseph Menotti  
Planning Department Manager  
San Francisco Bay Area Rapid Transit District

[www.bart.gov](http://www.bart.gov)

5-1

5-1

## Comment "5"

### **Chapter 3: Project Description**

#### **Page 3-37**

- Overall, BART is strongly supportive of the land use changes and circulation improvements proposed in the Plan. In particular, BART supports the attention paid to area character, and emphasis of the Plan on pedestrian, bicycle and transit circulation. The Plan will help the City and BART achieve the shared vision of transit-oriented development for the 7<sup>th</sup> Street Opportunity Area. We look forward to working with the City and the community to realize this vision.
- The project description for the 7<sup>th</sup> Street Opportunity Area identifies a new BART parking garage next to the freeway that would act as a buffer for residential uses planned near the freeway. BART is supportive of consolidating surface parking in the neighborhood in order to pursue TOD, noting that the BART parking lots currently include 400 parking spaces and additional surface parking near the station is privately owned. As identified by the BART Board of Directors, some of the goals of the Transit-Oriented Development program are to:
  - Increase transit ridership and enhance quality of life at and around BART stations
  - Enhance the stability of BART's financial base
  - Reduce the access mode share of the automobile by enhancing multi-modal access

BART is interested in working with the City and stakeholders to ensure transit ridership growth, and encourage sustainable station access modes. As part of the BART site development, BART will work with its partners on a Station Access Plan to identify and prioritize those multi-modal access investments and strategies that best meet the objectives of BART and the Specific Plan. It is within this context that the location, size and operational characteristics of commuter parking would be identified. In addition, the analysis would identify shared use parking opportunities.

#### **Page 3-40**

- BART is supportive of the flexibility shown in the build out assumptions in Table 3-3 that include a range of commercial and residential options for the BART property.

### **4.1: Aesthetics, Shadow and Wind**

#### **Page 4.1-15**

- The EIR notes that there are no changes in maximum allowed building heights proposed as part of the Specific Plan. However, the Draft Specific Plan released in January 2014 includes changes to building heights at the BART site (as shown on Figure 7.2.5, page 7-84 of the Specific Plan). Please clarify.

5-2

### **4.2: Air Quality**

#### **Page 4.2-30**

- Please clarify existing and projected residents, as shown in Table 4.2-7. The Project Description identifies the existing opportunity areas population of 629, with a total population of up to 11,617 residents. It is also unclear why the analysis appears to consider only opportunity areas and the remaining planning area is not included.

5-3



## Comment "5"

### 4.4: Greenhouse Gas Emissions

#### **Page 4.4-15**

- The discussion of SB 375 should reference Plan Bay Area, the SCS for the Bay Area, adopted in July 2013.

5-4

#### **Page 4.4-36**

- The analysis does not account for the adoption of Plan Bay Area, the regional SCS. The text states: "Until AB 32 has been fully implemented in terms of adopted regulations, incentives, and programs, and until the Sustainable Communities Strategy or Alternative Planning Strategy required by SB 375 have been adopted or the California Air Resources Board (ARB) adopts a recommended threshold, the City's significance thresholds represent substantial compliance with applicable plans, policies and regulations adopted for the purpose of reducing GHG emissions."

Given the adoption of Plan Bay Area in July 2013, please include an assessment of whether the proposed Plan is consistent with Plan Bay Area, which meets the SB 375 target to reduce per-capita carbon dioxide emissions from cars and light-duty trucks by seven percent by 2020 and by 15 percent by 2035.

### 4.8: Population, Housing and Employment

#### **Page 4.8-6**

- Please clarify why ABAG Projections 2007 are used instead of Plan Bay Area projections (adopted in July 2013). This comment applies to the analyses conducted throughout the EIR.

### 4.10: Transportation

#### **Page 4.10-2**

- Figure 4.10-1 is currently missing 19<sup>th</sup> Street Station and MacArthur BART Station. These stations are closer than the West Oakland BART station for many residents of West Oakland and should be shown on the figure.

5-5

#### **Page 4.10-6**

- The EIR states that "Trains have a typical headway of 15 minutes on weekdays and 20 minutes on Saturday and Sundays." While this is accurate, the headways described would be for individual lines and the West Oakland BART Station is served by four BART lines:

- Richmond – Millbrae (Red)
- Fremont – Daly City (Green)
- Pittsburg/Bay Point – SFO (Yellow)
- Dublin/Pleasanton – Daly City (Blue)

5-6

Between all four lines, average daily headways at the West Oakland Station are just over four minutes, and as short as 1.5 minutes during the peak hour commute.

#### **Page 4.10-19**

- Please note that the 2009 Regional Transportation Plan (RTP) has been updated; Plan Bay Area (adopted in July 2013) includes the region's Sustainable Communities Strategy and the 2040 Regional Transportation Plan.

5-7

#### **Page 4.10-21**

- Given the transit focus of the proposed Specific Plan (including transit-oriented development at BART and the proposed addition of a local enhanced transit system), it

## Comment "5"

seems appropriate to reference Oakland's Resolution Declaring the City of Oakland's Support of Public Transit and Other Alternatives to Single-Occupant Vehicles (also known as Oakland's "Transit First Policy") in the regulatory setting.

5-8

### **Page 4.10-22**

- Item h should allow for contribution to provision of "other last mile transit service" (i.e. the enhanced transit system outlined in the proposed Plan).

5-9

### **Page 4.10-24**

- "Project Transportation Characteristics" appear to only address roadway modifications and traffic forecasts. Please clarify if this EIR considers the implementation of a local enhanced transit system ("the O"), as outlined in the Draft Specific Plan released in January 2014. BART is supportive of the addition of such a system, and looks forward to working with the City of Oakland in implementing such a system. To the extent possible this additional transit asset should be analyzed in this EIR in order to facilitate implementation.

5-10

### **Page 4.10-30**

- It appears that Threshold 19 has been revised such that it:
  - no longer refers to adopted plans and policies generally but to City of Oakland plans and policies only; and
  - no longer includes the phrase "or otherwise decrease the performance or safety of such facilities."

BART is concerned that the performance and safety of public transit, bicycle, or pedestrian facilities is no longer being analyzed by the City of Oakland. These are essential components of the transportation network and should be treated as such. Further, we note that as a result of these changes, in the analysis of the threshold, BART is not considered at all. Please see our general comments below for additional detail.

5-11

## **Chapter 5: Alternatives**

### **Page 5-61**

- The comparative analysis of alternatives considers vehicle trip generation, but does not include any information on non-auto modes. BART requests that the EIR include some information on the non-auto mode-split, including projected transit ridership.
- While the *Reduced Project: Alternative 2* is identified as the environmentally superior alternative, it would not be as successful at meeting several of the basic objectives of the Project, as compared to the proposed Project and Alternative 3. BART requests that the EIR include some discussion of how well each alternative performs in relation to the identified project objectives.

5-12

5-13

In particular, as compared to Alternative 2, the proposed Project and Alternative 3 would better:

- augment West Oakland's development capabilities;
- encourage growth of additional jobs and services;
- support commercial, mixed-use and transit-oriented land uses in West Oakland, especially including at the West Oakland BART Station;
- further the physical and economic revitalization of West Oakland; and
- correspond with regional development plans in accordance with West Oakland's Priority Development Area designation.

5-14

## Comment "5"

Therefore BART does not support the reduced scope alternative, and urges the City to consider these objectives in making its final determination.

5-14 cont'd

### **General Comments**

#### **BART Analysis**

The EIR omits any discussion or analysis of existing or projected BART ridership, loading, or capacity. Further, the EIR does not include information on trip generation or what share of trips are made by transit, bicycle, and walking. Thus, there is no sense of the plan's success at promoting alternative modes of transportation, or information regarding the proposed Project's contribution to BART's overall total ridership, or how additional ridership might affect BART's capacity systemwide or at the West Oakland Station specifically. As indicated in BART's comment letter on the Notice of Preparation (dated November 20, 2012), in 2009, BART prepared a plan to improve capacity for the West Oakland BART Station, which has been provided to the City of Oakland as part of the Specific Plan process.

5-15

Pursuant to Section XVI. Transportation / Traffic, of Appendix G of the State Office of Planning and Research's (OPR) CEQA Guidelines, a potentially significant impact may occur if a project would:

- a) Conflict with an applicable plan, ordinance or policy establishing measures of effectiveness for the performance of the circulation system, taking into account all modes of transportation including mass transit and non-motorized travel and relevant components of the circulation system, including but not limited to intersections, streets, highways and freeways, pedestrian and bicycle paths, and mass transit?
  
- f) Conflict with adopted policies, plans, or programs regarding public transit, bicycle, or pedestrian facilities, or otherwise decrease the performance or safety of such facilities?

While previous EIRs have assessed impacts to BART as non-CEQA issues, we notice that this EIR does not evaluate impacts to BART at all. The EIR does not even address anticipated changes in ridership that BART could use in evaluating impacts and planning for service. The City needs to include detail on projected BART ridership and address BART impacts as CEQA impacts.

We recommend that the City of Oakland and BART coordinate efforts and identify a reasonable approach to analysis of impacts to BART related to proposed growth in the City of Oakland. While BART strongly encourages TOD development and welcomes increases in ridership, these changes do have impacts to the system that need to be identified and addressed. Further, BART would like to pursue a joint effort with the City of Oakland, other transit service providers, regional agencies, and other relevant local jurisdictions in the development of a regional approach to ensure that necessary transit improvements are funded over time, consistent with the regional transit-oriented growth strategy outlined in Plan Bay Area. We look forward to working with the City of Oakland in this effort.

5-16

#### **Safety Analysis**

Pursuant to Section VIII(g) of Appendix G of the CEQA Guidelines, a potentially significant impact may occur if a project would "impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan." BART has adopted an

5-17

## Comment "5"

Emergency Plan for the overall system, and maintains updated analyses on emergency access and egress at each station, including the West Oakland Station. We request that the City of Oakland work with BART to analyze potential impacts of the proposed Plan on emergency egress at the West Oakland station, including the performance of station vertical circulation (elevators, stairways, and escalators) and platform capacity.

In 2009, BART completed a preliminary analysis of station capacity needs for the system. This analysis evaluates cumulative forecasted ridership growth for 2030 on the BART system. While the study was not intended to provide a project-specific, micro-level analysis for the stations, the analysis indicates that the West Oakland station will require additional platform area and additional vertical circulation to achieve emergency exiting requirements in 2030 for projected peak boardings and alightings.<sup>1</sup> Fare gate capacity was found to be adequate. The study recommended widening of both platforms, and the addition of two emergency stairways and one escalator to each platform, with a total estimated cost of \$22 million.

The impact on safety from increasing the number of passengers within the station complex, particularly during peak periods, must be analyzed in order to determine whether any significant impacts will result from the proposed Plan and whether additional mitigation measures such as those described above might be necessary to ensure safety during emergency situations. BART asks that the City provide BART with projected ridership as a result of the proposed Plan such that BART can perform the necessary analyses and identify necessary mitigation measures, as relevant.

5-17 cont'd

5-18

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<sup>1</sup> 2,087 riders in AM Peak; 2,222 riders in PM Peak.

## Response to Letter #5: Bay Area Rapid Transit District (BART)

- 5-1: This comment expresses support for the vision for new development that is outlined in the West Oakland Specific Plan.
- 5-2: The comment identifies an error in the Draft EIR's description of the BART site TOD building heights. The text on page 4.1-15 is incorrect and is deleted from the Draft EIR, replaced with the correct text as described on page 4.1-13 of the Draft EIR (see Chapter 7 for changes to the Draft EIR). These changes to the text do not alter or modify the analysis or conclusions of the Draft EIR which indicate that the impacts of the Specific Plan related to scenic highways would be less than significant.
- 5-3: The purpose of Table 4.2-7 of the Draft EIR is to compare projected growth in population directly attributed to the Project, to projected increases in vehicle miles traveled (VMT) directly attributable to the Project. As indicated in the Project Description, all new growth attributable to the Project would occur within the Opportunity Areas. The current Opportunity Area population is only 629 people, whereas the expected buildout population is projected to be 11,617 people (assuming a residential-based BART TOD) and 9,351 people (assuming a commercial/office based BART TOD). Cumulative population growth throughout the remainder of the West Oakland Planning Area is presented in Table 4.8-5 of the DEIR.
- 5-4: This comment suggests that the discussion of SB 375 within the GHG chapter of the EIR should reference Plan Bay Area, adopted in July 2013, requests an assessment of whether the proposed Plan is consistent with Plan Bay Area, and requests clarification as to why ABAG's Projections 2007 are used instead of Plan Bay Area projections as adopted in July 2013. This comment applies to the analyses conducted throughout the EIR.

CEQA Guidelines Section 15125 provides that the description of the environmental conditions (or setting, or baseline) shall be as they exist at the time the Notice of Preparation is published, or if no NOP is published, at the time environmental analysis is commenced. The NOP for the West Oakland Specific Plan was published on October 22, 2012 and the environmental analysis commenced in early 2013, well before the Plan Bay Area was adopted in July 2013. Thus, the use of travel forecasts using the June 2011 version of the Alameda CTC Countywide Travel Demand Model (which is consistent with Association of Bay Area Governments' Projections 2009), the latest MTC Regional Transportation Plan, and the latest Alameda Countywide Plan, is based upon the information that was available at the time. For informational purposes, as a brief comparison of these projections is provided below.

- The numbers for housing and households are generally similar between the Plan Bay Area's West Oakland PDA, the earlier Projections 2009 Traffic Analysis Zones for West Oakland included in the traffic model, and the West Oakland Specific Plan buildout scenario. Only small differences occur.
- The numbers for employment projections are different between Plan Bay Area and Projections 2009. Plan Bay area includes only about half of the employment growth that is included in Projections 2009 for West Oakland. Thus, under the Plan Bay Area projections, the Specific Plan's buildout could take longer to occur.

- Additionally, Plan Bay Area shows somewhat less existing employment in West Oakland, indicating that more job loss had occurred from 2000 to 2010 in West Oakland than had been reflected in the earlier ABAG projections and the CMA model work.

If the newer Plan Bay Area projections had been used in the traffic analysis, the Project's cumulative traffic impacts would have been less significant than what was reported in the Draft EIR based on less overall cumulative employment growth. No new significant impacts and no substantial increases in impacts identified in the DEIR would result from reliance on these newer Plan Bay Area projections.

- 5-5: Figure 4.10-1 is intended to show the freeways and other key roadways within the Study area. That the figure does not identify the two other BART stations in the vicinity is an oversight but does not materially impair the adequacy of the EIR analysis.
- 5-6: The BART train headways as described in the Draft EIR are for individual lines, whereas the West Oakland BART Station serves four BART lines with a much shorter interval between aggregate headways. Please refer to Chapter 7 for changes to the Draft EIR text.
- 5-7: Additional text has been added to the EIR to recognize Plan Bay Area as the most recently adopted regional land use and transportation plan, See Chapter 7 of this Final EIR.
- 5-8: This comment suggests that the City of Oakland's Transit First Policy should be included in the Regulatory Setting section of Chapter 4.10. Discussion of the City's Public Transit and Alternative Modes ("Transit First") resolution is included in the Land Use Chapter of the DEIR (page 4.6-33). The Transit First policy recognizes the importance of striking a balance between economic development opportunities and the mobility needs of those who travel by means other than the private automobile. The policy favors modes of travel that have the potential to provide the greatest mobility for people rather than vehicles. As analyzed in the DEIR, the Specific Plan's emphasis on transit-oriented development surrounding the West Oakland BART station, streetscape plans which include transit design and amenities, and its commitment to enhanced transit opportunities throughout West Oakland is fully consistent with the City's Transit First policy.
- 5-9: This comment suggests that Item h) on page 4.10-22 of the DIER should allow for contributions to provision of other last mile transit service" (i.e., the enhanced transit system outlined in the proposed Plan). Item h) as referenced in this comment refers to one item on the list of TDM strategies intended to increase pedestrian, bicycle, transit, and carpool/vanpool use as provided in the City of Oakland's Standard Conditions of Approval (SCA), which are applicable to all development projects within the City. Under this SCA, all modes of travel shall be considered, potentially including the provision of ongoing contributions to AC Transit service, but also to other area shuttle and transit services between new development projects and nearest mass transit station. This SCA would be adopted as requirements of future project, and is intended to help reduce transportation impacts. The enhanced transit system, as it may ultimately be defined, would qualify as a transit mode eligible to receive such contributions.
- 5-10: As indicated in the DEIR Introduction (page 1-3), the degree of specificity and analysis in the EIR corresponds to the degree of specificity in the underlying project. Although the DEIR indicates (on page 1-10) that this EIR may provide the environmental review necessary for a variety of private development projects and public improvement projects carried out in furtherance of the West

Oakland Specific Plan, the enhanced transit system advocated in the Specific Plan is not developed to a level of detail that would enable an adequate environmental analysis to be conducted. Prior to implementation of any enhanced transit system (i.e., the “O”), the Specific Plan describes a process for development of a Transit Needs Study to consider the transit needs of West Oakland at intermediate stages of development, identify technical requirements, costs and funding sources. The Transit Needs Study is to engage a cross-section of the West Oakland community in evaluating the options, with a specific outreach program. Ultimately, the Transit Needs Study should formulate technically sound analyses and findings pertaining to transit routes, appropriate service characteristics, the level of transit capacity required, the need for capital improvements and roadway changes, the probable levels of funding required, potential funding sources, the appropriate and cost effective ways that the transit system can reflect the history and character of West Oakland, and an economic analysis of the value of improvements to bus and rail service. Since none of these studies have yet been completed, there is not currently enough detail regarding the enhanced transit system to permit an adequate and thorough environmental review.

- 5-11: The City's traffic safety thresholds (Thresholds #14 to #18) specifically address safety effects of the Project on roadway users, pedestrians, bicyclists, bus riders, and crossing of at-grade railroad tracks. Furthermore, the City has established policies to support public transit and other alternatives to single-occupancy vehicles (City Council Resolution No. 73036) and to ensure that Oakland streets provide safe and convenient travel options for all users (City Council Resolution No. 84204).
- 5-12: This comment indicates that the comparative analysis of alternatives in Chapter 5: Alternatives of the DEIR considers vehicle trip generation, but does not include any information on non-auto modes. BART requests that the EIR include some information on the non-auto mode split, including projected transit ridership. The City does not include effects on BART service as a CEQA threshold issue due to the transitory nature of transit ridership and service in general, and because these effects are not impacts to the physical environment. Just as drivers adapt their travel behavior depending on availability of the parking supply, transit riders will adjust their travel behavior depending on the available transit service. Therefore, identification of impacts on BART service, as well as the mitigation of any such impacts, is not required.
- 5-13: This comment requests that the EIR include some discussion of how well each alternative performs in relation to the identified project objectives. As indicated on page 5-76 of the DIER, “When considering the merits of the Project as compared to other alternatives, the City will also weigh and assess the degree to which the Project and these alternatives also achieve the basic objectives of the Project”.
- 5-14: In this comment, BART expresses their lack of support for the Reduced Alternative and urges the City to consider the Project objectives when making its final determination. This is not a comment on the accuracy or adequacy of the EIR, but is instead a comment on the relative merits the Project and the EIR alternatives. As indicated on page 5-76 of the Draft EIR, the Reduced Alternative is considered the environmentally superior alternative as it would avoid and/or substantially reduce impacts to the greatest extent as compared to the Project or to any of the other alternatives. However, when considering the merits of the Project as compared to other alternatives, the City will also weigh and assess the degree to which the Project and these alternatives also achieve the basic objectives of the Project.

- 5-15: Effects on BART service are not considered a CEQA impact due to the transitory nature of transit ridership and service in general, and because these effects are not impacts to the physical environment. Just as drivers adapt their travel behavior depending on availability of the parking supply, transit riders will adjust their travel behavior depending on the available transit service. Therefore, identification of impacts on BART service, as well as the mitigation of any such impacts, is not required.
- 5-16: This comment recommends that the City of Oakland and BART coordinate efforts to identify a reasonable approach to analysis of impacts to BART, and suggests a joint effort with the City of Oakland, other transit service providers, regional agencies, and other relevant local jurisdictions in the development of a regional approach to ensure that necessary transit improvements are funded over time. The City also welcomes a joint effort with BART and other transit service providers, local jurisdictions, or government agencies, as necessary in the development of a regional approach to transit impact fee assessment or other mechanisms to ensure that development projects make contributions to transit improvements commensurate with their effects on transit service. However, any such approach should be a comprehensive, logical, and fair process that assesses contributions reasonably accurately and across all development projects.
- 5-17: This comment requests that the City of Oakland work with BART to analyze potential impacts of the proposed Plan on emergency egress at the West Oakland station. The City appreciates any information provided by BART regarding station capacity needs for the West Oakland Station. However, increased transit ridership from new development pursuant to the Specific Plan would not alone require major improvements to station facilities such as wider platforms or additional vertical circulation. In fact, increased transit ridership is a primary goal of the Specific Plan, as it reduces greenhouse gas (GHG) emissions and is, overall, a more environmentally sustainable alternative to automobile traffic. The City also does not consider additional BART ridership generated by the Specific Plan as representing “new” ridership above BART’s latest cumulative ridership projections. However, conservatively assuming that adoption and development under the Specific Plan would generate BART ridership not fully accounted for already in BART’s cumulative projections, this increased ridership alone would not impair implementation of, or physically interfere with the Emergency Plan adopted by BART for West Oakland Station. Ridership is volatile and can be affected by any number of external factors and subject to BART’s service plans at any given moment. The need to move additional passengers generated by development under the Specific Plan out of the station in an emergency does not constitute impairment to the implementation of the station emergency plan. The Specific Plan would not physically alter the layout of the station, the station entry /exit points, or its vertical circulation systems. As a result, the Specific Plan cannot be considered to result in a hazard impact due solely to generating additional ridership.
- 5-18: The City welcomes an opportunity to work with BART to prepare projection of the future ridership that might result from implementation of the Specific Plan, particularly as a result of implementation of the West Oakland BART TOD. The Specific Plan itself (Existing Transit Enhance-2 on page 5-22 of the Plan) suggests working with BART to assess the need for undertaking station capacity improvements at the West Oakland BART Station to ensure public safety and to meet BART’s performance standards.



## Comment "6"

From: Becca Homa [mailto:[bhoma@actransit.org](mailto:bhoma@actransit.org)]  
Sent: Monday, March 17, 2014 3:41 PM  
To: West Oakland Specific Plan  
Cc: Linda Morris; Robert Del Rosario; Jonsson, Ulla-Britt  
Subject: West Oakland Specific Plan Comments

AC Transit will submit a formal comment letter at a later date but had several questions after reviewing the documents:

Transit Improvements: We greatly support the concept of "enhancing public transit and its connections to, from and through West Oakland." However, we take great issue with the main transit goal of "creating an enhanced transportation loop that interconnects West Oakland to other central BART stations in the system" (West Oakland Specific Plan 8-2). Key destinations need to be connected but doing so on the same route eliminates a strong transit network as well as causes inefficient service. This plan does not sufficiently demonstrate the need for an alternative transit connection between BART stations or explain why this should be a priority since BART already provides fast service between West Oakland and surrounding neighborhoods. We recognize that transit can be realigned and expanded to better meet the needs of the community but without a comprehensive analysis feel that it is too early to recommend an alignment and mode.

6-1

How did you arrive at the mode and alignment for the proposed O street car?

6-2

What analysis was completed to determine demand for transit in the proposed newly developed areas

6-3

What analysis was completed to determine the destinations for West Oakland riders currently?

Complete Streets Strategy: While AC Transit supports safe and convenient multimodal transportation choices for all users we believe several components of the complete streets strategy will have excessive negative impacts for transit. In particular, the road diets, bicycle infrastructure and streetscape recommendations will have negative impacts on safety and efficiency. The plan must also recognize that the trade-off of slowing transit down and reducing capacity on the street often makes AC's service inefficient, operating costs are higher and service is less attractive to passengers.

6-4

Road Diet: We have strong reservations about the road diets recommended for the corridors where transit operates including West Grand Avenue, Adeline Street and 14th Street.

6-5

Were speed audits performed to identify these corridors as problematic?

Are volumes high on these corridors?

Bicycle Facilities: AC would like to express our reservation with the planned bike lanes in the following corridors because of the possible conflicts with transit: West Grand Avenue, Adeline Street and Market Street. While we acknowledge these routes were identified in the 2007 Bicycle Master Plan we would like the city to analyze alternative alignments on lower volume parallel through streets such as Chestnut Street. We also hope to coordinate any bike network designs with the city in order to minimize bicycle and transit interactions especially around intersections because of the possible safety concerns.

6-6

Was a suitability analysis conducted to determine these routes, taking into account current volumes on street, predicted volumes as well as transit priority routes?

## Comment “6”

Streetscapes: We cannot support the recommendation for roundabouts on Adeline Street. Roundabouts create enormous operational problems for our fleet of buses, not only reducing the speed to inefficient operation but also making operation less safe.

6-7

Were other design features, features that would provide no operational hazard to transit, considered?

Regarding the Transportation & Circulation Chapter:

Transit Travel Time Methodology:

Why were increases in travel time not considered suitable metrics for determining impacts?

6-8

What were the assumptions used to derive the projected project speed?

6-9

Why weren't transit enhancements (bus-only lane, managed lane, transit signal priority) considered either as required mitigations or in the specific plan?

6-10

We look forward to your response and to working with the City as planning projects in the West Oakland corridor move forward.

Thank you

Becca Homa, Transportation Planner  
Service Development and Planning, AC Transit  
1600 Franklin Street  
Oakland, CA 94612

Office (510) 891-4744  
Cell (415) 592-4263

## Response to Letter 6– AC Transit

- 6-1: This comment suggests that the Plan does not sufficiently demonstrate the need for an alternative transit connection between BART stations. Based on the comments and suggestions made principally by AC Transit during preparation of the Draft Specific Plan, the Specific Plan describes a process for development of a Transit Needs Study to consider the transit needs of West Oakland at intermediate stages of development, identify technical requirements, costs and funding sources. The Transit Needs Study is to engage a cross-section of the West Oakland community in evaluating the options, with a specific outreach program. Ultimately, the Transit Needs Study should formulate technically sound analyses and findings pertaining to transit routes, appropriate service characteristics, the level of transit capacity required, the need for capital improvements and roadway changes, the probable levels of funding required, potential funding sources, the appropriate and cost effective ways that the transit system can reflect the history and character of West Oakland, and an economic analysis of the value of improvements to bus and rail service. The results of this study would be used to assess the relative needs and merits of any enhanced transit system.
- 6-2: This comment pertains to the merits of the Specific Plan and the Plans' preliminary suggestions for an alignment of an enhanced transit facility, and thus is beyond the purview of the EIR and CEQA. The DEIR does not analyze any of the potential streetcar alignments; rather it presents the streetcar as a potential improvement (see DEIR, page 4.13-27). As described in the Specific Plan, the City of Oakland is investigating possible options for enhancing transit throughout West Oakland. One, but not the only option under consideration is a streetcar system.
- 6-3: The comment pertains to the merits of the Specific Plan and is beyond the purview of the EIR and CEQA. The DEIR does not analyze any of the potential streetcar alignments; rather it presents the streetcar as a potential improvement (see DEIR, page 4.13-27). As indicated in response to Comment 6-1 above, a subsequent Transit Needs Study would formulate technically sound analyses and findings pertaining to transit routes, appropriate service characteristics and the level of transit capacity required.
- 6-4: The Draft EIR assesses the potential project impacts on existing and future conditions, including traffic operations of the roadway network and on traffic safety for all users. The Project's potential conflicts with adopted City policies, plans and programs pertaining each of these issues were identified in the DEIR, and standard conditions of approval (SCAs) and mitigation measures to recommended in the DEIR to lessen or avoid potential Project impacts, where necessary. The analysis included in the EIR concludes that the Specific Plan would not directly or indirectly cause or expose roadway users (e.g., motorists, pedestrians, bus riders, bicyclists) to a permanent and substantial transportation hazard. This comment provides no data or information to the contrary. Staff believes that providing separate bike lanes on West Grand Avenue and on Adeline Street provides better separation between cyclists and buses and other heavy vehicles (all of which currently share use of these roads) than does a shared lane, and that the dedicated left turn lane in the center provides for an easier, safer turning movement at intersections.
- 6-5: This comment pertains to the merits of the Specific Plan and thus is beyond the purview of the EIR and CEQA. As indicated in Master Response #3, based on this comment (and others) the roundabouts and lane reductions proposed on 14th Street, 12th Street and 8th Street have been removed from the Specific Plan's recommendations, whereas the adopted Bicycled Master Plans'

bike lanes (and commensurate travel lane reductions) on West Grand Avenue and Adeline Street remain as originally proposed.

In response to the question, Table 4.11-12 of the Draft EIR provides a road segment evaluation of the major routes in West Oakland projected for the year 2035 during the PM peak hour, with traffic added by the Project. This analysis indicates that traffic volumes on West Grand Avenue are projected to be between 1,424 and 1,916 vehicles per hour (LOS C), traffic volumes on Adeline Street are projected to be as low as 49 vehicles per hour (LOS B), and traffic volumes on 14th Street are projected to be between 46 and 57 vehicles per hour (LOS B). Also, Table 4.10- 13 of the Draft EIR indicates that speeds along the more heavily travelled West Grand Avenue are projected to be between 16 and 22 mph.

- 6-6: An assessment was performed regarding bicycle facility routes when the Oakland Bicycle Master Plan was prepared. The bike routes on West Grand Avenue, Adeline Street and Market Street offer the most direct routes through West Oakland to Downtown and other key destinations and therefore are the preferred routes for bicyclists (and are currently being used by bicyclists regardless of their designation). In order to provide for added safety, the Bicycle Plan includes bikes lane to separate bicycles and motor vehicles, including buses.
- 6-7: Based on this comment (and others) the round-a-bouts proposed throughout West Oakland have been removed from the Specific Plan's recommendations.
- 6-8: The City's CEQA thresholds for transportation impacts do include metrics that account for total intersection average vehicle delay, an important factor in overall travel time. Additionally, the City of Oakland has a general threshold for transit travel time, but no numerical threshold defining "substantially increased travel times." This is due to the nature of transit. As discussed on page 4.10-48 of the DEIR, bus service is transitory and can change frequently; transit service can change over time in response to external factors such as budget issues, and there are no well-established methodologies for characterizing the operations of transit service in relation to travel times.
- 6-9: This comment questions what assumptions were used to derive the projected project speeds. As indicated in the notes to Table 4.10-13 of the DEIR, corridor travel times were calculated using intersection delay and free-flow segment speeds from Synchro 8.0.
- 6-10: This comment questions why transit enhancements (i.e., bus-only lane, managed lane, transit signal priority) were not considered as required transportation mitigation measures. Pursuant to SCA TRANS-1: Parking and Transportation Demand Management , individual project applicants will be required to implement an approved TDM plan that will include strategies to increase pedestrian, bicycle, transit, and carpool/vanpool use. All four modes of travel shall be considered. Potential enhancements that may be considered pursuant to this SCA include long term and short term bicycle parking; construction of and/or access to bikeways; installation of safety elements found in the Pedestrian Master Plan or pedestrian amenities; construction and development of transit stops/shelters and lighting around transit stops, and contributions to AC Transit service to the area between the development and nearest mass transit station.

## Comment "7"

Sent By: CALTRANS TRANSPORTATIO PLANNING; 510 286 5559;

Mar-17-14 3:35PM;

Page 1/1

STATE OF CALIFORNIA—CALIFORNIA STATE TRANSPORTATION AGENCY

EDMUND G. BROWN Jr., Governor

### DEPARTMENT OF TRANSPORTATION

111 GRAND AVENUE  
P. O. BOX 23660  
OAKLAND, CA 94623-0660  
PHONE (510) 286-6053  
FAX (510) 286-5559  
TTY 711



*Flex your power!  
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March 17, 2014

ALAGEN255  
SCH#2012102047

Ms. Ulla-Britt Jonsson  
Strategic Planning Division  
City of Oakland  
250 Frank H. Ogawa Plaza, Suite 3315  
Oakland, CA 94612

Dear Ms. Jonsson:

#### **West Oakland Specific Plan – Draft Environmental Impact Report**

Thank you for continuing to include the California Department of Transportation (Caltrans) in the environmental review process for the West Oakland Specific Plan. The following comments are based on the Draft Environmental Impact Report (DEIR).

#### ***Intersection Queuing Analysis***

On page 4.10-60, the DEIR indicates that the proposed plan would increase the 95<sup>th</sup> percentile queue length of 25 feet or more and would exceed the available storage length for a number of State intersections. However, on page 2-27, the 'Resulting Level of Significance' for these impacts are considered non-CEQA impacts and Less Than Significant. Queues that extend beyond available storage may impact the safety of the traveling public and impact operations of the through movements. Please explain why this impact is considered a non-CEQA impact and considered Less than Significant.

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

Sincerely,

ERIK ALM, AICP  
District Branch Chief  
Local Development - Intergovernmental Review

c: State Clearinghouse

*"Caltrans improves mobility across California"*

7-1

**Letter #7: California Department of Transportation (Caltrans)**

7-1: This comment indicates that the DEIR (page 4.10-60) identifies that the proposed Project would increase the 95th percentile queue length of 25 feet or more, and would exceed the available storage length for a number of State intersections. The comment requests an explanation as to why this impact is considered a non-CEQA impact and considered less than significant. The comment is correct in that the City of Oakland does not consider vehicle queuing to be an environmental impact, but the Draft EIR does not indicate that vehicle queuing would be less than significant. The analysis of a project's impacts on queuing at intersections within the Project Area and on surrounding streets was completed to provide additional information to aid the public and decision makers in evaluating and considering the merits of the Specific Plan. In general, the locations with queuing are consistent with the delay/LOS analysis presented in the Draft EIR. Potential queuing would be expected at intersections where a significant impact on traffic operations was identified. Typically, improvements recommended to mitigate the significant impacts and reduce delay at intersections would also reduce queue lengths.

## Comment "8"



March 17, 2014

Ulla-Britt Jonsson, Planner II  
Department of Planning and Building  
City of Oakland Strategic Planning Division  
250 Frank H. Ogawa Plaza, Suite 3315  
Oakland, CA 94612-2032

Re: Notice of Availability/Release of a Draft Environmental Impact Report for the West Oakland Specific Plan

Dear Ms. Jonsson:

East Bay Municipal Utility District (EBMUD) appreciates the opportunity to comment on the Draft Environmental Impact Report (EIR) for the West Oakland Specific Plan (WOSP) located in the City of Oakland (City). EBMUD commented on the Notice of Preparation of a Draft EIR for the WOSP on November 19, 2012; all of EBMUD's original comments (enclosed) still apply. In addition, EBMUD has the following comments.

