

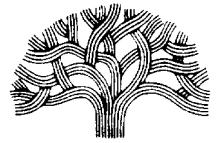
OAK KNOLL MIXED USE COMMUNITY PROJECT

Response to Comments / Final Supplemental Environmental Impact Report

Prepared for
City of Oakland

April 2017





250 FRANK H. OGAWA PLAZA, SUITE 3315 • OAKLAND, CALIFORNIA 94612-2032

Bureau of Planning
Planning & Zoning Division

(510) 238-3941
FAX 510) 238-6538
TDD (510) 839-6451

**COMBINED NOTICE OF AVAILABILITY AND RELEASE OF A
RESPONSE TO COMMENTS/ FINAL SUPPLEMENTAL ENVIRONMENTAL IMPACT REPORT (Final SEIR)
AND NOTICE OF PUBLIC HEARINGS ON CERTIFICATION OF THE EIR AND CONSIDERATION OF
APPROVAL OF THE OAK KNOLL MIXED USE COMMUNITY PLAN PROJECT**

TO: All Interested Parties

PROJECT NAME: Oak Knoll Mixed Use Community Plan Project

PROJECT LOCATION: 8750 Mountain Boulevard, bounded by Keller Avenue and Mountain Boulevard. APNs: 043A-4675-003-21, 043A-4712-001 (portion), 048-6865-002-03, 048-6870-001, 048-6870-002, 037A-3152-009, 037A3152-008 and 043A-4675-74-01.

PROJECT SPONSOR: Oak Knoll Venture Acquisitions LLC.

CASE FILE NO: PLN15378; PLN15378-ER01 (ER15004); PLN15378-PUDF01; PLN15378-PUDF02; CP15032; TTM8320

PROJECT LOCATION: The approximately 191 acre project site is located on the former Oak Knoll Naval Medical Center Property at 8750 Mountain Boulevard, in the City of Oakland, Alameda County. The project area consists of eight (8) parcels including a five (5) acre parcel, owned by the City of Oakland near St. Andrews Road and a two parcels (3 acres) owned by EBMUD and the City of Oakland near Keller Avenue. Two parcels located within the project site, and owned by the Seneca Family of Agencies and the Sea West Credit Union, are not part of the Oak Knoll Mixed Use Community Plan Project.

PROJECT DESCRIPTION: The project applicant is seeking to develop the project site with 935 residential units, 72,000 square feet of primarily neighborhood-serving commercial uses within a Village Center, and a combination of commercial (10,000 square feet) and civic (4,000 square feet) uses within a relocated Club Knoll building. Other components of the proposed project include approximately 85 acres of open space, inclusive of sensitive areas of the site and areas for active and passive parks, restoration of Rifle Range and Powerhouse Creeks and visual buffers providing separation between neighborhoods. Trails, paths and streets provide connections between open space and neighborhoods. The Project includes a system of complete streets that provides access for transit, bicycling and walking, and allows motorists to move safely within the site. The complete street network also includes trees and landscape for shade, aesthetics and stormwater treatment.

The project includes a Rezoning to a new D-OK Oak Knoll District Zones with separate residential, commercial, community commercial, and open space zones. The project also includes a number of other permits/approvals from the City, including but not limited to: a Planned Unit Development permit (Preliminary Development Plan for the entire site) Final Development Plans for the Master Plan Improvements and for the relocation and rehabilitation of Club Knoll, Design Review; Creek Permit, Tree Permit, Development Agreement and a Vesting Tentative Tract Map.

ENVIRONMENTAL REVIEW: The preparation of the RTC/ Final EIR has been overseen by the City's Environmental Review Officer and the conclusions and recommendations in the document represent the independent conclusions and recommendations of the City. **Starting after 12 pm on Thursday, April 27, 2017, copies of the Responses to Comments/ Final EIR will be available for review or distribution** to interested parties at no charge at the City of Oakland Bureau of Planning, 250 Frank H. Ogawa Plaza, Suite 2214, Oakland, CA 94612, Monday through Friday, 8:30 a.m. to 4:00 p.m. The Responses to Comments/ Final EIR may also be reviewed at the following website:

<http://www2.oaklandnet.com/government/o/PBN/OurServices/Application/DOWD009157>

This is item thirty (30).

PUBLIC HEARINGS ON FEIR:

1. The Oakland Landmarks Preservation Advisory Board will conduct a public hearing on the historic resources aspect of the project on **May 8, 2017 at 6:00 p.m.** in City Council Chambers, City Hall, 1 Frank H. Ogawa Plaza;
2. The Oakland City Planning Commission will conduct a public hearing on **June 6, 2017, at 6:00 p.m.** in City Council Chambers, City Hall, 1 Frank H. Ogawa Plaza, to consider certification of the Final EIR and project approvals and recommendations to City Council.

Copies of the Draft SEIR were available for review at the City of Oakland Bureau of Planning, Planning and Zoning Division, 250 Frank H. Ogawa Plaza, Suite 2214, Oakland, California and on the City's website at:

<http://www2.oaklandnet.com/government/o/PBN/OurServices/Application/DOWD009157>

The Draft SEIR is item number eight (30). Copies of the Draft SEIR were also distributed to interested parties.

If you challenge the environmental document or other actions pertaining to the Project in court, you may be limited to raising only those issues raised at the public hearings described above, in written correspondence received by the Bureau of Planning, Planning and Zoning Division on or prior to 4:00 p.m. on June 6, 2017.

For further information, please contact **Heather Klein** at **(510) 238-3659** or hklein@oaklandnet.com.

