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OAKLAND CITY CENTER PROJECT

Final Environmental Impact Report

April 14, 2000

*Prepared for
City of Oakland
Community and Economic
Development Agency*

*ER 99-15
SCH No. 99081119*

**City of Oakland
Oakland, California**

File No. ER99-15

Ref. No. PUD99-215; PUDF00-20

**FINAL ENVIRONMENTAL IMPACT REPORT FOR
THE CITY CENTER PROJECT**

California Environmental Quality Act

**CERTIFICATION OF COMPLIANCE WITH THE
CALIFORNIA ENVIRONMENTAL QUALITY ACT**

The Director of City Planning finds that the attached Final Environmental Impact Report has been completed in compliance with the California Environmental Quality Act, the Guidelines prescribed by the Secretary for Resources, and the Provisions of the City of Oakland's Statement of Objectives, Criteria and Procedures for implementation of the California Environmental Quality Act.


Leslie Gould
Director of City Planning

April 14, 2000

ACCEPTANCE OF FINAL REPORT BY THE CITY PLANNING COMMISSION

The attached Final Environmental Impact Report was accepted by the Oakland City Planning Commission at its meeting of _____.

City Planning Commission

OAKLAND CITY CENTER PROJECT

Final Environmental Impact Report

April 14, 2000

*Prepared for
City of Oakland
Community and Economic
Development Agency*

*ER 99-15
SCH No. 99081119*

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CHAPTER I

INTRODUCTION

A. CEQA PROCESS

On January 31, 2000, the City of Oakland (Lead Agency) released for public review a Draft Environmental Impact Report (Draft EIR or DEIR) on the proposed Oakland City Center project (ER99-15). The 45-day public review and comment period on the Draft EIR began on January 31, 2000, and closed on March 16, 2000. The Planning Commission held a public hearing on the Draft EIR on March 15, 2000.

The Draft EIR for the City Center project, together with this Response to Comments, constitute the Final EIR for the proposed project. The Final EIR is an informational document prepared by the Lead Agency that must be considered by decision makers (including the Oakland City Planning Commission) before approving or denying the 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 response of the Lead Agency to significant environmental points raised in review and consultation process.
- (e) Any other information added by the Lead Agency.”

This document has been prepared pursuant to the CEQA *Guidelines*. This Final EIR 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 for the proposed Oakland City Center project contains information in response to concerns raised during the public comment period.

Following this introductory Chapter I, Chapter II of this document contains text changes (initiated by the Oakland Community and Economic Development Department staff and those resulting from comments on the Draft EIR) and errata to the Draft EIR.

Chapter III contains a list of all persons and organizations that submitted written comments on the Draft EIR and that testified at the public hearing held on March 15, 2000.

Chapter IV contains comment letters received during the comment period and the responses to each comment. Each comment is labeled with a number in the margin and the response to each comment is presented immediately after the comment letter.

Chapter V contains a summary of the public comments received during the public hearing held on March 15, 2000, and the response to the comment received during the public hearing.

CHAPTER II

REVISIONS TO THE DRAFT EIR

REVISIONS TO THE PROJECT

Since publication of the Draft EIR, the project has been revised to increase the size of the building on Block T9 and decrease the size of the building on Block T5/T6. As described below, the changes would not result in any new significant impacts or any substantially more severe impacts than those identified in the Draft EIR, as specifically described below. Therefore, pursuant to Section 15088.5 of the state CEQA *Guidelines*, recirculation of the EIR prior to certification is not required.

The revisions would increase the office floor area of the building on Block T9 – for which approval of a final Planned Unit Development is currently being sought – by 20,000 square feet from the 450,000 square feet reported in the DEIR, to a total of 470,000 square feet of office. As now proposed, the T9 building would be 21 stories tall (up from 20 stories in the DEIR), although the height would increase by only 8.5 feet, to 306 feet, because the ground floor lobby is now proposed to be about 25 feet tall, rather than 29.5 feet, as indicated in the DEIR.¹

To maintain the overall size of the contemplated building program, the project sponsor proposes that the building on Block T5/T6 – under consideration only for preliminary approval, as part of a preliminary Planned Unit Development for the entire four-block project – would have 580,000 square feet of office, rather than 600,000 square feet as described in the DEIR.

Table III-1 (Revised), p. 7 of this Final EIR, presents the changes in the proposed project.

The above revisions are considered minor, and would not affect the conclusions of the Draft EIR. In particular, there would be no effect on the traffic analysis because the number of vehicle trips assumed to be generated by the building on Block T9 was based on the 534,000 square feet of office space included in the preliminary application submitted for the project, as stated in the note accompanying Table IV.B-10 on DEIR p. IV.B-19. Therefore, even with the increase to 470,000 square feet, the Draft EIR overstates trip generation for Block T9 by about 14 percent, and overstates trip generation for Blocks T9 and T5/T6 together by about 8 percent. (This also means that the DEIR analysis of traffic-generated air quality and noise would not change.)

As for the parking analysis, the revisions would result in minor changes (less than 5 percent) to some of the figures in Table IV.B-16, p. IV.B-31 of the Draft EIR. For Block T9, demand would be 742 spaces (up from 711), and the net surplus in the project area would be 608 (down from

¹ Figure III-8, DEIR p. III-13, depicts the T9 building as 297.5 feet to the parapet. Note that Table III-1, DEIR p. III-5, rounded all figures and gave the height of this building as 300 feet.

639). For Block T5/T6, the demand would be 914 (down from 945), and the net shortfall in the project area would be 764 (down from 795). Together, the buildings on Blocks T9 and T5/T6 would have the same impact as described in the DEIR (net shortfall of 156 spaces), because the demand and supply for the two buildings together would not change. In addition, the total for the project as a whole (net shortfall of 1,882 spaces) would not change, because the overall development program remains as described in the DEIR. A revised version of Table IV.B-16 appears on p. 10 of this Final EIR.

As for the parking requirement described in Table IV.A-1, DEIR p. IV.A-13, the total number of spaces required under the Central District Urban Renewal Plan would not change, because the overall size of the development program would remain the same. The total number of spaces required under the Zoning Regulations would increase slightly, to 1,191 from 1,184, because the revisions to the project would incrementally increase the project's floor area within the C-51 zoning district, where parking is required, and incrementally decrease the amount of floor area in the C-55 district, where parking is not required. A revised version of Table IV.A-1 appears on p. 7 of this Final EIR.

The above revisions would not result in any change in shadow impacts, compared to those presented in the Draft EIR. As stated in footnote 3 on DEIR p. IV.F-3, the shadow analysis assumed, for purposes of a conservative analysis, that each of the four proposed project buildings would be constructed as a rectangular box 440 feet tall, which is the proposed height for the building on Block T10, the tallest building currently proposed. Therefore, the increase in height of the Block T9 building to 306 feet would still result in less shadow than was described and analyzed in the DEIR. Wind effects would not change from those described in the DEIR (the wind analysis was based on taller buildings with smaller footprints), nor would actual effects related to wind change from those of the Block T9 building in the DEIR, because the increase in height would be too small to result in any meaningful change in the way the building would affect upper-level winds and redirect them to ground level.

INTERSECTION OF FIFTH STREET AND BROADWAY

Since publication of the Draft EIR, the analysis of traffic conditions at the intersection of 5th Street and Broadway has been revised based on a review of the original assumptions used in the calculation of levels of service. The earlier assumptions considered traffic headed from 5th Street onto southbound I-880 and towards the Webster Tube to be making a left-turn movement. In reality, these traffic streams are more akin to a through movement, and therefore the level of service calculations were revised to reflect this. The revised results reflect improved levels of service at 5th and Broadway under all scenarios, because a through movement typically allows a smoother traffic flow than does a left-turning movement. The revised levels of service and average vehicle delay values are as shown in Table R-1.

**TABLE R-1
INTERSECTION LEVEL OF SERVICE FOR FIFTH STREET AND BROADWAY**

<u>Existing</u>		<u>Scenario 1 2001 w/o Project</u>		<u>Scenario 2 2001 with T9</u>		<u>Scenario 3 2005 w/o Project</u>		<u>Scenario 4 2005 w/T9 & T5/6</u>		<u>Scenario 5 2010 w/o Project</u>		<u>Scenario 6 2010 Buildout</u>	
<i>A.M. Peak Hour</i>													
<u>LOS</u>	<u>Del.</u>	<u>LOS</u>	<u>Del.</u>	<u>LOS</u>	<u>Del.</u>	<u>LOS</u>	<u>Del.</u>	<u>LOS</u>	<u>Del.</u>	<u>LOS</u>	<u>Del.</u>	<u>LOS</u>	<u>Del.</u>
B	19.8	B	14.9	B	14.9	C	15.1	C	15.1	C	15.5	C	15.6
<i>P.M. Peak Hour</i>													
<u>LOS</u>	<u>Del.</u>	<u>LOS</u>	<u>Del.</u>	<u>LOS</u>	<u>Del.</u>	<u>LOS</u>	<u>Del.</u>	<u>LOS</u>	<u>Del.</u>	<u>LOS</u>	<u>Del.</u>	<u>LOS</u>	<u>Del.</u>
E	47.6	C	17.6	C	17.6	C	18.4	C	18.8	C	20.0	C	20.5

In light of the above revisions in intersection operations, which would result in less deteriorated conditions compared to those identified in the DEIR, the following revision is made to the first paragraph under Impact B.1 on DEIR p. IV.B-21, and the discussion of operations at 5th Street and Broadway in the indented second paragraph on DEIR p. IV.B-23 is deleted:

Although traffic increases would result in additional delay, in all but ~~four~~ three instances, the levels of service would remain within the City’s acceptable LOS D standard (see Table IV.B-11). The ~~four~~ three exceptions, two of which would result in a significant impact, of which one would be unmitigable, are as follows:

OTHER CHANGES TO THE DEIR

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 indicated text is new). Deleted language is indicated by ~~strikethrough~~ text.

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 City staff.

On DEIR p. II-10, the impact statement for Impact C.4 is revised as follows to correct an editorial mistake:

The project together with anticipated future cumulative development in the Bay Area would contribute to regional air pollutant problems. ~~However, the project contribution to this impact would not be cumulatively considerable.~~

Tables IV.B-1 and IV.B-2, pp. IV.B-4 and 5, are revised to correct information regarding certain AC Transit bus lines. The revised tables are presented on pp. 8 and 9 of this Final EIR. [D-1]

On p. IV.B-12, the “Source” in Table IV.B-6 is revised as follows, based on information from the Alameda County Congestion Management Agency:

SOURCE: Alameda County Congestion Management Agency. 1998 LOS Monitoring Study on the Alameda County Congestion Management Program Network, Congestion Management Program—1998 Update, July 29, 1998. [E-1]

On DEIR p. IV.B-33, the final bullet is revised as follows to add flexibility to a potential mitigation measure to reduce parking demand, and a new bullet is added to the end of the same list of potential measures to reduce parking demand:

In coordination with AC Transit and City staff, the project sponsor shall construct transit facilities such as bus turnouts/bus bulbs, benches, and shelters along the road segments that define the development blocks, or on other comparable nearby roadway segments that may be identified by AC Transit and City staff as the most appropriate location(s) to locate such facilities to most effectively serve the project;

The project sponsor shall establish a “transit store” to provide transit information and sell transit passes and tickets, as well as distribute transit maps and schedules. This “store” could be incorporated into a convenience store that might exist within the project; [D-3]

To clarify project impacts on means of public transit other than BART and AC Transit, the following is added as a new second sentence in the first paragraph beneath Impact B.5, on DEIR p. IV.B-34 (following “and one third AC Transit”):

The CMA model does not forecast any substantial ridership on other modes of transit, including the Oakland/Alameda ferry service, Estuary water taxi, or Amtrak, because of the need to transfer or walk that is associated with these alternatives, compared with the readily available BART and AC Transit service in the immediate project vicinity.. [F-6]

In Chapter V, Alternatives, to correct an editorial error, references to “5th and Broadway” are replaced with references to “12th and Broadway” in the paragraphs under “Traffic, Circulation and Parking” on the following pages: V-5, V-8, V-11, V-13, and V-15.

**TABLE III-1 (Revised)
PROJECT CHARACTERISTICS**

Note: Underlined Values are Revised from Draft EIR

	Block T5/6	Block T9	Block T10	Block T12	Total
Office floor area	<u>580,000</u> sq. ft.	<u>470,000</u> sq. ft.	550,000 sq. ft.	584,000 sq. ft.	2,184,000 sq. ft.
Residential units	-0-	-0-	200 units ^a	-0-	200 units
Cmrc'l. floor area	7,500 sq. ft.	7,500 sq. ft.	8,000 sq. ft.	-0-	23,000 sq. ft.
Off-street parking spaces ^b	150	236	230	220	836 spaces
Parking access	11th Street	11th Street	Jefferson Street	11th Street	N/A
Loading spaces	3 ^c	3	3	3	12 spaces
Loading access	11th Street ^a	11th Street	M.L. King Jr. Way	11th Street	N/A
Height (stories) ^d	26 stories	<u>21</u> stories	31 stories	26 stories	max. 31 stories
Height (feet)	390 feet	<u>306</u> feet	440 feet	390 feet	max. 440 feet

^a Approximately 220,000 square feet of residential use.

^b Each building would also have available up to 200 additional spaces (800 total additional spaces) in the City Center West Garage.

^c Loading for Block T5/6 would occur at extension of existing loading dock beneath 1111 Broadway Building.

^d Includes ground floor lobby level and mechanical level but excludes below-grade parking levels

SOURCE: Korth Sunseri Hagey Architects; Shorenstein Company

**TABLE IV.A-1 (Revised)
PROPOSED AND REQUIRED PARKING SPACES
CITY CENTER PROJECT: BLOCKS T5/6, T9, T10 AND T12**

Note: Underlined Values are Revised from Draft EIR

Block	Proposed by Project	Required by Central District Urban Renewal Plan ^a	Required by Oakland Zoning Regulations ^b
T5/6	150	<u>294</u>	0
T9	236	<u>239</u>	<u>172</u>
T10	230	389	602 ^c
T12	220	292	417 ^c
Total	836	<u>1,214</u>	<u>1,191</u>

^a Assumes one parking space per 2,000 sq. ft. of primary and/or secondary use.

^b Assumes one parking space per 1,400 sq. ft. of office use, one parking space per 900 sq. ft. of retail use, and one parking space per residential unit. (The C-55 zone requires no parking for office or retail uses.)

^c Assumes no general food sales or convenience markets.

**TABLE IV.B-1 (Revised)
BUS SERVICE SUMMARY**

Note: Underlined Information is Revised from Draft EIR

Line	Route Description	Weekday Frequency / Weekend Service
<u>A</u>	<u>Transbay Service: Oakland Airport to San Francisco via Downtown Oakland</u>	<u>30 minutes peak and off-peak</u>
11	Piedmont to Fruitvale BART	15 minutes peak and 30 minutes off-peak, operates weekends
12	MacArthur BART to Fruitvale BART via Alameda	15 minutes peak and 30 minutes off-peak; operates weekends
13	Oakland Army Base to Downtown Oakland	15 minutes peak and 30 minutes off-peak; weekday service only.
14	MacArthur BART to East Oakland	15 minutes peak and 30 minutes off-peak; operates weekends; <u>hourly service 12:00 midnight – 5:00 a.m. (in project area)</u>
15	Montclair Transit Center to Oakland to El Cerrito BART	15 minutes peak and 15 - 17 minutes off-peak; operates weekends
40/40L/43	El Cerrito to San Leandro	5 - 20 minutes depending on stop; operates weekends; <u>hourly service 12:00 midnight – 5:00 a.m.</u>
42	14th Street and MLK to Marina Village (Alameda)	15 minutes (peak hours only); weekday service only
51/51M	Berkeley to Oakland to Alameda	10 minutes or less peak, 20 minutes off-peak; operates weekends; <u>hourly service 12:00 midnight – 5:00 a.m.</u>
58	2nd Street and Broadway to Oakland Airport	12 – 13 minutes peak; 17 minutes off-peak; operates weekends; <u>hourly service 12:00 midnight – 5:00 a.m.</u>
62	West Oakland to East Oakland	15 minutes peak off-peak; operates weekends; <u>hourly service 12:00 midnight – 5:00 a.m. (in project area)</u>
72 / 72L / 73	Downtown Oakland to Hilltop Shopping Center (#72 / 72L) or to Pt. Richmond (#73)	8 min. peak and 15 min. off-peak downtown, and 10 min. peak and 30 min. off-peak other areas; operates weekends; <u>hourly service 12:00 midnight – 5:00 a.m.</u>
82	West Oakland to Hayward BART	5 – 10 minutes peak and 8 – 12 minutes off-peak; operates weekends; <u>hourly service 12:00 midnight – 5:00 a.m.</u>
88	North Berkeley BART to 12 th Street Station BART	10 minutes peak, 20 minutes off-peak; operates weekends
Broadway Shuttle	Jack London Square to Grand Avenue	8 minutes, Mon-Fri, 11 a.m. – 2 p.m.

