

Final Addendum to the Draft EIR

OAKLAND ESTUARY PLAN

Environmental Impact Report

November 20, 1998

State Clearinghouse No. 98031116

*Prepared for
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Community and Economic Development Agency*

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CHAPTER I

INTRODUCTION

A. CEQA PROCESS

On June 5, 1998, the City of Oakland Planning Department (Lead Agency) released for public review a Draft Environmental Impact Report (Draft EIR or DEIR) on the proposed Oakland Estuary Plan (SCH No. 98031116). The public review and comment period on the Draft EIR began on June 5, 1998 and closed on August 3, 1998, which is in compliance with the 45 days required. During the 45-day comment period, a joint public hearing of the City of Oakland Planning Commission and the Port of Oakland Board of Commissioners was held on June 18, 1998. The public was invited to comment on the Draft EIR at the joint public hearing.

The Draft EIR for the Oakland Estuary Plan, together with this Addendum constitute the Final EIR for the proposed project. The Final EIR is an information document prepared by the Lead Agency (City of Oakland Planning Department) that must be considered by decision makers (including the Oakland City Planning Commission) before approving or denying a proposed project. California Environmental Quality Act (CEQA) Guidelines (Section 15132) specify the following:

"The Final EIR shall consist of:

- (a) The Draft EIR or a revision of the draft.
- (b) Comments and recommendations received on the Draft EIR either verbatim or in summary.
- (c) A list of persons, organizations, and public agencies commenting on the Draft EIR.
- (d) The responses of the Lead Agency to significant environmental points raised in the review and consultation process.
- (e) Any other information added by the Lead Agency."

This document has been prepared pursuant to CEQA Guidelines. This Final EIR Addendum incorporates comments from public agencies and the general public, and contains appropriate responses by the Lead Agency to those comments.

B. METHOD OF ORGANIZATION

This Final EIR Addendum for the proposed Oakland Estuary Plan contains information in response to concerns raised during the public comment periods.

Following this introductory Chapter I, Chapter II of this document contains text changes to the Draft EIR, reflecting necessary additions and corrections addressed by the public comments or responses to comments, or initiated by Planning Department staff to correct the Draft EIR text. Text changes appear in order of page number in the Draft EIR on which the change is made. Where a text change is made as part of a response to a public comment, the comment number is noted.

Chapter III contains a list of all persons and organizations that submitted written comments on the Draft EIR during the comment period.

Chapter IV contains copies of written comments received during the comment period and responses to those comments. Each comment is numbered in the margin of the comment letter, and the responses to all of the comments in a particular letter follow that letter. In some cases, the response refers to another response to a similar comment; the comments are referenced alphanumerically by letter and comment number, as in "the response to Comment A-2" (meaning the response to the second comment in Letter A) or "the Master Response". The Master Response, which discusses various issues that were raised in numerous comment letters, is at the beginning of Chapter IV. Where a response includes a change to the text of the Draft EIR, a reference is made to Chapter II, Addenda to the Draft EIR, where text changes are listed in order of page number in the Draft EIR.

CHAPTER II

ADDENDA TO THE DRAFT EIR

The following corrections and changes are made to the Draft EIR and are incorporated as part of the Final EIR. Revised or new language is underlined (except where all of the text is an addition). Brackets ([]) indicate where text has been deleted.

Where a change is made as part of a response to a comment on the Draft EIR, the comment number is noted in brackets at the end of the text change. Where no comment number is given, the change is initiated by the Planning Department staff.

Page I-1, paragraph 1, sentence 1 is revised to read:

This Environmental Impact Report (EIR) describes the environmental consequences of adopting the [proposed] Oakland Estuary Plan as proposed by the City of Oakland and the Port of Oakland. [C-4]

Page II-1, paragraph 3, sentence 2 is revised to read:

The area includes lands within the planning jurisdictions of both the City and the Port of Oakland and, therefore, the Estuary Plan is a collaborative effort between the two entities. [C-5]

Page II-8, bullet 1 is revised to read:

Improvements to the Interstate 880/980 Corridor that would upgrade substandard [and unsafe] interchanges and create a more understandable system of regional access including: [A-3]

Page III.A-4, paragraph 3, sentence 5 is revised as follows:

To the east, along San Leandro Bay, land along the water has been [dedicated] leased as parkland, while land along the Interstate 880 frontage road (Oakport Street) is used by EBMUD and PG&E for various operations and maintenance functions. [D-3]

Page III.A-4, paragraph 3, new sentence 6 is added as follows:

EBMUD leases a portion of its land to the Regional Park District on a revocable basis. [D-3]

Page III.A-13, paragraph 3, new sentence 4 is added as follows:

Potential effects from noise, light, glare, and smoke could further be reduced by the use of sound walls, visual screens, and appropriate building placement on individual sites. The design of these features must be analyzed on a case-by-case basis to assure consistency with Plan Policies such as "view corridors" and BCDC Guidelines. [C-2]

Page III.B-1, paragraph 6, sentence 2 is revised to read:

I-880 has been subsequently rebuilt to the west through the former Southern Pacific Railroad Freight Yard [along the right-of-way (ROW) of the former Southern Pacific Railroad. [A-9]

Page III.B-9, Table III.B-1 title is revised to read:

AM AND PM TRIP GENERATION [RATE] DIFFERENCES [A-8]

Page III.B-17, paragraph 7, new sentence 3 is added as follows:

Transit demand could be further reduced by encouraging the development of water taxis and other water-dependent transport across the Estuary to Alameda.[C-3]

Page III.D-5, paragraph 4, sentence 3 is revised as follows:

EBMUD is presently expanding treatment plant capacity [to meet the projected increase in demand and] to meet new water quality requirements. [D-9]

Page III.E-7, paragraph 3, sentences 1 and 2 are revised as follows:

The Bay Area Air Basin attainment status with respect to federal standards is summarized in Table III.E-4. The San Francisco air basin was recently redesignated as "non-attainment again, only three years after having been redesignated to "attainment," due to measured violations of the national ozone standard in some parts of the Bay Area in 1995 and 1996. [in June 1995 as an "attainment" area for the federal O₃ standard, although the U.S. Environmental Protection Agency announced plans in December 1997 to redesignate the Bay Area "nonattainment" for ozone.] [C-9]

Page III.E-8, Table III.E-4, the federal ambient standard for Ozone is changed and the corresponding table footnote is deleted as shown below:

Non-Attainment [/a/] [C-9]

Page III.G-1, paragraph 2, sentence 2 has been revised to read:

[Although] The area [only] contains four sites on the National Register and three more. The area [are] locally designated historic properties (all in the Jack London area), the waterfront local designations.

includes numerous eligible buildings as well as buildings that may lack individual significance but may be collectively significant. [F-2, F-3]

Page III.H-5, paragraph 3, sentence 1 has been revised to read:

[Oakland's wetlands] Natural areas in the Estuary Planning Area may provide habitat for special status species, including the clapper rail, least tern, [and] burrowing owl, and Barrow's goldeneye. [H-2]

Page III.H-6, new policy following OSCAR Action CO-8.1.2 has been added:

OSCAR Policy CO-8.2:

Limit recreational uses within wetland "parks" to activities that are consistent with the fragile environmental characteristics of the areas. These uses may include wildlife refuges, ecological study areas, and where appropriate, interpretive boardwalks and nature centers. [H-3]

Page III.N-4, the following text is added under the new subheading of "Bay Trail Plan" under the "Setting" heading of the Regional Policies and Plans sub-section:

In 1987, Senate Bill 100 was passed into law and directed the Association of Bay Area Governments (ABAG) to develop a plan "for a continuous recreational corridor which will extend around the perimeter of San Francisco and San Pablo Bays. This legislation required that the Plan include a route for a bicycling and hiking trail, the relationship of the route to parks and other recreational facilities, and links to existing and proposed public transportation facilities. [B-2]

Page III.N-6, paragraph 3 is revised as follows:

Impact N.3: The proposed Estuary Plan would be consistent with regional policies and programs, but would not be consistent with [except for] the Clean Air Plan and the Priority Use Areas of the Bay Plan. This would be a significant impact. [C-12]

Page III.N-7, paragraph 6 has been deleted:

[Since the Clean Air Plan (CAP) is based on ABAG population projections, an exceedance of ABAG projections is also an exceedance of the population values used in the CAP. If population growth is greater than assumed in the CAP emission inventory, then population-based emissions also are likely to be greater than assumed in the CAP. Consequently, attainment of the State air quality standards would be delayed. Therefore, the proposed Estuary Plan as part of the General Plan would not be consistent with air quality planning and would have a significant air quality impact.] [C-13]

The following information is provided for your information:

Section 1: Introduction

This document is intended to provide a comprehensive overview of the project's objectives and scope.

Section 2: Objectives

The primary objective of this project is to develop a robust system that meets the needs of the organization. Key goals include:

1. Enhance operational efficiency.

2. Improve data security and integrity.

Section 3: Scope

The project will cover the development and implementation of the system across all relevant departments.

Section 4: Conclusion

In conclusion, this project is essential for the organization's long-term success and growth.

CHAPTER III

LIST OF PERSONS AND ORGANIZATIONS COMMENTING ON THE DRAFT EIR

The following agencies, organizations, and individuals submitted written comments on the Draft EIR during the Draft EIR review period (June 5, 1998 through July 20, 1998).

Niko Letunic, Bay Trail Planner, Association of Bay Area Governments (July 20, 1998)

Collette Meunier, AICP, Planning Director, City of Alameda (July 20, 1998)

Marilyn Miller, Director of Engineering and Construction, East Bay Municipal Utility District (July 20, 1998)

Brian Wiese, Advanced Planning, East Bay Regional Park District (July 14, 1998)

Andrew Carpenter, Chair, Landmarks Preservation Advisory Board, City of Oakland (July 20, 1998)

Frank Orem, Chair Conservation Committee, Sierra Club, San Francisco Bay Chapter (July 14, 1998)

John Bowers, The Lake Merritt Institute (July 17, 1998)

Marc McDonald (no date)

Robert Brokl (July 18, 1998)

Pamela Clark (July 17, 1998)

Keith Quan (July 15, 1998)

Patty St. Louis (July 20, 1998)

Leal Charonnat, Charonnat Architect + Engineering (July 20, 1998)

Laurence H. Shoup (July 12, 1998)

Robert W. Shapiro, Shapiro Buchman LLP (June 12, 1998)

Margaret Elizares (July 18, 1998)

III. LIST OF PERSONS AND ORGANIZATIONS COMMENTING ON THE DRAFT EIR

The following organizations and individuals submitted written comments on the Oakland Estuary Plan, but not on the Draft EIR. These comment letters are provided for informational purposes to assist the decision-makers in determining whether or not to approve the Oakland Estuary Plan.

Patricia Chadwick & Stephen Dias, Tower Lofts Homeowners Association (no date)

Steve Fossum (July 17, 1998)

Wilda L. White (July 16, 1998)

Frederick G. Morner (July 17, 1998)

Melanie Gould (no date)

Adele Hollander (July 17, 1998)

Catherine Chase (July 17, 1998)

Stephen Lowe, Chair, Estuary Residents, Business & Associated Neighborhoods
(July 20, 1998)

At the public hearing on the Draft Plan and EIR, the Oakland Planning Commission heard 25 speakers. All the speakers directed their comments to the Draft Plan, except:

- Paul Matzner, who stated that the proposed piers in the Draft Plan were not adequately analyzed; and
- Shawna Read, who stated that the Draft EIR did not adequately consider historic resources.

Both of these comments are addressed as part of the Master Response at the beginning of Chapter IV.

CHAPTER IV

WRITTEN COMMENTS AND RESPONSES TO WRITTEN COMMENTS OF THE DRAFT EIR

MASTER RESPONSE

INTRODUCTION

The Estuary Policy Plan (Estuary Plan) is a community plan for the development and improvement of the Estuary Area of Oakland and is intended to be adopted as part of the City's General Plan. During the initial meetings on the preparation of the draft Plan, the City of Oakland, the Port of Oakland, and the community participants in the planning process believed that the general planning policies and objectives articulated in the Estuary Plan would be better understood and more useful if the Estuary Plan included conceptual diagrams and projects. The intent of the illustrative plans, catalytic projects, conceptual parking programs, and implementation guidelines was to help the public and the public decision makers how the Estuary Planning Area might develop under the proposed policies and objectives. Throughout the document, references were made to the conceptual nature of these drawings and guidelines and the need for further study, review, and specific area planning prior to any final decisions about specific projects. However, in August 1998, the Port Board of Commissioners and the City Planning Commission recommended that the draft document be renamed to "Estuary Policy Plan" and revised to include only the vision, goals, objectives, policies, and relevant sections appropriate for inclusion in the General Plan.

Once the Policy Plan is adopted into the General Plan, the City and Port will prepare the Estuary Implementation Guide which will include detailed recommendations and prioritize the actions, projects, and design guidelines necessary to implement the Policy Plan. In addition the City and Port staff will begin amending existing development controls (City zoning regulations and Port CC&R's) as appropriate to facilitate the implementation of the Plan. All of these following actions will be subject to additional public discussion and will be subject to subsequent environmental analysis beyond that provided in the Estuary Policy Plan environmental analysis.

MASTER RESPONSES

Level of Detail and Catalytic Projects. Many letters raised concerns about the level of detail that was included in the draft Estuary Plan and felt that the level of detail that was shown in the illustrate diagrams, conceptual street cross sections, conceptual "catalytic" project descriptions or proposed regulatory guidelines were not adequately analyzed to the level of detail necessary for a proposed development project, street alignment or shoreline improvement.

Response: The Estuary Policy Plan (the Project) has been modified to include only General Plan level policy and objectives for the Estuary Area. The Draft EIR provides a programmatic level analysis of the potential environmental effects of these policies and objectives. It would be speculative and potentially misleading for the Draft EIR to attempt to provide project level analysis for specific proposals that may or may not occur as the result of Estuary Plan approval. The Draft EIR is not intended to analyze specific or speculative development projects in the area

or specific transportation improvements that have yet to be designed or funded as some commentors suggested. Therefore, the programmatic level of analysis provided in the Draft EIR is appropriate to the level of detail contained in the revised Policy Plan and no additional analysis is required in the Draft EIR.

Transportation Projects. Several commenters raised questions and concerns about the specific alignment and configuration of certain transportation improvements envisioned in the draft Estuary Plan, such as the new Parkway, waterside terminals, pedestrian trails, the Bay Trail, and the new Interstate 880 interchanges.

Response: The transportation improvements envisioned in the draft Estuary Plan are conceptual in nature and would be subject to detailed site, environmental and design studies prior to final design approval and construction. The Draft EIR does not attempt to analyze the alternative alignments and configurations for these facilities because to do so would be speculative and premature and because “preferred” alignments, configurations, and individual project designs and budgets have yet to be developed. For these reasons the Draft EIR does not provide project level EIR analysis of each transportation improvement suggested for further study by the draft Estuary Plan and no further analysis of the transportation policies and objectives included in the Draft Plan are required.

Consistency with Other General Plan Policies. Several commenters indicated that in some cases specific catalytic projects or regulatory recommendations (such as height limits) were not consistent with Estuary Plan policies or other existing City General Plan Element policies included in the Historic Preservation Element or Open Space and Conservation Element.

Response: As stated above, the Estuary Plan has been modified to include only General Plan policies and objectives that are being proposed for adoption as part of the General Plan. Specific catalytic projects and regulatory recommendations such as height limits have been removed. In addition the policies and objectives of the Estuary Policy Plan have been reviewed for consistency with existing General Plan policies and have been found to be consistent.

Per State Law, all policies and elements adopted as part of the General Plan are of equal importance and value. In accordance with the City of Oakland Charter, all City and Port land use decisions must be consistent with the City’s General Plan, which includes the Open Space and Conservation Element and the Historic Preservation Element. Therefore, future development proposals will be evaluated within the context of all existing General Plan policies, including the Open Space and Conservation Element policies, the Historic Preservation Element policies, and the Estuary Plan policies.

When considering the potential environmental impact of adoption of the Estuary Plan policies and objectives, the Draft EIR considered that future development will be subject to not only the Estuary Plan policies, but also the policies of the Historic Preservation Element and the Open Space and Conservation Element. The specific policies from these Elements that are particularly relevant and have a mitigating effect are described in the appropriate chapters addressing potential open space, conservation and historic resource impacts.

Historic Resources. Several comment letters raised concerns about the documentation of historic resources in the Draft EIR, the threshold for significance to be used in the analysis, a lack of historic preservation policies in the Plan, and concerns about the Ninth Avenue Terminal.

Response: As described above, the Estuary Plan does not restate all of the City's existing General Plan policies that will effect development of the Estuary Area and when considering potential impacts to historic resources caused by Estuary Area development, the Draft EIR considered the mitigating influence of the City's existing and extensive Historic Preservation Element development policy framework. This existing policy framework which is specifically designed to identify and protect the City's historic resources was considered as part of the existing regulatory "setting" when potential environmental impacts of the Estuary Policy Plan were evaluated. Given the existence of these mitigating General Plan policies, the Draft EIR did not identify a significant impact on historic resources that many commenters suggested might exist when considering the Estuary Plan policies in isolation from the policies of the rest of the City's General Plan.

The Draft EIR did find a significant impact on historic resources caused by the policy to remove the Ninth Avenue Terminal to create a major public waterfront park. The Draft EIR identified the Terminal as a historic resource, and acknowledged that the demolition of the terminal would be considered a significant impact under State and Local CEQA thresholds. Some commentors suggested that the preservation of the terminal was a mitigation for the demolition of the Grove Street Pier Shed several years ago. It should be noted that preservation of the Ninth Avenue Terminal was not a mitigation imposed on the Port of Oakland at the time the Grove Street Pier Shed (Howard Terminal) was demolished.

Regarding thresholds for significance, in July 1998 the City Council adopted revisions to the City's Historic Preservation Element Policy 3.8, which establishes the City's local thresholds for cultural resource significance. Table III.G-1 on page III.G-1 of the Draft EIR has been revised (see next three pages) to include all of the properties in the Estuary Planning Area that fall within the category of "Local Register of Historic Resources". As described above, any project that is proposed in the Estuary Planning Area, whether that project is in an area of Port jurisdiction or City jurisdiction would be subject to review for conformance with the City's General Plan, which includes all of the policies and objectives of the Historic Preservation Element of the General Plan.

Shoreline Parks and Piers. Several commenters raised questions and concerns about the potential impacts caused by increased public access to the shoreline areas of the Estuary Planning Area. Specific concerns were raised by the proposed piers and the other shoreline park proposals.

Response: Many of the specific project ideas and diagrams that raised concerns have been removed from the Estuary Policy Plan, such as the conceptual piers at the mouth of Lake Merritt Channel. Only illustrative drawings remain. As with the Transportation projects, all of the proposed park improvements that remain in the Plan are conceptual in nature and will be subject to detailed site, environmental and design studies prior to final design approval and construction. Beginning with the Estuary Plan Implementation Guide and continuing with detailed studies,

**TABLE II.G-1
HISTORIC PROPERTIES IN ESTUARY PLANNING AREA (Revised)**

Historic/Common Name	Address	National Register	Local Designation
Larson & Lindquist Produce Warehouse/ Hansen-Murakami-Eshima Arch'ts	424 2nd Street		
Farmer Produce Inc Produce Warehouse Ann/Farmer Produce Warehouse Annex	427 2nd Street		
Earle M. Jorgensen Co. Warehouse/ Union Machine Works	534 2nd Street/ 533 3rd Street		
Oak. Iron Works Machine & Blacksmith Shop	586-92 2nd Street/ 200-10 Jefferson		LN
Dalziel (Rbt)-Moore Drydock Warehouse #15/None	737-41 2nd Street/ 712 Embarcadero	2D	
W.P. Fuller & Co. Warehouse/East Bay Fire Co. Warehouse	201-25 3rd Street/ 215 Jackson Street		
Dabney (Mrs. A.R.) Building/Growers Produce	369 3rd Street		
Diehl Building No. 1/Growers Produce	370-80 3rd Street		
Central Free Kindergarten of Oakland +/ Levy & Zenter	413-15 3rd Street		
Pon Honor-Lucky Stores Warehouse Annex/None	416-26 3rd Street		
Western Pacific Railroad Depot/China Depot	DP470-96 3rd Street/ 300 Washington		LM
Safeway Stores Corporate Headquarters/ Safeway Stores Headquarters	201 4th Street/ 325 Jackson Street		SL
Eagle Sales Inc. Warehouse/None	220 4th Street		
Western States Grocery Co. Headquarters/ Fourth Street Lofts	247 4th Street/ 328 Alice Street		
C.L. Grceno Co. Pacific Coast Headquarters/ None	253-57 4th Street/ 319-29 Alice Street		SL
Oakland Wholesale Grocery Co. East Annex/ None	261-69 4th Street		
Nelson Lee Paper Co. Building/None	270 4th Street		
Making Produce Co. Warehouse/French Fries Inc. Warehouse	278-80 4th Street		
Oakland Wholesale Grocery Co. Warehouse/ Allied Office Supply Co.	283-87 4th Street		
Saroni Wholesale Sugar & Rice Warehouse/ None	291-95 4th Street/ 318-28 Harrison		

TABLE II.G-1 (Continued)
HISTORIC PROPERTIES IN ESTUARY PLANNING AREA (Revised)

Historic/Common Name	Address	National Register	Local Designation
Fiene (Herman) Warehouse & Office/ Magic Threads Incorporated	292 4th Street/NE Cor Harrison		
Oak. Plumbing Supply Store & Warehouse/ P.E. O'Hair & Co. Office/Whse	301-09 4th Street/ 315-29 Harrison		
Impurgia (C.C.) Warehouse/None	302 4th Street/ 401 Harrison Street		
Oakland Poultry Co. -Oakland Fisheries Ws/ Viking Foods Company, Inc.	308 4th Street		
Morgan (William) Warehouse/None	373-75 4th Street		
Bercovich (David) Furniture Co. Warehouse	385-87 4th Street		
???	415 4th Street		
Merchants Garage-Luck Warehouse Annex/ Food Service Cash and Carry	419-35 4th Street		
???	285-91 5th Street/ 444 Harrison Street		
Davis (Hyman) Building/Mighetto Building Maintenance	381-85 5th Street		
Wempe Bros-Schmidt-Western Paper Box Co./Gray (David) Building	1155 5th Street/ SW Cor Adeline	2S	
9th Avenue Terminal/9th Avenue Terminal	1+- 9th Av/Brooklyn Basin		
California Cotton Mills picker room-w'h #7/ Cottonmill Properties	1010 22nd Avenue		
Davis (Hyman) & Parker (M.) Warehouse/None	217-27 Alice Street/ 253 3rd Street		
United Grocery Co. Warehouse/Mutual Grocery Co. Warehouse	400-26 Alice Street/ 225 5th/4th Street		
Autocar Sales & Service Co. Building/ Food Cash & Carry	401-09 Alice Street/ 260 4th Street		
Overland House-Warnecks & Michels Building/Overland House	101-07 Broadway/ 450-60 Embarcadero		SL
Lawrence (V.O.) Building/ZCON Builders	116-26 Broadway/ 431-45 2nd Street		SL
St. Germain (Theophilide de) Building/None	301-05 Broadway/ 450 3rd Street		SL
Herzog Building/Clancy's	311-13 Broadway		SL
Buswell Block/None	318-34 Broadway/ 445-49 4th Street		

TABLE II.G-1 (Continued)
HISTORIC PROPERTIES IN ESTUARY PLANNING AREA (Revised)

Historic/Common Name	Address	National Register	Local Designation
California Cotton Mills Co. Factory/East Bay Self Storage	1091 Calcot Pl/Main Building		LM
Peninsula Stores Office & Warehouse/ Jack London Arcade	378-80 Embarcadero/ 377 2nd Street		
Central California Producers Warehouse	384 Embarcadero/ 100 Franklin		
PG&E Station "C" Switch & Control House/PG&E Station "C" Switch & Control	628 Embarcadero West/ 106 ML King Way		SL
Rousseau (Louise) House/B & C Restaurant Supply	135 Franklin Street		
Fruit & Produce Realty Co. Bldgs. G & H/ Farmers Produce Corp.	145-57 Franking Street/ 401-23 2nd Street		SL
Diehl (F.W.) Warehouse/None	160 Franklin Street/ 385-91 2nd Street		
Fruit & Produce Realty Co. Bldgs A & B/ Pacific Rim Produce	200-30 Franklin Street/ 386-92 2nd Street		SL
Fruit & Produce Realty Co. Bldg. E/ Growers Produce	201-31 Franklin Street/ 2nd Street/ 3rd Street		SL
Fruit & Produce Realty Co. Bldg I N. Annex/John Navas Produce	300-28 Franklin Street/ 384-98 3rd Street		SL
Samuel Herman Wholesale Produce Warehouse/Oakland Grill	301 Franklin Street/ 400-14 3rd Street		
Fruit & Produce Realty Co. Bldgs C & D/None	309-27 Franklin Street		SL
A. Retto & Co. Produce Warehouse/La Mancha	329-31 Franklin Street/ 401-11 4th Street		
Bonora Botta & Giretto Produce Warehouse/Cobel Glass Store/Warehouse	400-22 Franklin Street/ 370-94 4th Street		
C & L Produce Warehouse	424-40 Franklin Street/ 289-97 5th Street		
American Bag-Union Hide Co. Factory/ American Bag Co. Building	228 Harrison Street/ 281-99 3rd Street		SL
Nulaid Eggs Warehouse	229 Harrison Street/ 301-07 3rd Street		
Oakland Alameda Estuary Subway/ George A. Posey Tube	415 Harrison Street		LM
Industrial Bearing Co. Building/California Bldg Maintenance Co.	417 Harrison Street		

**TABLE II.G-1 (Continued)
HISTORIC PROPERTIES IN ESTUARY PLANNING AREA (Revised)**

Historic/Common Name	Address	National Register	Local Designation
Western California Fish Co. Building/None	423-25 Harrison Street		
Lee (Gar) Building/Industrial Electric	432-38 Harrison Street		
New Californian Poultry Co. Wse	401 Jackson Street/ NW Cor 4th Street		
California Packing Corp-Del Monte Cannery/ None	100-50 Linden Street/Filbert/ Embarcadero	2B	
Standard Underground Cable Co Plant/ Sono-Ceil Co.	101-05 Linden Street/ NW Embarcadero	2D	
Muller Bros. (E.F. & C.G.) Pickle Factory/Marcus Hardware Warehouse Annex	200-34 M L King Jr Way/ 618-40 2nd/3rd		SL
California Packing Corp. Label Plant/ Magic Apparel/Alpha Photo	101 Myrtle Street/ NW Embarcadero	2D	
Bay City Iron Works Machine Shop/ Parker Electric Manufacturing	221-25 Washington Street/ 511 3rd Street		
Washington Street Planing Mill/ Beier & Gunderson	301-05 Washington Street 510 3rd Street		
Tyre Bros. Glass Co. Store and Warehouse/ Bay Cities Produce Company	300-10 Webster Street/ 340-44 3rd Street		

Local Designation: City Landmarks (LM), in S-7 Preservation Zone (S7), Landmark in S-7 (LM7), or on Preservation Study List (SL)

National Register: 1 = listed, 2 = determined eligible; S = individually, D = as part of a district, B = both individually and district.

these conceptual public access and park improvements would be designed to minimize impacts on environmental resources. The Draft EIR does not attempt to analyze the final configuration or design of the conceptual piers or parks because to do so would be speculative and premature and because "preferred" designs and individual project budgets have yet to be developed. For these reasons the Draft EIR does not provide project level EIR analysis of each project concept recommended in the draft Estuary Plan. The Draft EIR analyses the Estuary Plan policies that recommend environmentally sensitive improvements to the shoreline areas of the Estuary Planning Area in order to improve community access to the waterfront at the plan or programmatic level. Based upon this evaluation, the EIR does not find that the policies will have a significant impact on the environment.

Floor Area Ratios and Height Restrictions. Some commenters suggested that the revisions to the Floor Area Ratios (FARs) and the elimination of height restrictions in the Policy Plan may result in new significant impacts not anticipated in the Draft EIR. The specific changes in FAR that raised concerns were the following: lower Broadway (RD&E) was raised from FAR 3.0 to 7.0, and the loft district (LFT) was raised from FAR 3.0 to 5.0.

Response: The elimination of the height limitations in the Policy Plan and the adjustment of the FARs between the original draft Estuary Plan and the Estuary Policy Plan do not result in new significant environmental impacts not anticipated in the Draft EIR for the following reasons:

1. The Estuary Plan Draft EIR incorporates the findings and analysis of the Land Use and Transportation Element EIR by reference. The Land Use and Transportation Element EIR analysis was based upon an assumed FAR of 5.0 for the entire Estuary Area and a residential density of 125 units per acre for the entire estuary area. The Land Use and Transportation Element EIR analysis did not assume any height limit. The Estuary Policy Plan proposes 18 new land use classifications to replace the Land Use and Transportation Element Waterfront Mixed Use District classification for the Estuary area. (The Waterfront Mixed Use District classification included the 5.0 FAR and 125 residential units/acre limits.) In 16 of the 18 Estuary Policy Plan classifications, residential density is reduced to 40 units per acre or less. In the same 16 classifications, FAR is reduced to 3.5 or less. In the two remaining classifications; the loft district (LFT) and lower Broadway (RD&E-2) the residential density is maintained at 125 units per acre, and only on lower Broadway is the FAR increased from FAR 5.0 to FAR 7.0. Given these reductions in FAR and residential intensity, the development anticipated as the result of the adoption of the Estuary Policy Plan is expected to be less than the development anticipated under the General Plan EIR. Therefore no new significant impacts will result from adoption of the Policy Plan than those already identified by the Estuary Draft EIR (which incorporates the findings of the General Plan EIR).
2. The development intensities (FAR and Residential Unit/Acre) are maximums that may be achieved over the life of the Plan. Whether development is achieved at this level is speculative, but a "worst case" scenario was used for environmental analysis. Furthermore, all future development in the Estuary area will be subject to project level environmental review during which specific development project impacts will be considered.
3. The Draft EIR considers the potential environmental impacts of implementation of the entire Policy Plan which includes policies as well as Maximum Intensity limits. Therefore, policies in the Plan (such as those that encourage preservation of view corridors) and in other Elements of the General Plan (such as those in the Historic Preservation Element) will have a significant mitigating effect on the potential impacts of large scale development on the historically sensitive areas, such as lower Broadway. Furthermore, policies in the Estuary Plan, such as JL-13 recommending a Parking Improvement Strategy, further mitigate the potential impacts of additional development in areas such as the mixed use loft district.