### GENERAL

EBMUD's Urban Water Management Plan (UWMP) 2000 is referenced in Section 4.11, Utilities and Service Systems, of the Draft EIR. Every five years, EBMUD updates its UWMP by evaluating water supply and demand, water recycling project, and demand management activities as required by the California Water Code Division 6, Part 2.6 (Urban Water Management Planning Act). Please note that the UWMP 2010, adopted on June 28, 2011, superseded the UMWP 2000 and references to the 2000 plan should be updated to the UWMP 2010. The UWMP 2010 can be found at <http://ebmud.com/our-water/water-supply/long-term-planning/urban-water-management-plan>

8-1

Similarly, EBMUD's Water Supply Master Plan (WSMP) 2040 is referenced in Section 4.11, Utilities and Service Systems, of the Draft EIR. This should be revised to read Water Supply *Management* Plan (WSMP) 2040. Please note that the WSMP 2040 Final Plan, adopted on April 24, 2012, superseded the WSMP 2040, approved on October 2009, and references to the 2009 plan should be updated to the WSMP 2040 Final Plan. The WSMP 2040 Final plan can be found at <http://ebmud.com/our-water/water-supply/long-term-planning/water-supply-management-program-2040>

8-2

On pages 4.11-4 EBMUD and 4.11-11 East Bay Municipal Utilities District is incorrect. The Draft EIR is not consistent with the spelling or abbreviation, please use East Bay Municipal Utility District and/or EBMUD.

8-3



## Comment "8"

Ulla-Britt Jonsson, Planner II  
March 17, 2014  
Page 2

### WASTEWATER

In 2011, the EBMUD Board of Directors certified the Main Wastewater Treatment Plant (MWWTP) Land Use Master Plan EIR. The Master Plan EIR analyzed a number of reasonably foreseeable projects (i.e., biodiesel production, food waste preprocessing) likely to be developed on the existing MWWTP and the adjacent 15.9-acre West End property. Given the proximity of the MWWTP and West End property to the WOSP planning area and the potential for cumulative impacts to occur, the West Oakland Specific Plan EIR should consider the reasonably foreseeable projects in its cumulative impacts analysis. Please consider the approved Master Plan and certified 2011 EIR in the assessment of cumulative impacts throughout the document, for all impact areas and include the following description under the Wastewater section:

8-4

*EBMUD's Main Wastewater Treatment Plant (MWWTP) Land Use Master Plan (Master Plan) and Environmental Impact Report (EIR) (2011). The Master Plan serves as a high-level planning tool to guide development of the existing 48-acre MWWTP site and the adjacent 15.9-acre West End property (former U.S. Army Reserve Center) over a 30-year time horizon. More stringent regulations may require treatment process expansions at the MWWTP in the long term; however the implementation timeline for these projects is uncertain. The EIR includes a programmatic analysis of 14 projects as well as project-level analyses for a biodiesel production facility and a food waste preprocessing facility. In the near term, EBMUD is exploring opportunities to implement renewable energy projects (i.e., biodiesel production, food waste preprocessing) to support sustainability goals, while generating revenue to maintain reasonable rates for our ratepayers. The food waste project, at an initially smaller scale, is scheduled to begin operation in spring 2014 and a lease for the biodiesel production facility starts May 2014. All projects are described on pages 2-7 through 2-21 of the Draft MWWTP Master Plan EIR.*

8-5

On page 4.2-35, under *EBMUD Wastewater Treatment Plant Odors*, the abbreviation for Main Wastewater Treatment Plant is MWWTP not WWTP. This section goes back and forth between the two abbreviations. To be consistent with other sections of the Draft EIR, please use MWWTP.

8-6

On page 4.2-37, under *Resulting Level of Significance*, consideration should be given to expand zoning of industrial and business developments in the localized area adjacent to the MWWTP in lieu of mixed/residential uses to increase compatibility with existing and planned industrial uses and economic growth in the North Gateway Area.

8-7

On page 4.11-8, paragraph 1 under *Sub-Basin Allocation System*, please keep the first two sentences and delete the remainder of the paragraph as it contains erroneous information. Please incorporate the following language as appropriate:

8-8



## Comment "8"

Ulla-Britt Jonsson, Planner II  
March 17, 2014  
Page 3

*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 Environmental Protection Agency's (EPA) and the State Water Resources Control Board's (SWRCB) reinterpretation of applicable law, the Regional Water Quality Control Board (RWQCB) issued an order prohibiting further discharges from EBMUD's Wet Weather Facilities. In addition, on July 22, 2009, a Stipulated Order for Preliminary Relief issued by EPA, SWRCB, and RWQCB became effective. This order requires EBMUD to perform work that will identify problem infiltration/inflow areas, begin to reduce infiltration/inflow through private sewer lateral improvements, and lay the groundwork for future efforts to eliminate discharges from the 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 in the Planning Area. It is reasonable to assume that a new regional wet weather flow reduction program may be implemented in the East Bay, but the schedule for implementation of such a program has not yet been determined. In the meantime, it would be prudent for the lead agency to require the project applicant to incorporate the following measures into the proposed project: (1) replace or rehabilitate any existing sanitary sewer collection systems, including sewer lateral lines, to reduce infiltration/inflow and (2) ensure any new wastewater collection systems, including sewer lateral lines, for the project are constructed to prevent infiltration/inflow to the maximum extent feasible. Please include such provisions in the environmental documentation and other appropriate approvals for this project.*

8-9

On page 4.11-10, paragraph 1 under *EBMUD Interceptor System*, incorrectly identifies the size of EBMUD's interceptors. EBMUD's pipelines range from 12 to 105 inches in diameter. Also in that same paragraph, Wastewater from the Planning Area is collected into the 105-inch diameter South Interceptor, not 42-inch diameter. The last sentence of that paragraph should also be reworded to read: *The South Interceptor transports the wastewater to EBMUD's Main Wastewater Treatment Plant (MWWTP).*

8-10

On page 4.11-10, paragraph 2 under *EBMUD Interceptor System* incorrectly states that EBMUD discharges untreated wastewater when flows exceed the capacity of the MWWTP during wet weather. The sentence should be revised to read: *During wet weather when heavy rainfall overwhelms the collection and treatment system, flows have at times exceeded the capacity of the MWWTP, resulting in discharges of wastewater receiving less than secondary treatment into San Francisco Bay.* This paragraph also incorrectly states EBMUD reached a settlement in January 2009 with the Environmental Protection Agency (EPA). The settlement became effective in July 2009. Information should also be added on the City's own 2011 settlement with the EPA and its commitments to system improvements.

8-11

## Comment "8"

Ulla-Britt Jonsson, Planner II  
March 17, 2014  
Page 4

On page 4.11-10, paragraph 3 under *EBMUD Interceptor System* incorrectly identifies the North Interceptor as running through the Planning Area. The last paragraph should be corrected to read:

*EBMUD has two interceptors within the Planning Area. The South Interceptor runs east-west on 3rd Street and the North Interceptor then runs along Wood Street and terminates at the MWWTP. The North South Interceptor also conveys raw sewage from the South Interceptor, as well as from Pump Station K on 7th Street (serving portions of the Port of Oakland).*

8-12

On page 4.11-11, paragraph 1 under *Wastewater Treatment* incorrectly states the average annual daily flow into the MWWTP is approximately 80 MGD. The correct flow should be 63 MGD. The corresponding footnote, No. 13, should be updated with the following url: <http://www.ebmud.com/water-and-wastewater/wastewater-treatment>. The second paragraph on the same page also incorrectly identifies the outfall as a 102-inch diameter pipe - the outfall is 108 inches in diameter.

8-13

On page 4.11-11, paragraph 3 under *Wastewater Treatment* contains incorrect information. Sentences two and three should be deleted.

8-14

On page 4.11-30, paragraph 1 under *Sewer Sub-Basin Capacity* should be deleted. Similarly, on page 4.11-33, paragraph 1 under *Wastewater* should be deleted. Please refer to comments on page 4.11-8, paragraph 1 under *Sub-Basin Allocation System* for replacement text.

8-15

On page 4.11-30, with regard to the City's Sanitary Sewer Infiltration/Inflow (I/I) Correction Program, supporting data, such as monitored flows and rates of I/I in these sub-basins, should be included to show whether there is significant potential for I/I reduction.

8-16

### LAND USE AND PLANNING

EBMUD staff attended the Planning Commission Hearing meeting on February 24, 2014 and provided oral comments on the Public Review Draft and the Draft EIR of the WOSP published in January 2014. EBMUD requested changes are as follows and also itemized in the enclosed table.

#### Opportunity Site

EBMUD requests that the EBMUD Adeline Maintenance Center (AMC Campus) be excluded from Opportunity Area 1, Subarea 1B, and not to be listed as Opportunity Site No. 17. EBMUD has ongoing business at the five-block AMC Campus for over 50 years with hundreds of employees in the area. The AMC Campus is strategically located and it serves vital construction, maintenance and

8-17

## Comment "8"

Ulla-Britt Jonsson, Planner II  
March 17, 2014  
Page 5

customer service functions for our central service area and our entire EBMUD service area; EBMUD intends to continue its operations at this location.

### Land Use Overlays

EBMUD requests that no Land Use Overlay be proposed on the AMC Campus. The Draft WOSP proposes various Land Use Overlays that modify the existing Commercial Industrial Mix-1 (CIX-1) zoning with additional regulatory requirements on our property that will restrict and limit future development by EBMUD. For example, EBMUD's existing gas fueling station for service vehicles, outdoor material storage and truck yard that are permitted uses under the current CIX-1 zoning will not be considered appropriate uses with the addition of the High Intensity Business Overlay. In addition, the High Intensity Business Overlay will impact EBMUD's ability to perform facility improvement by adding Design Review requirement for all new projects, adding conditional use permit requirements, and further restricting freight/truck terminal and truck yard uses that are critical to EBMUD's business and operations at the AMC Campus.

### Proposed Zoning Changes

EBMUD requests that AMC Campus be excluded from Site K where S-19, Health and Safety Protection Combining zoning is added to the existing CIX-1 zoning. The proposed zoning change added a small triangular shape of our Fleet Maintenance Building and a portion of the existing Shops Building into the CIX-1/S-19 zoning that limits or prohibits the storage and use of hazardous materials for new uses or changes of existing activities. The repair and maintenance of EBMUD service vehicles and the various trade shops located in the AMC Campus are critical to EBMUD's daily operation.

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:KSG:sb  
sb14\_064.docx

Enclosures

8-17 cont'd



## Comment "8"



November 19, 2012

Ulla-Britt Jonsson, Planner II  
City of Oakland Strategic Planning Division  
250 Frank H. Ogawa Plaza, Suite 3315  
Oakland, CA 94612

Re: Notice of Preparation of a Draft Environmental Impact Report on the West Oakland Specific Plan (Case Number: ER120018)

Dear Ms. Ulla-Britt:

East Bay Municipal Utility District (EBMUD) appreciates the opportunity to comment on the Notice of Preparation (NOP) of a Draft Environmental Impact Report for the West Oakland Specific Plan (SP) located in the City of Oakland (City). EBMUD has the following comments.

### GENERAL

EBMUD Adeline Maintenance Center, generally bounded by West Grand Avenue to the north, 19th Street to the south, Linden Street to the east, and Poplar Street to the west, is within the specifically identified Opportunity Site #17, which is part of Opportunity Area #1, Mandela/West Grand, of the West Oakland SP (as shown on Figure 3 in the NOP). The Adeline Maintenance Center is a critical facility that is necessary and integral to EBMUD's daily and emergency operations, and EBMUD intends to continue operations at this property.

EBMUD was informed at an October 17, 2012 Steering Committee meeting that the City did not intend to change the existing zoning (CIX-1, Commercial Industrial Mix 1 Zone) for EBMUD's existing property and any future development or facility upgrade at the property would not be subject to compliance with the new land use overlays that are suggested in the West Oakland SP. However, the Staff Report for the Oakland Planning Commission dated November 14, 2012 stated that these land use overlays supplement, rather than replace the current General Plan and zoning land uses.

EBMUD requests the City to amend the final West Oakland SP to 1) address EBMUD's existing operational facilities and state these facilities are not required to comply with the proposed land use overlays presented in the West Oakland SP; and 2) clarify that all future modifications at EBMUD's property should comply with the existing zoning land uses and conditional use permits but need not to comply with the proposed land use overlays per the West Oakland SP.

105 ELEVENTH STREET - OAKLAND - CA 94607-1242 | TEL: 510.875.1000-10. EBMUD

## Comment "8"

Ulla-Britt Jonsson, Planner II  
November 19, 2012  
Page 2

### WATER SERVICE

EBMUD's Central Pressure Zone with service elevation ranges from 0 to 100 feet serves the West Oakland SP area. Any development project within the West Oakland SP area will be subject to the following general requirements:

Depending on the size and/or square footage, the lead agency for future individual project within the West Oakland SP area that meets the threshold of a Water Supply Assessment (WSA) pursuant to Section 15155 of the California Environmental Quality Act Guidelines and Section 10910-10915 of the California Water Code, should contact EBMUD to request a WSA. 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.

Main extensions that may be required to serve any specific development projects to 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. When the development plans are finalized, all project sponsors should contact EBMUD's New Business Office to 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.

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. Project sponsors 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 project sponsor 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

## Comment "8"

Ulla-Britt Jonsson, Planner II  
November 19, 2012  
Page 3

quality data exists or the information supplied by the project sponsor 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 project sponsor's expense.

### **WASTEWATER SERVICE**

EBMUD's Main Wastewater Treatment Plant (MWWTP) and interceptor system are anticipated to have adequate dry weather capacity to treat wastewater flows from projects within the proposed West Oakland SP area, provided that these projects and the wastewater generated by the projects meet 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 Environmental Protection Agency's (EPA) and the State Water Resources Control Board's (SWRCB) re-interpretation of applicable law, the Regional Water Quality Control Board (RWQCB) issued an order prohibiting further discharges from EBMUD's Wet Weather Facilities. Additionally, on July 22, 2009 a Stipulated Order for Preliminary Relief issued by EPA, the SWRCB, and RWQCB became effective. This order requires EBMUD to begin work that will identify problem infiltration/inflow areas, begin to reduce infiltration/inflow through private sewer lateral improvements, and lay the groundwork for future efforts to eliminate discharges from the 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 subbasin in which the proposed project is located. As required by the Stipulated Order, 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. In the meantime, it would be prudent for the City to require project applicants to incorporate the following measures into any proposed projects within the West Oakland SP area: 1) replace or rehabilitate any existing sanitary sewer collection systems, including sewer lateral lines, to reduce infiltration/inflow and 2) ensure any new wastewater collection systems, including sewer lateral lines, for the project are constructed to prevent infiltration/inflow to the maximum extent feasible. Please include such provisions in the environmental documentation and other appropriate approvals for the West Oakland SP.



## Comment "8"

Ulla-Britt Jonsson, Planner II

November 19, 2012

Page 4

### **WATER RECYCLING**

EBMUD's Policy 9.05 requires that customers use non-potable water, including recycled water, for non-domestic purposes when it is of adequate quality and quantity, available at reasonable cost, not detrimental to public health and not injurious to plant, fish and wildlife to offset demand on EBMUD's limited potable water supply. Portions of the West Oakland SP area fall within and around the main recycled water pipeline infrastructure of the East Bayshore Recycled Water Project service area. Projects within these portions of the West Oakland SP area present several opportunities for recycled water uses ranging from landscape irrigation, toilet flushing and other non-potable commercial and industrial uses that can be served by existing or expanded recycled water pipelines in the future. EBMUD recommends that the City and their developers to maintain continued coordination and consultation with EBMUD as they plan and implement projects identified within the West Oakland SP regarding the feasibility of providing recycled water for appropriate non-potable uses.

### **WATER CONSERVATION**

Individual projects within the West Oakland SP area may present an 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 the Landscape Water Conservation, Article 10 of Chapter 7 of the Oakland Municipal Code. 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  
sb12\_236.doc

Comment "8"

TABLE 1: EBMUD - LAND USE AND PLANNING COMMENTS  
DEIR Case ER #120018

Item	Published Document		DEIR	Proposed	Requested Change
	WOSP	Page			
	Page	Figure/Table No.	Figure/Table No.		
1	1-6	Fig. 1.3	Fig. 2-2 Fig. 3-4	EBMUD AMC Campus is included in the boundaries of Opportunity Area 1 - Mandela/West Grand.	Exclude EBMUD AMC Campus from Opportunity Area 1.
	2-14	Fig. 2.1.5			
	5-16	Fig. 5.2.1			
	7-95	Fig. 7.3.1			
2	2-10	Fig. 2.1.4	Fig. 3.5 Table 3-1 Fig. 4.5-1	EBMUD AMC Campus is listed as Opportunity Site No. 17.	Not to list EBMUD AMC Campus as an Opportunity Site.
	2-11	Table			
	7-6	Fig. 7.1.1			
	7-7	Table 7.1-1			
3	7-3	Fig. 7.0.1	Fig. 5.1 Fig. 3-13	EBMUD AMC Campus is shown within Subarea 1B. The documents include views, conceptual schematic development plans and future development scenario of the area.	Exclude EBMUD AMC Campus from Subarea 1B.
	7-9	Fig. 7.1.2			
	7-10	Fig. 7.1.3			
	7-18	Fig. 7.1.8			
	7-18	Fig. 7.1.9			
	7-19	Fig. 7.1.10			
4	1-17	Fig. 1.5	Fig. 3.21 Fig. 4.6-4	Three Land Use Overlays, including High Intensity Business, Low Intensity Business and Business Enhancement are proposed on the EBMUD AMC Campus.	No Land Use Overlay on the EBMUD AMC Campus.
	7-78	Fig. 7.2.3			
	10-6	Fig. 10.1.2			
	1-18	Fig. 1.6			
5	7-69	Fig. 7.2.2	Table 1-1 Fig. 3-25 Table 3-7 Fig. 4.6-**	The draft Plan proposed changing the Zoning of a portion of the EBMUD AMC Campus from existing CIX-1 to CIX-1/5-19. (Site K)	No change to existing Zoning designations of the EBMUD AMC Campus.
	7-87	Fig. 7.2.6			
	10-4	Fig. 10.1.1			

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## Letter #8 Responses: East Bay Municipal Utility District (EBMUD)

- 8-1: This comment notes that the UWMP 2010, adopted on June 28, 2011, superseded the UMWP 2000. References to the 2000 Plan should be updated to the UWMP 2010. Comment noted. References to the UWMP as included in Chapter 4.11: Utilities have been updated. See Chapter 7 of this Final EIR.
- 8-2: This comment notes that the WSMP 2040 Final Plan, adopted on April 24, 2012, superseded the WSMP 2040, approved on October 2009. References to the 2009 plan should be updated to the WSMP 2040 Final Plan. Comment noted. References to the WSMP as included in Chapter 4.11: Utilities have been updated. See Chapter 7 of this Final EIR.
- 8-3: This comment notes several spelling or abbreviation errors in the Draft EIR for the East Bay Municipal Utility District and/or EBMUD. Comment noted. References to the EBMUD as included in Chapter 4.11: Utilities have been corrected. See Chapter 7 of this Final EIR.
- 8-4: This comment advises that in 2011, the EBMUD Board of Directors certified the Main Wastewater Treatment Plant (MWWTP) Land Use Master Plan EIR. The Master Plan EIR analyzed a number of reasonably foreseeable projects likely to be developed on the existing MWWTP and the adjacent 15.9-acre West End property, and suggests that the West Oakland Specific Plan EIR should consider the reasonably foreseeable projects in its cumulative impacts analysis. The 2011 Main Wastewater Treatment Plant (MWWTP) Land Use Master Plan EIR was specifically referenced in the Air Quality chapter of the Draft EIR, but is also hereby added to the list of other cumulative projects in Chapter 4.0 of the Draft EIR as well. See Chapter 7 of this Final EIR.
- 8-5: This comment requests adding a description of EBMUD's Main Wastewater Treatment Plant (MWWTP) Land Use Master Plan (Master Plan) and Environmental Impact Report (EIR, 2011) to the Wastewater section. Comment noted. The recommended language has been added per this request. Please see Chapter 7 of this Final EIR.
- 8-6: This comment notes that on page 4.2-35 of the Draft EIR, the abbreviation for the Main Wastewater Treatment Plant is not used consistently. Comment noted. To be consistent with other sections of the Draft, all references have been revised to use the abbreviation: MWWTP. Please see changes to the Draft EIR in Chapter 7 of this Final EIR.
- 8-7: This comment suggests that consideration should be given to expand zoning of industrial and business developments in the localized area adjacent to the MWWTP in lieu of mixed/residential uses to increase compatibility with existing and planned industrial uses and economic growth in the North Gateway Area. The area of West Oakland nearest to the MWWTP is designated for additional Business Mix land uses and with new CIX zoning, as is suggested in this comment. The area further to the east (on the other side of Mandela Parkway near Hannah Street) is where mixed-residential use is indicated, and is an area already developed with such mixed uses.
- 8-8: This comment requests deleting portion of the EIR discussion regarding the sewer Sub-Basin Allocation System, as it contains erroneous information. Comment noted and changes to the Draft EIR made as requested. Please see Chapter 7 of this Final EIR.

- 8-9: This comment request incorporation of additional language in the EIR regarding wet weather sewer flows and sewer sub-basins. Comment noted and changes to the Draft EIR made as requested. Please see Chapter 7 of this Final EIR.
- 8-10: This comment identifies corrections to the Draft EIR pertaining to the EBMUD Sewer Interceptor System. Comment noted and corrections to the Draft EIR made as requested. Please see Chapter 7 of this Final EIR.
- 8-11: This comment identifies changes and corrections necessary to accurately describe EBMUD MWWTP operations during wet weather conditions. Comment noted and corrections to the Draft EIR made as requested. Please see Chapter 7 of this Final EIR.
- 8-12: This comment identifies changes and corrections necessary to accurately describe the EBMUD Interceptor System. Comment noted and corrections to the Draft EIR made as requested. Please see Chapter 7 of this Final EIR.
- 8-13: This comment identifies changes and corrections necessary to accurately describe EBMUD MWWTP capacity. Comment noted and corrections to the Draft EIR made as requested. Please see Chapter 7 of this Final EIR.
- 8-14: This comment identifies changes and corrections necessary to accurately describe EBMUD MWWTP operations. Comment noted and corrections to the Draft EIR made as requested. Please see Chapter 7 of this Final EIR.
- 8-15: This comment identifies changes and corrections necessary to accurately describe Sewer Sub-Basin Capacity. Comment noted and certain corrections to the Draft EIR specific to EBMUD have been made as requested (please see Chapter 7 of this Final EIR). However, City Public Works staff has reviewed this paragraph prior to its publication, and found that those portions of this paragraph that pertain to the City's allocation of sub-basin capacity are accurate for use in this EIR. Therefore, the discussion of the City's use of the sub-basin allocation system remains as included in the Draft EIR.
- 8-16: This comment recommends that supporting data such as monitored flows and rates of I/I within West Oakland's sub-basins should be required, to determine whether there is significant potential for I/I reduction. The following additional recommendation is added to the EIR (see Chapter 7 of this Final EIR) to further address impacts to the wastewater system:

**Recommendation Util-3c:** Prior to the installation of underground utility improvements at properties to be redeveloped, sewage flow rates and I/I rates should be monitored to determine whether there is significant potential for I/I reduction.

- 8-17: In this comment, EBMUD requests that the EBMUD Adeline Maintenance Center (AMC) be excluded from Opportunity Area 1 and not be listed as an Opportunity Site, and that AMC Campus be excluded from Site K where the S-19: Health and Safety Protection Combining zoning is added to the existing CIX-1 zoning. This is not a comment on the accuracy or adequacy of the EIR, but is instead a comment on the relative merits the Project's land use recommendations and overlays specific to the existing EBMUD Adeline Maintenance Center (AMC). Please see Master Response #3 in Chapter 4 of this document, which explains that the High Intensity overlay no longer is being recommended for this site.

Comment "9"

ENGINEERING DIVISION

Engineering Administration • 530 Water Street, Oakland, CA 94607 • FAX: 510.763.8287

**FAX**

TO: MS. ULLA-BRITT JONSSON  
PLANNER II

FROM: RICHARD SINKOFF  
DIRECTOR OF ENVIRONMENTAL  
PROGRAMS AND PLANNING

COMPANY: CITY OF OAKLAND  
STRATEGIC PLANNING DIVISION

DATE: 3/17/14

FAX NUMBER: 510-238-6538

TOTAL NO. OF PAGES INCLUDING COVER: 6

RE: COMMENT LETTER ON THE DRAFT ENVIRONMENTAL IMPACT REPORT (DEIR)  
FOR THE PROPOSED WEST OAKLAND SPECIFIC PLAN (CASE NUMBER ER120018,  
SCH# 2012102047

Please call (510) 627-1276 if any pages are not received.

Notes/Comments:

Please see subject letter and 2 attachments attached. Original wet-signed letter will be sent through regular mail.

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\_\_\_\_\_

530 Water Street, 2<sup>nd</sup> Floor • Jack London's Waterfront • P.O. Box 2064 • Oakland, CA 94607-2064

Telephone: 510-627-1100 • Fax: 510-763-8287 • TDD: 510-763-5703

MAR-17-2014 MON 02:23 PM ENG. ADMINISTRATION

FAX NO. 510 763 8287

P. 01

## Comment "9"

March 17, 2014

Ms. Ulla-Britt Jonsson, Planner II  
City of Oakland, Strategic Planning Division  
250 Frank H. Ogawa Plaza, Suite 3315  
Oakland, CA 94612

**Subject: Comment Letter on the Draft Environmental Impact Report (DEIR) for the proposed West Oakland Specific Plan (Case Number ER120018; SCH# 2012102047)**

Dear Ms. Jonsson:

Thank you for providing the Port of Oakland (Port) the opportunity to comment on the West Oakland Specific Plan (WOSP) Draft Environmental Impact Report (DEIR). According to the DEIR project description, the WOSP proposes to guide future development within West Oakland, includes a framework for developing "undervalued and blighted land", provides strategies for transit-oriented development at the West Oakland BART to better link transportation choices with new housing and employment opportunities, and redirects light industrial and more intensive commercial activities to locations closer to the Port and away from residential areas.

A Notice of Preparation (NOP) for the WOSP DEIR was issued on Monday, October 22, 2012, and written responses and comments were due on Wednesday, November 21, 2012. The Port submitted a comment letter (attached) addressing the scope of the NOP for the WOSP DEIR on Wednesday, November 21, 2012. A Notice of Availability/Release of DEIR for the WOSP and Notice of Public Hearings on the same was issued on Wednesday, January 29, 2014, and written responses and comments are due Monday, March 17, 2014.

The Port appreciates the efforts made to address the issues raised in our comment letter on the NOP addressing air quality, land use and planning, noise, transportation, and water quality. The Port, with jurisdictional authority over lands adjacent to the WOSP area, submits the following comments (per Opportunity Area) for your consideration:

### Opportunity Areas 1 (Mandela / West Grand) & 4 (San Pablo Avenue)

#### Transportation & Circulation

West Grand Avenue, between Maritime Street (in the Port Area) and Northgate Avenue (at Interstate 980), is a designated truck route (OMC §10.52.070) and a major ingress/egress corridor serving Port operations. The proposed lane reduction, from six lanes to four lanes, along West Grand Avenue between Mandela Parkway and Martin Luther King Jr. Way, and the associated road capacity reduction would, according to the DEIR, result in a significant and unmitigated impact of Level of Service (LOS) F at the intersection of West Grand Avenue and Mandela Parkway/Peralta Street and increase potential conflicts between trucks and automobiles, buses, cyclists, and pedestrians along this designated truck route. What measures and/or findings are foreseen to address LOS F?

Furthermore, the potential conflict between trucks and cyclists would be further exacerbated by the proposed Class II bicycle facility described in the City of Oakland's Master Bicycle Plan (MBP) between Maritime Street and Market Street along the West Grand Avenue designated truck route. The WOSP

9-1

## Comment "9"

### Opportunity Area 2 (7<sup>th</sup> Street)

#### Noise

The WOSP DEIR proposes Standard Conditions of Approval addressing potential noise and vibration impacts along 7<sup>th</sup> Street. The Port foresees continued use of 7<sup>th</sup> Street as a viable ingress/egress link serving Port operations and, as such, the Port recommends that, at the time of site-specific project implementation, higher noise standards inclusive of noise studies be required to address potential noise issues which could adversely affect residents and workers in the vicinity of 7<sup>th</sup> Street.

9-2

#### Transportation & Circulation

Potential conflicts between trucks and cyclists may be further exacerbated by the Class II bicycle facility proposed under the MBP and incorporated by reference in the WOSP on 7<sup>th</sup> Street between Interstate 880 and Interstate 980. Our understanding is the current MBP designates 8<sup>th</sup> Street as a bicycle route. Please address the opportunity to continue to rely upon 8<sup>th</sup> Street as a major east-west bicycle access route.

9-3

### Opportunity Area 3 (3<sup>rd</sup> Street)

#### Transportation & Circulation

Adeline Street, between 8<sup>th</sup> Street and Embarcadero, is a designated truck route (OMC §10.52.070) and a major ingress/egress corridor serving Port operations. The proposed lane reduction, from four lanes to two lanes, along Adeline Street between Interstate 580 and Embarcadero, and the associated road capacity reductions may adversely impact local traffic circulation and Port operations, and increase potential conflicts between trucks and automobiles, buses, cyclists, and pedestrians especially along the Adeline Street designated truck route segment between 8<sup>th</sup> Street and Embarcadero.

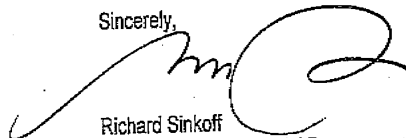
9-4

Furthermore, potential conflicts between trucks and cyclists would be further exacerbated by the Class II bicycle facility proposed in the MBP and incorporated by reference in the WOSP on the Adeline Street designated truck route segment, between 8<sup>th</sup> Street and Embarcadero, and along 7<sup>th</sup> Street between Interstate 880 and Interstate 980. The WOSP should consider siting, and the DEIR should assess, bicycle facilities along non-designated truck routes or truck-prohibited streets in the vicinity of 7<sup>th</sup> Avenue.

9-5

The Port appreciates the opportunity to comment on the Specific Plan's proposed scope and potential environmental impacts. If you have any questions regarding these comments, please contact Mr. Jerry Jakubauskas, Port Assistant Environmental Planner, at (510) 627-1297.

Sincerely,



Richard Sinkoff  
Director of Environmental Programs and Planning

Attachments: A) Port Comment on Letter on Notice of Preparation (November 21, 2012)  
B) West Oakland Planning Area & Opportunity Areas Map

cc: Pamela Kershaw, Director, Commercial Real Estate Division  
Mark Edelson, Senior Maritime Project Administrator, Maritime Division

## Comment "9"

Wednesday, November 21, 2012

Ms. Ulla-Britt Jonsson, Planner II  
City of Oakland, Strategic Planning Division  
250 Frank H. Ogawa Plaza, Suite 3315  
Oakland, CA 94612

**Subject: Response to Notice of Preparation (NOP) of Draft Environmental Impact Report (DEIR) for the proposed West Oakland Specific Plan (Case Number ER120018; SCH# 2012102047)**

Dear Ms. Jonsson,

Thank you for providing the Port of Oakland (Port) the opportunity to comment on the Notice of Preparation (NOP) for the West Oakland Specific Plan (Specific Plan) Draft Environmental Impact Report (DEIR). According to the NOP project description, the Specific Plan proposes to guide future development within West Oakland, includes a framework for developing "undervalued and blighted land", provides strategies for transit-oriented development at the West Oakland BART to better link transportation choices with new housing and employment opportunities, and redirects light industrial and more intensive commercial activities to locations closer to the Port and away from residential areas.

The NOP was issued on Monday, October 22, 2012, and written responses and comments are due Wednesday, November 21, 2012.

The Port, with jurisdictional authority over lands adjacent to the Specific Plan area, submits the following comments for your consideration:

### Land Use and Planning

- The Specific Plan proposes new residential and office uses adjacent to freeways, rail lines, and an active container port. In addition, the nearby former Oakland Army Base is being developed by both the City of Oakland and the Port of Oakland with a new rail yard and a trade and logistics center. The DEIR should provide an analysis of the compatibility of existing and proposed land uses, specifically the impacts of the elimination of heavy industrial and the conversion of business mix/light industrial to low intensity business mix/light industrial within Opportunity Areas 1, 2, and 3, located near key Port facility ingress/egress points (e.g., Grand Avenue, 7<sup>th</sup> Street, and Adeline Street).

### Air Quality

- The Specific Plan proposes an 18-fold increase in the residential population which in turn increases the number of sensitive receptors (e.g., children, elderly) potentially exposed to substantial pollutant concentrations along adjacent existing freeways, and near rail lines, truck routes, and port activities. The DEIR should analyze the potential air quality impacts to human health and discuss how these impacts would be reduced to below a level of significance.

9-6

## Comment "9"

WEST OAKLAND SPECIFIC PLAN  
Page 2 of 2

### Hydrology and Water Quality

- The Specific Plan proposes up to 54 acres of (re)development which could result in adverse impacts to storm water quality and increased contaminants of concern being conveyed to storm water outfalls in Port jurisdiction. The DEIR should include an inventory and analysis of contaminated sites and a discussion of how (re)development impacts to water quality would be reduced to below a level of significance.

### Noise

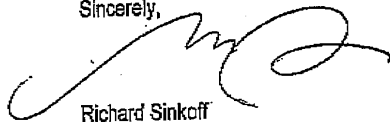
- The Specific Plan proposes 54 acres of (re)development and an 18-fold increase in the residential population which would expose future residents to existing freeway, rail, truck, BART, and port ambient noise levels. The DEIR should analyze the potential noise impacts to human health and discuss how these impacts would be reduced to below a level of significance.

### Transportation

- The Specific Plan proposes 54 acres of (re)development and an 18-fold increase in the residential population which would increase congestion on local streets, freeways, and freeway access ramps, plus increase potential conflicts between existing designated truck routes and automobiles, buses, cyclists, and pedestrians. The DEIR should analyze existing and future traffic levels of service (LOS) and multimodal level of service (MMLOS); identify and resolve potential conflicts between designated truck routes and automobiles, buses, cyclist, and pedestrians; assess associated transportation impacts to human health (under Air Quality and Noise) and public safety; and identify funding mechanisms to meet anticipated capital road improvement needs.