TABLE IV.B-2 (Revised)
AC TRANSIT SERVICE MAXIMUM LOADS
 Note: Underlined Information is Revised from Draft EIR

Route/Direction	Seating Capacity	AM Max Load	PM Max Load	Maximum Load/ Capacity (peak trip)
12 – Westbound	47	20	18	42.6%
12 – Eastbound	47	34	21	72.3%
13 – Westbound	47	26	40	85.1%
13 – Eastbound	47	24	22	51.1%
14 – Westbound	47	56	22	119.1%
14 – Eastbound	47	37	43	91.5%
15 – Westbound	47	54	32	114.9%
15 – Eastbound	47	54	28	114.9%
40 – Southbound	47	34	40	85.1%
40 – Northbound	47	41	37	87.2%
42 – Southbound	47	4	8	17.0%
42 – Northbound	47	4	7	14.9%
43 – Southbound	47	53	61	129.8%
43 – Northbound	47	69	34	146.8%
51 – Southbound	47	45	53	112.8%
51 – Northbound	47	67	50	142.6%
58 – Westbound	47	55	36	117.0%
58 – Eastbound	47	51	51	108.5%
62 – Southbound	47	46	38	97.9%
62 – Northbound	47	54	71	151.1%
72 – Southbound	47	42	41	89.4%
72 – Northbound	47	49	50	106.4%
72L – Southbound	47	40	33	85.1%
72L – Northbound	47	NA	38	80.9%
73 – Southbound	47	59	31	125.5%
73 – Northbound	47	30	44	93.6%
82 – Westbound	<u>47</u>	62	49	<u>131.9%</u>
82 – Eastbound	<u>47</u>	51	55	<u>117.0%</u>
88 – Southbound	47	39	53	112.8%
88 – Northbound	47	27	36	76.6%

SOURCE: AC Transit 1998 Boarding & Alighting Survey, AC Transit, 1998.

TABLE IV.B-16 (Revised)
PROJECTED PARKING DEMAND
 Note: Underlined Information is Revised from Draft EIR

	Block T9	Blocks T5/T6	Subtotal: Blk. T9,T5/T6	Block T10	Block T12	Total: All 4 Blocks
a. Building Floor Area – office KSF ^a	<u>477.5</u>	<u>587.5</u>	1,065	558	584	2,207
b. Employees total (@ 3.3/KSF)	<u>1,576</u>	<u>1,939</u>	3,515	1,841	1,927	7,283
c. Employees typical day (-10% absenteeism)	<u>1,418</u>	<u>1,745</u>	3,165	1,657	1,734	6,555
d. Average Vehicle Ridership (AVR) ^b	1.91	1.91	1.91	1.91	1.91	1.91
e. Parking demand [c]/[d]	<u>742</u>	<u>914</u>	1,656	868	908	3,432
f. Condominium demand (@ 1 per dwelling unit)	0	0	0	200	0	200
g. Total demand	<u>742</u>	<u>914</u>	1,656	1,068	908	3,632
h. Spaces supplied by project sponsor (new)	236	150	386	230	220	836
i. Spaces eliminated by construction	0	0	0	0	200	200
j. Gross shortfall [g]-([h]-[i])	<u>506</u>	<u>764</u>	1,270	838	888	2,996
k. Available spaces today (see below)	1,114	0	1,114	0	0	1,114
l. Net surplus (shortfall) [k]-[j]	<u>608</u>	<u>(764)</u>	(156)	(838)	(888)	(1,882)

^a KSF is thousand square feet of gross leasable floor area. Retail floor area included with office area for calculation of employment.

^b AVR calculated as follows: 1 divided by [(45% in single occupant autos)+(12% in 2-person carpools)+(4% in carpools averaging 3.25 persons per vehicle)] = 1.91. Based on Alameda County Congestion Management Agency travel model.

[k.] Available supply is based on parking surveys and information from garage operators, and includes 159 spaces in City Center underground garage; 668 in City Center West Garage; and 287 in the Convention Center garage (non-convention days)= 1,114 spaces. The proposed 17th Street/San Pablo Avenue garage has not been included in the projected supply because it is primarily intended to serve the Rotunda project. For purposes of calculation, all available spaces (spaces in nearby garages not currently used) are allocated to the first project building.

SOURCE: Dowling Associates; Environmental Science Associates

CHAPTER III

PERSONS AND ORGANIZATIONS COMMENTING ON THE DRAFT EIR

A. PERSONS AND ORGANIZATIONS COMMENTING IN WRITING

A. California Department of Transportation (Caltrans) Harry Y. Yahata, District Director	March 13, 2000*
B. California Resources Agency, Department of Conservation Jason Marshall, Assistant Director	March 15, 2000*
C. East Bay Municipal Utility District William R. Kirkpatrick, Manager of Water Distribution Planning	March 13, 2000
D. Alameda-Contra Costa Transit District (AC Transit) Kathleen Kelly, Deputy General Manager, Service Development	March 16, 2000
E. Alameda County Congestion Management Agency Beth Walukas, Senior Transportation Planner	March 16, 2000
F. City of Alameda Cynthia Eliason, AICP, Planning Manager	March 16, 2000
G. Dana Sack	March 16, 2000
H. Raines Cohen	March 16, 2000
I. Mario G. Uribe	February 7, 2000

B. PERSONS COMMENTING AT THE PUBLIC HEARING

The following persons provided public testimony at the Oakland City Planning Commission Public Hearing on the Draft EIR, held at City Hall on Wednesday, March 15, 2000.

- Christopher C. Curtis, Shorenstein Company, Project Sponsor
- Ted Korth, Korth Sunseri Hagey, Project Architect
- Piero Patri, architect and nearby property owner
- Jay Clare, City Center office tenant
- Dana Sack (also speaking on behalf of David Nicolai of the Pardee Home)
- Marilyn Chin, future Swan's Market resident

* These comments were received after the public comment period closed. As such, there is no legal requirement to respond to these late comments. Nevertheless, the City has addressed each comment.

- Raines Cohen, Swan's Market resident
- Chris Roberts, 10th Street resident
- Sanjiv Handa
- Planning Commissioners Jarvis, Scurry-Scott, Clark, Lighty, and Reyes

A summary of the comments made at the public hearing is included in Chapter V of this document. A response is provided following the summary of each comment.

CHAPTER IV

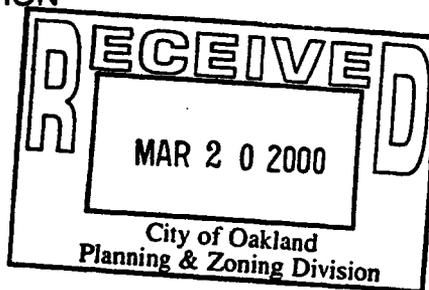
RESPONSES TO WRITTEN COMMENTS ON THE DRAFT EIR

This chapter includes copies of the comment letters received during the public review period on the Draft EIR and responses to those comments. Where responses have resulted in changes to the text of the Draft EIR, these changes also appear in Chapter II of this Final EIR.

DEPARTMENT OF TRANSPORTATION

P O BOX 23660
OAKLAND, CA 94623-0660
Tel: (510) 286-4444
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A



March 13, 2000

ALA-980-0.7
File #ALA980016
SCH#99081119

Ms. Lynn Warner
Planner II
City of Oakland
Community & Economic Development
250 Frank H. Ogawa Plaza Suite 3330
Oakland, CA 94612

Dear Mr. Warner:

Draft Environmental Impact Report (DEIR) – City Center Project - Oakland

Thank you for including the California Department of Transportation (Caltrans) in the environmental review process for the above-referenced project. We have reviewed the Draft Environmental Impact Report (DEIR) for the Oakland City Center project, and have the following comments to offer.

1. The report does not contain sufficient information regarding traffic analysis and impacts. We presume the traffic information was based on a separate traffic impact report. Is this report available for our review? | 1
2. We are primarily concerned about the impacts that this project will have on State Highway facilities, and question the conclusion on Page II-2 that this project will result in a significant, unavoidable impact in regard to increased traffic volumes. Is the impact truly unavoidable and if so, can other mitigation measures be proposed to alleviate the impact? | 2
3. On Page II-4, if the traffic impact is unavoidable and unmitigable, is reducing the size of the project a viable option? | 3
4. On Page II-10, mitigation measure B.1a: What specific mitigation is being proposed at the 12th Street/Brush intersection? Is there any study showing whether the mitigation would be effective? | 4
5. On Page II-15, impacts B.2 and B.3 would increase traffic on regional roads and in the Posey-Webster Tubes, but the impact was determined to be "less than significant." Based on Table IV.B-10 and Figure IV.B-2, 131 vehicles per hour (vph) or 8% of the 1639 vph P.M. peak project outbound trips would utilize the Tubes. Given that the Tubes are operating near capacity, and that Table IV.B-13 and Table IV.B-14 showed Level of Service (LOS) "F" for the Tubes, how was the determination made that this was an insignificant impact? | 5
6. In Figure IV.B-1 on Page IV.B-2, the intersection analysis shows no ramp intersections. We are unable to determine whether there will be any impacts to relevant ramp intersections. We suggest a complete study of all intersections in the area. | 6
7. Table IV.B-7 on Page IV.B-13 shows existing A.M. and P.M. peak hour Levels of Service at the study intersections. We are unable to comment on the details of this table because no analysis, calculations, or count data were included in the report. However, using the 5th Street/Broadway Avenue intersection as an example, we are aware that both Oakland and | 6

- Alameda want to improve the operation of this intersection. However, the table shows it at an acceptable level of LOS "D." Can the LOS of the intersections be verified? | 6
8. Table IV.B-10 on Page IV.B-19 shows trip generation from offices and residential units. However, the description of the project also includes a retail component. Have the trip generation figures for retail use been incorporated? | 7
9. Table IV.B-11 lists various Levels of Service of the many intersections under various scenarios. We are unable to verify the LOS in this table, however we noted that the project scenario actually improves the existing LOS of the 5th Street/Broadway Avenue intersection from "D" to "C" when there is no proposed mitigation. How is this possible, and how did the consultant come to this conclusion? | 8
10. Table IV.B-13 on Page IV.B-27 shows future roadway volumes and LOS. Can the consultant explain why the project would decrease the volumes on some roadways as indicated by the figures? For example, Interstate 580 (I-580) west of Interstate 980 (I-980) would decrease from 9752 vph to 9702 vph during the P.M. peak hour. Table IV.B-2 stated that 40% of the project's P.M. trips would use Interstate 980 to Interstate 580/State Route 24.
11. Table IV.B-13 on Page IV.B-27 also shows other discrepancies in traffic volumes. For example, the table shows traffic volumes on Interstate 880 (I-880) east of Oak Street increasing by about 100 P.M. peak hour trips. However, Table IV.B-2 shows 11% of the 1639 vph project outbound trips would use I-880, which equates to 180 vph, not 100. Please explain. | 9
12. Table IV.B-13 on Page IV.B-27 also misses some relevant segments. For example, the project is located near I-980 between I-880 and I-580. However, the table did not contain volumes or LOS of this segment of I-980.

In conclusion, we are not satisfied that the impacts to State facilities have been adequately addressed and that mitigation to alleviate these impacts are included as part of the project. This project will generate about 2000 vph during the peak hour, with the majority of trips using State highway facilities in the vicinity. Will the developer contribute a "fair share" to mitigate this significant traffic impact? | 10

Again, thank you for the opportunity to comment on this project. Should you require further information or have any questions regarding this letter, please call Paul Svedersky of my staff at (510) 622-1639.

Sincerely,

HARRY Y. YAHATA
District Director

By *Jean CR Finney*

JEAN C. R. FINNEY
District Branch Chief
IGR/CEQA

c: State Clearinghouse

RESPONSES TO LETTER A – CALTRANS

- A-1) The commenter does not provide any specific criticism of the transportation analysis; therefore, no response is possible. Intersection level of service calculations have been made available to the commenter. This information is also available for review at the Community and Economic Development Agency, 250 Frank H. Ogawa Plaza, Suite 3330, Oakland, by contacting case planner Lynn Warner, (510) 238-6168.
- A-2) The comment refers to the indication, in the summary of environmental impacts, that the project would “result in a significant, unavoidable impact in regard to increased traffic volumes at local intersections (Impact B.1).” Impact B.1 *does not* identify any significant impacts on State Highway facilities. As stated in Impact B.2, DEIR p. IV.B-26, impacts on regional roadways, including State Highways, would be less than significant.
- A-3) As detailed beginning on DEIR p. IV.B-21, of the 26 local intersections analyzed in the EIR, the project would result in significant impacts at two: 12th Street and Broadway and 12th and Brush Streets. The significant impact at 12th Street and Broadway could be mitigated to a less-than-significant level through adjustment of signal timing (Mitigation Measure B.1b, p. IV.B-23). At 12th and Brush Streets, as stated on p. IV.B-23 of the DEIR:

In 2010, with project buildout (completion of all four buildings), project traffic would result in poor conditions in the a.m. peak-hour (LOS F, average vehicle delay of 82.3 seconds), compared to LOS C under existing conditions and LOS D under 2010 conditions without the project.

This is identified in the EIR as a significant impact, because the level of service would change from LOS D without the project (2010 baseline) to LOS F with the project. No specific mitigation is identified for the intersection of 12th and Brush Streets. However, this impact could be avoided through adoption of an alternative that would construct less office space that is proposed with the project.

As noted in the DEIR, the significant impact at 12th and Brush Streets would occur only with buildout of the entire four-block project (approximately 2.2 million square feet of office space). As stated in Chapter V, Alternatives, Alternative 6, which would construct a total of 750,000 square feet of office space, would not result in significant impacts at any local intersections, including 12th and Brush Streets. Alternative 3, the Reduced Program Alternative, also would avoid the significant impact at 12th and Brush Streets. Because the significant impact at 12th and Brush Streets would occur once development on the project site reaches a certain level, it therefore follows that, even if a lesser intensity alternative were adopted, future development in the City Center area would likely result in this same conditions at 12th and Brush Streets as are identified in the DEIR, once the accumulated development reached approximately the level proposed by the project. It should be noted that amount of office space proposed by the project is

consistent with the recently adopted General Plan Land Use and Transportation Element. Furthermore, as stated on DEIR p. VI-1, the project's location in an urban area that is well-served by transit would likely result in fewer emissions and less traffic noise than would a comparably sized development in a less dense part of the Bay Area where almost all trips would be made by automobile

As for potential mitigation measures, as stated on DEIR p. IV.B-23, adjustment of the signal timing might reduce this impact to a less-than-significant level, although the DEIR notes that increased signal cycle length at this intersection, which is fed by the I-980 12th Street off-ramp, might improve operations but might also result in queues that could extend onto the freeway. However, as also noted on DEIR p. IV.B-23:

To some degree, the deficiency at this location may be self-correcting, because additional delays will tend to induce motorists to use other, less congested ramps from I-980 or I-880.

In summary, absent a substantial reduction in the project square footage – on the order of 50 percent or more – or implementation of signal retiming that could result in its own impacts, the project impact at 12th and Brush Streets would likely be significant.