DEPARTMENT OF TRANSPORTATION

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(510) 286-4444
TDD (510) 286-4454



July 29, 1998

ALA-880-24.77
SCH#98031116
ALA880461

Mr. Andrew Thomas, Planner II
City of Oakland
Community and Economic Development Agency
250 Frank Ogawa Plaza
Oakland, CA 94612

Dear Mr. Thomas:

Re: City of Oakland Estuary Plan - Draft Environmental Impact Report

Thank you for continuing to include the California State Department of Transportation (Caltrans) in the environmental review process for the above-referenced proposal. We have reviewed the DEIR and forward the following comments:

Traffic:

Item 1: Table S-1 indicates that the development of the plan will result in significant and unavoidable impact to the roadway network (Impact B.1). But on Page III. B-8, it is stated that there will be a reduction in trips due to the revised land use and the net increase in traffic will be 1% (page III. B-13). Please explain these discrepancies.

1

Item 2: Page II-8: The impact on state facilities (i.e. I-880 and I-980) should be discussed in greater detail. The discussion should include impacts on the on /off ramps, ramp intersections, and other non-freeway state facilities (State 260- Posey and Webster Tubes).

2

Item 3: Page II-8: Please explain why freeway interchanges are unsafe when referring to the I-880/ I-980 corridor interchange unsafe explain?

- There is no reference to any improvements to I-880 through lanes, especially the recently opened HOV lanes.
- The Fruitvale Avenue to 42nd Avenue Interchange project should include the revisions proposed by the City of Oakland for High Street.

3

Item 4: Page III.B-5, it is mentioned that old Madison Avenue grade crossing should be reopened. According to the Public Utilities Commission policies on highway/railroad grade crossings, any closed grade crossing shall remain closed. Please coordinate with the PUC on this issue since this an active rail line with both freight and passenger rail traffic.

4

Item 5: The 29th Avenue interchange improvements mentioned on page II.B-7 should be included with the 23rd Avenue interchange improvements or separately. | 5

Item 6: Page III. B-6:

a) The text should discuss Fifth Avenue as being reconstructed in its existing configuration and with the same interchange. | 6

b) Oakland / Alameda Tube Access Improvements- it is not known whether the ramp is feasible. The analyses should consider the impacts in the event that new ramps to the tube cannot be built. | 7

Item 7: Table III, on Page III B-9, AM and PM Trip Generation Rate Differences. There is nothing in this table regarding trips rates. This table compares trips from the Oakland Estuary Area plan Travel Model and the Alameda County Land use Travel Model based on a revised land use. | 8

Other Comments:

1. Roadway Segments-

a) I-880 Nitmz Freeway I-880 was rebuilt through the former Southern Pacific Railroad Freight Yard and not along the former Southern Pacific Right of Way (Page III.B-1). | 9

b) Why wasn't San Leandro Boulevard included as part of the local circulation in this study? | 10

c) Embarcadero Parkway-will Embarcadero Parkway be coordinated with I-880 and Embarcadero Road. | 11

2. Heavy traffic on I-880 is a frequent occurrence. The peak hour factor of 0.98 appears high. Please explain (Page III.B-9). | 12

3. The speed limit of I-880 in the vicinity is 55mph (Page III.B-9). | 13

4. The project should have a schedule for highway improvement projects over the next fifteen years with a cost estimate and identifiable funding sources (Page III.B-9). | 14

5. Why was the level of Service tables obtained from Florida Department of Transportation? Doesn't the Metropolitan Transportation Commission provide this information? (Page III.B-9). | 15

6. The environmental document needs to discuss how the "slow streets" Embarcadero Parkway will impact the local circulation and the State highway system (Page III.B-15). | 16

7. Would information concerning incidents on I-880 have an effect on traffic on local streets? | 17

Hazardous Waste:

The City of Oakland should be responsible to conduct and address hazardous waste investigation for any activities within Caltrans' right-of-way. If contaminants are detected, they should be handled and be disposed of according to regulatory requirements. Also, there is potential emission exhaustion that has the lead contamination that should be further examined.

18

Noise:

In Chapter III-L. Noise- The report did not mention that improvements on I-880 or its interchanges are subject to the Federal Highway Administration Procedures for Abatement of Highway Traffic Noise (23 CFR772) and Caltrans Noise Abatement Policy.

19

Hydrology:

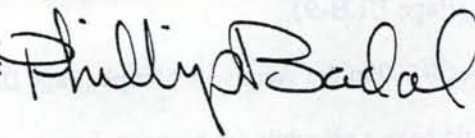
The EIR should include a discussion on the potential impact to waterfront land use associated with the rising trend in sea levels and long-term ground subsidence. A study by the US Army Corps of Engineers, San Francisco District, dated 1984, recognized the rising trend in sea levels as well as the increase in the rate of rise during the most recent tidal epoch. Further discussion on sea level rise, its implications for San Francisco Bay, are contained in the December 1987 (revised October 1987) document by the San Francisco Conservation And Development Commission.

20

If you have any questions, please feel free to call Anthony Lee of my staff at (510) 286-5583.

Sincerely,

HARRY Y. YAHATA
District Director

By: 

PHILLIP BADAL
District Branch Chief
IGR/CEQA

LETTER A – CALTRANS

1. As stated on page III.B-8 of the Draft EIR, approximately 1,160 fewer trips (or about 1%) would be generated by land uses in the Estuary Planning Area under the Estuary Plan compared to the number of trips assumed for the land uses in the Estuary Planning Area under the Land Use and Transportation Element. Although there is a reduction in the number of trips, development in the Estuary Planning Area would still have a significant and unavoidable impact to the roadway network compared to existing conditions.
2. See the Master Response at the beginning of Chapter IV.
3. See Chapter II for changes to page II-8 of the Draft EIR.
4. If the Madison Street grade crossing is proposed for reopening, the City would coordinate with the California Public Utilities Commission on this issue.
5. Page III.B-7 of the Draft EIR identifies improvements to 29th Avenue, not the 29th Avenue interchange. Therefore, no changes to the Draft EIR are warranted.
6. This comment is in response to the proposed project. The realignment of Fifth Avenue is described on page III.B-6 is part of the proposed project. The commenter's suggestion that an alternate configuration be studied is noted and will be made part of the record and made available to the decision-makers prior to a final decision on the proposed project.
7. See the Master Response at the beginning of Chapter IV.
8. See Chapter II for changes to page III.B-9 of the Draft EIR.
9. See Chapter II for changes to page III.B-1 of the Draft EIR.
10. San Leandro Avenue was not included as a roadway segment because it is not within the Estuary Planning Area.
11. See the Master Response at the beginning of Chapter IV.
12. The Florida Department of Transportation LOS manual recommends a peak hour factor (PHF) of 0.95 for Urbanized Areas (FDOT, 1995, Table F-1). It is true, as the commenter states, that heavy traffic on I-880 and in the Bay Area occurs frequently. Because of these congested conditions, their frequency, and their tendency to last for longer periods of time, a slightly higher peak hour factor (0.98) was used to more accurately represent freeway conditions.
13. The commenter noted that the posted speed limit on I-880 in the project vicinity is 55 mph. The 65-mph speed used in the report is in reference to the "free-flow," uncongested freeway "travel speeds" which are typically higher than the posted speed limits. The EIR

authors believe that this speed more accurately represents the operating conditions for this planning analysis.

14. This EIR is intended to address the potential environmental impacts of the conceptual plans advanced by the Estuary Plan. None of the state highway segments would experience deterioration in the level of service as a result of development under the Plan. As indicated on p. III.B-8, "No network modifications were made to the 2010 Tier 1 transportation model used in the General Plan." This approach provides a "worst case" analysis in which none of the proposed freeway improvement plans proposed in the Estuary Plan would be constructed. The future year 2015 model run used in this analysis does include Tier 1 improvements identified in the Alameda County Congestion Management Agency's *Transportation Vision 2010 and Beyond: A Diversified Strategy of Transportation Improvements for Alameda County* and a review of the CMA model network.

In the City of Oakland, these highway projects included:

- I-880 – reconstruction of the Cypress Freeway;
- I-880/98th Avenue interchange reconstruction; and
- I-880/Hegenberger Road interchange reconstruction and the SR 24/SR 13 interchange.

Please see also the Master Response at the beginning of Chapter IV.

15. The MTC does not provide level of service tables for planning analysis purposes, but recommends use of the 1994 Highway Capacity Manual. The Florida level of service tables were used because they provide a clear representation of level of service (LOS) consistent with the 1994 Highway Capacity Manual. The City has approved the use of this methodology for this and other Oakland environmental impact reports.
16. The "Slow Streets" approach identified in the Estuary Plan is a broad traffic management approach that may incorporate a variety of traffic control devices, vehicle prohibitions, and other design features designed to discourage through movements of truck traffic. Such techniques by their nature are designed to impact local circulation patterns. The result would be that the slow streets concept would keep through traffic on the arterials and freeways intended to serve such trips.
17. Incidents on I-880, such as accidents and other such conditions that delay freeway traffic, do and would continue to affect traffic on local streets, in that motorists may divert off the freeway and travel on local streets. However, by their nature, such incidents are not subject to prediction and traffic modeling. Further, it is not possible to accurately correlate project-generated traffic increases with incidents on the freeway, and therefore such impacts cannot be assessed at a level beyond project effects on typical freeway operations. As stated on p. III.B-12:

None of the state highway segments would experience a deterioration in the level of service as a result of development envisioned under the Estuary Plan,

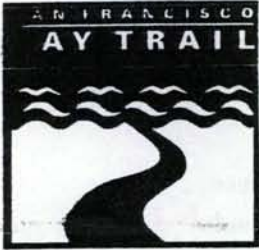
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compared to that forecast with development under the Land Use and Transportation Element. The Land Use and Transportation Element EIR identified a degradation in service from LOS E to LOS F on I-580 west of Grand Avenue, compared to existing conditions, although development under the Land Use and Transportation Element would not cause this change. Development forecast under the Estuary Plan would result in less traffic on this segment than that projected under the Land Use and Transportation Element. Therefore, the Estuary Plan would not result in a significant impact on state highways.

18. Specific Improvements on I-880 and its interchanges are not part of the Estuary Plan. The Estuary Plan simply establishes policy to improve circulation to and within the area. For a discussion of transportation improvements, see the Master Response at the beginning of Chapter IV.
19. Specific Improvements on I-880 and its interchanges are not part of the Estuary Plan. The Estuary Plan simply establishes policy to improve circulation to and within the area. For a discussion of transportation improvements, see the Master Response at the beginning of Chapter IV.
20. All future development in the Estuary Planning Area will be subject to detailed hydrology studies to consider the need for an/or appropriateness of project specific hydrology mitigation.

REFERENCES – Letter A

Florida Department of Transportation, *Florida's Level of Service Standards and Guidelines Manual for Planning*, 1995 Edition.



July 20, 1998

Andy Altman
Strategic Planning
Oakland City Planning Commission
250 Frank Ogawa Plaza
Oakland, CA 94612

Subject: Draft Environmental Impact Report, Oakland Estuary Plan

Dear Mr. Altman:

I am writing to submit comments by the staff of the San Francisco Bay Trail Project on the Draft Environmental Impact Report (EIR) for the Oakland Estuary Plan, dated June 5, 1998. The Bay Trail Project is a nonprofit organization, administered by the Association of Bay Area Governments (ABAG), whose mission it is to coordinate implementation of the Bay Trail. When complete, the Bay Trail will be a continuous 400-mile network of bicycling and hiking paths that will encircle San Francisco and San Pablo bays in their entirety. (To date, approximately half the length of the proposed system has been developed). The Trail will link the shoreline of all nine Bay Area counties, passing through every bay-side city, and will cross seven of the eight toll bridges in the region. A majority of the jurisdictions along the Bay Trail alignment, including Oakland, have passed resolutions of support for the Trail and have incorporated the Trail into their general plans.

We are delighted that as part of the Estuary Plan, the City of Oakland is proposing improvements that will promote bicycling and walking, including streetscape enhancements, several new bike lanes and a continuous bikeway along the entire length of the project area, from Adeline Street to 66th Avenue. These facilities will greatly enhance access to, and appreciation of, Oakland's waterfront; provide much-needed recreational opportunities and transportation alternatives in the area; and connect the Bay Trail from the Oakland Harbor to San Leandro Bay.

As you probably know, there are two Bay Trail-related projects already underway in the area. First, a bicycle/pedestrian overpass will be built to bridge the railroad tracks and Embarcadero roadway between Lake Merritt Channel and Estuary Park. Second, the City of Oakland, in partnership with the City of Alameda and the Port of Oakland, received a \$100,000 Regional Development Program (RDP) grant this year to improve the Bay Trail from Oak Street to Fruitvale Avenue. Following the proposed Bay Trail alignment, this project includes bike lanes on the Embarcadero between Oak and Kennedy streets, a short bike path along Kennedy and East Seventh Street, bike-route signs on East Seventh, and aesthetic

1

improvements along the way. (For more information about this project, contact Shanna O'Hare of the Oakland Public Works Agency.)

To implement the Bay Trail, the Estuary Plan proposes bike lanes on Third Street from Adeline to Lake Merritt Channel, and a combination of bike lanes and paths along a new Embarcadero Parkway from Oak Street to 66th Avenue. The proposed facilities, to be implemented in the long term, will be far superior to those that will be funded in the short term by the RDP grant, which themselves will be a significant improvement over existing conditions.

We should point out that the Bay Trail alignment proposed in the Estuary Plan is different from both the alignment contained in the Bay Trail Plan (see enclosed map) and the alignment shown in the City's RDP grant application. South of Lake Merritt Channel, the continuous waterfront path envisioned in the Estuary Plan is clearly superior to the Bay Trail Plan's alignment, which, out of necessity, takes advantage of existing streets. (It is not appropriate, however, at this time for the City to submit a formal request for redesignation of alignment to the Bay Trail Project Board of Directors because of the long-term and speculative nature of the Embarcadero Parkway proposal.)

1
Cont.

North of Lake Merritt Channel, the Bay Trail Plan's alignment runs along Second Street and the Embarcadero. The Estuary Plan's proposed alignment along Third Street is less desirable because it will distance the Trail and its users further from the waterfront. It is also inconsistent with the alignment in the City's RDP grant application, which runs along Second Street. We recommend that with the input of all interested parties the City finalize an alignment for the Bay Trail north of Lake Merritt Channel. This is especially important in light of anticipated Federal funding for non-motorized transportation (or "enhancement") projects, priority for which will be given to proposals that are ready to be implemented. Also, we request that once the City has settled on an alignment it submit a formal request for redesignation of alignment to the Bay Trail Project Board of Directors.

Because of the above-mentioned inconsistency, we request that the EIR mention the Bay Trail Plan in Section III.N.3 ("Consistency with Adopted Policies and Programs, Regional Policies and Plans"), explaining the rationale for the City of Oakland's proposed realignment. By way of background, Senate Bill 100, passed into law in 1987, directed ABAG to develop a plan "for a continuous recreational corridor which will extend around the perimeter of San Francisco and San Pablo Bays." SB 100 required that the Plan include a route for a bicycling and hiking trail, the relationship of the route to parks and other recreational facilities, and links to existing and proposed public transportation facilities.

2

Finally, in an attempt to ensure that Bay Trail facilities are implemented optimally along the Oakland Estuary, we offer the following two specific recommendations:

1. The integrity of bike lanes on Third Street should not be compromised by the addition of turn lanes or pockets that reduce the effective width of the street, causing bike lanes to disappear at intersections. Turning movements should only be accommodated on shared turn lanes (as shown in the cross section for the Third Street extension on page 78 of the Estuary Plan), or by replacing parking lanes with turn lanes near intersections.
2. For the future Embarcadero Parkway, the Estuary Plan proposes bike lanes between Oak and Dennison streets, a separated path between Dennison and High, bike lanes between High and East Creek, and no dedicated bike facilities between East Creek and 66th Avenue. Generally, alternating segments of bike lanes, paths and shared roadways along a route is undesirable. To illustrate, north-bound cyclists on the Embarcadero starting out at 66th Avenue will have the choice of riding on the

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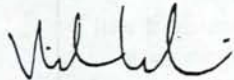
faster roadway with no bike lanes or on the less direct path along the waterfront. At East Creek, the choice for cyclists on the road will be to continue on the bike lane to High Street or to cross the road to reach the waterfront path; for the cyclists on the path, the choice will be to cross the road to get on the bike lane or to continue along an even less direct path.

Upon reaching High Street, the cyclists on the bike lane will have to either cross the road if they want to access the path or continue on the Embarcadero with no bike lanes until Dennison; the cyclists on the path will be able to continue to Dennison, where they will have to cross the Embarcadero to reach the bike lane. While the waterfront path and bike lanes will be ideal for recreational riders, none of the above permutations will be satisfactory for faster, commuting cyclists, for whom continuous bike lanes should be provided along the entire length of the Embarcadero Parkway.

3
Cont.

We look forward to seeing the Bay Trail implemented along the Oakland Estuary. The Bay Trail is a unique regional resource that will provide residents of Oakland and the entire Bay Area with increased access to the waterfront, inexpensive recreation and exercise opportunities, greater transportation options and valuable aesthetic amenities. Please call me at (510) 464-7915 if you have any questions or if you need additional information about the Bay Trail.

Sincerely,



Niko Letunic
Bay Trail Planner

Enclosure

cc: Shanna O'Hare, Oakland Public Works Agency

LETTER B – ASSOCIATION OF BAY AREA GOVERNMENTS (BAY TRAIL)

1. Illustrative plans in the Estuary Plan, such as that for the Bay Trail alignment, are merely conceptual. The Draft EIR is not intended to serve as a project level EIR for any of the developments illustrated in the Plan, nor is adoption of the Plan (and its EIR) intended to be a City commitment to approve any of the projects illustrated in the Plan without further planning, analysis and review. See the Master Response at the beginning of Chapter IV.
2. The City acknowledges the importance of including information regarding the Bay Trail Plan. Please see Chapter II for changes to page III.N-4 of the Draft EIR.
3. See the response to comment B-1, above.



City of Alameda • California



July 20, 1998

Andrew Thomas
Strategic Planning, City of Oakland Community and Economic Development Agency
1330 Broadway, Suite 310
Oakland, CA 94612

RE: The City of Oakland Estuary Plan Draft Environmental Impact Report (EIR).

Dear Mr. Thomas:

Thank you for the opportunity to review and provide comments on the subject document. The City of Alameda offers the following comments:

Summary:

- 1. **Table S-1; Significant unavoidable impacts:** B. Transportation B.1: The list of mitigation measures should also include the use of TSM measures for major employers. | 1
- 2. **Table S-1; Less Than Significant Impacts:** A. Land Use A.5: Effects from noise, light, glare, smoke, etc. generated by redevelopment in accordance with the Estuary Plan to adjacent land uses on the opposite side of the Estuary in Alameda could be mitigated by the use of sound walls, visual screens, the locations of openings and building placement on the site. | 2
- 3. **Table S-1; Less Than Significant Impacts:** B. Transportation B.2: Transit demands could be reduced by encouraging the development of water taxis and other water-dependent transport across the Estuary to Alameda. | 3

Chapter I:

- 1. Introduction: Why does neither the background nor introduction identify the Port of Oakland as a co-sponsor of the Estuary Plan? It is part of the purpose and need for the project and would make clear the relationship between the proposed plan and the policies of the Port of Oakland. | 4

Chapter II:

- 1. Page II-1, third paragraph, second sentence: This sentence needs to be reworded to make clear that the plan is a collaborative effort between the two entities, because the planning area falls within the jurisdictions of both the City and the Port. | 5
- 2. Project Description: Page II-7, Figure II.3 indicates one of the Alameda Terminals for the Waterborne Transit system as Encinal Terminals. This area of Alameda could also be served | 6

Planning Department

2263 Santa Clara Avenue, Room 120
Alameda, California 94501

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with a terminal from an alternative location, such as the new WindRiver Systems campus currently under construction. The Plan should be flexible enough to allow alternative locations for the future waterborne transit system terminals.

6
Cont.

Chapter III:

1. Page III.A-13, Impacts on Alameda and Coast Guard Island should not be considered less than significant solely because future uses would have fewer off-site impact than those that currently exist along the Oakland shoreline. The cumulative impact of existing facilities, such as Owens-Brockway, and any future noise generators should be considered, not merely the additional impacts any new users would create. Other mitigation measures should be considered where the proposed uses would be incompatible with the existing residential development on Coast Guard Island and the nearby residential neighborhoods along Park Street. 7
2. Page III.D-12 According to Page III.C-1, the Land Use and Transportation Element estimated 120 fewer housing units than would be developed under the Estuary Plan. This contradicts the statement here that population and employment growth would be lower under the Estuary Plan than assumed under the Land Use and Transportation Element EIR. 8
3. Page III.E-7 Federal Standards paragraph needs to be updated to reflect the Bay Area "non-attainment" designation. 9
4. Page III.E-13 The Land Use and Transportation Element Objectives should include promoting and encouraging the use of non-polluting vehicles (electric cars) to assist reaching an "attainment" designation status. 10
5. Page III.G-1 Why isn't the Ninth Avenue Terminal listed in the table as eligible for the National Register of Historic Places? Eligibility for the National Register qualifies a property as a significant resource and this project, if it receives any Federal funding (such as FTA or ISTEA or CDBG), will be required to evaluate impacts to all eligible properties. 11
6. Page III.N-6 Impact N.3 is stated in a very confusing manner. Why not state that the inconsistency with the Clean Air Plan and the Priority Use Areas of the Bay Plan are each significant, separate impacts. 12
7. Page III.N-7 The discussion of Impact N.3 is duplicated here. Is there a word processing error that has eliminated text that discusses the level of significance after mitigation? 13
8. Page III.N-8 Adjoining Jurisdictions. The Community Reuse Plan for the former NAS Alameda/FISC Annex was adopted by the Alameda Reuse and Redevelopment Authority, a joint powers authority, in January 1996. It provides for 17,000 new jobs and the addition of 144 residential units to the FISC waterfront area. This plan has been incorporated into ABAG's projections. 14

Letter to Mr. Thomas
July 20, 1998

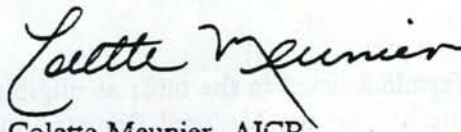
Page 3

9. Page III.N-8 Impacts and Mitigation Measures. The inconsistency between the transportation goals in the City of Alameda's General Plan and the Estuary Plan should be considered significant and unavoidable instead of less-than-significant. The future 66th Avenue crossing as indicated in the City of Alameda General Plan could be a trans-bay tunnel, a circuitous connection of surface roads around the San Leandro Bay, or a combination of surface roads and bridges which could lessen the impacts on San Leandro Bay, the cited reason for opposing a bridge at this location. 15

Chapter V

1. Page V.7, Effects found not to be significant includes "intensify activities along the Oakland shoreline affecting land uses on the opposite shores in Alameda and Coast Guard Island." These impacts must be mitigated to be found less than significant, see previous discussion at Page III.A-13. 16
2. Page V.9, The final two effects found not to be significant are that "The Estuary Plan would be consistent with state policies and programs", and "The Estuary Plan would be consistent with policies and programs of adjoining jurisdictions." The Estuary Plan previously cited some inconsistencies with Clean Air Plan and the Bay Plan as significant and unavoidable, which should not be considered insignificant here. This letter cites previous inconsistencies with the General Plan of the City of Alameda, and therefore also should not be considered insignificant. 17

Sincerely,



Colette Meunier, AICP
Planning Director

cc: Mayor Appezzato and Councilmembers
Planning Board
City Manager
Assistant City Manager
City Attorney
Public Works Director
Community Development Director
Planning Director
Executive Director, ARRA
Supervising Civil Engineer
Planning Manager, Policy
Associate Planner, ARRA

LETTER C – CITY OF ALAMEDA

1. Required TSM Measures for major employers were not included as a mitigation for Impact B.1 because they are no longer allowable under state law. Therefore, no change to Table S-1 is warranted.
2. The City acknowledges that effects from noise, light, glare, and smoke could be mitigated by the use of sound walls, visual screens, the locations of openings, and building placement on the site. However, as stated on page III.A-13 of the Draft EIR, Impact A.5 is a less-than-significant impact and does not require mitigation. To acknowledge the commenter's suggestions, text has been added to indicate the potential benefit of these measures. See Chapter II for changes to page III.A-13 of the Draft EIR. Since these suggestions do not constitute mitigation measures for an identified significant impacts, no change to Table S-1 is warranted.
3. The City acknowledges that transit demand could be reduced by encouraging the development of water taxis and other water-dependent transport across the Estuary to Alameda. However, as stated on page III.B-17 of the Draft EIR, Impact B.2 is a less-than-significant impact and does not require mitigation. To acknowledge the commenter's suggestions, text has been added that identifies the benefits of water taxis and other water-dependent. See Chapter II for changes to page III.B-17 of the Draft EIR. Since these suggestions do not constitute mitigation measures for an identified significant impacts, no change to Table S-1 is warranted.
4. The City acknowledges that the Port of Oakland should be mentioned as a co-sponsor of the Estuary Plan. See Chapter II for changes to page I-1 of the Draft EIR.
5. The text has been revised to clarify that the Plan is a collaborative effort between the City and the Port of Oakland. See Chapter II for changes to page II-1 of the Draft EIR.
6. Illustrative plans in the Estuary Plan, such as that for the Bay Trail alignment, are considered to be conceptual. The Draft EIR is not intended to serve as a project level EIR for any of the developments illustrated in the Plan, nor is adoption of the Plan (and its EIR) intended to be a City commitment to approve any of the projects illustrated in the Plan without further planning, analysis and review. See the Master Response at the beginning of Chapter IV.
7. The issue of noise compatibility between proposed uses along the Estuary and uses in adjacent areas, including the City of Alameda and Coast Guard Island, is addressed in the Section III.L, Noise of the Draft EIR. As stated on pages III.L-9 through III.L-11 of the Draft EIR, no significant noise compatibility impacts would occur as a result of the Estuary Plan. In fact, development in accordance with the Estuary Plan would result in less total noise over time because it would result in the phasing out of industrial, noise-intensive uses. Thus, Impact A.5 is considered to be a less-than-significant impact and no changes to page III.A-13 of the Draft EIR are warranted.

8. The statements on page III.C-1 (that development under the Estuary Plan could result in 120 housing units over the number of housing units estimated in the Land Use and Transportation Element EIR) and page III.D-12 (that population and employment associated with the Estuary Plan would be less than growth assumed for the planning area in the Land Use and Transportation Element EIR) are not contradictory. In addition to 120 fewer housing units, the Land Use and Transportation Element also estimated 1,500 more jobs in the Estuary Planning Area than would be developed under the Estuary Plan. The net effect of 120 more housing units and 1,500 fewer jobs would be a lower population AND employment growth under the Estuary Plan than was assumed for Land Use and Transportation Element for the Estuary Planning Area.
9. The commenter is correct in noting that the Bay Area Air Basin was recently redesignated as "non-attainment." See Chapter II for changes to pages III.E-7 and III.E-8 of the Draft EIR.
10. The list on page III.E-13 of the Draft EIR is of those existing objectives and policies in the Land Use and Transportation Element that apply to the Estuary Plan. The commenter's suggested objective is not included in the Land Use and Transportation Element and it would be misleading to include such an objective in the Draft EIR. Therefore, no changes to page III.E-13 of the Draft EIR are warranted.
11. As stated on page III.G-6 of the Draft EIR, the Ninth Avenue Terminal is eligible for the National Register. The commenter is correct in noting that it was omitted from Table III.G-1 on page III.G-1 of the Draft EIR. For a revised Table III.G-1, see the Master Response at the beginning of Chapter IV.
12. See Chapter II for changes to page III.N-6 of the Draft EIR.
13. See Chapter II for changes to page III.N-7 of the Draft EIR.
14. The comment regarding the adoption of the Community Reuse Plan for the former NAS Alameda/FISC Annex is acknowledged. The Community Reuse Plan was included in the cumulative analysis for the Draft EIR.
15. The Estuary Plan's inconsistency with Alameda's General Plan regarding a 66th Avenue crossing is a less-than-significant impact because the project is not reasonably foreseeable and there would be no physical impact that would result from Alameda building the crossing without it having been included in a City of Oakland planning document. Therefore, no changes to page III.N-8 of the Draft EIR are warranted.
16. See the response to comment C-7, above.
17. Both of the effects found not to be significant noted in this comment are correctly listed in the Draft EIR as not significant. It is only regional policies with which the Estuary Plan would be inconsistent, as noted in Impact N.3 on page III.N-6 of the Draft EIR. Impact N.3

IV. WRITTEN COMMENTS AND RESPONSES TO WRITTEN COMMENTS ON THE DRAFT EIR

addresses the fact that the Estuary Plan would be inconsistent with the Clean Air Plan and the Bay Plan, resulting in a significant and unavoidable impact. See the response to comment C-15 regarding the consistency of the Estuary Plan with the policies and programs of adjacent jurisdictions.

July 20, 1998

Oakland City Planning Commission
Attn: Mr. Andy Altman
Strategic Planning
250 Frank Ogawa Plaza
Oakland, California 94612

SUBJECT: Draft Environmental Impact Report on the Oakland Estuary Plan

Dear Mr. Altman:

Thank you for the opportunity to provide comments on the Draft Environmental Impact Report (DEIR) for the Oakland Estuary Plan. East Bay Municipal Utility District (the District) has the following comments regarding the DEIR.