The Port appreciates the opportunity to comment on the Specific Plan's proposed scope and potential environmental impacts. We look forward to reviewing the DEIR. If you have any questions regarding these comments, please contact Mr. Jerry Jakubauskas, Port Assistant Environmental Planner, at (510)627-1297 or Ms. Anne Whittington, Environmental Assessment Supervisor, at (510)627-1559.

Sincerely,

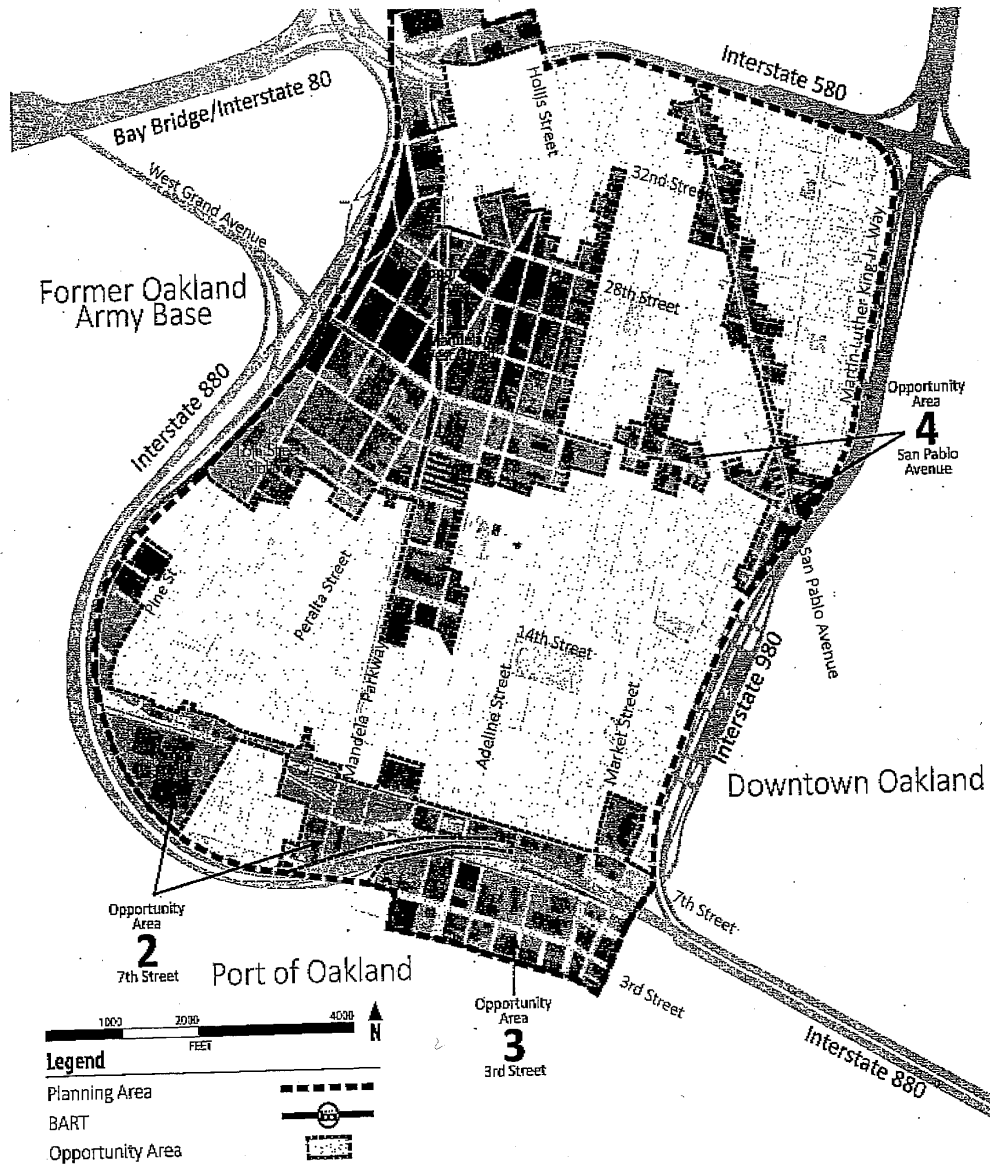


Richard Sinkoff  
Director of Environmental Programs & Planning

cc: Pamela Kershaw, Director, Commercial Real Estate Division  
Mark Erickson, Senior Maritime Project Administrator, Maritime Division  
Anne Whittington, Environment Assessment Supervisor, Environmental Programs & Planning Division  
Jeff Jones, Environment Compliance Supervisor, Environmental Programs & Planning Division

9-6 contd

# Comment "9"



Source: JRDV Intl.



## Response to Letter #9: Port of Oakland (Port)

9-1: This comment references West Grand Avenue between Maritime Street (in the Port Area) and Northgate Avenue (at I-980) as a designated truck route and a major ingress/egress corridor serving Port operations, and suggests that the proposed lane reductions along West Grand Avenue between Mandela Parkway and Martin Luther King Jr. Way would result in a significant and unmitigated impact at the intersection of West Grand Avenue and Mandela Parkway/Peralta Street and increase potential conflicts between trucks and automobiles, buses, cyclists, and pedestrians along this designated truck route. The comment questions what mitigation measures and/or CEQA findings are foreseen to address this impact.

As indicated under Impact Trans-5 (page 4.10-43 of the DEIR), no feasible measure has been identified to lessen the operational impact at the intersection of Grand Avenue and Mandela Parkway, which would degrade to LOS F under Cumulative conditions. The identified physical improvements necessary at this intersection to accommodate cumulative traffic include: a) retaining the three existing westbound through lanes by terminating the proposed road diet before the intersection and adding an exclusive right-turn channelization; b) adding an additional eastbound left-turn lane to provide two left-turn and two through lanes; and c) adding an additional southbound left-turn lane to provide one left-turn, one shared left-through, and one shared through-right lanes. These identified improvements would have negative impact on the now installed bike lanes on Grand Avenue, and would encroach into Memorial Park and medians. Only a portion of these identified improvements necessary at this intersection have any bearing on the West Grand Avenue lane reductions necessary to accommodate bike lanes. This impact would occur with or without the proposed reduction of lanes on West Grand Avenue.

9-2: This comment suggests that potential conflicts between trucks and cyclists would be exacerbated by the proposed Class II bicycle facility along the West Grand Avenue, which is also a designated truck route. The goal of the City of Oakland's Complete Street Policy is to provide safe and convenient travel options for all roadway users. While West Grand Avenue is a designated truck route, it is also a designated route for planned Class 2 bike lanes east of Maritime Avenue. By providing a separated space for bicyclists, the bike lanes on West Grand Avenue are intended to reduce conflicts between bicyclists and motor vehicles.

9-3: This comment recommends that higher noise standards be required for new development along 7th Street, which will continue to be used for ingress/egress to Port operations. The DEIR (pages 4.7-9 and -10) discusses the existing noise environment along 7th Street, indicating that noise measurements conducted in 2002, 2004 and 2009 near 7th Street west of Mandela Parkway indicate that the average sound levels at this location are between 68 dBA Leq/72 dBA CNEL, with a maximum instantaneous sound of nearly 84 dBA Lmax. These noise measurements include traffic noise on I-880, activity along the BART tracks and at the West Oakland BART station, and vehicular traffic (including Port-related truck traffic) on 7th Street. When these measured noise levels are compared to City noise and land use compatibility guidelines, they indicate that the existing noise environment is generally incompatible with residential and other noise-sensitive uses (see page 4.7-39 of the DEIR).

For vehicle noise, the State of California establishes noise standards for vehicles licensed to operate on public roads, as contained in the Motor Vehicle Code. The pass-by standard for heavy trucks, light trucks and passenger cars is 80 dB at 15 meters from the centerline. These standards

are implemented through controls on vehicle manufacturers and by legal sanctions on vehicle operators by state and local law enforcement officials (DEIR, page 4.7-13). The noise standards for receiving land uses include Title 24 of the California Code of Regulations, which requires achievement of an interior noise standard of 45 dBA DNL in any habitable room, and requires an acoustical analysis demonstrating how dwelling units have been designed to meet this interior standard. The Oakland Noise Element standards for other uses include 50 dB for professional offices, research and development, auditoria, meeting halls; 55 dB for retail, banks, restaurants and sports clubs; and 65 dB for manufacturing and warehousing uses. These interior noise standards are consistent with the requirements of the City of Oakland General Plan Noise Element for acceptable interior noise.

To meet the noise standards for receiving land uses, all new residential development would be required to comply with the City's SCA 31: Interior Noise, and SCA 38: Vibration (as indicated in the Draft EIR, page 4.7-43). These standard conditions of approval require the inclusion of design measures to reduce interior noise to acceptable levels within the buildings. To meet these interior standards along 7th Street, construction methods will require advanced sound-rated construction methods or materials, mechanical ventilation systems (so that windows may be kept closed), or noise shielding features. For example, a noise level reduction of up nearly 35 dBA would be required for new residences along 7th Street that have exterior façades of the buildings facing towards the I-880 freeway and BART tracks and station.

- 9-4: This comment suggests that potential conflicts between trucks and cyclists may be further exacerbated by the Class II bicycle facility on 7th Street between I-880 and I-980. The comment also indicates the Port's understanding that the current City Bicycle Master Plan designates 8th Street as a bicycle route, and requests confirmation that 8th Street can continue to be relied upon as a major east-west bicycle access route. The current Oakland Bicycle Master Plan includes planned Class 2 bike lanes on 7th Street between Wood Street and Martin Luther King Jr. Way, except for the segment between Union Street and Adeline Street where it is designated as a planned Class 3A Bike Route. 8th Street is shown as a planned Class 3B Bicycle Boulevard. The goal of the City of Oakland's Complete Street Policy is to provide safe and convenient travel options for all roadway users. By providing a separated space for bicyclists, the bike lanes on 7th Street are intended to reduce conflicts between bicyclist and motor vehicles.
- 9-5: This comment refers to Adeline Street, between 8th Street and Embarcadero, as a designated truck route and a major ingress/egress corridor serving Port operations, and suggests that the Specific Plan's proposed lane reductions on Adeline Street may adversely impact local traffic circulation and Port operations, and increase potential conflicts between trucks and automobiles, buses, cyclists, and pedestrians. Demand for both freight and bicycling on Adeline Street exists, regardless of the lane configuration. Staff believes that separate bike lanes on Adeline Street south of 8th Street would provide better separation between cyclists and heavy vehicles than does a shared lane. The reconfigured lane geometry also provides the benefit of a dedicated left turn lane for heavy vehicles exiting the Port on Adeline and turning onto 7th Street. Please also see Master Response #3 regarding Project Revisions for other proposed lane reductions.
- 9-6: This comment suggests that conflicts between trucks and cyclists would be exacerbated by the Class II bicycle facility on the Adeline Street (a designated truck route segment) between 8th Street and Embarcadero, and along 7th Street between I-880 and I-980. The comment suggests that the EIR analyze bicycle facilities along other non-designated truck routes or on truck-prohibited streets

in the vicinity. An assessment was performed regarding bicycle facility routes when the Oakland Bicycle Master Plan was prepared. 7th Street offers the most direct route between Middle Harbor Shoreline Park to downtown Oakland and points south. Therefore, it is the preferred route for bicyclists and is being used by bicyclists regardless of its designation. In order to provide for added safety, the Bicycle Plan and the West Oakland Specific Plan includes bikes lane to separate bicycles and motor vehicles. Please also see response to Comments 9.4 and 9.5, above.

- 9-7: These comments were provided in response to the NOP for this EIR, and suggest that the EIR provide an analysis of the compatibility of proposed land uses and the elimination of heavy industrial uses near the Port, analyze potential air quality impact to human health, inventory and analyze contaminated sites, discuss impacts to water quality, analyze potential noise impacts to human health, and analyze existing and future traffic LOS to resolve conflicts and assess impacts. Analysis for each of these topic areas was performed in full compliance with City of Oakland requirements. The EIR assesses the potential project impacts on existing and future conditions, including traffic operations of the roadway network and on traffic safety for all users including motorists, pedestrians, bus riders, and bicyclists. The Project's potential conflicts with adopted City polices, plans and programs pertaining each of these issues were identified in the DEIR, and standard conditions of approval (SCAs) and mitigation measures were recommended in the DEIR to lessen or avoid potential Project impacts, where necessary.

## Comment "10"



March 13, 2014 (By electronic transmission)  
Project Team and City Planning Commission  
250 Frank H. Ogawa Plaza  
Oakland, CA 94612

**Subject: Comments on EIR and West Oakland Specific Plan**

Dear Staff, Consultants, and Planning Commission Members,

We appreciate the opportunity to comment on the draft EIR and on the West Oakland Specific Plan, and we appreciate the attention to West Oakland's valuable historic and cultural resources.

### HISTORIC AND CULTURAL RESOURCES-PLAN

We want to be sure the plan includes a proactive effort to preserve the Brotherhood of Railway Porters Building, 1716 7<sup>th</sup> Street, and the entire 7<sup>th</sup> Street Commercial District ASI. Recommend ways to achieve this in the Specific Plan. Historic tax credits or other incentives might help the owner rehabilitate and reuse buildings.

We are particularly concerned about the vision of 7<sup>th</sup> Street as honoring the blues history of Oakland. It is a worthy objective. It should not be executed through replacement and exploitation of the historic identity, though. Rather, restore historic fabric and encourage appropriate local small businesses to locate there, and local people to patronize them. It is critical that the identity be an authentic one, and not just the latest example of naming an area after what is gone. Address how to establish a strong locally-owned-small-business capacity-building program, which might include such components as lease incentives, business management and entrepreneurship training, and joint marketing programs. Often, new construction is too expensive for locally-owned small businesses which don't have access to national financing. That becomes a recipe for colonization by chain stores.

### 9: TENDING TO A BROADER VISION-PLAN

#### 9.2: Equitable Economic Development

PLAN 9-40: Add description of how local educational institutions might support new entrepreneurs and small business owners with training. The sections on pages 9-40-42 omit this approach; yet we understand small businesses generate jobs and are likeliest to remain in the area. Peralta Colleges might be one resource. The training resources listed in Fig 9.2.1 don't explore these much.

PLAN page 9-41: West Oakland Job Resource Center. Passage was written before center got underway. Update this section to reflect what is really going on, and quantify number of jobs available yearly.

PLAN page 9-64, and in Section 4.2 "Air Quality" of the EIR

Under "Port of Oakland Planning Efforts" plan should point out that the types of materials handled by the Port could make a difference in air quality. For example, transport and loading of coal and petcoke, as recently proposed, could substantially worsen air quality, both directly in the form of dust, and indirectly in the form of imported air pollution from the west.

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## Comment “10”

A new passage should be added to EIR 4.2, addressing this potential source of air quality problems. (<http://content.sierraclub.org/press-releases/2014/02/port-oakland-rejects-proposals-construct-new-coal-export-terminal>)

EIR page 4.4-25: Should state historic tax credits become available, owners could use them if properties were considered eligible by the State. Address the mechanism for designations to make such credits available in West Oakland historic properties of various types.

10-2

EIR 4.3 Cultural and Historic Resources

Typo: 4.3-20, Lincoln Theater, probably should be “Damascus” in line 9.

10-3

Under Brotherhood of Sleeping Car Porters: the historic and political importance of the building may be as or more significant than the architectural importance, despite alterations to the building.

10-4

Typos: 4.4-21: third line from bottom, remove extra comma; second line from end, remove apostrophe from 1990s. 4.4-45: just for clarity, perhaps spell out “secretary of interior standards” at first paragraph line 5.

10-5

EIR 4.4-45 - Under Oakland Point API, we’d observe that in addition to appropriate scaling, the design of new infill buildings should be compatible with that of existing historic buildings in the area.

10-6

16<sup>TH</sup> STREET STATION (PLAN: 5-47)

Strengthen the planning for the Train Station’s neighborhood so that it becomes the asset it should be, and supports neighborhood in return. This is a key historic landmark. While we understand that the area is already zoned and entitled, the connections between the site and the neighborhood, and crosstown transit connections, are key to the success of the area’s reawakening. What is not stated clearly here is that without rehabilitating the station, surrounding development will be difficult. On the other hand, reusing it will help. (see for example: Fox Oakland Theater) Consider re-use of the old signal tower as a marker for its neighborhood. This small structure might economically be restored and reused, and serve as a beachhead in the same way that the Oakland blade sign and marquee on the Fox Oakland Theater lent hope and a visible focus for uptown’s revival.

Plan: page 5-58 “logos and banners are not enough” is correct. In fact, *no* efforts or funds should be spent on logos and banners. Instead, real people and actual activities will create the buzz. Logos and banners are signs of a “wanna-be” community, not of a thriving one. They also become dated quickly. Banners would be at particular risk in this windy, sea-influenced, and diesel-influenced area. If used at all they should be taken down immediately once they become worn or faded.

Plan: page 5-59

Subhead Art-Anchors-3

PLAN p. 5-59. As described, the film-industry support service businesses were evicted in spring 2013 and the city did not find them an Oakland site, nor help them to stay together as a group. How can this section have impact? The goal is worthy but without suggesting some funding mechanism and a proactive strategy for rebuilding trust in the film community, it seems unlikely to be achieved. How will these businesses have an appetite to return unless the city is planning a very aggressive and funded effort to overcome ill-will engendered by evictions? Plan is correct in saying the Oakland film office is understaffed: does it have *any* staff? We question whether this office exists at all. Perhaps insert some clearer statement of the potential

## Comment “10”

income, jobs, or other benefits to the city as an outcome of proper support for this industry might go a little way toward being helpful, but on the whole this passage is highly unrealistic, unfortunately.

Subhead Art-Anchors-4

“A portion of. . . should be considered?” This is very cautious and tentative wording, quite easy for future readers to ignore. How about: “Retain and enhance a portion (define what portion!) of the 3<sup>rd</sup> St Opportunity Area. . . “

EIR Page 4.8-4

“Recent Sales Prices and Rental Rates” section is quite out of date. We question when the paragraphs on sales and rentals was written. 2009 or 2010? It is 2014 now, and to be useful the EIR must be updated before it is made final. Displacement is a very real phenomenon that could damage the much-vaunted diversity of our city , exacerbate inequity, and impoverish its cultural mix. (For example, see: <http://www.eastbayexpress.com/oakland/whos-jacking-up-housing-prices-in-west-oakland/Content?oid=3726518>)

10-7

10-8

EIR, Page 4.8-15 likely understates the potential for population displacement due to price pressure and speculative purchasing by outside owners. See page 9-14 of PLAN. The two documents conflict.

10-9

EIR, Page 4.8-17 alludes to “policies and programs” that limit indirect displacement, but the policies and programs are not discussed in any detail; our impression is that there is not much protection against displacement in Oakland. See PLAN page 9-16. The two documents conflict.

10-10

EIR, Page 4.8-18 discusses relocation issues for businesses. Small businesses (including art businesses) appear to be at very great risk of displacement. While new development might provide new options, that will only work where businesses can support the costs of relocation and higher rents. A more proactive approach that would encourage the retention of locally-owned businesses should be added to this chapter or should appear in the Plan. Without it, these paragraphs are just soothing verbiage. In the last paragraph, for example, the illusion is maintained that businesses might be accommodated at the Army Base; yet that has not always been the case; for example, a Customs facility now contemplates moving into the former Horizon Beverage site. While actual construction of replacement facilities, as mentioned on 4.8-19 at paragraph 2, might not be required, some effort should be made here to address the actual costs to small and medium-sized businesses of relocating and acquiring new leases. Small businesses are supposedly our main job generators. How will we protect them as national-scale investors move in, prone to mergers and acquisitions and subsequent closures? In fostering growth, we should foster capacity-building in the extant community, local job creation for current residents, and support for those who have taken risks to operate in the area during economically difficult times. Perhaps more clearly address a nexus between historic preservation and small business occupation of historic buildings; list potential resources that could be available.

10-11

10-12

SPECIFIC PLAN SHOWS BART SOUND PROTECTION

We would hope that the BART planners and administrators would address funding mechanisms, plans, and design features for sound baffling or enclosures. Plans for 7<sup>th</sup> Street and for development on BART’s own lots appear to hinge on making it a more pleasant place to be. We also note that there is no discussion we could find of reducing noise impacts from 880. Has anyone discussed with CalTrans the possibility of soundwalls or baffling with vegetation where feasible?

10-13

10-14

## Comment "10"

### FUTURE PLANNING and APPROVAL STEPS


Overall, we found that the description of potential development and uses right around the West Oakland BART station seemed relatively vague and unformulated, such that it is very difficult to comment on it. We earlier expressed concern about the relationship of the future project or projects to large Oakland Housing Authority properties nearby and to the historic neighborhoods surrounding the area. We recommend that the project provide logical and friendly interface with the adjoining residential neighborhoods, so that the plan should review walking paths and through-connections from established residential areas.

We trust that design guidelines will address in greater detail appropriately scaling down as the project adjoins generally low areas, and would like to comment on the zoning and design guidelines as they become available in draft. We urge that additional environmental study be required as large new projects come along.

Community engagement is as important to the success of this ambitious plan as are regulatory formalities. In yoking the EIR to the plan, where the plan is still mutable, it becomes difficult to account for all the variables. The city should work to improve its outreach, and continue to use the rich contributions of its citizens to help the plans succeed.

Again, we appreciate the opportunity to comment.

Sincerely,



President



Boardmember and member of WOSP technical advisory committee

10-15

## **Response to Letter #10: Oakland Heritage Alliance (OHA)**

This comment letter includes comments on both the Specific Plan and on the Draft EIR. Only those comments indicated specifically as pertaining to the EIR are addressed below.

- 10-1: This comments points out that the types of materials handled by the Port could make a difference in air quality, and provides the example of a recent proposal to transport and load coal and petroleum coke. The comment suggests that the EIR address this potential source of air quality problems. Although the Port received bids to construct a coal and fossil fuel export facility at the Howard Terminal site, the Port Board of Commissioners rejected those proposals based on environmental problems, public health hazards and public opposition. Had such a project gone forward, it would have had to conduct its own environmental review. Individual Port projects are beyond the purview of this EIR.
- 10-2: This comment suggests that state historic tax credits could be used, and requests that the EIR address the mechanism for designating properties in West Oakland. The mechanism for designating properties as eligible for historic tax credits does not pertain to the accuracy or adequacy of the EIR. However, the California legislature has not yet (as of the writing of this response) adopted the proposed California State Historic Rehabilitation Tax Credit for commercial and residential properties as authored by Assemblywoman Toni Atkins (AB1999). Criteria establishing what buildings may qualify for the credit may include standards to ensure that the rehabilitation preserves the historic and architectural character of the building, a method for calculating the value of the credit awarded, a minimum amount required to be invested in the rehabilitation, and a mechanism for administering the program.
- 10-3: This comment identifies a typo error on page 4.3-20 of the DEIR regarding historic resources. Please see revision in Chapter 7 of this FEIR.
- 10-4: This comment suggests that the Brotherhood of Sleeping Car Porters may be historically important for its political context as much or more than because of its architectural importance. Comment noted. Despite that the false-front mansard resting on tall brackets is the only original ornament remaining of the original 1890 building and its OCHS rating is a "D", the building in a nominated Landmark because it served as the Pacific Coast headquarters of the International Brotherhood of Sleeping Car Porters, from which emanated historical union and civil rights activities.
- 10-5: This comment identifies several minor typographical errors. Please see revision in Chapter 7 of this FEIR.
- 10-7: This comment suggests that new building be designed to be compatible with that of existing historic buildings in the area. As indicated on page 4.3-45 of the DEIR, ". . . and with consideration of local context as part of Design Review of subsequent individual development projects, proposed new development adjacent to the Oakland Point API would not cause a substantial adverse change in the significance of the this API or of individual historical resources." The City's design Review process is specifically intended to enable consideration of compatibility with historic resources.
- 10-8: This comment indicates that the home sales price and rental information presented in the DEIR (page 4.8-4) are out of date and must be updated. While it is recognized that home sales prices and rents may have changed since the time the data was collected for the Draft EIR, and will likely



change again throughout the 25-year implementation time frame of the Specific Plan, these prices and rents were provided in the Draft EIR for information purposes, and not specifically used to calculate or estimate any physical environmental effects of the Project. Updating this information would not cause a change in impact conclusions presented in Chapter 4.8 of the Draft EIR, and no changes or updates are necessary under CEQA.

- 10-9: This comment indicates that displacement is a very real phenomenon that could damage the diversity of our city, exacerbate inequity and impoverish its cultural mix. Regarding the potential displacement of existing Plan Area residents, please see Master Response to Comments #1, in Chapter 4 of this FEIR.
- 10-10: This comment suggests that the DEIR likely understates the potential for population displacement due to price pressure and speculative purchasing. Please see Master Response to Comments #1, in Chapter 4 of this FEIR.
- 10-11: This comment indicates that policies and programs that limit indirect displacement are not discussed in the DEIR in any detail. Please see Master Response to Comments #1, in Chapter 4 of this FEIR.
- 10-12: This comment recommends that a more proactive approach to encourage the retention of locally-owned businesses should be added to the EIR or should appear in the Plan. This comment pertains to the merits of the Specific Plan and to social and economic issues that are beyond the purview of the EIR and CEQA. Please see Master Response to Comments #2, in Chapter 4 of this FEIR.
- 10-14: This comment suggests more clearly addressing the nexus between historic preservation and small business occupation of historic buildings, and a list of potential resources that could be available. This is not a comment on the accuracy or adequacy of the EIR, but is instead a comment on the relative merits the Project' and its linkage between historic preservation and small business retention.
- 10-15: This comment suggests that BART planners and administrators should address funding mechanisms, plans, and design features for sound baffling or enclosures. The Draft EIR (page 4.8-40) specifically identifies the West Oakland Specific Plan's strategy to seek reduction in noise from BART trains through implementation of a noise baffle structure and/or a completely enclosed noise mitigation "tube" on the BART overhead structure along 7th Street. The DEIR indicates that the noise baffle/enclosed tube strategy would substantially reduce BART-related noise in the area, but recognizes that there is no currently identified source of funding for this strategy and that it is not part of any currently proposed implementation project.
- 10-16: This comment indicates that the DEIR contains no discussion of reducing noise impacts from I-880, and poses the potential for constructing sound walls or baffling noise with vegetation where feasible. Sound walls are constructed along substantial portions of I-880, but there are still many gaps in the sound wall system. Section of I-880 that do not provide sound walls begin at the I-880/I-580/I-80 Maze southward to approximately 17th Street, the segment between 13th Street and 11th Street, the segment between 7th Street and 3rd Street, and the segment from Center Street to Magnolia. The following recommendation (which is derived from the 2002 West Oakland Redevelopment Plan EIR) is added as a new recommendation for this EIR:

**Recommendation 4.8-9:** The City of Oakland should coordinate with Caltrans to investigate the potential for constructing new sound walls along those portions of I-880 where no sound walls are currently provided to protect the adjacent neighborhoods.

10-17: This comment suggests that additional community engagement is important. Comment noted. Additional public hearing will be held before the City Planning Commission and City Council before consideration of certification of the EIR and approval of the Specific Plan.

## Comment “11”

**Date:** March 17, 2014

**To:** The City of Oakland Planning Commission

**From:** Jill Ratner  
New Voices Are Rising Project  
Rose Foundation for Communities and the Environment  
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### **Comments on West Oakland Specific Plan and Draft Environmental Impact Report**

The following comments are submitted on behalf of Rose Foundation for Communities and the Environment and Rose Foundation’s New Voices Are Rising Project. Rose Foundation is a non-profit public charity in Oakland, California dedicated to increasing community participation in public decision making processes. The New Voices Are Rising Project is a youth leadership development, civic engagement and environmental education project that works with high school students from communities throughout Oakland, including West Oakland. These comments summarize concerns that have arisen in discussions with our students.

We appreciate the opportunity to comment on the proposed West Oakland Specific Plan and Draft Environmental Impact Report.

### **Air Quality and Greenhouse Gas Impacts of Loss of Affordable Housing and Displacement of Low-Income Residents**

Chapter 9 of the West Oakland Specific Plan makes it clear that many current residents of the Plan Area are extremely vulnerable to displacement in the event that local housing market conditions change. According to Chapter 9, the median income for a 2.9 member household in West Oakland is \$27,055 per year compared to the city-wide median of \$83,050. Moreover, 78% of the households are made up of renters. Many of the rental units are affordable to middle and low-income renters because the West Oakland rental market has been priced significant lower than rental markets in other areas of the city; these units are not subsidized nor are they subject to long term price controls. Thus, while the Specific Plan may not directly displace current residents, implementation of the Plan will, almost inevitably, result in displacement of current residents unless comprehensive mitigation strategies are implemented at the same time.

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### **Displacement of current low-income West Oakland residents will have significant impacts on air quality and greenhouse gas emissions that have not been analyzed in the current draft EIR.**

These impacts fall into three groups: 1) impacts associated with longer commutes by displaced current residents, 2.) impacts associated with commutes by low-income and middle-income workers employed by new businesses that locate in West Oakland under the proposed Plan and 3.) impacts associated with the replacement of current residents, who rely on public transit to travel to the majority of their destinations, by new, more affluent residents who are more likely to drive to work and to other destinations.

#### **1. Impacts of displacing current residents**

Residents who are priced out of West Oakland are likely to face significantly longer commutes, as they seek housing in more distant communities where housing remains affordable. Many of the more affordable communities in and near the Bay Area (such as Vallejo, Stockton, etc.) also lack good transit access, forcing residents displaced from West Oakland – at least those who have access to a car – to drive to work, rather than allowing them to make use of the improved public transit contemplated under the proposed Project. Based on the Work Destination Table (Table 4.83) at page 4.8-7 of the Draft EIR, in 2009 nearly half of the employed West Oakland residents worked in Oakland, San Francisco, Berkeley or Emeryville. If these residents were to remain in the Plan Area, they would be able to take advantage of transit improvements contemplated by the Draft Plan.

Analyzing these displacement issues requires, at a minimum, answers to the following questions:

**In which communities in or near the Bay Area are rents comparable to current West Oakland rents?**

**What are the likely impacts on air quality and greenhouse gas emissions resulting from longer commutes, and shifts in travel mode from public transit to autos or other private vehicles, associated with probable displacement of low-income residents in West Oakland to more distant affordable communities?**

11-2

**What would be the mitigation effect of requiring inclusion of sufficient affordable housing in each new significant development in the Plan Area to meet the needs of current residents who are vulnerable to displacement as a condition for expedited environmental review of new development projects that seek to take advantage of the benefits of the final West Oakland Specific Plan programmatic EIR?**

11-3

**In the alternative, what would be the mitigation effect of requiring inclusion of sufficient affordable housing in new developments throughout the City’s Priority Development Areas to**

## Comment “11”

**meet the combined housing needs of residents similarly vulnerable to displacement throughout the City’s Priority Development Areas?**

### **2. Impacts of low-wage workers commuting to jobs in the Plan Area**

In addition, the Plan contemplates adding substantial numbers of retail and service businesses, which, in turn, are likely to pay many employees minimum wage or near minimum wage, placing an employee’s three-member household squarely within the very low or low-income range – if there is one household member – employed full time at minimum wage-or near the moderate-income level if another household members is also making minimum wage.

Using current Federal affordability standards, an affordable rent for a household with one adult employed full time at California’s minimum wage is approximately \$475/month, with two household members employed it rises to approximately \$950. Without some significant level of intervention in the rental market, it is highly unlikely that sufficient housing in or near the Plan area will be available at affordable rents to allow low-wage employees to avoid extended, polluting commutes. An adequate analysis of this issue will, at a minimum answer the following questions:

**What is the impact on air quality and greenhouse gas emissions associated with low-wage workers commuting to the businesses the Specific Plan is anticipated to create or attract?**

11-4

**What would be the mitigation effect of requiring the inclusion of additional housing affordable to low-wage workers sufficient to meet the needs of anticipated new low-wage workers as a condition for expedited permitting of development projects that seek to take advantage of the final WOSP Programmatic EIR?**

### **3. Impacts of replacing current transit-reliant residents with more affluent residents who make more trips by car or other private vehicle**

Studies have repeatedly shown that low-income residents are more likely to use transit than are more affluent residents, even when both have equal access to high quality transit service. This means that transit oriented development projects are likely to be considerably less effective in reducing vehicle miles traveled (VMT) unless they preserve and include transit-oriented affordable housing. A full analysis will answer the following question:

11-5

**What are the likely air quality impacts of replacing low-income transit-reliant residents – who use transit for most trips, not just for commuting – with higher income residents who are more likely to use private vehicles for a higher proportion of their trips?**

### **4. Environmental and health impacts of moving residents closer to freeways.**

The DEIR identifies some great mitigations for the impacts of moving residents closer to freeways, to be implemented if feasible. We strongly urge that residents not be moved closer to freeways if the mitigations identified turn out to not be feasible.

11-6

## Comment “11”

### **4. Air Quality & Greenhouse Gas Impacts of hiring non-residents for construction jobs and other short-term jobs during development of the Project**

The DEIR identifies significant short-term impacts on traffic and air quality associated with additional vehicles coming into the Plan Area during construction of the Project. One strategy for mitigating these impacts is to maximize employment of current local residents during construction and implementation of the project. Providing training, and requiring preferential hiring of local residents could mitigate much of this impact. A full analysis will answer the following question:

**What would the air quality, greenhouse gas emission and traffic mitigation effects be of training and hiring local residents for construction jobs and other jobs created during implementation of the Specific Plan?**

### **5. Urban Heat Island Effects and their Impacts on Air Quality & Health**

The urban heat island effect is a term for the tendency of cities to get hotter and stay hotter than natural landscapes because paving materials and building materials retain heat. The effect is significant during the daytime, but even more significant at night when retained heat makes for an even greater temperature differential between heavily paved and built up areas and more shaded less developed areas of the city and nearby natural areas. By increasing the amount of built surface, that project will almost certainly increase heat retention in the Plan Area.

The urban heat island effect can have significant impacts on public health and the environment. During heat waves, the increase in daytime temperatures, coupled with much hotter nighttime temperatures, places many residents at risk of heat stroke, cardio-vascular problems, respiratory problems and other heat related illnesses. In addition, heat can accelerate the formation of ground level ozone (or smog.) This is a particular concern in the Plan Area, with its ring of freeways, where oxides of nitrogen and volatile organic compounds – the key components of smog – are abundant.