- A-4) Impacts on the Posey and Webster Tubes are analyzed separately, in Impact B.3, because these roadways present special considerations. The level of service analysis for the tubes that is included in Tables IV.B-13 and IV.B-14 indicates that the tubes are at Level of Service F under existing conditions, as noted by the commenter. However, for local streets, intersections are typically a more accurate measure of operating conditions because, as noted on DEIR p. IV.B-17, “the capacity of an urban street, defined as the number of vehicles that can pass through its intersections, is controlled by the capacity at that street’s intersections with other roadways.” It is for this reason that the EIR’s significance criteria for local streets that are part of the Metropolitan Transportation System states, in part:

there would be no significant impact if the non-freeway roadway segment is separately analyzed for intersection conditions, and the intersections are found to operate within the level of service standard, and/or the intersections are not adversely affected by project traffic.

This criterion appropriately gives more analytic weight to intersection conditions than to roadway volumes because, as previously noted, intersections are the more relevant measure of local street performance, and it is this criterion that results in a finding of a less-than-significant impact on the tubes, as a result of the fact that the intersections on the Alameda side of the Webster Tube (Atlantic/Webster and Atlantic/Constitution) would operate at LOS D or better in the p.m. peak hour, when the increase in project traffic would be greatest, and these intersections would not be adversely affected by project traffic. It is also noted that, as stated in footnote 14 on DEIR p. IV.B-29, the level of service determination for the Webster and Posey Tubes is based on a lower-than-

actual capacity that attempts to account for the controlling influence of intersection capacity at either end of the tubes.

- A-5) As stated in the first paragraph on DEIR p. IV.B-1, "Figure IV.B-1 shows a site vicinity map, along with the 10 intersections studied specifically for this EIR. Project impacts were also analyzed at an additional 14 intersections that have recently been included in other reports; those intersections are not shown on Figure IV.B-1, but are included in Table IV.B-7." Among the additional intersections are 5th and Broadway, 6th and Broadway, 7th and Jackson, 11th and Brush, 12th and Brush, 11th and Castro, 12th and Castro, 17th and Brush, 18th and Brush, 17th and Castro, and 18th and Castro, all of which are ramp intersections for I-880 or I-980.
- A-6) An analysis and discussion of 5th Street and Broadway is contained in Chapter II, p. 4 of this Final EIR, including a revision of the level of service.
- A-7) As stated on DEIR p. IV.B-18, "retail trips were not considered in the analysis. The project's proposed retail component would be small (about 1 percent of total floor area [about 23,000 square feet]), and it is anticipated that the commercial uses would be neighborhood-serving (i.e., that is, convenience retail and services and dining) that would attract primarily workers and residents already in the area. Therefore, the large majority of trips to and from the commercial uses would likely be made by foot."
- A-8) It is not the project that would improve conditions at 5th Street and Broadway. Rather, as stated in footnote 10 on p. IV.B-23, "In summer 2000 the City Traffic Engineering Division plans to restripe this intersection to provide two southbound left-turn lanes and one southbound through lane on Broadway. This configuration is assumed in all future scenarios." The second left-turn lane will improve the level of service, compared to existing conditions.
- A-9) The discrepancies noted by the commenter are an unavoidable function of the use of two separate approaches to the analysis of project impacts. Project-specific traffic analysis is typically most accurately performed by calculating a project's vehicle trip generation and then assigning these trips to the roadway network. The focus of such analyses is generally on streets and intersections within the vicinity of the project, because project effects become more attenuated with distance, as project-generated traffic diffuses over many different streets. This is the type of analysis performed for the assessment of project impacts on local intersections (Table IV.B-11) and the Posey and Webster Tubes (Table IV.B-15). Consistent with the Alameda County Congestion Management Program, analysis of roadways within the Metropolitan Transportation System are also studied, using the Countywide Transportation Demand Model. As described on DEIR p. IV.B-24, this analysis involves translating the project's land uses into numbers of households and jobs and entering the resulting numbers into the computer model, which assigns the trips to the countywide network based on a large number of trip "attractors" and "generators" throughout the county. It is noted that a large-area model, such as the Countywide Transportation Demand Model, is normally most effective in grossly

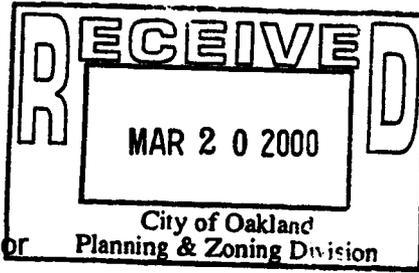
simulating travel patterns over the larger area, and somewhat less accurate in assessing project-specific impacts. Thus, it is not unusual for there to be discrepancies in the results of the two analysis methods, but not conflicts, given that the two analyses measure impacts at a different scale.

Regarding the segment of I-980 between I-880 and I-580, two links are analyzed for this segment, and are included in Tables IV.B-13 and IV.B-14: "I-980 south of I-580" and "I-980 north of I-880."

- A-10)** As indicated in the DEIR, the project sponsor will be responsible for mitigation of significant impacts that were identified, including local intersection re-timing (Mitigation Measures B.1a and B.1b), reducing parking demand (Mitigation Measure B.4), working with BART to ensure adequate exiting capacity at the 12th Street station (Mitigation Measure B.5), ensuring adequate bicycle parking (Mitigation Measure B.6), and minimizing construction-related disruption (Mitigation Measure B.7).

State of California

MEMORANDUM



The Resources Agency

To: Project Coordinator
Resources Agency

City of Oakland
Planning & Zoning Division

Date: March 15, 2000

Ms. Lynn Warner, Planner II
Oakland Community and Economic Development Agency
250 Frank H. Ogawa Plaza, Suite 3330
Oakland, CA 94612

From: Department of Conservation
Office of Governmental and Environmental Relations

Subject: Geology and Seismology Review Comments on Draft Environmental Impact Report (DEIR) for the Oakland City Center Project - SCH #99081119

The California Department of Conservation's Division of Mines & Geology (Division) has reviewed the DEIR for the Oakland City Center Project. The Division is responsible for generating and providing information to land-use decision makers on geologic hazards in California. We offer the following comments for your consideration:

1. The DEIR does not address the project's setting or impacts with respect to geologic hazards. For the document to be complete, a thorough analysis of the site's geology, including its seismology, needs to be included. Also, significant seismologic impacts need to be documented, and mitigation measures discussed.
2. Specifically, the proposed high-rise buildings are located only a few hundred feet outside of an area mapped by the Department's Seismic Hazard Zone Mapping Act program as being subject to potential liquefaction hazards. (These maps are to be finalized for distribution by March 30, 2000; we have attached an extract of the preliminary map quadrangle that covers this site.) While the site is outside the hazard zone, it should be understood that the zones represent scientific predictions only. Given the significant seismic shaking downtown Oakland suffered during the 1989 Loma Prieta Earthquake, site-specific geotechnical investigations of liquefaction potential for any high-rise building in this area, is in order.
3. The California Division of Mines and Geology has calculated the Design Basis Earthquake ground motion for the project site to be Peak Ground Acceleration, PGA, = 0.62g. This level of ground motion greatly exceeds the Uniform Building Code standard design level, and carries with it serious seismology and design

1

Project Coordinator and Ms. Lynn Warner
March 15, 2000
Page 2

implications for the high-rise buildings proposed. We recommend that the ground motion impacts of this project also be evaluated in the final EIR.

In summary, we recommend that a complete engineering geology and seismology report by a consulting Certified Engineering Geologist and Registered Geotechnical Engineer be conducted. The results of this study, including recommended mitigation measures, should be incorporated in the final EIR.

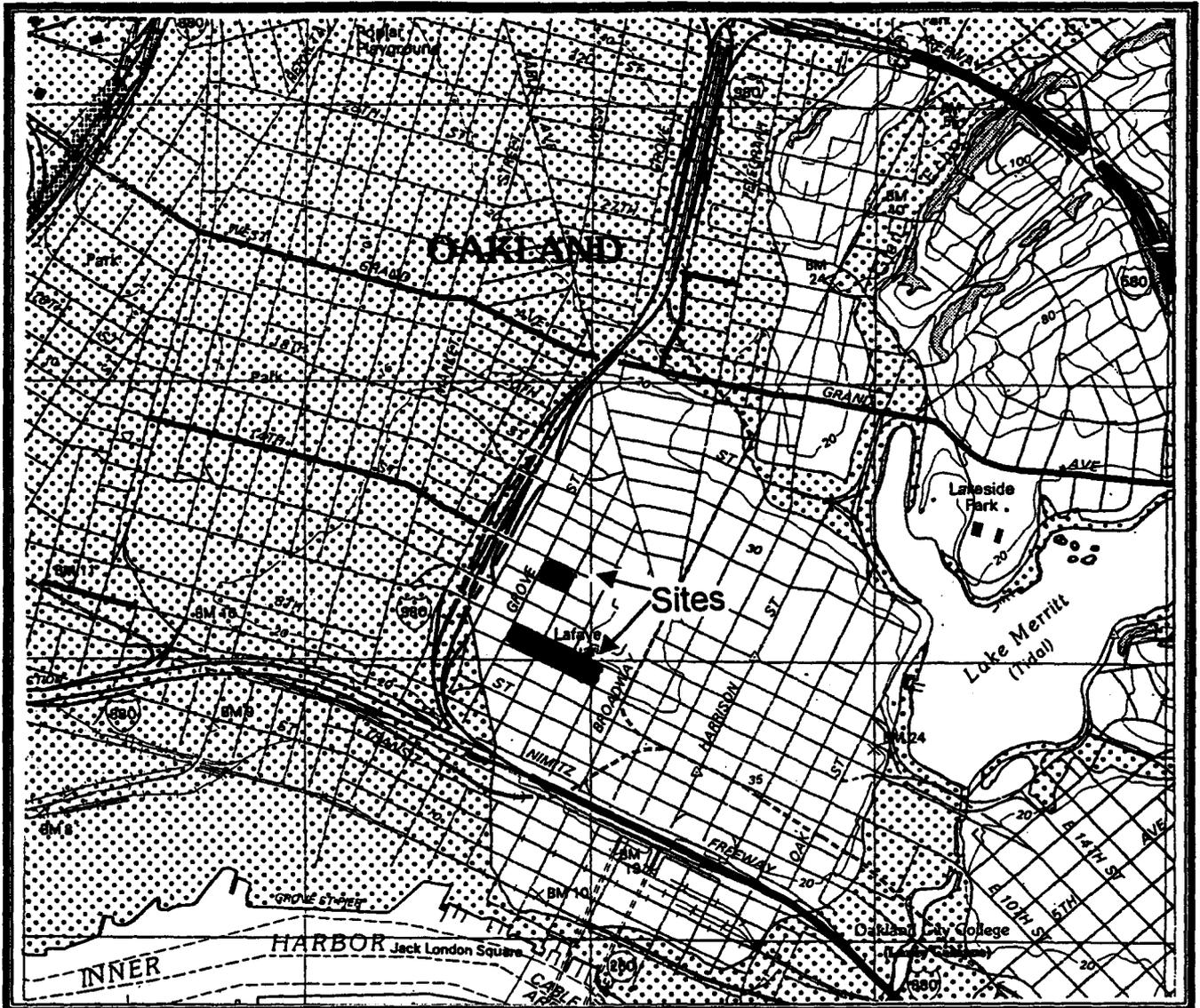
Thank you for the opportunity to comment on the City Center DEIR. If you have questions on our comments, or require technical assistance or information, please contact Senior Engineering Geologist Robert H. Sydnor at 801 K Street, MS 12-31, Sacramento, CA 95814; or, phone 916-323-4399. You may also call me at (916) 445-8733.



Jason Marshall
Assistant Director

Attachments

cc: Robert H. Sydnor



**Extract from: Seismic Hazard Zones Map
Oakland West 7½-minute Quadrangle**

Scale: 1:24,000 or 1 inch = 2,000 feet

with application to the Oakland City Center Project

Released by the State Geologist on September 30, 1999 for public review;

to be issued as an Official Map on March 30, 2000

Delineated in compliance with Chapter 7.8, Division 2, California Public Resources Code

Seismic Hazards Mapping Act of 1990

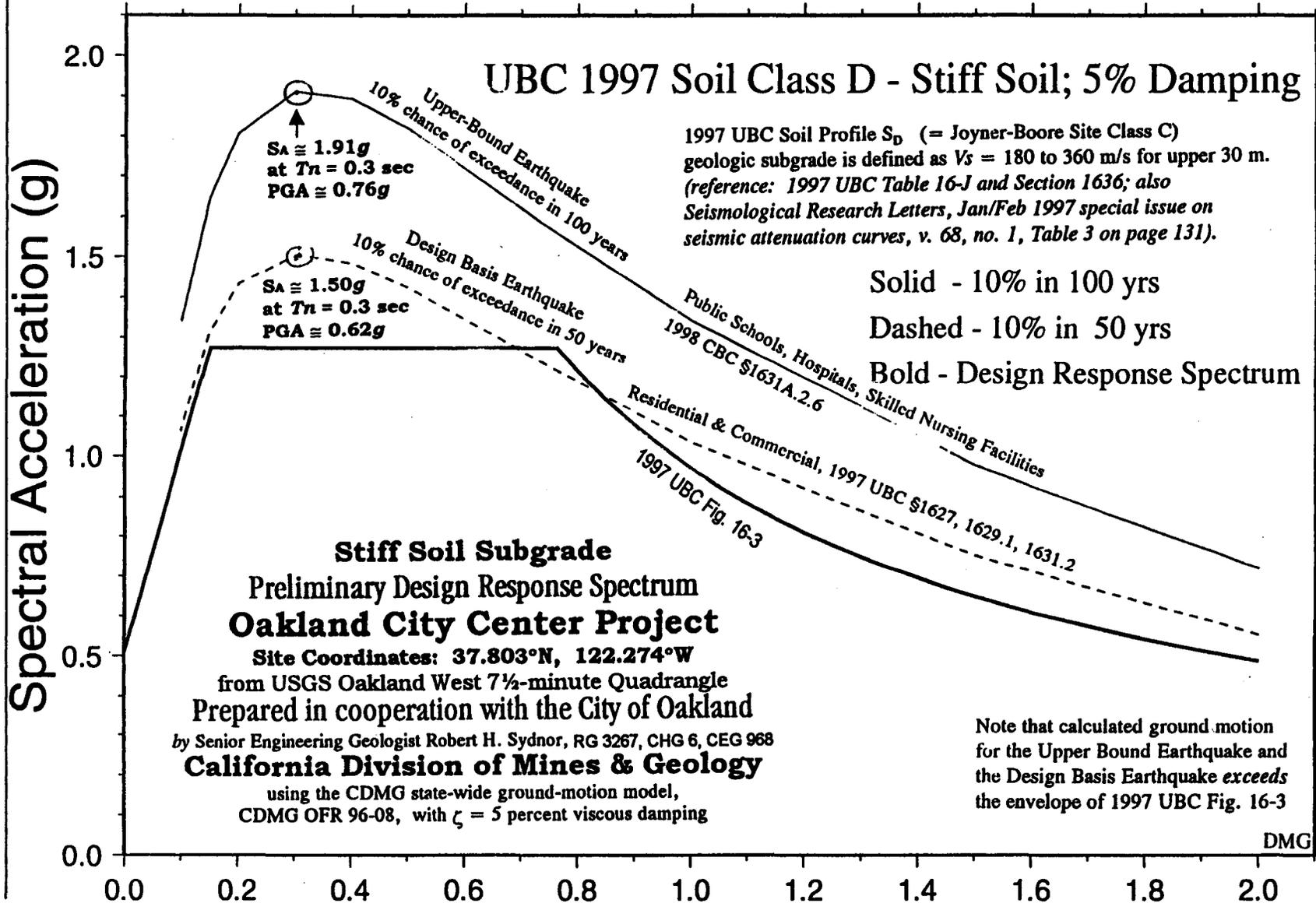
The coarse stippled patterns indicate official zones for liquefaction investigation.

For explanation, refer to California Division of Mines & Geology Special Publication 117,
Guidelines for Evaluating and Mitigating Seismic Hazards in California, 1997, 74 pages.