Darin Ranelletti
Interim Director Department of Planning and Building

Date of Notice: **April 27, 2017**

File Number: PLN15378-ER01 (ER15004)

Notice of Completion and Environmental Document Transmittal (Appendix C)

For US Mail: State Clearinghouse, P.O. Box 3044, Sacramento, CA 95812-3044
 For Hand Delivery: 1400 Tenth Street, Sacramento, CA 95814 (916) 445-0613

SCH# 1995103035

Project Title: Oak Knoll Mixed Use Community Project
 Lead Agency: City of Oakland Contact Person: Heather Klein, Planner VI
 Street Address: 250 Frank H. Ogawa Plaza #2214 Phone: (510) 238-3659
 City: Oakland, CA Zip Code: 94612 County: Alameda

Project Location

County: Alameda City/Nearest Community: Oakland, CA
 Cross Streets: Mountain Boulevard and Sequoyah Road Zip Code: 94602 Total Acres: 191.0
(8750 Mountain Boulevard)
 Longitude/Latitude (degrees, minutes and secs): 37° 46'04.51 N / 122° 08'53.29 W
 Assessor's Parcel No. 043A-4675-003-21 Section: _____ Twp: _____ Range: _____ Base: _____
048-6865-002-03
043A-4712-001 (part)
048-6870-001
048-6870-002
043A-4675-074-01
037A-3152-008
037A-3152-009
 Within 2 Miles: State Hwy #: Interstate 580 Waterways: Upper San Leandro Reservoir
 Airports: _____ Railways: _____ Schools: Charles Howard Elementary

Document Type

CEQA: NOP Draft EIR NEPA: NOI Other: Joint Document
 Early Cons Supplemental/Subsequent EA Final Document
 Neg Dec EIR (Prior SCH No. 1995103035) Draft EIS Other _____
 MitNeg Dec Other: _____ FONSI

Local Action Type

General Plan Update Specific Plan Rezone Annexation
 General Plan Amendment Master Plan Prezone Redevelopment
 General Plan Element Planned Unit Development Use Permit Coastal Permit
 Community Plan Site Plan Land Division (Subdivision, Parcel Map, Tract Map, etc.) Other _____

Development Type

Residential: Units 935 Acres _____ Employees _____ Water Facilities: Type _____
 Office: Sq. ft. _____ Acres _____ Employees _____ Transportation: Type _____
 Commercial: Sq. ft. 82,000 Acres _____ Employees 160 Mining: Mineral _____
 Industrial: Sq. ft. _____ Acres _____ Employees _____ Power: Type _____ Watts _____
 Educational: _____ Waste Treatment: Type _____
 Recreational: Open Space and Parks 69.1 acres; Community Center 4,000 sq.ft Hazardous Waste: Type _____
 Total Acres (approx.) 191.0 acres Other Rifle Range Creek Corridor and Riparian Habitat Restoration - 16.97 acres

Project Issues Discussed in Document

Aesthetic/Visual Flood Plain/Flooding Schools/Universities Water Quality
 Agricultural Land Forest Land/Fire Hazard Septic Systems Water Supply/Groundwater
 Air Quality Geologic/Seismic Sewer Capacity Wetland/Riparian
 Archaeological/Historical Minerals Soil Erosion/Compaction/Grading Wildlife
 Coastal Zone Noise Solid Waste Growth Inducing
 Drainage/Absorption Population/Housing Balance Toxic/Hazardous Land Use

Economic/Jobs
 Fiscal

Public Services/Facilities
 Recreation/Parks

Traffic/Circulation
 Vegetation

Cumulative Effects
 Other:

Present Land Use/Zoning/General Plan Designation:

Zoning: RH-4 ("Hillside Residential Zone-4) and Hillside Residential-3 (RH-3).

General Plan: Hillside Residential, Community Commercial, Urban Open Space, Institutional and Resource Conservation

Project Description:

The project applicant is seeking to develop the project site with 935 residential units, 72,000 square feet of primarily neighborhood-serving commercial uses within a Village Center, and a combination of commercial (10,000 square feet) and civic (4,000 square feet) uses within a relocated Club Knoll building. Other components of the proposed project include approximately 85 acres of open space, inclusive of sensitive areas of the site and areas for active and passive parks, restoration of Rifle Range and Powerhouse Creeks and visual buffers providing separation between neighborhoods. Trails, paths and streets provide connections between open space and neighborhoods. The Project includes a system of complete streets that provides access for transit, bicycling and walking, and allows motorists to move safely within the site. The complete street network also includes trees and landscape for shade, aesthetics and stormwater treatment.

The project includes a Rezoning to a new D-OK Oak Knoll District Zones with separate residential, commercial, community commercial, and open space zones. The project also includes a number of other permits/approvals from the City, including but not limited to: a Planned Unit Development permit (Preliminary Development Plan for the entire site) Final Development Plans for the Master Plan Improvements and for the relocation and rehabilitation of Club Knoll, Design Review; Creek Permit, Tree Permit, Development Agreement and a Vesting Tentative Tract Map.

Reviewing Agencies Checklist

Lead Agencies may recommend State Clearinghouse distribution by marking agencies below with an "X". If you have already sent your document to the agency please denote that with an "S".

X	Air Resources Board	X	Forestry and Fire Protection, Department of
	Boating & Waterways, Department of		General Services, Department of
	of	X	Health Services, Department of
X	Office of Historic Preservation		Housing and Community Development
	Office of	X	Native American Heritage Commission
	Public School Construction	X	Office of Historic Preservation
	California Emergency		Office of Public School Construction
	Management Agency	X	Parks and Recreation, Department of
	Parks & Recreation, Department of		Pesticide Regulation, Department of
X	California Highway Patrol		Public Utilities Commission
X	Caltrans District #4	X	Regional WQCB #2
	Caltrans Division of Aeronautics		Resources Agency
X	Caltrans Planning		Resources Recycling and Recovery, Department of
	Central Valley Flood Protection		S.F. Bay Conservation & Development Comm.
	Board		San Gabriel & Lower L.A. Rivers & Mtns. Conservancy
	Coachella Valley Mtns.		San Joaquin River Conservancy
	Conservancy		Santa Monica Mtns. Conservancy
	Coastal Commission	X	State Lands Commission
	Colorado River Board		SWRCB: Clean Water Grants
X	Conservation, Department of	X	SWRCB: Water Quality
	Corrections, Department of Delta		SWRCB: Water Rights
	Protection Commission		Tahoe Regional Planning Agency
	Education, Department of	X	Toxic Substances Control, Department of
	Energy Commission		Water Resources, Department of
X	Fish & Game Region #_3		Other: Midpeninsula Regional Open Space District
	Food & Agriculture, Department of		Other: U.S. Army Corps of Engineers

Local Public Review Period (to be filled in by lead agency)


Final Responses to Comments/ Final SEIR will be available to the public starting after **12:00 pm on Thursday, April 27, 2017**. The Oakland Landmarks Preservation Advisory Board will conduct a public hearing on the historic resources aspect of the project on **May 8, 2017 at 6:00 p.m.** The Oakland City Planning Commission will consider certification of the Final SEIR and project approvals and recommendations to City Council at a public hearing on **June 6, 2017, at 6:00 p.m.** Both hearings will be held at the City Council Chambers, City Hall, 1 Frank H. Ogawa Plaza.