General Comments

The District provides water and wastewater service to a two-county service area, including the Estuary Plan area. The District has three key facilities in the area:

- 1) San Antonio Creek Wet Weather Treatment Plant (SACWWTP). This facility consists of a two-acre WWTP at 225 5th Avenue, a small dechlorination building at 330 Embarcadero, and a 54-inch outfall pipeline which runs through Estuary Park and discharges treated wastewater to the Bay. It is one of three WWTPs constructed in the East Bay as part of the District's Wet Weather Program improvements. These improvements are mandated under a Cease and Desist order (issued by the State Regional Water Quality Control Board, San Francisco Bay Region) to eliminate sanitary sewer overflows during wet weather. The SACWWTP receives peak wastewater flows from the City of Oakland's Basin 54 Relief Sewer that runs parallel to San Antonio Creek. The treatment plant screens, disinfects, dechlorinates and disposes of up to 51 million gallons of diluted wastewater per day. Prior to the District's Wet Weather Program Improvements, sewer overflows typically occurred at hundreds of locations throughout the City and along the Bay during the winter season. The Wet Weather Program, of which SACWWTP is a key component, eliminates these sewage overflows to the Bay.

1

Mr. Andy Altman
July 20, 1998
Page 2

- 2) **Oakport Wet Weather Treatment Plant (OWWTP).** This facility consists of a four-acre WWTP at 5597 Oakport Street. It is the second WWTP in the East Bay constructed as part of the Wet Weather Program improvements and, like SACWWTP, treats wet weather sewage overflows collected from the City of Oakland's sewer pipelines from the San Antonio/Fruitvale/East Oakland areas. It provides primary treatment and disinfects, dechlorinates and disposes of a maximum of approximately 158 million gallons of diluted wastewater per day.
- 3) **Oakport Maintenance/Storage Center.** This facility, at 5601 Oakport Street, is adjacent to the OWWTP. It accommodates the Materials Storage Center, fleet maintenance, heavy equipment testing and training, and trench spoils recycling. This center serves as the main storage facility and pipeline fabrication center for all infrastructure and maintenance improvements and emergency repairs within the District's service boundaries. It also serves a critical function in providing training of District staff for health and safety procedures and regulatory compliance.

Both the OWWTP and Oakport Maintenance/Storage Center facilities are located on a 48-acre parcel of land referred to as the District's Oakport Property. Approximately 27 acres of this property are currently vacant with eight of these acres dedicated to easements and setbacks. Currently, the District is finalizing a draft Master Plan that identifies needs to expand into the currently vacant areas to adequately provide service for the projected, expanded needs of the community over the next 20 years.

These three District facilities are critical to supporting the Estuary Plan area infrastructure and to protecting the public health and water quality of the Bay. In addition, the wet weather treatment plants were sited and implemented with considerable City of Oakland involvement and review. They are part of a regional program developed under a Joint Powers Agreement between the District and seven East Bay Communities, including Oakland.

In general, we are concerned that the DEIR does not adequately evaluate the Plan's significant impacts on those facilities and does not provide appropriate mitigation for those impacts.

Specific Comments by Page

Our specific comments are as follows. The comments refer to text in the DEIR according to the following order: page number, paragraph number (either complete or portions of paragraphs). Specific text quoted from the DEIR is shown in quotation marks.

1
Cont.

1. Page I-3, 4th paragraph:

The District is listed as a responsible agency. A responsible agency, by definition, is one that has responsibility for carrying out or approving a project (CEQA, Section 21069) The District is not responsible for carrying out the Estuary plan and should not be listed in this DEIR as a responsible agency.

2

2. Page III.A-4, 3rd paragraph:

"...To the east, along San Leandro Bay, land along the water has been dedicated as parkland, while land along the Interstate 880 frontage road (Oakport Street) is used by EBMUD and PG&E for various operations and maintenance functions."

3

The District owns 48 acres of land that extends from Oakport Street to the shoreline. There are approximately 12 acres of undeveloped land west of the railroad tracks, of which approximately six acres are leased to the East Bay Regional Park District (EBRPD) on a revocable basis. In addition, EBRPD constructed a bicycle trail, with District concurrence, along the shoreline. The District owns this land and it has not been dedicated as parkland.

3. Page III.A-8, TABLE III.A-1, Potential Land Use Impacts Associated With The Estuary Plan;

Page III.A-9, San Antonio/Fruitvale Waterfront and Oak to Ninth Street;
Page III.A-10, Estuary Plan Provisions to Avoid Land Use Impacts:

These sections omit the SACWWTP, OWWTP and the Oakport Maintenance/Storage Center from discussion of conflicts created by the plan between existing uses and proposed plan designations. As a result, both the environmental setting and the significant impacts that these conflicts create are inadequately evaluated.

4

Impacts that are likely to result include potential limitations on current and future operations. The land use designation for the SACWWTP and other District facilities must allow all activities currently performed at the site as well as future activities, which may be necessary to comply with clean water regulations.

4. Page III.A-12, 5th paragraph, **"Impact A.3 Level of Significance after Mitigation: Less than Significant"**:

The District disagrees with the conclusion that the impact is less than significant. There is no adequate basis for this conclusion because EBMUD facilities were omitted from the evaluation. Using future CEQA analysis to mitigate impacts is speculative. The new land use designations should not be adopted until after the impacts are analyzed.

5

5. Page III.A-13, 5th paragraph, Land Use Impacts Of Transportation Projects:
“Impact A.6: Implementation of the Estuary Plan would ultimately reconfigure freeway interchanges along I-880 and construct a new ‘Tidewater Parkway’ between 42nd and 66th Avenues....”

It is not clear what “Tidewater Parkway” is. Is this what is referred to in the Estuary Plan as the “Embarcadero Parkway” and the “Waterfront Parkway”, the improvement and extension of Tidewater Ave.?

The evaluation of impacts of “Tidewater Parkway” on existing and planned facilities is inadequate, especially as it relates to EBMUD facilities. The Embarcadero Parkway discussion does not cover impacts on existing or planned facilities that support local infrastructure, particularly the District’s maintenance/storage facility at Oakport. The proposed routing that currently is shown on the District’s property as bisecting the site, will significantly impact the ability to provide wet weather sewage treatment and to operate and maintain the water system. The analysis of these impacts is inadequate and the mitigation does not address the impacts.

Also, the discussion does not cover the impacts that would be created as a result of constructing the proposed parkway adjacent to the District’s operations at Oakport. There may be visual impacts associated with an industrial facility adjacent to a recreational parkway, as well as noise impacts from fabrication activities, dust from the trench spoils recycling activities, and impacts from truck traffic.

The Plan’s maps and land use designations should not be adopted without addressing these issues and considering alternate routes.

6. Page III.B-6, last paragraph, 5th Avenue Realignment And Interchange Improvement:
“The Estuary Plan recommends that Fifth Street be realigned and straightened to become a major gateway into the 5th Avenue Point and the new activity centers created in the vicinity of Clinton Basin. The proposed half-diamond interchange at 5th Avenue would improve access for vehicles to and from I-880. A half diamond interchange would improve the existing westbound off-ramp and add a new eastbound on-ramp.”

The proposed realignment of 5th Avenue does not appear to impact the SACWWTP facility. However, it does appear to alter the access road leading to the plant. The proposal should preserve adequate access to the SACWWTP.

7. Page III.D-2, 2nd paragraph:
Impact D.1-1 regarding Water Demand is determined to be a **“less-than-significant impact due to existing policies in the adopted Open Space Conservation and Reclamation (OSCAR) Element that require water conservation and encouraged reclaimed water use.”**

Since the location of the nearest reclamation plants are outside the Estuary Plan area, new developments must either construct new reclamation plants or make major infrastructure improvements to provide reclaimed water to the many parks and open space areas and other developments within the Estuary Plan area. The DEIR's finding of a less-than-significant impact is speculative unless the Plan provides mechanisms for providing funding (e.g. assessment district) for reclamation infrastructure improvements. Also, these mechanisms should be analyzed to determine the most cost-effective way to implement the OSCAR policy.

8
Cont.

In the last complete paragraph of this section, the Draft EIR states "Impacts are to be mitigated primarily by supporting EBMUD's efforts to manage its supply so that older parts of its service area remain well served." Service levels to older parts of the service area are not a function of available supply but of the distribution infrastructure. Any upgrades necessary to serve new developments would have to be paid for by the developers.

8. Page III.D-5, last paragraph:

This paragraph states: "EBMUD is presently expanding treatment plant capacity to meet the projected increase in demand and to meet new water quality requirements. The expansion involves the construction of four new wet weather treatment plants, 7.5 miles of new interceptors, and expansion of the main treatment plant. One of these plants was opened in late 1996 at the mouth of the Lake Merritt Tidal Channel."

9

The reference to "to meet the projected increase in demand" is misleading. The wet weather capacity has nothing to do with sewer demand. The District has sufficient plus excess capacity at the Main Wastewater Plant for proposed growth. The Main Wastewater Plant treats baseline sanitary sewer discharges whereas the wet weather plants protect the environment by treating wet weather sewage flows that have been mixed with rainwater. The plant capacities are driven by the high volumes of rainwater in the flow as opposed to the base wastewater production.

9. Page III.D-7, 5th paragraph:

The section under Capital Improvement Needs and Impact D.2-2 refers to "...sub-basins in the EBMUD sewer system..." Please note that the sub-basins belong to the City of Oakland, not EBMUD.

10

The City of Oakland is also working under a Cease and Desist order to eliminate sanitary sewer overflows during wet weather. Prioritization of sewer improvements needs to consider this Cease and Desist Order which mandates the City's sewer overflow correction.

Wet weather sewage overflows occurring in the City's sewer system and from the District's interceptor pipelines are being addressed by the City's Infiltration and Inflow (I/I) Correction Program and EBMUD's Wet Weather Program (a joint regional effort). The interrelationships of the City's infrastructure with the EBMUD Wet Weather Treatment Plants at San Antonio Creek and Oakport must be recognized and evaluated in considering land use designations for those sites. This issue is not adequately considered in the DEIR.

10
Cont.

10. Page III.D-8, last two paragraphs:

"Impact D.2-3: Development consistent with Estuary Plan could cause the relocation of the San Antonio Creek Wet Weather Treatment Plant and limit EBMUD's ability to expand its pipe storage center at 5601 Oakport Street. This is a less-than-significant impact due to policies in the Estuary Plan."

Relocation of SACWWTP meets the definition of a significant impact. The recommendation of a future study to "evaluate the costs and benefits of relocation" is not an adequate mitigation. The land use designations for the SACWWTP are currently Public/Quasi-Public Institution. These land use designations should be maintained as they are now and should not be changed as part of this plan.

Issues making relocation infeasible must be evaluated in the DEIR and acknowledged in the land use designations in the Plan. These feasibility issues include:

- Hydraulics – the plant site was chosen because it is adjacent to the District's South Interceptor pipeline. The wastewater system hydraulics are key to the operation of the plant. Several other sites were considered but the options are very limited by the hydraulics. This DEIR must recognize that it is infeasible to move this plant from the current site adjacent to the pipelines.
- Cost – the existing plant cost \$21 million to build. Relocation would be even more expensive. This would consume a significant portion of the City's resources for implementing the Estuary Plan.
- City sewer – the City of Oakland built a new sewer main adjacent to SACWWTP to coordinate with that project. The sewer main would likely have to be relocated as well, again with severe hydraulic limitations on options and high costs.

11

The Oakport property provides wet weather treatment and critical infrastructure support to the Estuary Plan area as well as to the entire District service area. Open Space (OS), Light Industrial (LI-3) and General Commercial (G-2) land use designations do not provide for existing and planned heavy industrial uses, e.g., fuel storage, chemical storage, trench spoils recycling, and welding and pipeline fabrication.

Proposed land use designations will significantly impact the Oakport property. This impact is not adequately analyzed in the DEIR and the referenced Regulatory Framework in the Plan does not provide a land use designation, that allows the

District to perform the broad spectrum of activities presently undertaken at the site and envisioned in the future.	11 Cont.
11. Page III.D-12, last paragraph: This paragraph under Impact D.4-1 states: "The impact of the development in the Estuary Planning Area would be less than significant, provided that the City continued to implement its source Reduction and Recycling Element,...." The study fails to include the District's trench spoils recycling efforts supported at the Oakport site, and plans for future expansion of recycling. These efforts contribute to the City's diversion goals mandated by AB 939. The proposed land use designations for the Oakport site would preclude this recycling, which is a heavy industrial use. This meets the DEIR's own definition of significant impact.	12
12. Page III.D - 19, Table III.D-1, Parkland In the Estuary Planning Area: This table lists two parks, Channel Park and MLK Regional Shoreline that will impact District facilities. The proposed Channel Park would include the SACWWTP site, relocation of which (as noted on page 6 of this letter) is not feasible. Thus, the analysis of park services in Impact D.9-1 is not adequate. The proposed park is also not consistent with OSCAR Policy REC-6.3 which, encourages use of <u>surplus</u> institutional lands where recreational use would not conflict with functional use. SACWWTP is not a surplus property. The proposed land use designations that indicate an expansion of the MLK Regional Shoreline are also not consistent with current property ownership (as noted in our comments for III.A-4 on pg. 3 of this letter), nor with current and planned use of this site, nor with the OSCAR Policy REC-6.3. Again, the analysis of the impact of park services is not adequate.	13
13. Page III.H-1 and H-2, entire pages: This section regarding vegetation and wildlife does not include any discussion of water quality issues, especially as it relates to wetlands and bay habitats. EBMUD's WWTPs provide a significant benefit to these habitats by reducing pollution. The Plan's proposals could limit current and future pollution-reduction efforts and this could have a significant impact on habitats.	14
14. Pages III.H-5 through III.H-7, Disturbance To Resource Conservation Areas And Special Status Species: Any proposed Estuary Plan improvements or land use designations that impair the ability to provide wastewater treatment will impact habitat.	15

15. Page III.H-7, 1st paragraph:

“Impact H.4: The development of a pier into the Estuary adjacent to the Lake Merritt Channel could result in an increase in suspended sediments. This is a significant impact.”

The Plan proposes “reshaping of the shoreline edge” in Estuary Park and the “extension of a small pier” into the water. The District currently has a 455-foot-long submerged outfall pipeline into the inner Harbor at the foot of Estuary Park. This is the outfall for the SACWWTP. Construction of a pier and any reshaping of the shoreline should consider impacts to the water currents and sedimentation patterns. Changes in sedimentation patterns and water flows could impair the outfall’s function.

16

Again, any proposal in the Estuary Plan that impairs the ability to provide wastewater treatment will impact habitat.

16. Page III.I-3, 3rd paragraph:

The discussion under “City of Oakland” should include the Cease and Desist orders that the City of Oakland and EBMUD operate under, mandating the City’s I/I Correction Program and the Wet Weather Program, including the SACWWTP and the OWWTP.

17

17. Page III.I-4 through III.I-6, Impacts And Mitigation Measures – Water Quality Impacts:

This section does not adequately address the water quality impacts of the Plan’s proposed land use designations and recommendations for the District’s two WWTP sites within the Plan area. Absent such flexibility, the Plan’s restrictions of the District’s operations and wet weather treatment must be considered a significant impact under CEQA. The land use designations need to provide flexibility for the District to modify or upgrade the treatment facilities as necessary to meet regulatory requirements and protect the water quality of the Bay.

18

18. Page III.N-2, 1st paragraph, NPDES Program:

Both the City and EBMUD operate under NPDES permits for City sewer overflow improvements and wet weather treatment, respectively. This is a key factor in consideration of the Plan and should be included.

19

19. Page III.N-2, last two paragraphs, Impacts and Mitigation Measures:

The Plan has potentially significant impacts on NPDES permit compliance both now and under future potentially more stringent Clean Water Act regulations. These impacts are not adequately evaluated.

20

20. Page III.N-3, 4th paragraph, State Solid Waste And Hazardous Material Policy:
This section deals with the importance of source reduction under AB 939 (the Integrated Waste Management Act) and states: "AB 939 requires cities and counties in California to reduce their solid waste stream by 50 percent by the year 2000 through waste reduction and recycling." 21
- The District's trench spoils recycling program at the Oakport facility contributes to source reduction mandated under AB939. Please refer to comments previously made above for III.D-12 on page 7 regarding impacts on Source Reduction and Recycling.
21. Page III.N-4, last two paragraphs, N.3 Regional Policies And Plans:
The discussion should include the East Bay I/I Correction Program, the EBMUD Wet Weather Program and the Joint Powers Agreement among the seven East Bay communities to improve water quality of the Bay. 22
22. Page III.N-6, last three paragraphs, Impacts And Mitigation Measures:
The Estuary Plan is not consistent with the Regional plans noted in comments on page III.N-4. The impact is potentially significant, but was not analyzed. 23
23. Page IV-5, Environmentally Superior Alternative:
Component No. 3, which proposes the elimination of the Embarcadero Parkway through the San Antonio/Fruitvale District, should be considered as part of the proposed project as a way to mitigate impacts on water system and wet weather treatment infrastructure. 24
24. Page V-1, Significant Environmental Effects:
The list omits the impacts on public utilities, habitat and water quality. 25
25. Page V-6, Effect Found Not To Be Significant:
Based on our comments, the District submits that the DEIR's conclusion that the following effects are not significant is not adequately supported or analyzed in the DEIR. The District submits that these impacts in fact must be considered significant. 26
- Potential displacement of non-conforming land uses (A.3);
 - Mixed use development could create a greater likelihood for conflicting uses within projects or between projects and adjacent uses (A.4);
 - Future transportation improvements could have land use impacts (A.6);
 - Development under the Estuary Plan would increase the demand for water in Oakland (D.1-1);

- Implementation of the Estuary Plan would increase flows to the wastewater treatment plant (D.2-1);
- Development could cause the relocation of the San Antonio Creek WWTP and limit EBMUD's ability to expand its pipe storage center (D.2-3);
- Development consistent with the Estuary Plan would increase the demand for solid waste services (D.4-1);
- Development consistent with the Estuary Plan would increase the demand for park and recreation services (D.9-1);
- Development of the Embarcadero Parkway could result in impacts on adjacent park areas (D.9-2);
- Development consistent with the Estuary Plan could result in greater levels of noise, traffic, lighting, urban runoff, and human activity on lands adjacent to areas that have wildlife habitat (H.2);
- Construction of a pier could result in an increase in suspended sediments (H.4);
- The Estuary Plan would be consistent with state policies and programs (O.2) [sic, should be N.2];
- The Estuary Plan would be consistent with policies and programs of adjoining jurisdictions (O.4) [sic, should be N.4].

26
Cont.

District Concerns with the Estuary Plan

On May 12, 1998, the District submitted comments to the Notice of Preparation of the Draft EIR for the Oakland Estuary Plan. The DEIR does not adequately address the District's comments and concerns detailed in this letter. Attached for your review is a copy of the letter annotated with descriptions (shown in bold and italics and preceded by →) as to why the District concludes that its comments were not adequately addressed in the DEIR.

Conclusion

Thank you for this opportunity to provide input on the DEIR. The District anticipates that the City will amend its Estuary Plan in response to these comments so that there will be no impacts to the District's operations and ability to serve its customers. The District's concerns are extremely serious, and they relate to critical environmental and operational issues. These concerns affect stormwater discharges, water quality, and the

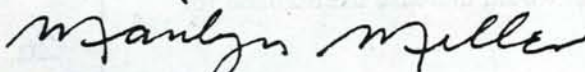
Mr. Andy Altman
July 20, 1998
Page 11

health of the Bay environment. Unless the plan is changed to avoid the impacts identified in these comments, the significant impacts of this Plan on District operations and related environmental concerns must be evaluated in a new recirculated Draft EIR.

The District would welcome the opportunity to discuss these concerns in more detail with City staff.

If you have questions, please contact Eva Lucia, Senior Civil Engineer, at (510) 287-1018.

Very truly yours,



MARILYN L. MILLER
Director of Engineering and Construction

MLM:ESL:esl
ESL397 per MLM Renee.doc

cc: Andrew Thomas, Planner II, Office of Planning and Building, City of Oakland
Katrina Koh, Planner II, Office of Planning and Building, City of Oakland
Rick Wiederhorn, Office of Strategic and Policy Planning, Port of Oakland

Attachments:

- 1 Letter to Mr. Andrew Thomas, Comments on Notice of Preparation of Draft Environmental Impact Report, dated May 12, 1998

ATTACHMENT TO EBMUD LETTER,
for DEIR on the OAKLAND ESTUARY PLAN
Dated July 20, 1998

May 12, 1998

Mr. Andrew Thomas
Oakland Community and Economic
Development Agency, Strategic Planning
1330 Broadway, 3rd Floor
Oakland, CA. 94612

SUBJECT: Oakland Estuary Plan
Notice of Preparation of Draft Environmental Impact Report

Dear Mr. Thomas:

Thank you for the opportunity to provide input on issues that should be discussed and/or analyzed in the Draft Environmental Impact Report for the Oakland Estuary Plan. East Bay Municipal Utility District (EBMUD) has the following comments regarding the Draft Oakland Estuary Plan, including impacts that the proposed Plan may have on existing District responsibilities, operations and facilities.

The Second NOP Notice for the Estuary Plan EIR (dated April 12, 1998) describes the Scope of Analysis that will be undertaken. While the coverage of subject areas appear to be comprehensive, please note that the District's specific concern is that the EIR fully analyze how the proposed Oakland Estuary Plan will affect District plans and proposals for the three EBMUD facilities within the Plan area; and how such impacts will in turn affect the District's ability to offer cost-effective and efficient services to its customers.

The District has three facilities in the Estuary Plan area, the San Antonio Creek Wet Weather Treatment Plant (SACWWTP) at 225 5th Avenue, the Oakport WWTP at 5597 Oakport Street, and the Oakport Storage Center at 5601 Oakport Street. The Estuary Plan references the Oakport WWTP and Storage Center property but not the San Antonio Creek WWTP. This is a critical omission, as the following comments explain.

The San Antonio Creek Wet Weather Treatment Plant (SACWWTP)

The San Antonio Creek Wet Weather Treatment Plant (SACWWTP) at 225 5th Avenue consisting of a WWTP, dechlorination building at 330 Embarcadero, and 54 inch outfall pipeline. The SACWWTP screens, disinfects, dechlorinates and disposes of a maximum of 51 million gallons of diluted wastewater per day. During winter rainfall, significant

quantities of rainwater enter the sanitary sewer system causing a dramatic increase in sewer flows. Prior to EBMUD's wet weather program improvements, sewer overflows typically occurred at one or more of seven overflow points approximately 10 times during the average winter season. These overflows eventually flow to the Bay. SACWWTP eliminates sewage overflows to the Bay. This \$21 million project was completed on January 3, 1997.

Specific Comments by Page:

1. Page 26, Figure 11-2. "Public Access and Open Space Plan" indicates that the San Antonio Creek WWTP site will be designated for parks, open space and promenades. Arrows denoting view corridors would require views through the existing influent pumping station and dechlorination facility. The Plan needs to address the existence of the SACWWTP, and propose an appropriate land-use designation, possibly Light Industrial (as is proposed for EBMUD's property).

→ *The DEIR does not adequately evaluate the impacts on SACWWTP and does not include evaluation of alternative land use designations.*
2. Page 36 Land-Use Plan (should say Proposed) shows the District's existing San Antonio Creek WWTP site designated for Park/Open Space uses, but the facility is not identified. Please revise Figure II-4 appropriately.
3. Page 35-36. The Plan discusses the opportunity of a major development at the mouth of Lake Merritt channel. The 54-inch outfall pipeline carrying treated sewage towards the dechlorination facility in Estuary Park crosses Lake Merritt channel on an elevated trestle. Also, the 82-inch South Interceptor main sewage pipeline carrying sewage to the main wastewater treatment plant runs parallel to the outfall pipeline and is visible at mean and low tide. Physical changes such as regrading the mouth of the channel would need to consider existing facilities and conditions. The Estuary Plan EIR should analyze the impact of these changes on existing District facilities.

→ *These impacts are not addressed in the DEIR.*
4. Page 97. Expand Estuary Park: The Plan proposes expanding Estuary Park from 6 acres to 11.5 acres. The dechlorination facility currently sits at the entrance of Estuary Park. It is very visible from the Embarcadero and was designed to match the marine theme of the area. The District is presently considering an expansion to the existing building to house an aboveground tank. This addition would be approximately 500 square feet and may have a visual impact. The Estuary Plan

EIR should analyze how development of a new EBMUD facility in Estuary Park would affect implementation of the Estuary Plan.

→ ***These impacts are not addressed in the DEIR.***

The Plan also proposes "reshaping of the shoreline edge" in Estuary Park and the "extension of a small pier" into the water. A 455 foot submerged outfall pipeline extends into the inner Harbor at the foot of Estuary Park. Construction of a pier and any reshaping of the shoreline should consider impacts to the water currents and water depth, which affect the dispersal of the treated storm water overflow effluent. The Estuary Plan EIR should analyze the impact of these shoreline and inner Harbor proposals on existing District responsibilities, operations and facilities.

→ ***These impacts are not addressed in the DEIR.***

The Oakport Wet Weather Treatment Plant (OWWTP) and Oakport Storage Center

27
Cont.

East Bay Municipal Utility District (District) owns approximately 48 acres of land (and 20 acres of submerged property) known as the EBMUD Oakport Property within the area targeted by the draft Estuary Plan. The site is situated in the region referred to, within the draft Estuary Plan, as the "San Antonio/Fruitvale District". Specifically, it is an L-shaped property bounded by Oakport Street on the east (which is parallel to the Nimitz Freeway and terminates on the south at the 66th Avenue exit); East Creek to the north, and San Leandro Bay and the City's sport's field on the west. According to the draft Estuary Plan, The Oakport site falls within areas designated as "East of High Street/North of Tidewater" and "East of High Street/South of Tidewater". (Note true north and Estuary Plan project north do not coincide).

The District acquired this property in the 1960's and has gradually developed it with facilities for the Wet Weather Treatment Plant, Oakport Materials Storage Center, Equipment Support for Fleet Maintenance, Heavy Equipment Testing and Training, and the Trench Spoils Recycling Program.

Currently, the District is in the midst of finalizing a draft Master Plan which recommends that the District will expand its facilities into the currently vacant areas of the site to meet its future space needs over the next 20 years.

General Comments

The Oakport Property site offers the District benefits, such as appropriate zoning (M-40, Heavy Industrial), central location, accessibility and expansion potential, which have proven to be very difficult to find in other areas within District service boundaries. The District serves 1.2 million customers throughout Alameda and Contra Costa Counties and owns other property within the service area. However, many of these sites have been deemed unsuitable for industrial development, which forces the District to restrict its industrial activities to the Oakport facility. Any development restrictions imposed upon the District which do not allow full development of the Oakport property will impact the District's ability to provide basic services to our customers (ratepayers).

Land-use designations proposed by the Estuary Plan for the EBMUD Oakport site are Light Industrial (LI), General Commercial (GC), Waterfront Business Park (WBP) and Parks and Open Space. The existing and proposed District uses on the Oakport site may be inconsistent with the GC, WBP and Parks and Open Space land-use designations; and perhaps even the light industrial designation, depending on the activities that would be allowed. The entire District site should be designated for utility use.

Proposed policies for the San Antonio-Fruitvale portion of the Estuary plan encourage light industrial, general commercial and new research and development uses in the area. An emphasis on commercial or retail uses could in the future affect the District's use of the site for storage, service, and heavy industrial uses such as fuel and chemical storage and pipe fabrication, creating issues of land-use incompatibility. As described above, this site is the only remaining site in the District's service area where industrial activities, such as pipe storage, can occur. The District could be significantly impacted by restrictions on its use of the site.

The Estuary Plan recommends construction of the Waterfront Parkway, also described as the Embarcadero Parkway. The location shown in the Plan for this parkway is adjacent to existing EBMUD structures on the Oakport site, and bisects the site. The proposed setback requirements from the parkway, in combination with proposed policies calling for pedestrian paths, continuous open space, and landscaped setbacks along the parkway could substantially impact current operations at the Oakport site, and could reduce the flexibility and available land needed by the District to expand the facility. A recreational road through the site is incompatible with existing uses of the site and with future needs. An alternative alignment for the parkway within the existing open space and adjacent to the shoreline should be evaluated by the Plan and EIR. A shoreline alignment would provide users with improved views and proximity to the bay.

In policy SAF-20 and other sections of the document, the Estuary Plan recommends that a specific planning process for the San Antonio-Fruitvale area to be undertaken "prior to development". It is unclear how this specific planning process would occur, and what is intended by "development". The District is currently in the midst of its Master Plan

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Cont.

process for the Oakport site; participation in a specific planning process could delay and/or seriously impact the District's ability to operate its facilities in a cost effective manner. Although the District would welcome the opportunity to consult with the City and Port in planning of its properties, an extended planning process is not cost effective for the District.

Specific Comments by Page:

1. Page 13, Figure I-5: "Jurisdictions": The plan indicates that the District's property is under Port of Oakland jurisdiction. This is not correct.
2. Page 21, Figure II-1: "Existing Public Access and Open Space" plan shows the Martin Luther King Regional Shoreline within District property. Although the District licenses six acres of this portion of the property to the East Bay Regional Park District, it should not be designated as belonging to the MLK Regional Shoreline. The Shoreline Trail, under a separate 25-year agreement, borders this six-acre property. In addition, a portion of this area shown shaded is currently used for heavy equipment testing and training.

→ *This conflict is not addressed in the DEIR.*
3. Page 31, Figure II-3: "Existing Land Use" plan shows the area west of the railroad tracks as open space. As stated in No. 2 above, the District uses a portion of this land for heavy equipment testing and training. As such, all of the District's land should be designated "Light Industrial".