SP-117 and the complete zone map may be downloaded free from the CDMG homepage at
www.consrv.ca.gov/dmg

Oakland - Clay & 12th Streets

0.1 0.2 0.3 0.4 0.5 0.6 seconds Natural Site Period, T_n



Natural Site Period (seconds)

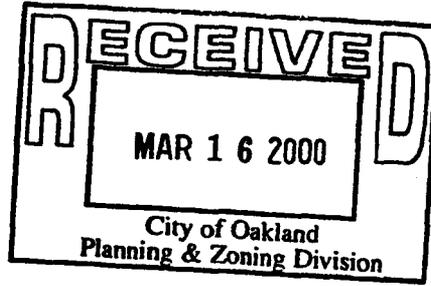
RESPONSES TO LETTER B – CALIFORNIA RESOURCES AGENCY

B-1) Geology and soils are discussed in the project Initial Study (DEIR Appendix A), pp. 8-10, where it is noted that the project sites are located in an area “which may experience a variety of types of ground failure due to ground motion, particularly if there is strong seismic activity.” As also stated on p. 8 of the Initial Study, “the applicant shall be required to submit an engineering analysis along with detailed engineering drawings to the Building Services Division [of the Oakland Community and Economic Development Agency] prior to excavation, grading, or construction activities on the site, consistent with standard City practices, to ensure that all buildings are designed and built in conformance with the seismic requirements of the City of Oakland Building Code.” This review would ensure that necessary engineering and design features are included in the project to reduce potential damage to structures from ground shaking or seismic-related ground failure, including liquefaction. Therefore, potential damage to structures from geologic hazards on the project site would be ameliorated through the Building Services Division requirement for a site-specific geotechnical report and review of the building permit application, and implementation of the project would not result in a significant impact related to geological or seismic hazards. Because of the Building Service Division requirements, it is not necessary for the geotechnical report to be analyzed in the EIR.

The map noted by the commenter was officially released in final form on March 29, 2000, and can be viewed at the California Division of Mines and Geology web site (www.consrv.ca.gov/dmg/index.htm). Like the preliminary map provided by the commenter, the official map shows the project site to be about one block outside an area of potential liquefaction. According to the project sponsor’s geotechnical consultant, soils beneath the project site consist of dense Merritt sand and are not susceptible to liquefaction.²

Concerning the predicted ground motion, the project sponsor’s geotechnical consultant completed a geotechnical study in 1999 that calculated the Design Basis Earthquake ground motion for the project site to be Peak Ground Acceleration of 0.62g, the same factor as determined by the commenter. This factor was used in the design of the building proposed for Block T9.

² Philip Meymand, P.E., URS Greiner Woodward Clyde, telephone communication, April 5, 2000.



C

March 13, 2000

Ms. Lynn Warner, Planner II
City of Oakland
Community and Economic Development Agency
Planning Division
250 Frank H. Ogawa Plaza, Suite 3330
Oakland, CA 94612-2010

Dear Ms. Warner:

Re: Draft Environmental Impact Report (DEIR) for the Oakland City Center Project, Case File ER99-15

Thank you for the opportunity to comment on the subject environmental document. East Bay Municipal Utility District (District) has the following comments regarding water and wastewater service to the project site.

Please note the DEIR did not address or reference the issues raised in the District's letter of September 20, 1999, regarding soil contamination and wastewater service (see copy attached). In particular, the District will not install services or pipelines in contaminated groundwater or soil where the contamination poses a threat to worker and/or public health and safety. Further, the developer for this project should confirm with the City of Oakland Public Works Department that the subbasin base flow increase allocation has not been allocated to other developers. Exceeding the subbasin flow allocation is not allowed.

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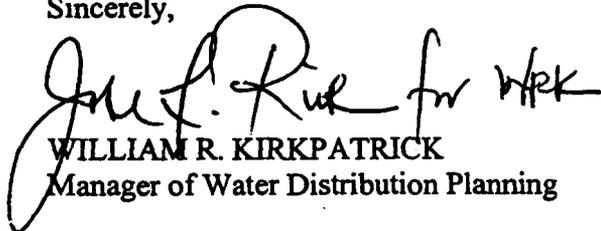
The District's Policy 73 and Section 30 of the Regulations Governing Water Service requires that customers use nonpotable water for nondomestic purposes when it is available at reasonable cost, not detrimental to public health and not injurious to plant life, fish and wildlife. Since the Oakland City Center Project is located in the District's Oakland/Berkeley Reuse Zone, the project meets this criteria. The District encourages the project sponsor to provide dual plumbing for these buildings and use recycled water for irrigation of landscaped areas, toilet flushing and non-consumptive uses such as decorative fountains. The development manager for the Oakland City Center Project, Nicholas Loukianoff, met with the District to discuss opportunities for recycled water use on this project.

3

Ms. Lynn Warner, Planner II
March 13, 2000
Page 2

If you have any questions or if the District can be of further assistance, please contact Marie Valmores, Senior Civil Engineer, Water Service Planning at (510) 287-1084.

Sincerely,

Handwritten signature of William R. Kirkpatrick in cursive, with the initials 'WRK' written at the end of the signature.

WILLIAM R. KIRKPATRICK
Manager of Water Distribution Planning

WRK:BEM:sb
sb00_062.doc

Attachment

cc: Shorenstein Realty Investors III, L.P.
Attn: Paul Dumond
555 California Street
San Francisco, CA 94104

September 20, 1999

Ms. Lynn Warner, Planner II
City of Oakland
Community and Economic Development Agency
Planning Division
250 Frank H. Ogawa Plaza, Suite 3330
Oakland, CA 94612-2010

Dear Ms. Warner:

RE: Notice of Preparation of a Draft Environmental Impact Report
Oakland City Center, Blocks T5/6, T9, T10, T12 (Case File ER99-15)

Thank you for the opportunity to comment on the subject project. East Bay Municipal Utility District (District) has the following comments regarding water and wastewater service to the project site.

WATER SERVICE

Water service to the project sites can be provided from the existing water mains in 11th Street, 12th Street, 14th Street, Jefferson Street, Clay Street, and Martin Luther King Way (see attached map). However, some of the pipelines may need to be replaced, depending on the fire flow requirements set by the local fire agency and the project's new water service requirements. The project sponsor should contact the District's New Business Office at (510) 287-1008 and request a water service estimate to determine costs and conditions for providing water service to the proposed development. Engineering and installation of water mains often require substantial lead time which should be provided for in the project sponsor's development schedule.

Regarding Item VII on page 10, the District is concerned about the potential for contaminated soil in this area. The District will not install services or pipelines in contaminated or hazardous soil conditions. When the applicant applies for water service, any environmental assessment information and analytical data, if available, should be submitted. The District will review the information and may require additional sampling and testing at the applicant's expense.

To help mitigate the impacts of additional water demands on the District's finite water supply, the District recommends that water conservation measures for both internal and external use be incorporated in the design and construction of the proposed project. The



District encourages the use of equipment, devices, and methodology that furthers water conservation and provides for long term efficient water use. The District also recommends the use of drought resistant plants, use of inert materials, and minimal use of turf areas. The project sponsor should contact the District's Manager of Water Conservation at (510) 287-0591 for more information.

WASTEWATER SERVICE

Wastewater discharges from the project must comply with the requirements specified in the District's Wastewater Control Ordinance Number 311. In addition, the ordinance requires appropriate charges and fees to be paid for use of the wastewater treatment facility, including the Wastewater Capacity Fees. The District will provide credit for prior capacity use. The Environmental Impact Report (EIR) should address such wastewater quality and financial impacts of the project.

The City of Oakland Infiltration/Inflow (I/I) Correction Program allowed for a 20 percent increase in the base wastewater flow for each subbasin due to changes in land use or population. The projected flow increases for this development should be below the base flow increase allowance for the subbasins influenced by this plan. The developers for this project should confirm with the City of Oakland Public Works Department that the subbasin base flow increase allocation has not been allocated to other developments.

The District's Main Wastewater Treatment Plant has adequate dry weather capacity to treat the proposed wastewater flow from this project, provided this wastewater meets the standards of the District's Source Control Division. However, if the wastewater flow from this project were to exceed the City of Oakland's base flow increase allowance for this subbasin, conveyance and treatment capacity for wet weather flows may be adversely impacted. Please provide information on the projected average daily and peak daily wastewater flows from this project.

In general, all major developments should address the replacement or rehabilitation of the existing sanitary sewer collection system to prevent an increase in I/I. A provision to control or reduce the amount of I/I should be addressed in the environmental documentation for this project. The main concern is the increase in total wet weather flows, which could have an adverse impact if the flows are greater than projected.

The District's Office of Reclamation is currently working on the Oakland/Berkeley Recycled Water Project. This project will provide recycled water to the Oakland/Berkeley area for nonpotable purposes, such as landscape irrigation and toilet water. District's Policy 73 mandates that customers use nonpotable water for nondomestic purposes when it is available at reasonable cost, not detrimental to public health and not injurious to plant life, fish and wildlife.

Ms. Lynn Warner, Planner II
September 20, 1999
Page 3

Since the Oakland City Center Blocks T5/6, T9, T10, and T12 Project meets this criteria and is located in the Oakland/Berkeley Reuse Zone, the District recommends that the City of Oakland provide dual plumbing for these buildings and, if applicable, use recycled water for irrigation of landscaped areas and non-consumptive uses such as decorative fountains. If you have any questions, please contact Laura Johnson in the Office of Reclamation at 510-287-2063.

If you have any questions or if the District can be of further assistance, please contact Bill E. Maggiore, Assistant Civil Engineer, Water Service Planning at (510) 287-1225.

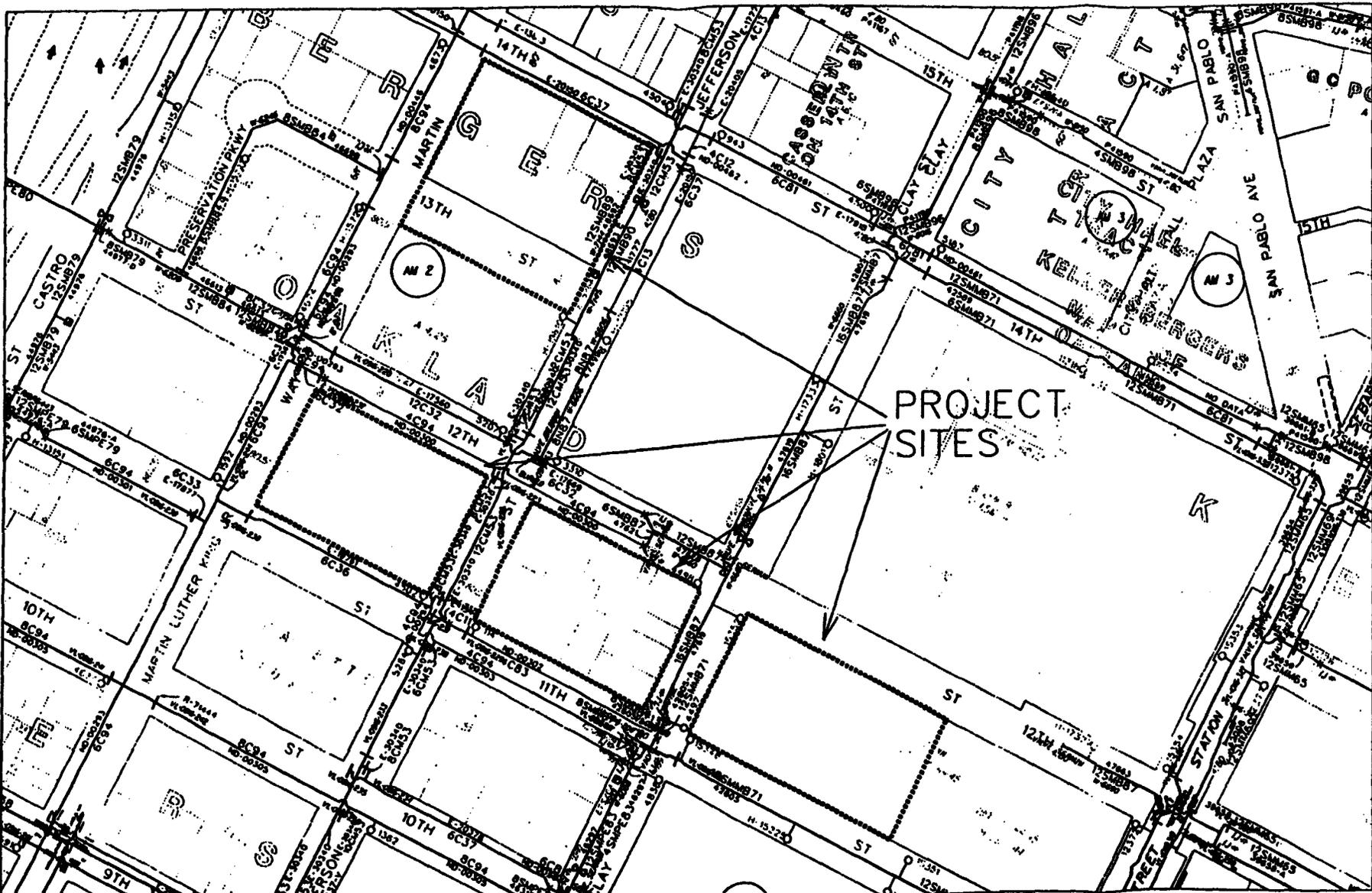
Sincerely,



WILLIAM R. KIRKPATRICK
Manager of Water Distribution Planning

WRK:BEM:sb
sb99_334.doc

Attachment



AGENCY: City of Oakland
 PROJECT: Oakland City Center,
 Blocks T6/T6,T8,T10,T12
 SCALE: 1"=160'
 PREPARED BY: WDP/DFM

RESPONSES TO LETTER C – EAST BAY MUNICIPAL UTILITY DISTRICT

C-1) Hazards and hazardous materials are discussed on pp. 10-11 of the Initial Study (DEIR Appendix A), where it is noted that environmental assessments and some remediation have previously been completed for the project site. Because remediation of any potential subsurface contamination would be required proceed according to local, state, and federal regulations, the project would not result in any significant effects with regard to site contamination. The following is provided for the reader's information. This summary of site conditions is based on a series of letter reports prepared by the sponsor's consultant.³

In 1991, fill material contaminated with petroleum hydrocarbons was excavated, removed from Block T9 and properly disposed of. The excavation reached a maximum depth of 34 feet below street level and was then back-filled with cement and compacted soil. Adequate removal of the contaminated soil was confirmed by verification soil samples. However, it was concluded that some residual soil contamination could exist in the southwest corner of the block and within the soil zone directly above groundwater. A soil investigation conducted in September 1999 confirmed that low levels of localized petroleum-contaminated soils remain in the southwest corner of the block. In October 1999, an authorized landfill evaluated representative samples of these soils and determined that no further testing would be required to approve these soils for disposal as non-hazardous waste.⁴ In August 1999, groundwater samples were collected from three monitoring wells located on the project property and one low-level diesel concentration was detected in the southeast corner.

Construction of the building proposed for Block T9 would involve excavation of approximately 45,000 cubic yards of soil for construction of the two levels underground parking. During construction excavation, soil samples would be analyzed to determine the presence, if any, of residual petroleum contamination in the excavated soil. Verification soil samples from the excavation sidewalls would be analyzed upon completion of the excavation. Contaminated soils, if any, would be removed from the site and appropriately disposed of. Following completion of the excavation, a report documenting soil testing would be prepared and submitted for review by the Alameda County Department of Environmental Health. Prior to and during excavation work, a dewatering system would be operated to lower the groundwater level below the bottom of the excavation. The extracted groundwater would be treated with a granular activated carbon absorption system and discharged to the storm drain under a National Pollutant Discharge Elimination System (NPDES) permit.⁵ Sampling and analysis of the

³ URS Greiner Woodward Clyde, letter reports dated August 27, October 19, November 18, 1999

⁴ Judy Erlandson, Waste Approval Coordinator, Browning Ferris International, letter to URS Greiner Woodward Clyde, October 18, 1999.

⁵ L. Kolb and S. Hill, California Regional Water Quality Control Board, letter to Shorenstein Realty Services, March 9, 2000.

discharged water would comply with requirements of the NPDES and results would be submitted to the Alameda County Department of Environmental Health.