Lead Agency (Complete if applicable):

Consulting Firm: ESA
Address: 350 Frank H. Ogawa Plz, Suite 300
City/State/Zip: Oakland, CA 94612
Contact: Crescentia Brown
Phone: 510.839.5066

Applicant: Oak Knoll Venture Acquisition LLC (OKVA)
Address: 2393 Morse Avenue
City/State/Zip: Irvine, CA 92614
Phone: 949.701.8786

Signature of Lead Agency Representative

 Date: 4/25/17

OAK KNOLL MIXED USE COMMUNITY PROJECT

Response to Comments / Final Supplemental Environmental Impact Report

Prepared for
City of Oakland

April 2017

350 Frank H. Ogawa Plaza, Suite 300
Oakland CA 94612
510.839.5066
www.esassoc.com

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- B. Updated D-OK Oak Knoll District Zones Regulations and Map
- C. Updated Rifle Range Creek Restoration Area and Habitat and Monitoring Plan (February 2017)
- D. Supplemental Biological Resources Assessment - Keller Avenue and EBMUD Parcels (March 2017)
- E. Updated Oak Knoll Tree Removal Impact Mitigation Plan (March 2017)
- F. Updated Oak Knoll Design Guidelines (January 2017)
- G. Revised Transportation Demand Management (TDM) Plan (December 2016)
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Final SEIR List of Acronyms and Abbreviations

AB	Assembly Bill
ABAG	Association of Bay Area Governments
ADA	Americans with Disabilities Act
ARB	Air Resources Board
BAAQMD	Bay Area Air Quality Management District
BAU	business-as-usual
BMP	Best Management Practice
BP	Bicycle Pedestrian (Committee)
BPAC	Bicycle and Pedestrian Advisory Committee
CalEEMod	California Emissions Estimator Model
Caltrans	California Department of Transportation
CAPCOA	California Air Pollution Control Officers Association
CARB	California Air Resources Board
CCH	Consortium of California Herbaria
CDFG	California Department of Fish and Game
CDFW	California Department of Fish and Wildlife
CEQA	California Environmental Quality Act
CNDDB	California Natural Diversity Database
CNGA	California Native Grassland Association
CNPPA	Native Plant Protection Act
CNPS	California Native Plant Society
CO	carbon monoxide
CO ₂	carbon dioxide
CO ₂ e	carbon dioxide equivalents
Corps	U.S. Army Corps of Engineers
CPAD	California Protected Area Database
CPTED	Crime Prevention through Environmental Design
CRHR	California Register of Historic Resources
CTC	California Transportation Commission
CWA	Clean Water Act
cy	cubic yards
dB	decibel
dBA	A-weighted decibel
DNL	Day/Night Average Sound Level
DPM	diesel particulate matter
DTSC	Department of Toxic Substances Control
du	dwelling units
EBMUD	East Bay Municipal Utilities District
EBRPD	East Bay Regional Park District

ECAP	Energy and Climate Action Plan
EIR	Environmental Impact Report
EPA	Environmental Protection Agency
ESA	Endangered Species Act
EVA	Emergency Vehicles Access
FAR	Floor-area Ratio
FDP	Final Development Plan
GHAD	Geologic Hazard Abatement District
GHG	greenhouse gas
gpd	gallons-per-day
gpm	gallons-per-minute
GVWR	Gross Vehicle Weight Rating
HABS	Historic American Building Survey
HOA	Homeowners Association
HRA	Health Risk Assessment
LOS	level of service
LB	Landmarks Board
LPAB	Landmarks Preservation Advisory Board
LS	Less than Significant
LUTE	Land Use and Transportation Element
MBTA	Migratory Bird Treaty Act
MMRP	Mitigation Monitoring and Reporting Program
MT	metric tons
MTC	Metropolitan Transportation Commission
MTCO _{2e}	metric ton CO ₂ equivalent
NOA	Notice of Availability
NAHC	Native American Heritage Commission
NRHP	National Register of Historic Places
NOx	nitrogen oxides
NOA	Notice of Availability
NOC	Notice of Completion
NOP	Notice of Preparation
NPDES	National Pollutant Discharge Elimination System
OCHS	Oakland Cultural Heritage Survey
OPR	Office of Planning and Research/also [Oakland] Office of Parks and Recreation
OSCAR	Oakland Open Space, Conservation and Recreation (General Plan Element)
OSHA	Occupational Safety and Health Administration
PC	Planning Commission
PDP	Preliminary Development Plan
PUD	Planned Unit District
PG&E	Pacific Gas & Electric
PM	particulate matter

PM2.5	fine particular matter (that is less than 2.5 microns in diameter)
PM10	particulate matter (that is 10 microns or less in diameter)
PRC	Public Resources Code
PWA	Public Works Agency
ROG	reactive organic gases
ROW	right(s)-of-way
RWQCB	Regional Water Quality Control Board
RWS	San Francisco's Regional Water System
S	Significant
SCA	Standard Condition of Approval
SAAQS	State Ambient Air Quality Standards (California)
SB	Senate Bill
SCA/MMRP	Standard Condition of Approval / Mitigation Measure Monitoring and Reporting Program
SDWA	Safe Drinking Water Act
SEIR	Supplemental Environmental Impact Report
SF ₆	sulfur hexafluoride
sf	square feet
SFRWQCB	San Francisco Bay Regional Water Quality Control Board
SHPO	State Historic Preservation Officer
SMP	Soil Management Plan
SOD	Sudden Oak Death
SU	Significant Unavoidable
SWPPP	Stormwater Pollution Prevention Plan
SWRCB	State Water Resources Control Board
TAC	Toxic Air Contaminant
TDM	transportation demand management
TIF	Transportation Impact Mitigation Fee Program
USEPA	U.S. Environmental Protection Agency
USFWS	U.S. Fish and Wildlife Service
USGS	U.S. Geological Survey
UWMP	Urban Water Management Plan
V/C	volume to capacity
VMT	vehicle miles traveled
VOC	volatile organic compound
VP	viewpoint
WSA	Water Supply Assessment
ZNE	Zero Net Energy

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CHAPTER 1

Introduction

1.1 CEQA Process

A Final Environmental Impact Report (EIR) is an informational document prepared by a Lead Agency (in this case, the City of Oakland) that contains the environmental analysis for public review and for agency decision-makers to use in their consideration of a project. On August 26, 2016, the City released a Notice of Availability (NOA) of the Draft Supplemental Environmental Impact Report (SEIR) for the Oak Knoll Mixed Use Community Project (“Project”) for public review and comment. The City also published the NOA on its website (<http://www2.oaklandnet.com/government/o/PBN/OurOrganization/PlanningZoning/OAK052335> or at <http://www2.oaklandnet.com/government/o/PBN/OurServices/Application/DOWD009157>, item 30) with a viewable and downloadable portable document format (PDF) of the Draft SEIR and its Appendices. The public review and comment period for the Draft SEIR began on August 29, 2016, and ended at 5:00 p.m. October 12, 2016, a total period of 45 calendar days.