→ *This conflict is not addressed in the DEIR.*
4. Page 37, Figure II-4: "Land Use Plan" and p. 45, Figure III-5 "Circulation Plan" shows the Waterfront Parkway extended onto and bisecting the District's property along the railroad easement. Encroachment onto District property will compromise existing and future use of the Oakport site.

→ *This impact is not addressed in the DEIR.*
5. Page 37 shows the Oakport WWTP site as designated for Light Industrial uses with the southern part designated for General Commercial uses. A General Commercial designation would limit the District's future use of the Oakport site. Designating the entire Oakport site for LI land-use would allow the District maximum flexibility in use of the site, but would not preclude less intensive uses (commercial, open space, recreation). The impacts of proposed land-use

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Cont.

designations on the District's future use of the Oakport site should be analyzed in the Estuary Plan EIR.

→ ***This impact is not addressed in the DEIR.***

6. Page 116, Figure III-20: "San Antonio/Fruitvale District Current Ownership" plan shows the shoreline portion of the District's property as being owned by EBRPD and the City's sports field as being owned by EBRPD. This statement is incorrect; the sports field is owned by the City of Oakland.

→ ***This error is not corrected in the DEIR.***

7. Page 117, Figure III-21: "San Antonio/Fruitvale District Existing Land Use" plan shows recommended usage for the District property as light industrial east of the railroad easement and Open Space and Tidal Marsh west of the railroad easement. All of the District's property should be designated "Light Industrial" (LI). This designation does not preclude use of the area for Open Space or General Commercial (GC) activities.

→ ***Alternative land use designations are not addressed in the DEIR.***

8. Page 119, Table III-5: "Illustrative Development Program, San Antonio/Fruitvale" shows a net gain of 29,000-sq. ft. of development in the "East of High Street North of Tidewater". Does this figure include the District's planned development? How was the figure obtained? The District would appreciate the opportunity to consult with the City and Port regarding future development potential of the site, and include discussions regarding the District's Oakport Master Plan, now in process.

9. Page 123, Figure III-23: "San Antonio/Fruitvale District Land Use Plan" recommends portions to be used as LI, GC or Parks, Open Space and Promenades. The District requests the land use designation to be all LI, as this designation will meet the District's development needs without precluding the possibility of less intensive land uses.

→ ***Alternative land use designations are not addressed in the DEIR.***

10. Page 129, "East of High Street/North of Tidewater" SAF-18, states that "new commercial uses should be encouraged at the 66th Avenue interchange of I-880". Commercial uses immediately adjacent to District activities may not be compatible. As the draft Estuary Plan seeks to promote commercial uses, why do the limits of the Plan not extend beyond the 66th Avenue exit to include the 22-

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Cont.

acres of vacant City-owned property immediately south of and adjacent to the 66th Avenue exit?

SAF-18 also states that "setbacks of at least 50 feet should be incorporated adjoining the waterfront, and a staging area for at least 50 cars should be incorporated within the parking area to provide convenient access to the Bay Trail and regional shoreline". Setback and parking requirements may necessitate the District to use most of its property resulting in less land available for open space and other uses.

→ *The impact is not addressed in the DEIR.*

11. Page 130, SAF-19, states "These open space lands...should be reinforced appropriately by adjacent development. Please define "reinforced".
12. Page 130, SAF-20. See General Comment regarding a specific plan process.
13. Page 132, SAF-23, states "...In addition, the easternmost eight acres of the East Bay Municipal Utilities (sic) District campus (now leased to the East Bay Regional Parks District) are also targeted for open space...".

This area is 6.35 acres under a revocable license granted to EBRPD. It is located in the westerly part of the District's property across the railroad tracks.

→ *The conflict is not addressed in the DEIR.*

14. Page 134, SAF-25, states "The Embarcadero Parkway should be developed as a recreational street...It should be designed as a slow-moving street, not a through-movement traffic carrier, and should be designed for two traffic lanes and one-sided parking (in bays)." The proposed alignment of the Waterfront Parkway through the Oakport site, bisecting industrial uses, is incompatible with existing and future planned uses of the site. The Oakport site has truck traffic transporting soil and materials. Such traffic is incompatible with a "recreational street". See General Comments above, regarding evaluation of an alternative shoreline alignment for the parkway.

→ *The impact and alternatives recommended are not addressed in the DEIR.*

Also, page 133, Figure III-24: "San Antonio/Fruitvale District Cross Sections" shows the Embarcadero Parkway (planned to traverse the District's property) as having a 55-foot total right-of-way for roadway, pedestrian traffic, bike traffic and landscaping.

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General Comments and comment No. 4, above, are applicable here. Policies and development standards for the Waterfront parkway in the Estuary Plan are unclear and seem to be additive. For instance, in addition to setback requirements, there are also requirements for landscaped buffers, pedestrian pathways, and an open space corridor.. In addition to the 25-foot setback requirements along Oakport Street, the 45-foot height restriction (stated on page 195 of the Plan), and the 100-foot BCDC setback along the shoreline, the total impact to the Oakport site will be that a significant portion of the District's property would be dedicated to open space. Such an eventuality would significantly and adversely restrict the District's ability to provide an appropriate layout for future facilities.

15. Page 142, "Institutional Framework IMP-1" recommends the implementation of a waterfront nonprofit development corporation which would have jurisdiction over developments within the Estuary Plan area. It is not clear to whom the property owners would submit applications for permit approval. Would that authority still reside with the City? Would the District still need to seek approval from the waterfront development corporation? In what way?

→ *No clarification is provided in the DEIR.*

16. Page 162, "Public Improvement Funding IMP-10" requires "new development to contribute to implementation of the public open space system". Funding provided by the District, if required, would place an undue burden directly on our ratepayers.

17. Page 163, table IV-7: Open Space and Public Access projects and Estimated Capital Costs for development" indicates the MLK Shoreline Extension will cost \$5.2 million and the Tidewater parkway, 50th Avenue to 66th Avenue, will cost \$7.2 million. It is unclear from the Estuary Plan how these improvements would be financed.

18. Page 179, Figure IV-1: "Regulatory Framework". The District's property is shown with a portion shaded as Light Industrial, but is not designated as such. The southern portion is designated General Commercial and the western portion has no designation. As stated previously, the District's property should be designated as all Light Industrial which, again, would not preclude the other uses.

→ *No alternative land use designations are evaluated in the DEIR.*

19. Page 195, "LI-3: Light Industrial", as stated in Comment No. 12, the total impact of all the setbacks imposed on the narrow Oakport site may be that a significant

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Cont.

Andrew Thomas
May 12, 1998
Page 9

portion of the District's property would be dedicated to open space which would restrict the District's ability to provide an appropriate layout for required facilities. Screening of storage yards and parking from public rights of way should not apply to the Shoreline Trail if the trail is relocated to the railroad right of way, which is higher in elevation than the District's Oakport property. The District Trail agreement states that the Trail shall not interfere with the operations of the District. Proposed development standards to mitigate visual impacts as a result of the Trail relocation/expansion should not be borne by the District.

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Cont.

→ *The impact is not addressed in the DEIR.*

If you have questions, please contact Eva Lucia, Senior Civil Engineer, at (501) 287-1018.

Very truly yours,

WILLIAM R. KIRKPATRICK
Manager of Water Distribution Planning.

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estuarnop for DEIR Renee.doc

Attachment: Map of SACWWTP
Map of Oakport Property

LETTER D – EAST BAY MUNICIPAL UTILITY DISTRICT

1. The Estuary Plan is a general plan level document for the future development and improvement of the Estuary Planning Area. The Estuary Plan includes general policies and Land Use designations for the area that are intended to guide future development that is consistent with the objectives of the Estuary Plan and meet the environmental, social, and public utility needs of the community.

Neither the policies nor the land use designations require that any existing EBMUD facility relocate or cease to operate. The land use designations and policies recognize the existence and importance of these facilities and provide the flexibility necessary to:

- Allow the District to submit plans to the City or Port for expansion and/or modification of their existing facilities to meet the District's needs, and
- Allow the citizens of Oakland and their elected and appointed decision makers the opportunity to evaluate any future expansion and/or modification plans for these facilities and balance the public benefits against any potential public or environmental impacts caused by the proposed expansions or modifications.

Finally, the regulatory framework established by the Estuary Plan does not represent a significant change from the regulatory framework that has existing for the District over the last 25 years (since adoption of the 1980 City of Oakland General Plan). For these reasons, the Draft EIR does not recognize any significant impacts on EBMUD's facilities in the Estuary Area.

2. The District does not need to exercise its option to certify the EIR for its future projects in the area.
3. See Chapter II for changes to page III.A-4 of the Draft EIR.
4. See the response to comment D-1, above. The EBMUD facilities are not singled out and are instead included in the broad category of "industrial uses" described by the text. It is not appropriate to identify each industrial use given the general nature of the discussion and the Estuary Plan. The text acknowledges that certain types of industrial uses will remain for the long term.
5. EBMUD facilities have not been omitted from the evaluation. The evaluation considers the general effects of applying mixed-use land use categories to a predominately industrial area. It would not be appropriate to evaluate the effect of such designations on each site within the context of this EIR since the project is a policy plan rather than a development proposal. Also, see the Master Response at the beginning of Chapter IV and the response to comment D-1, above.
6. Tidewater Parkway, Embarcadero Parkway, and the Waterfront Parkway are the same roadway. Tidewater Parkway specifically refers to the section of this roadway proposed for

- the Oakport vicinity. The road alignment depicted by the Estuary Plan is conceptual and would be subject to detailed siting, environmental and design studies prior to its construction. The road would be aligned to minimize impact to existing operations, included EBMIUD facilities. Visual and noise impacts associated with construction of this roadway are addressed in the sections of the EIR addressing Visual and Noise Impacts rather than in the section on Land Use Impacts. Consideration of alternative routes for this roadway would be inappropriate at this time, because the roadway alignment is still conceptual. Alternative alignments would be considered as part of the design and siting process for the roadway.
7. See the response to comment D-1, above.
 8. Encouraging use of reclaimed water is only one of several water conservation policies and requirements included in the Open Space and Conservation Element of the General Plan. Even if reclaimed water is not immediately available for certain projects in the Estuary Planning Area, other water conservation practices and standards will remain in effect. Therefore, the Draft EIR does not find a significant impact on water supply from adoption of the Estuary Policy Plan.
 9. See Chapter II for changes to page III.D-5 of the Draft EIR.
 10. The Estuary Plan and land use designations do recognize the utility district facilities and the interrelationship of District and City infrastructure.
 11. The EIR does not find a significant impact, because the Estuary Plan does not cause the relocation of any EBMUD plants or facilities. Also, see the response to comment D-1, above.
 12. The majority of the existing non-open space portions of the Oakport site are designated Light Industrial and a small portion is designated General Commercial. Both classifications could allow recycling operations. However, see the response to comment D-1, above, regarding local jurisdiction discretion over facility expansions that may result in significant public or environmental impacts.
 13. The referenced OSCAR policy does not preclude use of non-surplus institutional land for recreational use. Furthermore, the subject land has been designated Open Space in the Oakland General Plan since at least 1980 is currently leased to the East Bay Regional Park District by EBMUD. Since the property is currently designated Open Space in the General Plan and since the land is currently being leased and used for open space, the Draft EIR does not find a significant impact from this designation.
 14. The Estuary Plan does not limit current or future pollution reduction efforts. Therefore, there is no evidence that the overall effect of adoption of the Plan would have a negative effect on parklands. See the response to comment D-1, above, for a discussion of the effects of land use classifications on District operations.

15. The commenter's opinions regarding the impacts to habitat are noted and will be made part of the record and made available to decision-makers prior to a final decision on the proposed project.
16. The piers depicted by the Estuary Plan are conceptual and would be subject to detailed siting, environmental and design studies prior to approval and construction. The piers, if implemented, would be aligned to minimize impact to existing operations, included EBMUD facilities.
17. Comment noted.
18. See the response to comment D-1, above.
19. Comment noted.
20. There is no evidence that the Plan would have a significant impact on NPDES permit compliance. See the response to comment D-1, above.
21. See the response to comment D-1, above, and the response to comment D-12, above.
22. The Draft EIR does not find any conflict with the East Bay I/I Correction Program, the EBMID Wet Weather program and the Joint Powers Agreement to improve water quality of the Bay. Therefore, no changes to the Draft EIR are warranted.
23. See the response to comment D-22, above.
24. The commenter's opinions regarding the elimination of the Embarcadero Parkway are noted and will be made part of the record and made available to decision-makers prior to a final decision on the proposed project.
25. The Draft EIR does not find any significant impact on public utilities, habitat or water quality resulting from adoption of the Estuary Policy Plan.
26. See the response to comments D-1 through D-25, above.
27. See the response to comments D-1 through D-25, above.

REGIONAL PARKS



EAST BAY REGIONAL PARK DISTRICT

July 14, 1998

Andy Altman
City of Oakland - Strategic Planning
250 Frank Ogawa Plaza, Suite 310
Oakland, CA 94612

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RE: Oakland Estuary Plan, Draft Environmental Impact Report

Dear Andy:

Thank you for providing the East Bay Regional Park District with a copy of the Estuary Plan DEIR. As you know, the District has followed the estuary planning process with great attention. As a major manager of public shoreline open space along the shores of San Francisco and San Pablo Bays, the District is gratified to see the City and Port of Oakland planning for the revitalization and restoration to the public of a major stretch of shoreline.

Given the Plan's \$350 million projected cost and 25 year implementation schedule, the Park District is particularly interested in assuring the success of the implementation measures recommended in the Plan. The costs itemized in the Estuary plan represent capital costs alone. Neither the Plan nor EIR provide a realistic assessment of ongoing operating costs for public land proposed in the plan. Specifically, sec. III D.9 states that 55 acres of new parkland will be created, including the Embarcadero Promenade. Operational costs are not discussed, beyond a number of OSCAR policies concerning the allocation of General Fund monies to park and recreational uses. The EIR should provide decisionmakers and the public with a specific and realistic estimate of operational impacts to agencies such as police, fire and parks, and ongoing costs of providing these public services.

1

The District's Martin Luther King Jr. Regional Shoreline is located partially within the Estuary Plan area, between East Creek and Hegenberger Avenue. This is the only Park District property which would be directly affected by the Plan. The Shoreline would be positively affected by the implementation of the Estuary Parkway (Tidewater Parkway) and shoreline trail between East Creek and Damon Slough, which would provide better access to the northern portion of the Shoreline, north of 66th Avenue, which is now undeveloped. A Parkway alignment following the existing railroad tracks would permit a continuation of the trail on the existing rail bridge over Damon Slough, thus connecting the northern portion of the Shoreline with the developed portion to the south of Damon Slough.

2

The Tidewater Parkway has two potential impacts that should be pointed out. First, the parkway, which would connect with the 66th Avenue / I-880 interchange, may potentially be used as a frontage road or freeway bypass, and could have undesirable traffic impacts on the adjacent

3



shoreline park land. Both the Estuary Plan and DEIR (p. III.B-5) recognize this and cite the need for traffic mitigation measures which would manage the parkway as a "slow street". Although the precise alignment of the Parkway has not yet been determined, the proposed concept could also impact the District's existing trail and foot bridge across East Creek, at the eastern end of Tidewater Avenue. This bridge, which was federally funded, would need to be relocated shoreward of any parkway alignment.

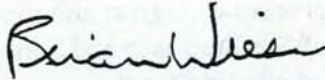
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Secondly, development of the pedestrian trail along the shoreline may have impacts on the adjacent Damon Marsh, which may provide habitat for a number of sensitive species including the California clapper rail. This fact is recognized in the DEIR (p. III.H-5). Development of the Tidewater Parkway and shoreline trail may require a subsequent, project-level environmental assessment to identify specific impacts and mitigation measures.

4

Thank you for the opportunity to comment on the Estuary Plan EIR.

Sincerely,

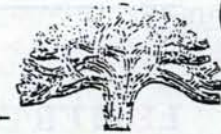


Brian Wiese
Advanced Planning

LETTER E – EAST BAY REGIONAL PARK DISTRICT

1. The California Environmental Quality Act (CEQA) requires the analysis of physical impacts to the environment as a result of a project. Cost estimates associated with the operation of regional park facilities are considered to be social or economic impacts and are not required for inclusion in an EIR unless it can be shown that these cost issues will result in physical impacts. Therefore, no changes to the Draft EIR are warranted.
2. This comment is in response to the proposed project and does not address the adequacy of the Draft EIR. This comment will be made part of the record and made available to the decision-makers prior to a final decision on the proposed project.
3. See the Master Response at the beginning of Chapter IV.
4. See the Master Response at the beginning of Chapter IV.

CITY OF OAKLAND



CITY HALL • ONE CITY HALL PLAZA • OAKLAND, CALIFORNIA 94612

Landmarks Preservation
Advisory Board

TTY 839-6451

July 23, 1998

City of Oakland Planning Commission
250 Frank Ogawa Plaza
Oakland, CA 94612
Attention: Andrew Altman, Director of Planning and Zoning

City of Oakland Port Commission
530 Water Street
Oakland, CA 94607

RE: Draft Estuary Plan
DEIR on the Draft Estuary Plan

Dear Members of the Planning Commission and Port Commission:

The Landmarks Preservation Advisory Board has reviewed the Draft Estuary Plan and the associated DEIR to identify any preservation issues which might be of concern, and to look for reasonable consistency with the Preservation Element of the Oakland General Plan. The Board discussed the plan at its regular meeting of June 8, 1998, and heard several speakers who were asked to focus their comments on matters within the Landmark's Board's purview.

The Draft Estuary Plan is a welcome examination of Oakland's waterfront and its untapped potential for public access, diverse activities, open space and economic development. In the broadest sense, the plan hails the estuary waterfront as one of Oakland's defining features, and this is entirely consistent with the Landmarks Board's charge: to preserve and enhance Oakland's unique character as expressed in its buildings, neighborhoods and districts. We are looking in the Estuary Plan for the same kind of acknowledgment of the characteristic features within the study area.

1. Cultural Resources. The Draft Estuary Plan does not acknowledge the considerable role and importance of Cultural Resources in the study area. References to these rich cultural resources are sadly absent in the goals and policies and in the overall tone of the document. There are numerous historic districts and Potentially Designated Historic Properties (PDHPs) located in the study area; these are not referenced in map.

1

form or in the text. A complete State-certified inventory prepared by the Oakland Cultural Heritage Survey was provided to the consultant team early in the process. (Excerpts are included as an attachment to this letter.)

The Estuary Plan should include:

- (a) preservation of cultural resources as a stated goal.
 - (b) objectives setting forth the importance of reusing cultural resources and establishing a setting that is appropriate to significant buildings and districts.
 - (c) maps identifying the location of significant buildings and districts, as identified in the Oakland Cultural Heritage Survey.
 - (d) proposals advocating preservation development that take advantage of the unique character of historic structures and enhance the image of the three districts--Jack London, Oak Street to 9th Avenue Terminal, and San Antonio-Fruitvale.
 - (e) controls and guidelines for new development that provide for sympathetic infill and contextual design in specified areas.
 - (f) reference to the Preservation Element, its content and policies, since the Estuary Plan will become a part of the General Plan.
 - (g) reference to the Oakland Cultural Heritage Survey, its database and reference material.
2. Produce District. The Board supports re-use of the Produce District structures after the wholesale merchants relocate and preservation of the area's distinct visual identity, as proposed in the Draft Estuary Plan. Hausrath Economics concluded it is feasible to re-use the structures to provide some low-cost space in the area. However, the Board questioned whether the appeal of the District could be sustained if it were adjoined by sixty- to ninety-foot tall buildings, as also proposed in the plan.

One speaker addressed the need for flexibility in remodeling the interiors of the Produce District structures. Thus, it would be helpful to specify the character-defining architectural elements which must be preserved--scale, awnings, siding materials, etc. so that prospective owners are informed of the degree of alteration permitted. This could be accomplished by recommending in the plan that the S-7 Preservation Overlay Zone be mapped in the Produce District before the property changes use or ownership. The public has expressed interest to the Board in the past in creating an S-7 Preservation Zone in the Produce District.

The Produce District also appears eligible for listing on the National Register of Historic Places, a designation which can provide meaningful tax credits for rehabilitation of the property. Recommendation of such a designation-- and the federal support for rehabilitation it attracts--would be consistent with the approach proposed by the Estuary Plan for the Produce District.

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3. Heinold's First and Last Chance Saloon. The plan suggests (pages 63-64 and 186) that Heinold's First and Last Chance Saloon, an Oakland City Landmark and one of 29 National Literary Landmarks, could be retained on site or incorporated within a new development facing the Marina Green. It presently stands on its original site; the Board expressed firm opposition to moving the Heinold's structure.
4. Redevelopment of County Building site. The plan encourages relocation of the County offices and demolition of these seismically deficient buildings. When available, these two sites should be treated as an architectural ensemble to create a gateway to Lower Broadway. A review of the historic structures on this site (which preceded the current County buildings) would reveal a pair of remarkable Victorian civic buildings. Their compatibility and symmetrical site planning were cited in the 1915 Werner Hegemann plan.
5. Building Heights on Lower Broadway. The building heights proposed for Broadway are 80' to 90', but some of the oldest (1850s and 1860s) and most historic buildings in Oakland are located there. (See attachment.) The Plan should instead propose building heights that are compatible with the one-to-three story heights of these historic buildings and other existing development in Lower Broadway, and explore how these historic buildings might contribute to the proposed entertainment district.

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High density zoning will be a disincentive to rehabilitation of historic buildings. Note the admirable rehabilitation work currently being completed at Broadway and 2nd.

The Board is also concerned that yet another new cinema complex will, if successful, be at the expense of the landmark Grand Lake Theater, and other neighborhood theaters. The City should promote entertainment where we have it, and not at the expense of viable existing uses in historic buildings.

6. Ninth Avenue Terminal. The Ninth Avenue Terminal is the last surviving example of Port of Oakland break-bulk operations. There is considerable interest in the preservation community in saving this structure, rather than demolishing it for a park as proposed in the Estuary Plan. In 1994, when the Port of Oakland demolished the second-to-last remaining break-bulk facility, the Howard Terminal (Grove Street Pier and Head House), the Port maintained in meetings with the Landmarks Board that the loss of the Howard Terminal would be compensated by the long-term preservation of the Ninth Avenue Terminal. The Estuary Plan should take account of that representation. The Terminal is an excellent candidate for adaptive re-use, consistent with plan goals for diversity and access.

In addition, at the Landmarks Board meeting of July 13, 1998, the Friends of Ninth Avenue Terminal came forward to advise that they plan to nominate the Ninth Avenue Terminal as a city landmark at the August Landmarks Board meeting.

7. Catalyst projects. Preservation development is a central element in waterfront revitalization from New York to New Orleans, Seattle to Singapore. Given Oakland's architectural resources, at least one of the catalyst projects should be framed as preservation development to build on the excitement such projects have been proven to generate elsewhere.

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With regard to the DEIR, please note the following additional comments.

Pages IIIG-1 to IIIG-2

Par. 2, line 4. Delete the word "only." The word "only" conveys a qualitative judgement which is misplaced.

2

Par. 2, line 5. Replace "on the Local Register" with "are locally designated historic properties." Adoption of the term "Local Register of Historic Places" is pending at City Council; once adopted, it will include not only City landmarks and S-7 contributors, but also properties rated A and B by the OCHS, and properties in Areas of Primary Importance (APIs). On Table III.G-1, the heading "Local Register" should be changed to "Local Landmark".

3

Par. 2 and Table III.G-1. The DEIR should recognize all PDHPs, APIs and ASIs in the study area, as recommended for the plan itself in comment #1 above.

4

The Oakland Iron Works at 552-92 Second Street was demolished and should not appear as a historic resource in the table. (We will be updating #98 on our Landmarks list accordingly.) The USS Hogan and Lightship WAL-605 Relief are misidentified in Table III.G-1 as being on the Local Register; they are not Oakland landmarks. In addition, we believe that the USS Hogan is no longer moored in Oakland; if so, it should be removed from the Table.

5

Pages IIIG-3 to IIIG-9

We disagree with the assessment in Impact G-3 that "increasing the pressure to remove or demolish older buildings, including some historic structures" is a "less than significant" impact. Under Historic Preservation Element Policy 3.8, to be adopted in July by the City Council, demolition or adverse alteration of any property on the "Local Register of Historic Places" will normally be considered a significant effect for CEQA properties.

6

The reliance on existing city policies as justification for a finding of "less than significant" impact is circular reasoning, at best. General Plan policies exist as the standard against which a plan or proposal must be measured. Policies are only effective

7

July 23, 1998

tools for improvement if they are adhered to. Thus, the recommendations in the Draft Estuary Plan which call for change in the built environment should be evaluated against existing City policies on historic preservation. The proposals that comply with, or help to implement the goals of the Preservation Element, should be identified and would require no mitigation. Proposals that are inconsistent with, or contrary to, adopted preservation policies should be enumerated; the EIR should then recommend alternatives to bring the plan more closely in compliance, such as modifying the plan, or specific guidelines for the non-conforming development which would minimize its adverse characteristics.

7
Cont.

The DEIR should identify lost opportunities for National Register Federal Tax Incentive projects due to redevelopment.

8

Heinold's First and Last Chance Saloon, a City of Oakland landmark, appears eligible for the National Register of Historic Places, and we understand that an application is underway to so list it. The EIR should state that relocating Heinold's First and Last Chance Saloon into a new development as stated in the plan would have an adverse impact on its historic integrity, diminish and/or compromise its authenticity, and preclude its eligibility for listing on the National Register.

9

While the Port complies with the General Plan, the Port considers itself exempt from Zoning Regulations. How about a mitigation that obliges the Port to Zoning Code design review for historic properties?

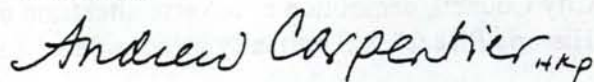
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The plan specifically calls for the demolition of the Ninth Avenue Terminal. The DEIR does not evaluate alternative language in the Plan which would allow for its retention. At the least, the first of the "potential" mitigation measures at G-9 should be revised to include restoration of all or a portion of the historic character of the property. Mitigation Measure G.6 states that "No additional measures beyond those identified are feasible" but does not actually list those measures which are being referred to so that effectively there are no mitigation measures. Also, the statement is a conclusion, but does not discuss what other measures were identified and why they were found to be infeasible.

11

Thank you for the opportunity to comment. We look forward to an exciting future at the Oakland waterfront—one that respects our resources and our past.

Sincerely,



ANDREW CARPENTIER, Chair

cc: Landmarks Preservation Advisory Board members
Andy Altman, Director of Planning and Zoning

City of Oakland Planning Commission
City of Oakland Port Commission

July 23, 1998

6

Attachments: OCHS Inventory Forms:

- (a) Produce Market District
- (b) Waterfront Warehouse District
- (c) Bret Harte Boardwalk District
- (d) Oakland Iron Works/Remillard Brick Co. Complex
- (e) Embarcadero Cove Tour

F-LM267 3EstPln.HKP

LETTER F – LANDMARKS PRESERVATION ADVISORY BOARD

1. This comment is in response to the proposed project and does not address the adequacy of the Draft EIR. This comment will be made part of the record and made available to the decision-makers prior to a final decision on the proposed project.
2. See Chapter II for changes to page III.G-1 of the Draft EIR.
3. See Chapter II for changes to page III.G-1 of the Draft EIR.
4. For a revised Table III.G-1, see the Master Response at the beginning of Chapter IV.
5. For a revised Table III.G-1, see the Master Response at the beginning of Chapter IV.
6. The Draft EIR acknowledges that redevelopment in the Estuary Planning Area could increase the pressure to remove historic properties. However, because the City of Oakland has adopted a Historic Preservation Element with policies designed to use historic preservation to foster economic vitality and quality of life in Oakland, the impacts associated with the pressure to redevelop historic properties is considered to be less than significant. The policies in the Historic Preservation Element, including Policy 3.8 as noted on page III.G-5 of the Draft EIR, require that any proposed development be reviewed to determine the effects on historic properties. Thus, any impacts to historic properties as a result of specific development projects in the Estuary Planning Area would require separate detailed environmental review by the City of Oakland. Thus, no changes to Impact G.3 are warranted.
7. Adoption of the Estuary Plan would not result in the approval for development of specific projects in the Estuary Planning Area. Therefore, it is not possible to discuss whether specific projects would be consistent with the policies of the Historic Preservation Element. Also see the Master Response at the beginning of Chapter IV.
8. The California Environmental Quality Act (CEQA) requires the analysis of physical impacts to the environment as a result of a project. Lost opportunities for National Register Federal Tax Incentive projects are social or economic impacts and are not required for inclusion in an EIR. Therefore, no changes to Section III.G of the Draft EIR are warranted.
9. See the Master Response at the beginning of Chapter IV.
10. The Port of Oakland is subject to the policies, objectives, and design standards for historic properties included in the Historic Preservation Element of the City of Oakland General Plan.
11. Since development within the Estuary Planning Area is considered to be conceptual and no specific project has been proposed, the demolition of the Ninth Avenue Terminal is considered to be a potential impact. As a result, the Draft EIR identifies potential

IV. WRITTEN COMMENTS AND RESPONSES TO WRITTEN COMMENTS ON THE DRAFT EIR

mitigation measures on page III.G-9 that could be implemented if demolition is proposed for the Ninth Avenue Terminal. The feasibility of these measures is not known since no specific development has been proposed. When a specific development is proposed for the eleven-acre Crescent Park, a separate environmental review would be required and specific mitigation measures would be identified to reduce the impacts associated with demolition.



SIERRA CLUB SAN FRANCISCO BAY CHAPTER



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July 14, 1998

City of Oakland Planning Commission
Attn.: Andy Altman
250 Frank Ogawa Plaza
Oakland, CA 94612

Re: Estuary Plan Draft EIR

The Sierra Club San Francisco Bay Chapter requests that you extend the comment period for the Estuary Plan Draft EIR (DEIR). The DEIR itself is too vague and general. Where specifics are provided in the DEIR they appear contradictory to the DEIR's own laudable, but very general, goals.