Some ways to mitigate urban heat island effects include interspersing built-up areas with additional green spaces and parks; planting shade trees to keep streets and sidewalks from heating up; narrowing paved sidewalks where practical and replacing paved areas with rain-gardens or drought tolerant planting; incorporating “living roofs” and “living walls” (roof gardens and plantings designed to climb up trellises or walls); and building with materials that reflect heat rather than retain it.

The DEIR fails to adequately analyze and propose mitigations for the likely increased urban heat island effect and the impact the Project may have on the local temperatures. In particular, the DEIR fails to analyze the mitigation value of increasing green space and parks within the Plan Area. A full analysis will answer the following questions:

11-7

11-8

## Comment “11”

**What effect will the Specific Plan have on urban heat island effects and local temperatures?**

**Could higher temperatures accelerate smog formation in the Plan Area and surrounding area?  
What natural systems could serve as additional mitigations that should be incorporated as conditions of approval to mitigate the urban heat island effect?**

11-8 contd

**What level of mitigation could be achieved by increasing parks and green space within the Plan Area?**

### **6. Parks & Open Space**

Although the Specific Plan provides for significant additional density and additional residential and commercial development, the Plan does not set aside any lands to develop comparable amounts of new park lands or green spaces within the Plan Area. Gateway Park will be outside the Plan Area and will not be walking distance from the homes in most residential areas inside the Plan Area. The park planned for development in Gateway Park’s Phase Two would be located under the “Maze” where several freeways come together. This is an extremely polluted area; it might be a perfect spot for added plantings; areas along the freeways potentially could be planted as urban forests using tree species that block and absorb pollution; however it is not truly suitable for recreation. The Specific Plan, therefore, would move the Plan Area further from achieving the City of Oakland’s OSCAR goals for parks and recreation. It is necessary to answer this question:

11-9

**What areas within the plan area are suitable to set aside for additional parks, public open green space and recreational facilities in order to meet the City’s OSCAR goals for parks and recreation?**

### **Environmental Impacts of Increased Water Use Resulting from Implementation of the Specific Plan**

As the DEIR notes, the East Bay Municipal Utility District – which serves the Plan Area, all of Oakland, and much of the East Bay, obtains approximately 90% of its water from the Mokelumne River watershed, transporting it through pipe aqueducts to Bay Area storage reservoirs. If it were not diverted for urban use, that water would flow into the California Delta, an area of tremendous importance to the ecology and economy of the State of California. The Delta eco-system is widely acknowledged to be in crisis. Salmon runs are diminished; the Delta smelt, an indicator species, is very much at risk.

11-10

While the Delta has been at risk for a very long time, 2013 was the driest year in California’s recorded history, and the Delta is more at risk than ever. Salt levels in this critical body of water have risen to the point that temporary dams are being planned to slow salt water intrusion and protect water supplies for communities that depend on the Delta for drinking water. These dams will, of course, further impact the health of salmon populations.

## Comment “11”

This drought reflects a significant change in conditions from those considered when EBMUD prepared its Water Supply Master Plan 2040. With water deliveries curtailed by both State and Federal water projects, supplemental water supply sources are significantly reduced. More important, the long-term outlook is less certain than it was believed to be when the Master Plan was prepared. As concentrations of climate destabilizing gases in the atmosphere continue to rise at alarming rates, our ability to predict the weather based on past experience precipitation is diminished.

Given changed conditions, combined with the need to preserve freshwater flows to protect healthy upstream watersheds even in the best of times, it is necessary to mitigate the impact of increased water demand generated under the Specific Plan to a greater degree than is currently contemplated. Given the inter-connectedness of California’s water supplies and delivery systems, it is likely that the cumulative impact will be significant, taking into account similar projects planned or likely to be planned in the future, regardless of whether the impact the Specific Plan would be significant if considered alone. In addition, given the severity of the current drought, and the possibility that this drought may reflect a future in which extreme weather events are more common and more severe, it may be necessary to mitigate the increase in demand from this project, even when considered in isolation, to ensure adequate water supplies are available for new and old residents alike.

We therefore urge consideration of additional measures to minimize additional water demand, including: requiring all new developments to incorporate ultra-efficient showers, faucets and toilets, and that washers and other appliances similarly be ultra-efficient; requiring new developments to incorporate systems to capture, store and use rainwater; working with EBMUD to build out a system of “purple pipes” throughout the Plan Area to deliver recycled water from the treatment plant to new developments to be used for irrigation and for toilet flushing, as well, should that prove feasible. We also urge that development fees include a fee to mitigate the remaining increase in water demand; that water demand mitigation fee could then be used to fund purchase and installation of ultra-efficient toilets, washers, etc. for low-income residents and landlords renting to low-income tenants within the plan area to replace older, more inefficient models; this would allow other West Oakland EBMUD customers to reduce their water use to an extent that otherwise would be beyond their financial ability.

We also believe that the following questions must be answered to complete an adequate analysis of this issue:

**What is the upstream impact of the increase in water use that can be projected with the full build- out Specific Plan when considered cumulatively with other development planned in Oakland?**

**What level of reduced demand could be achieved by requiring all new developments to incorporate ultra-efficient showers, faucets and toilets, and that washers and other appliances similarly be ultra-efficient; requiring new developments to incorporate systems to capture, store and use rainwater; working with EBMUD to build out a system of “purple pipes”**

11-10 contd



## Comment “11”

throughout the Plan Area to deliver recycled water from the treatment plant to new developments to be used for irrigation and for toilet flushing, as well, should that prove feasible?

**What level of water conservation could be achieved by replacing older, less efficient showers, faucets, toilets, washers, etc., in West Oakland low-income households, with ultra-efficient models?**

11-10 contd

### **Impacts on Sewerage System and Consequences of Infiltration**

Adding more sewage increases the impact of sewage spills on the environment. Infiltration of storm water into sewage pipes is the most common cause of spills. Replacing old pipes is vitally important, and should take place as rapidly as possible throughout the Plan Area. It is also necessary to slow urban run off through other measures that capture, and slow rain and stormwater. Some of these measures include collecting rainwater from roof surfaces to store use for irrigation and/or toilet flushing; planting living roofs or roof gardens.

11-11

### **Stormwater**

In addition to mandating installation of rainwater collection systems and/or living roofs, we support requiring installation of rain swales, rain gardens, and use of permeable pavements

11-12

### **Impacts on Energy Needs**

Switching to clean, reliable energy is key to reducing greenhouse gas emissions. All major new developments within the Plan Area should be required to include solar photo-voltaic installations and solar water heating to reduce reliance on grid systems. To mitigate the remaining increase in energy demands, the development fee should include funds for solar installations for low-income residents in the Plan Area, and to advance the creation of a mini-grid that serves the Plan Area, which can operate as part of the larger grid, or operate separately under appropriate conditions, to increase reliability.

11-13

### **Impacts of Sea Level Rise on the Flood Plain Analysis**

The flood plain analysis does not adequately consider the impacts of rising sea levels. NOAA, BCDC’s Adapting to Rising Tides project, and many other sources project that areas of West Oakland will be subject to flooding as seas levels rise. A full analysis will answer the following questions:

**What sections of the Plan Area are projected to be vulnerable to flooding from a combination of rising sea levels and increased severity of storms likely to accompany global warming?**

11-14

**To what extent could potential flooding be avoided or mitigated by restoring marshland or creating new tidal marshes along the shore?**

## Comment "11"

**Thank you for the opportunity to comment on the West Oakland Specific Plan and Draft Environmental Impact Report.**

## Response to Letter #11: Rose Foundation for Communities and the Environment/New Voices Are Rising

- 11-1: This comment suggests that, while the Specific Plan may not directly displace current residents, implementation of the Plan will almost inevitably result in displacement of current residents unless comprehensive mitigation strategies are implemented at the same time. Please see Master Response to Comments #1 in Chapter 4 of this FEIR.
- 11-2: This comment requests an analysis of the likely impacts on air quality and greenhouse gas emissions resulting from longer commutes, and shifts in travel mode from public transit to autos or other private vehicles, associated with probable displacement of low-income residents in West Oakland to more distant affordable communities. Any analysis of the potential effect of residential displacement would be far too speculative to address under CEQA. Please see Master Response to Comments #1 in Chapter 4 of this FEIR.
- 11-3: This comment requests an assessment of the effects of requiring inclusionary affordable housing in each new development to meet the needs of current residents vulnerable to displacement, and of having this requirement as a condition for expedited environmental review of new development projects. The environmental implications of developing new housing development with an inclusionary affordable housing requirement would be the same as those effects of new housing as identified in the Draft EIR, specific to the issues related to CEQA threshold topics. However, it is assumed that the commenter is requesting information on social and/or economic effects, rather than environmental effects. Social and economic effects are beyond the purview of CEQA and therefore are not addressed in the EIR. For reference purposes, the City of Oakland commissioned a study in 2007 (referenced in the footnote) to analyze the impacts of potential inclusionary housing requirements on the feasibility of developing housing in Oakland.<sup>2</sup>
- 11-4: This comment requests an analysis of the impact on air quality and greenhouse gas emissions associated with low-wage workers commuting to businesses that the Specific Plan is anticipated to create or attract. Please see Master Response to Comments #1 in Chapter 4 of this FEIR. Any such analysis would be far too speculative to address under CEQA, but any increase in commute distance associated with displacement of West Oakland employees would increase vehicle miles travelled, with commensurate increases in vehicle exhaust, GHG emissions, and traffic congestion.
- 11-5: This comment questions the likely air quality impacts of replacing low-income transit-reliant residents who use transit for most trips (not just for commuting) with higher income residents who are more likely to use private vehicles for a higher proportion of their trips. Please see the Master Response to Comment #1 in Chapter 4 of this Final EIR with regard to the Specific Plan causing or facilitating the replacement of existing residents.
- 11-6: This comment indicates that the DEIR identifies some great mitigation for the impacts of moving residents closer to freeways, to be implemented if feasible. We strongly urge that residents not be moved closer to freeways if the mitigations identified turn out to not be feasible. The DEIR

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<sup>2</sup> *Economic Impact Analysis of Inclusionary Housing Program In Oakland*, Executive Summary prepared for the City Of Oakland, Hausrath Economics Group Urban Economists and Vernazza Wolfe Associates, Inc., August 2007. Accessed at: <http://www2.oaklandnet.com/oakca1/groups/ceda/documents/report/dowd021531.pdf>

identifies mitigation measures and standard conditions of approval (with additional measures as recommended in this Final EIR, see Master Response to Comments #4 in Chapter 4) to address the potential impacts associated with developing new housing in proximity to the freeway and other sources of toxic air emissions. These mitigation measures and conditions of approval are feasible and will be required of new development pursuant to the Specific Plan. Neither the Specific Plan nor the EIR anticipate or suggest moving residents closer to freeways.

- 11-7: This comment suggests that one strategy for mitigating air quality and GHG impacts associated with new construction is to maximize employment of current local residents during construction and by providing training and required preferential hiring of local residents. The air quality and GHG analysis included in the DEIR does account for construction worker commute to new construction sites, and a shorter commute would reduce air quality and GHG emission associated with such commutes.
- 11-8: This comment indicates that the DEIR fails to adequately analyze and propose mitigations for the likely increased urban heat island effect and the impact the Project may have on local temperatures, and in particular the DEIR's failure to analyze the mitigation value of increasing green space and parks. Under City of Oakland CEQA thresholds, increased temperatures and heat island effects are not criteria of analysis for consideration in an EIR, and are not studied in this EIR.
- 11-9: This comment points out that the Specific Plan provides for significant additional residential and commercial development, but does not set aside any lands to develop comparable amounts of new park lands or green spaces, and suggests that the Specific Plan would cause West Oakland to be further out of balance with the City of Oakland's OSCAR goals for parks and recreation space per capita. The Draft EIR (page 4.9-19) discloses that new residents and workers resulting from the Specific Plan would generate a need for additional parkland and recreational facilities. Using the City's adopted standard of 4 acres of active, local-serving parkland per 1,000 persons, this growth and development would generate an increased demand for approximately 44.5 acres of new parkland. The additional demand for parkland would add to the existing deficiency of parkland acreage in West Oakland, which would continue to fall short of the General Plan parkland acreage goal. The additional demand would also increase the use of existing parks or other recreational facilities. New park and recreational space required as part of new development projects and on-site useable open space or recreational facilities in new residential developments may offset some of this demand, as would other parkland, recreational facilities and recreational trail links that are proposed within and adjacent to the Planning Area. However, even with the shortfall against City parkland acreage goals, the Specific Plan would not be expected to increase the use of existing parks and recreational facilities such that substantial physical deterioration of such facilities may occur or be accelerated. Therefore, the parks and recreation impacts of the Specific Plan would be less than significant.
- 11-10: This comment suggests that, given changed conditions and combined with the need to preserve freshwater flows to protect healthy upstream watersheds, it is necessary to mitigate the impact of increased water demand generated under the Specific Plan to a greater degree than is currently contemplated. It also suggests that cumulative water supply impacts will be significant even if the impacts of the Specific Plan are not individually significant, particularly given the severity of the current drought, and urges consideration of additional mitigation measures to minimize additional water demand.

As identified in the Draft EIR (page 4.11-24), the Water Supply Assessment prepared by EBMUD for the Specific Plan concluded that EBMUD has sufficient water supplies to meet current water demand and future water demand through 2035, including the increased water demand associated with the Specific Plan, during normal, single dry, and multiple dry years. The Draft EIR further identifies (on page 4.11-30) that EBMUD accounted for the water demands of cumulative development as part of the current 2009 WSMP 2040, based on the Association of Bay Area Governments (ABAG) Projections 2005. The WSMP 2040 concluded that EBMUD has sufficient water supplies to meet current water demand and future cumulative water demand through 2035 during normal, single dry, and multiple dry years. Therefore, cumulative impacts related to water service would be less than significant. The Draft EIR further describes (on page 4.11-5) that the WSMP 2040 includes a portfolio of options, including supplemental water supply sources, conservation, recycling and water rationing to satisfy water demand through 2040, including during drought years. The portfolio strategy is meant to be open and flexible, with different options to be pursued over time, based on which elements of the portfolio are the most feasible for implementation. These portfolio components include:

- Increased water conservation (the WSMP 2040 set a goal of demand reduction through conservation of up to 39 mgd);
- Increased production and use of recycled water (reduction of up to 20 mgd);
- Managed water rationing during years of prolonged drought (a rationing level of 15 percent to allow flexibility to respond to emergencies and unknown factors); and
- Supplemental water supply sources

The combination of these water supply options, implemented over time, is expected to satisfy increased demand through 2040, even during multiple drought year conditions.

11-11: This comment suggests that by adding more sewage, it increases the impact of sewage spills on the environment, and that infiltration of storm water into sewage pipes is the most common cause of spills. It suggests that replacing old pipes is vitally important and should take place as rapidly as possible throughout the Plan Area. As noted on page 4.11-10 of the DEIR, a Sanitary Sewer Evaluation Survey conducted by the City measured average and peak flows from sewer sub-basins throughout the City, and found that throughout much of West Oakland, groundwater infiltration and rainfall dependent inflow (collectively referred to as "I/I") appears to contribute roughly 80% of the total peak wet weather flow. Much of this system is antiquated and likely constructed with vitrified clay pipe (VCP), making it susceptible to cracking and vulnerable to failure. The City's Inflow and Infiltration Correction Program is substantially decreasing the amount of inflow and infiltration into the City's sewer pipes and increasing the capacity of the collection system. With the completion of this 25-year program, the City's wastewater collection system will have sufficient capacity to accommodate the 20 percent growth anticipated at the time of the initial program study. Improvements are funded by a sewer service charge fund, which is a fixed fee for single family and apartment dwellings, and water usage-based fee for commercial and industrial users. In response to comments from EBMUD, the following additional recommendation is suggested to address impacts to the wastewater system:

**Recommendation Util-3c:** Prior to the installation of underground utility improvements at properties to be redeveloped, sewage flow rates and I/I rates should be monitored to determine whether there is significant potential for I/I reduction.

11-12: This comment suggests that it is necessary to slow urban runoff through measures that capture and slow rain and stormwater. Some of these measures include collecting rainwater from roof surfaces to store use for irrigation and/or toilet flushing; planting living roofs or roof gardens. As indicated in the DEIR (page 4.11-18), the Alameda Countywide Clean Water Program's Municipal Regional Stormwater NPDES Permit (MRP) includes performance standards for new development and construction activities for stormwater treatment to address stormwater runoff pollutant discharges. An additional goal is to prevent increases in runoff flows primarily accomplished through implementation of low impact development (LID) techniques. Any new development that impacts an area greater than 10,000 square feet is subject to provision C.3 of the City of Oakland's National Pollutant Discharge Elimination System (NPDES) permit with the State of California, and needs to implement storm water treatment measures under the building permit of any such development. This will, in the aggregate, serve to lower the overall run-off coefficient in the area. Measures such as those listed in the comment are among the types of storm water treatment measures required under this permit obligation.

11-13: This comment suggests that switching to clean, reliable energy is key to reducing greenhouse gas emissions, and that all major new developments within the Plan Area should be required to include solar photo-voltaic installations and solar water heating to reduce reliance on grid systems, and that there should be a development fee to provide funds for solar installations for low-income residents in the Plan Area. The City of Oakland is very committed to reducing greenhouse gas emissions and reducing energy demands from new development. As indicated in the Draft EIR (page 4.4-21) the City adopted the Green Building Ordinance for Private Development Projects in 2010. The ordinance affects a wide range of projects from new construction of single- and multi-family residential as well as non-residential projects, additions and alterations, modifications or demolition of historic resources, construction of affordable housing and mixed-use projects, as well as projects requiring a landscape plan. Certain types of projects are required to receive certification through a non-governmental green rating agency, including all new residential construction and residential additions or alterations over 1,000 square feet (certified through Build It Green's GreenPoint Rated program), and all new non-residential construction and non-residential additions or alterations. The City ordinance also affirms the California Green Building Standards Code (CALGreen), which requires all new buildings in the state to incorporate energy saving features including a 20 percent reduction in water use over typical baseline conditions; at least 50 percent of construction waste must be recycled, reused, or otherwise diverted from landfilling; interior finishes must be low-pollutant emitting; landscape projects must use moisture-sensing irrigation systems to limit unnecessary watering; and non-residential buildings over 10,000 square feet have mandatory inspections of energy systems to ensure that such systems are working at their maximum capacity and according to their design efficiencies.

The City of Oakland's sustainability efforts are coordinated through the Sustainable Oakland program, a product of the Oakland Sustainability Community Development Initiative (SDI) created in 1998 (Ordinance 74678 C.M.S.). At this point, no City or state ordinances mandate the use of solar photo-voltaic installations or solar water heating, and there is no mechanism to require a development fee to provide funds for solar installations for low-income residents. The comments suggesting such programs are noted.

11-14: This comment suggests that the DEIR does not adequately consider the impacts of rising sea levels, and that many other sources project that areas of West Oakland will be subject to flooding as sea levels rise. This comment requests information regarding what portions of the Plan Area are

projected to be vulnerable to flooding from a combination of rising sea levels and increased severity of storms, and to what extent could potential flooding be avoided or mitigated by restoring marshland or creating new tidal marshes along the shore. As indicated in the DEIR (page 4.4-41), regional sea level rise predictions for the San Francisco Bay region predict a 16-inch rise in sea level by mid-century and a 55-inch rise by the end of the century. According to San Francisco Bay Conservation and Development Commission (BCDC) maps of shoreline areas vulnerable to sea level rise, portions of the West Oakland Planning Area could be subject to flooding due to predicted sea level rise associated with global climate change (see Figure 4.4-1 of the DEIR). Implicit in the discussion of global warming, greenhouse gas emissions and sea level rise is that it extends beyond specific development projects, a specific plan area, or, indeed, an entire City. As both a local and a regional issue, it must be addressed in that context. The adopted Bay Plan and Oakland's Draft Energy and Climate Action Plan specifically recognize this, and include actions to participate in the preparation of a regional climate adaptation strategy (which may or may not include restoring marshland or creating new tidal marshes along the shore).

**Comment “12”**



**West Oakland Environmental Indicators Project**

**Comments on Draft West Oakland Specific Plan Environmental Impact Report**

This draft Environmental Impact Report relies too much on speculation and too little on specific mitigation. It attempts to set the WOSP outside of its own impacts on the greater community. From the first meetings of the Community and Technical Advisory Groups this has been the consistent complaint of the advisory members. The WOSP will be the most powerful gentrifying force in the history of West Oakland, and yet this EIR demands little specific mitigation for the economic inequity that is will generate out side the plan “opportunity sites.” Much mitigation could be implemented that the EIR fails to require. For example, all new development in the plan area should be required to participate in the Oakland Local Hire policy now being applied to the Oakland Army Base development. Also, portions of expanding business tax revenues should contribute to a local business development area fund that would provide grants and low-interest capital to support the development of local entrepreneurship. New investment should contribute to a local infrastructure development fund that would support upgrades to the failing public works that tie the plan opportunity sites together.

12-1

12-2

12-3

12-4

12-5

The WOSP will help induce significant widening in the equity gap in West Oakland unless planners and policy-makers acknowledge the off-site impacts that will occur and build in mitigation to offset those impacts. Developments that choose not to participate in such local programs should not receive the benefits of this plan-wide EIR.

12-6

**Referenced from Draft EIR**

4.4-41 **Flooding Impacts Related to Sea Level Rise**

***GHG-4:** Portions of West Oakland would be subject to flooding due to predicted sea level rise associated with global climate change. With increased flooding potential in the future, development in accordance with the Specific Plan could place people, structures and other improvements in these areas at an increased risk of injury or loss from flooding. (LTS)*

**Comment**

1. The plan must articulate specific adaptation strategies to mitigate the effects sea level rise are projected to have on the West Oakland community. The EIR merely describes what the effects of sea level rises will be and even states that much of the new development planned for West Oakland will be occurring in areas that are projected to be affected by rising sea levels.

12-7

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## Comment "20"



### West Oakland Environmental Indicators Project

#### Referenced from Draft EIR

4.8-10 **Thresholds of Significance for significant impact related to population and housing**

1. Induce substantial population growth in a manner not contemplated in the General Plan, either directly (for example, by proposing new homes and businesses) or indirectly (for example, through extensions of roads or other infrastructure), such that additional infrastructure is required but the impacts of such were not previously considered or analyzed

4.8-11 **Growth Inducement**

**Impact PHE-1:** The Specific Plan build-out projections are consistent with ABAG projections of household and employment growth. Potential induced growth, if any, outside the Opportunity Areas due to infrastructure improvements, enhanced development potential on adjacent land, or increased economic activity, would occur as already contemplated in and consistent with adopted plans and the environmental documents prepared for those plans. Therefore, the growth facilitated or induced by the Specific Plan would not represent growth for which adequate planning has not occurred, and the growth inducement impacts of the Specific Plan would be less than significant.

#### Comment

1. Please specify the exact planning strategies for mitigating the adverse effects from induced growth created by the WOSP that are included in the documents referenced in section 4.8-14 (e.g 2007-2014 Housing Element, General Plan).
  - a. Since planning documents like the 2007-2014 Housing Element and the General Plan were developed before the WOSP and the scoping of the West Oakland Opportunity Areas, are they relevant to the new proposed planning strategies?
2. Please explain the assumption that “nearly all of the growth facilitated by the Specific Plan would occur in the four Opportunity Areas, which contain numerous vacant and underutilized properties, and older facilities that no longer meet current standards and market conditions, and thus have the most potential for change.” (p. 4.8-11).
  - a. Does the referenced ABAG report specify that most new unit development will occur in the West Oakland Specific Plan Opportunity Areas?
  - b. What percentage of growth did ABAG specify would occur in the WOSP Opportunity Areas?
  - c. If ABAG did not specify that most growth would occur in the West

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Oakland Specific Plan Opportunity Areas, then this seriously undermines the growth projections and a new study that assesses induced growth projections should be conducted.

- d. What institutional controls (e.g. city codes) are in place to manage the WOSP induced development outside of the Opportunity Areas?
- e. What mechanisms are in place to ensure the community has a voice in influencing the WOSP induced development inside and outside of the opportunity areas?

12-12

#### Referenced from Draft EIR

4.8-15

#### *Displacement of Housing or People*

*Impact PHE-2: The potential loss of a small number of housing units and associated displacement of people as a result of development facilitated by the Specific Plan would be offset by the large number of new units proposed by the Specific Plan, by new units proposed by the 2007-2014 Housing Element, and by existing housing in Oakland. The environmental impacts of proposed new housing are analyzed in this EIR and in the 2007-2014 Housing Element EIR. The impacts of the Specific Plan related to the displacement of housing or people would be less than significant. (LTS)*

4.8-15

*The Opportunity Areas contain some housing areas built without required permits and which may not conform to current zoning and/or building codes. These include certain residential conversion of formerly underutilized industrial spaces. The precise number of such informal housing units is not known. Redevelopment of the Opportunity Sites and within the Opportunity Areas could result in the demolition and loss of some of these existing informal units and the associated displacement of people.*

#### Comment

- 1. Given that a precise number of informal housing units are not known, how can the report suggest that displacement resulting from their loss would be less than significant?
  - a. An assessment on the number of informal housing units should be conducted to better understand whether their loss due to the WOSP would actually be less than significant.

12-13

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2. The EIR states that displacement that is projected from the loss of informal units is to be mitigated by with the construction of new local units. Will the people that are displaced from their informal units have priority to these newly constructed units and will they be offered at a price commensurate with their former units?
  - a. Individuals and families that are displaced should have priority to accessing the units to be developed and they should be offered at a price commensurate with their previous dwelling.
  
3. Many of the referenced informal residential units house live-work artist spaces that contribute to Oakland's thriving artistic scene. The City has recognized the artist community residing in West Oakland as a significant cultural asset.
  - a. Within the opportunity areas, will there be zoning that allows for affordable live work spaces that supports Oakland's thriving artist community?

12-14

12-15

12-16

#### Referenced from Draft EIR

Page 4.8-16 **Cumulative Population, Housing and Employment Impacts**

*Cumulative Impact PHE-3: The Specific Plan build-out projections represent growth facilitated by the Specific Plan. Other reasonably foreseeable development would occur as already contemplated in and consistent with adopted plans and the environmental documents prepared for those plans, and consistent with ABAG projections of household and employment growth. This cumulative population, household and employments growth would not represent growth for which adequate planning has not previously occurred. The potential loss of housing units as a result of cumulative development would be accommodated by existing housing or by new housing units proposed by the Specific Plan and the 2007-2014 Housing Element, the potential environmental impacts of which are evaluated in this EIR and in the Housing Element EIR. Cumulative impacts related to growth inducement, and displacement of people or housing would be less than significant. (LTS)*

#### Comment

"Cumulative" means aggregate and so no element of the whole can be viewed independently. The WOSP cannot be set outside the aggregate impact of all planned or anticipated local development. The fact that all other EIR analysis defines the fractional impact of those separate projects does not remove the need for the WOSP to quantify its

12-17

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impacts in the context of the whole.

1. Please specify what the exact cumulative impact will be from implementing WOSP in addition to other existing planning documents?
2. If the projected displacement of people and housing has not been specified, then how can future displacement be said to be less than significant? 12-18
3. What will be the impacts on family and individual displacement due to rising rents, property values, housing availability, etc. induced by WOSP?
  - a. Are there institutional policies in place to protect residents from economic displacement? 12-19
  - b. Are there affordability requirements for new developments that will occur inside and outside of the West Oakland Specific Plan Opportunity Areas?
4. Given the current rise in displacement trends, mitigation mechanisms need to go above and beyond current state laws (California Relocation Assistance Law.) and municipal code for assisting people that will be forced out of their dwellings from the changing neighborhood economic climate induced by the West Oakland Specific Plan. 12-20
  - a. Local commercial businesses need to also receive adequate institution protection from displacement due to changing neighborhood economic climate.

#### Referenced from Draft EIR

4.9-17

#### Schools

*Impact PSR-3: Development in accordance with the Specific Plan would generate additional students attending the Oakland Unified School District (OUSD) incrementally through 2035 or longer. The OUSD collects school impact fees from residential and non-residential development. Under California Government Code Sections 65995, 65996(a) and 65996(b), payment of these fees is deemed to be full and complete mitigation. Therefore, the impact of the Specific Plan related to schools would be less than significant. (LTS)*

#### Comment

1. Please specify how the WOSP would generation additional student enrollment in West Oakland neighborhoods schools within Oakland Unified School District? 12-21

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### West Oakland Environmental Indicators Project

2. Please specify the types of housing units that are to be development within the opportunity areas.
  - a. If West Oakland is going to be a complete neighborhood, residential units with minimum room requirements for a certain percentage of units need to be required in new developments to ensure the neighborhood remains accessible to families.
  - b. Not only do multi-room units need to be required in new residential developments, but also these units need to be affordable.

12-22

#### Referenced from Draft EIR

4.8-17 **Temporary and Permanent Employment**

*The Specific Plan would generate an estimated 14,850 direct net new jobs within the Planning Area by 2035, as well as additional temporary construction jobs and indirect jobs, which would be a beneficial impact.*

#### Comment

1. The plan does not include local hiring requirements for employment created in the opportunity areas. To promote equity and spread the economic benefits throughout West Oakland and the rest of the City, local hiring requirements for development should be included in the EIR.
  - a. As part of the EIR, Oakland Local Hiring Policy (adopted 2012) should be applied to the construction and commercial use of new developments.

12-23

#### Referenced from Draft EIR

4.6-27 **Large Format Retail Overlay.**

*The Large Format Retail land use overlay is applied to properties in the most northwestern portion of the Mandela/West Grand Opportunity Area. The currently applicable CIX-1 zoning already permits most types of large format retail land uses. However, the list of permitted land uses under the current CIX-1 zone is so large as to permit a wide array of other business and industrial land use types as well. The purpose of the CIX-1 Large Format Retail overlay is limited to providing land use direction as to the desired (or preferred) land use types within this overlay, but does not preclude other permitted CIX-1 land uses, other than as described below.*

- *add Design Review as a requirement, used to consider the quality of individual site plans and extent to which the design helps to integrate the upper Mandela Parkway area into a cohesive retail environment;*

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- further restricting freight/truck terminal, truck yard, and primary waste collection center uses as being not permitted; and
- add Conditional Use Permit (CUP) requirements for a number of currently permitted uses to limit permanent establishment of the types of uses that are not major job producers, which generate substantial truck traffic, and which have the propensity to result in air and noise pollution within the adjacent neighborhoods, and that would preclude the more desired large format retail types of uses.

#### Comment

1. Will the Large Format Retail Overlay be applied to all of the CIX-1 zoning in West Oakland? 12-24
2. The Large Format Retail Overlay does not go far enough in restricting freight/truck activities occurring in West Oakland. The WOSP needs to take a cumulative impact perspective when zoning areas throughout West Oakland. The community has multiple sources of pollution exposure. These exposures need to be reduced to create a healthy and livable community by restricting trucking activities throughout the entire neighborhood. 12-25
3. What are the mechanisms for drawing down the total number of Conditional Use Permits (CUP) once they have been issued? The total number of CUPs that allow trucking activities should decline over time so West Oakland becomes a more livable and commercially viable neighborhood. 12-26
  - a. Are CUPs time-bound and if so, can they be renewed?

#### Referenced from Draft EIR

4.6-27 Residential Changes  
*Conversion of a total of approximately 16 acres of business/industrial lands to residential use results in development of a total of 430 new housing units;*

#### Comment

1. When will the conversion of 16 acres of business/industrial lands to residential use take place? 12-27
2. What will the business/industrial areas that will be turned into residential uses be

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zoned as in the future?

3. What are the environmental cleanup standards for decommissioned industrial lands that will be turned into residential use?
4. What assistance will be provided to mitigate past environmental contaminations at industrial lands that have been rezoned for residential use?
5. Will historical industrial polluters be held financially and criminally liable for onsite contamination?
6. Who will the burden of proof fall on to show that brown fields are safe for residential development?

12-28 contd

#### Referenced from Draft EIR

4.11-3

##### Utilities

*The City of Oakland Storm Drainage Master Plan<sup>2</sup> estimates that 30% of the existing storm drainage conduits and all of the storm drainage structures within West Oakland are in need of rehabilitation. (CH2MHill, City of Oakland, Storm Drain Master Plan , 2006)*

4.11-8

*Sewer system maps for the Planning Area obtained from the City of Oakland (see **Figure 4.11-3**) indicate that the sewer pipes are in poor condition. Many laterals are shown as "plugged" or "abandoned", while for others there is no available data (diameter, flow direction, material, etc.).*

4.11-24

*Recommendation Util-1a: As the area improves, underground storm drain lines should be added to several of the Opportunity Areas' street sections where such lines do not exist. Additional storm drainage structures, including conduit, would be a way to address both ponding and adequate conveyance of storm runoff (see Figure 4.11-4).*

#### Comment

1. Will roadways outside of the opportunity areas received equitable resources for improving under ground storm drain lines, given that storm water ponding is ubiquitous throughout all of West Oakland?
  - a. For stormwater infrastructure installed in the opportunity areas to operate effectively, the infrastructure outside of the opportunity areas that will be

12-29

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hooked up into needs to be functioning correctly. Storm water systems both inside and outside of the opportunity areas should not be in disrepair.

- b. The WOSP should specify the mechanisms that will direct storm water infrastructure revenue generated by development in the Opportunity Areas to West Oakland neighborhoods and not elsewhere.

12-30

2. Will new stormwater management infrastructure be required to incorporate alternative environmental management strategies (e.g. bioswales)? This requirement would align with City policy for promoting green infrastructure.