Based on the foregoing, it can be concluded that any excavation on Block T0 that may be required by EBMUD will occur in soil that has been determined through testing and/or remediation to not be contaminated at a level that would pose a risk to workers or the public.

The project sponsor would consult with EBMUD staff concerning a connection point for linking project buildings to the potable water supply system in surrounding streets, and would provide any required information regarding soils conditions, including additional soils testing, if necessary, to EBMUD as part of the routine application for water service.

- C-2) Concerning project wastewater flow, as noted in the commenter's September 20, 1999, letter, the City of Oakland is divided into a number of sub-basins for purposes of allocating wastewater capacity. The City Infiltration/Inflow Correction Program allows for a 20 percent increase in wastewater flow in each sub-basin. Based on standard wastewater generation factors,⁶ Phase I of the project (the building on Block T9) would generate about 20,500 gallons per day of wastewater, while the entire four-block project would generate about 121,500 gallons per day of wastewater. The City of Oakland Public Works Agency has determined that there is adequate wastewater service capacity within the sub-basin in which the project site is located.⁷ The project sponsor would be responsible for any system upgrades required to accommodate the project, as stated on p. 18 of the Initial Study (DEIR Appendix A).
- C-3) Comment noted. EBMUD does not currently supply reclaimed water to the project area,⁸ and the City of Oakland does not currently require new construction to include dual plumbing systems, which could accommodate reclaimed water for future use in non-potable applications, such as toilets and landscape irrigation. Therefore, assuming the project does not include such a dual plumbing system, the project would not be able to accommodate reclaimed water in the future, absent a subsequent installation of reclaimed water pipes. The project sponsor has indicated it would install a dual plumbing system if the sponsor and EBMUD can reach agreement concerning the additional expenses that would be incurred to install the required equipment.

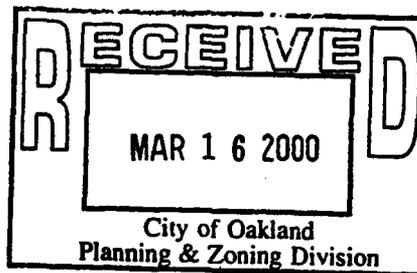
⁶ Metcalf & Eddy, *Wastewater Engineering* (3rd edition), McGraw Hill, 1991.

⁷ Tran, Trang, Acting Civil Engineer, Engineering and Design Services Division, Oakland Public Works Agency, letter, April 12, 2000.

⁸ East Bay MUD is currently planning an East Bayshore Recycled Water Project, the first phase of which will supply recycled water to the cities of Albany, Berkeley, Emeryville, and Oakland for use in irrigating golf courses, cemeteries, parks, homeowner association landscaping, greenbelt and median landscaping, and schools. An industrial user may also be included in the program.

March 16, 2000

Ms. Lynn Warner
 Planner II
 City of Oakland
 Planning Division
 Community and Economic Development Agency
 250 Frank Ogawa Plaza, Suite 3330
 Oakland, CA 94612



Subject: Comments on Oakland City Center Project Draft EIR

Dear Ms. Warner:

AC Transit appreciates the receipt of and opportunity to comment on the Oakland City Center Project Draft EIR.

In general, AC Transit supports commercial and mixed-use urban infill projects such as the Oakland City Center project. The location of the project is ideal to make efficient use of existing infrastructure including existing transit services. Residences of these types of projects often have higher transit usage and less auto dependency.

The availability of frequent trunkline and local bus service throughout downtown Oakland can reduce the traffic impacts of the project by providing an alternative to private auto use for commute and other trips.

Most of the bus routes operating near the project currently have available capacity to accommodate the additional residents and employees of the project.

AC Transit does not expect the proposed project will have significant impacts on our service, however, the following are the District's comments regarding specific statements or exhibits in the DEIR.

1. **Corrections to Table IV.B-1, Page IV.B-4)**
 - Add AC Transit's new 'A' Transbay route. Oakland Airport to Downtown Oakland to San Francisco. Operates 30 minutes peak and 30 minutes off-peak.
 - Bus Routes 40, 51, 58, 73 and 82 operate 7 days a week between 12:00 and 5:00 AM at a 60 minute frequency.
 - Parts of Routes 14 and 62 (adjacent to the project sites) also operate hourly 7 days a week between 12:00 and 5:00 AM.

1

- The average seating capacity of buses operating on AC Transit Route 82 is 47 seats, not 63 seats.

1

2. **Page IV.B19, IV.B35 Mode Split and Trip Distribution**

The mode split numbers for AM and PM peak trips and all day trips need to be rechecked for accuracy.

2

3. **Page IV.B-33 Mitigation Measure.** *In coordination with AC Transit and City staff, the project sponsor shall construct transit facilities such as bus turnouts/bus bulbs, benches, and shelters along the road segments that define the development blocks.*

Streetscape improvements, such as those proposed in this mitigation measure, can increase transit use by providing a more safe and pleasant atmosphere for waiting passengers, as well as improving bus operations. However, the best location for investment in transit enhancements may not be immediately adjacent to the project sites. This measure should be written to allow for flexibility in the placement of improvements. Potentially more cost-effective investments can be made near the proposed project – but not necessarily directly adjacent to the sites.

A preferable approach would be to consider the area between the I-980 freeway and Broadway in its entirety. Improvements could therefore be installed on any of the following streets: 11th Street, 12th Street, 14th Street, Clay Street, Jefferson Street and Martin Luther King Jr. Way. In this way, investments can be targeted at locations with potential to benefit the greatest number of bus riders working at the proposed project.

3

4. **Page IV.B-33 Mitigation Measure.** *The project sponsor shall implement a carpool/vanpool program (e.g. carpool ridesharing for employees, assistance with vanpool formation, provision of vanpool vehicles, etc.) and distribute information to employees on transit and carpooling options (maps, schedules, information from Bay Area Rides). This could be done at a lobby kiosk or other location where employees are likely to congregate.*

Making accurate and timely transit information available to commuters is an important element in encouraging transit use and reducing the traffic impacts of the project. However, the project sponsor should also take steps to simplify the process of buying transit tickets and passes for commuters working at the project. The project sponsor should install a “transit store” within the

development that would sell transit passes and tickets as well as distribute maps and schedules as is current proposed. This "store" could be incorporated into any convenience/retail proposed for the development.

In addition, the mitigation measure should require the developer to offer to employees who use mass transit discounted fare instruments. Since the tax laws provide the employer with a tax break for this type of expenditure the developer should be encouraged, preferably required, to make this benefit available to increase the number of employees who would be drawn to mass transit.

3

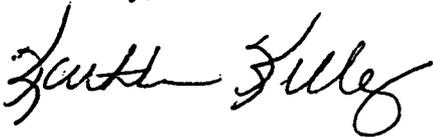
5. *Traffic Impacts on Broadway*

The City of Oakland has received funding to construct on-street improvements along Broadway in the vicinity of 14th Street. These improvements are designed to ease passenger access to buses operating in the Broadway corridor. The EIR should consider these changes to the roadway in the traffic impact analysis section.

4

AC Transit is interested in participating with the Oakland staff and the developer in meeting the transit needs for this project. To this end, we would appreciate being kept apprised of the progress of this project, and having the opportunity for our needs and concerns to be addressed as the project transitions from a concept into an actual development.

Sincerely,



Kathleen Kelly
Deputy General Manager, Service Development

RESPONSES TO LETTER D – AC TRANSIT

D-1) Comment noted. Please see revised Table IV.B-1, p. 8 of this Final EIR. Concerning the seating capacity of buses on Route 82, the comment is acknowledged and is hereby incorporated into the Final EIR. Table IV.B-2, DEIR p. IV.B-5, has been revised to so indicate, and to indicate a maximum load/capacity of 131.9% (westbound) and 117.0% (eastbound). The revised table is included in this Final EIR on p. 9. These revisions do not alter the conclusions of the DEIR, that the project would not result in significant adverse impacts relative to AC Transit service. It is noted that commenter concurs with the EIR’s findings.

D-2) As stated on DEIR p. IV.B-18, the modal split used in the transportation analysis was taken from the Alameda County Congestion Management Agency model, which is based on the Metropolitan Transportation Commission’s mode choice model. The modal split for the project is specific to the traffic analysis zone that includes the four sites considered in the EIR for development.

D-3) Concerning the mitigation measure calling for the sponsor to construct transit facilities such as bus turnouts and bus shelters, it must be noted that the mitigation measure is aimed at having the greatest impact on reducing auto use by employees of and visitors to *the project*, as mitigation measures must be directed toward project impacts. Nevertheless, the final bullet on DEIR p. IV.B-33 is revised as follows (new language is underlined):

In coordination with AC Transit and City staff, the project sponsor shall construct transit facilities such as bus turnouts/bus bulbs, benches, and shelters along the road segments that define the development blocks, or on other comparable nearby roadway segments that may be identified by AC Transit and City staff as the most appropriate location(s) to locate such facilities to most effectively serve the project;

Regarding the commenter’s second suggestion, for sale of transit passes with the project, the second bullet on DEIR p. IV.B-34 could require employer or sponsor subsidy of transit passes, which would be expected to be more successful than offering passes for sale. However, to provide for an additional option, the following is added as a new bullet at the end of the list of potential measures to reduce parking demand, on DEIR pp. IV.B-33 – IV.B-34:

The project sponsor shall establish a “transit store” to provide transit information and sell transit passes and tickets, as well as distribute transit maps and schedules. This “store” could be incorporated into a convenience store that might exist within the project;

Regarding the third suggestion, as noted above, the DEIR includes a measure that could require employer or sponsor subsidy of transit passes.

- D-4)** The improvements noted by the commenter are anticipated to include widening the sidewalk on the east side of Broadway south of 14th Street to provide a uniform sidewalk width between 13th and 14th Streets. Currently, the sidewalk is wider adjacent to the escalator to the BART station escalator and narrower beyond the escalator. AC Transit buses pull over to the curb where the sidewalk is narrower, although buses frequently block a portion of the right lane of northbound Broadway. Under this proposal, the wider sidewalk would avoid buses pulling to the curb. Instead, buses would stop in the right lane. North of 14th Street, modification of the Broadway/Telegraph Avenue intersection is planned, which is expected to eliminate one of three existing southbound lanes on Broadway. Preliminary analysis of these plans indicates that, if necessary to ensure acceptable traffic conditions, Broadway could be restriped to maintain two through lanes in each direction.

**ALAMEDA COUNTY
CONGESTION MANAGEMENT AGENCY**



E

**AC Transit
Director
Matt Williams**

March 16, 1999

**Alameda County
Supervisor
Coal Steele
Scott Haggerty**

**Ms. Lynn Warner
City of Oakland
Community and Economic Development Department
250 Frank H. Ogawa Plaza, Suite 3330
Oakland, CA 94612**

**City of Alameda
Mayor
Ralph Appuzzo**

**City of Albany
Mayor
Peggy Timmons**

SUBJECT: Comments on the Draft Environmental Impact Report for the Oakland City Center Project in the City of Oakland (Case Number ER 99-15)

**BART
Director
Peter Swaber**

Dear Ms. Warner:

**City of Berkeley
Councilmember
Kris Worthington**

Thank you for the opportunity to comment on the City of Oakland's Draft Environmental Report (DEIR) on the Oakland City Center Project. The project would develop four vacant blocks within the City Center area of downtown Oakland with a combination of office, retail, and multi-family residential uses. The blocks would be developed as described below:

**City of Dublin
Councilmember
George A. Zaka**

**City of Emeryville
Councilmember
Nora Davis**

- Block T5/6: 600,000 square feet of office, 7,500 square feet of retail**
- Block T9: 450,000 square feet of office, 7,500 square feet of retail**
- Block T10: 550,000 square feet of office, 8,000 square feet of retail, 200 residential units**
- Block T12: 584,000 square feet of office**

**City of Fremont
Mayor
Gus Morrison**

The project area is bounded by 11th Street, 14th Street, Broadway and MLK Jr. Way.

**City of Hayward
Chairperson
Mayor
Roberta Cooper**

The ACCMA respectfully submits the following comments. The comments reference the DEIR page number and section where possible.

**City of Livermore
Councilmember
Tom Vargo**

- **Page IV.B-12, Table IV.B-6: The reference to the Congestion Management Program – 1998 Update should be the 1998 LOS Monitoring Study on the Alameda County Congestion Management Program Network.**

**City of Newark
Councilmember
Susan Boyce**

**City of Oakland
Councilmember
Larry Reid**

- **Page IV.B-29, 2nd paragraph: This paragraph states that there are no operational problems in the Webster-Posey Tubes (SR 260) and does not identify any mitigation in this area. Table IV.B-14 shows that the tubes are projected to operate at LOS F under 2020 conditions with or without the project. The project is estimated to have a nearly 3 percent impact at this location in the peak direction. This project should contribute its share toward implementation and construction of projects approved by the City of Oakland identified in the Deficiency Plan for the SR**

**City of Piedmont
Councilmember
Valerie Metzger**

**City of Pleasanton
Vice Chairperson
Councilmember
Tom Paio**

**City of San Leandro
Mayor
Shera Young**

**City of Union City
Mayor
Mark Green**

**Executive Director
Dennis R. Lee**

Ms. Lynn Warner
September 15, 1999
Page 2

260/Broadway/Jackson Interchange area, recommendations of the I-880 Intermodal Corridor Study Strategic Plan, and other programs that reduce the dependence on the single occupant vehicle. Funds could be set aside with the City in a trust fund or some other mechanism agreeable to the City. Also please verify that the 2010 references in this paragraph should be 2020.

| 2
| 3

Once again, thank you for the opportunity to comment on this DEIR. Please do not hesitate to contact me at 510/836-2560 ext. 13 if you require additional information.

Sincerely,



Beth Walukas
Senior Transportation Planner

cc. Jean Hart, Deputy Director
file: CMP - Environmental Review Opinions - Responses - 2000

RESPONSES TO LETTER E – ALAMEDA COUNTY CONGESTION MANAGEMENT AGENCY

- E-1)** The comment is acknowledged and the change is hereby incorporated into the Final EIR.
- E-2)** As stated on DEIR p. IV.B-29, the project would not result in a significant impact on the Posey and Webster Tubes or on the intersections of 7th and Harrison Streets or 7th and Jackson Streets, and therefore no mitigation is required. For information, the City of Oakland in 1999 adopted a Deficiency Plan for the segment in question. The Plan includes four potential strategies for reducing travel time (which is how level of service is monitored by the Congestion Management Agency) in the State Route 260 / Broadway / Jackson Street interchange area: a connection from the Posey Tube to 5th Street (7th Street is currently the first intersection that northbound tube traffic crosses); implementation of a “smart corridor” through modifications of signal timing that would effectively meter traffic entering this roadway segment; eliminating the ability of traffic on the Jackson Street on-ramp to exit immediately at Broadway; and implementation of a mandatory left-turn on southbound Jackson Street at 7th Street, thereby precluding Jackson Street traffic from directly reaching the on-ramp. The first strategy could potentially result in adverse effects on a local historic district (the Waterfront/Warehouse Area of Potential Importance) and has generated some concern on the part of Caltrans, while the second strategy could result in concern from Alameda as it could likely result in increased queues on Alameda streets leading to the Posey Tube. One or both of the last two strategies will likely be implemented in 2001.

Please see also the response to Comment A-4, p. 17 of this Final EIR, concerning project effects on the tubes.

- E-3)** The references in the second paragraph on DEIR p. IV.B-29 are correctly made to 2010, not 2020, because the analysis of the Posey and Webster Tubes was based on manual assignment of trips (see Table IV.B-15, DEIR p. IV.B-30), and 2010 is the year of project buildout. (Please see also the response to Comment A-9, p. 18 of this Final EIR, concerning the two different traffic analysis methodologies employed in the EIR.)