1

Please inform us of a new ending date for the comment period as soon as you have set it.

Sincerely

Frank Orem
Chair, Conservation Committee

CC: Rick Wiederhorn, Port of Oakland

LETTER G – SIERRA CLUB

1. In accordance with Section 15087 of the California Environmental Quality Act (CEQA) Guidelines, the City of Oakland provided a 45-day public comment period on the Draft EIR. No extension of the public comment period is warranted.



THE LAKE MERRITT INSTITUTE
568 Bellevue Avenue Oakland, CA 94610
510/238-2290 Fax 510/238-7199



July 17, 1998

Oakland City Planning Commission
Att'n: Andy Altman
Strategic Planning
250 Frank Ogawa Plaza
Oakland, CA 94612

Re: Comments on Oakland Estuary Plan (OEP) and on Draft Environmental
Impact Report for the OEP

Dear Mr. Altman:

Included herewith are the comments of the Lake Merritt Institute (LMI) and the Golden Gate Audubon Society (GGAS) on the Draft Environmental Impact Report (DEIR) for the Oakland Estuary Plan (OEP), as well as on the OEP itself.

Our comments on the DEIR and on the OEP, respectively, should be considered to be incorporated by reference into each other.

On the basis of our comments on the DEIR, we feel that that document, as presently written, 1) fails to describe accurately the environmental setting of a significant portion of the area that will be affected by the OEP (comment no. 2), 2) fails to identify and evaluate a number of significant effects the OEP may, within the purview of the California Environmental Quality Act (CEQA), have on the environment (comment nos. 1, 4, and 5), and 3) fails to identify and/or evaluate additional feasible alternatives or mitigation measures that will avoid or reduce the environmental effects of the OEP (comment nos. 3 and 6).

Thank you for your careful consideration of these comments. Please continue to send future notices and copies of staff reports/recommendations regarding or prepared in connection with the City's consideration of the DEIR and the OEP to me at my home address, 1433 Hampel St., Oakland, 94602.

Sincerely,

John Bowers
Member, Board of Directors, LMI
Member, Conservation Committee, GGAS

COMMENTS ON DRAFT ENVIRONMENTAL IMPACT REPORT (DEIR) FOR
OAKLAND ESTUARY PLAN (OEP)

I. SECTION III(F) ("VISUAL AND AESTHETIC CONDITIONS").

1. Visual Impact of Proposed Recreational Piers at Mouth of Lake Merritt Channel. At p. III.F-4, the DEIR refers to "views of boats, both berthed and moving along the water, [which] emphasize the Area's 'remote' quality and provide a unique visual experience..." as one of the important visual resources of the waterfront portion of the Estuary Plan area. Particularly from the channel shoreline of Estuary Park, the proposed recreational piers will create the visual impression of an almost completely enclosed body of water at the mouth of Lake Merritt Channel (LMC) and thus will have a substantially adverse impact on the visual quality of the area that will not be mitigated by the mitigation measures the DEIR lists.

1

II. SECTION III(H) ("VEGETATION AND WILDLIFE").

2. Environmental Setting. The "[Environmental] SETTING/*PLANT AND ANIMAL COMMUNITIES/Wetlands*" portion of section III(H) of the DEIR focuses exclusively on the wetland resources of San Leandro Bay and improperly disregards the also valuable and rare wetland-based wildlife habitat that the Lake Merritt Channel supports. (For a well-written and thorough description of the environmental values of the LMC, see the August, 1997, draft of the OEP (Oak Through Ninth District), p. 3, ¶ 1.) Similarly, although in its discussion of Impact H.2 the DEIR refers to several "special status species" which "may" inhabit the plan area, it improperly fails to acknowledge an additional special status species which the city's OSCAR element expressly documents as inhabiting the LMC portion of the plan area, namely, the Barrow's goldeneye.

2

3. Necessary Additional Mitigation Measure to Avoid Disturbance to Resource Conservation Areas. Add to list of mitigation measures for Impact H.2 OSCAR Policy CO-8.2, which calls for a limitation on "recreational uses within wetlands 'parks' to activities that are consistent with the fragile environmental characteristics of the areas," with an "emphasis in most wetland areas...on passive uses and resource protection."

3

4. Impact of Proposed Recreational Piers at Mouth of LMC on Sensitive Species Foraging Activity. In Impact H.4 the DEIR seeks to avoid adverse effects on Pacific herring, and thus on least terns for which the herring is a food source, from construction of the recreational piers. However, if constructed, these piers will physically occupy and project pedestrian and other human activity into an area that the DEIR itself acknowledges is used by sensitive species such as the least tern for foraging.¹ In

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¹ See also the findings of the May 21, 1998, Draft Mitigated Negative Declaration/Initial Study for the proposed Estuary Park Aquatic Center ("Critical habitat for sensitive or endangered species [including not

addition, the above-referenced and other waterfowl which inhabit the estuary use coves like that formed by the mouth of the LMC as places of rest and protection from boat traffic. The DEIR ignores the significant adverse impact that the permanent presence of the piers may have on the habitat value of this area for the least tern and other sensitive species.²

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Cont.

5. Impact of Proposed Recreational Piers on Waterfowl Flight Activity. The airspace above the LMC is a flight corridor that waterfowl flying back and forth among Lake Merritt, the Channel, and the Estuary use heavily. The U.S. Fish and Wildlife Service (FWS) has determined that structures such as the proposed piers which protrude into the waters beneath such flight corridors pose a risk of collision and consequent injury and mortality to waterfowl and thus should not be built. (See April 29, 1993, FWS letter urging withdrawal from consideration of proposed Pt. Isabel-Albany Bulb pedestrian/bicycle bridge.) The DEIR ignores this significant adverse impact on the wildlife resources of the area.

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6. Design Alternatives for Proposed Recreational Piers. The DEIR fails to consider a design alternative for the proposed piers which would substantially reduce the adverse effects discussed above, namely, for the piers to project into the estuary in an orientation *parallel* to the LMC and to a distance that would not intrude into sensitive viewsheds or wildlife habitat areas, and then end in a "T" configuration to provide for maximum public use.

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only the endangered least tern but also the endangered brown pelican and the "special concern" double crested cormorant] is located in the Estuary, adjacent to the project site." (§ II(C)).

² Not only does the DEIR fail to address adequately the *individual* effects of the proposed piers on the wildlife resources of the area, it also fails to consider whether such effects, when considered together with the effects of other development the OEP calls for, such as, most pertinently, the increased boating traffic in the LMC mouth area that the proposed Estuary Park Aquatic Center will generate, will be *cumulatively* significant.

COMMENTS ON FINAL DRAFT (FEBRUARY, 1998) OF OAKLAND ESTUARY
PLAN (OEP)

1. Describe Nature and Environmental Significance of Lake Merritt Channel. The August, 1997, draft of the OEP for the Oak Through Ninth District contains, in the first paragraph on p. 3, a narrative description of the physical characteristics and environmental significance of the Lake Merritt Channel. This narrative passage was omitted from the final draft of the OEP. It should be restored to the "Estuary Shoreline" section (pp. 9-14) of the OEP.

2. Balance Establishment of Stronger Linkage Between Lake Merritt and Estuary With Conservation of Wildlife Habitat Values of Lake Merritt Channel. The "Objectives" section of the August, 1997, draft of the OEP contains (at p. 4) a clear statement of the need to balance the goal of establishing a stronger public access linkage between Lake Merritt and the Estuary with the equally important goal of preserving the environmental values of the Lake Merritt Channel area. The final draft of the OEP seems to acknowledge this goal only with respect to restored (as distinguished from existing) wetland habitat resources (see, e.g., Policy OAK-4.5). To add needed clarity to the OEP in this area, the following revisions, *at minimum*, should be made to the final draft of the OEP:

a. Policy OAK-4.5: "All policies of this Plan should be implemented in a manner that maintains and enhances the ecological value of the area in general, and in particular, of the Lake Merritt Channel, which, as a functional tidal wetland, provides marsh habitat for fish and migratory waterfowl as well as other animals. Improvements should be encouraged that restore wetland marsh habitat. Both existing and restored wetland areas should be protected.... .."

b. Policy OAK-2: "... The City should work with these entities to help achieve, in a manner that preserves the wildlife habitat value of the wetland areas within and along the Lake Merritt Channel (see Policy OAK-4.5), the long-standing community objective...."

c. Open Space Issues and Opportunities: Open Space Linkage to Lake Merritt (p. 23): "...Lake Merritt, to foster in a manner which maintains the high quality of the regionally significant wildlife habitat that the Channel supports broader appreciation of that habitat, to build upon...."

3. Delete Estuary Park Recreation Pier. Reconfigure Recreational Pier at Terminus of (Realigned) Fifth Avenue So That It Does Not Extend Beyond View Corridor Extending From Northern Extent of Proposed Estuary Park Aquatic Center to End of Existing Fifth Avenue Point Boat Docks. In Policy OAK-6 the OEP proposes the construction of two new recreational piers for the purpose of "enclos[ing] the water space [at the mouth of the Lake Merritt Channel] and provid[ing] a greater sense of protection from the larger

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Estuary and bay." If constructed, these piers will in multiple ways conflict with the environmental character of the area, both existing and as proposed in the OEP, as well as with use of the Channel mouth area for nonmotorized boating. Specifically:

- a. The piers will create the visual impression of an almost entirely enclosed body of water and thus will obstruct existing open-water views from both Estuary Park and from the new, 11-acre park the OEP proposes for the east side of the Channel mouth.
- b. The piers will discourage waterfowl use of and thus will degrade the value of the new habitat in the "restored tidal wetlands" the OEP proposes for the shoreline of the 11-acre park.
- c. The piers will occupy and project pedestrian and other human activity into an area that both the DEIR for the OEP (Impact and Mitigation Measure H-4) and Section II(C) of the Draft Mitigated Negative Declaration for the Aquatic Center ("Critical Habitat for sensitive or endangered species is located in the Estuary, adjacent to the project site.") recognize as an existing foraging area for waterfowl such as the least tern.
- d. The airspace above the Lake Merritt Channel is a flight corridor that waterfowl flying back and forth among Lake Merritt, the Channel, and the Estuary use heavily. The U.S. Fish and Wildlife Service (FWS) has determined that structures such as the proposed piers which protrude into the waters beneath such flight corridors pose a risk of injury and mortality to waterfowl and thus should not be built. (See April 29, 1993, FWS letter regarding proposed Pt. Isabel-Albany Bulb pedestrian/bicycle bridge.)
- e. The piers will concentrate all boating traffic entering and leaving the Channel mouth area into a narrow opening and thus will degrade the existing quality of this area for recreational boating.

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Cont.

The Estuary Park pier provides no vantage points or other opportunities to enjoy the setting of the Estuary that do not already exist from the shoreline of Estuary Park as it currently exists. This pier thus serves no useful purpose and should be deleted from the OEP. Secondly, the OEP should recognize (in, for example, Fig. II-2) a new view corridor extending from the northern extent of the proposed Aquatic Center to the end of the existing Fifth Avenue Point boat docks. The pier that is proposed to extend out from the terminus of a realigned Fifth Avenue should be reconfigured so that it does not intrude into this corridor.

4. Delete Additional Pedestrian Bridge Across Lake Merritt Channel South of Embarcadero. In Policy OAK-3 the OEP recommends among other things the construction of an additional pedestrian/bicycle bridge across the Lake Merritt Channel immediately adjacent to and south of the Embarcadero. As illustratively depicted in Fig.

III-14, such a bridge would overshadow, and one of its footings would physically occupy, a portion of the restored wetland habitat area the OEP proposes for the shoreline of the 11-acre park east of the Channel mouth. There is an existing pedestrian sidewalk on the Embarcadero bridge crossing the channel which, with appropriate enhancements, we feel is fully capable of accommodating all reasonably foreseeable pedestrian/bicycle traffic between Estuary Park and the eastern side of the channel. Additional pedestrian/bicycle access across the channel will be provided by a second crossing of that waterway just north of the Embarcadero over the Union Pacific railroad bridge. Given the existence of these facilities, together with the importance of not unnecessarily detracting from the quality of the restored habitat areas the Estuary Plan commendably recommends, we question the need for/advisability of yet another bridge over the channel at this location. We consequently recommend its deletion.

5. Limit Activities To Be Facilitated by Aquatic Center to Nonmotorized Boating Activities. At p. 23 and in Policy OAK-4.3, the OEP states that the proposed new Aquatic Center at Estuary Park is for the purpose of facilitating the nonmotorized boating activities of sailboating, rowing, canoeing and kayaking. In order to ensure compatibility with 1) the waterfowl habitat that will be created in the "restored tidal wetlands" that the OEP (at Policy OAK-1.2) proposes for the shoreline "edges" of the new, 11-acre park on the opposite shore of the Lake Merritt Channel from Estuary Park, and 2) the waterfowl (including least tern) foraging activity that currently occurs in the Channel mouth (see Impact and Mitigation Measure H-4 in OEP DEIR), the OEP needs to make explicit the limitation on types of boating activity the Center will facilitate that is implied in these listings of nonmotorized sports. Accordingly, the following textual changes should be made to the OEP:

- a. On p. 23, "*Boating and Water-Oriented Recreation*," insert "nonmotorized" before "boating."
- b. Rephrase the first sentence of Policy OAK-4.3 as follows: "A new Aquatics Center is currently planned for Estuary Park to provide city residents a place to learn skills and gain proficiency in such nonmotorized boating activities as sailing, rowing, and kayaking." In the third sentence insert the word "nonmotorized" before the term "aquatic sports."

6. Add Recommendation for Establishment of a "No Wake" and Personal Watercraft (PWC) Exclusion Zone for Motorboats in Mouth of Lake Merritt Channel. For the same waterfowl habitat compatibility reasons set forth in the immediately preceding comment, as well as to protect the status of the mouth of the Lake Merritt Channel as a "protected water space for [nonmotorized] aquatic sports" (Policy OAK-4.3), a recommendation for the establishment of a "no wake" zone (or, alternatively, a maximum 5 MPH speed limit) for motorboats within the "U.S. Pierhead Line" as depicted in Fig. III-12 should be added to the OEP. Since personal watercraft (PWC's) are not designed to operate and thus do not operate well at low velocities their operation should be prohibited in this defined area.

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Cont.

7. Delete Language Which Implies Desirability of Future Recreational Boating Use of Lake Merritt Channel. In Policy OAK-1.5 the OEP notes that "Obstacles to movement along the channel are presented by...the weir structure, limiting the passage of boats through the channel to the estuary." This statement makes no sense since there is not now, and, at least in recent decades, never has been any boating use of the Lake Merritt Channel. If such a use were to be introduced it would have a severely disruptive effect on the Channel's value as wildlife habitat. In statements to the Citizens' Advisory Committee the authors of the OEP gave assurances that nothing in the OEP should be interpreted as recommending recreational boating in the Lake Merritt Channel. If that is in fact the case the quoted language should be deleted, or, at the very least, clarified.

8. Clarify Intent of OEP Regarding Restoration of Tidal Wetlands Along Banks of Lake Merritt Channel. In Policy OAK-1.5 the OEP recommends development of a 4.4 acre park north of the Embarcadero "as a demonstration project for the entire Lake Merritt Channel, *with special attention placed on the treatment of shoreline edges and....*" (Emphasis added.) The italicized phrase is somewhat ambiguous as to the intent of the OEP with regard to its subject. The phrase should be reworded to make it as clear in its intent as the analogous language in Policy OAK-1.2 regarding the new 11-acre open space area south of the Embarcadero, as follows: "with special attention placed on restoration of tidal wetlands along the shoreline edges."

9. Delete Recommendation for Development for Spectator Viewing Where Such Development Would Conflict With Wetland Restoration Goals. In Policy OAK-4.3 the OEP recommends that "the edges of the water [in the mouth of Lake Merritt Channel be] developed to allow for spectator viewing of special aquatic shows and events." To the extent that this recommendation pertains to the *eastern* shoreline of the mouth of the Channel (as distinguished from the *western*, or Estuary Park, shoreline of the mouth), it conflicts with the recommendations of Policies OAK-1.2, which calls for the restoration of the eastern shoreline of the mouth as "tidal wetlands," and OAK-3, which calls for development of shorelines to be "sensitive to water edge conditions" and to "create a positive, *nonintrusive* relationship with...natural areas." (Emphasis added.) Accordingly, the above-quoted passage from Policy OAK-4.3 should be modified to read: "...and the western edge of the water along the shoreline of Estuary Park developed to allow for spectator viewing...."

10. Revise Graphic Depictions to Conform Them To Either Physical Reality or OEP Recommendations. Many of the graphic depictions in the OEP either fail to depict accurately the physical reality of the area shown or fail to accurately reflect the OEP's recommendations. For example, Fig. II-2 depicts the "habitat preservation" that the OEP recommends for the shoreline of the eastern side of the mouth of the Lake Merritt Channel, but fails to depict similar recommendations for the shorelines along either side of the Channel itself. The figure also depicts an alignment for the public access connector trail between Lake Merritt and the Estuary that is at variance with the determination by responsible Oakland officials to align this trail along the *eastern* shoreline of the Channel. Similarly, Figure III-16 depicts the same "habitat preservation"

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Cont.

preservation" area (this time without a legend designation) as that depicted in Fig. II-2, but again fails to show graphically the similar recommendations that the OEP makes for the shorelines of the Channel.

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Cont.

11. On p. 22, in sentence describing proposal for Aquatics Center at Estuary Park, replace reference to "Lake Merritt" with "the Oakland Estuary."

LETTER H - THE LAKE MERRITT INSTITUTE

1. The development of recreational piers would not obstruct a scenic view or public view and would not impair an existing view by introducing an aesthetically offensive visual feature. Therefore, in accordance with the significance criteria listed on page III.F-4 of the Draft EIR, the development of recreational piers in the Estuary Planning Area would not constitute a significant impact. Thus, no changes to the Draft EIR are warranted.
2. See Chapter II for changes to page III.H-5 of the Draft EIR.
3. See Chapter II for changes to page III.H-6 of the Draft EIR.
4. The discussion of Impact H.1 on pages III.H-3 and III.H-4 of the Draft EIR includes the impacts of development consistent with the Estuary Plan. The type of development envisioned could include piers and the discussion reflects the impacts that could occur as a result of such development. As stated on page III.H-4 of the Draft EIR, subsequent site specific environmental studies for each project would be required prior to redevelopment to assess the specific impacts on vegetation and wildlife. Therefore, no changes to the Draft EIR are warranted.
5. As stated on page III.H-4 of the Draft EIR, OSCAR Policy CO-11.2 addresses the protection and enhancement of migratory corridors for wildlife. The recreational piers that could be developed as a result of the Estuary Plan would be subject to specific environmental studies that assess the specific impacts of the piers on vegetation and wildlife.
6. When a specific development proposal for the construction of the recreational piers occurs, an environmental study would be required to assess the impacts of the proposed project. At that time, it would be appropriate to analyze alternatives that would reduce any significant environmental impacts of the proposed project.
7. This comment is in response to the proposed project and does not address the adequacy of the Draft EIR. This comment will be made part of the record and made available to the decision-makers prior to a final decision on the proposed project.

Comments regarding
Draft Environmental Impact Report for
City of Oakland Estuary Plan

Generally, the plan and concepts are good. A plan for development of the Oakland waterfront will support rational development and overcome the current helter-skelter, patchwork development that has evolved in the estuary area.

General comments:

- 1) Definition of the terms Significant versus non-Significant are unclear. This is apparent in analyses D.7 - School Services and D.9 - Park and Recreation Services. The discussions state that although increased development will impact School and Park and Recreation Services, Mitigation Measures are not recommended because existing policies are in place to address the increased demand for services.
 - a) The Oakland School District and the Oakland Park System are underfunded. Therefore, both systems are in distress. This is an indication that the current policies are inadequate to address the demands that growth in patronage will demand.
 - b) The estuary plan should address the demands of anticipated additional patronage by imposing development fees to cover the cost of capital expenditures for anticipated parks and schools.
 - c) The estuary plan should address the operating costs of anticipated additional patronage associated with estuary development by establishing assessment districts within the development areas. The assessment districts would at least partially pay for the increased service burdens associated with expansions of park and school systems.

- 2) The Oakland Estuary Plan prepared by ROMA Design Group is too detailed. The plan is so detailed that it appears to be a zoning plan, instead of a development plan.
 - a) While the Tables associated with each development area provide Illustrative Development Programs, there is a strong possibility that the Illustrative Development Programs will be construed as zoning plans that will act as either ceilings or basements on development in the areas.
 - b) Development over the extended time period envisioned in the Development Programs will be dynamic and subject to changing environmental, market and resource conditions. A detailed plan at this point could limit the potential for sustained development in the development areas.
 - c) The detailed development programs that include zoning recommendations such as FARs; residential unit counts; hotel room counts; and the industrial, office and R&DE square footage counts described in the Oakland Estuary Plan should be eliminated. In the absence of eliminating the detailed development programs, they should be clearly labeled as conceptual or advisory development programs.

- 3) Section E. Air Quality indicates that development will have a negative impact on air quality. The analysis goes on to make a weak and vague recommendation to "Promote land use patterns (to minimize) dependence on single passenger autos... (Page III.E-12 - Policy CO-12.1).
 - a) The development of a new series of neighborhood and commercial areas is an opportunity to make a strong statement in support of mass transit. The estuary is a prime location for the initiation of a light rail system that could connect downtown Oakland to Jack London Square along the length of the estuary to the Coliseum and finally to Oakland Airport.
 - b) The planned development areas are space constrained. The limited and constrained space should devote limited land and resources to single passenger autos.
 - c) A rail system, like Portland Oregon's planned system to the airport could supplement BART, and AC Transit as well as support the neighborhoods and Oakland International Airport.
 - d) Use this opportunity to strongly encourage mass transit.

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LETTER I – MARC MCDONALD

1. The term “significant,” when used in a CEQA document such as the Draft EIR for the Oakland Estuary Plan, refers to a threshold of physical impact based on particular criteria set forth by CEQA and utilized by the Lead Agency, in this case the City of Oakland. For each impact topic addressed in the Draft EIR, significance criteria were provided that establish the threshold for which impacts would be significant and which would be less-than-significant.
2. The EIR for the Land Use and Transportation Element acknowledges that the City’s schools and parks will need to be expanded to handle the level of development anticipated during the next 20 years. Accordingly, the City included policies in that Element that address school impacts to ensure that the demand created by the new growth would be met. That EIR also included mitigation measures to address this impact. These policy measures would be applied to the Estuary Plan as well. New policies to meet future demand for parks were adopted in 1996 through the Open Space, Conservation and Recreation Element. The implementation program for that element included a park impact fee that will ensure that new residential development would mitigate the demand for parks that it generates.
3. The Draft EIR is not intended to serve as a project level EIR for any of the developments illustrated in the Plan, nor is adoption of the Plan (and its EIR) intended to be a City commitment to approve any of the projects illustrated in the Plan without further planning, analysis and review. Also see the Master Response at the beginning of Chapter IV.
4. This comment is in response to the proposed project and does not address the adequacy of the Draft EIR. This comment will be made part of the record and made available to the decision-makers prior to a final decision on the proposed project.

Attention:
Andrew
Thomas



Robert Brokl
636 59th St.
Oakland, Ca. 94609
(510)655-3841
July 18, 1998

To the Oakland Planning Commission:

My comments, in brief, on the Draft EIR for the City of Oakland's Estuary Plan concern the document's inadequacy on historic preservation issues. The document does acknowledge that the National Register-eligible Ninth Ave. Terminal will be demolished, but no justification for this course of action is given. The document does not refer to other threats to the existing historic built environment, or does so only in a cursory manner. For example, redevelopment is "likely" along the Broadway "Spine," and the raising of height limits and encouragement of development threatens to change the character of the street with some of Oakland's oldest buildings, most of them low-rise.

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One has to refer back to the ROMA Design Group's "Oakland Estuary Plan" study--a preliminary to the Draft EIR-- to learn that the "First and Last Chance Saloon", an Oakland landmark, may be "incorporated" into a mixed-use development and that Jack London Village is slated for demolition, although I believe a case could be made that the unique character of the "Village" would qualify it for City landmark status.

2

The possibility that the Produce District's historic character will be protected in future development is a laudatory goal, one shared by Oakland Heritage Alliance and others, but this should not be the only example of the built environment that is considered worth keeping around.

3

The obvious development pressures on the estuary waterfront are worrisome, especially as the Uptown Retail and Entertainment District languishes. Ironically, the entertainment /restaurant/retail uses being encouraged for Broadway and the Jack London Square area are the same uses being promoted, so far unrealized, for Uptown. Yet, if the current trend continues, the character of one area may be lost while another remains dormant and deteriorating--the worst of both worlds.

4

Robert Brokl
Chair, North Oakland Voters Alliance
Board member, Oakland Heritage Alliance

LETTER J – ROBERT BROKL

1. See the Master Response at the beginning of Chapter IV.
2. The Heinolds First and Last Chance Saloon is identified in Table III.G-1 as an historic resource within the Estuary Planning Area (see also the revised Table III.G-1 in the Master Response at the beginning of Chapter IV). Also see Policy JL-2.1 of the Estuary Policy Plan on page 60, which is intended to retain the First and Last Chance Saloon in its present location. Jack London Village, constructed in the 1970s, is not considered to be a historic property.
3. This comment is in response to the proposed project and does not address the adequacy of the Draft EIR. This comment will be made part of the record and made available to the decision-makers prior to a final decision on the proposed project.
4. This comment is in response to the proposed project and does not address the adequacy of the Draft EIR. This comment will be made part of the record and made available to the decision-makers prior to a final decision on the proposed project.



8059 Coach Drive
Oakland, CA 94605
July 17, 1998

Oakland City Planning Commission
Attn: Andrew Thomas, Planner II
Community and Economic Development Agency
250 Frank Ogawa Plaza
Oakland, CA 94612

Dear Planning Commission and staff:

This letter contains comments on the Oakland Estuary Plan Draft Environmental Impact Report dated June 5, 1998. Please also refer to comments on the Draft Estuary Plan itself in the companion letter dated July 15, 1998.

Adequacy of DEIR.

Page I-2 describes the concept of tiering of the EIR and its reliance on the Land Use and Transportation Element EIR. On page I-3 the statement is made that this EIR may "be used at a future date ... evaluate the environmental impacts of subsequent action that are consistent with the Estuary Plan ... " And further that "The environmental review for future actions may rely solely on this EIR..." Please explain what criteria would be used to evaluate the need for additional environmental review (over and above this EIR), including the conditions that would trigger preparation of an additional EIR. Please explain the significance of identified mitigation measures such as Mitigation Measure A on page III.A-14 that calls for additional CEQA review before making specific transportation improvements. Does it follow that no additional CEQA review is necessary if such a mitigation measure is not identified in this EIR?

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Air Quality, Section III-E.

This section discusses the air quality impacts expected to result from implementation of the Estuary Plan due to increases in population and traffic. Essentially it seems to be saying that the policies included in the previously adopted general plan elements (OSCAR and Land Use and Transportation) will help to reduce potential harmful emissions and that although the impact in this area will be "significant and unavoidable" additional mitigation measures are not feasible. I don't agree with this "nothing can be done attitude". An examination of the many policies listed on p. III.E 12-15 suggests at least one overwhelming fact. Any additional development along the Estuary should be closely linked with corresponding transportation improvements. It would even be wise to require the transportation improvements in advance of intensified development. In fact, the building of more parking garages in the Jack London District may serve to intensify air quality problems. More emphasis could be given to developing

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alternative means of arrival to the area. The planned density in the Jack London district could be reduced. Specifically policies T4.1 through T4.7 have not received enough attention in the Estuary Plan. The policies do nothing unless they are adhered to in planning and implementing new development.

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Cont.

I suggest adding a mitigation measure that would require specific transportation improvements to be completed in advance of, or parallel with, new development.

Cumulative Effects, p. V-3.

This section claims that because the analysis used in this EIR is based on ABAG growth projections for other East Bay and Bay Area communities, essentially no additional analysis of present or anticipated projects is necessary. Please document if the ABAG projections have taken into account all the current and future plans of the City of Alameda for redevelopment of the FISC and NAS Alameda properties. The planned Wind River project, the FISC mixed-use project and other reuse of former military properties in Alameda will presumably have a substantial impact on population, traffic, air quality, and other environmental resources. This EIR should indicate that these projects have been considered in the ABAG analysis.

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Sincerely,

Pamela Clark
Pamela Clark

LETTER K – PAMELA CLARK

1. For a discussion of the issues associated with the nature of this EIR and the uses of this EIR, see the Master Response at the beginning of Chapter IV.
2. The commenter's suggestions regarding alternative means of transportation and linking transportation infrastructure improvements to development proposals are included as objectives and policies in the City's Land Use and Transportation Element and are included on pages III.E-13 and III.E-14 of the Draft EIR.
3. See the response to comment C-14.



July 15, 1998

Mr. Andy Altman
City of Oakland, CEDA
1330 Broadway
Oakland, CA 94612

Dear Mr. Altman:

**RE: Comments on Proposed the Oakland Estuary Plan
General Overview:**

The Oakland Estuary Plan's (Plan) "primary basic objective, generally, is to maximize public access to the waterfront and to provide an integrated connected system of waterfront public spaces." It was also the public's perception that this Plan would clarify many of the issues raised by the Port's sale of City land of Parcel B to Lincoln Property, a private party, for apartments, and whether or not such uses are consistent or not with this Plan.

The drafted Plan, however, is padded with narration of past, existing and conjectural projects, and inventory of current land uses. It is difficult for the public-at-large to discern what are the Plan's proposed changes and what are basically background information.

Clearly the study area has been grossly ballooned to dilute the prime objective of this Plan -i.e. shoreline access. What possible relationship can there be between the Loft District at Third and Fourth Streets to shoreline public access when the consultant had already concluded that Parcel B housing is already a done deal.

Public Access - Jack London District.