1.2 Final EIR Context

This document, together with the Draft SEIR and its Appendices, constitute the Final SEIR for the Project. Due to its large volume, the text of the Draft SEIR is not included in the Final SEIR; however, it is available in a separate volume and included by reference, and is part of the Final SEIR.

The City of Oakland, as Lead Agency, will make decisions on certification of this Final SEIR, approval of a Mitigation Monitoring and Reporting Plan (MMRP), and approval of the Project. The City will consider the Final SEIR before approving or denying the proposed Project. Before the City may approve the Project, it must certify that the Final SEIR adequately discloses the environmental effects of the proposed Project, that the Final SEIR has been completed in conformance with the California Environmental Quality Act (CEQA), and that the decision-making body of the Lead Agency independently reviewed and considered the information contained in the Final SEIR. Certification of the Final SEIR would indicate the City’s determination that the Final SEIR adequately evaluates the environmental impacts that could be associated with the proposed Project.

The City has prepared this document pursuant to CEQA Guidelines Section 15132 which specifies the following:

“The Final EIR shall consist of:

- (a) The Draft EIR or a revision of that draft.
- (b) Comments and recommendations received on the Draft EIR either verbatim or in a 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 Final SEIR includes these contents.

1.3 New Information in the Final SEIR

If *significant new information* is added to an EIR after a notice of public review of the Draft EIR document has been given (in this case, August 26, 2016, for the Draft SEIR), but before final certification of the EIR, the Lead Agency must issue a new notice and re-circulate the Draft EIR for further comments and consultation. None of the corrections or clarifications to the Draft SEIR, or modifications to the proposed Project, identified in this document constitute *significant new information* pursuant to Section 15088.5 of the CEQA Guidelines.

Specifically, the new information, corrections, clarifications or Project modifications presented in this document do not disclose:

- A new significant environmental impact would result from the project or from a new mitigation measure proposed to be implemented;
- A substantial increase in the severity of an environmental impact would result unless mitigation measures are adopted that reduce the impact to a level of insignificance;
- A feasible project alternative or mitigation measure considerably different from others previously analyzed would clearly lessen the significant environmental impacts of the project, but the project’s proponents decline to adopt it; or
- The Draft EIR was so fundamentally and basically inadequate and conclusory in nature that meaningful public review and comment were precluded. (CEQA Guidelines Section 15088.5)

Therefore, a Recirculation of the Draft SEIR is not required. The information presented in the Draft SEIR and this document support this determination by the City. Revisions to the Draft SEIR are discussed in detail in Chapter 3 (Changes and Errata to the Draft SEIR) in this document.

1.4 Organization of this Final SEIR

Following this introductory chapter, this Final SEIR is organized as described below.

- Chapter 2, *Modifications to the Project*, describes changes and updated information pertaining to the proposed Project and initiated by the Project Sponsor. This chapter also discusses the environmental implications of the proposed modifications.
- Chapter 3, *Changes and Errata to the Draft SEIR*, contains supplemental information, corrections and clarifications to the text and exhibits in the Draft SEIR initiated by the Lead Agency, resulting from comments received on the Draft SEIR or Project modifications initiated by the Project sponsor.
- Chapter 4, *Commenters on the Draft SEIR*, lists all agencies, organizations, and individuals that submitted written comments on the Draft SEIR during the public review and comment period, and/or that commented at the public hearings on the Draft SEIR.
- Chapter 5, *Master Responses*, presents Master Responses to address topics raised most often by the public in the comments received on the Draft SEIR.
- Chapter 6, *Responses to Written Comments Received on the Draft SEIR*, contains each of the comment letters received on the Draft SEIR and presents individual responses to the specific comments raised in each letter.
- Chapter 7, *Responses to Comments Received at the Planning Commission Public Hearing on the Draft SEIR*, includes a transcript of the public comment period during the Planning Commission hearing and presents responses to the specific comments received.
- Chapter 8, *Responses to Comments Received at the Landmarks Preservation Advisory Board (LPAB) Public Hearing on the Draft SEIR*, includes a transcript of the public comment period during the LPAB hearing and presents responses to the specific comments received.
- Chapter 9, *Responses to Comments Received at the Bicycle and Pedestrian Advisory Commission (BPAC) Public Hearing on the Draft SEIR*, includes a transcript of the public comment period during the LPAB hearing and presents responses to the specific comments received.

Appendices to this document follow Chapter 9.

The Draft SEIR, including its Appendices, is part of the Final SEIR and is available at the City of Oakland, Bureau of Planning, located at 250 Frank H. Ogawa Plaza, Suite 2114, Oakland, California, and on the City's webpage (www2.oaklandnet.com/government/o/PBN/OurOrganization/PlanningZoning/OAK052335).

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CHAPTER 2

Modifications to the Project

2.1 Introduction

Since the publication of the Draft Supplemental Environmental Impact Report (Draft SEIR), the Project sponsor has provided minor revisions to the proposed Project in an effort to improve specific design elements and to respond to public comments. This Final EIR (Final SEIR) describes these changes as the “Revised Project.”

These changes result in minor differences between the Project that was studied in the Draft SEIR, referred to throughout this Final SEIR as the “Draft SEIR Project.” The changes reflected in the Revised Project do not materially affect the land use approvals that the Project sponsor seeks and do not alter the environmental conclusions in the Draft SEIR.

This chapter describes the Project sponsor’s proposed modifications the Oak Knoll Mixed Use Community Plan Project (“Project”) described in Chapter 3 (Project Description) of the Draft SEIR, and detailed elsewhere throughout that document. There are no substantial changes to any component of the project or its implementation.¹

To the extent that these Project modifications and supplemental information pose potential environmental effects not previously disclosed in the Draft SEIR, those potential effects are discussed. However, none of the modifications trigger *significant new information*, give rise to new or *more severe significant environmental impacts* not previously disclosed in the Draft SEIR, or suggests a *new feasible project alternative or mitigation measure* that would lessen a significant impact, or indicate that its omission from the Draft SEIR *prevented meaningful public review and comment* (see Section 3.1, *New Information in the Final EIR*, in Chapter 1 [Introduction] of this Final SEIR, and Master Response G in Chapter 5 [Master Responses] of this Final SEIR).