March 16, 2000

City of Oakland
Community and Economic Development Agency
Planning Division
Attn: Lynn Warner, Planner II
250 Frank H. Ogawa Plaza, Suite 3330
Oakland, CA 94612

Re: Comments on Draft Environmental Impact Report for the Oakland City Center Project

Ms. Warner:

Thank you for allowing the City of Alameda to comment on the above referenced document. Following are the City of Alameda's comments:

- The DEIR concludes on pages 1-3 without any discussion or analysis that there would be "no adverse effect resulting from direct or indirect inducement of population growth." In addition, there is no discussion in the Growth Inducing Impacts section of the DEIR regarding the increase in the demand for housing which would be produced by the project. The DEIR does not attempt to quantify the number of new jobs which would be generated by this project. Assuming one new job for every 300 feet of new office space, the office component of this project alone would produce in excess of 7,000 new jobs. The DEIR should address the following issues:
 1. Approximately how many persons are expected to be employed within the project by Block?
 2. How many of these new workers are estimated to be housed in the City of Oakland as compared to the rest of Alameda County and outside of Alameda County?

- The DEIR does not discuss the affordability of the proposed new 200 housing units or the demand for new affordable housing generated by the project. The DEIR should address the following issues:
 1. How many of the proposed 200 new housing units will be affordable to moderate income households, low income households, and very low income households?
 2. What is the estimated percentage of the persons to be employed within the project that will be in moderate, low, or very low income households?
 3. Will this project be subject to the City of Oakland's "living wage" ordinance and will there be any employees working within the project who will not be earning a "living wage" as defined by that ordinance?
 4. To the extent there will be moderate, low, or very low income households which are attracted to this region because of lower wage jobs generated by the project, the DEIR should identify measures to mitigate the lack of affordable housing provided by the project.

1

2

Planning Department

2263 Santa Clara Avenue, Room 120
Alameda, California 94501
510 748.4554 • Fax 510 748.4593 • TDD 510 522.7538

♻️ Printed on Recycled Paper

5. How does the proposed project meet the Land Use and Transportation Element Policy D10.4, which recommends that housing in downtown should not be geared to any one housing market?

- The DEIR concludes that the increases in traffic volumes in the Posey-Webster tubes and intersections associated with travel to and from Alameda would be less-than-significant. The DEIR reaches this conclusion based on the fact that the intersections on the Alameda side of the Webster Tube would operate at LOS D or better in the p.m. peak hour in 2010. However, the DEIR does not identify the projected LOS for the intersections on the Alameda side of the Webster Tube in 2020, the year identified by the DEIR as the analysis year for regional roadway impacts.
- The DEIR distributes project trips to and from Alameda are based on a City Center Employee Survey only. The DEIR fails to address the traffic impact of residents traveling from the new dwelling units to Alameda for recreational and shopping activities.
- The DEIR fails to analyze the merge from Mariner Square Drive to the Posey Tube northbound and the diverge from the Webster Tube at Tinker Avenue in Alameda. Both of these are critical links to and from Alameda activity centers.
- The DEIR provides no information about the future capacity of the Oakland/Alameda Ferry Service and no analysis of the project's impact on the capacity of this public transit system.

Traffic and Circulation

Following are comments proffered by the City of Alameda regarding the traffic and circulation section of the subject document. Please note that comments regarding basic assumptions of the study have consequent impacts that are uncertain until the basic assumptions and data comments are taken into account.

- Please clarify why the 2005 traffic volumes are lower than existing volumes for the SR 260 (Posey/Webster Tubes south of I-880 - see page IV.B-27) 1999 counts show 2990 vph for AM peak hour and 3250 vph for the PM peak hour on this roadway segment.
- Given the above comment, we believe that the project impacts on the Webster/Posey Tubes may be significant (see page IV.B-29)
- The I-980 s/b ramp at 14th Street and the intersection of 12th Street and Brush is an impacted location under existing conditions and should be included in the scope of the analysis and in the mitigation measures. (Figure IV.B p. IV.B-2)
- The intersection analysis results for 7th/Harrison are inconsistent with recent studies conducted by the City, and appear to exclude the northbound right turn movement at the intersection. Please provide detailed technical appendix for the traffic analyses conducted for 7th/Harrison and Atlantic/Webster.
- Table IV.B-6 (on Page IV.B-12) does not include Seventh Street between 7th/Harrison and Jackson on-ramp on I-880 NB. This segment has been identified by the Alameda County Congestion Management Agency as a deficient segment in 1998.

- Clarify the rationale for the thresholds of 6 percent and 4 percent used for the CMP-MTS routes and the v/c threshold for the local roadways. (See Page IV.B-16) | 11
- What is the transit and auto share split in the City Center survey of May 1993 (Page IV.B-18). What is the basis for the 40% transit split used for the project shown on the Table IV.B-9? Given the character of the development, please explain the rationale for distributing 22% of the project p.m. peak hour traffic internally to Chinatown. | 12
- Page IV.B-24, please explain why no mitigation would be required for the intersection of 5th Street/Broadway. There was a TSM project submitted by the City of Alameda in conjunction with the Oakland Department of Traffic and Parking to provide SB dual left turn lanes to mitigate current traffic congestion on Broadway. The operational analysis performed for this location appears inconsistent with prior conclusions. | 13

If you have require clarification or have any questions regarding these comments, please contact Kevin Bryant at (510) 748-4554.

Sincerely,



Kevin Bryant
Planner I

For:

Cynthia Eliason, AICP
Planning Manager

G:\envirev\corres\finakcc.com

RESPONSES TO LETTER F – CITY OF ALAMEDA

F-1) The statement on DEIR p. I-3 concerning population growth resulting from the project is contained within a summary of the project Initial Study, included in its entirety in Draft EIR Appendix A. As noted on p. 16 of the Initial Study, “the project would result in both additional residents and workers in the downtown area, but would not displace any people or existing housing units. The project is consistent with many policies from the General Plan Land Use and Transportation Element and was anticipated in the associated Environmental Impact Report.” Because the majority of the project (all of the office development, although not the 200 residential units or the relatively small amount of commercial space) was included in the assumptions for the Land Use and Transportation Element EIR, and because the project is generally consistent with Oakland General Plan policies that call for concentrating new large-scale office development around the 12th Street and 19th Street BART stations, the Initial Study concluded that the population-growth-inducing effects of the project would not be significant. As stated on p. VI-2 of the Draft EIR:

High-rise office development has previously been approved for the four blocks that make up the project site, although never built, because of market conditions and perhaps other factors. There is currently another approved office highrise along Lake Merritt on which construction has not started. Therefore, while construction of the project – particularly if all four towers are built – could influence the local real estate market and perhaps stimulate other development in Downtown Oakland, it is likely that other factors, such as national and global economic conditions, would play more of a role in determining whether other projects would follow the proposed City Center project. Further, the General Plan Land Use and Transportation Element assumes growth in Downtown Oakland, including the proposed project and other projects, and it is not likely that the proposed project would generate growth in excess of that already forecast and analyzed in the EIR for the Land Use and Transportation Element.

As to the employment forecast for the project, assuming one employee per 300 square feet, as suggested by the comments (and also used in the DEIR’s analysis of parking demand), the project’s office component would result in about 7,300 jobs. The project’s retail space could generate about 65 jobs, assuming 350 square feet per retail employee. The breakdown by block would be as follows (assuming the revised project described in Chapter II):

	Block T5/6	Block T9	Block T10	Block T12	Total
Office employment	1,935	1,565	1,835	1,950	7,285
Retail employment	20	20	25	0	65
Total employment	1,955	1,585	1,860	1,950	7,350

Information on projected employees' places of residence is not available, and it would be speculative to make such an estimate.

- F-2)** Neither the affordability of the proposed housing units nor wages or salaries of persons who would work within the project are considered to be environmental issues. CEQA requires analysis of the significant impacts to the physical environment resulting from a project. Economic and social impacts are not considered environmental impacts within the meaning of CEQA (CEQA Guidelines, Sec. 15064(e)). Thus, the potential physical environmental effects resulting from the proposed project, such as increased traffic, are analyzed in the EIR, based on the best available analysis techniques. In this case, the Alameda Countywide Transportation Model was used to develop a trip distribution pattern. The City of Oakland's "living wage" ordinance would likely have no applicability to the proposed project, because the formula for determining sales price in the Draft Disposition and Development Agreement Amendment between the City, the Oakland Redevelopment Agency, and the project sponsor is based on fair market value. Regarding General Plan Policy D10.4, this policy addresses housing throughout the downtown, and does not apply on a project-by-project basis.

It should also be noted that not all project employees would necessarily be new employees to Oakland. Some would be expected to relocate from other Oakland workplaces, while others would likely relocate from existing work sites or jobs elsewhere in the Bay Area. Although it would be speculative to project housing demand that would be generated by the proposed project, it is clear that there would not be a one-to-one ratio between project employment and increased housing demand: as stated above, many project employees would already live in Oakland or elsewhere in the Bay Area, and even a new employee to the area might be part of a two-worker household, meaning that the new worker would be responsible for only "half" of a housing unit demanded.

- F-3)** The analysis of local intersections and of the Posey and Webster Tubes was conducted for three project "milestones" – the projected completion of the first building, on Block T9 (2001), the estimated completion of buildings on Blocks T9 and T5/T6 (2005), and the estimated project buildout (2010). Beyond the year of project buildout, project impacts would be expected to have a declining effect on local streets, when evaluated as a percentage of overall traffic, because background traffic volumes would continue to grow. The regional roadway analysis includes a horizon year of 2020 because that is the year for which data from the Countywide Transportation Model are available. Please see also the response to Comment A-4, p. 17 of this Final EIR, concerning project effects on the tubes.
- F-4)** Trip distribution was based on the Alameda Countywide Transportation Model, as noted in the response to Comment F-2, above, and as stated on DEIR p. IV.B-18. (A survey of City Center employees was also referenced in the DEIR, but was not used as the basis of

trip distribution.) It is noted that the vast majority of project trips, particularly in the peak hours, would be generated by the office component.

- F-5)** As referred to in the response to Comment F-3, above, and discussed fully in the response to Comment A-4, p. 17 of this Final EIR, the project's effects on the Posey and Webster Tubes would not be significant. As discussed in the response to Comment A-4, both major intersections on the Alameda side of the Webster Tube (Atlantic/Webster and Atlantic/Constitution) would operate at LOS D or better in the p.m. peak hour, when the increase in project traffic would be greatest, and these intersections would not be adversely affected by project traffic. Project traffic was not assumed to use either Tinker Avenue or Mariner Square Drive. Because the project would not directly affect these two streets, and because project effects on the roadway segments intersected by Tinker Avenue or Mariner Square Drive would not be significant, project impacts on these two streets' intersections with the Webster Street tube approaches would not be expected to be adversely affected by the project.
- F-6)** Impacts on the Oakland/Alameda Ferry service were not addressed because the modal split information taken from the Countywide transportation model does not forecast that a meaningful number of commute trips to and from the project would be made by ferry. For clarification, the following is added as a new second sentence in the first paragraph beneath impact statement B.5, on DEIR p. IV.B-34 (following "and one third AC Transit"):
- The CMA model does not forecast any substantial ridership on other modes of transit, including the Oakland/Alameda ferry service, Estuary water taxi, or Amtrak, because of the need to transfer or walk that is associated with these alternatives, compared with the readily available BART and AC Transit service in the immediate project vicinity.
- F-7)** The future volumes for the Posey and Webster Tubes, against which project traffic was compared, were taken from the Countywide Transportation Model. If future volumes were to be somewhat greater, as implied by the comment, the project's percentage contribution would be incrementally smaller, and the project impact on these roadways would be incrementally less substantial, because the significance of project impacts is determined by, among other factors, their percentage contribution to overall conditions.
- F-8)** As stated in the response to Comment A-5, p. 18 of this Final EIR, Figure IV.B-1 depicts 10 intersections studied specifically for the EIR. Fourteen other intersections not shown in the figure are also analyzed, including 12th and Brush streets. Most project traffic using I-880 was assumed to enter the freeway after traveling south on City streets. Project traffic using I-980 to I-880 was assumed to use ramps at 11th Street, which is why the intersections of 11th and Brush Streets and 11th and Castro Streets are analyzed. There is no ramp at 14th and Brush Streets.
- F-9)** Intersection level of service calculations have been made available to the commenter. This information is also available for review at the Community and Economic

Development Agency, 250 Frank H. Ogawa Plaza, Suite 3330, Oakland, by contacting case planner Lynn Warner, (510) 238-6168. It should be noted that at 7th and Harrison Streets, the northbound right turn volume (vehicles exiting the tube and turning south on Seventh Street) is identified as a critical movement and included in the overall calculation of the intersection's level of service and associated delay.

- F-10)** The DEIR analysis includes the intersections of 7th and Harrison and 7th and Jackson Streets (added to the original scope of work at the request of the commenter). The analysis, presented in Table IV.B-11, DEIR p. IV.B-22, shows that neither intersection would be adversely affected by project traffic. The fact that those intersections would continue to operate at acceptable levels of service indicates that the Seventh Street segment would not be adversely affected. (As stated on DEIR p. IV.B-17, "the capacity of an urban street, defined as the number of vehicles that can pass through its intersections, is controlled by the capacity at that street's intersections with other roadways.") Please see also the response to Comment E-2, p. 40 of this Final EIR.
- F-11)** As stated in footnote 7 on DEIR p. IV.B-17, the variable threshold for significance for regional roadway is based on the CEQA *Guidelines* Appendix G standard for normally determining a significant effect when the project would "cause an increase in traffic which is substantial in relation to the existing traffic load and the capacity of the street system." That is, the EIR considers that if traffic conditions are worse prior to the addition of project traffic, a smaller project increment is required to result in a significant impact, while if conditions are better, a larger project increment is needed to result in a significant impact. For local intersections, level of service based on average vehicle delay is the normal method used to determine a significant impact, consistent with standard EIR practice. Again, a smaller project increment is used when existing conditions are worse (4 seconds of increase in average vehicle delay for baseline of LOS F, versus 6 seconds of increase for baseline of LOS E). Because delay measurements often become unreliable when volume exceeds capacity, an increase in the volume-to-capacity ratio is used to determine significance in such instances.
- F-12)** As stated on DEIR p. IV.B-18, the modal split used in the transportation analysis was taken from the Alameda County Congestion Management Agency model, which is based on the Metropolitan Transportation Commission's mode choice model. The use of the Countywide model is consistent with current transportation analysis practice for projects in Alameda County. The 1993 survey referenced on DEIR p. IV.B-18 was a survey of City of Oakland employees in the City Center area. According to the survey, approximately 30.5 percent of trips to work were by transit, while 54 percent were by solo drivers, reflecting more auto usage and less transit usage than was assumed in the EIR. An additional 4 percent of commute trips were made on foot or by bicycle or motorcycle, a category not included in the EIR's modal split, while 11.5 percent were by carpool or vanpool.

Regarding the percentage of p.m. peak-hour traffic distributed to “Chinatown,” as shown in DEIR Figure IV.B-2, p. IV.B-20, this percentage represents traffic destined for locations in the southern part of greater downtown (note that the label states “Internal (Chinatown)”), including Chinatown, Jack London Square, and the area around the Alameda County administration buildings. Thus, Figure IV.B-2 represents traffic patterns to and from the project site, but not necessarily to and from final destinations. That is, the greater percentage of afternoon traffic destined to the “Internal” area is indicative not only of persons whose journey home ends in that area, but also those who make an initial stop (for example, at a health club, restaurant, shopping, and so on) before making another trip home. Note that 13 percent of a.m. peak-hour traffic comes from the “Internal” area, while 22 percent of p.m. peak-hour traffic is directed to this area. The difference is due to drivers choosing making stops and/or choosing different travel paths on the way home from work in the afternoon, compared to the route to work in the morning.

- F-13)** Please see the discussion of 5th Street and Broadway in Chapter II, p. 4 of this Final EIR. As noted in the response to Comment A-8, p. 18 of this Final EIR, all analyses of this intersection (except the existing scenario) assume operation of the dual southbound left-turn lanes noted by the commenter.