The Plan proposes no changes to the public shoreline access aside a rooftop tennis court on a proposed garage. Minimum BCDC jurisdiction is 100-ft. - and that is measured from the high water line. BCDC public access requirements generally exceed its jurisdiction. The Plan proposes a setback line of 80' for the Lincoln Property apartments and 40'-60' setback at other Jack London developments What is the minimum Estuary Plan public access requirements is not stated.

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Embarcadero Parkway

The proposed "Embarcadero Parkway" from the 66th Avenue could have been a gem of the Plan. But alas, it is only another roadway.

Visitors to Oakland can drive over the rail tracks and view the back of a bookstore and the walls of some apartment houses in the renown Jack London Square. Embarcadero, in Spanish, means pier or jetty, and this proposed road is not near any shoreline. The Third Street Bikeway is too removed from the waters. In East Oakland, the various "CWR" zoned structures form a barrier separating the public from the waterfront. At the Coliseum District, the "Parkway" is remote from the waters of San Leandro Bay.

All great cities have shoreline scenic parkways. This is Oakland's last opportunity to open some windows of Oakland expanse scenic waterfront to visitors besides vistas of the backyard of apartment houses and some old metal sheds.

There is no reason for ending the proposed Embarcadero Parkway at Oak Street and diverting the scenic visitors up Oak Street. A viable, in fact desirable alternative, would be: **The Parkway at Oak Street should be routed along Oakland's most exciting waterfront, west of the apartment houses into the commercial area of the Square and unto the Webster Street Green and into Chinatown.** Why end this high potential scenic parkway at Oak Street? (map attached)

Proposed Changes of Uses

Although difficult to discern, the draft plan will impact some property ownership and Utility easements. Acquisition, eminent domain, and relocations are involved. Just the mere approval of the Estuary Plan can set into motion, changes in property values- i.e. inverse condemnation. If an action to approval this Plan is taken these impacts must be clarified.

The Plan's does not include any costs associated with property acquisition in its cost estimates.

The Parcel B Apartment Project.

In past deliberations on the Lincoln Property proposal, the public was led to believe that its final

disposition is contingent upon a determination that the project is consistent with this Estuary Plan and FEIR. It was the Parcel B project that was the prime mover to expedite the Estuary Plan.

This draft Plan makes no such determination, It is devoid of any description and details of the Lincoln Property project. Among all the consultant's reports and brochures only two brief references were alluded to it: one as the "approved project" and the other as the "planned project". What is "the project"?

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(Also see comments on DEIR)

View Corridors

The draft Plan is graphically enhanced throughout with numerous View Corridors (pages 26-27). It is highly questionable how many of these "view corridors" are realistic, especially those from Embarcadero through Harrison to Oak Streets. Past view corridors requirements imposed by BCDC for the Port's marine terminals permits have all been totally ignored. These view corridors are blocked with containers and equipment's. Who's to ensure and enforce such view corridors?

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Draft Environmental Impacts Comments

1. The Study made no mention of certain critical regional infrastructures in the Jack London District - to include: EBMUD's Oakland Interceptor under Embarcadero, Alameda's interceptor under Alice Street, Caltran's subaqueous tubes to Alameda on Webster and Harrison Streets. What are the impacts of the Plan's (and Lincoln Property's) proposed projects on these easements?
2. The consultant's finding of no significant impacts on the City's police, fire protection and school services are true only if the Estuary Plan's financing plan does not involve schemes such as tax increment.
3. The noise impacts for this area are based only on ambient noise levels. However the rail tracks and the alluvial deposit soils of the waterfront create high vibration impacts on structures. Portobello built away from the tracks to avoid this impact. KTVU incorporated vibration absorbing devices for its sound studios. The Port spent millions in change orders to

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- make Yoshi compatible with the track noises and vibration. How does Lincoln's project intend to deal with the problem?
4. The Port, a quasi-public agency, purchased Parcel B in 1978 from Santa Fe under the City Charter for "trade, navigation, commerce and fisheries" purposes. It was purchased with funds intermingled with State Tideland Grant money. The Port then petitioned the City to vacate those street easements west of the tracks under quiet quit claims for public purposes i.e. to consolidate the boundaries of an approved Port Development Plan Stage B (and hence, Parcel B). The street easements handed over to the Port by the City for public purposes cannot be sold to a private party and without public bid, to enhance the Port's coffer. These street easements should be reverted back to the City.
 5. The Alameda Naval Air Station has an aircraft safety zone called ACUIZ under federal regulations. This requirement imposed certain land use and safety requirements within the zone. Although the Navy no longer operates ANAS, its runways are still there and on-going discussions include its use to alleviate airspace problems in the Bay Area airports. The ACUIZ restriction over the Parcel B is still there until decertified by the federal government.
 6. Ninth Avenue Terminal is listed as a port facility under MTC's Seaport Plan. If the Port wishes to change this designation, it must change the Bay Seaport Plan with possible implications on federal dredging funds.

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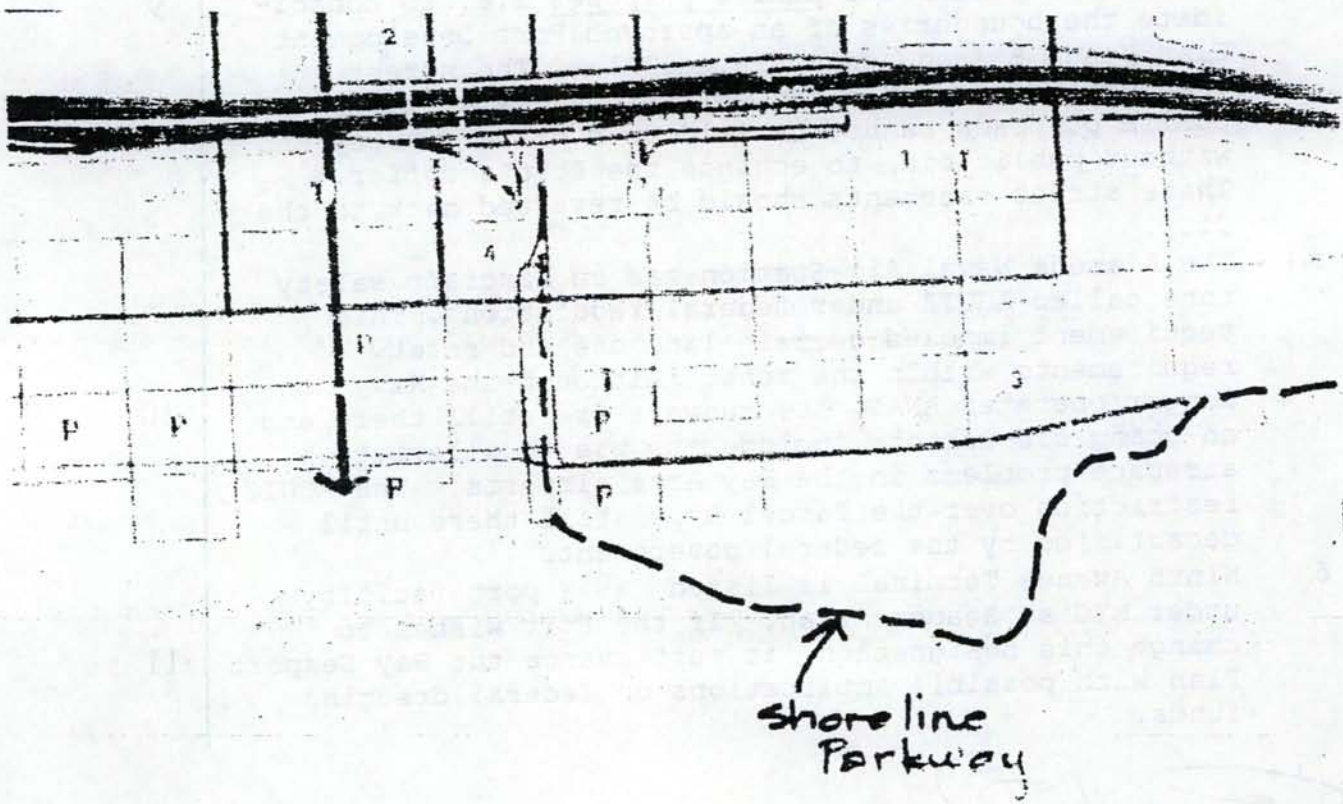
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Keith Quan
4021 Aliso Ave.
Oakland, CA 94619

Rick Wiederhorn
Port of Oakland

Mrs. Margaret Elizares



LETTER L – KEITH QUAN

1. This comment is in response to the proposed project and does not address the adequacy of the Draft EIR. This comment will be made part of the record and made available to the decision-makers prior to a final decision on the proposed project.
2. This comment is in response to the proposed project and does not address the adequacy of the Draft EIR. This comment will be made part of the record and made available to the decision-makers prior to a final decision on the proposed project.
3. This comment is in response to the proposed project and does not address the adequacy of the Draft EIR. This comment will be made part of the record and made available to the decision-makers prior to a final decision on the proposed project.
4. Project-level issues concerning the Site B residential development are beyond the scope of the Estuary Plan EIR. The environmental impacts of the Site B project were analyzed in the Port of Oakland/Site B Development Project EIR (State Clearinghouse No. 96032128) that was certified in 1996. Because the Site B development had been approved previous to the preparation of the draft Estuary Plan, the Estuary Plan shows the residential land use on Site B as an existing condition.
5. This comment is in response to the proposed project and does not address the adequacy of the Draft EIR. This comment will be made part of the record and made available to the decision-makers prior to a final decision on the proposed project.
6. The Draft EIR did not address impacts related to these components of the regional infrastructure because the Estuary Plan would have no effects on these facilities.
7. This comment addresses a policy issue and not a potential physical environmental effect.
8. The Lincoln Property is the subject of a separate EIR that is unrelated to the proposed Estuary Plan and the related Estuary Plan Draft EIR.
9. Although this comment does not address the adequacy of the EIR, it will be made part of the record and made available to the decision-makers prior to a final decision on the proposed project..
10. This comment does not address the adequacy of the EIR. In addition, it is not reasonably foreseeable that ANAS would be reused as an airport.
11. This comment does not address the adequacy of the EIR. Further, the Draft EIR addresses this issue in Section III.N, Consistency with Adopted Plans and Policies.



Patty E. Lucas
 49 Elk Avenue
 Oakland, Ca. 94608

July 21, 1995
 ATTY Andrew Thomas
 Planner II
 CEQA

re: June 5, 1995 Draft EIR for Oakland Estuary Plan

I have found the Draft Environmental Impact Report for the City of Oakland Estuary Plan to be based on misinformation. I believe the report is wrong in its conclusions that the impact to the environment that would occur in development of the Estuary as suggested in the Draft Estuary Plan would be "less than significant." I believe the report is misleading in its evaluation of the success of the Draft Estuary Plan to sufficiently meet the requirements of environmental protection agencies or the objectives and desires of the citizens of Oakland.

Attached are recent photographs of Clinton Basin showing the significant natural biological diversity that is present. The proposed pedestrian/bicycle pathway, shown on Figure III-17 of the Draft Estuary Plan, would eliminate three diverse natural habitats, one of the "remnants of wetland vegetation" which the Draft EIR says "remain intact."

For the past 18 months I have served as a volunteer coordinator of the environmental committee of the Fifth Avenue Waterfront Alliance, a neighborhood community organization dedicated to protecting the environment that has been our inspiration for decades. I have spoken on behalf of the residents in Clinton Basin and the staff of the Lake Merritt Channel at several public planning meetings including the Waterfront Coalition, the Estuary Plan Advisory Committee, the Oakland City Council, and the Historic Preservation Board.

I believe that any development that would be sited adjacent to Clinton Basin on the east side of the road and behind the existing style of houses and trees is not only aesthetically pleasing but also ecologically sound. The edge of these trees is about 10 feet from the edge of the water. The trees are about 10 feet from the edge of the water. The trees are about 10 feet from the edge of the water.

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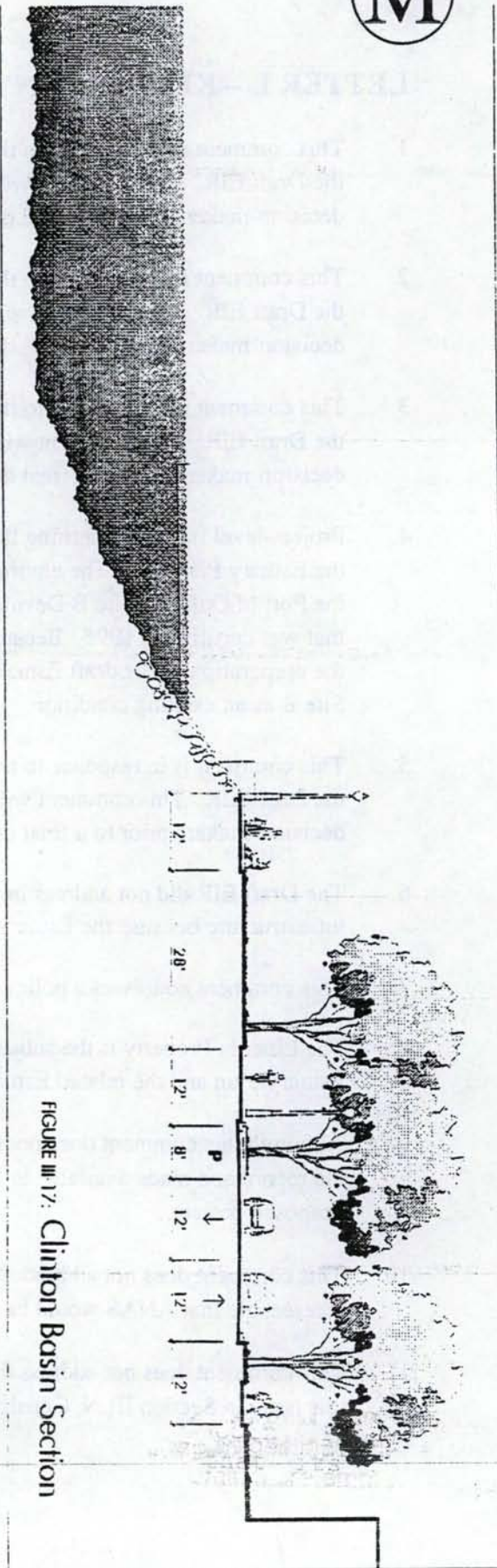
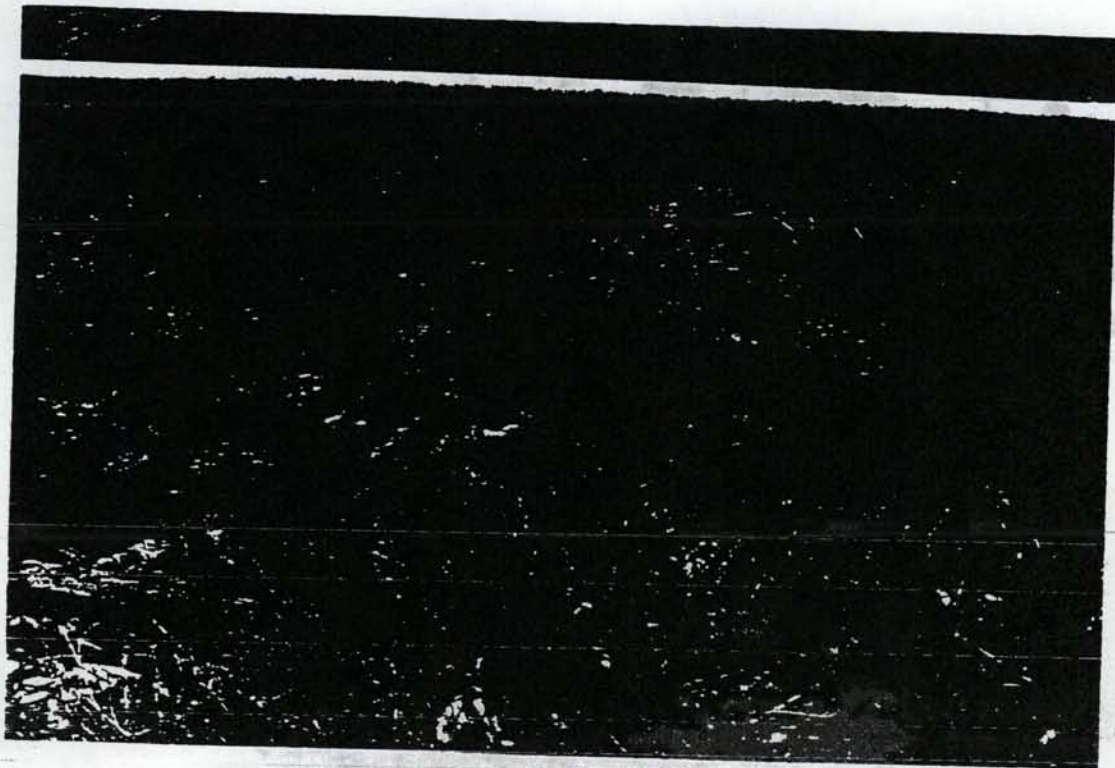
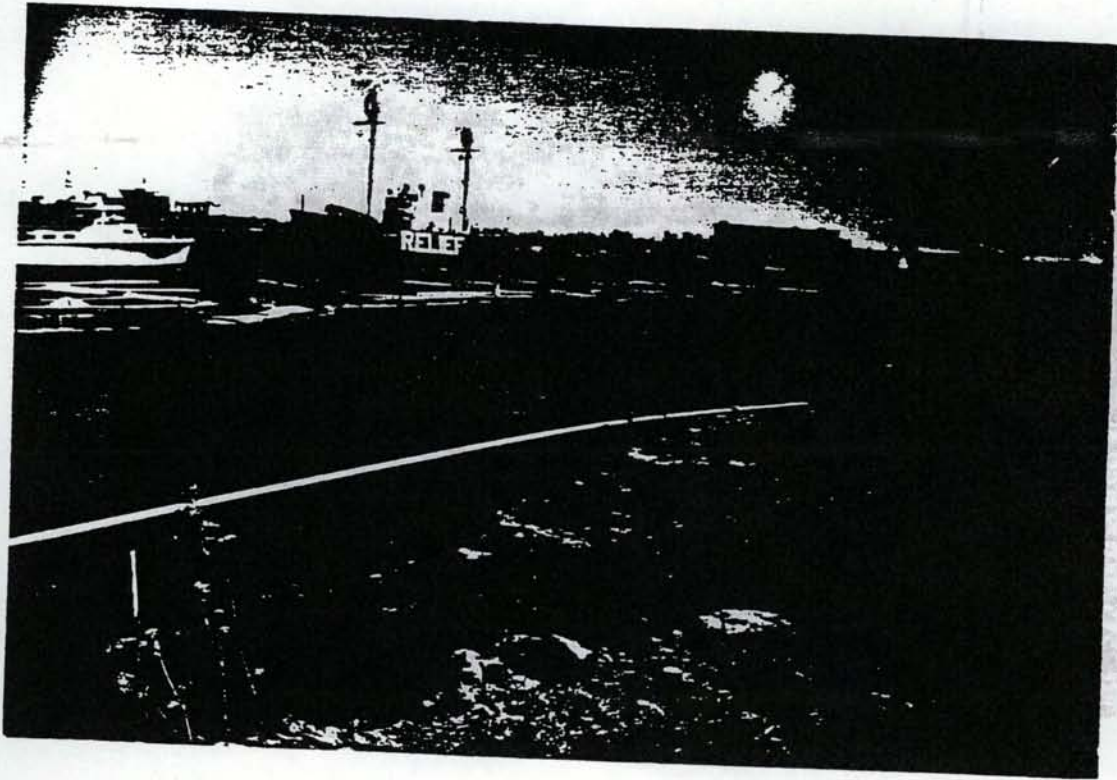
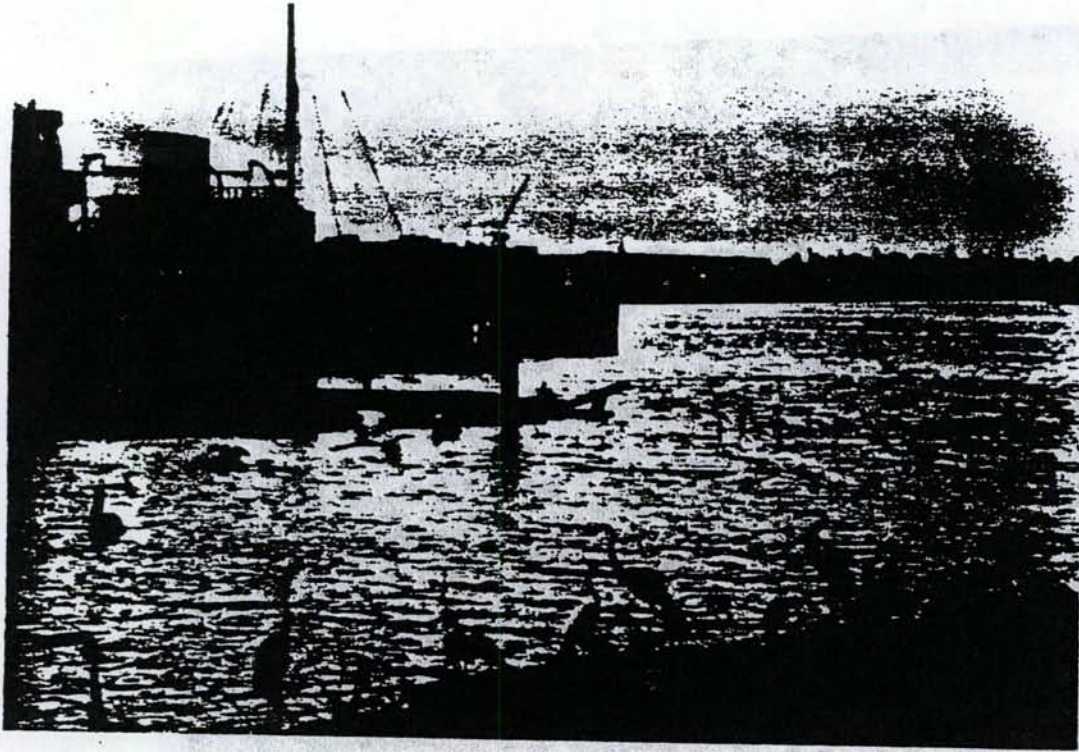


FIGURE III-17: Clinton Basin Section

[Handwritten signature]





LETTER M – PATTY ST. LOUIS

1. This comment does not identify inadequacies related to specific components of the Draft EIR. Responses to specific issues are addressed below.
2. Illustrative plans in the Estuary Plan, such as that for the pedestrian/bicycle pathway, are merely conceptual. The Draft EIR is not intended to serve as a project level EIR for any of the developments illustrated in the Plan, nor is adoption of the Plan (and its EIR) intended to be a City commitment to approve any of the projects illustrated in the Plan without further planning, analysis and review. Also see the Master Response at the beginning of Chapter IV.
3. Illustrative plans in the Estuary Plan, such as that for the Bay Trail alignment, are merely conceptual. The Draft EIR is not intended to serve as a project level EIR for any of the developments illustrated in the Estuary Plan, nor is adoption of the Estuary Plan (and its EIR) intended to be a City commitment to approve any of the projects illustrated in the Estuary Plan without further planning, analysis and review. Also see the Master Response at the beginning of Chapter IV.
4. Comment noted.



CHARONNAT ARCHITECT + ENGINEERING
July 20, 1998

Andrew Altman, Chief of Planning
1330 Broadway, 3rd floor
Oakland, CA 94612


X238-6538

RE: Estuary Plan E.I.R.
Subject: Comments and issues

Dear Mr. Altman,

I submit the following comments and issues regarding the Estuary Plan Environmental Impact Report.

- A. The E.I.R. did not fully disclose the significance of the 9th Avenue Terminal, its economic, social and historical significance to the city of Oakland.
 - (1) Please have the E.I.R. expand on the importance of the building to the historic waterfront. | 1
 - (2) Please have the E.I.R. expand on the fact the demolition of the Grove Street terminal - the "twin" of 9th Avenue terminal - was "allowed" because the Port of Oakland's testimony at the time said "it's OK to demolish the Grove Street Terminal because we still have 9th Avenue terminal." | 2
 - (3) Since 9th Avenue terminal is no longer used as a break-bulk cargo facility, other potential uses should be clearly identified, including, but not limited to, a maritime museum, a e of | 3
- B. Other buildings along the waterfront have not been adequately identified, particularly buildings between Oak and 9th Avenue area. Please have these better documented. | 4
- C. The conflict and impact of building height and historical structures in the lower Broadway area has not been fully disclosed. Allowing a high building height will have an potential impact on low-level historic structures. This should be identifies. | 5
- D. The traditional fishing fleet trade and potential docking sites have not been fully disclosed or discussed. Oakland has a long history of serving as home to a commercial fishing fleet. While the Port of Oakland has traditionally ignored proper servicing this industry, nonetheless, this E.I.R. must address the following: | 6
 - (1) recognize this historical industry,
 - (2) record the various sites along the waterfront that


CHARONNAT ■ ARCHITECT + ENGINEERING

have, and continue to serve this industry [albeit currently in a rather piecemeal fashion];

(3) identify potential sites along the waterfront that have the potential to serve such an economic industry;

(4) identify potential tie-ins with other commerce (ie, commercial wholesale and retail fishmarkets) and where and how these could be coordinated;

(5) identify the potential industry size [income, gross receipts, visitors, business transactions, etc.] such an industry could become if properly services;

(6) identify potential sites in the Estuary that could serve a fishing fleet [and its on-shore needs];

(7) identify on-shore needs of such an industry;

(8) identify potential impact of non-estuary type development [ie, hotels, warehousing, housing] that in and of themselves do not require to be adjacent to shore [ie, could be inland and serve Oakland just as well] and how this non-estuary development, if carried out, would impact the potential for siting/serving a fishing fleet.

E. The E.I.R. does not address the sensitive nature of the Lake Merritt channel. Except near the Coliseum, there is to be no "natural edge" along the entire Estuary plan area. The E.I.R. should include the following:

(1) Fully disclose the environmental impact having concentrated boating activities at the mouth of the channel as current plan denotes:

(2) Fully disclose and discuss the impact on native and transitory bird life by having an extensive park on the east (south) ["Meadow park"] side of the channel;

(3) Fully explore the option of having only a natural habitat at the east (south) side of the channel, and its potential for tie-in to the Oakland Museum's estuary education program and walks;

(4) Fully explore the educational advantage of having educational kiosks, displays, etc. along the lake channel;

(5) fully disclose the environmental impact of having concentrated play fields along the channel.

Sincerely,
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LETTER N – LEAL CHARONNAT

1. See the Master Response at the beginning of Chapter IV.
2. See the Master Response at the beginning of Chapter IV.
3. See the Master Response at the beginning of Chapter IV.
4. See the Master Response at the beginning of Chapter IV.
5. See the Master Response at the beginning of Chapter IV.
6. The comment addresses issues that are not required to be analyzed under CEQA. The draft Estuary Plan includes commercial fishing as an allowable use within the Clinton Basin. The Clinton Basin is part of an area designated by the draft Estuary Plan as a Planned Waterfront Development Area (PWD-1) extending from Estuary Park to Ninth Avenue. PWD-1 is one of the areas that the draft Estuary Plan targets for the preparation of a Specific Plan. The Specific Plan, which would be the subject of further environmental review, would provide more detailed policy direction on development intensity, land use mix, building form and orientation, and phasing and financing of public improvements.
7. For a discussion of issues related to vegetation and wildlife, see Section III.H of the Draft EIR. Also see the Master Response at the beginning of Chapter IV.



July 12, 1998

Mr. Andy Altman
Oakland City Planning Commission
250 Frank Ogawa Plaza
Oakland, Ca 94612

Dear Mr. Altman:

As I understand the Draft Estuary Plan and EIR produced by the Port and City of Oakland, the proposals are in contradiction to the stated goals and objectives. For example, the planned concentration of high rise, high density hotels, apartments, parking structures, etc. in the Jack London Square District cannot be supported by the existing infrastructure.

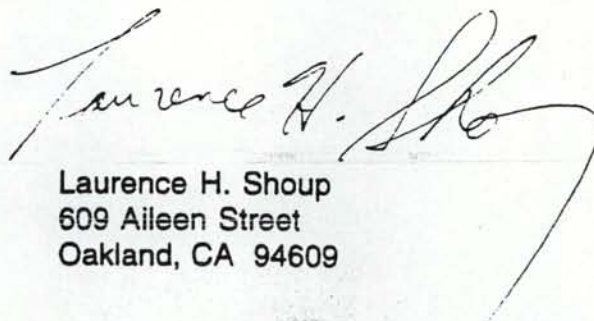
I am active in both the Green Party of Alameda County and the Oakland Tenants Union, and affordable housing is of great importance to me. The market rate Lincoln Properties apartments on Site B are an unwise use of that last open space on the water. Additionally, the two speculative projects at 3rd and Alice and the old Safeway headquarters area will not, in my view, benefit the citizens of Oakland.

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I would like to express my opposition to these kinds of developmental projects near our waterfront, since they are, in my view, inappropriate uses of our shoreline areas. Such large scale developments will increase traffic congestion, block vistas, take away open space, and make public access to, and control of the waterfront more difficult. We need to have a plan which will save open space, strictly limit air and water pollution, and preserve long term public control of valuable public resources. We must, in an environmentally sustainable way, preserve our waterfront for the beneficial use of the public and not for the private profit of the few.

Thank you for your attention and consideration.

Sincerely,



Laurence H. Shoup
609 Aileen Street
Oakland, CA 94609

LETTER O – LAURENCE H. SHOUP

1. This comment is in response to the proposed project and does not address the adequacy of the Draft EIR. This comment will be made part of the record and made available to the decision-makers prior to a final decision on the proposed project.