12-31

#### Referenced from Draft EIR

4.11-28

#### Wastewater

*Impact Util-3: With the City's sub-basin allocation system, construction of needed sewer system improvements pursuant to SCA 91, Stormwater and Sewer, payment of improvement and hook-up fees, the wastewater collection and treatment system would have adequate capacity to serve future development in accordance with the Specific Plan. With City of Oakland Standard Conditions of Approval related to construction impacts, the construction period impacts of needed sewer improvements would remain less than significant. Therefore, the wastewater service impacts of the Specific Plan would be less than significant. (LTS)*

#### Comment

1. Table 4.8-5 projects that there will be a nearly 100% increase in the number of households in West Oakland. On page 4.11-28 of the EIR, it states that wastewater flows will increase from an average of 1mgd to 3.9mgd (290% increase). On page 4.11-24, the EIR states that current maintenance and improvement efforts are projected to only handle a 20% increase in base flow of wastewater. There needs to be greater specification on how wastewater infrastructure will handle future and current flows.
  - a. Additionally, before the West Oakland Specific Plan is approved, a secure funding source should be secured to ensure legally required infrastructure improvements are made. The report even states that I/I program funding is in doubt, causing considerable alarm about the City and EDMUD's ability to prepare for the expected influx in growth.
2. To reduce the impact on the neighborhood wastewater infrastructure, new developments and re-developments in West Oakland should be required to utilize

12-32

12-33

12-34

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high efficiency water fixtures (e.g. sinks, toilets, showers, etc.) that reduce wastewater flows.

12-34 contd

#### Referenced from Draft EIR

4.11-33

#### Wastewater

*The City's Inflow and Infiltration Correction Program allows an approximately 20 percent increase in wastewater flows for each sub-basin to accommodate projected growth. A mitigation fee is assessed on all new development or redevelopment in sub-basins that have a growth rate greater than 20 percent. Therefore, cumulative impacts related to wastewater would be less than significant.*

#### Comment

1. Does the reference mitigation fee that is assessed on developments in sub-basins that have a greater than 20% growth rate in wastewater adequately cover the costs needed to update and maintain wastewater infrastructure? If not, mitigation strategies need to specifically state how funding will be secured for wastewater infrastructure improvements.
2. Mechanisms need to be in place to ensure mitigate fees assessed on new developments in West Oakland that exceed 20 percent increases in wastewater flows are directed to West Oakland infrastructure projects.
3. Throughout the wastewater section in the EIR's Utilities and Service System's Section, language regarding increases in wastewater fluctuates from "20% growth rate" to "20 percent increase in wastewater flows". Rates of change are different from absolute percentage increases. Please provide clarity over which statistic the EIR means to specify.

12-35

12-36

#### Referenced from Draft EIR

4.1-7

*Policy N1.5: Designing Commercial Development. Commercial development should be designed in a manner that is sensitive to surrounding residential uses.*

4.1-22

*Infill development on vacant land, and intensification and redevelopment of underutilized properties would repair the existing inconsistent urban fabric where such inconsistencies exist, and result in a more unified and coherent development character. The proposed*

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*development types and streetscape improvements would ultimately improve the visual quality and character of the Planning Area and enhance views from adjacent residential neighborhoods, travel corridors, and other nearby vantage points. By focusing change within the Opportunity Areas while preserving and enhancing existing established residential neighborhoods outside the Opportunity Areas, the character of historic residential neighborhoods would be preserved.*

#### Comment

1. Are there specific aesthetic requirements for new developments and re-developments to ensure there is harmony between existing notable structures? If not, there should be specific guidelines that not only ensure harmony with current neighborhood architectures, but also that new developments do not all incorporate the same aesthetic (i.e. if developments are incorporating industrial aesthetics, they should not all have corrugated aluminum roofing/siding)
2. Are there requirements that the aesthetics for new urban development cohere with and not **dilute** the current architectural aesthetics throughout West Oakland?

12-37

#### Referenced from Draft EIR

4.9-19

##### **Parks and Recreation**

Impact PSR-4: Development under the Specific Plan would generate a need for additional parkland, adding to the existing deficiency of parkland acreage, and would increase the use of existing parks and recreational facilities. No new public parks or recreational facilities are proposed as part of the Specific Plan. The increased demand would occur incrementally over the 25-year timeframe of the Specific Plan. Parks and recreational facilities may be required as part of new development projects and on-site useable open space or recreational facilities in new residential developments may offset some of the need. Parkland, recreational facilities and recreational trail links are proposed within and adjacent to the Planning Area as part of the planned Gateway Park. The Specific Plan would not be expected to increase the use of existing parks and recreational facilities such that substantial physical deterioration of such facilities may occur or be accelerated. Therefore, the parks and recreation impacts of the updated Specific Plan would be less than significant. (LTS)

4.9-12

##### **OSCAR Element principles**

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Comment "12"



**West Oakland Environmental Indicators Project**

*(1) A park should be available within walking distance of every Oakland resident. No person should have to travel too far from home to gain access to recreational services; (2) Recreation needs created by new development should be offset by resources contributed by that growth. In other words, new development should pay its fair share to meet the increased demand for parks resulting from that development."*

**Comment**

- 1. Impact PSR-4 states that development from WOSP would generate need for additional parks, but also states that this need would not further deteriorate existing parklands. Please specify how this assumption was made. 12-38
- 2. The WOSP plan needs to identify potential areas for new parks and recreation areas considering that there is projected to be a substantial increase of new families moving to West Oakland, specifically within the outlined opportunity areas. 12-39
  - a. Development in the opportunity areas should comply with these principles, especially in already recreationally underserved areas. Impact PSR-4 states that demand for parks would increase incrementally. Some areas in West Oakland already have high demand for recreation facilities and are not served by existing facilities. 12-40
- 3. Parklands, green spaces, etc. that are included in new developments and re-developments add great value to the community. These spaces should not be private gated recreation areas and should be required to be made accessible to the public. 12-40
- 4. According to projections by MTC and ABAG, the urban population is shifting towards more childless homes. Given this demographic transition, existing parks are already in contention between seniors, athletes, dog owners and children. Even greater planning is needed to facilitate peaceful coexistence between dogs and existing recreational activities. 12-41

Brian Beveridge, Co-Director

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## Response to Letter #12: West Oakland Environmental Indicators Project

- 12-1: This comment suggest that the DEIR relies too much on speculation and too little on specific mitigation, and attempts to set the WOSP outside of its own impacts on the greater community. This is a general comment that cannot be responded to with a specific reply. The extent of new development projected in the DEIR is based on the buildout assumptions of the Specific Plan, and these buildout assumptions are generally consistent with recent ABAG projections and with the housing projections of the recent Plan Bay Area. The DEIR defines the local and regional context of the Planning Area and accounts for cumulative effects throughout.
- 12-2: This comment suggests that the WOSP will be the most powerful gentrifying force in the history of West Oakland, and yet the DEIR demands little specific mitigation for the economic inequity that is will generate. Please see Master Response to Comments #1: Gentrification and Displacement, in Chapter 4 of this FEIR.
- 12-3: This comment suggests that all new development in the plan area should be required to participate in the Oakland Local Hire policy now being applied to the Oakland Army Base development. This comment pertains to the merits of the Specific Plan and specifically to social and economic effects beyond the purview of the EIR and CEQA. Please see Master Response #2 in Chapter 4 of this FEIR.
- 12-4: This comment suggests that portions of expanding business tax revenues should contribute to a local business development area fund that would provide grants and low-interest capital to support the development of local entrepreneurship. This comment pertains to the merits of the Specific Plan and is beyond the purview of the EIR and CEQA. The suggestion is part of the public record and will be included in the information forwarded to City decision-makers for their consideration prior to considering approval of the proposed Project.
- 12-5: This comment suggests that new development should contribute to a local infrastructure development fund to support upgrades to the existing failing public works. This comment pertains to the merits of the Specific Plan and is beyond the purview of the EIR and CEQA. The suggestion is part of the public record and will be included in the information forwarded to City decision-makers for their consideration prior to considering approval of the proposed Project.
- 12-6: This comment suggests that the WOSP will help induce significant widening in the equity gap in West Oakland unless there is mitigation to offset those impacts. Developments that choose not to participate in such local programs should not receive the benefits of this plan-wide EIR. This comment pertains to the merits of the Specific Plan and is beyond the purview of the EIR and CEQA. The suggestion is part of the public record and will be included in the information forwarded to City decision-makers for their consideration prior to considering approval of the proposed Project.
- 12-7: This comment suggests that the Plan [DEIR] must articulate specific adaptation strategies to mitigate the effects that sea level rise are projected to have on the West Oakland community. As both a local and a regional issue, it must be addressed in that context. The adopted Bay Plan and Oakland's Draft Energy and Climate Action Plan specifically recognize this, and include actions to participate in the preparation of a regional climate adaptation strategy.

- 12-8: This comment requests a planning strategy for mitigating the adverse effects from induced growth created by the WOSP. The DEIR (page 4.8-16) indicates that new development facilitated by the Specific Plan, together with other reasonably foreseeable development, would add new residents and new jobs within Oakland by 2035, and that Specific Plan's build-out projections are consistent with the ABAG projections of household and employment growth. The Specific Plan, together with other reasonably foreseeable projects, would not induce growth for which adequate planning has not occurred.
- 12-9: This comment questions whether the 2007-2014 Housing Element and the General Plan are relevant to the new proposed Plan, since they were developed before the WOSP. This comment pertains to the merits of the Specific Plan and is beyond the purview of the EIR and CEQA. Please see Master Response #2 in Chapter 4 of this FEIR.
- 12-10: This comment requests an explanation of the DEIR statement (p. 4.8-11) that; "nearly all of the growth facilitated by the Specific Plan would occur in the four Opportunity Areas, which contain numerous vacant and underutilized properties, and older facilities that no longer meet current standards and market conditions, and thus have the most potential for change." As described in the DEIR Project Description, nearly all of the growth facilitated by the Specific Plan would occur in the four Opportunity Areas, which contain numerous vacant and underutilized properties, and older facilities that no longer meet current standards and market conditions, and thus have the most potential for change. Within the four Opportunity Areas, new development is most likely to occur on Opportunity Sites. These Opportunity Sites are individual parcels or groups of parcels which are vacant, underutilized, blighted or which contain uses that conflict with nearby residential neighborhoods. The Opportunity Sites were identified as being available for development based on previous development applications or where the City has consistently sought opportunities to re-make these sites into positive contributors to the community through development outreach. Development of the Opportunity Sites is in turn expected to encourage development of other properties in the surrounding Opportunity Area.
- 12-11: This comment questions whether the referenced ABAG report specifies that development of most new units will occur in the West Oakland Specific Plan's Opportunity Areas, and questions what percentage of growth is specified by ABAG as occurring in the WOSP Opportunity Areas. It further suggests that if ABAG did not specify that most growth would occur in the West Oakland Specific Plan Opportunity Areas, then this information seriously undermines the growth projections of the Plan and a new study that assesses induced growth projections should be conducted. Table 4.8-5 of the DEIR presents the number of existing households and the projected number of households at build-out of the Specific Plan in 2035 as compared to ABAG household projections, and Table 4.8-6 of the DEIR presents West Oakland Specific Plan and ABAG employment projections. As shown in those tables, the Specific Plan build-out projections are consistent with the ABAG projections of household and employment growth. As indicated in the notes to Table 4.8-5, the ABAG projections for Oakland were allocated to West Oakland based upon the Alameda County Congestion Management Agency's regional traffic model traffic analysis zones (TAZs). Projections for the Planning Area are less than for the Planning Area TAZs because three of the TAZs that cover the Planning Area also extend outside the area. The approximate locations of households within these three TAZs were used to develop an "ABAG projection" for the West Oakland Planning Area.
- 12-12: This comment questions what institutional controls (e.g. city codes) are in place to manage the WOSP-induced development outside of the Opportunity Areas, and what mechanisms are in place

to ensure that the community has a voice in influencing the WOSP's induced development inside and outside of the Opportunity Areas. As indicated in the Draft EIR (page 4.8-13 and -14), projections for West Oakland growth that may occur outside of the Project's identified Opportunity Area includes approximately 3,220 new households and non-residential space anticipated to accommodate approximately 2,000 new jobs. Existing City of Oakland General Plan policies, Planning Code requirements and Design Review requirements will continue to provide the institutional land use controls over such new development.

- 12-13: This comment questions how the DEIR can suggest that displacement resulting from the loss of an unknown number of informal housing units would be less than significant? It also requests an assessment on the number of informal housing units, and further suggests that displacement of informal units should be mitigated by new development. The DEIR (page 4.8-15) indicates that the Opportunity Areas contain some housing areas built without required permits and which may not conform to current zoning and/or building codes. These include certain residential conversion of formerly underutilized industrial spaces (i.e., informal housing units). The DEIR acknowledges that redevelopment of the Opportunity Sites and within the Opportunity Areas could result in the demolition and loss of some of these existing informal units and the associated displacement of people.
- 12-14: This comment suggests that individuals and families that are displaced by new development should have priority to access the new units, and that the new units should be offered at a price commensurate with their previous dwelling. Comment noted. Please see the Master Response #1 regarding displacement (both direct and indirect) resulting from implementation of the Project.
- 12-15: This comment indicates that many of the referenced informal residential units house live-work artist spaces that contribute to Oakland's thriving artistic scene, and that the City has recognized the artist community residing in West Oakland as a significant cultural asset. The "informal residences" referenced in this comment are identified (see page 4.8-15 of the DEIR) as generally being housing built without required permits and which may not conform to current zoning and/or building codes, including certain residential conversions of formerly underutilized industrial spaces. Though certain residents themselves are recognized for many of their artistic contributions, those informal residences that are not consistent with current zoning and/or building codes are not officially recognized as legal housing units by the City.
- 12-16: This comment questions whether the new zoning will allow for affordable live/work spaces that support Oakland's thriving artist community. This comment pertains to the merits of the Specific Plan and specifically to social and economic effects beyond the purview of the EIR and CEQA. Please see Master Responses #1 and #2 in Chapter 4 of this FEIR.
- 12-17: This comment references the cumulative population analysis contained in the DEIR, and suggest that the WOSP cannot be set outside the aggregate impact of all planned or anticipated local development. The fact that all other EIR analysis defines the fractional impact of those separate projects does not remove the need for the WOSP to quantify its impacts in the context of the whole. It further request identification of the exact cumulative impact from implementing WOSP in addition to other existing planning documents.
- 12-18: This comment questions how future displacement can be considered less than significant if the projected cumulative displacement of people and housing has not been specified. Please refer to



Master Response to Comments #1 for discussion of direct and indirect displacement of people and housing.

- 12-19: This comment questions the impacts on family and individual displacement due to rising rents, property values, housing availability, etc. induced by WOSP. This comment pertains to the merits of the Specific Plan and specifically to social and economic effects beyond the purview of the EIR and CEQA. Please see Master Responses #1 and #2 in Chapter 4 of this FEIR.
- 12-20: This comment suggests that additional mitigation mechanisms need to go above and beyond current state laws (California Relocation Assistance Law.) and municipal code for assisting people that will be forced out of their dwellings from the changing neighborhood economic climate induced by the West Oakland Specific Plan. It also suggests that local commercial businesses need to receive adequate institution protection from displacement due to changing neighborhood economic climate. This comment pertains to the merits of the Specific Plan and specifically to social and economic effects beyond the purview of the EIR and CEQA. Please see Master Responses #1 and #2 in Chapter 4 of this FEIR.
- 12-21: This comment questions whether the WOSP would generate additional student enrollment in West Oakland neighborhoods schools. The comment requests a specification of the types of housing units that are to be developed. As indicated in the Draft EIR (page 4.9-18) the residential development anticipated under the Specific Plan would generate approximately 718 new elementary school students, 305 middle school students and 370 new high school students (a total of 1,395 students). Given the declining student enrollment in OUSD schools, the District is likely to have capacity within its existing facilities to accommodate new students generated by projects constructed pursuant to the Specific Plan. The specifics of individual types of housing development that may occur will be subject to the particular aspects of each subsequent development project.
- 12-22: This comment suggests that a certain percentage of new residential units should have a minimum room requirement to ensure the neighborhood remains accessible to families, and further suggests that these units need to be affordable. This comment pertains to the merits of the Specific Plan and is beyond the purview of the EIR and CEQA. The suggestions regarding minimum room requirements and housing affordability are part of the public record and will be included as part of this Final EIR in the information forwarded to City decision-makers for their consideration prior to considering approval of the proposed Project.
- 12-23: This comment requests that local hiring requirements for new development should be included in the EIR, and that as part of the EIR, Oakland Local Hiring Policy (adopted 2012) should be applied to the construction and commercial use of new developments. This comment pertains to the merits of the Specific Plan and specifically to social and economic effects beyond the purview of the EIR and CEQA. Section 15131(a) of the CEQA 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.” Local hiring requirements are characterized for CEQA purposes as social or economic effects, not physical effects on the environment and are not a part of the City’s CEQA considerations.

12-24: This comment questions whether the Large Format Retail Overlay will be applied to all of the CIX-1 zoning in West Oakland. This comment pertains to the merits of the Specific Plan and is beyond the purview of the EIR and CEQA. Please see Master Responses #2 in Chapter 4 of this FEIR.

12-25: This comment suggests that the Large Format Retail Overlay does not go far enough in restricting freight/truck activities occurring in West Oakland, and that because the community has multiple sources of pollution exposure, these exposures need to be reduced to create a healthy and livable community by restricting trucking activities throughout the entire neighborhood. This comment pertains to the merits of the Specific Plan and is beyond the purview of the EIR and CEQA. However, the DEIR identifies numerous Plan objectives and strategies intended to help reduce the adverse effects of freight-related truck traffic and its associated emissions of diesel PM. These strategies include but are not limited to:

- maintaining only those truck routes necessary to serve Port of Oakland activities but prohibiting additional encroachment of truck routes into West Oakland neighborhoods;
- relocating truck parking and services from West Oakland neighborhoods to a consolidated site or sites in the Port/Oakland Army Base area;
- implementing a traffic calming program in residential neighborhoods (potentially including vehicle lane reductions, speed humps, neighborhood traffic circles, pedestrian crossing improvements, etc.) to discourage truck traffic in neighborhoods;
- enhancing truck route enforcement and education;
- continuing, expanding and improving the Port's Diesel Truck Replacement Program;
- further restricting the expansion or introduction of new freight/truck terminals, truck yards and primary waste collection centers, thereby reducing truck traffic on local roads that and reducing emissions of diesel PM within the interior of West Oakland;
- encouraging greater use of transit, alternative transportation modes and sustainable development patterns which reduce transportation demand and reduce vehicle-related emissions.

12-26: This comment questions how the total number of Conditional Use Permits (CUP) will be determined, and suggests that the total number of CUPs that allow trucking activities should decline over time so West Oakland becomes a more livable and commercially viable neighborhood. It also questions whether CUPs are time-bound, and if so whether they be renewed. This comment pertains to the merits of the Specific Plan and is beyond the purview of the EIR and CEQA. Please see Master Responses #2 in Chapter 4 of this FEIR.

12-27: This comment questions when the projected conversion of 16 acres of business/industrial lands to residential use will take place, and questions what the business/industrial areas that will be turned into residential uses will be zoned in the future. The timing of all new development pursuant to the Specific Plan is dependent upon market conditions and developer interest, and it would be speculative to guess when any of the development pursuant to the Plan may actually be developed. Please refer to Master Response #3 regarding conversion of the Draft Plan's recommended land use overlay into new zoning districts, included as part of the final Plan.

12-28: This comment questions what the environmental cleanup standards are for decommissioned industrial lands that will be turned into residential use, and further questions whether assistance

will be provided to mitigate past environmental contaminations at industrial lands that have been rezoned for residential use. The comment questions whether historical industrial polluters will be held financially and criminally liable for onsite contamination, and who will demonstrate that brownfield developments are safe for residential development.

Numerous federal, state and local laws and regulations, administered by several governmental agencies provide the cleanup standards to assure that human health and environmental resources will be protected. Most of the state hazardous materials regulations are contained in Title 22 of the California Code of Regulations and administered by DTSC, who generally acts as the lead agency for soil and groundwater cleanup projects that affect public health, and who establishes cleanup levels for subsurface contamination that are equal to, or more restrictive than, federal levels. Clean-up and remediation of contaminated sites is ultimately the responsibility of the property owner and/or the party who caused the contamination (known as the responsible entity). At times, it can be difficult to identify the responsible entity, involving litigation and court orders. A list of those agencies most commonly involved in the regulation of hazardous materials oversight of environmental assessment and cleanup projects to ensure the protection of human health and environmental resources includes the U.S. EPA, DTSC, the State Water Board, the California Air Resources Board, the SF RWQCB, the BAAQMD, the Alameda County Department of Environmental Health and the Oakland Fire Department, Hazardous Materials Unit. Each of these agencies has prescribed jurisdiction and involvement in the management and remediation of hazardous contamination.

- 12-29: This comment questions whether roadways outside of the Opportunity Areas will receive equitable resources for improving underground storm drain lines given that storm water ponding is ubiquitous throughout all of West Oakland. This comment pertains to the merits of the Specific Plan and is beyond the purview of the EIR and CEQA. Please see Master Responses #2 in Chapter 4 of this FEIR.
- 12-30: This comment requests that the WOSP should specify the mechanisms that will direct storm water infrastructure revenue generated by development in the Opportunity Areas to West Oakland neighborhoods, and not elsewhere. This comment pertains to the merits of the Specific Plan and is beyond the purview of the EIR and CEQA. Please see Master Responses #2 in Chapter 4 of this FEIR. However, as noted in the Draft EIR (page 4.11-11) the City's SCA 91: Stormwater and Sewer requires confirmation of the capacity of the City's surrounding stormwater system and state of repair, and charges project applicants with the responsible to make necessary stormwater infrastructure improvements to accommodate the proposed project and to pay additional fees to improve infrastructure if required by the Sewer and Stormwater Division.
- 12-31: This comment questions whether new stormwater management infrastructure will be required to incorporate alternative environmental management strategies (e.g. bio-swales), aligning with City policy for promoting green infrastructure. As noted in the Draft EIR (page 4.11-23), future development projects pursuant to the Specific Plan will be required to implement SCA 80: Post-construction Stormwater Pollution Prevention Plan, which requires compliance with Provision C.3 of the Alameda Countywide Clean Water Program for regulating post-construction stormwater runoff. Provision C.3 requires preparation and approval of a Stormwater Pollution Management Plan (SMP) to limit the discharge of pollutants in stormwater after construction, during occupancy and operation of the project, to the maximum extent practicable. The SMP must identify all proposed impervious surfaces and anticipated directional flows of stormwater runoff; design

measures to reduce the amount of impervious surface area and directly connected impervious surfaces (e.g. bio-swales); source control measures to limit the potential for stormwater pollution; and stormwater treatment measures to remove pollutants from runoff.

- 12-32: This comment requests greater specification on how wastewater infrastructure will handle future and current flows, particularly since the DEIR projects nearly a 100% increase in the number of households and that wastewater flows will increase from an average of 1mgd to 3.9 mgd (a 290% increase), yet current maintenance and improvement efforts are projected to only handle a 20% increase in base flow of wastewater. According to a Sanitary Sewer Evaluation Survey conducted by the City (as discussed on page 4.11-10 of the DEIR), groundwater infiltration and rainfall dependent inflow appears to contribute roughly 80% of the total peak wet weather flow within the sanitary sewer system, and only 20% of these flows consist of actual sewage. Much of the City sanitary sewer system is antiquated and constructed with vitrified clay pipe, making it susceptible to cracking and vulnerable to failure. Through the City's Inflow and Infiltration Correction Program, the amount of inflow and infiltration into the City's sewer pipes is being substantially decreased, thereby effectively substantially increasing the capacity of the collection system to accommodate new growth. Local improvements to the system are funded by a sewer service charge fund, which is a fixed fee for single family and apartment dwellings, and usage-based fees for commercial and industrial users.
- 12-33: This comment request a secure funding source be secured to ensure legally required infrastructure improvements are made, especially considering that the I/I Program funding is in doubt. As noted in the Draft EIR (page 4.11-11) the City's SCA 91: Stormwater and Sewer requires project applicants with the responsibility to make necessary infrastructure improvements to accommodate their proposed project, and to pay additional fees to improve infrastructure if required by the Sewer and Stormwater Division. These Standard Conditions of Approval are adopted as requirements of individual projects when they are approved by the City, and are mandatory City requirements imposed on a City-wide basis.
- 12-34: This comment suggests that new development and redevelopment in West Oakland should be required to utilize high efficiency water fixtures (e.g. sinks, toilets, showers, etc.) that reduce wastewater flows. The California Green Building Standards Code (CALGreen) is a statewide regulatory code for all residential, commercial, hospital, and school buildings, and includes both mandatory and voluntary components that can be adopted by local jurisdictions. CALGreen is intended to encourage more sustainable and environmentally-friendly building practices, require low-pollution emitting substances that cause harm to the environment, conserve natural resources, and promote the use of energy-efficient materials and equipment. Included within CALGreen codes are water efficiency and conservation measures. CALGreen became mandatory on January 1, 2011 for new residential and commercial construction. The City of Oakland adopted a Green Building Ordinance and Sustainable Green Building Requirements for Private Development in October 2010, integrating CALGreen's environmentally sustainable strategies into building construction and landscape standards for the City of Oakland.
- 12-35: This comment questions whether the mitigation fee assessed on new development in sub-basins that have a greater than 20% growth rate in wastewater adequately cover the costs needed to update and maintain wastewater infrastructure. If not, the comment suggests that mitigation strategies need to specifically state how funding will be secured for wastewater infrastructure improvements. Please see response to comment 12-33 above.

- 12-36: This comment indicates that language in the DEIR regarding increases in wastewater fluctuates from “20% growth rate” to “20 percent increase in wastewater flows”, and requests clarification as to which statistic the EIR means to specify. As indicated on page 4.11-10, completion of the City I/I program is projected to provide sufficient capacity to accommodate a City-wide 20 percent growth rate (in wastewater flows). As indicated on page 4.11-11, in areas considered by EBMUD to be fully developed (including Oakland), a 20 percent increase (in sanitary flow) is assumed for purposes of determining the MWWTP and interceptor system’s capacity. Both of these statistics apply on a City-wide basis and represent the overall growth rate (or increase) in sewer flows attributed to new development. It is understood that portions of the City will experience a much lower (or no) growth rate, whereas other portions of the City (like West Oakland) may experience a more substantial local growth rate.
- 12-37: This comment questions whether there are specific aesthetic requirements for new development and redevelopments to ensure there is harmony between existing notable structures. If not, the comment further suggests that there should be specific guidelines that not only ensure harmony with current neighborhood architecture, but also that new developments do not all incorporate the same aesthetic. It further questions whether there are requirements that the aesthetics for new urban development cohere with, and not dilute the current architectural aesthetics throughout West Oakland. As indicated on page 4.1-10 of the DEIR, future individual development projects within the Planning Area would be subject to the City’s Design Review process, as applicable (pursuant to Chapter 17.136: Design Review Procedure). Design review considers the visible features of a project and the project’s relationship to its physical surroundings. Although independent of CEQA and the EIR process, design review is focused on ensuring quality design, and on avoiding potentially adverse aesthetic effects. Projects are evaluated based on site, landscaping, height, bulk, arrangement, texture, materials, colors, appurtenances, potential shadowing effects on adjacent properties, and other characteristics.
- 12-38: This comment notes that the DEIR states that development from WOSP would generate the need for additional parks, but also states that this need would not further deteriorate existing parklands, and requests an explanation of how this assumption was made.

The DEIR’s (page 4.9-19) discussion that the Project’s growth will result in additional demand for recreational space and would also increase the use of existing parks or other recreational facilities, but would not further deteriorate existing parklands is based on the following.

- Future parks and recreational facilities required as part of new development projects may offset some of the demand (this would include new, large-scale development projects that include publically-accessible courtyards as part of their overall development plan, and new large-scale commercial developments that include public gathering places and landscaped areas as part of their overall development).
- Other active recreation areas proposed by others such as the Maze/West Oakland area of the planned Gateway Park and other recreational areas and trail links would also make a substantial contribution toward meeting parkland and recreation demand.
- Additional private open space areas and public landscaped corridors, pedestrian connections and other enhancements of the public realm would also off-set portions of the recreational space demand. This spaces would include use of portions of the former AMCO Chemical/DC Metals site near the West Oakland BART station for use as an open space buffer adjacent to the South Prescott neighborhood, new development at the

West Oakland BART Station TOD that would include prominent pedestrian walkways, plazas and squares, especially near the entrances and exits to the BART station, and use of the current relatively un-used space under the overhead BART tracks as public space and outdoor extensions of retail activity along 7th Street;

- Continued renovation of existing public parks in West Oakland that provide recreational opportunities for local citizens, especially for children and youth (i.e., Raimondi Park Subsequent Phases, De Fremery Park subsequent phases and St. Andrews Plaza Beautification) are recommended as part of the Project.
- The Project promotes development of a thriving sustainable urban forest encompassing West Oakland's streets, parks, other publicly owned facilities and private properties, as recommended in the West Oakland Reforestation Plan.
- As envisioned under the West Oakland Walk urban design concept, existing City assets can be further leveraged into a "social circuit" for walking, biking, organic gardening, exercising and socializing, as envisioned under the West Oakland Walk urban design concept.

In the aggregate, all of these parks or other recreational spaces would offset demand such that existing parklands would not deteriorate. Additionally, the improvements to existing parks as identified in the Specific Plan would help to off-set currently deteriorated conditions.

- 12-39: This comment suggests that the Plan identify potential areas for new parks and recreation areas, especially considering that there is a substantial increase of new families projected. This comment pertains to the merits of the Specific Plan and is beyond the purview of the EIR and CEQA. Please see Master Responses #2 in Chapter 4 of this FEIR.
- 12-40 This comment indicates that some areas in West Oakland already have high demand for recreation facilities and are not served by existing facilities. It further suggests that parklands, green spaces, etc. that are included in new development and redevelopments should add great value to the community and should be made accessible to the public. Please see response to comment 12-38, above.
- 12-41: This comment indicates that projections prepared by MTC and ABAG indicate that the urban population is shifting towards more childless homes, and that given this demographic shift existing parks are already in contention between seniors, athletes, dog owners and children. It further suggests that more planning is needed to facilitate peaceful coexistence between dogs and existing recreational activities. The wide variety of parks and urban open space recommended in the Plan and analyzed in the Draft EIR are intended to meet the variety of recreational needs of the West Oakland urban population. Issues related to dog parks are not addressed in either the Specific Plan or the Draft EIR, and do not present a CEQA impact relative to this Project.

## Comment “13”

### URBAN BIOFILTER

#### **General WOSP Comments**

On a basic level we want the plan and the EIR to develop a strategy that actually minimizes new impacts to the community and mitigates existing impacts. On an ideal level we want the plan to be visionary and inspirational. It is neither.

13-1

There are unclear design or planning guidelines put forth. Instead there are many “options” and not enough specificity as to what the regulations would be at each of the different scale and density. The plan provides more questions than solutions, and they provide bare minimum state or federal references, rather than doing actual neighborhood analysis. In many instances technical EIR evasion tactics are used to avoid addressing critical development issues like flooding and air quality impacts. In many different sections, single points of reference are used for defining different impacts from on or the project area including farmland, sea level rise and flooding. For example, nearly out of date FEMA maps are referenced, but are openly deemed not accurate and as out of date, if anyone calls their agency. In the Agricultural resources section, CRA data is referenced, but clear farm resources like City Slicker Farm are not identified.

13-2

13-3

13-4

If the City approves the plan and the EIR without significant, we believe the City will be exposing itself to significant liabilities, both to legal action as well as to long financial impacts for inadequately addressing basic infrastructure needs, and more so to longer term Disaster planning and Climate Change impacts.

13-5

#### **Developer Density Incentives**

We are not opposed to increased density, and changes in land uses, but these should come with mitigation measures. The plan should have concrete measures to bring new development, but have mechanisms to allow that to happen and also benefit the existing people. The plan needs to have more development density incentives. Rather than giving each developer a complete free for all, we want to see a logical series of density increases, and site specific and neighborhood improvement requirements that come with.

13-6

We expect to see a more refined funding structure such as business improvement districts (BID) for various critical infrastructure that are linked to specific neighborhoods, such as 7th street, as well as neighborhood wide strategies such as arts district and or infrastructure improvements.

#### **Adapt Oakland**

The specific plan references various concurrent plans. We would like to see the WOSP specifically reference our state funded Prop 84 Grant, that is supported by various



## Comment "13"

### URBAN BIOFILTER

departments including Public Works and the office of Council District #3. Currently there are loose, superficial references to our plan, including "A Bamboo Forest" in the South Prescott/Bart project area. We appreciate the reference, but feel like the plan does not substantively or technical reference the scientific, public health and engineering work in our plan.

The WOSP currently references the West Oakland Reforestation Plan, which we also reference and work with. The WORP focuses predominantly on streetscape standards and public open space greening strategies for existing land use conditions. The Adapt Oakland plan provides a environmental health and economic focused assessment of air,water,soil, and energy impacts from transportation and industrial land uses, as well as residential and commercial land uses that are exposed to these impacts. Adaptoakland provides green infrastructure design standards and mitigation measures for these impacts including near road air mitigation, sea level rise, flooding, contamination, and heat island mitigation strategies for parking lot and building surfaces.

The current plan references basic boilerplate Calgreen and LEED green building, but the plan should respond to and address the project specific assessments being developed by Adapt Oakland, and other studies conducted in the area, by organizations like Pacific Institute.

13-7

### **Specific WOSP Comments**

*(reference to sections)*

#### **4.2 Air Quality**

The West Oakland specific plan was funded and intended to be developed in concert with the army base plan. Neither the plan or the eir adequately addresses air quality impacts. No study of the impacts from the new rail yard in particular. This needs to be addressed in the plan.

13-8

#### **4.4 Greenhouse Gas Emissions**

Considering that the predicted sea level rise in 2050 (only 36 years from now) would cause most of the WOSP priority development sites to be flooded in a 100 year flood scenario, it seems reasonable to include the discussion of flooding in 4.5 Hazards. Implementation of the WOSP plan will be incremental: construction and development associated with the plan will likely span the next several decades, new home owners will be paying off new apartments over spans of 30 years. The WOSP priority sites put proposed developments and future residents at risk. The WOSP should take additional measures and recommend immediate action to mitigate flooding in the recommended priority development sites.

13-9

## Comment “13”

### URBAN BIOFILTER

The WOSP assumes that future plans and requirements will make up for what is lacking in WOSP:

“Given the potential for sea level rise, it is reasonable to anticipate that FEMA will continue to update its flood hazards mapping over time as necessary to reflect changes in sea levels. Thus, when implemented, the safety measures built into the General Plan policies in the Safety Element, and the SCAs related to construction within 100-year flood zones, and adaptive management measures to sea level rise would reduce these potential impacts to less than significant levels.