SACK, MILLER AND ROSENDIN, LLP

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G

March 16, 2000

Ms. Lynn Warner
Oakland Planning Division
250 Frank H. Ogawa plaza, Suite 3330
Oakland, CA 94612

VIA TELECOPIER

Re: Shorenstein City Center Project
ER99-15, PUD99-215 and PUDF00-20

Dear Ms. Warner:

The Draft EIR for the captioned project is not adequate for the City Council, the Planning Commission, staff or the public to honestly understand, consider and discuss the proposed construction of four buildings totaling over 2.5 million square feet

No serious, considered and honest discussion is presented of facing and orienting the T5/T6 building towards 12th Street and City Center across the street, with its back facing the blank wall of the Oakland Convention Center on 11th Street, and turning the T9 building around to face south and what is planned to be the western growth and extension of Old Oakland. The discussion of alternatives is perfunctory, assumes that alternative buildings will be even bigger than what the applicant has proposed, and does not honestly describe the various alternatives the community has proposed. Instead of an honest discussion of alternatives, as required by CEQA, it is a lawyerly defense and justification of the applicant's proposal.

1

The Draft EIR includes no discussion of either the growth inducing impacts of the proposed project or the growth suppressing impacts of the project, as required by CEQA. The City Council, the Planning Commission, staff and the public need to consider and are entitled to an honest discussion in the EIR of the impact concentrating development on the blocks furthest from BART and Broadway will have on the City's general plan goal of developing Broadway as the commercial core of the City and on the City's general plan goal of developing and expanding Old Oakland as a picturesque entertainment and retail district, attractive to Oakland residents, visitors from the region and outside tourists. Walling off Old Oakland from City Center by a combination of the Convention Center Building and these new buildings will defeat a major goal of the new general plan. Serious and honest consideration is required of this major significant impact.

2

Placing the residential portion of the project at the corner of 11th and Martin Luther King, across from Lafayette Park and the 10K residential project next to the Pardee House, is dismissed in less than a sentence on the grounds that such an alternative would put office development further from the BART Station on 12th Street. Perhaps the applicant's design team could not tell from their maps of Oakland, but those of us who walk on the streets here and use BART all know that even though it sometimes is referred to as the "12th Street Bart Station," there are exits and entrances on 11th Street and 14th Street. Again, the Draft EIR is full of similar issues where it does not accurately, fairly or honestly describe and compare the proposed project, the potential impacts, the potential mitigation measures, the potential alternatives, and their relative impacts.

There is not serious, meaningful or honest discussion of the visual impact of the large, block-like buildings the applicant proposes on the city skyline. Even if the applicant were to add some renditions of views from West Oakland, the highways and the hills, it is too late for the public and community organizations to comment on them. The Draft EIR is too incomplete to become a Final EIR just by allowing the applicant to respond to comments like these with no further review and response by the public. An amended or revised EIR is required, together with notice to the public and an opportunity for review and public comment.

I attended the community meeting in November, 1999, gave the developer my business card, gave the planning staff my name address and phone number, and spoke at the meeting. I subsequently spoke with other planning staff members about the project, some after the Draft EIR was published. I never received any notice of the circulation of the Draft EIR, and I never saw anything about the Draft EIR being available for review in the press. It is not my job to find out about such matters, it is the obligation of the staff and the project sponsor to get notice in a way that will notify all interested persons. If I did not learn of it, I suspect that many other people who are interested in Oakland and do not live within 300 feet of the proposed project may not have learned that the Draft EIR was available.

This 2.5 million square foot project is the biggest thing that has happened to Oakland since the Port, the airport and the Coliseum, and the biggest thing likely for many years. It deserves more than the bare legal minimum of notice and public comment. The residential design review guidelines have gone through a dozen meetings, and still are being written. The master plan for the zoo went through over a dozen public workshop sessions. The Adams Point rezoning went through a series of public meetings with lots of give and take and discussion of how to improve the proposal. This project deserves nothing less.

Very truly yours,



Dana Sack

RESPONSES TO LETTER G – DANA SACK

- G-1)** The commenter is correct in noting that none of the alternatives discussed in the DEIR considers reorientation of the building proposed for Block T9. However, it is not the case, as implied by the commenter, that only alternatives that are larger than the proposed project are analyzed. Consistent with direction given in the state CEQA Guidelines that alternatives should reduce or eliminate significant impacts of the project, the DEIR analyzes three separate alternatives that would construct less office space than the proposed project. In addition, further alternatives were analyzed in response to comments on the Notice of Preparation. Nothing in the analysis of alternatives, save for the “Sponsor’s Reasons for Rejection” of each alternative, which is necessarily provided by the sponsor, can be remotely construed as a “defense and justification” of the proposed project. Rather, each alternative is analyzed, in terms of each issue area for which the EIR analyzes the project: Land Use, Plans and Policies; Traffic, Circulation and Parking; Air Quality; Noise; Visual Quality; and Shadow and Wind.
- G-2)** In contrast to the assertion made by the commenter, the DEIR includes a discussion of growth-inducing impacts in Chapter VI, on p. VI-2, where it is noted that “The project would be developed in an area designated by the General Plan, the *Central District Urban Renewal Plan* and the Zoning Regulations for the most intense development in Oakland.” The DEIR further acknowledges high-rise office development has previously been approved for all four of the blocks that make up the project site, including Blocks T10 and T12, which, while farther from Broadway than the other project blocks, are still within the City Center project area. The DEIR further notes that the previously approved buildings on the project site were not built “because of market conditions and perhaps other factors.” The DEIR, in Section IV.A, discusses the project in the context of the Oakland General Plan, beginning on p. IV.A-4, and concludes on p. IV.A-8 that the project “would generally conform with” the policies of the Land Use and Transportation Element that are discussed in that section.

The DEIR acknowledges, in the discussion of Visual Quality in Section IV.E, that while the project would generally include setbacks and street-level pedestrian activity, the project’s 11th Street side “would clearly be the ‘rear’ of the project,” and states, “This portion of the project would back onto the blank wall of the Oakland Convention Center and onto a somewhat inactive block face consisting largely of surface parking between Clay and Jefferson Streets. This portion of the project has the potential to create a visual “dead zone” along 11th Street that would be less than welcoming to pedestrians.” The DEIR continues, however, that “the project architect proposes to create a southern ‘gateway’ to City Center along Clay Street by setting the towers on Blocks T5/T6 and T9 back from Clay Street approximately 35 feet (see Figure IV.E-9), and by creating one- or two-story retail/office spaces along Clay Street with sidewalks planted with street trees.” The analysis of visual quality concludes by stating:

In summary, the proposed project would construct high-rise towers on four blocks around the edge of City Center that are currently undeveloped, expanding the size of

the current City Center complex and sharpening the southern and western boundaries. The project would result in development that is comparable in height and bulk to existing buildings in City Center, and therefore would not fundamentally alter the existing visual character of the area.

Therefore, the project would not result in a significant effect with regard to visual quality.

In addition, the project sponsor proposes to include ground-floor commercial space at the southern (11th Street) corners of the building on Block T9, and to include plazas along the southern corners of the building on Block T12, which would be oriented at a 90-degree angle to the Block T9 building.

- G-3)** The commenter's opinion pertaining to the alternatives addressed in the DEIR is acknowledged. The DEIR does not identify any alternatives that would place residential units on Block T12, which is the only project block at the corner of 11th Street and Martin Luther King Jr. Way. The Draft EIR does identify an alternative that would construct residential units on Block T9 or Block T5/T6 instead of Block T10 (Alternative 2, the Shifted Program Alternative). This alternative would construct taller and more massive buildings on those two blocks than would the project, while the buildings on Blocks T10 and T12 would be shorter than with the project, to minimize shadow and visual effects on smaller-scale development, including Preservation Park and the Pardee Home, west of the project site. The sponsor's reasons for rejection of this alternative have to do with objections to concentrating so much of the project's proposed office development on two blocks (T9 and T5/T6) and the construction and leasing complications resulting from building much larger structures than are contemplated.

The transportation analysis in the DEIR describes the locations of the entry/exit points at the BART 12th Street station (p. IV.B-6) as being at 11th Street, at 14th Street, and at City Center Plaza.

- G-4)** As noted above, in the response to Comment G-2, the Draft EIR concluded that the project would not result in a significant effect with regard to visual quality. As stated on DEIR p. IV.E-7, "The Initial Study prepared for the project (see Appendix A) determined that the project would have less-than-significant impacts in regard to effects on scenic vistas, damage to scenic resources, and light and glare. Therefore, [the DEIR] focuses on the potential of the proposed project to substantially degrade the existing visual character of the site and its surroundings." The Initial Study notes, on p. 4 of DEIR Appendix A, that "The proposed project would be located on in-fill sites within the downtown area, which includes many high-rise buildings." The DEIR further notes (p. IV.E-7) that "the proposed project would result in construction of the tallest building in Oakland, at 31 stories," on Block T10, and that "The overall effect of the project would be to bring into sharp definition the western and southern boundaries of City Center and the downtown Oakland office district, which currently fades into a diffuse and undefined aggregation of buildings and spaces that include the City Center West

Garage, the historic Victorians of Preservation Park, Lafayette Square Park, and the Oakland Convention Center.”

Project structures would be visible from various locations surrounding the downtown area, including the I-980, I-880, I-580, and State Route 24 freeways, the Bay Bridge, and from locations in the Oakland hills and in West Oakland. In general, one or more of the four buildings proposed as part of the project would be visible in views from which other downtown high-rise structures can now be seen. Project buildings would be most noticeable in views from the south and west, as noted in the preceding paragraph, and shown in DEIR Figures IV.E-4 through IV.E-11.

Concerning the “block-like” buildings cited by the commenter, it should be noted that the figures of the proposed project in DEIR Section IV.E (Figures IV.E-4 through IV.E-10) are intended to illustrate generalized gross building masses only in order to illustrate the general bulk and mass in relation to the surrounding area. These depictions are not intended to present or assess actual building design, as is stated in the note accompanying each figure.

- G-5)** The Draft EIR was made available for public review for 45 days, as required by the state CEQA Guidelines. A notice of the DEIR’s publication was made to all property owners within a 300-foot radius of the proposed project, as well as to interested parties and agencies. All interested parties who requested notification by City Planning staff were included in the mailing list and notified of both the DEIR publication and of the public hearing. The project site was also posted with notices of both the DEIR publication and of the public hearing. Two community meetings also were held by the project sponsor, on November 15, 1999, and March 8, 2000. In addition, both the Oakland Tribune (on March 13, 2000) and the San Francisco Chronicle (on March 14, 2000) carried stories concerning the proposed project and the then-pending public hearing. The Tribune also carried a story on the proposed project in September 1999, and the San Francisco Business Times described the project in an August 1999 article. (Please see also the response to the commenter’s testimony at the public hearing, p. 64 of this FEIR.)
- G-6)** As noted above in the response to Comment G-1, high-rise office development has previously been approved for blocks that make up the project site. The Draft EIR, in discussing the No Project Alternative, stated on p. V-3,

High-rise office development has previously been approved for the blocks that compose the project site, as part of the overall City Center project, the first two buildings of which were completed in 1973 (1333 Broadway) and 1976 (1221 Broadway); approved buildings at 475 and 505 14th Street were completed shortly thereafter. A 1973 EIR was completed for the 1111 Broadway building and a second EIR, finalized in 1984, resulted in approval of nearly 3.7 million square feet of office space on nine blocks bounded by 11th Street, Martin Luther King Jr. Way, 14th Street, and a line east of Clay Street; of this, two City Center buildings (1200 1300 Clay Street) and the federal office buildings (about 1.25 million square feet of

office space) have been constructed, along with the City Center West Garage (in lieu of office space on its site).

Furthermore, in 1997, the City published an EIR for the Oakland General Plan Land Use and Transportation Element, which, as noted at numerous points in the Draft EIR for the proposed project, evaluated, among other things, a development program for Downtown Oakland that included construction of four office towers containing 2.2 million square feet of office space on the four blocks that make up the project site, along with other projects in a "Downtown Showcase District."

In summary, there has been a great deal of previous consideration of high-rise office tower development in the immediate project area; the proposed project would be at an intensity and size well within that described in previous environmental analysis.

March 16, 2000

To:

Lynn Warner
Community and Economic Development Agency
City of Oakland
Frank H. Ogawa Plaza
Oakland, CA 94612

H

From:

Raines Cohen
Old Oakland CoHousing at Swan's Market Homeowner's Association
930-M Clay St.
Oakland, CA 94607

(510) 337-9427

Ms. Warner:

I'm writing to comment on the Draft EIR for the Shorestain Company application to develop four high-rise buildings, case file numbers RUC99-215, RUC99-20, ER99-15. I spoke on this topic at a community meeting and at last night's Planning Commission meeting. I'd like to elaborate on the concerns I expressed and who I represent in this context.

The Old Oakland Homeowner's Association, on which I serve as interim vice-president, consists of twenty households now in the process of moving into condos they own at the historic (National Register-eligible and recently historically preserved) Swan's Market, at the corner of 10th St. and Clay, one block from the T-9 building in the proposed project. We've been working for more than five years to invest in the community and improve this historic neighborhood.

I strongly urge reopening/extending the public comment period for the EIR for the project, as many nearby residents, due to language barriers, have not become aware of the project and its likely effect on their quality of life.

1

I feel that the mitigation measures proposed in the Draft EIR and followup presentation at the meetings is not adequate to offset the anticipated impacts. In particular, the assessment of the impact on bicycle facilities addresses parking but only touches on routes without providing any mitigation for the disturbance to bike routes that pass the site.. or funding to accelerate construction of bicycle routes planned for the years ahead, such as extending the Telegraph Ave. bike lanes to connect to Clay St.

2

In particular, OS-9.3 increases traffic on the city's only (so-far constructed) numbered bike route... likely detours will have major impacts during the construction phase, and loading/traffic will have long-term effects.

On N-3.8 and N-9.7: We feel that housing components should be distributed throughout the project and include affordable elements, and be built sooner in the process.

3

On behalf of the East Bay Bicycle Coalition as well as the Oakland Bicycle Diner's Club, I feel the project should include mitigation fees to the city to build out the bike route network and include public education components and tenant incentives to induce them to help employees take advantage of public transportation.

4

Expanded shuttle service would be another useful mitigation.. with connections to the ferry.

5

Contrary to the EIR, Antirak does serve commuters.. and with its new service to silicon valley, a connecting shuttle there and to the ferry could remove a number of the car trips the project would otherwise create.

6

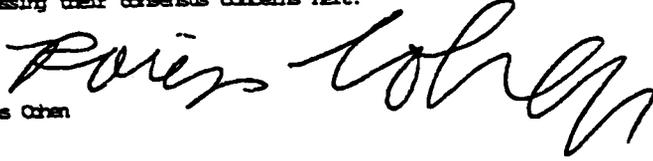
In general, I see in the EIR no assessment on the effect on power consumption, leading to Carbon Dioxide production (greenhouse gas emissions) and the possible mitigation of requiring green-power sources to be used. Likewise, construction materials used will have deforestation impacts that could be reduced through use of recycled/sustainably harvested materials. Waste production linked to the building could be reduced through required recycling programs.

7

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uesday, March 16, 2000

In addition to the above-mentioned organizations, I've also discussed
these issues with the West Downtown Neighborhood Alliance, and am
pressing their consensus concerns here.