To the extent that any of this information changes text or exhibits that were presented the Draft EIR, these changes are also specified in Chapter 3 (Changes and Errata to the Draft SEIR) of this Final SEIR. Revised or new exhibits presented in this chapter are referenced in Chapter 3 of this Final SEIR but not reprinted in that chapter.

¹ To the extent that any mitigation measures identified in the Draft SEIR for the Project are modified, those revisions are identified in Chapter 3 (Changes and Errata to the Draft SEIR) and, where appropriate, acknowledged in individual responses to comments in Chapters 6 through 9 in this Final SEIR document.

2.2 Background of the Draft SEIR Project and the Revised Project

As discussed in Chapter 2 (Summary) and Chapter 3 (Project Description) of the August 29, 2016 Draft SEIR, the Draft SEIR analyzed the Project as submitted to the City by the Project sponsor in 2015. This original Project and the Draft SEIR was the subject of public hearings on April 13, 2015 (public scoping session before the Landmarks Preservation Advisory Board (LPAB), April 15, 2015 (public scoping session before the Planning Commission), September 12, 2016 (public hearing before the LPAB), September 15, 2016 (public hearing before the Bicyclist and Pedestrian Advisory Committee), and October 5, 2016 (public hearing before the Planning Commission). Additional hearings were also held by the Design Review Committee on July 27, October 26 and December 14, 2016, the Zoning Update Committee on November 16 and the Landmarks Preservation Advisory Board on May 9. Subsequent to those meetings, the Project sponsor refined the Project to address issues that were identified through public and staff input and the Draft SEIR analysis. As noted in the Draft SEIR, the NOP for the Project was issued on March 20, 2015, and consistent with CEQA, this continues to establish the baseline conditions for environmental review.

Because the Revised Project is a refinement of the Draft SEIR Project, it is identical to the Draft SEIR Project in most respects. The Revised Project differs from the Draft SEIR Project only with respect to the following, which are discussed in more detail in Section 2.3 below:

- A revised conceptual site plan for the Village Center;
- A reconfiguration of Mountain Boulevard access to the Village Center driveway;
- Revised residential building heights;
- Revised grading and design of Certain Admiral's Hill lots;
- Revised layout of stormwater treatment basins;
- Expanded northern site boundary to add three (3) additional acres of public park and open space land/minor expansion of creek restoration;
- A commitment to salvage and relocate between 10 and 20 oak trees previously proposed for removal;
- Minor increase (0.01 acre) to the amount of permanent impacts to jurisdictional waters; and
- Minor modifications to the Oak Knoll Design Guidelines.

2.3 Project Revisions

2.3.1 Revised Conceptual Site Plan for the Village Center

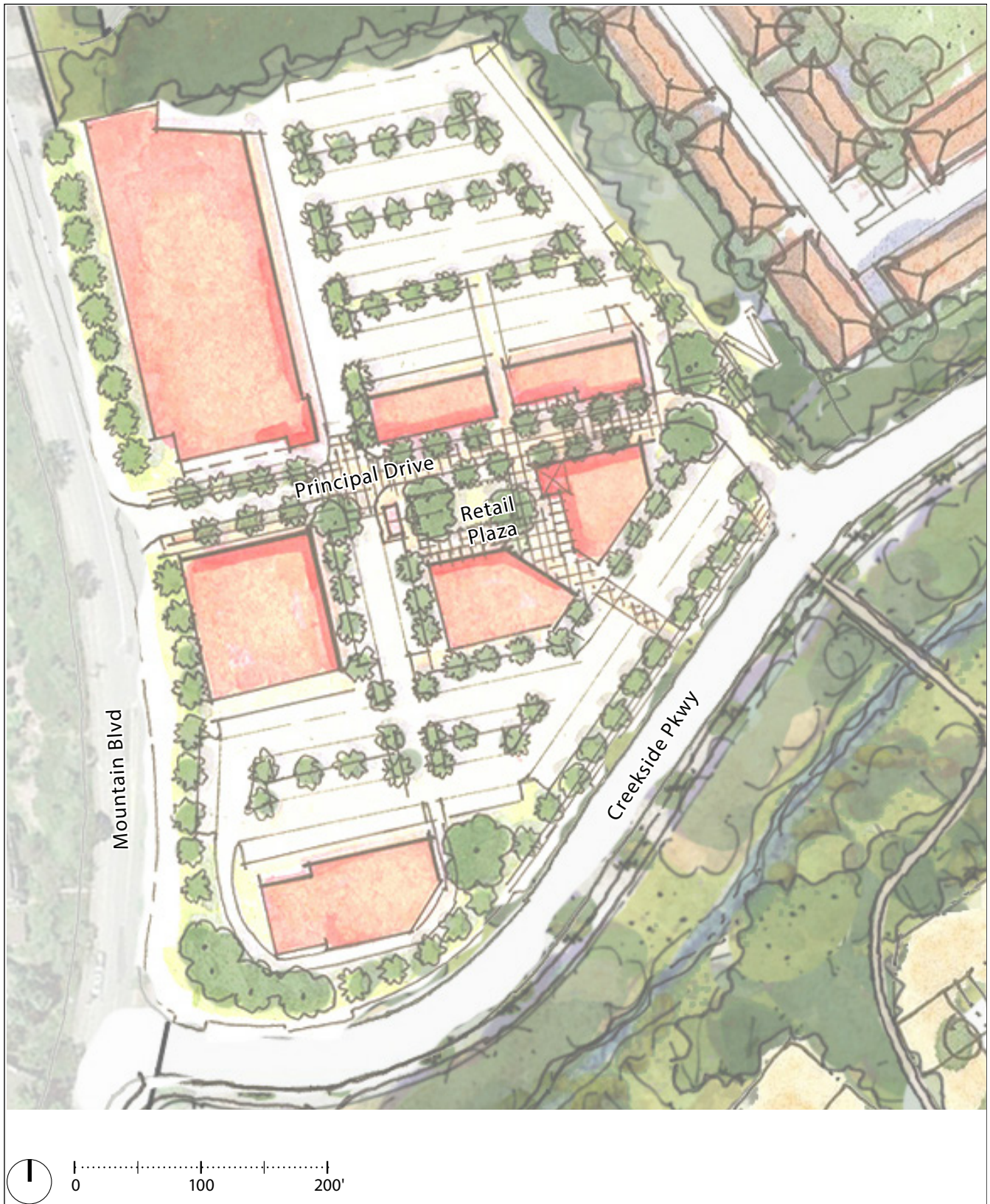
To enhance opportunities to attract desirable tenants in the proposed Village Center, the Project sponsor has prepared some minor changes to the Village Center site plan configuration affecting building footprints, parking and loading areas, and on- and off-site vehicular circulation. The Revised Project's proposed Village Center site plan is depicted in **Figure 2-1** in this chapter. The total proposed commercial building area remains the same as what was presented in the Draft SEIR (72,000 square feet), and maximum building heights are also the same (30 feet).