Further, although the West Oakland Planning Area is located outside of 100 feet of high tide and therefore outside of BCDC’s jurisdiction, as the Bay water rises under the projected 16” and 55” sea level rise scenarios, this boundary would change and portions of the Plan Area would be subject to BCDC’s regulatory authority. Should this expanded jurisdiction occur during the life of the Plan, the City’s SCA 84, Regulatory Permits and Authorizations, would require compliance with BCDC in addition to other applicable requirements of regulatory agencies.

Furthermore, implicit in the discussion of global warming, greenhouse gas emissions and sea level rise is that it extends beyond specific development projects, a specific plan area, or, indeed, an entire City. As both a local and a regional issue, it must be addressed in that context. The adopted Bay Plan and Oakland’s Draft ECAP specifically recognize this, and include actions to participate in the preparation of a regional climate adaption strategy.” (4.4 p. 44)

Rather than waiting for sea level rise and then relying on agencies to react, the WOSP should make recommendations that will prepare our community for anticipated climate change. Climate change preparedness measures should be implemented in parallel and at the scale of new developments. Adapting to Rising Tides contains a series of adaptation strategies that should be referenced in the WOSP. In addition Adapt Oakland is a plan that recommends green infrastructure installations, best practices and priority sites that can help mitigate the effects of climate change and flooding in West Oakland. The WOSP can bolster its adaptation strategies and recommendations by referencing these plans and recommending that development include green infrastructure installations.

Future flooding scenarios aside, West Oakland residents know that there are current flooding problems in the neighborhood due to insufficient stormwater infrastructure. The City of Oakland lacks the funding to overhaul the existing infrastructure. Green infrastructure has the benefit of being affordable, decentralized, and unlike conventional infrastructure, green infrastructure can provide multiple services such as stormwater management, bioremediation, habitat enhancement, improved air quality, beautification and can reduce the urban heat-island effect. For example, constructed wetlands are strategically designed to store and filter stormwater runoff while providing a host of

## Comment "13"

### URBAN BIOFILTER

diverse ecological benefits. A major service of constructed wetlands is the biofiltration of stormwater pollutants, which may otherwise flow directly into waterways. Over time, the oil, grease, heavy metals, and chemicals often found in urban stormwater runoff are taken up and broken down by wetland plants and microorganisms. In addition to improving water quality, constructed wetlands provide valuable wildlife habitat and general aesthetic value to surrounding neighborhoods that may lack green space. Constructed wetlands have the potential to act as a water reservoir to reduce peak stormwater flows and provide flood control during large storm events. Currently, Adapt Oakland is developing tailored constructed wetland guidelines for stormwater pollution and infrastructure specific to West Oakland.

13-10 contd

#### **4.10 Transportation**

The traffic analysis does not develop a detailed enough breakdown, as to how the varying density options for each development area, increase or decrease the impacts based on the scale of the approved project. The varying density options should have varying mitigation measure requirements.

13-11

#### **4.11 Utilities and Service Systems**

In general guidelines for various land use, building guidelines and even infrastructure improvements, are very vague.

Many specific plans particularly in former and existing industrial areas have significant environmental clean up requirements. There are no strategies provided in the plan to help find funding for this work and therefore incentivize developers to come and developer.

There need to concrete funding and planning mechanisms for the basic infrastructure upgrade needs to invite development.

There are infrastructure needs outlined, but no solutions. There are creative infrastructure cost sharing models and examples from other developments, for how larger denser developments will fund infrastructure improvements and how it mutually supports current residents, but no strategy is put forth in the plan.

13-12

There needs to be a more detailed area wide plan for how proposed development opportunity sites will be required to fund infrastructure improvements. For example, many sites sit amidst other existing developments. How does the infrastructure get funded, in these areas?

*Wastewater*

## Comment “13”

### URBAN BIOFILTER

The introduction of over 1 million gallons of wastewater from the new Oakland Global development at 7th street is not assessed in the wastewater section. The impact of this on the the existing aging sewer system and existing residents must be evaluated.

13-13

Irregardless of future predictions, West Oakland has numerous locations in the project area, that experience significant flooding, because of insufficient infrastructure, but more so because these areas are close to sea level. Some locations including a radius around the West Grand and Mandela in the South Prescott and Bart area, former wetland areas. These issues are not addressed in the plan.

#### **4.12 Other Less-than-Significant Effects**

##### *Agricultural Resources*

This sections says that there is no farmland in the project area. although it may not be on one specific farmlands mapped by California Resource Agency, there are a variety of farms that provide food and cultural resources that fall inline with the intent of the CRA.

13-14

Additionally, there are areas that may not currently be farmland, but nonetheless are critical either historical or future natural resource areas. Much of west oakland is former wetland areas. Many cities in California and beyond are conducting wetland planning studies in relation to. the Majority of the project area falls into former wetlands. We would argue that these areas are critical natural resources, and that although currently concreted in areas, need to be evaluated as critical resource areas. An assessment has not been developed to understand whether former wetland areas, are critical for flooding and sea level mitigation to the community of West Oakland.

13-15

Wetland delineation studies, compliant with the CEQA process require 2 of the three wetland conditions for land to be deemed a wetland; Hydric Soils, Water present or Facultative wetland species. Many places in west oakland have 1, 2, or 3 of these conditions. For example the former Redstar Yeast facility was covered with willows and other facultative wetland species before cleared for development. Neither cursory GIS based wetland analysis, nor a detailed delineation was not completed for the project area.

13-16

##### *Flooding and Sea Level Rise*

Impact Hydro-6, as stated previously, should be moved to 4.5 Hazards as the majority of the priority development sites are predicted to be within a 100-year flood hazard area within 36 years. FEMA states that:

13-17

the current [Flood Insurance Rate Maps \(FIRMs\)](#) are outdated in many coastal areas due to the age of the data and methodologies used in producing the effective [FIRMs](#), some of which date back to

## Comment "13"

### URBAN BIOFILTER

the mid-to-late 1970s. Major changes in [National Flood Insurance Program \(NFIP\)](#) policies and methodologies have occurred since the effective date of many coastal studies, creating the need for updates to reflect more detailed and complete hazard information. FEMA is updating the flood hazard information presented in coastal [Flood Insurance Studies \(FISs\)](#) and on [Flood Insurance Rate Maps \(FIRMs\)](#) where updates are needed in populated coastal areas. <http://www.fema.gov/protecting-homes/coastal-flood-risk-study-process>

Since the FIRM maps may be out of date, the Adapting to Rising Tides report and other up to date academic research should be referenced in this section. FEMA is conducting analysis and mapping that will revise and update the flood and wave data for FIRM panels along the bay shoreline due out in late March 2014 according to FEMA's website: <http://www.r9map.org/Pages/ProjectDetailsPage.aspx?choLoco=1&choProj=183>

This section should be revised in the final EIR to reflect this new information from FEMA.

"Impact Hydro-6: No portion of the Planning Area is located within a 100-year or 500-year flood hazard area, as mapped on the National Flood Insurance Program Flood Insurance Rate Maps. Development in accordance with the Specific Plan would not place housing within a 100-year flood hazard area. (LTS)

No portion of the Planning Area is located within a 100-year or a 500-year flood hazard area as depicted on the National Flood Insurance Program Flood Insurance Rate Maps prepared by the Federal Emergency Management Agency. All of West Oakland is designated Zone X, which means that it is an area determined to be an area of minimal flood hazard, outside the 0.2 percent annual chance floodplain. For this reason, implementation of the Specific plan would not result in substantial flooding on- or off-site; would not expose people or structures to a substantial risk of loss, injury, or death involving flooding; would not impede or redirect flood flows or place within a 100-year flood hazard area structures which would impede or redirect flood flows; now would it place housing within a 100- year flood hazard area as mapped on a federal Flood Hazard Map.

Potential flooding impacts related to sea level rise are addressed in Chapter 4.4, Greenhouse Gas Emissions.

Mitigation Measures: None needed" (4.12 p. 27-28)

13-17 contd

## Response to Letter #13: Urban Biofilter

- 13-1: This comment suggests that the Specific Plan and the EIR should include strategies to minimize new impacts to the community and mitigate existing impacts, and indicates that the Plan and EIR do neither. A portion of this comment pertains to the merits of the Specific Plan and is beyond the purview of the EIR and CEQA. An additional portion of this comment suggests that the EIR should identify mitigation measures to address existing impacts. The Draft EIR comprehensively describes the existing physical and regulatory settings relevant to the Specific Plan for each environmental topic analyzed in this EIR, the potential impacts that could result from implementation of the Specific Plan, existing City policies and Standard Conditions of Approval that would minimize those potential impacts, and mitigation measures if necessary to avoid or reduce identified significant impacts. Additionally, even though potential effects of the environment on a project (or on the existing community) are legally not required to be analyzed or mitigated under CEQA, this EIR nevertheless analyzes potential effects of the environment on the project (i.e. siting new receptors near existing TAC sources, effects of existing noise, effects associated with sea level rise, etc.) in order to provide information to the public and decision-makers. Where a potential significant effect of the environment on the project is identified, the document, as appropriate, identifies City Standard Conditions of Approval and/or project-specific recommendations to address these issues.
- 13-2: This comment suggests that, in many instances, technical EIR evasion tactics are used to avoid addressing critical development issue like flooding and air quality impacts. The EIR preparers are not aware of any EIR “evasion tactics” and have prepared this EIR in compliance with CEQA Guidelines and standards.
- Critical development issues related to air quality are addressed in the EIR throughout Chapter 4.2 of the DEIR. This chapter of the DEIR addresses the City’s CEQA threshold criteria pertaining to the Plan’s consistency with the most recently adopted Clean Air Plan based on the rate of increase in vehicle miles travelled as compared to the rate of increase in population within the Plan Area, and determines whether growth in the West Oakland Plan Area would conflict with regional growth expectations set forth in the CAP. This chapter also assesses the extent to which individual projects would generate significant levels of construction-period and operational period criteria pollutants and/or toxic air contaminants, and if significant localized carbon monoxide (CO) impacts would occur from new development.
  - Issues related to flooding are addressed on page 4.12-27 and -28, and issues related to potential flooding impacts related to sea level rise are addressed in Chapter 4.4: Greenhouse Gas Emissions.
- 13-3: This comment suggests that nearly out of date FEMA maps are referenced, but are openly deemed not accurate and out of date. The information related to 100-year and 500-year flood hazard areas is derived from current, published National Flood Insurance Program Flood Insurance Rate Maps prepared by the Federal Emergency Management Agency. Information related to dam failure inundation areas is derived from ABAG’s Geographic Information System Hazards Maps, as referenced and footnoted in the DEIR.
- 13-4: This comment indicates that clear farm resources (like City Slicker Farm) are not appropriately identified in the DEIR. Only those lands designated by the California Resources Agency as Prime

Farmland, Unique Farmland or Farmland of Statewide Importance are considered Farmland for purposes of CEQA. There are no designated Farmlands within West Oakland. This CEQA threshold does not diminish or dismiss the importance of urban farming programs such as City Slicker Farm, but does not elevate their natural resource value beyond that recognized by the California Resources Agency.

- 13-5: This comment suggests that if the City approves the Plan and the EIR without significant [change], the City will be exposing itself to significant liabilities, both to legal action as well as to long financial impacts, for inadequately addressing basic infrastructure needs, and more to longer-term disaster planning and climate change impacts. The commenter opinion is noted and is hereby made part of the public record.
- 13-6: This comment suggests that the Plan should include (among other topics listed) a logical series of density increases, site specific neighborhood improvement requirements, a more refined funding structure, neighborhood-wide strategies such as arts districts, and infrastructure improvements. This comment pertains to the merits of the Specific Plan and is beyond the purview of the EIR and CEQA.
- 13-7: This comment indicates that the Specific Plan references various other concurrent plans such as the Urban Bio-Filters' state funded Adapt Oakland project, a recommended bamboo forest in the South Prescott/BART project area, the West Oakland Reforestation Plan, and CALGreen and LEED green building codes, but that the Plan does not substantively or technical reference the scientific, public health and engineering work, particularly with regard to the commenters Adapt Oakland Plan. This comment pertains to the merits of the Specific Plan and is beyond the purview of the EIR and CEQA. The DEIR recognizes the important efforts of others, including the Adapt Oakland project, and have included reference and acknowledgement of those other efforts and how they interact and may become important elements of future development within West Oakland.
- 13-8: This comment indicates that the DEIR does not adequately address air quality impacts to West Oakland associated with development at the former Oakland Army Base, and its proposed new rail yard in particular. As indicated in the DEIR (4.2-26), CEQA requires the analysis of potential adverse effects of the project on the environment. Potential effects of the environment (including other surrounding projects) on the Project are legally not required to be analyzed or mitigated in this EIR. However, the DEIR does include analysis of potential effects of the environment on the Project in order to provide information to the public and decision-makers. Where a potential significant effect of the environment on the project is identified, the document, as appropriate, identifies City Standard Conditions of Approval and/or project-specific non-CEQA recommendations to address these issues.
- 13-9: This comment suggests that, considering predicted sea level rise cause most of the WOSP priority development sites to be flooded, this issue should be more fully discussed in the DEIR's Hazard chapter. It also suggests that the EIR should make recommendations that will prepare the community for anticipated climate change.

As indicated on page 4.4-41 of the DEIR, the impact of flooding related to sea level rise pertains to the impact of an existing/future environmental condition on the Planning Area. CEQA only requires an analysis of impacts pertaining to a project's impact on the environment. An appellate court specifically identified the effect of sea level rise on a project as an impact of the environment



on a project and, therefore, not required to be analyzed under CEQA. However, although not legally required by CEQA, the Draft EIR nevertheless discusses the impact of sea level rise on the Planning Area in the interest of being conservative and providing information to the public and decision-makers. As noted on page 4.4-44 of the DEIR, implicit in the discussion of global warming, greenhouse gas emissions and sea level rise is that it extends beyond specific development projects, a specific plan area, or, indeed, an entire City. As both a local and a regional issue, it must be addressed in that context. The adopted Bay Plan and Oakland's Draft ECAP specifically recognize this, and include actions whereby the City will participate in the preparation of a regional climate adaptation strategy. The commenter's Adapt Oakland plans may become part of that regional strategy, but that will be determined based on a more thorough review and assessment of the potential regional solutions.

- 13-10: This comment notes that current flooding problems in the neighborhood exist due to insufficient stormwater infrastructure, and that the City of Oakland lacks the funding to overhaul the existing infrastructure. The comment further advocates of green infrastructure as having the benefit of being affordable, decentralized and having multiple benefits. As noted on page 4.12-26 of the DEIR, SCA 80: Post-Construction Stormwater Management Plans are required for each individual project within the Planning Area, and are required to demonstrate compliance with the requirements of Provision C.3 of the National Pollutant Discharge Elimination System (NPDES). Provision C.3 requires preparation and approval of a Stormwater Pollution Management Plan (SMP) to limit the discharge of pollutants, to design measures to reduce the amount of impervious surface area and directly connected impervious surfaces; as well as source control measures and stormwater treatment measures to limit the potential for stormwater pollution. Green infrastructure, such that as advocated in this comment and included in the commenter's Adapt Oakland program is consistent with these SCA requirements.
- 13-11: This comment suggests that the traffic analysis does not develop a detailed enough breakdown as to how varying density options may increase or decrease traffic impacts, based on the scale of the new development. The Alternatives chapter of the DEIR (Chapter 5) does include an analysis of a range of reasonable alternatives to the Project that would feasibly attain most of the basic objectives of the Project, but would avoid or substantially lessen the significant effects of the Project, including traffic impacts. These comparative effects include:
- Under the No Project alternative the amount of new housing and employment-generating uses are projected to be substantially less than as projected to occur under the proposed Project. Because the amount of new growth and development under the No Project Alternative is so small, the traffic impacts of that growth would be substantially less than as projected for the Project. It is unlikely that any of the significant and unavoidable traffic impacts identified under the Project would materialize under this alternative (DEIR page 5-20);
  - The Reduced Alternative includes approximately 1,200 fewer households and nearly 8,500 fewer jobs than does the Project. The Reduced Alternative would generate 2,300 fewer AM peak hour trips and 2,800 fewer PM peak hour trips. As a result, the Cumulative plus Reduced Alternative scenario would result in significant impacts at only four (4) of the six (6) intersections indicated as being affected under Cumulative plus Project conditions (DEIR page 5-40).
  - Alternative #3 assumes that employment growth within the West Oakland Specific Plan's Opportunity Areas would occur at a more robust rate through Year 2035 than

would occur under the Project; while residential growth would occur at a lower rate. Alternative #3 would approximately 150 fewer trips during both peak hours than would the Project. As a result, all six of the intersections indicated as being affected under Cumulative plus Project conditions would also be significantly impacted under Cumulative plus Alternative #3, and two additional intersections would be significantly affected with implementation of Alternative #3 (DEIR page 5-62).

- 13-12: This comment suggests that infrastructure needs are outlined in the Plan and EIR, but no creative infrastructure cost sharing models for how new development will fund infrastructure improvements and mutually support current residents are put forth in the Plan. This comment pertains to the merits of the Specific Plan, specifically the funding strategies for infrastructure improvements, and is beyond the purview of the EIR and CEQA. Please see Master Response to Comment #2 in Chapter 4 of this document.
- 13-13: This comment indicates that the introduction of over 1 million gallons of wastewater from the new Oakland Global development at the former OARB is not assessed in the wastewater section. The Oakland Global project is not a part of the proposed Project and therefore not analyzed as such in the DEIR. The DEIR (page 4.11-33) does disclose that with all expected cumulative development, the EBMUD Wastewater Treatment Plan will receive an increase in average day sewer flows and that the higher sewage concentration levels for the greater region might require a higher level of treatment at the EBMUD wastewater treatment plant.
- 13-14: This comment suggests that, while the DEIR identifies no farmland in the Project area, there are a variety of farms that provide food and cultural resources that fall in line with the intent of the CRA. Please see response to comment 13-4, above.
- 13-15: This comment suggests that, since much of West Oakland is former wetland areas that are currently covered in concrete, these former wetlands need to be evaluated as critical resources critical for flooding and sea level mitigation. The DEIR analyzed the potential effect of the Proposed Specific Plan against existing physical conditions as they exist today. Although large portions of West Oakland were once wetlands and marsh, those conditions no longer exist, and the Project would not have a significant impact on those former wetlands and marshes. That impact has occurred long ago. The potential to rehabilitate or re-discover these former wetlands and marshes could have substantial environmental benefits, but is not a part of this Project and therefore not analyzed in this EIR.
- 13-16: This comment suggests that many places in West Oakland include the presence of the indicators for wetlands, but that no wetland analysis or detailed delineation was completed for the DEIR. The State of California recognizes some plant communities as sensitive natural communities if they are uncommon, regionally declining or vulnerable. Among these communities are riparian habitat, coast live oak forest, freshwater seeps, freshwater marshes and coastal salt marsh. According to the Open Space, Conservation and Recreation Element of the City of Oakland General Plan, there is no riparian habitat or other sensitive natural community within or adjacent to the Planning Area. The California Natural Diversity Database (CNDDDB) tracks communities it believes to be of conservation concern and these communities are typically considered sensitive for the purposes of CEQA analysis. No CNDDDB-listed sensitive natural communities occur within the Planning Area. According to the Open Space, Conservation and Recreation Element of the City of Oakland General Plan, there are no wetlands known to occur within the Planning Area. Development in accordance

with the Specific Plan would not involve the direct removal or fill of wetlands or indirectly affect the hydrology, soil, vegetation or wildlife of wetlands. TO the extent that small, isolated area of potential wetland conditions may exist in West Oakland, such areas would be assessed as a result of individual development projects, which can consider the much smaller scale of such sites in their proper context.

- 13-17: This comment indicates that FEMA acknowledges that its flood maps may be out of date, and that the updated mapping should be used to revise and update the flood and wave data for the EIR. According to information obtained from the web-site referenced in this comment, FEMA's coastal study and mapping efforts will rely on new technologies and coastal data, and will use regional-scale storm surge and wave models to produce water levels, open ocean swells, and wind-driven waves at over eight thousand points along the San Francisco Bay shoreline. The model output will be used to estimate wave run-up and overtopping along the Bay's shoreline structures as well as overland wave propagation over beaches, marshes, and inland developed areas. These onshore analyses will form the basis for potential revisions to the Base Flood Elevations and Special Flood Hazard Areas within the coastal areas of the nine Bay Area counties. Following FEMA's due process and statutory requirements, the Base Flood Elevations will be finalized in revised Flood Insurance Study reports and on the Flood Insurance Rate Maps. According to the schedule published on this web-site, new effective FIRM maps are projected to be available in the 2015-2016 timeframe. FEMA's due process and statutory requirements for these updated maps has not yet occurred.

## Comment "14"

**RENA RICKLES**  
ATTORNEY AT LAW

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May 16, 2014

Ulla-Britt Jonsson  
City of Oakland Strategic Planning Division  
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Oakland, CA 94612

Via email: [ujonsson@oaklandnet.com](mailto:ujonsson@oaklandnet.com)

Re: Comments, DEIR West Oakland Specific Plan ("WOSP"); Remove Change of Zoning for

Coca Cola Bottling/Mayway from Commercial/Industrial Mix ("CIX-1") to Housing Business Mix ("HBX-2").<sup>1</sup>

Dear Ms. Jonsson,

This office represents Richard Wang, owner of National Recycling Corp., a business which is both adjacent to the area slated for down-zoning from CIX-1 to HBX-2, and which has operated a recycling business at that site for almost 30 years. The proposed down zoning would damage his business, the community, current and future, the professed goals of the West Oakland Specific Plan and the City of Oakland.

### Damage to National Recycling Corp.

The stated purpose of this amendment is to "further restrict freight/truck terminal, truck yard, and primary waste collection center use in West Oakland, changing these uses to being not permitted altogether" (WOSP, 7-75). The intent is to convert a 30-year-old recycling business' zoning status from permitted to legal non-conforming. If there were any doubt of the WOSC's intention, M/WG 1B-3 stated intent is to "[s]eek opportunities to relocate the recycling operation that currently exists to the north of Wade Johnson Park" (WOSP 7-13). That recycling center IS National Recycling Corp. If this section is included and adopted in the FEIR and WOSC, the removal of Mr. Wang's business will be codified in Oakland Zoning Ordinances.

### This is Spot Zoning, which is Bad Public Policy and is Most Likely Illegal

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<sup>1</sup> The site at issue has several different site letters. In the Executive Summary it is designated "S". It has different letter designations elsewhere in the Plan. For the purpose of these comments, the site being addressed is the portion of the former Coca Cola, current Mayway site.

## Comment “14”

Zoning a parcel of land differently from the parcels around it, as is happening with this proposed amendment, is classic ‘spot zoning.’ Courts have held that re-zoning is illegal spot zoning if it violates the general plan, or allows development that is very different from the current surrounding uses, or appears to favor an individual property owner to the detriment of the public.

### Damaging to the Immediate Community: Invited NYMBism

While there is some housing a few blocks away and a park close to this recycling center, most of the surrounding users are industrial uses. This zoning amendment will move housing uses even closer to the existing industrial uses. That is what’s called ‘invited NYMBism’ because it brings in people to oppose existing uses. The result will intensify clashes between the existing industrial users and the new residential neighbors; the new residents will want the incompatible use out.

Moreover, this business and the adjacent industrial businesses provide over 120 entry level jobs to West Oakland. Loss of these jobs would hurt the community.

Finally, this is the only local re-cycling center; it is walking distance for a large part of West Oakland. Without a place to accept unwanted goods, residents, especially those without cars, will dump their belongings. Thus there will be blight where there was none.

### The Re-Zoning in this Area Flies in the Face of Stated the Goals/Objectives and Visions of the WOSP. (WOSP Executive Summary 1-1)

The stated goals and objectives of the WOSP include:

- Enhance vacant and underutilized land
- Attract new industry
- Support existing industry
- Create living wage jobs in West Oakland
- Resolve existing land use compatibilities
- Keep businesses that provide jobs, use existing facilities
- Establish more identifiable borders between existing residential neighborhoods and existing industrial users.

The WOSP Vision Statement 1-3 states an intention to preserve industrial areas. This does just the opposite. It takes away an existing industrial area.

### This Amendment if Enacted Would **Discourage** Development

The greatest danger to development is uncertainty—uncertainty in the rules and regulations within communities. In 2009, the recycling industry accepted City Wide “Performance Standards” (OMC Sec.1773). Based on the passage of these rules, recycling centers invested and re-invested in their businesses. They had certainty that if they adhered to those standards that they could remain where they were. The recently created CIX-1 Zone reinforced existing and future industrial business’ reliance on going

National Recycling Center DEIR and WOSP Comments

14-1 contd

## Comment "14"

to or staying at certain locations. The amending of the zoning ordinance to make these uses impermissible breaks the promise to existing industrial users and discourages new industrial developers.

### This Amendment is Not Necessary if it's Intent was to Reduce Excessive Truck Traffic

It would be better public and planning policy to reduce excessive truck traffic by less draconic changes: The current CIX-1 District already provides protection from future trucking operations because a Condition Use Permit ("CUP") for new trucking uses is already required in the CIX-1 Zone. Since one of the mandatory findings to grant a CUP is 'Livability' [with existing uses] and since the parcel which is the subject of this spot zoning is adjacent to housing and a park, that finding could not be made.

In addition the purposes and language of the CIX-1 zone is to prevent new recycling operations, provide a buffer and transition between industrial and residential uses, and impose strict limitations on truck and recycling uses. (WOSP 7-6).

### CONCLUSION

There are numerous, significant reasons to leave the zoning of the former Coca Cola, current Mayway site, called "S" in the Executive Summary, as CIX-1, and changing the zoning to HBX-2 is neither necessary nor good public policy.

It was encouraging to hear Planner Ed Manassee state at the close the Public Hearing that Planning had determined to remove amending the zoning in the area known as the Coca Cola Bottling Plant/Mayway Site from CIX-1 to HBX-2 many of the above stated reasons. It is the purpose of these comments to reinforce that determination and ensure that said action occurs.

Very truly yours,



RENA RICKLES

Cc: Richard Wang  
Rachel Flynn  
Scott Miller  
Lynette McElhaney

National Recycling Center DEIR and WOSP Comments

14-1 contd

**Response to Letter #14: National Recycling Corporation, represented by Rena Rickles**

14-1: This comment identifies numerous reasons to leave the zoning of the former Coca Cola, current Mayway site as CIX-1. The commenter appreciates staff comments made at the public hearing that amending the zoning for this site from CIX-1 to HBX-2 was no longer considered as part of the Project and seeks ensure that action occurs. This comment pertains to the merits of the Specific Plan and is beyond the purview of the EIR and CEQA. However, please see Master Responses #3 in Chapter 4 of this FEIR, which indicates that the Specific Plan’s recommendation for rezoning the Coca-Cola/Mayway site to Housing/Business Mix (HBX) has been removed from further consideration.



## Comment "15"



William E. Gagen, Jr.  
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Patrick J. McMahon  
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Michael J. Markowitz  
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Please Reply To:

**Danville**

March 17, 2014

**Via E-mail and U.S. Mail**

Mr. Ed Manasse  
Strategic Planning Manager  
City of Oakland  
Strategic Planning Division  
250 Frank H. Ogawa Plaza, Suite 3315  
Oakland, CA 94612

Re: Schnitzer Steel Industries, Inc. Comment Letter on the West Oakland Specific Plan, Draft Environmental Impact Report ("DEIR")

Dear Mr. Manasse:

Our offices represent Schnitzer Steel Industries, Inc. ("Schnitzer Steel Industries"), which is a global metal recycling company that has operated its metals recycling facility and deep-water port in the City of Oakland ("City") since 1961. Schnitzer Steel Industries is proud of its over one-hundred year tradition of providing metal recycling services to a variety of industries, and views its presence on the Oakland waterfront as integral to its historic success and future growth. Currently, Schnitzer Steel Industries employs approximately one hundred (100) employees at its port facility, a majority of whom are Oakland and East Bay residents.

Given Schnitzer Steel Industries' established business presence in West Oakland and desire to continue its operations into the future, it hereby submits the below comments on the Draft Environmental Impact Report ("DEIR") for the proposed West Oakland Specific Plan ("Specific Plan") to ensure that the City's future planning decisions take into account Schnitzer Steel Industries' needs as a dynamic, industrial business in close proximity to Opportunity Areas 2 and 3.

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## Comment "15"

Mr. Ed Manasse  
Strategic Planning Manager  
City of Oakland  
March 17, 2014  
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### **I. The Specific Plan's and DEIR's Land Use and Planning Intent for Opportunity Area 3**

Schnitzer Steel Industries is generally pleased with the Specific Plan's express intent and "Development Concept" for Opportunity Area 3, which is to "[e]nhance the 3<sup>rd</sup> Street Opportunity Area as a business and employment center, focusing on manufacturing and light industrial uses that benefit from adjacency to the Port . . . ." Specifically, the Specific Plan's first "Development Concept," "3<sup>rd</sup> Street-1," states: "Because this area has a long history of heavier industrial uses which provide essential services to the adjacent Port (i.e., recyclers, truck-dependent uses, etc.), [it is the City's intent to] maintain space for these Port-serving industrial uses, accommodating and blending these older uses with newer, more vibrant *yet compatible* commercial and light industrial uses." (Specific Plan, Chapter 7, p.7-47. Emphasis added.)

Further, Schnitzer Steel Industries is pleased with the City's Specific Plan "Development Concept," "3<sup>rd</sup> Street-6," which states that the City will "[c]ontinue to prohibit new residential development in this Opportunity Area as an incompatible land use which could adversely affect the operations of existing and future industrial uses." It appears from both the proposed Specific Plan and the DEIR that the City is acknowledging that the areas next to the Port are to be preserved such that they remain compatible with their historical uses for industrial businesses such as Schnitzer Steel Industries.

The City's fundamental concept of "maintain[ing] space for . . . Port-serving industrial uses [by] accommodating and blending these older uses with more vibrant *yet compatible* commercial and light industrial uses" seems to be targeted at valued businesses such as Schnitzer Steel Industries. However, the future challenge for the City will be to ensure that any newer business uses in Opportunity Area 3 remain *compatible* with established industrial uses. With the above stated, Schnitzer Steel Industries does have a serious concern that the Specific Plan and DEIR fail to take into account and fully study the potential conflicts of uses that may occur in Opportunity Area 3 as the City rezones portions of the area for "Business Mix" uses as opposed to "General Industry/Transportation" uses. This concern is set forth in more detail below.

#### **A. The City's Proposed Rezoning of Portions of Opportunity Area 3**

First and foremost, Schnitzer Steel Industries has a general concern regarding the proposed "rezone" from a General Plan designation of "General Industry/Transportation" (a zoning district typically associated with the Port and its operations) to a General Plan Designation of "Business Mix;" and from a zoning designation of General Industrial (IG)



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to Commercial Industrial Mix (CX-1) in certain portions of Opportunity Area 3. Such a "rezone" could potentially create incompatible uses as businesses evolve over time. (DEIR, Project Description, p. 3-19.)

The proposed General Plan Amendments and Rezoning appears to provide more flexibility to the City in the future to allow a wide variety of modern and mainstream businesses, restaurants, clean tech businesses, offices, coffee shops, bars, night clubs, and other uses that could potentially cause a clash between the new use and existing heavy industrial truck uses serving the Port. Schnitzer Steel Industries is generally concerned that these potentially more sensitive "Business Mix" uses will not be accustomed to industrial truck traffic serving the Port and sections of Opportunity Area 3, and that Opportunity Area 3 may gradually, over time, become incompatible with the Port's heavier industrial uses.

Given the above, Schnitzer Steel Industries hereby respectfully requests that the DEIR be revised to study the effect of these potentially incompatible "Business Mix" uses on transportation and circulation, land use planning, and noise with respect to current industrial uses in and around Opportunity Area 3. Further, the City should include additional language in the Specific Plan and DEIR that would ensure that existing heavy industrial truck transportation routes currently serving Opportunity Area 3 and the Port are preserved, especially in the event new businesses are introduced into Opportunity Area 3 as a result of the proposed General Plan Amendments and Rezoning for Opportunity Area 3.

While Schnitzer Steel Industries is generally pleased that both the Specific Plan and the DEIR acknowledge that Opportunity Area 3 should be preserved for industry and serve as a "buffer" between residential areas and the heavier industry at the Port, Schnitzer Steel Industries believes that it should analyze the potential land use conflicts that may arise if Opportunity Area 3 becomes more of a "Business Mix" area as opposed to one purely preserved for "industrial" uses. Schnitzer Steel Industries believes that proper land use planning and language preserving heavier industrial truck corridors will ensure that Opportunity Area 3 and the areas in West Oakland serving the Port remain "purely industrial" to prevent the potential for incompatible uses that could serve to eventually phase out traditional industrial uses from West Oakland.

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**B. Schnitzer Steel Industries' Concern Regarding the Transportation and Circulation Element of the DEIR and the City's Proposal to Narrow the Entire Length of Adeline Street in the West Oakland Specific Plan Area from Four Lanes to Two Lanes.**

Schnitzer Steel Industries has utilized established truck transportation routes in the City, namely Third Street, Market Street, Martin Luther King Jr. Way, Embarcadero West, Adeline Street, and other streets throughout Opportunity Area 3. These truck routes and transportation corridors continue to accommodate truck traffic serving not only Schnitzer Steel Industries, but also other industries in Opportunity Area 3 and at the Port.

Specifically, Schnitzer Steel Industries has a strong concern that the City is proposing to narrow Adeline Street from west of Third Street to as far east as Thirty-Sixth Avenue, which would span approximately the entire length of the West Oakland Specific Plan area. (DEIR, p. 4.10-26; Figure 4.10-7.) The same appears to be true for significant portions of Market Street. (*Id.*) Schnitzer Steel Industries uses these routes for their inbound/outbound truck shipping network, and would be negatively impacted by such road narrowing.

Further, Schnitzer Steel Industries is concerned that, as new "light industrial" and commercial businesses are welcomed into Opportunity Area 3, these transportation corridors for heavy industry may become incompatible over time and create conflict with the "business mix" environment. For example, Schnitzer Steel Industries' business would be severely impacted by any potential restrictions that could be imposed on its inbound/outbound truck use (i.e., curfews due to potential night-time uses in Opportunity Area 3, non-heavy truck allowance on certain roads, etc.) Therefore, Schnitzer Steel Industries requests that the DEIR be revised to clearly indicate that Adeline Street, Market Street, or any other streets in or around Opportunity Area 3 will not be narrowed in the areas most used by industrial trucks transporting goods to and from local freeways and the regional transit system to Opportunity Area 3 and the Port.