Shapiro Buchman LLP

Attorneys at Law

Robert W. Shapiro, P.C.
Robert A. Buchman, P.C.
Debra E. Keller
David S. Wallace

Conference Centers

44 Montgomery Street
Nineteenth Floor
San Francisco, CA 94104



Ann Marie De Die
J. Erick Dimalanta
Robert R. Neller
Eric A. Newsom
Christine L. Chase

Donald S. Honigman
Basil J. Boutris
Peter H. Dekker, P.C.
Of Counsel

July 20, 1998.

VIA HAND DELIVERY

Oakland City Planning Commission
Attention: Andrew Thomas, Planner II
Community and Economic Development Agency
250 Frank Ogawa Plaza
Oakland, CA 94612

Re: Draft EIR for the Oakland Estuary Plan
Our File No.: 1016-0140

Dear Mr. Thomas:

We write on behalf of the J.W. Silveira Company ("Silveira") to submit Silveira's comments on the draft environmental impact report ("DEIR") for the Oakland Estuary Plan ("Estuary Plan") pursuant to Public Resources Code section 21177(a). Silveira is the owner of roughly five acres of commercial real property on the Oakland waterfront at the foot of 5th Avenue, the single largest parcel of privately-held land within the boundaries contemplated for redevelopment by the Estuary Plan.

Before commenting on the Estuary Plan DEIR itself, we wish to reiterate a fundamental and practical problem which the incorporation of the Estuary Plan into the Oakland General Plan will engender and which we have mentioned in prior letters to City and Port officials. We attach a copy of our June 12, 1998 letter as Exhibit "A" to this letter. As you know, the General Plan governs all land use regulations in Oakland, both in Port- and City-controlled development areas, and all land use regulations enacted must be consistent with the General Plan. Given this institutional framework, no city land use ordinance or regulation which deviates in even the most minute way from the Estuary Plan can be enacted without a general plan amendment.

The Estuary Plan brings this issue into particularly sharp focus because it outlines with uncommon specificity the City's and Port's plans for the Estuary area. We believe that this level of specificity is neither necessary nor desirable. By way of illustration, we note that under the Estuary Plan the Embarcadero Parkway will be straddled by a "36-foot corridor," including a bicycle path and perpendicular parking. If, for any one of various reasons, the City decides that only a 20-foot corridor is more

feasible or desirable, nothing short of a general plan amendment will be required to effectuate this change. Other examples of such inappropriately specific requirements can be found throughout the Estuary Plan. In short, we believe it would be imprudent, on a practical as well as legal basis, for the Planning and Port Commissions, and ultimately the City Council, to ratify the Estuary Plan in its present state of specificity.

As we have stated in prior letters to various Port and City agencies, Silveira is not opposed to a coordinated and comprehensive vision for the progress of the Oakland waterfront. Rather, Silveira understands the importance of the waterfront to the economic future of Oakland, and will therefore support the evolution and development of the waterfront area, so long as it preserves Oakland's maritime heritage, does not adversely affect Silveira's and its tenants' community at the 5th Avenue site, and maintains sufficient flexibility. To this end, Silveira has offered, and still intends, to play a significant role in the passage and implementation of a modified plan for the future of the Estuary.

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Notwithstanding the fundamental issue of the level of specificity of the Estuary Plan, and as you know, we are constrained by the dictates of CEQA to comment on the Estuary Plan and the accompanying DEIR as they presently exist. Therefore, without waiving any rights regarding the Estuary Plan, we offer the following comments. The DEIR has a number of major deficiencies which, if not rectified, may render the document inadequate to meet CEQA requirements. We outline the general deficiencies we have found with the DEIR, followed by page-specific comments.

I. Inadequate Project Description and Level of Analysis

The DEIR analysis of many of the environmental topics of concern is general and, at times, very superficial. This follows in part from the fact that the project description fails to include all relevant aspects of the project (such as an adequate description of the project area's technical, environmental and economic characteristics), as required under the CEQA Guidelines. This sort of analysis may be acceptable for a program-level EIR on a general plan (such as the Land Use and Transportation Element), but is not appropriate for a very specific land use plan such as the Estuary Plan.

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As a rule, the level of analysis in an EIR must be commensurate with the level of detail available regarding the project (or plan). 14 Cal.Admin Code § 15146. This comports with the policy dictate that environmental review occur at the earliest feasible stage in

the planning process. No Oil, Inc. v. City of Los Angeles (1974) 13 Cal.3d 68, 84. Though an EIR is not required to speculate with respect to project impacts, it is no more permitted to gloss them over. Because of the high level of specificity of the Estuary Plan it is possible for the DEIR to provide a reasonably detailed level of impact analysis. The DEIR fails, for the most part, to provide this more detailed assessment, but rather reverts to a more general level of impact assessment commensurate with the more general Land Use and Transportation Element. In fact, a comparison of the Estuary Plan DEIR and the Land Use and Transportation Element EIR indicates many areas where the former is nothing more than a stripped-down version of the latter. As such, the DEIR fails to provide the public and decision-makers with an adequate level of information on project impacts upon which to make an informed decision, and also fails to identify Estuary Plan-specific mitigation measures.

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II. Inappropriate Use of Tiering

A first-tier EIR (for example, the Land Use and Transportation Element EIR) typically covers issues in a broad generalized level of analysis. Subsequent CEQA documents (such as the Estuary Plan EIR and subsequent project-specific EIRs that may be tiered off of that document) incorporate by reference the general discussions from the broader EIR, and concentrate primarily on the issues specific to the project being evaluated. Tiering allows the lead agency to focus on the issues that are ripe for decision and exclude from extensive consideration issues that are already decided or not yet ready for decision.

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Properly implemented, tiering of the Estuary Plan DEIR off of the Land Use and Transportation Element EIR would allow the citywide cumulative issues and other general analyses (as identified in 14 Cal.Admin.Code § 15168(d)(2)) to be addressed in the Land Use and Transportation Element EIR, with the Estuary Plan DEIR focusing on the specific impacts of that plan. Instead, the Estuary Plan DEIR appears to be written as a supplement to the Land Use and Transportation Element EIR, and attempts to modify that EIR (at the same level of detail as the Land Use and Transportation Element EIR) for the Estuary Plan. 14 Cal.Admin.Code § 15163. It fails to provide the additional level of analysis required of a tiered document on a relatively detailed tiered plan for a specific area.

III. Improper "Plan-to-Plan" Impacts Analysis

Section 15125(c) of the CEQA Guidelines states that "[w]here a proposed project is compared with an adopted plan, the analysis shall examine the existing physical conditions as well as the potential future conditions discussed in the plan." The discussion following section 15125 notes that "[t]he two plans could not be compared with each other without showing how they would relate to the existing level of development", and that "[t]he EIR had to address the existing level of development . . . as the baseline for comparison." In other words, as case law indicates, an EIR "must compare the impacts of a project with the actual environment upon which the proposal will operate," and not with the existing general plan." San Joaquin Raptor/Wildlife Rescue Center v. County of Stanislaus (1994) 27 Cal.App.4th 713, 722, n.3 (citing Environmental Planning & Info. Center v. County of El Dorado (1982) 131 Cal.App.3d 350, 354.). Failing to analyze the impacts of a proposed general plan revision on the existing environment can constitute an abuse of discretion under CEQA.

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Yet, this is precisely what the DEIR does, erroneously comparing the Estuary Plan only to the proposed development outlined in the EIR for the Land Use and Transportation Element, and not to the existing conditions in the area. This "plan-to-plan" comparison approach fails to identify and determine the impact of the Estuary Plan project for most areas, and deprives the reader of any means for identifying the proposed plan's effects on the Estuary area's environment as it exists today. Examples of how this deficiency plays out in the Estuary Plan DEIR are outlined below.

IV. Inadequate Cumulative Impacts Analysis

CEQA requires that an EIR analyze cumulative impacts from the project and "other closely related past, present, and reasonably foreseeable future projects." 14 Cal.Admin.Code § 15355(b). The guidelines provide that three elements are necessary to an adequate discussion of cumulative impacts: 1) a list of projects producing related or cumulative impacts, including those projects outside control of the agency; 2) a summary of the expected environmental effects to be produced by those projects with specific reference to additional information stating where that information is available; and 3) a reasonable analysis of the cumulative impacts of the relevant project." 14 Cal.Admin.Code § 15130. In other words, both a local and a regional perspective are required of an EIR. Citizens of Goleta Valley v. Board of Supervisors of County of Santa Barbara (1990) 52 Cal.3d 553, 575.

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Most of the Estuary Plan DEIR cumulative impact analyses nonetheless consider only development within the planning area as cumulative development. The DEIR thus excludes discussion of several major projects just outside of and abutting the Estuary Plan area which, in combination with the proposed action, could have potentially significant cumulative impacts. The omitted projects include, but are not limited to, the Port's own Vision 2000 Port expansion project, the Port's Metropolitan Oakland International Airport Expansion Project (and associated cumulative projects identified in that project's EIR), the Port's 50-foot Deepening Project, reuse of the Oakland Army Base, and the City of Alameda's NAS Alameda Reuse Plan. Absent an analysis of the cumulative impacts of these and other regional projects, the EIR is incomplete and inadequate.

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V. Inadequate Range of Alternatives

CEQA Guidelines section 15126(d) requires that an EIR analyze a "range of reasonable alternatives" to the project that would feasibly attain most of the project's basic objectives and substantially lessen one or more of the project's significant effects. In case of a land use plan, these alternatives typically reflect a range of land use types and intensities. In addition, the EIR is required to address a "No-Project" alternative. The Estuary Plan Draft EIR includes only one alternative other than the No-Project alternative. Even this one alternative is summarily rejected. This analysis offers even fewer alternatives than the Land Use and Transportation Element EIR, which added an alternative use designation. A single rejected alternative does not provide the public or the lead agency with a "range of reasonable alternatives" in compliance with CEQA requirements. Again, specific instances of this defect are discussed more fully below.

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Specific comments are presented by Estuary Plan DEIR page number below. These are largely illustrative of the more general comments written above.

Estuary Plan DEIR Page No.	Comment
I-1	The EIR should assess the proposed project's relationship with policies and goals of other Oakland General Plan elements in addition to the Land Use and Transportation Element. Potential inconsistencies between the proposed Estuary Plan and overarching adopted citywide policies should be identified. Inconsistencies with these adopted plans would be a significant impact.
II	This section fails to accurately depict the level of detail of the Estuary Plan's recommended land uses and fails more generally to provide an adequate description of the project. It should be expanded to include existing and proposed square footages and acreages of each type of land use. Other quantified elements of the proposed plan (i.e. setbacks, road widths, parking etc.) must also be described to permit a thorough analysis of project impacts.
III.A.5	Why is the proposed plan compared with the 1980 plan? In this particular instance, changes in policies should be compared with the current policies in force in the City of Oakland, not 18-year old superseded plans. This appears to be an artifact of the fact that this document is merely an edited version of the Land Use and Transportation Element EIR, rather than a new, more detailed EIR reflecting the detail of the Estuary Plan.
III.A.6	Last sentence. Define "become available for development". Does this mean that the City would not acquire properties until owners are willing to sell?
III.A.7	Mitigation Measure A.2: To assure mitigation, a measure should be added that assures that the timing of the Estuary Plan's implementation does not exceed the City's ability to absorb changes in citywide development plans without disruption to established communities.

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<p>III.A.7, 12</p>	<p>Land Use Compatibility and Displacement: Need to add summary of Land Use and Transportation Element EIR mitigations referenced herein and discuss how they apply to the proposed plan so that reader can assess their effectiveness in reducing impacts.</p>	<p>12</p>
<p>III.A.8</p>	<p>Inappropriate use of irrelevant 1980 Plan designations</p>	<p>13</p>
<p>III.A.13</p>	<p>Land Use Impacts of Transportation Projects. Misses other areas where transportation projects would displace existing land uses. For example, the building at 499 Embarcadero, which is adjacent to proposed Embarcadero Parkway, would clearly be removed if the proposed parkway was implemented. <u>This illustrates how the DEIR's level of detail is far less specific than that in the Estuary Plan, resulting in omitted impacts and underestimated statements of impact significance.</u> The DEIR analysis should be expanded to include an overlay of all proposed improvements over existing land uses and precise identification of displaced land uses. CEQA requires this of an EIR prepared for a plan this specific.</p>	<p>14</p>
<p>III.A.14</p>	<p>Mitigation A.6. Future CEQA review does not assure mitigation. <u>Sundstrom v. County of Mendocino</u> (1988) 202 Cal.App.3d 296). The land use impacts discussed in this section are therefore rendered significant and unmitigated.</p>	<p>15</p>
<p>III.B.4</p>	<p>The significance criterion here is inappropriate. The City of Oakland's LOS D criteria supersedes the generic Alameda County Congestion Management Agency LOS E criteria.</p>	<p>16</p>
<p>III.B.5-7</p>	<p>Given the specific designs of these interchanges and roadways, the land use displacement associated with them can be determined. To make the DEIR meaningful, such a determination should be added to the land use analysis.</p>	<p>17</p>

III.B.8	4 th para. Transportation improvements are a major component of the Estuary Plan. Failure to incorporate Estuary Plan improvements in this analysis renders the analysis incomplete and inadequate. The model should be revised to include these improvements.	18
III.B.8	5 th para. This trip generation analysis is a plan-to-plan comparison, and must be revised to compare the proposed action with existing on-the-ground conditions in order to comply with CEQA Guidelines Section 15125(c).	19
Table III.B-1	Inappropriate "Plan-to-Plan" analysis	20
III.B.9	65 mph travel speed at peak hour on I-880 appears to be inaccurate. Please provide supporting documentation.	21
Tables III.B-2, 3,4,5	Inappropriate "Plan-to-Plan" analysis	22
III.B.14-17	Inappropriate "Plan-to-Plan" analysis for all analyzed street segments.	23
III.C.1	Increased Housing Capacity: Inappropriate "Plan-to-Plan" analysis.	24
III.C.2	2 nd complete para.: This statement is unsupported. Please add any calculations which support this conclusion.	25
III.C.2	Increased Employment Growth Potential: Inappropriate "Plan-to-Plan" analysis. The full buildout of the proposed plan should be compared with existing on-the-ground conditions as well as with conditions as they would exist upon implementation of the Land Use and Transportation Element.	26
III.D.2	Water demand, 3 rd para.: Inappropriate "Plan-to-Plan" analysis.	27

III.D.3-4, etc.	All city policies referenced in this EIR need to be compared with proposed plan to determine whether or not they are consistent.	28
III.D.5	Last para.: Please provide quantification of future sewage treatment capacity serving project area. Without these figures, it is not possible to determine whether project would exceed EBMUD treatment capacities.	29
III.D.7	Given specific development footages provided in Estuary Plan, the EIR should identify specific capital improvement needs, if any, to realize full development under the Estuary Plan.	30
III.D.12	Increased Waste Stream: Waste from demolition of existing structures (i.e. Ford Building) needs to be addressed and mitigated in this section.	31
III.D.13-17	Police, fire, and schools sections fail entirely to describe either existing conditions or project impacts. Where, for example, are schools and fire and police stations with respect to project area? This section should also delineate the existing service limitations and capacities. The DEIR should include a summary of existing services, calculations or estimations of project demands on each service, consultations with service providers regarding project effects, analyses of project effects, and mitigations required to address potentially significant impacts. The Estuary Plan provides adequate data from which to do a detailed analysis of these issues. If Land Use and Transportation Element policies are used to mitigate impacts, please show specifically how this mitigation would apply to the Estuary Plan.	32
III.D.14	The DEIR fails to indicate how the proposed transportation improvements affect emergency, police, fire, and medical access in each area addressed by the Estuary Plan.	33
III.D.19	Parks table III.D-1 and the subsequent analysis is precisely the type of detailed analysis of Estuary Plan conditions versus existing conditions that the other sections of the DEIR should include.	34

III.E.10	Regional Emissions, 2 nd para.: Inappropriate "Plan-to-Plan" analysis.	35
III.E.15	This section does not describe how the proposed plan complies with Land Use and Transportation Element policies. It is not adequate to say that it will be required to comply; one of the critical questions that this DEIR should answer is whether or not the project actually does comply with, or furthers the implementation of, Land Use and Transportation Element policies.	36
Table III.E-6	Inappropriate "Plan-to-Plan" analysis.	37
III.E.18	Needs analysis of construction and demolition impacts on air quality, by specific area based on the demolition and construction required to implement the Estuary Plan.	38
III.F.4	Significance Criteria: Inappropriate "Plan-to-Plan" analysis.	39
III.F.5	First para.: Erroneous analysis: Plan implementation would directly affect visual quality. This section needs to assess potential visual impacts of full plan buildout (e.g. 8-story hotels), as it is too generic given the Estuary Plan's level of detail.	40
III.G.1	<p>Please add analysis of project's potential effects on all potential historic structures in plan area (i.e. all structures over 50-years old). The Estuary Plan is specific enough to allow the lead agency to review these impacts on a parcel-by-parcel basis.</p> <p>The development of the Embarcadero Parkway and the adjoining 36-foot "greenbelt" will, for example, <u>necessarily</u> involve the destruction of the main building on Silveira's property, 499 Embarcadero. Nothing in the DEIR analyzes the impact of that building's removal in terms of historical preservation or the displacement of the offices and workshops in that building.</p>	41

III.G.2	This section does not define "Potential Designated Historic Property." Please identify all such properties in Estuary Plan area, and identify potential impacts of transportation improvements and other aspects of plan implementation on these structures.		42
III.G.3	Please add analysis to the archaeological conclusions. Specifically, the EIR should overlay all proposed improvements over maps of all known areas of archaeological resources and identify specific areas of concern. Mitigation measures should then be identified for each of these areas. Again, the Estuary Plan has enough specificity to achieve such an analysis, therefore it should be done to comply with CEQA.		43
III.G.3	Historic Preservation Policy 4.1 is too generic to assure mitigation. Mitigation of non-discretionary projects must be discussed, or there may not be an opportunity for such mitigation. As written, mitigation is not assured and therefore significant impacts may still occur.		44
III.G.4	All potential historic structures that would need to be demolished to develop plan as described should be identified in this section. Significance of demolition should then be assessed. Deferral of this analysis to mitigation is inappropriate.		45
III.G.4-6	Demolition required as part of the Estuary Plan should be compared with policies to see if it complies with them or impedes their implementation.		46
III.H.2	Map of sensitive habitats/species in planning area should be included. The proposed plan implementation should then be compared with those habitats to identify any specific impacts.		47

<p>III.H.3, 5</p>	<p>Direct Loss of Habitat; Disturbance to Resource Conservation Areas: Future environmental review does not assure mitigation. Are OSCAR policies implemented or impeded by the proposed land use plan? Specific mitigation should be identified here.</p>	<p>48</p>
<p>III.J.1</p>	<p>Increased Energy Demand: Inappropriate "Plan-to-Plan" analysis.</p>	<p>49</p>
<p>III.K.2</p>	<p>The projected rise in sea levels should be considered as a potential impact.</p>	<p>50</p>
<p>III.K-10</p>	<p>Will identified mitigation measures actually prevent damage or destruction from the massive liquefaction and lateral spreading that may occur in a magnitude 7+ earthquake on the Hayward Fault? If not, either this impact should remain significant or additional mitigation should be developed.</p>	<p>51</p>
<p>III.L.2</p>	<p>Last para. Statement that 65dBA contour limits the area where airport related noise contributes to significant noise impacts is not accurate. It can contribute to overall high noise levels at aircraft-noise levels less than 65dBA.</p>	<p>52</p>
<p>Table III.L-1</p>	<p>This table provides a good example of existing setting (note that it does not use 2015 noise levels).</p>	<p>53</p>
<p>III.L.8</p>	<p>Traffic Noise Increases: Inappropriate "Plan-to-Plan" analysis.</p>	<p>54</p>
<p>Table III.L-3</p>	<p>Inappropriate "Plan-to-Plan" analysis.</p>	<p>55</p>
<p>III.L.12</p>	<p>Noise Impacts of Transportation Improvements: Inappropriate "Plan-to-Plan" analysis.</p>	<p>56</p>
<p>III.M.8</p>	<p>Given the level of detail of the Estuary Plan, the EIR should address areas know to be (or potentially) contaminated with hazardous materials and determine their compatibility with or impacts on proposed land uses. Its is inappropriate to defer to future review these impacts.</p>	<p>57</p>

III.M.11	First full para.: The extent of demolition required for development of parks and roadway improvements can be determined from the Estuary Plan. The impacts of that demolition should be discussed.
III.N.2	Impact N.1: Consistency "analysis" is conclusory and based solely on the Land Use and Transportation Element, and not on any actual analysis of the proposed Estuary Plan. Please conduct an analysis of the proposed plan and revise this section.
III.N.4	Impact N.2: Consistency "analysis" is conclusory and based solely on the Land Use and Transportation Element, and not on any actual analysis of the proposed Estuary Plan. Please conduct an analysis of the proposed plan and revise this section.
III.N.6	Impact N.3: Consistency "analysis" is conclusory and based solely on the Land Use and Transportation Element, and not on any actual analysis of the proposed Estuary Plan. Please conduct an analysis of the proposed plan and revise this section.
III.N.7	Port Priority conflict of demolition of Ninth Street Terminal should be addressed in Land Use section of this DEIR. Please develop a mitigation to provide compliance with Seaport Plan.

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<p>IV-2</p>	<p>Section 15126(d) of the CEQA guidelines requires that an EIR analyze a "range of reasonable alternatives" to the project that would feasibly attain most of the project's basic objectives and substantially lessen one or more of the project's significant effects. In the case of a land use plan, these alternative typically reflect a range of land use types and intensities. One development alternative constitutes an inadequate range of alternatives. Please add one or more alternate land use types or intensity alternatives so that the decision-makers and the public may have an opportunity to fully evaluate the environmental implications of their choices with respect to future Estuary area land uses.</p>
<p>IV-4, 6</p>	<p>It is <u>inappropriate</u> for the EIR to reject alternatives; this leaves no alternatives for the decision-makers to consider. The EIR's role is to analyze the environmental effects of the alternatives, not develop reasons for their rejection.</p>
<p>V-3</p>	<p>Cumulative impacts analysis must be expanded to address all planned, approved, and reasonably foreseeable development in the area where overlapping environmental impacts may occur. This includes, but is not limited to, the Port's Vision 2000 Port Expansion Project, the Port's Metropolitan Oakland International Airport Expansion Project (and associated cumulative projects identified in that project's EIR), the Port's 50-foot Deepening Project, the reuse of the Oakland Army Base, and the City of Alameda's NAS Alameda Reuse Plan. Absent an analysis of the cumulative impacts of these projects, the DEIR analyses of Land Use, Transportation, Population/Housing/Employment, Services, Visual Quality, Vegetation and Wildlife, Hydrology, and Noise are incomplete and inadequate.</p>
<p>V-4</p>	<p>Population, Housing, and Employment analysis is another example of an inappropriate "Plan-to-Plan" analysis.</p>

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July 20, 1998

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We will look for a detailed, substantive response from the City of Oakland regarding all of the specifics outlined above, and indeed hope to receive input beyond the required response to our DEIR comments. Again, we reserve all rights to submit further comment on the Estuary Plan on or before the Planning Commission vote on this project.

Please contact us at any time if you have any further questions. Thank you.

Very truly yours,

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June 12, 1998

VIA FACSIMILE AND FIRST CLASS MAIL

TO: PLANNING COMMISSION
CITY ATTORNEY
CITY MANAGER
FIFTH AVE WATERFRONT ALLIANCE - ROBIN BARTOO
ANDY ALTMAN
SANDY THRELFALL

City of Oakland
1 City Hall Plaza
Oakland, CA 94612

Re: Oakland Estuary Plan
Our File No.: 1016-0140

We write you as representatives of the J.W. Silveira Company ("Silveira"), the owner of roughly five acres of commercial real property on the Oakland waterfront at the foot of 5th Avenue. This letter will constitute Silveira's position with respect to the recently-released Oakland Estuary Plan ("the Estuary Plan") and its potential effect on the Oakland waterfront in general and on Silveira's properties in particular. Please note that this letter does not specifically address issues raised by the recently released draft environmental impact report on the Estuary Plan. We will offer our comments on the draft EIR in an upcoming letter.

Silveira is the owner of the single largest parcel of privately-held land within the boundaries contemplated for redevelopment by the Estuary Plan, and as such feels particularly deserving of participation in the process that will dictate the future of the waterfront. As you no doubt know, several of Silveira's tenants have joined to form the 5th Avenue Waterfront Alliance, a group which has expressed its concerns over the potential destruction of the maritime and industrial heritage of the Oakland waterfront. While Silveira shares some of its tenants' concerns, my client's interests do not necessarily and invariably coincide with those of

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its tenants. Silveira thus states its position separately with this letter.

Silveira's position is that, though development of the waterfront is of great importance to the economic future of Oakland, and though Silveira will support reasonable efforts to achieve this end, the area at the foot of 5th Avenue represents the last vestige of Oakland's maritime tradition, and must be preserved at all costs. By this position, Silveira's intention is not to block all development of the area, but rather to ensure that all future development is sufficiently sensitive to this issue. Silveira will therefore support the evolution and development of the waterfront area, so long as this development comports with and preserves Oakland's maritime heritage and does not adversely affect Silveira's and its tenants' community at the 5th Avenue site.

We are concerned that the Estuary Plan does not comport with the principles of those concerned with preserving Oakland's maritime heritage. While we recognize that the City, the Port and ROMA attempted in the Estuary Plan to address the waterfront tradition, the fact remains that the Estuary Plan as drafted could destroy what Silveira and its neighbors and tenants have built over the decades.

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Because the Estuary Plan will be integrated into the newly-amended Oakland General Plan, moreover, the former will become a part of the "constitution" of the City of Oakland, and govern all land use regulations, both in Port- and City-controlled development areas. Therefore, no city ordinance or regulation which deviates from the very detailed Estuary Plan could lawfully be enacted without City Council action. In fact, given this institutional framework, the City's present course of action will ensure that nothing less than a General Plan amendment will suffice to properly effectuate any implementational or other proposed change to the Estuary Plan's provisions. Silveira submits that the result would be wasteful, overly costly and unnecessary.

In this and other respects one fact stands out: the Estuary Plan is simply too detailed. The Estuary Plan outlines with unusual specificity and minute detail the City's and Port's plans for the Estuary area. We understand that ROMA, the design consultants for the Estuary Plan, may have drafted the Estuary Plan to be more detailed than perhaps the City and Port had originally intended. Given this fact, and the Estuary Plan's practical and legal deficiencies set out in this letter, it would be imprudent for the Planning and Port Commissions, and ultimately the City Council, to ratify this plan in its present state.

With respect to Silveira's property, the Estuary Plan's specifics include everything from the straightening of 5th Avenue to the construction of a "36-foot corridor," including a bicycle path and perpendicular parking, along the Embarcadero. These provisions, you will note, will lop off a large section of the northern portion of Silveira's property, as well as a significant part of his property on the waterfront. This will require the Port and/or the City to institute condemnation proceedings against Silveira. Condemnation will also be required if the City and Port intend to follow through on the Estuary Plan's proposal for a "connection" from the proposed "Open Meadow Park" to Clinton Basin (See Estuary Plan, p.97), which would be placed on what is now the only truly private piece of waterfront property in the area. These condemnation efforts, if instituted, will be vigorously opposed on all fronts. If no such condemnation effort is timely instituted, Silveira will commence an action for inverse condemnation based on this taking, and will recover, in addition to the value of the property taken, pre-condemnation damages and all costs and attorney's fees.

With these central facts in mind, and in the hope of resolving this potential dispute before it ripens, we list below our specific concerns with the Estuary Plan:

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1. District Policy OAK-1.2: Given the present state of the area slated for the "Open Meadow Park," it is simply too early to declare that this should be a park of "approximately 11 acres" with the shoreline restored as "tidal wetlands." Among the more obvious factors which could block this simplistic projection is the potentially serious environmental contamination of this site. Mandating a "pile-supported recreational pier" and a pedestrian bridge across Lake Merritt Channel ignores the potentially huge cost of such a project. The answer to this question is simple. We cannot now know. OAK-1.2 should be rewritten to suggest a park of 6-12 acres, and should mention at most the exploration of the tidal wetlands, extended 5th Avenue pier, and pedestrian bridge projects.

2. District Policies OAK-3 and OAK-4: All of the Estuary Plan policies should be written like OAK-3, as providing for the encouragement of certain policy objectives without mandating implementation of parcel map-specific provisions as part of General Plan law. Similarly, most of OAK-4 is broadly drafted and can be molded to conform to the realities of the development process. The references in OAK-4.5 to "seasonal routing"

of pedestrians and other environmental improvements should be deleted in favor of more open-ended implementation language. We suggest deleting everything after the first sentence in OAK-4.5. Finally, while all of these policies properly leave flexible the parameters of the Open Meadow-Clinton Basin connection, the illustrative maps on pages 97, 102-103, and 110 should be deleted as misleading and too specific.

3. District Policy OAK-5: "Shoreline reconfiguration" recommendations should not necessarily include "both earth movement and new pier structures," as the cost and efficacy of these types of improvements cannot be known. These specific provisions should be deleted.

4. District Policies OAK-6 and OAK-7: While predominantly open water at the mouth of Lake Merritt channel may be a worthwhile goal, again the Estuary Plan drafters fall into the trap of offering too many specifics. At this juncture, the feasibility of the proposed 5th Avenue pier and the proposed new marinas is simply too uncertain to remain a part of the Estuary Plan as incorporated into the General Plan. Moreover, the feasibility of removing portions of the shoreline is unknown at this time. At most the Estuary Plan should mention the possible exploration of a 5th Avenue pier, new marinas, and enlarging the mouth of Lake Merritt Channel by removing shoreline.