A conceptual Village Center site plan was presented in the Draft SEIR as part of the Oak Knoll Project Master Plan (Draft SEIR Figure 3-7) and had the largest building on the southern side of the principal drive, with a large parking lot adjacent to Mountain Boulevard. In response to comments from the City, the Project sponsor now proposes to break up the building mass into several smaller buildings and place the central plaza area along the southern side of principal drive instead of on the northern side. The largest commercial building is now on the north side of the principal drive.

The main parking lot south of the principal drive is now oriented east-west, instead of north-south, and bordered by two buildings located adjacent to Mountain Boulevard, which reduces the visibility of the parking area from Mountain Boulevard as compared to the configuration presented in the Draft SEIR. Ingress/egress on both sides of the principal drive are now directly aligned with each other, rather than offset, to facilitate vehicular movement between the northern and southern commercial sites.

The Draft SEIR did not identify any significant aesthetic impacts related to the Village Center conceptual site plan. The reconfiguration of the Village Center results in similar aesthetic changes to those discussed in the Draft SEIR. The primary difference is that the parking lots would be less visible from Mountain Boulevard than they were in the Draft SEIR layout. Since the overall size and location of the Village Center has not changed, there are no changes in the type or magnitude of impacts involving land alterations, water consumption, wastewater generation and disposal, traffic generation, energy consumption, solid waste generation and disposal, employment, need for public services, etc., compared to what was disclosed in the Draft SEIR.

To the extent that the overall size, location, building heights, and land uses in the Village Center remain the same as those in the Project sponsor's revised conceptual site plan or considered in the Draft SEIR, the environmental impacts from other Village Center site plan configurations – including changes in building massing, parking visibility, and vehicular circulation and ingress/egress – would be the same as (or not worse than) what was disclosed in the Draft SEIR.



SOURCE: Hart Howerton, 2017

Oak Knoll Project . 120645

Figure 2-1
Revised Village Center Conceptual Plan

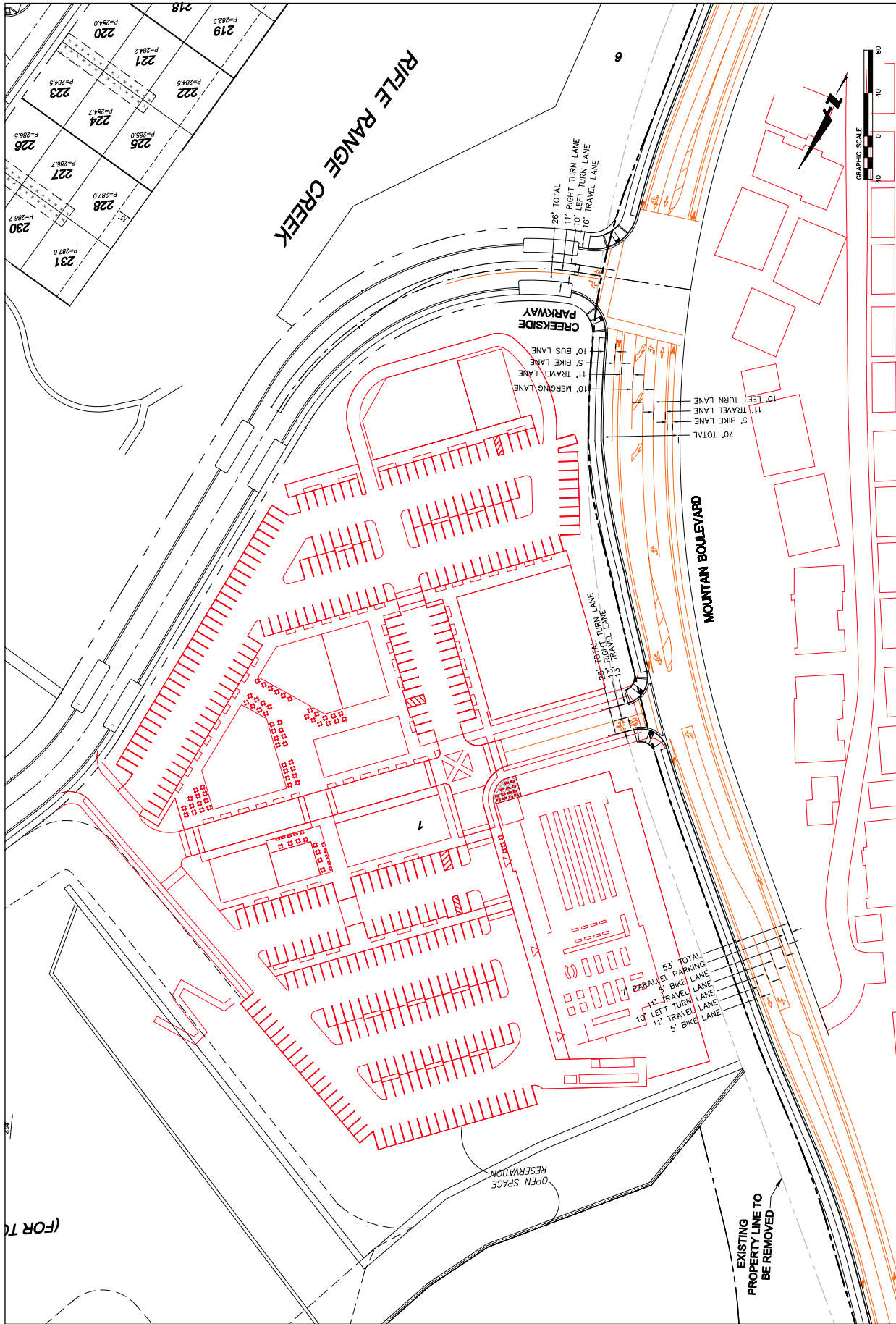
2.3.2 Revised Mountain Boulevard/Village Center Driveway Intersection