To resolve this issue, a transportation management plan should be created and studied as part of the DEIR with the intent of preserving truck routes serving existing industrial uses in West Oakland. The DEIR already provides some language addressing this concern, but it needs to go further in its analysis to fully address the potential impact of different land uses inhabiting Opportunity Area 3. For example, the DEIR does acknowledge that the "character" of Opportunity Area 3 is "strongly influenced by its adjacency to the Port of Oakland and truck routes." (DEIR, Chapter 4, p. 4.1-3). However, it fails to analyze and set forth potential measures that can be enacted to

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prevent the potential for conflict between existing industrial uses and any future "Business Mix" uses.

Our office asserts that, in order for the DEIR to be legally sufficient, additional language must be added to the Opportunity Area 3 description of the DEIR specifically stating that Adeline and Market Streets, as well as other transit corridors in Opportunity Area 3, will preserve traditional truck and transportation corridors for Opportunity Area 3 and Port of Oakland industries, including Schnitzer Steel Industries. Further, a "traffic management plan" should be created and studied as part of the DEIR to ensure that these routes avoid any conflict with any future "Business Mix" uses.

### **II. Schnitzer Steel Industries Is Pleased With the Proposed Specific Plan's and DEIR's Prohibition of Residential Uses in Opportunity Area 3.**

As briefly referenced above, Schnitzer Steel Industries is pleased that the proposed Specific Plan and DEIR indicate that residential development will be prohibited in Opportunity Area 3. This express prohibition takes into account that the area has historically served the City's heavy industrial uses, and that it should remain that way into the future. We believe this land use planning concept is consistent with a variety of the City's General Plan policies regarding land use and transportation.

For example, the Land Use and Transportation Element ("LUTE") of the City's General Plan accounts for the air quality considerations of land use compatibility decisions with an objective of minimizing land use compatibility conflicts (Objective IC/4). For example, Policy I/C4.1, entitled "Protecting Existing Activities," specifically states that "existing industrial . . . activities and areas which are consistent with long term land use plans for the City should be protected from the intrusion of potentially incompatible land uses."

As the DEIR appropriately asserts, the LUTE Industry and Commerce policies are particularly relevant to the goals of the Specific Plan. For example, Policy I/C1.2, "Retaining Existing Businesses," states that "[e]xisting businesses and jobs within Oakland which are consistent with the long-range objectives of this Plan should, whenever possible, be retained." In this case, Schnitzer Steel Industries employs approximately one hundred (100) employees, many of whom live in Oakland and the East Bay. Thus, the General Plan mandates that businesses such as Schnitzer Steel Industries, who has fostered such a successful and longstanding presence in the City, should be retained when possible. The General Plan further requires that the City's land use policies be enacted with this goal in mind.

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The prohibition of residential uses in Opportunity Area 3 will assist in defining the boundaries between conflicting industry and residential land uses, while providing a buffer between the Port and residential areas just east of Interstate 880. The DEIR appropriately acknowledges that this policy is already set forth in the City's fundamental land use policies. For example, the City's General Plan Policy W1.3, "Reducing Land Use Conflicts," states:

[I]and uses and impacts generated from Port or neighborhood activities should be buffered, protecting adjacent residential areas from the impacts of seaport, airport, or other industrial uses. Appropriate siting of industrial activities, buffering (e.g., landscaping, fencing, transitional uses, etc.), truck traffic management efforts, and other mitigations should be used to minimize the impact of incompatible uses. (DEIR, Chapter 4.7, p. 4.7-16).

It is clear from the DEIR that the potential for conflicts between Opportunity Area 3's proposed "Business Mix" General Plan Designation and pre-existing industrial uses needs to be studied further in the DEIR, and that a specific, "truck traffic management" plan should be created to ensure orderly traffic and circulation and land use planning in the area to accommodate existing industrial uses that have served West Oakland well for decades. Regardless of the DEIR's shortcomings in this regard, Schnitzer Steel Industries is pleased with the proposed Specific Plan's and DEIR's acknowledgements that any proposed residential use of Opportunity Area 3 would be incompatible with existing industrial uses and are therefore prohibited.

### **III. Conclusion**

In sum, Schnitzer Steel Industries respectfully requests that the DEIR revise its Project Description, Land Use and Planning, Traffic and Circulation, and Noise elements to study the potential for incompatible uses given the contemplated General Plan Amendment and rezoning for future "Business Mix" uses in Opportunity Area 3. These elements should be updated to specifically reference the need for heavy industrial uses at the Port and the intent to preserve heavy industrial truck corridors in Opportunity Area 3. One way the DEIR could address this issue is by creating a traffic management plan that specifically studies and maps historical Port-serving, heavy industrial truck routes in Opportunity Area 3. This plan should ensure that these routes are protected for existing industrial truck use to prevent the potential for conflict with future business uses in Opportunity Area 3. The proposed Specific Plan and DEIR should then set forth that it is

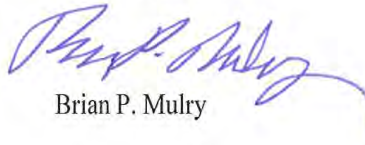
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the intent of the Specific Plan to *preserve these truck routes/corridors* for heavy industrial uses of the Port and Opportunity Area 3.

Thank you for your time and consideration during this important comment/review process. We look forward to receiving the City's response to comments in its Final Environmental Impact Report ("FEIR"). In the meantime, if you have any questions, please contact me.

Very truly yours,



Brian P. Mulry

BPM:pch

cc: Eloise Thornton  
Planner IV  
Planning and Zoning Division



## Response to Letter #15: Schnitzer Steel Industries, Inc., represented by Brian Mulry of Gagen McCoy

15-1: The comment expresses Schnitzer Steel Industries' concern that the Specific Plan and DEIR fail to take into account and fully study the potential conflicts of uses that may occur in Opportunity Area 3 if the City re-zones portions of that area for "Business Mix" uses, as opposed to "General Industry/Transportation" uses. As noted on page 4.6-26 of the DEIR, a substantial portion of the 3rd Street Opportunity Area (slightly more than 38 net acres) are currently zoned M-30, and are one of the only places left in the City with this industrial zoning. When the City re-zoned much of the West Oakland business/industrial areas to the current CIX-1 zone, these properties were not rezoned at that time because they are located within the Estuary Policy Plan area, and it was thought that all of the Estuary would be re-zoned at a later time. Additionally, a nearly 5-acre site at the end of Magnolia Street is currently zoned IG, which is a zoning designation which applies only to Port properties throughout the remainder of the City. The Specific Plan proposes to re-zone these two areas to match the intent of the business/industrial areas of West Oakland:

- Re-zone the 38.5 acres of land currently zoned M-30 in the 3rd Street Opportunity Area to CIX-1.
- Re-zone the approximately 5-acre area currently zoned IG in the 3rd Street Opportunity Area to CIX-1.

The CIX-1 zone is intended to preserve the industrial areas of West Oakland for a wide range of commercial and industrial establishments. The CIX-1 zone is intended to accommodate existing older industries and provide flexibility for new technologies. The CIX-1 zone allows a broad range of custom and light manufacturing, light industrial, warehouse, research and development, clean/green industries, and service commercial uses. A conditional use permit is required for the establishment or expansion of general manufacturing, construction operations, and automotive repair uses within 300 feet of a residential zone. The CIX-1 zone sets strict limits on new recycling and truck-intensive uses. The 3rd Street Opportunity Area has been and continues to be a traditional industrial area containing recycling operations, large-scale laundry services, truck service and repair, printing shops and storage. Newer uses have begun to adaptively reuse the older industrial spaces in this Opportunity Area for a wider mix of business and service-type uses. Because this area has a long history of heavier industrial uses which provide essential services to the adjacent Port (i.e., recyclers, truck-dependent uses, etc.), the Specific Plan maintains space for these Port-serving industrial uses, while seeking to accommodate and blend these older uses with newer, more vibrant yet compatible commercial and light industrial and manufacturing uses. The Plan's change of General Plan and zoning to achieve these land use goals is not considered to result in land use conflicts, but instead a more fully compatible mix of uses.

15-2: This comment suggests that the DEIR be revised to study the effect of potentially incompatible "Business Mix" uses on transportation and circulation, land use planning, and noise with respect to current industrial uses in and around Opportunity Area 3. The analysis presented in the Draft EIR indicates that the 3rd Street Opportunity Area can retain existing Port-serving industrial uses while also accommodating and blending in newer, more vibrant yet compatible commercial and light industrial and manufacturing uses. This comment does not provide any evidence to the contrary.

- 15-3: This comment suggests that the EIR should include additional language that would ensure that existing heavy industrial truck transportation routes currently serving Opportunity Area 3 and the Port are preserved, especially in the event new businesses are introduced into the area as a result of the proposed General Plan Amendments and Rezoning. The EIR does not suggest any modifications or reductions to existing truck routes serving the Port.
- 15-4: This comment requests that the DEIR be revised to clearly indicate that Adeline Street, Market Street or any other streets in or around Opportunity Area 3 will not be narrowed in the areas most used by industrial trucks transporting goods to and from local freeways and the regional transit system to Opportunity Area 3 and the Port. Staff believes that separate bike lanes on Adeline Street would provide better separation between cyclists and heavy vehicles than does a shared lane. The reconfigured lane geometry also provides the benefit of a dedicated left turn lane for heavy vehicles exiting the Port on Adeline and turning onto 7th Street. Please also see Master Response #3 regarding Project Revisions for other proposed lane reductions.
- 15-5: This comment requests that a "Traffic Management Plan" be created and studied as part of the DEIR to ensure that these routes avoid any conflict with any future "Business Mix" uses. Please see responses to comments 15-3 and 15-4 above. The Bicycle Master Plan and the established truck routes through the 3rd Street Opportunity Area have already been well studied and considered by the City in the past and have been re-analyzed in this EIR. City staff does not believe that further additional study is required.

## Comment "16"

Christopher Andrews Architect & Town Planner  
5427 Telegraph Avenue Suite K  
Oakland CA 94609

chrisrandrews@sbcglobal.net  
tel: 510.355.6401

March 17, 2014 (By electronic transmission)  
To: WOSP Project Team and City Planning Commission  
250 Frank H. Ogawa Plaza  
Oakland, CA 94612  
Re: Comments on West Oakland Specific Plan

Dear Staff, Consultants, and Planning Commission Members,

I am writing in response to the West Oakland Specific Plan draft released on January 29, 2014 . Although I sit on the Oakland Landmarks Preservation Advisory board, these comments are offered in my view as a private citizen. Yes, there has been tremendous progress in the WOSP over the last two years, still I think it has some more way to go before it should be formally adopted. I refer to West Oakland as an area (or district) rather than as a neighborhood. I focus on this one particular element as key to the long term success of the WOSP. The Specific Plan for West Oakland must be framed through its eight historically defined neighborhoods and communities: South Prescott, Prescott, Clawson, Hoover/Foster, McClymonds, Ralph Bunche, Oak Center and Acorn, each which has a distinct character, history and particular needs, as well as corresponding active community organizations (including church and youth groups) that must still be more fully engaged in this process. The particular health of each of these neighborhoods is critical, and all the elements of the plan, including the transportation, the economic development, the infrastructure, zoning changes, design guidelines, etc. must be tailored to and integrated within these neighborhood distinctions. As the "Opportunity Areas" designation, although initially useful in defining underutilized sites, does not fully embrace this social and geographical reality, the plan must be adjusted to better frame these finer grain challenges and opportunities. It is not just about historic neighborhood preservation, it is about contemporary neighborhood development. This adjustment is essential, and this structural frame can be incorporated without a tremendous amount of additional effort.

Neighborhoods are a city's primary social and geographic units, enabling an intelligible level of scale to which all the residents of the West Oakland district, present and future, can respond. They are the "bite sized chunks" that are just big enough to handle, to understand on a daily basis--"where I live, where I work". This neighborhood-centric frame leverages organic, incremental growth and development. WOSP Opportunity Area 1, with its heart at the intersection of West Grand and Mandela, actually encompasses and borders on four neighborhoods, Prescott, Clawson, McClymonds, and Ralph Bunche. The other designated opportunity areas enjoy a similar dynamic. How would such a neighborhood/community structured approach play out in terms of the specific plan recommendations? At the "West Grand Mandela Center" (a more appropriate name than Opportunity Area 1 as it reflects its character as a "center" for those four neighborhoods) Design Guidelines might incorporate scale transitions and architectural features that are particular to their abutting neighborhood character. At the "Seventh Street Center", abutting the Prescott, South Prescott, Acorn and 3rd Street neighborhoods, the Plan's Equitable Economic Development element might address recommended leasing cost structures of retail spaces that could foster local small businesses, and ways to orient the businesses so that they better relate to (and even "penetrate" into) those neighborhoods, not just turn inward and toward BART.

As it is the responsibility of West Oakland's neighborhood and community groups, of the residents and business owners themselves—to assume control and stewardship within the Specific Plan guidance, now is the time that the City must integrate the framework of neighborhood stewardship into the planning process. In order to facilitate real community buy-in, to ensure that the WOSP have sustainable effects on Oakland's development, a credible means of interacting with the diverse communities of West Oakland must be furthered. There has already been a question of trust within the community in terms of outreach on two levels, the first, on the level of traditional face to face, door to door, community group to city staff and consultant level, and the second, through more technologically based means of social media and on-line interaction. Serious progress on the first level would go far to repair the City governance connection to the individual residents and representative community groups, and the second could further facilitate this repair through 24/7/365 community access and input. Given Oakland's ambitions and location as a center of technology, including social media, this engagement should not be that difficult to achieve, and must be actively strived for. Sitting at both the real and the virtual table with the stakeholders and community organizations active in each neighborhood would go a long way towards not only reinforcing confidence and buy-in to the plan, but also ensuring its transition into implementation.

Thus a real neighborhood-centric approach, overlaid with all of already designated critical elements, including jobs, housing, transportation, retail, public safety, education, economic development, infrastructure, and the natural environmental systems, effectively and dynamically input and disseminated using traditional boots on the ground as well as cutting edge innovative outreach and input strategies, would greatly help to scale the full vision for the West Oakland Specific Plan, that of an engaged, lively, prosperous West Oakland for its residents, and indeed for all citizens of this great city.

Respectfully yours,

Christopher Andrews

16-1

## **Response to Letter #16: Chris Andrews, member of Landmarks Preservation Advisory Board**

16-1: This comment suggests that the Specific Plan must be reorganized and framed through its historically defined neighborhoods and communities to better frame the challenges and opportunities identified in the Plan as contemporary neighborhood development. It also suggests that control and stewardship of the Specific Plan depends on integrating neighborhood stewardship into the planning process, and a neighborhood-based structure would provide a credible means of future interactions with the diverse communities of West Oakland. This comment pertains to the merits of the Specific Plan, specifically suggesting a reorganization of the Plan's structure to better address West Oakland in the context of its existing neighborhoods, and is beyond the purview of the EIR and CEQA. However, based on this and other comments, the Specific Plan has been re-organized to reflect a more traditional organizational structure that more closely matches other Specific Plan document being prepared by the City. See also Master Response to Comments #3 regarding changes to the Project Description. This more traditional structure does not conflict with, but also does not correspond with the suggested neighborhood-based structure recommended in this comment letter.

## Comment "17"

From: Genevieve Wilson [mailto:[genevieve.t.wilson@gmail.com](mailto:genevieve.t.wilson@gmail.com)]  
Sent: Wednesday, February 19, 2014 2:54 PM  
To: Jonsson, Ulla-Britt  
Subject: Public Comment for WOSP, 02/19/2014

Hey Ulla,

It was great to see you at the February 6th meeting. Thanks again for all your hard work. Believe me when I say that the labor of love you describe is happening as much on the ground amongst community members of West Oakland as it is downtown amongst you guys. We're in this together, whether we recognize it or not!

Here's my current public comment, some of which is laughable. I hope you'll take it that way! I've tried to use questions as much as possible:

\* Are there really black people in the picture on the card you guys sent out? I know you said you put some in, and I KNOW your intention was to capture a celebration. But as Andre remarked, the picture does look "bougie as hell." (!) I completely realize that the hope was to encourage folks to dream big for West Oakland. I want that for us, too. But in talking with folks like Andre at Bikes 4 Life (which is my bike shop) and Melinda Ross, a resident who is also my coworker at Acme, seeing a picture that looks SO vastly different and polished up can be a real shock to the system. Especially if folks don't at all feel well known by the powers that be. But I think and hope that can change.

\* Along those lines: have any of you guys working on the plan spent much time down on 7th Street recently? I know you're busy. All of us down around 7th are as well. The reason I ask again is this: folks who run reputable businesses like Bikes 4 Life, Dek Wat Muay Thai, and Mandela Foods are generally much more amenable to coming change (and the discussion around it) if they feel their work at the grassroots level is respected. And the only way for people to gain that sense is through face to face relationship. That would be true for anyone, anywhere. So I guess my strong encouragement is this: would you guys consider making time to go down to the bike shop (maybe you have a bike that needs a new tube or a helmet) - or to check out the gym (they used to offer two sessions free) - or to make a shopping trip to Mandela (maybe you already have)? Andre was telling me last week that he can't help but feel like folks involved with the WOSP are either too busy or too scared to take some time to come down to the neighborhood they're "sticking on their card as advertisement." As I local who's making SURE he's behind the desk every day in order to be available to the people he needs to be there for, I can understand where he's coming from. People really want to feel cared about, and their lives are very full as they serve an underserved neighborhood - it means a great deal to have people go out

17-1

17-2

## Comment "17"

of their way to get on their turf in a place like the Lower Bottoms.  
Truly.

Those are my thoughts for now. Thanks for passing them on and  
considering them.

Very best,

Genevieve

### **Response to Letter #17: Genevieve Wilson**

- 17-1: This comment suggests that much of the renderings presented in the Plan do not accurately reflect the racial diversity of West Oakland and as a result do not look like West Oakland. This comment pertains to the merits of the Specific Plan and its imagery and renderings, and is beyond the purview of the EIR and CEQA. Please see Master Response #2 in Chapter 4 of this document.
- 17-2: This comment suggests that planners involved in the West Oakland Plan should spend more time in West Oakland to become more familiar with the neighborhoods and the residents. This comment pertains to the merits of the Specific Plan and the planning process, and is beyond the purview of the EIR and CEQA. Please see Master Response #2 in Chapter 4 of this document.



## Comment "18"

Sent: Friday, February 21, 2014 1:09 PM  
To: Pattillo, Chris; Flynn, Rachel; Manasse, Edward  
Cc: [Ethornton@oaklandnet.com](mailto:Ethornton@oaklandnet.com); Jonsson, Ulla-Britt  
Subject: West Oakland Specific Plan

Dear Commissioner Patillo and City Staff

I have been a West Oakland business person since 1992 and active with West Oakland politics and planning. I sat on the WOPAC for years as a business representative and have been active in many other Oakland Civic activities.

I am very concerned about the draft specific plan and how it treats Adeline Street. I own the property at 2885-2939 Adeline and around the corner on 30th Street. This property has grown as an incubator for small food companies over the past few years from being vacant (after I sold my commercial bakery located there) to a property with multiple small businesses and around 100 employees. It could easily grow another 100 employees over the next couple of years and I believe the businesses there are quite neighbor friendly and employ many local Oakland residents, many of whom walk or bike to work.

My understanding of the plan for Adeline Street is that it will become a "calming" street by reducing the number of lanes and adding bike lanes. Adeline is a main thoroughfare from the port to Emeryville and North. Reducing the number of lanes will cause many problems including:

- \* Possibly dangerous vehicular traffic for residents along the street due to less lanes and therefore more dangerous parking. Trucks from the port or downtown Oakland will still use the street to travel North.
- \* It will cause irreparable damage to the businesses along the street and in particular to the businesses in my building. Although there are not a large number of trucks stopping at my building, eliminating a lane and adding a bike lane will make it almost impossible for the businesses to grow and maintain their position in Oakland.
- \* There are a number of other buildings on Adeline that have been or are in the process of being fixed up for commercial/industrial use. This will certainly discourage them from continuing the process.
- \* The largest problem property on Adeline is the old Coast Sausage property at 28th Street. I know the owner has wanted to develop housing there, but it has been economically not feasible and it is possible that commercial or industrial could be an option. Completing

18-1

## Comment "18"

your plan in its current form will certainly discourage the owner from developing the property into anything commercial or industrial. What Oakland needs is more employment base not more housing!

Please look hard at the Plan as it relates to Adeline and make changes to leave this as an industrial corridor street to preserve the small business environment that has been built up there and which can be built further over the years benefitting Oakland's tax base as well as creating employment for many Oakland residents.

Thank you

Regards

Joe

Joe Hurwich

[510-654-9669](tel:510-654-9669) cell: [510-406-1263](tel:510-406-1263)

18-1 coont'd

## **Response to Letter #18: Joe Hurwich**

18-1: This comment expresses opposition to the Draft Plans' proposed lane reduction and addition of bike lanes on Adeline Street, suggesting that this proposal will result in potentially dangerous vehicular traffic, will cause irreparable damage to businesses along the street, will discourage fixing up older buildings for commercial/industrial use, and will discourage owners from developing property into anything commercial or industrial, but only new housing. This comment pertains to the merits of the Specific Plan and is beyond the purview of the EIR and CEQA. However, in response to this and other comments on the Plan and EIR, the proposed lane reductions on 14th Street, 12th Street and 8th Street are no longer recommended by the Plan, but the travel lane reductions and separated bike lanes on Adeline Street and West Grand Avenue remain as previously recommended. Staff believes that the separated bike lanes would be safer and better separate cyclists and heavy vehicles than do the currently shared lanes on these roads. The reconfigured lane geometry would also provide the benefit of a dedicated left turn lane for heavy vehicles. Please also see Master Response #3 regarding Project Revisions.

Comment "19"

**MEMORANDUM**

February 15, 2014

**TO West Oakland Specific Plan (WOSP) Staff, Facilitators and Consultants**

**FROM Robyn Hodges, WOSP Committee Member**

As a West Oakland Specific Plan (WOSP) committee member, my primary concern regarding the draft Plan and Environmental Impact Report (EIR) remains that there is no mention or detail about the level of dedication you will exhibit thru the Plan to secure social equity for us. Additionally, the EIR and the Plan are missing a Community Benefits Plan. For those who, like me reflect generations who work, reside and/or have extended families in West Oakland this is disrespectful.

19-1

To date, no Action Plan or Set of Recommendations to create a Social Equity or Community Benefits Plan has been revealed by anyone on your end in any format outlining what you will do or how you will achieve said equity in the Plan or EIR.

Going forward, I formally request that my initial request to create a "Place-Based" Social Development Plan for Social Equity (originally submitted to you in March 2012) be added to your public documents via a link on your WOSP website so the public can weigh in and also request that a Community-driven Roundtable discussion be convened before any formal Council discussion on this Plan and EIR occurs.

19-2

It is imperative that a community-driven Roundtable happens and that a micro WOSP working group be constructed from it to invent a Social Equity Action Plan and a Community Benefits Plan that will become the overarching Plan of the final Plan and EIR. If we do not develop these, we will do a dis-service to everyone.

My "Place-Based" Social Development Plan outline, an Economic Development guide and Table of Contents accompany this Memorandum. Below are my comments and recommendations in response to the February 6, 2014 WOSP community meeting.

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## Comment “19”

• Do not approve a WOSP that only supports the physical environment	19-4
• Do not manipulate the city's General Plan to achieve success with the WOSP	19-5
• The Plan does not explain how the Oakland Unified School District's (OUSD) “community schools” initiative affects the WOSP	19-6
• The Plan is missing a social mobility plan for under-served students/youth	19-7
• The Plan does not include clear and fluid procedures for aligning WOSP infrastructure needs with the Oakland Army Base, OUSD and the existing public transit agencies who have present and future District specific community-based projects and initiatives	19-8
• The Plan and EIR have no resilience study information or data or plan for climate change	19-9
• The Plan has no plan in it to “re-shore” manufacturing (bring it back)	19-10
• The Plan does not reveal how the plan will create and secure opportunities for micro, small and local black businesses, especially as it relates to 7 <sup>th</sup> street	
• The Plan does not show any short or long-term investment projections or explain what tools/programs etc it will use as leverage to entice new industry	
• The Plan has no plan to build business confidence	
• The Plan has no plan for emergency preparedness in the event of a natural disaster (neighborhood specific or district-wide)	19-11
• The Plan does not contain or support a plan to create a business / city / developer supported Infrastructure fund that'll be used to help offset costs for infrastructure (incl street and roadway/sidewalk beautification projects.)	19-12
<i>Recommendation: Interested residents can donate to the fund. It will be held maintained by an independent trustee who is not a city official/agency/staff/crony</i>	
• Section 9 does not include a guarantee that the Plan will place any focus on creating more cultural, social and/or recreational activities for families	19-13
• The Plan has no clearly defined plan to aggressively bring mid-sized industrial, technical, manufacturing and/or transportation focused businesses back into the District using some of the already zoned “opportunity sites”	19-14
• The Plan does nothing to bring or otherwise create paid intern programs for youth interested in business/tech/science/global/infrastructure or developing their micro business plans.	19-15
• The Plan does not reveal a plan to work with OUSD to have McCylmonds and Cole schools designated as historic landmarks	19-16
• In Section 9, there is no information or any process explaining how the Plan will link community health and public safety together to eliminate the growing lack of concern/indifference about dog waste	19-17
• In Section 9, there is no transparent plan to increase pedestrian safety by decreasing sidewalk bike riders and/or bikers who disregard traffic lights/auto traffic	19-18
• In Section 9, there is no plan to better assess and handle the growing homeless population (incl those who live under the freeway and those who live out of carts)	19-19
• In Section 9, there is no plan that dives into how this Plan affects our mental health	19-20
• The Plan does not clearly define “healthy”	
Page 2	
• The primary focus of the Plan should not be on new residents who represent a	19-21

## Comment "19"

specific racial and financial demographic, it should be a Plan that *balances* social equity with smart growth

- The Plan does not address whether or not existing re-entry, public health and other social welfare services will remain, be relocated or completely shutdown
- The Plan does not include a plan for residents to participate in neighborhood identity design (streets, crosswalks, lighting, history or designation signs)
- The EIR and Plan do not adequately explain how the city will work with the railroad and Port board to reduce rail noise
- The EIR and Plan do not adequately detail how the city will work with the railroad to eliminate rail tracks on neighborhood streets and in industrial areas

19-21 contd

19-22

19-23

19-24

19-25

### **1. Executive Summary - Supporting the Plan (1-18)**

I do not support decreasing traffic lanes anywhere along Adeline Street, Market Street, Mandela Parkway or on/between any of the numbered streets listed in this section. The locations listed as suitable for medians are also questionable and the Plan's justification for "realizing full potential" by shooting for less doesn't make sense when the goal is more. More people, cars, bikes and movement.

If the Plan's traffic plan is to efficiently respond to the expected increase of resident, visitor and business travel then its way off its intended goal. It is regressive, not progressive. The proposed changes will result in a myriad of traffic upsets/issues because the recommendations are not practical and will ultimately negatively impact what is currently good, decongested traffic flow. The proposals for traffic lack social, health and travel balance.

19-26

To eliminate lanes and shrink opportunities to handle daily traffic flow from what currently exists is counterproductive to providing the community with streets that are open and can accommodate everyone. It is also not clear how much, if any, public input lives inside the proposed street enhancements, choice and quality of seating, lighting, color and scheme and so on.

### **Section 5.4.1 - Art Clusters**

#### **Recommendation**

The artists currently occupying the American Steel industrial site should be relocated to Maritime or on the former Oakland Army Base (OAB) site. The city "development team" and the Port of Oakland should partner to retain one or more of the buildings that the Port is seeking to reuse. Together with the art representatives, the parties should secure funding to make the necessary upgrades to the Port building so that it efficiently accommodates the artist community.

The "development team" continues advertising former OAB buildings for \$1 with the primary caveat that the buyer should work thru the city to purchase and relocate them. The Port has publicly stated that they would like to retain some buildings and are open to creative reuse. With this widely known, City, Port staff and the District's representative should work to finalize a sale (no less than 3 buildings) for \$1 per building to re-house these artists. If necessary, the District representative should hold high the OAB's Lease and Development Disposition Agreement Community Benefit Mission and Goal statement and rally relentlessly in the public forum until this becomes a reality.

19-27

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The location of the buildings should be in as close proximity to the Bay Bridge walk/bike paths or Shoreline Park as possible. The city should secure the highest visual and geographically

## Comment “19”

accessible location so artists can entice visitors, mark the “Gateway” and expand their economic opportunities. *This will not interfere or negatively impact the goal of making Maritime a logistics focused location.*

The artists' current location and the industrial site directly behind it (Grand Avenue and Mandela Parkway) should be leveled and converted into a multi-story retail and transportation site (including light industrial). An expanded Mandela Foods Co-op and transportation services here should anchor. A third level of open space, fourth and fifth levels of restaurant and social entertainment space should exist here too so the opportunity to recirculate dollars back into the community gets maximized.

19-27 contd

### Street scape Improvement Designs

#### Figure 8.1.7: Proposed Peralta Street scape

Diagram is confusing. It jumps from 7<sup>th</sup> Street to 18<sup>th</sup> Street.

19-28

#### Housing Stock – 5.21

The Plan does not honestly address how the lack of current and new, proposed housing (all forms) will expand for black seniors who either already reside here but need a housing change or need to return to be near family and/or services will change for the better. Carve-outs are not included but they should be.

19-29

#### Goal 6: Promote Equal Housing Opportunity – 5.21

The Plan fails to honestly and firmly address the negative impacts of gentrification. It also does not address the over-concentration of Asian seniors from outside the District displacing black seniors inside the District.

19-30

The Plan does not address why no substantial single family home projects for low-income or under-served or minority families already living in the District or those who've been displaced and want to return are planned or included in any of the “opportunity sites”.

The Plan does not indicate how it will curb the over concentration of acquired housing stock that discriminates against minority and low-income residents. It also does not define “low-income” or “minority”.

The Plan does not tell how it will balance the high percentage of market-rate housing and below-market housing in the same development.

The Plan never touches the issue of inclusionary zoning.

#### Goal 7: Promote sustainable development and sustainable communities – 5.21

The Plan remains vague about incorporating proven Health Impact Assessment tools or engaging local field experts (city staff are *not* field experts) to help create this Plan. This is a Community Benefit that *must not* be side stepped. There is no Plan to develop a firm set of criteria for a developer to build housing that realizes the best quality of life experience possible.

Page 4

#### Defining Historic Resources – 5.32

Unclear as to whether or not Cole Elementary and McClymonds schools are historic properties on



## Comment “19”

the City Landmarks and properties on the National Register or on the Historic Preservation Element Policy or on the California Register of Historical Resources.

### **Neighborhood Enhancement Strategies**

The Plan provides no insight into whether or not neighborhood designation signs or historic landmark signs will be created for placement atop existing street signs using arrows to identify direction and it does not indicate whether or not neighborhood groups can participate in their design.

Since staff has publicly clarified that one of their primary goals is to “respect and keep 7<sup>th</sup> Street's culture and honor its past” the Plan has yet to reveal how it will market opportunities for black business to open and thrive. It does not state what programs/initiatives it will be implemented to assist blacks interested in owning businesses so they secure the necessary funding, mentoring assistance or real estate etc.

# Comment “19”

**Robyn Hodges “Place-Based” Social Development Plan Overview and Table of Contents**

*Originally submitted during a West Oakland Specific Plan Advisory Committee Meeting convened March 27, 2012 at 4:30 pm. Revised February 12, 2014.*

Contact Info: rehher123@gmail.com

## **West Oakland REQUIRES a “Place-Based” Social Development Plan**

### **WHY WE NEED IT**

I, along with other West Oakland residents recognize that revitalization is about more than planning for the physical environment, it is about planning for people now and into the future. As District Three continues to experience significant demographic, racial, cultural, economic and social changes our planning needs change too. The goal of this “Place-Based” Social Development (Plan) is to provide a realistic framework for strengthening and enhancing an already cohesive incumbent community while making it a welcoming, all-inclusive business and residential community.

### **HOW WE CREATE IT**

Through collaboration between city staff and the community, we should be able to create the content of this vision. I recommend beginning with three broad areas - social cohesion, community services and facilities and employment and end with a realistic implementation strategy that includes a Community Benefits roadmap for moving forward.

### **THE VISION**

Below is the Plan's Table of Contents. It should provide you a visual of the breadth of what should be the overarching Plan. It is the community and my expectation that the final “Place-Based” Social Development Plan is what the WOSP falls under.

### **TABLE OF CONTENTS**

Introduction . . . . .

1. Social inclusion is central to the mission of renewing West Oakland . . . . .

2. Social inclusion is aided by casual social activities . . . . .

2.1 Community activities that support cohesion . . . . .

2.2 Community gardens . . . . .

2.3 Cultural communities . . . . .

## Comment “19”

### “Place-Based Social Development Plan

March 2012

- 2.4 Grassroots groups . . . . .
- 2.5 Faith groups . . . . .
- 2.6 Social inclusion is aided by access to facilities . . . . .
- 2.7 Physical design encourages inclusive communities . . . . .
- 2.8 Inclusion of public art . . . . .
- 2.9 Community safety . . . . .
- 3. Community associations and governance . . . . .
  - 3.1 Community associations engage and connect residents . . . . .
  - 3.2 New governance mechanisms must respect existing ones . . . . .
  - 3.3 Engaging homeowners is challenging but achievable . . . . .
  - 3.4 Governance models must be strong and active but flexible . . . . .
  - 3.5 Marginalized groups require support . . . . .
- 4. Local services and community-based agencies . . . . .
  - 4.1 Institutions and agencies can play a key role in promoting social inclusion . . . . .
  - 4.2 Agencies face barriers to supporting social inclusion . . . . .
  - 4.3 Barriers are significant but not insurmountable . . . . .
  - 4.4 Marginalized groups may require special supports . . . . .
  - 4.5 Service planning is important during the transition to revitalization . . . . .
- 5. Facilities . . . . .
  - 5.1 The planning and replacement of facilities will affect revitalization . . . . .
  - 5.2 Other venues . . . . .
- 6. Funding for community service facilities . . . . .