5. District Policies OAK-11 and OAK-20: The land use element of OAK-11 properly envisions the retention of Silveira's property as private. The proposed "fine-grained parcelization pattern" of the streets on Silveira's property is, however, unclear and should be deleted. The similar provision for a "block configuration" outlined in OAK-20 could prove infeasible and should also be deleted. This apparent intention to develop parallel streets within Silveira's property will effectively require redevelopment of the entire area, the cost of which may be prohibitive and which will certainly mean the relocation (i.e., eviction) of many of Silveira's tenants. The 25-50 water setback provision, the 0.5 floor area ratio and the 30 foot height restriction outlined in OAK-11 are also too specific, ignore current uses, and should be deleted. These policies will invite inverse condemnation litigation as they clearly envision the appropriation of Silveira's

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property. The setback provision in particular effectively emasculates my client's site.

6. District Policy OAK-17: Realizing the importance the City and Port have placed on waterfront accessibility, Silveira does not necessarily oppose the straightening of 5th Avenue as presently planned. To the extent that this interferes with Silveira's property lines and tenants, however, Silveira reserves its right to oppose this proposal.

7. District Policies OAK-18 and OAK-21: The proposed widening of the Embarcadero, outlined in large part in OAK-18, presents several major problems which need to be addressed before the Estuary Plan can be endorsed. The proposal is for a three-lane parkway with an "adjacent 36-foot corridor," presumably for bike and pedestrian pathways. Note that this will likely severely cut directly into Silveira's property and, pending completion of a land survey and possible condemnation proceedings, must remain open to negotiation. These policies should be rewritten to suggest at most a three-lane Embarcadero, with specific greenbelt, parking and lane provisions reserved for later determination. The last sentence of OAK-18 should thus be redrafted to state: "A three-lane roadway (two moving lanes and a center left-turn lane) should be built." The "perpendicular parking" provisions of OAK-21 (i.e., the middle two sentences of the first paragraph of OAK-21) should be deleted.

8. Development Regulation PWD-1: The "overall intent" section of PWD-1 is too drastic in calling for the "transformation" of maritime and marine industrial uses. As some of the present uses fit into this category, and could also qualify as light industrial, assembly, manufacturing or commercial uses, the "overall intent" section should read: "Provide for public access and open space opportunities while maintaining the unique mix of light industrial, manufacturing, artist lofts and workshops at the foot of Fifth Avenue." The development standard requiring "a minimum of 40 acres of public open space" should be reworded to maintain appropriate development flexibility. For the reasons described above, the setback provisions should also be deleted.

More generally, the description of the Estuary Plan's contemplated "artisan village" on what is now Silveira's light- to heavy-industrial property, including an artisan community, strikes many

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in this area as a "disneyesque" tourist attraction which ignores the serious work that goes on at this site.

Perhaps the most important point Silveira wishes to convey is the legal significance of the Estuary Plan's specificity, the effects of which cannot be overstated. The EIR certified for the Land Use and Transportation Element was a program EIR. We are told to expect that a Program EIR will also be issued for the Estuary Plan on June 5, 1998. While a program EIR is a perfectly appropriate means to review a City's general plan (or, in this case, an element of the general plan), a program EIR vaguely addressing only some of the Estuary Plan's environmental impacts is not appropriate for the Estuary Plan. Any attempt to pass the Estuary Plan without an EIR detailed enough to address each of the several dozen specific proposals therein cannot pass judicial scrutiny. The basic reasoning for allowing public entities the freedom to draft less specific Estuary for large scale projects such as general plan amendments is that a general plan does not normally commit the agency to any specific course of action. This plan, however, does precisely this, forever committing both the City and the Port, by its absorption into the General and Port Development plans, to the numerous, highly specific courses of action it outlines.

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The above examples are meant to illustrate Silveira's position on the ratification of the Estuary Plan. We do not propose a wholesale gutting of the Estuary Plan. Rather, let it set forth the guiding principles to which the Port and City should adhere in redeveloping the waterfront area. Leave the specifics of each project to particularized and detailed project descriptions, which can then be addressed by appropriately detailed plans, subject to public input, when the projects are implemented.

The alternative for the City and Port is twofold. First, the City and Port will invariably face protracted litigation concerning the adequacy and appropriateness of the Estuary Plan Program EIR, and potentially expensive condemnation proceedings. Secondly, and even if such litigation is unsuccessful, the City and Port will face a development nightmare into the foreseeable future, fraught with demands for deviation or variances from an entirely too-specific General Plan. Both of these unavoidable consequences must be taken into account before the Planning and Port Commission, and ultimately the City Council, vote to approve the Estuary Plan.

As this letter makes clear, we wish to be involved in this process, and look forward to working with you to further discuss and refine the modifications suggested in this letter. We invite you to contact us at any time if you have any further questions regarding

June 8, 1998

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Silveira's position on the Estuary Plan. Please keep us informed in writing of all developments in this matter. Thank you.

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Very truly yours,

SHAPIRO BUCHMAN LLP

Robert W. Shapiro

RWS:tr

cc: Client
Debra E. Keller, Esq.
Eric A. Newsom, Esq.

LETTER P – ROBERT SHAPIRO

1. These comments are associated with the text of the proposed Land Use and Transportation Element and not on the Draft EIR. The City acknowledges these comments and will revise the proposed Land Use and Transportation Element as appropriate. These comments will be made part of the record and made available to the decision-makers prior to a final decision on the proposed project.
2. See the Master Response at the beginning of Chapter IV.
3. The commenter is correct in noting that the Estuary Plan Draft EIR addresses the impacts at a similar level of detail as that provided in the Land Use and Transportation Element EIR. Also, see the Master Response at the beginning of Chapter IV.
4. The Estuary Plan Draft EIR does not rely on a “plan-to-plan” comparison for determining whether implementation of the Estuary Plan would result in a significant impact on the environment. In each environmental issue area, the conclusion regarding whether a significant impact would occur is based on a comparison of the Estuary Plan with the existing conditions in the Estuary Planning Area. Since the Land Use and Transportation Element EIR included detailed analyses regarding the effects of development in the Estuary Planning Area, much of the information used in determining the significance of the impacts of the Estuary Plan can be found in the Land Use and Transportation Element EIR. The commenter is not correct in stating that the determination of significance is based on a comparison with the Land Use and Transportation Element EIR. In all instances, information is provided that compares the Estuary Plan with the existing conditions. This information is used to determine the significance of the impact. In some cases, the analysis also provides, for information purposes only, a comparison with the impacts identified in the Land Use and Transportation Element EIR. No determination of significance is based on this comparison. Therefore, no revisions to the Draft EIR are warranted.
5. The commenter is not correct in asserting that the cumulative impact analysis does not account for development outside of the Estuary Planning Area. As stated on page V-3 of the Draft EIR, the cumulative impact analysis used growth projections for the entire City of Oakland (as discussed in the Land Use and Transportation Element EIR) as well as ABAG projections of growth for other communities. Thus, this analysis does include the effects associated with the Master Plan at Metropolitan Oakland International Airport, the NAS Alameda Reuse Plan, and other major projects in proximity to the Estuary Planning Area.
6. In accordance with Section 15126(d) of the CEQA Guidelines, the Draft EIR identifies an alternative (the Environmentally Superior Alternative on pages IV-5 through IV-7 of the Draft EIR) that would feasible attain most of the project’s basic objectives and substantially lessen the project’s significant effects. The City does not agree with the commenter that this alternative was “summarily rejected” since five specific reasons for not approving this alternative are provided on pages IV-6 and IV-7 of the Draft EIR. Thus, the Draft EIR has

complied with the CEQA Guidelines that require the discussion of a “reasonable range of alternatives” and no changes to the Draft EIR are warranted.

7. Chapter I of the Draft EIR provides an introduction to the EIR and provides background information to guide the reader in reviewing the Draft EIR. This chapter is not an appropriate location for a discussion of the consistency of the Estuary Plan with other elements of the Oakland General Plan. Rather, Section III.N of the Draft EIR provides assessments of the consistency of the Estuary Plan with existing relevant goals and policies of the City’s General Plan elements.
8. See the Master Response at the beginning of Chapter IV.
9. As stated on page III.A-5 of the Draft EIR, the comparison of the land use designations adopted in the Land Use and Transportation Element for the Estuary Planning Area with the 1980 land use diagram are addressed in the recently certified Land Use and Transportation Element EIR. The commenter is not correct in stating that this comparison occurs in the Estuary Plan Draft EIR.
10. The term “available for development” is used in the Draft EIR to indicate property for sale. Other means of acquiring property, such as eminent domain, may be explored by the City in the future and would be dependent on the circumstances and purposes of the acquisition.
11. The Land Use and Transportation Element fully anticipated the Estuary Plan’s recommendations and created a citywide development framework that presumed that the Estuary Planning Area would redevelop with more intense land uses. As a result, no changes to citywide development plans would occur as a result of the Estuary Plan and no significant impacts on citywide land use patterns are identified. Therefore, no mitigation measure is appropriate and no changes to the Draft EIR are warranted.
12. Pages III.A-11 and III.A-12 of the Draft EIR identify the mitigation measures in the Land Use and Transportation Element EIR that are related to land use compatibility and displacement impacts. These mitigation measures would reduce the land use compatibility and displacement impacts that could occur within the Estuary Planning Area.
13. Table III.A-1 on page III.A-8 of the Draft EIR is intended to provide the reader with a history of the land use designations in the Estuary Planning Area. The City determined that providing the 1980 plan designations would provide the reader with the historical context of land use designations. This is not an inappropriate reference to the 1980 plan designations since the existing 1998 general plan designation also is included in Table III.A-1.
14. The alignment of the Embarcadero Parkway is conceptual and it is premature to suggest it would require the demolition of a specific building. Extensive feasibility studies, including alternative alignments, would be required prior to the approval of a specific alignment for

the development of the roadway. Also, see the Master Response at the beginning of Chapter IV.

15. As stated on page III.A-14 of the Draft EIR, the feasibility of the reconfiguration of the freeway interchanges and the construction of a new "Tidewater Parkway" has not been determined. These are specific projects that would require individual environmental review. Also, see the Master Response at the beginning of Chapter IV. No changes to the Draft EIR are warranted.
16. The City of Oakland's significance criteria of Level of Service D pertains to the operation of intersections. The Alameda County Congestion Management Agency significance criteria of Level of Service E pertains to roadway segments. Therefore, both significance criteria are appropriate to analyze transportation-related impacts associated with the Estuary Plan.
17. The alignments of the roadway and interchange improvements identified in the Estuary Plan Draft EIR are conceptual and it is premature to suggest it would require the displacement of specific land uses. Extensive feasibility studies, including alternative alignments, would be required prior to the approval of a specific alignment for the development of a particular roadway or interchange.
18. As stated on page III.B-8 of the Draft EIR, the approach used in the traffic analysis provides a "worse case" analysis in which none of the proposed roadway improvements are included in the model. Revision to the model would result in traffic conditions that are better than those discussed in the Draft EIR.
19. See the response to comment P-4, above. The information regarding the number of households and jobs under the Estuary Plan compared to the Land Use and Transportation Element is provided for give the reader an understanding of the changes that would result from the implementation of the Estuary Plan. However, this information is not presented as the impacts of the Estuary Plan and the comparison is not the basis for determining the significance of the impact. Therefore, the Estuary Plan Draft EIR does not rely on a "plan-to-plan" analysis for determining traffic impacts.
20. See the responses to comments P-4 and P-19, above.
21. The 65 m.p.h. travel speed referenced by the commenter is a variable used with the Florida DOT Level of Service tables. The 65 m.p.h. refers to the speed limit of Interstate 880.
22. See the responses to comments P-4 and P-19, above.
23. See the responses to comments P-4 and P-19, above.
24. See the response to comment P-4, above. The information regarding the number of housing units under the Estuary Plan compared to the Land Use and Transportation Element is provided for give the reader an understanding of the changes that would result

from the implementation of the Estuary Plan. However, this information is not presented as the impacts of the Estuary Plan and the comparison is not the basis for determining the significance of the impact. The Estuary Plan EIR indicates that an increase of 2,500 housing units over the next twenty years (or 125 housing units per year) is not a significant change for the City of Oakland. Therefore, the Estuary Plan Draft EIR does not rely on a "plan-to-plan" analysis for determining housing impacts.

25. The conclusions presented on page III.C-2 of the Draft EIR are supported on page III.C-1 of the Draft EIR. As indicated in paragraph four on page III.C-1, an increase of 120 housing units over a 20-year period is not considered to be a significant change. This represents an increase on the average of six housing units per year.
26. See the response to comment P-4, above. The full buildout of the Estuary Plan is the basis for determining that 15,330 additional jobs would not constitute a significant impact. Therefore, the Estuary Plan Draft EIR does not rely on a "plan-to-plan" analysis for determining employment impacts.
27. See the response to comment P-4, above. The increase in water demand as a result of the Estuary Plan is presented and is the basis for determining whether this impact is significant. Therefore, the Estuary Plan Draft EIR does not rely on a "plan-to-plan" analysis for determining water demand impacts.
28. See the Master Response at the beginning of Chapter IV.
29. According to EBMUD, the District has 'sufficient plus excess capacity at the Main Wastewater Plant for proposed growth'. See comment D-9 for additional information from EBMUD regarding this issue.
30. As stated on page III.D-7 of the Draft EIR, new sanitary sewer infrastructure may be needed before substantial new development could occur. Given the program-level of this EIR, identification of specific capital improvement needs is not warranted.
31. Page III.D-12 of the Draft EIR does include demolition debris as part of the increased solid waste stream. Therefore, no changes to the Draft EIR are warranted.
32. As stated on pages III.D-13, III.D-14, and III.D-15, descriptions of police services, fire services, and school services are contained in the Land Use and Transportation Element EIR and are incorporated into the Estuary Plan Draft EIR by reference. Existing facilities and the capacities of those facilities are outlined in the Land Use and Transportation Element EIR. As stated on pages III.D-13, III.D-14, and III.D-15, impacts to police services, fire services, and school services would be mitigated by policies in the Land Use and Transportation Element and by mitigation measures identified in the Land Use and Transportation Element EIR. Since the Estuary Plan is part of the General Plan, these policies and mitigation measures would apply to development that occurs in the Estuary Planning Area.

IV. WRITTEN COMMENTS AND RESPONSES TO WRITTEN COMMENTS ON THE DRAFT EIR

33. The proposed transportation and circulation improvements envisioned in the Estuary Plan (see pages III.B-4 through III.B-8 of the Draft EIR) would improve access throughout the Estuary Planning Area. As such, these improvements would be beneficial to emergency service, fire, police, and medical service vehicles. Therefore, no impacts to these services would occur as a result of the Estuary Plan and no further discussion is warranted in the EIR.
34. See the Master Response at the beginning of Chapter IV.
35. See the response to comment P-4, above. The increase in regional emissions as a result of the Estuary Plan is presented and is the basis for determining whether this impact is significant. Therefore, the Estuary Plan Draft EIR does not rely on a "plan-to-plan" analysis for determining air quality impacts.
36. The discussion on pages III.E-15 and III.E-16 of the Draft EIR does address the issue of the Estuary Plan's consistency with the Clean Air Plan. For a discussion of consistency with the Land Use and Transportation Element, please see the Master Response at the beginning of Chapter IV.
37. See the response to comment P-4, above. The information in Table III.E-6 is intended to provide the reader with a greater understanding of the CO levels along selected roadways in the Estuary Planning Area. The determination of whether these CO levels are significant is based on the change from existing conditions. Since the CO levels for the Estuary Plan would be the same or less than those for the Land Use and Transportation Element and since the Land Use and Transportation Element would not result in significant impacts related to CO levels, the impacts of the Estuary Plan compared to existing conditions also would be less than significant. Therefore, the Estuary Plan Draft EIR does not rely on a "plan-to-plan" analysis for determining air quality impacts.
38. As stated on page I-3 of the Draft EIR, one of the intended uses of this EIR is to evaluate the environmental impacts of subsequent actions within the Estuary Planning Area. For specific projects that are proposed within the Estuary Planning Area, the environmental review may rely on this EIR, may reference information in this EIR, or may use this EIR for subsequent or supplemental environmental documentation. For those projects that have specific air quality impacts as a result of demolition or construction, specific subsequent or supplemental environmental documentation may be required. Therefore, no further discussion of this issue is warranted in this EIR.
39. See the response to comment P-4, above. The commenter is not correct in stating that the significance criteria for determining aesthetic impacts is based on changes from the Land Use and Transportation Element. The information presented on page III.F-4 of the Estuary Plan Draft EIR, which indicates that the Estuary Plan generally would have less of a visual impact than the Land Use and Transportation Element, is provided for informational purposes only and is not the basis for determining whether this impact is significant.

Therefore, the Estuary Plan Draft EIR does not rely on a “plan-to-plan” analysis for determining visual and aesthetic impacts.

40. As stated on page III.F-5, adoption of the Estuary Plan would not result in the degradation of scenic views. The development of projects that are consistent with the Estuary Plan could degrade or destroy existing scenic views. It would be speculative to identify specific visual resource impacts that result from development projects since no such projects are being reviewed in this EIR.
41. The alignments of the roadway and interchange improvements identified in the Estuary Plan Draft EIR are conceptual and it is premature to suggest it would require the displacement of specific land uses. Extensive feasibility studies, including alternative alignments, would be required prior to the approval of a specific alignment for the development of a particular roadway or interchange. Therefore, it is not possible to determine whether specific impacts to historic resources in the Estuary Planning Area would occur. This is why the Draft EIR indicates that there is a “risk of demolition” (see page III.G-3 of the Draft EIR).
42. See the revised Table III.G-1 included as part of the Master Response at the beginning of Chapter IV.
43. The commenter is not correct in stating that the Estuary Plan is detailed enough to determine specific impacts that would occur. The plans presented in the Draft EIR are conceptual and are subject to refinement and alteration. Project-specific impacts would be discussed in any necessary subsequent or supplemental environmental documentation required for specific projects.
44. For non-discretionary projects, the City would not have an opportunity to require the implementation of mitigation measures. The commenter’s opinion that Historic Preservation Policy 4.1 is too generic is noted. This comment will be made part of the record and made available to the decision-makers prior to a final decision on the Estuary Plan.
45. Please see the Master Response in the beginning of Chapter IV.
46. No demolition would occur as a result of the adoption of the Estuary Plan. Since no specific development projects are proposed as part of the Estuary Plan, it is not possible to determine whether the demolition of a given structure would be consistent with the provisions of the Historic Preservation Element.
47. Section IV.H of the Draft EIR does describe the location of the sensitive habitats and species within the Estuary Planning Area. The impacts discussed on pages III.H-3 through III.H-7 of the Draft EIR include impacts to sensitive habitats and species. Therefore, no changes to the Draft EIR are warranted.

IV. WRITTEN COMMENTS AND RESPONSES TO WRITTEN COMMENTS ON THE DRAFT EIR

48. As discussed on pages III.H-5 and III.H-6 of the Draft EIR, the policies contained in the OSCAR Element would mitigate the impacts associated with any disturbance to resource conservation areas. The development that could occur within the Estuary Planning Area would be required to meet the policies contained within the OSCAR Element.
49. See the response to comment P-4, above. The increase in energy demand as a result of the Estuary Plan is presented and is the basis for determining whether this impact is significant. Therefore, the Estuary Plan Draft EIR does not rely on a "plan-to-plan" analysis for determining energy impacts.
50. The adoption of the Estuary Plan would not result in a rise in sea levels. Therefore, no changes to the Draft EIR are warranted.
51. The identified mitigation measures on page III.K-10 are standard measures to ensure that buildings and structures meet the most stringent seismic safety building codes. Therefore, no additional mitigation is warranted.
52. As stated on page III.L-2, the Estuary Planning Area is located well outside of the 65 dBA CNEL noise contour associated with Metropolitan Oakland International Airport. As such, the noise from aircraft operating to and from the airport does not contribute substantially to the existing noise environment within the Estuary Planning Area.
53. The commenter's opinion regarding the value of the information presented in Table III.L-1 on page III.L-3 of the Draft EIR is noted and will be made part of the record and made available to the decision-makers prior to a final decision on the Estuary Plan.
54. See the response to comment P-4, above. The impacts of traffic noise as a result of the Estuary Plan are presented and the resulting noise levels are the basis for determining whether this impact is significant. Therefore, the Estuary Plan Draft EIR does not rely on a "plan-to-plan" analysis for determining traffic noise impacts.
55. See the responses to comments P-4 and P-54, above.
56. See the responses to comments P-4 and P-54, above.
57. See the Master Response at the beginning of Chapter IV.
58. See the Master Response at the beginning of Chapter IV.
59. As stated on page I-2 of the Draft EIR, the Estuary Plan is part of the buildout envisioned in the Land Use and Transportation Element. As such, the Estuary Plan EIR is considered to be part of the City of Oakland's General Plan. Therefore, if the Land Use and Transportation Element is considered to be consistent with various plans and policies, then the Estuary Plan also would be consistent with these plans and policies. As a result, no additional analysis is warranted.

60. The demolition of the existing Ninth Avenue Terminal would not result in a land use that is not compatible with existing adjacent land uses. Therefore, this is not a land use issue to be addressed in Section III.A of the Draft EIR.
61. For a discussion of the various alternatives that were studied as part of the planning process for the Estuary Plan, please see page IV-1 of the Draft EIR. Several other alternatives were included in the planning process but were rejected for various reasons. Thus, alternatives to the proposed Estuary Plan have been studied as part of the planning process. The alternatives discussed in Chapter IV of the Draft EIR do represent a reasonable range of alternatives for CEQA purposes. Therefore, identification and analysis of additional alternatives is not warranted.
62. As stated on page IV-1 of the Draft EIR, there were several alternatives that were considered and rejected during the planning process for the Estuary Plan. The Draft EIR does not reject these alternatives, but rather provides a context from which to understand the range of reasonable alternatives that are presented in the Draft EIR.
63. A cumulative impact analysis can be presented on the basis of a list-based approach, such as that requested by the commenter. However, CEQA also allows the lead agency to conduct cumulative analysis on the basis of regional growth projections. The cumulative analysis for the Estuary Plan Draft EIR uses this second approach. Therefore, the cumulative analysis contained in the Draft EIR is adequate and no further cumulative analysis is warranted.
64. See the response to comment P-4, above.
65. For a discussion of the level of detail in the Draft EIR, the Master Response at the beginning of Chapter IV. The commenter's opinions regarding the consistency of the proposed Estuary Plan with the Oakland General Plan are noted and will be made part of the record and made available to the decision-makers prior to a final decision on the Estuary Plan.

Q

7501 Sunmist Drive
Oakland, CA 94605-3022
July 18, 1998

Oakland City Planning Commission
Attention Andy Altman, Strategic Planning
250 Frank Ogawa Plaza
Oakland, CA 94612

RE: Comments on Draft Estuary Plan
& Draft Estuary Plan EIR

Gentlemen:

I believe the draft Estuary Plan should only be a starting point toward a plan that will serve Oakland's citizenry, and that much public debate should take place before an end product is placed in the citywide General Plan. See Richard Winnie's quote in the attached Montclairion article of June 23, 1998. We can do better.

As to the Draft EIR, the NO PROJECT ALTERNATIVE should be adopted at this time. The environmental impacts on Page IV-3 and 4 lack factual credibility, and the reasons for rejecting this alternative on Pages IV-4 and 5 are wishful thinking. I don't believe the majority of Oakland citizens want this plan as is. Refer to Paragraph 4 of Attachment 1, a copy of my statement to the joint City Planning and Port Commissions on June 18, 1998.

First and foremost, the detailed proposals in this plan contradict the goals more often than they achieve them. This plan seems to encourage development on every piece of remaining open space, especially in the Jack London District. This is not sustainable development, which is the only kind Oakland can afford to pursue. It would invite a bureaucratic nightmare to put these specific, detailed proposals/developments into the General Plan.

Starting on Page 56, the Table of Illustrative Development Program refers to nothing but buildings, with no mention of appropriate WATERFRONT uses. These buildings and developments could go anywhere in the City of Oakland.

Page 58 deals with height limits, e.g., 85 feet, 45 feet, which conflict directly with goals to preserve views and vistas.

Page 61 suggests "intensified pedestrian activity" on the waterfront, when this area can only be accessed by walking across bumpy, treacherous train tracks and is often blockaded by moving and stopping trains themselves. This cannot enhance public access.

(continued)

The proposed development at the southwest corner of Broadway and Embarcadero (six stories, 90 feet high) would essentially turn Water Street to the west into a dark and windy canyon. Suggestion of a brewpub on the "Meadow Green" just increases the price on public access to a space now free.

Page 62 imagines the development of retail on the open plaza in front of Barnes & Noble, where people are now free to walk and sit and free concerts have been held in the past. The emphasis on nightclubs, cinemas, restaurants, hotels, performance spaces and housing only inhibits development of these activities throughout the city. It is counterproductive to have such "intense" concentration on the waterfront.

On Page 68 note the "Mixed Use District (WMU) is a mix of URBAN uses, not waterfront-appropriate uses. How can it "maintain and enhance views and public access to the waterfront" to build the Lincoln Properties 52+ foot high, 282-unit rental apartment complex on Site B? This plan ignores the pending litigation under CEQA which is now in the Appeals Court. If Oakland Citizens for Site B should win this case, a new EIR would have to be conducted, which could (and, of course, should) jeopardize the Port's sale of that public land. That open space must be preserved for uses beneficial to the public, not the profit of a few, I believe.

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Cont.

Basically, this plan is "urban renewal" thinking of decades past to demolish existing structures and businesses and develop and build for the developers favored at this time. This is very shortsighted and destructive. Oakland must reuse, recycle and build on what is already has. This is the only way to plan sustainably, and this plan falls short on that. Our waterfront at Jack London Square must not be turned into an East Bay Manhattan.

Sincerely,

Margaret Elizares
Margaret Elizares

Attachments (2)

cc: Rick Wiederhorn, Port of Oakland
Andrew Thomas, CEDA
Robert Bobb, City Manager

Estuary Plan draws mixed reviews

By Christopher Merrill

The Board of Port Commissioners and the city Planning Commission fielded compliments and complaints at a joint meeting on Thursday on the city's waterfront. The joint meeting was held to discuss incorporating the estuary development strategy into the city's new General Plan.

Thursday's forum was the first opportunity for the public to comment on the rehabilitation and development of the 5½-mile stretch extending from Adeline Street to 66th Avenue, including all of the land west of Interstate 880 within port and city jurisdiction.

The estuary plan was released to the public in February and marks what the joint committee called an unprecedented cooperative effort between the two agencies and taxpayers. A 45-day public comment period on the plan is now underway.

"Oakland has always been a waterfront city," said Richard Winnie, a member of the Estuary Plan Advisory Committee. "This finally gives a vision that links shoreline to neighborhoods."

Silvia Rosales-Fike of the Spanish Community Council praised the committee for seeking public input. "The planning process gave us a chance to participate and realize the assets in front of us," she said. "This plan is not just more business, but cultural and recreational needs as well as residential — a holistic vision."

Although many supported an economic revitalization of the area, concerns were raised over the ecological disruption that accompanies development.

See ESTUARY on A3

'People don't argue about what they don't care about ... and I hope we argue a lot.'

— RICHARD WINNIE
Estuary Plan
Advisory Committee

Continued from A1

Bruce Taylor, chair of the Lake Merritt Institute, warned the committee that any plans for aquatic sports or general recreational activities would bring refuse and unpredictable challenges to local wildlife.

"Lake Merritt channel is a tidal lifeline to Lake Merritt itself," said Paul Matzner, also of the institute.

Aside from ecological considerations, East Oakland resident Margaret Elizares called the plan a "developer's dream ... if you want to Manhattanize Jack London Square."

Pamela Clark echoed those concerns, referring to plans for a six-story building across from Barnes and Noble on the square.

She said, "It doesn't matter how much glass you use in a building; it won't be transparent."

Other issues were raised concerning preservation of historic buildings, transportation improvements, open space and what many perceived to be a specific agenda for Oakland's General Plan.

East Bay Municipal Utility District representative Eva Lucia, however, raised a concern surrounding plans for a "cost effective" relocation of one of EBMUD's plants.

"We want to make it very clear it's not cost effective to relocate a newly constructed facility," she said.

After two hours of public testimony the committee, admittedly weary, thanked all for participating and reminded them that public input would end on July 20.

"People don't argue about what they don't care about...." Winnie said. "And I hope we argue a lot."

My comments on the Draft Estuary Plan center on the Jack London Square District only.

This draft plan is not user nor reader friendly. It's poorly organized, illogical, scattered, confusing and complex. The stated goals are fine, but in many cases the proposed projects are in direct contradiction to those goals and clearly defeat them.

The plan was brought before the Estuary Plan Advisory Committee in a piecemeal fashion and their draft report admits they served as a "sounding board," in contrast to the lengthy General Plan Congress process which included substantial neighborhood input.

The Advisory Committee itself was not representative of the city as a whole and was stacked with those who might profit from these developments to the exclusion of the existing residents, workers and small-to-medium business owners in the area. One committee member was even under paid contract to the Port to perform public relations, outreach and lobbying for the Port in its perceived role as "visionary gatekeeper."

If the Jack London District is to avoid strangling itself on its own auto and train traffic congestion and parking problems, there must be tighter height and density limits written into this plan and there must be a real effort to save open space on the waterfront and promote a much greater diversity of businesses and activities. More restaurants, hotels, housing, movie cineplexes and the like must disperse to the other neighborhoods in Oakland.

In general, this plan is a developer's dream, not that of a city or citizenry. If you'd like to wall off, sell off and Manhattanize Jack London Square, this is the plan for you.

I say stop the Gold Push to Jack London Square!

This is a copy of the statement I made before the joint City Planning/Port Commissions meeting on June 18

MARGARET ELIZARES
7501 SUNKIST DRIVE PH. 562-2517
OAKLAND, CA 94605

LETTER Q – MARGARET ELIZARES

1. The commenter's opinions regarding the No Project Alternative are noted and will be made part of the record and made available to the decision-makers prior to a final decision on the proposed project.
2. This comment is in response to the proposed project and does not address the adequacy of the Draft EIR. This comment will be made part of the record and made available to the decision-makers prior to a final decision on the proposed project.

Ident. said. "AEB"
ARGUE & INC.

Ident. said. "AEB"
ARGUE & INC.