The Revised Project also modifies the street configuration at the intersection of Mountain Boulevard and the driveway that would provide primary vehicular access into the Village Center from a right-in/right-out only configuration to a configuration that permits southbound left turns from Mountain Boulevard to the Village Center and left turns exiting the Village Center onto Mountain Boulevard, as detailed in **Figure 2-2** in this chapter. No changes were previously proposed to the turn-lane configuration along Mountain Boulevard at the Village Center driveway. This modified design is proposed to enhance vehicular access to the Village Center, including the grocery store that is expected to anchor the retail center. This configuration would shift the new intersection to the south to allow for southbound left turn movements and vehicle queuing into the Village Center from Mountain Boulevard and to maintain the existing northbound left turn access into the Oak Knoll Heights townhome development on the opposite (west) side of Mountain Boulevard. Additional right-of-way would be dedicated along the Project-site (east) side of Mountain Boulevard in order to maintain existing on-street parking for Oak Knoll Heights' residents/visitors on the opposite (west) side of the street.

A supplemental traffic analysis of the revised intersection configuration has been prepared by the City's traffic consultant, and is incorporated into this Final SEIR as **Appendix A**, Mountain Boulevard Revised Site Access Design Analysis. As documented in the supplemental analysis, the revised intersection would not affect the analysis of level of service impacts at any of the upstream or downstream Mountain Boulevard intersections impacted by the Project. Providing left-turn access at the Mountain Boulevard/Retail Village Drive intersection is expected to slightly increase the average side-street stop controlled delay by 1.6 seconds at the intersection, while decreasing the average delay per vehicle of 2.9 seconds at the Mountain Boulevard/Creekside Parkway intersection (relative to the analysis results presented in the Draft SEIR) (Appendix A, Table 1). Provisions for pedestrian and bicycle movements would not be materially affected. In addition, the analysis showed that traffic signal warrants are not met for this revised intersection, which can be adequately controlled with a stop sign located within the Project site; no stop signs are proposed or required along Mountain Boulevard. Overall, the revised intersection configuration would not result in any new or more severe transportation impacts not previously discussed in the Draft SEIR.

2.3.3 Revisions to Residential Building Heights in Preliminary Development Plan (PDP)

Under the Revised Project, building height limits for the residential structures are revised in the Preliminary Development Plan (PDP), as listed below in **Table 2-1**. The revised building height limits are proposed to allow for more flexibility in building design, in particular, roofline height limits are modified to provide more diversity of roof pitches and design. For single-family homes on sloped or terraced lots, building heights are proposed to be slightly lower than previously proposed, as discussed in more detail in Section 2.3.4 in this chapter. The revised building heights will be reflected in the appropriate section of the Oak Knoll Zoning Standards, which are included as **Appendix B** to this Final SEIR.



Oak Knoll Project . 120645

Figure 2-2
Revised Mountain Boulevard/Village Center Driveway Intersection

SOURCE: BKF, 2017

**TABLE 2-1
PDP BUILDING HEIGHTS**

Residential Building Type	Building Height Limits in PDP	Proposed Revisions (Top of Roof)
Townhomes	35 feet	40 feet
Small Lot Single Family Detached	30 feet	35 feet
Typical Single Family Detached	25 feet	32 feet
Single Family Detached on 20% or more upslope (height from final grade)	25 feet	24 feet
Single Family Detached on 20% or more downslope (height from pavement)	25 feet	18 feet

SOURCE: OKVA, LLC

The building heights modeled for the computer-generated photosimulations presented in the Draft SEIR (Figures 4.1-5A through 4.1-12B in Draft SEIR Section 4.1, *Aesthetics*) encompassed the proposed revised heights or were sufficiently close to what is proposed under the Revised Project (as shown in Table 2-1) to provide adequate representation. For example, modeling of townhomes for the photosimulations was typically done as a height of 38 feet from grade to top of roofline and 44.5 feet from grade to top of architectural features, such as tower elements. A change to 40 feet high for grade to top of a pitched roof would be up to two feet taller than modeled in the Draft EIR and would be imperceptible from public viewpoints, given the distances of the viewing locations and the complexity of the built environment (e.g., other buildings, topography, landscaping and trees), either of which makes it nearly impossible for someone to recognize small changes in building height.² Modeling of small lot and courtyard single family homes in the photosimulations was done at heights of approximately 30 feet, and the change to 35 feet high for grade to top of roof would be approximately 5 feet taller than modeled in the Draft EIR; modeling for typical single family homes in the Uplands neighborhoods was done with approximately 27-foot heights, and the change to 32 feet high for grade to top of roof also would be approximately 5 feet taller than modeled in the Draft EIR.³ The differences in what was modeled for the single family detached home versus what is now proposed would be imperceptible in the photosimulations presented in the Draft SEIR given the distances involved in the viewing locations and/or the lack of prominence of the homes from public viewpoints.

The Draft SEIR also presented Project illustrations prepared by the Project sponsor in Figures 4.1-13a and 4.1-13b to support the analysis of the Project's effects on visual character. The proposed increase in building heights described above also would not affect the Project's impact to visual character disclosed in the Draft SEIR.

² The viewing locations for the photosimulations were City-selected "public viewpoints" from which the Project would be visible within the context of existing scenic vista or scenic resource. Townhomes are visible in the photosimulations presented in Figure 4.1-5 and Figures 4.1-9 through 4.1-12 in the Draft SEIR.