## Comment “19”

**“Place-Based Social Development Plan**

**March 2012**

7. Schools . . . . .

7.1 Schools are central to social inclusion . . . . .

7.2 School mandates and funding can affect their role . . . . .

7.3 Schools will require a strategy to address changes in the community . . . . .

7.4 Schools need to attract participation . . . . .

8. Employment and economic development . . . . .

9. Change management . . . . .

10. Conclusion . . . . .

*\*\*Think tank partners included the WOEIP, OaklandWORKS Alliance and West Oakland residents.\*\*  
The idea for this Plan and Table of Contents comes from a Plan created and implemented in Canada.*

## Comment “19”

### A Place-based Social Development Plan for the West Oakland Specific Plan

As a third-generation West Oaklander, one of the longest standing debates in community economic development planning for this District between us and staff has been between “place-based” and “people based” approaches to combating poverty, housing affordability, chronic unemployment, and community decline. I’ve always believed that any community planning effort that directly impacts me should be an asset/people/me based plan, not just a place-based plan.

#### **What is a Place-based Economic Development Plan?**

It is based on the premise that a sustainable local economy must be planned and developed as an appropriate response to the possibilities and limitations of that particular place.

Place-based economic development:

- is rooted in a community’s interest in the “triple bottom line” of economic, social, and environmental returns on investment
- is focused on unique features of a particular landscape or culture
- is locally driven and capitalizing on existing local assets,
- provides a balanced long-term approach to sustainability of resources, and
- is dependent on creative entrepreneurship and long-range vision.

To me, that is the West Oakland Specific Plan (WOSP) planning effort that’s underway here and that’s okay but what is missing in that is **me**, my social development, my community services and facilities, etc. As the primary assets (district residents) we require a people based approach or what I call a Place-based Social Development Plan, not just long-range visioning for land or hodgepodge mixed use development or a return on investment.

#### **What is my definition of a Place-based Social Development Plan?**

One that realizes that a Place-based Plan for urban revitalization plans for more than the physical environment, it also plans for the people. A Place-based Social Development Plan will build on our most valuable asset –US as we are the primary building blocks of any WOSP for community development. To achieve this, it is essential that clear distinctions are made between equity and efficiency.

How do I define Equity – achieving a socially acceptable standard of living. How do I define Efficiency –achieving a fuller utilization of economic potential (the current WOSP process). Our day-to-day, quality of life needs must be core components of any WOSP planning processes, if they are not then we have not planned efficiently.

## Comment “19”

By rooting this plan in the community’s interest and making it the overarching plan that the WOSP falls under, we will create a plan that can actually work well into our future.

What’s in my plan? The Table of Contents of the Plan includes 35 specific recommended topics in three broad areas – social inclusion, community services and facilities and employment as well as an implementation strategy for moving forward.

Robyn Hodges  
West Oakland Specific Plan Advisory Committee Member

## Response to Letter #19: Robin Hodges

- 19-1: This comment, provided by a West Oakland Specific Plan committee member, expresses the commenters primary concern that the Draft Plan and EIR does not mention or detail the level of dedication the Plan will provide to secure social equity, and that the plan and EIR are missing a Community Benefits Plan. This comment pertains to the merits of the Specific Plan, specifically an outline of what the commenter believes should have been included in and the focus of this Specific Plan, and is beyond the purview of the EIR and CEQA. Further, Section 15131(a) of the CEQA 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.” Social equity is a social and economic issue not related to a physical effect on the environment, and therefore not a part of the City’s CEQA considerations.
- 19-2: This comment formally requests that a “Place-Based” Social Development Plan for Social Equity (as originally submitted in March 2012) be added to the Plan and requests that a community-driven roundtable discussion be convened before any formal Council discussion on this Plan and EIR occurs. This comment pertains to the merits of the Specific Plan, specifically an outline of what the commenter believes should have been included in and the focus of this Specific Plan, and is beyond the purview of the EIR and CEQA. The commenter opinions and suggestions are noted and hereby made part of the public record.
- 19-3: This comment provides a “Place-Based” Social Development Plan outline, an Economic Development guide and Table of Contents for such a Plan. This comment pertains to the merits of the Specific Plan, specifically an outline of what the commenter believes should have been included in and the focus of this Specific Plan, and is beyond the purview of the EIR and CEQA. The commenter opinions and suggestions are noted and hereby made part of the public record.
- 19-4: This comment opposes approval of the WOSP that only supports the physical environment. This comment pertains to the merits of the Specific Plan and is beyond the purview of the EIR and CEQA. The commenter opinion is noted and is hereby made part of the public record.
- 19-5: This comment opposes manipulating the city's General Plan to achieve success with the WOSP. This comment pertains to the merits of the Specific Plan and is beyond the purview of the EIR and CEQA. However, the Draft EIR (pages 4.6-18) does include an analysis of the general consistency of the Specific Plan to the existing General Plan. That analysis includes discussion that; *“The proposed Specific Plan would be generally consistent with the LUTE. The LUTE targets areas in West Oakland for focused public and private investment. Many of these target areas are encompassed within the Specific Plan Opportunity Areas and Opportunity Sites, including the BART station, 7th Street, Wood Street, Pine Street, San Pablo Avenue, and West Grand Avenue. The Specific Plan would support the specific LUTE recommendations for West Oakland, including maintaining and enhancing established neighborhood areas, retaining industrial uses toward the core of the Mandela/West Grand industrial area away from residential areas, locating new trucking services away from residential neighborhoods, encouraging business expansion, reducing land use incompatibilities between industrial and residential uses, improving access to the waterfront, better transportation linkages, enhancing the overall appearance of the community, development*



*of housing with ground floor commercial along San Pablo Avenue, 7th Street, and West Grand Avenue, a transit village at the West Oakland BART Station, and revitalizing 7th Street.”*

- 19-6: This comment indicates the Plan does not explain how the Oakland Unified School District's (OUSD) “community schools” initiative affects the WOSP. This comment pertains to the merits of the Specific Plan and is beyond the purview of the EIR and CEQA. However, the Draft EIR (page 4.9-17) does provide an analysis of how new development in accordance with the Specific Plan would generate additional students attending the Oakland Unified School District (OUSD) incrementally through 2035 or longer. That analysis discusses how, given the declining student enrollment in OUSD schools, the District is likely to have capacity within its existing facilities to accommodate new students generated by projects constructed pursuant to the Specific Plan. If classroom capacity within the specific schools serving the Planning Area were found to be unavailable at the time new students enter the school system, the OUSD could reassign students among schools within the District, expand year-round schooling, add more portable classrooms, transport students to less crowded schools, or find opportunities to more efficiently use existing or abandoned school facilities.
- 19-7: This comment suggests the Plan is missing a social mobility plan for under-served students/youth. This comment pertains to the merits of the Specific Plan and is beyond the purview of the EIR and CEQA. Please See Master Response #2 in Chapter 4 of this document.
- 19-8: This comment states that the Plan does not include clear procedures for aligning WOSP infrastructure needs with the Oakland Army Base, OUSD and the existing public transit agencies that have present and future District specific community- based projects and initiatives. This comment pertains to the merits of the Specific Plan and is beyond the purview of the EIR and CEQA. Please See Master Response #2 in Chapter 4 of this document.
- 19-9: This comment indicates that the Plan and EIR have no resilience study information or data or plan for climate change. As indicated on page 4.4-41 of the DEIR, the impact of flooding related to sea level rise pertains to the impact of an existing/future environmental condition on the Planning Area. CEQA only requires an analysis of impacts pertaining to a project’s impact on the environment. An appellate court specifically identified the effect of sea level rise on a project as an impact of the environment on a project and, therefore, not required to be analyzed under CEQA. However, although not legally required by CEQA, the Draft EIR nevertheless discusses the impact of sea level rise on the Planning Area in the interest of being conservative and providing information to the public and decision-makers. As noted on page 4.4-44 of the DEIR, implicit in the discussion of global warming, greenhouse gas emissions and sea level rise is that it extends beyond specific development projects, a specific plan area, or, indeed, an entire City. As both a local and a regional issue, it must be addressed in that context. The adopted Bay Plan and Oakland’s Draft ECAP specifically recognize this, and include actions whereby the City will participate in the preparation of a regional climate adaption strategy.
- 19-10: This comment indicates that the Plan has no plan in it to “re-shore” manufacturing (bring it back); does not reveal how the Plan will create and secure opportunities for micro, small and local black businesses, especially as it relates to 7th Street; does not show any short or long-term investment projections or explain what tools/programs it will use as leverage to entice new industry; and has no plan to build business confidence. This comment pertains to the merits of the Specific Plan and

is beyond the purview of the EIR and CEQA. Please See Master Response #2 in Chapter 4 of this document.

- 19-11: This comment notes that the Plan has no plan for emergency preparedness in the event of a natural disaster (neighborhood specific or district-wide). As indicated on page 4.5-59 of the DEIR, the Oakland Office of Emergency Services has identified a network of evacuation routes and potential emergency shelters. The Emergency Evacuation Routes within West Oakland are 7th Street, 14th Street, 12th Street, 27th Street, 35th Street, Adeline Street, Market Street, Martin Luther King Jr. Boulevard, San Pablo Avenue, and West Grand Avenue. Emergency access would be maintained to properties in the surrounding vicinity during construction of development facilitated by the Specific Plan. Any need for traffic lane reductions or street closure due to construction would be short-term, temporary and localized. OFD is the first responder in an emergency. Individual future development projects would be required to obtain an encroachment permit from the City for any proposed changes to or construction period use of street rights-of-way, which would include review by OFD. Standard notification procedures required by the City are designed to ensure that OFD is notified if construction traffic would block any City streets. Specifically, the job site supervisor is required to call the OFD dispatch center any day construction vehicles would partially or completely block a City street during construction. In addition, the City's Standard Condition of Approval SCA 33, Construction Traffic and Parking, would require development of a construction management plan, which addresses construction period traffic and parking. As described in Section 4.11, Transportation, Circulation and Parking, traffic from ongoing occupancy and operation of future development in accordance with the Specific Plan would not create unacceptable traffic congestion on evacuation routes
- 19-12: The comment notes that the Plan does not contain or support a plan to create a business/city/developer-supported infrastructure fund to be used to help offset costs for infrastructure (including street and roadway/sidewalk beautification projects). This comment pertains to the merits of the Specific Plan, specifically the funding strategies for infrastructure improvements, and is beyond the purview of the EIR and CEQA. Please See Master Response #2 in Chapter 4 of this document.
- 19-13: This comment states that Chapter 9 of the Plan does not include a guarantee that the Plan will place any focus on creating more cultural, social and/or recreational activities for families. This comment pertains to the merits of the Specific Plan and is beyond the purview of the EIR and CEQA. Please See Master Response #2 in Chapter 4 of this document.
- 19-14: This comment indicates the Plan has no clearly defined plan to aggressively bring mid-sized industrial, technical, manufacturing and/or transportation focused businesses back into the District, using some of the already zoned "opportunity sites". This comment pertains to the merits of the Specific Plan and is beyond the purview of the EIR and CEQA. Please See Master Response #2 in Chapter 4 of this document.
- 19-15: This comment indicates the Plan does nothing to bring or otherwise create paid intern programs for youth interested in business/tech/science/global/infrastructure, or developing their micro business plans.
- 19-16: This comment indicates that the Plan and EIR do not reveal a plan to work with OUSD to have McClymonds and Cole schools designated as historic landmarks. Although these two school

buildings are not individually identified, the Specific Plan (starting on page 5-47) does include recommendations seeking to increase the number of designated historic resources in West Oakland by encouraging owners to apply for Landmark, Heritage Property, S-7, or S-20 status for historically important buildings and districts. Strategy Historic Designation-2 recommends collaborating with owners of significant individual properties [e.g., the OUSD] to seek designation as Heritage Properties or City Landmarks, following the recent example of the Shorey House at 1782 8th Street.

- 19-17: This comment indicates that Chapter 9 of the Plan contains no information or process explaining how the Plan will link community health and public safety together to eliminate the growing lack of concern/indifference about dog waste. This comment pertains to the merits of the Specific Plan and is beyond the purview of the EIR and CEQA. Please See Master Response #2 in Chapter 4 of this document. Although the EIR does not address dog waste, on November 6, 2007 the Oakland City Council passed Ordinance No. 12835 changing Oakland’s Municipal Code Title 6 Chapter 064, Section 006740: Dogs at Large, including requirements for dog guardians concerning picking up after their dogs, tethering of dogs in vehicles and specific fines for violations of the ordinance.
- 19-18: This comment indicates that Chapter 9 of the Plan contains no transparent plan to increase pedestrian safety by decreasing sidewalk bike riders and/or bikers who disregard traffic lights/auto traffic. Chapter 4 of the Specific Plan (starting on page 4-27) includes a list of recommended improvement to standardize street sections in West Oakland, including sidewalks and adequate pavement widths, etc. Chapter 8 of the Plan (starting on page 8-14) also includes a list of recommendations for developing and improving West Oakland’s pedestrian and bicycle networks, including recommendations to implement Class II bicycle lanes as identified in the City’s Bicycle Master Plan to maximize bicycle safety and access while minimizing adverse effects on other roadway [and sidewalk] users.
- 19-19: This comment indicates that Chapter 9 of the Plan contains no plan to better assess and handle the growing homeless population. This comment pertains to the merits of the Specific Plan and is beyond the purview of the EIR and CEQA. This comment pertains to the merits of the Specific Plan and is beyond the purview of the EIR and CEQA. Please See Master Response #2 in Chapter 4 of this document.
- 19-20: This comment indicates that Chapter 9 of the Plan contains no plan that dives into how this Plan affects our mental health, nor does it clearly define “healthy”. Mental health is not a CEQA threshold topic and therefore is not addressed in the EIR. Please See Master Response #2 in Chapter 4 of this document.
- 19-21: This comment suggests that the primary focus of the Plan should not be on new residents who represent a specific racial and financial demographic; it should be a Plan that balances social equity with smart growth. This comment pertains to the merits of the Specific Plan and is beyond the purview of the EIR and CEQA. Please see Master Response to Comments #1 regarding gentrification, indirect displacement and direct displacement.
- 19-21: This comment indicates that the Plan does not address whether or not existing re-entry, public health and other social welfare services will remain, be relocated or completely shut down. This comment pertains to the merits of the Specific Plan and is beyond the purview of the EIR and CEQA. Please see Master Response to Comments #2 in Chapter 4 of this document. The Project

does not include any plans or recommendations that would materially alter the long term service plans of these organizations or agencies.

- 19-22: This comment indicates that the Plan does not include a plan for residents to participate in neighborhood identity and design (e.g., streets, crosswalks and lighting, history or designation signs). This comment pertains to the merits of the Specific Plan and is beyond the purview of the EIR and CEQA. Please see Master Response to Comments #2 in Chapter 4 of this document.
- 19-23: This comment indicates that the EIR does not adequately explain how the city will work with the railroad and Port Board to reduce rail noise. As noted in the Draft EIR (page 4.7-39 through -42) CEQA requires the analysis of potential adverse effects of a project on the environment. Potential effects of the environment on a project are legally not required to be analyzed or mitigated under CEQA. However, this EIR nevertheless analyzes ambient noise conditions that could potentially affect new development pursuant to the Specific Plan. This analysis was prepared to provide information to the public and decision-makers that is relevant to the Project, but is not considered a CEQA threshold impact. Additionally, the Specific Plan's Community Health Checklist identifies the Union Pacific Railroad and BNSF Railroad and their associated railyards and Port of Oakland intermodal facilities that border West Oakland on the south and west as significant noise sources affecting those immediate areas. Page 9-87 of the Plan recommends the City pursue establishment of a 'Railroad Quiet Zone' similar to that recently enacted in the City of Richmond that seeks to replace the need for train horns and whistles with other appropriate, acceptable and quieter physical safety measures.
- 19-24: This comment indicates that the EIR and Plan do not adequately detail how the City will work with the railroad to eliminate rail tracks on neighborhood streets and in industrial areas. This comment pertains to the merits of the Specific Plan and is beyond the purview of the EIR and CEQA. Please see Master Response to Comments #2 in Chapter 4 of this document.
- 19-25: This comment opposes decreasing traffic lanes anywhere along Adeline Street, Market Street, and Mandela Parkway or on/between any of the numbered streets listed. In response to this and other comments on the Plan and EIR, the proposed lane reductions on 14th Street, 12th Street and 8th Street are no longer recommended by the Plan, but the travel lane reductions and separated bike lanes on Adeline Street and West Grand Avenue remain as previously recommended. Staff believes that the separated bike lanes would be safer and better separate cyclists and heavy vehicles than do the currently shared lanes on these roads. The reconfigured lane geometry would also provide the benefit of a dedicated left turn lane for heavy vehicles. Please also see Master Response #3 regarding Project Revisions.
- 19-26: This comment suggests that the artists currently occupying the American Steel industrial site should be relocated to Maritime or on the former Oakland Army Base site and that the city development team and the Port of Oakland should partner to retain one or more of the buildings that the Port is seeking to reuse. The artists' current location and the industrial site directly behind it (Grand Avenue and Mandela Parkway) should be leveled and converted into a multi-story retail and transportation site (including light industrial). This comment pertains to the merits of the Specific Plan and is beyond the purview of the EIR and CEQA. The commenter opinions and suggestions are noted and hereby made part of the public record.

- 19-27: This comment indicates that Figure 8.1.7: Proposed Peralta Street scape, as included in the Plan, confusing. This comment pertains to the merits of the Specific Plan and is beyond the purview of the EIR and CEQA. However, because this diagram indicates lane reductions on 14th Street, 12th Street and 8th Street and round-a-bouts that are no longer recommended in the Project, this diagram has been removed from the Final version of the Plan.
- 19-28: This comment indicates that the Plan does not honestly address how the lack of current and new, proposed housing (all forms) will expand for black seniors. This comment pertains to the merits of the Specific Plan and is beyond the purview of the EIR and CEQA. Please see Master Response to Comments #2 in Chapter 4 of this document.
- 19-29: This comment indicates that the Plan fails to honestly and firmly address the negative impacts of gentrification or issues associated with displacement. This comment pertains to the merits of the Specific Plan and specifically to issues of social and economic effects, is beyond the purview of the EIR and CEQA. Please see Master Response to Comment #1 regarding gentrification, direct and indirect displacement.

## Comment "20"

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urban · environmental planning

March 16, 2014

Ed Manasse/ Elois Thornton  
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### Re: West Oakland Specific Plan Comments

Dear Ed and Elois:

Thank you for your March 12, 2014 presentation to the Oakland Parks and Recreation Advisory Commission (PRAC) on the West Oakland Specific Plan (WOSP). The presentation was informative and well done, and was greatly appreciated by PRAC members. As promised at the meeting, I am submitting comments on the Plan in this letter.

**The comments contained herein represent my own views and not those of the PRAC as a whole.** I am submitting these comments as an Oakland resident, an open space advocate, and someone who was worked on planning and zoning issues in the City for over 20 years.

For ease of reference, I have put my comments in numeric order:

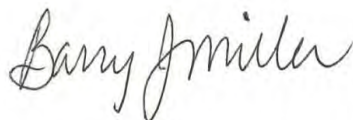
1. There are a number of existing parks in West Oakland that are missing from the maps. They should be acknowledged. These include the McClymonds Mini Park, Durant Mini Park, 25<sup>th</sup> Street Mini Park, and the southwest quadrant of Grove Shafter Park. I believe all of these sites are already zoned open space. (p 8-36) 20-1
2. There are references in the document to "Bush" Street Plaza which should be "Brush" Street (p 8-35) 20-2
3. As was indicated in the PRAC meeting, Union Plaza and Fitzgerald Park should receive open space zoning as part of this process. St. Andrews Plaza should also receive open space zoning. These were not included in the original open space zoning district because these spaces were not formally recognized as parks when the OSCAR Element was adopted. 20-3
4. It's great to see specific recommendations for DeFremery, Raimondi, and St. Andrews on P. 8-53. Lowell Park probably also deserves mention here, as it is one of the largest and most used open spaces in West Oakland. 20-4

## Comment "20"

5. The Plan proposes up to 5,000 new dwelling units and 22,000 new jobs but does not specifically provide for any additional parkland. The EIR concludes that impacts on parks will be less than significant, but it does not specify how potentially significant impacts will be mitigated. Appropriate mitigation measures would be measures such as collection of an in-lieu fee to support the acquisition or improvement of existing parks, mandatory dedication of parkland for developments which exceed a certain size threshold, or creation of an assessment district or other special district which would provide a revenue source to support increased park and operation costs. As Oakland adds jobs and households, it is critical that the City also adds parkland-or at the very least, improves the parks that already exist and creates mechanisms for raising the revenues needed to handle increased use of the parks by new residents. 20-5
6. It would be helpful to address the issue of connectivity between West Oakland and the new 200-acre Gateway Park to be created at the east landing of the Bay Bridge. Since there are no specific provisions (e.g., sites) in the Plan for new parks, the planned Gateway Park probably represents is the best opportunity to respond to increased recreational demands in West Oakland. However, it is extremely difficult to get there from West Oakland due to barriers such as the railroad tracks. It might be useful to think about the viability of a bike/ped bridge between the Wood Street development and the new job center at the Army Base, with continuing bike/ped connections to the Gateway Park. This could also provide a means of sustainable transportation for persons in West Oakland who may someday work at the Army Base development. 20-6
7. Since there are no new public parks specifically identified in the Plan, it would be helpful to see a more specific discussion of how private open space will be required as a component of new development. For example, this could address opportunities for roof-top parks, parks on top of parking structures, new community gardens on vacant lots, dog play areas within new development, and similar opportunities.
8. There is an excellent discussion of urban forestry and the "West Oakland Walk" in the Specific Plan. Other "greening" opportunities include greening of urban schoolyards, the EBMUD and Caltrans properties, and surface parking lots. These could be acknowledged.

Thank you again for the opportunity to comment. The good work of the Planning Department is greatly appreciated.

Best Regards-



Barry Miller  
Chair, Oakland Parks and Recreation Advisory Commission

cc: Audree Jones-Taylor, Director of Oakland Parks and Recreation



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**Response to Letter #20: Barry Miller, member, Oakland Parks Recreation Advisory Commission**

- 20-1: This comment identifies a number of existing parks in West Oakland that are missing from the maps and that should be acknowledged. These include the McClymonds Mini Park, Durant Mini Park, 25th Street Mini Park, and the southwest quadrant of Grove Shafter Park. Comment noted. Please see Chapter 7: Revisions to the DEIR, indicating these additions to Figure 4.9-1.
- 20-2: This comment identifies references in the document to “Bush” Street Plaza which should be “Brush” Street. Comment noted.
- 20-3: This comment suggests that Union Plaza, Fitzgerald Park and St. Andrews Plaza should receive open space zoning as part of this process. This comment pertains to the merits of the Specific Plan and is beyond the purview of the EIR and CEQA. Please see Master Response to Comments #2 in Chapter 4 of this document.
- 20-4: This comment suggests that recommendations improvements to Lowell Park also deserves mention, as it is one of the largest and most used open spaces in West Oakland. This comment pertains to the merits of the Specific Plan and is beyond the purview of the EIR and CEQA. Please see Master Response to Comments #2 in Chapter 4 of this document.
- 20-5: This comment suggests additional mitigation measures to address impacts on parks, including as collection of an in-lieu fee to support the acquisition or improvement of existing parks, mandatory dedication of parkland for developments which exceed a certain size threshold, or creation of an assessment district or other special district which would provide a revenue source to support increased park and operation costs. As Oakland adds jobs and households, it is critical that the City also adds parkland-or at the very least, improves the parks that already exist and creates mechanisms for raising the revenues needed to handle increased use of the parks by new residents. Staff believes that any such mitigation strategies should be addressed on a City-wide basis and not specific to West Oakland or the West Oakland Specific Plan.
- 20-6: This comment suggests that it would be helpful to address the issue of connectivity between West Oakland and the new 200-acre Gateway Park, which represents the best opportunity to respond to increased recreational demands in West Oakland. However, it is extremely difficult to get there from West Oakland due to barriers such as the railroad tracks. It might be useful to think about the viability of a bike/ped bridge between the Wood Street development and the new job center at the Army Base, with continuing bike/ped connections to the Gateway Park. This comment pertains to the merits of the Specific Plan and is beyond the purview of the EIR and CEQA. Please see Master Response to Comments #2 in Chapter 4 of this document.

## Comment "21"

Cc: Manasse, Edward; Nathan Landau; Prado (Lederer), Margot  
Subject: Re: WOSP Tweak?

Given that DRT can best accomplish all of the objectives of 2, 3 and 4, as below,

it seems that those paragraphs might be so designated with an asterisk or DRT icon.

Transit Mobility-2: Improve medical service access by working with the Alameda County Transportation Commission and City of Oakland pilot medical service return taxi voucher program to expand services for seniors in West Oakland.

Transit Mobility-3: Work to expand the current City of Oakland/Bay Area Community Services Senior Shuttle, which takes seniors from large residence facilities to shopping and other destinations outside West Oakland, by providing the same service to seniors in single-family homes and smaller buildings. Trips on the shuttle for medical appointments can be linked with the medical service access return taxi voucher program.

Transit Mobility-4: Investigate funding availability to be used for subsidizing car sharing to remove prohibitive cost barriers and extend car sharing to low-income individuals and groups in West Oakland who either cannot afford vehicle purchase/ maintenance or who do not need a full-time vehicle to improve their mobility for grocery shopping and other auto-dependent tasks.

- S

On Mar 3, 2014, at 6:00 PM, Steve Lowe <[ewolnephets@sbcglobal.net](mailto:ewolnephets@sbcglobal.net)> wrote:

Hi

Here's a further tightening of the language regarding DRT that might be helpful in gaining clarity for this particular part of the WOSP. I'll try to see that similar language might find its way into EBOTS, as well, so that the documents can be coordinated, especially for when the Army Base Transit and Port Transit planning processes begin, perhaps the likeliest candidates for BART-to-Base DRT service.

Thanks,  
- S

21A-1

## Comment "21"

From: Steve Lowe [mailto:[ewolnephets@sbcglobal.net](mailto:ewolnephets@sbcglobal.net)]  
Sent: Monday, March 17, 2014 12:33 PM  
To: Jonsson, Ulla-Britt  
Cc: Thornton, Elois; Manasse, Edward; Flynn, Rachel; George Burt; Sterling Savely  
Subject: WOSP Railroad Language?

Hmmmm...

We're thinking that the language in this section could be made a little more conducive to the kind of hands-on process we'll need so that when "decisions need to be made by stakeholders,"

we can all begin to prioritize immediately, as opposed to waiting until the Market and/or MLK trackage cited below gets done, especially given the need for improvement in the Wood Street area - an obvious barrier to Economic Development. In that case, the first line below seems almost a distraction and might best be stricken...

### Recommended Strategies

Intent: A comprehensive strategy is needed for both the near-term and the longer-term future to address the disposition and condition of rail lines that share alignments with City streets.

Rail Lines-1: In the near term, the at-grade rail crossings at Market Street and at Martin Luther King Jr. Way are in poor condition and should be repaired.

Rail Lines-1: For both near term and the long term, decisions need to be made by stakeholders, including the City, the railroad companies and property owners about which rail lines should be prioritized as needing to be removed and which will remain in perpetuity, in what streets, and to serve which parcels.

Rail Lines-3: Those spur lines designated to stay should be brought up to appropriate current standards of construction and safety by the applicable railroad company. The streets that the rail spurs share an alignment with should be reconstructed with appropriate, modern features such as proper sub-drainage and adequate rail crossing panels throughout their length.

Rail Lines-4: Since the rail spur that serves the block surrounded by Linden, Filbert and 3rd Streets does not align with the street system, it creates a viable long-term rail service corridor that could be retained with the existing land uses.

Rail Lines-5: Those rail lines not identified for reuse should be removed by the applicable railroad company and the roadways

21B-2

## Comment "21"

reconstructed in accordance with appropriate construction standards and environmental practices.

Rail Lines-6: In general, all rail lines east of Mandela Parkway should ultimately be removed by the applicable railroad company, as they do not appear to be in current use, as evidenced by existing paving patterns (i.e., in many cases the rails have been paved over).

This last line is confusing in its lack of specificity, and the spur "east of Mandela" running down to California Cereal is still necessary to keep active. It may be best to simply strike it with the understanding that, again, the stakeholders committee will be the best most effective determinator of what should stay and what should go....

Thanks,

- S

21B-2 contd

## **Response to Letter #21: Steve Lowe**

- 21A-1: The comments in this letter address the issue of Demand Responsive Transit (DRT) and transit mobility, and suggest additional text for the Plan to better address this topic. These comments pertain to the merits of the Specific Plan and are beyond the purview of the EIR and CEQA. Please see Master Response to Comments #2 in Chapter 4 of this document.
- 21B-2: These comments suggests edits and revisions to Specific Plan text pertaining to existing rail spurs within the public right-of-way, as addressed in the Plan. These comments pertain to the merits of the Specific Plan and are beyond the purview of the EIR and CEQA. Please see Master Response to Comments #2 in Chapter 4 of this document.

Comment "22"

Dear Planning Commission,

Some concerns have been raised about how the West Oakland Specific Plan might make housing costs rise to the extent that residents have to leave. This will impact the environment by causing residents to move out to more suburban areas where housing is more affordable.

By residents relocating to further areas, a longer commute is presented, resulting in more cars on the road. With more cars on the road, comes more pollution; not to mention that most older cars' fuel efficiency is not as desirable as more modern cars. One strategy that could mitigate these impacts is providing more affordable housing. That housing not only needs to be affordable, but also comfortable and healthful. There are many cases where affordable housing is placed in areas that over time can be a hazard to your health.

Developers need to provide enough affordable housing using the Federal Standard for Affordable Housing to accommodate current citizens.

Sincerely, Emmanuel Greene  
High School Senior; Emiliano Zapata Street  
Academy

22-1

22-2

22-3

## Response to Letter #22: Emmanuel Green

- 22-1: This comment suggests that indirect economic displacement may occur as a result of implementation of the Specific Plan, resulting in adverse environmental consequences associated with greater commute distances, increased pollution and fuel consumption. Please see Master Response to Comments #1 in Chapter 4 of this FEIR. Any analysis related to secondary effects of indirect economic displacement would be far too speculative to address under CEQA. That said, any increase in commute distance associated with displacement of West Oakland residents and/or employees to outside of Oakland or the local region would increase vehicle miles travelled, with commensurate increases in vehicle exhaust, GHG emissions, and traffic congestion.
- 22-2: This comment suggests that additional affordable housing is an effective mitigation measure for indirect displacement effect. This comment pertains to the merits of the Specific Plan and specifically to social and economic effects beyond the purview of the EIR and CEQA. Section 15131(a) of the CEQA 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.” Please see Master Response to Comments #1 in Chapter 4 of this FEIR.
- 22-3: This comment indicates that affordable housing is too often located in areas that, over time can be a hazard to resident’s health. The City’s required development standards for all new development (including affordable housing) found in Supplemental SCA B includes all measures known by the City to be protective of toxic air health risks, 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. However, given the existing air quality conditions in West Oakland, City staff is supportive of requiring implementation of additional best management practices (supplemental to those measures identified in Supplemental SCA B) for new sensitive receptors in West Oakland to further reduce health risks to new residents. See Master Response to Comments #4-3 in Chapter 4 of this document.

Additionally, numerous federal, state and local laws and regulations, administered by several governmental agencies provide the cleanup standards to assure that human health and environmental resources will be protected. Most of the state hazardous materials regulations are contained in Title 22 of the California Code of Regulations and administered by DTSC, who generally acts as the lead agency for soil and groundwater cleanup projects that affect public health, and who establishes cleanup levels for subsurface contamination that are equal to, or more restrictive than, federal levels.

## Comment "23"

From: Yvonne Lau [mailto:[YvonneLau@mayway.com](mailto:YvonneLau@mayway.com)]  
Sent: Thursday, February 20, 2014 5:55 PM  
To: Jonsson, Ulla-Britt  
Subject: West Oakland Specific Plan, Draft EIR Coca-Cola Bottling/Mayway Site

Dear Ms. Jonsson,

We own and occupy the Coca Cola Bottling/Mayway Site identified as Opportunity Site #38 in the current West Oakland Specific Plan Draft EIR. 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, whereas the Specific Plan proposes to amend the General Plan to change its land use designation to Housing and Business Mix. The current zoning for this site is Commercial/Industrial Mix (CIX-1), whereas the Specific Plan proposes to re-zone this site to Housing/Business Mix (HBX-2).

We strongly object to both of the proposed changes, and prefer that the land use designation and zoning remain as they currently are. While we understand and share the City's desire to develop and revitalize West Oakland, we are not of the mind to develop this site to accommodate housing. We have made substantial facility upgrades since moving here in 1992, and would not move unless a frankly amazing opportunity came along. Last year we thought we would have to move because of regulatory issues, but these issues have been resolved, and we no longer need to move our business. However, we have seriously considered that in the future, we may extend or build out the southern portion of the site for commercial purposes, whether to lease or use ourselves. As such, we definitely would not want the designation or zoning to be changed.

We do not feel the current business activities of our site adversely impact the quality of life of the neighborhood, nor interfere with the redevelopment of West Oakland. Also, although we are across the street from the Wade Johnson park (which is neglected and practically unused), the park is next to a very busy recycling company. Given the traffic, noise, and smells generated by the recycling company, our site would not be ideal for housing and currently actually acts as a buffer for the Peralta Villa housing on 12th street.

We believe the Mandela Parkway corridor would benefit from having more businesses and thus more jobs. As a commercial corridor extending to Emeryville, we are of the opinion that the Strategic Planning Division should discourage, rather than encourage more housing right on Mandela Parkway. It is a vital link to the Port, and the large number of cars and container trucks that currently use the street every day do not make for a particularly suitable or safe living environment.

As we now understand the City's preference in regards to our land use designation and zoning, if an opportunity should arise that would require us to make this change, we would certainly apply with the City for these changes. At this time, however, we prefer to leave the designation and zoning as is.

23-1



## Comment "23"

If your Division has any questions or would like more information from us, please do not hesitate to contact me at (510)208-3113 extension 8132 or at [yvonne.lau@mayway.com](mailto:yvonne.lau@mayway.com).

Thank you for your attention.

### **Response to Letter #23: Yvonne Lau**

23-1: This comment, from the owner of the Coca Cola Bottling/Mayway Site strongly objects to the Plan's proposed land use changes for this site and prefers that the land use designation and zoning remain as they currently are. This comment pertains to the merits of the Specific Plan and is beyond the purview of the EIR and CEQA. However, please see Master Responses #3 in Chapter 4 of this FEIR, which indicates that the Specific Plan's recommendation for rezoning the Coca-Cola/Mayway site to Housing/Business Mix (HBX) has been removed from further consideration.