Raines Cohen



RESPONSES TO LETTER H – RAINES COHEN

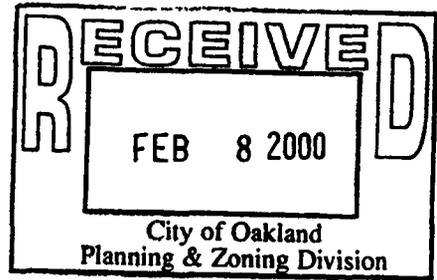
- H-1)** Please see the response to Comment G-5, p. 53 of this Final EIR.
- H-2)** As stated on DEIR p. IV.B-18, based on census data and a survey of City employees, the project would be expected to generate negligible bicycle traffic. Nevertheless, the EIR identifies a mitigation measure (Measure B.6, DEIR p. IV.B-37) to ensure that the project provides “an adequate number of bicycle parking spaces, as determined by the City, in location(s) either on-site or within a three-block radius, or through payment of appropriate in-lieu fees.” Concerning effects on bicycle routes, the DEIR transportation analysis found no significant effects on traffic in the immediate project vicinity, and therefore it is unlikely that bicycle traffic would be adversely affected.
- H-3)** The commenter’s support for rearrangement of the project’s housing component is noted, and will be considered by the Planning Commission in its deliberations on the project.
- H-4)** Please see the response to Comment H-2, above. It is noted that the last bullet on DEIR p. IV.B-34, in a list of potential mitigation strategies to reduce parking demand, includes provision of “secure, weather-protected long-term bicycle parking for future residents and employees at the proposed retail and office uses, secure short-term bicycle parking for retail customers, and showers and lockers for employees bicycling or walking to work.”
- H-5)** As noted in the response to Comment F-6, p. 46 of this Final EIR, the transportation analysis does not forecast a substantial number of commute trips by ferry. Note that the project’s location in an area well-served by BART and AC Transit would likely preclude substantial use of ferry service by project employees and visitors.
- H-6)** As stated on DEIR p. IV.B-3, existing and projected Amtrak service is not well-suited to the majority of local commuters, traveling between localized destinations. Most persons who would work at the proposed project site would not be candidates for Amtrak ridership. There may be some project employees who would ride Amtrak. For instance, a person living near San Jose or Martinez could reach Oakland’s Jack London Square by Amtrak. However, it is unlikely that such ridership would justify shuttle service between City Center and the Amtrak station for project-generated trips alone. It is noted that AC Transit lines 72 and 73 link the Amtrak Station with the project site.
- H-7)** The project would be required to meet current state and local codes regarding energy efficiency, including Title 24 of the California Code of Regulations. For this reason, it would not cause a wasteful use of energy, and no significant effect would result.

As stated on p. IV.A-16 of the DEIR, concerning the City of Oakland Sustainable Community Development Initiative:

As part of its Disposition and Development Agreement (DDA) with the Oakland Redevelopment Agency, the project sponsor has agreed to certify its buildings under the Leadership in Energy and Environmental Design (LEED) Green Building Rating System at the "Bronze" level. Established by the U.S. Green Building Council, the LEED Green Building System is a rating system and self-certification program that evaluates the performance of a "whole building" over a building's life cycle, and provides a standard for what constitutes a "green" building. Buildings certified at the "Bronze" level earn 50 percent to 60 percent of the total number of available credits (22 to 26 available credits of 44 total credits, plus 6 bonus credits). Credits can be earned, for example, by landscaping for erosion control; locating a building within one-half mile of a fixed rail station or with one-fourth mile of two or more bus lines; meeting California's Title 24 lighting requirements; not using chlorofluorocarbon (CFC) refrigerants and halon fire suppression systems; installing a permanent air monitoring system; and installing secured bicycle parking for at least 5 percent of building occupants.⁹ All certification documents are available at the U.S. Green Building Council and at the building site.

⁹ The U.S. Green Building Council office is at 110 Sutter Street, San Francisco, CA 94104. The Council's web site is <http://www.usgbc.org>.

City of Oakland
Community and Economic Development Agency
Planning Division
250 Frank H. Ogawa Plaza, Suite 3330
Oakland, CA 94612



ATTN: Lynn Warner, Planner II

I

Dear Ms. Warner,

After waiting close to 30 years for Oakland to develop these blocks, I welcome Shorenstein Realty Investors. I am 100% in support of their plans for blocks T/5, T/6, T/9, T/10 and T/12.

The proposed buildings will be a tremendous asset to Oakland and our neighborhood. I hope that you endorse and approve the plan.

Sincerely,

Mario G. Uribe 2/7/2000

Mario G. Uribe, Owner
663 11th St.
Oakland, CA 94607-3650

RESPONSES TO LETTER I – MARIO G. URIBE

- I-1)** The commenter's support for the project is noted, and will be considered by the Planning Commission in its deliberations on the project.

CHAPTER V

RESPONSES TO COMMENTS AT THE PUBLIC HEARING ON THE DRAFT EIR

The City of Oakland Planning Commission conducted a public hearing on March 15, 2000, to provide the public an opportunity to comment on the Draft EIR. The following comments, presented in summary form, were received from the public and from members of the Planning Commission.

Comment

CHRIS CURTIS, project sponsor, and TED KORTH, project architect, presented the proposed project, using sketches and floor plans, and responded to questions from the Commission.

Response

The comments were not directly focused on the EIR and do not address the adequacy of the EIR. Therefore, no further response is required.

Comment

PLANNING COMMISSIONER LIGHTY asked if the building design could mitigate the wind hazard identified in the EIR, and questioned whether another wind-tunnel test is required for the specific design of the project as proposed.

Response

As stated on DEIR p. IV.B-2, wind-tunnel testing was conducted in 1997 as part of the analysis for the General Plan Land Use and Transportation Element EIR. The testing was conducted for a development program that included high-rise towers on each of the four blocks that make up the project site, for a development program of 2.2 million square feet, essentially the same as that proposed with the project. However, as stated on DEIR p. IV.F-14, to ensure maximum potential effect in that earlier EIR, the wind-tunnel analysis assumed that each building would be 425 feet tall, with a square base measuring 135 feet long on each side. The project as currently proposed would include four buildings between 21 and 31 stories tall (about 300 feet to 440 feet in height). The DEIR continues:

Although the current project generally proposes buildings of somewhat less height and larger footprints, the buildings would be of generally regular shapes. Further, the current project does not include definitive designs for buildings other than that

on Block T9. Therefore, the previous testing is considered to provide enough accuracy for purposes of a conservative analysis.

The Draft EIR reported, in summary fashion, the results of the 1997 wind-tunnel testing and concluded that, while it is possible that most of the new hazard exceedances could be eliminated by careful attention to wind effects in design of the buildings, the project impact would be significant and unavoidable, because it could not be stated with certainty that exceedances of the 36-miles-per-hour hazard criterion would not remain following construction of the project.

The following discussion provides further clarification of the wind impact assessment completed for this EIR. Subsequent to publication of the Draft EIR, ESA's wind expert reviewed the building proposed for Block T9 in more detail in the context of the previous wind-tunnel test. Based on that review, the wind expert identified . In the 1997 wind-tunnel test, of the 18 exceedances of the wind hazard criterion that were measured with the project (all four buildings) in place, 14 would be locations where such strong winds would be measured only with the project in place, and seven of those were immediately at the bases of the sheer walls of the 440-foot buildings. Three other 14 new exceedances (locations of strong winds) were measured on sidewalks of the same blocks as project structures (within about 100 feet of a building base), while the other four new strong winds were measured on Jefferson Street between 12th and 13th Streets, and likely are the result of interaction between one or more project structures and the existing twin towers of the federal office building. Of the four existing exceedances that would continue with the project in place, two are at the bases of project structures, one is adjacent to the federal office building on 12th Street, and the last is at the base of the rear of 1111 Broadway. Because the design features included as part of the building proposed for Block T9 would tend to reduce ground-level winds, compared to those measured in the 1997 test, and because a number of wind hazard exceedances in the 1997 test were found to occur at the base of or within about 100 feet of project structures, it appears likely that the Block T9 building would result in substantially reduced ground-level winds in the immediate vicinity of that building, compared to conditions as tested in the wind tunnel in 1997.

Specifically, the placement of the tower atop a podium would interrupt the flow of upper-level winds that would be intercepted by a tall building and be redirected to ground level, and would tend to reduce the likelihood of hazardous winds on the sidewalks adjacent to Block T9. In particular, the wide setback of the tower from 12th Street and from the existing federal office building would reduce potential interaction between that existing structure and the tower of the proposed building on Block T9, and would reduce the potential for strong ground-level winds along 12th Street. The tower of the building proposed on Block T9 would be wider along the 11th and 12th Street frontages (approximately 230 feet) and narrower along the Clay and Jefferson Street frontages (approximately 120 feet) than the bulk models tested in 1997, and would also be about 140 feet shorter. Although the project would have a larger effective width for each of the three major wind directions in downtown Oakland, the shorter height and the curved

facades, compared to the bulk models, would tend to reduce the degree to which the building redirects winds downward.

Although without a project-specific wind-tunnel test it cannot be stated with certainty that the building proposed for Block T9 would not cause or contribute to some exceedances of the wind hazard criterion, the proposed building appears, based on the preliminary plans assessed for the DEIR, to be an appropriate design response, given the size of the building program and the existing wind regime in the City Center area. This conclusion is based on the fact that the Block T9 building design incorporates specific design elements that typically are effective at limiting ground level winds. Absent a major reduction in the height of the building, further design modifications that do not reduce the overall building square footage are unlikely to result in substantially less strong winds at ground level.

Tower and podium design for the other three proposed buildings would tend to have similar effects to those described above. Nevertheless, it is recommended that further wind-tunnel testing be conducted of the remainder of the City Center building program, beyond Block T9, during schematic design stage for subsequent building(s) that are proposed for construction.

A condition of approval shall be incorporated into the plan requiring further wind-tunnel testing in order to reduce wind impacts to the maximum extent feasible, although it is possible that the impact would not be reduced to a less-than-significant level.

Comment

PLANNING COMMISSIONER SCURRY-SCOTT asked if the proposed building on Block T12 would block views of the Federal Building from the Bay Bridge.

Response

Currently, the two towers of the federal office building, on Jefferson Street between 12th and 14th Streets, are the westernmost high-rise structures within the City Center development. These buildings, together with the newly completed state office building on the north side of 15th Street at Jefferson, are the most visible structures in the City Center area in views from the south, west and north, respectively. If all four buildings that compose the proposed project are constructed, the project's two westernmost buildings, on Blocks T10 and T12, would assume a prominent position in views from the west, and the project's buildings on 11th Street, on Blocks T12, T9, and T5/T6 would form a visual wall, broken only by building setbacks from Clay and Jefferson Streets and by the 90-degree change in orientation of the Block T12 building. As can be seen in DEIR Figures IV.E-5 and IV.E-10 (pp. IV.E-9 and IV.E-15), the existing view of the two towers of the federal office building would be obstructed from vantage points to the west, northwest, and southwest, including views now available to motorists from the Bay Bridge and ramp structures near the toll plaza. In most of these views, portions of one or both federal building towers would remain visible, but both towers would not be seen together in their entirety, as at present. (Depending on the ultimate height of the buildings on Blocks T10

and T12, the peak of the pitched roof atop each of the federal building towers, at about 340 feet in height, might be visible behind one or more project buildings.)

Comment

PIERO PATRI, architect and nearby property owner on 11th Street, spoke in support of the project, but requested increased pedestrian amenities along the sidewalk of 11th Street.

Response

Comment noted. The comment does not address the adequacy or accuracy of the EIR, and no further response is required. The comment will be considered by the Planning Commission in its deliberations on the project.

Comment

JAY CLARE, works in City Center building, spoke in support of the proposed project.

Response

Comment noted. The comment does not address the adequacy or accuracy of the EIR, and no further response is required.

Comment

DANA SACK (also speaking for DAVID NOCOLAI of the Pardee Home) stated that there has been no public community meeting on the EIR and expressed concern that the project is “being shoved through” without public input. Alternative 2 is based on his comments from a meeting in November, but has been misstated. The EIR should be redone. The project should be oriented more to the south, not the north.

Response

Please see the responses to the commenter’s letter of March 16, 2000 (Comment Letter G on p. 49 of this Final EIR), and in particular the response to Comment G-5 on p. 53. In response to the comment concerning an alleged lack of a public meeting on the EIR, it is noted that such a hearing was conducted on March 15, 2000. It is noted that the Pardee Home Museum was included in the mailing list and received a notice of the DEIR publication and of the public hearing. The project sponsor also sent a notice of the community meeting held on March 8, 2000, to the Pardee Home Museum, in addition to other interested parties and adjacent property owners.

Comment

MARILYN CHIN, future resident of Swan’s Market co-housing, spoke in support of more workers in the area, but expressed concern about the project being “shoved through” and about potential wind impacts.

Response

Concerning public review, please see the response to Comment G-5, p. 53 of this Final EIR. Concerning wind, please see the response on p. 61, above, to a public hearing comment from Commissioner Lighty.

Comment

RAINES COHEN, resident of Swan's Market co-housing, requested an extension of the public comment period and stated that several impacts were not adequately mitigated, including traffic on the Clay Street bike route, the inclusion of affordable housing and the phasing of housing construction within the project, and the fact that bicycling will increase with increased gasoline prices, stating that more bicycle parking should be provided. He suggested that the project include more retail space.

Response

Please see the responses to the commenter's letter of March 16, 2000 (Comment Letter H on p. 55 of this Final EIR). Regarding affordable housing, this is not an environmental issue; please see the response to Comment F-2, p. 45 of this Final EIR. As to the amount of retail space proposed, as noted in the project sponsor's objectives in Chapter III, DEIR p. III-1, one of the sponsor's objectives to "include ground-floor commercial uses that will provide pedestrian interest, in particular along the project's Clay Street frontage." However, it should be noted that the project sponsor is proposing to develop an office project, and that other uses would be accessory to the office floor area.

Comment

CHRIS ROBERTS, resident of 10th Street (Old Town Square), said many of his neighbors support high-rise development on the project site blocks. He criticized the colors and materials proposed for the building on Block T9 and questioned the building's relationship to the federal building and to 11th Street, where the project would create a "Berlin wall." He expressed concerns about the EIR analysis of traffic: the frequent sound of car horns indicates the area is congested, and traffic fatalities and injuries could occur. He expressed concerns about compatibility with surrounding development and impacts on the office market elsewhere in downtown. He recommended that the entire four-building project not be approved at one time. He said the EIR is inadequate and needs to be completed with increased community input, or suggested that the public comment period be lengthened.

Response

Concerning the approval process, the project sponsor is seeking preliminary approval of a Planned Unit Development (PUD) for all four buildings, but is currently seeking a final approval for the building proposed for Block T9. Subsequent Planning Commission approval would be required for the design of the other buildings at such time as an application for a final PUD is filed. It should also be noted, as stated in the DEIR and elsewhere in this Final EIR, that high-rise office development has previously been

analyzed, considered, and approved for all four of the blocks that make up the project site; please see the response to Comment G-6, p. 53 of this Final EIR, for more information.

Concerning traffic, as stated in the DEIR on p. IV.B-21 and summarized in the response to Comment A-3, p. 16 of this Final EIR, the DEIR evaluated 26 local intersections and identified two significant impacts, one of which could be mitigated. While it might be possible to mitigate the other (12th and Brush Streets), this is not certain, and the DEIR therefore identified a significant unavoidable impact. However, as shown in DEIR Table IV.B-11, p. IV.B-22, even with completion of all four buildings, most intersections studied would operate at LOS C or better, which indicates relatively free-flowing traffic, especially in a dense urban context. Therefore, there is no reason to believe that the project would result in an undue number of traffic accidents.

Concerning effects on the downtown office market, this is an economic issue not directly related to the physical environment, and therefore is not considered to be an environmental impact within the meaning of CEQA.

Concerning the project's compatibility with other buildings, the DEIR found, on p. IV.E-16, that

the proposed project would construct high-rise towers on four blocks around the edge of City Center that are currently undeveloped, expanding the size of the current City Center complex and sharpening the southern and western boundaries. The project would result in development that is comparable in height and bulk to existing buildings in City Center, and therefore would not fundamentally alter the existing visual character of the area.

Therefore, no significant effect was identified relative to visual quality. Comments concerning detailed design issues (e.g., the building colors and materials) will be considered by the Planning Commission in its deliberations on the project.

Comment

SANJIV HANDA, East Bay News Service stated that he is neutral on the project, but stated that double-parked trucks, buses, and City vehicles cause congestion. He suggested more traffic monitoring and enforcement at rush hour.

Response

This comment is acknowledged and is a policy issue, not an environmental impact issue. No further response is required.

Comment

PLANNING COMMISSIONERS LIGHTY, REYES, CLARK, AND JARVIS commented on the project site plan, especially related to the project treating 11th Street as its "back door"; proposed

building heights; the location of housing within the project; and the design of the building proposed for Block T9. No additional comments were made concerning the Draft EIR.

Response

These comments are acknowledged as design and policy issues and not as environmental impacts. No further response is required.

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