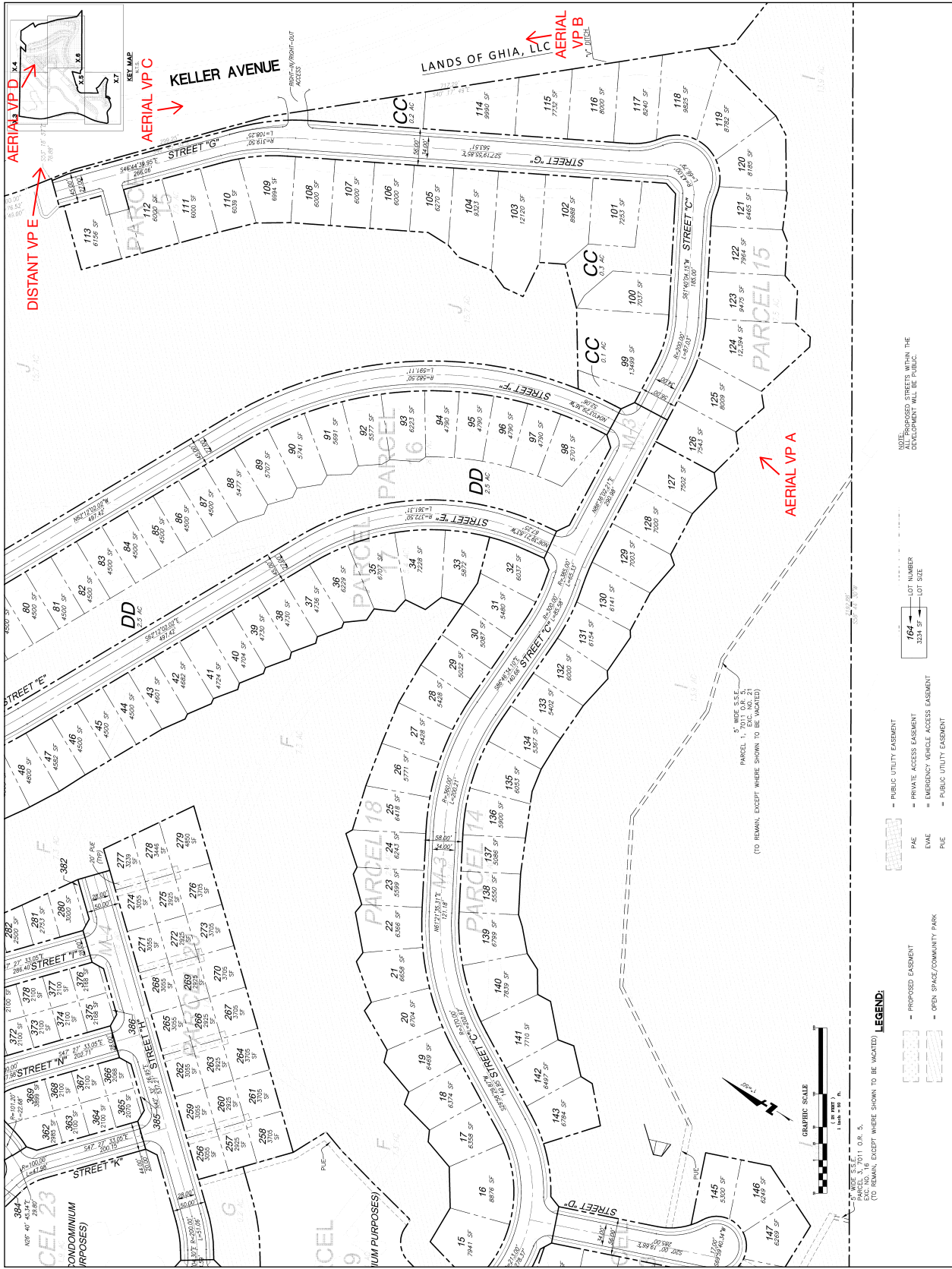
³ Courtyard single-family homes are visible in the photosimulations presented in Figures 4.1-5 and 4.1-12 in the Draft SEIR; Uplands detached single family homes are visible in the photosimulations presented in Figures 4.1-5 through 4.1-8 and Figure 4.1-12 in the Draft SEIR.

Overall, the proposed building height revisions would not affect any of the analysis or findings regarding the Project's aesthetic impacts involving building height and bulk that were disclosed in the Draft SEIR. These revisions would have no effect on any other Project characteristics or environmental impacts.

2.3.4 Revised Design of Admiral's Hill Lots

Eighteen single-family residential lots (Lots 101-118 on the Oak Knoll Vesting Tentative Tract Map, detailed in **Figure 2-3** in this chapter) are proposed along the uppermost southeastern part of the Project site, known as "Admiral's Hill," (or the southern end of the "Eastern Ridge" referenced in the Draft SEIR) along Keller Avenue. In the development concept presented in the Draft SEIR, all of these lots along Keller Avenue, on both sides of Street G in **Figure 2-3**, were proposed to be partially or fully graded to provide single flat building pads with two-story homes ranging in height from 25 to 32 feet. To reduce the visibility of new west-facing single family homes along Admiral's Hill from off-site and on-site vantage points, the Project grading has been adjusted on lots numbered 101 through 107 – the southernmost lots located at and just north of the "elbow" or junction of Street G and Street C. These lots were originally to be graded to provide flat, single pads with building heights up to 25 feet, but are now proposed to be graded into tiers, as shown in the birds-eye view in **Figure 2-4a** (VP A) in this chapter (vantage point key in **Figure 2-3**, above). The upper tier would be roughly level with the street and the lower tier would be approximately 12 feet below the street. This effectively creates lots with a 20 percent down slope that will require the building to "hug" the slope as it progresses to the back (downslope) of the building footprint. This redistributes the building mass from a single block of a two-story form to a stepping down of the form into two smaller elements. The height limit of homes on these seven lots is now proposed to be 18 feet along the sidewalk/street elevation compared to the 25 feet height in the Draft SEIR plan. Lots that could have homes that would be silhouetted against the sky (addressed in Impact AES-1 in the Draft SEIR) will remain subject to Replacement Mitigation Measure AES-1 identified in the Draft SEIR.

A concern was raised that lots 114–118 on Admiral's Hill that lie across the street from (east of) Lots 101 through 105 would be visible from western vantage points. A visual analysis was performed to see if homes on those lots, constructed to the allowable maximum height of 32 feet, would be visible behind the west-facing homes on Admiral's Hill. The visual analysis is illustrated in **Figure 2-4b** (VP B) in this chapter and shows that these homes would be visually screened by the west-facing Admiral's Hill homes, vegetation associated with those homes, and street trees that lie on both sides of the street. **Figure 2-4c** (VP C) in this chapter shows Admiral's Hill lots 114-118 as viewed from the east, traveling northbound on Keller Avenue, and **Figure 2-4d** (VP D) shows that the topography further north along Keller Avenue (including looking southward) will obscure most of the new homes. A view from a distant viewpoint west of the Project site and I-580 is shown in **Figure 2-5** (VP E); while partially visible amongst landscaping, the Admiral's Hill lots appear within the similar context of other ridge development east of the Project site. Thus, grading for lots 114-118 remains unchanged.



Oak Knoll Project . 120645
Figure 2-3
 Admiral's Hill Lots and Vantage Point References
 SOURCE: BKF, 2017

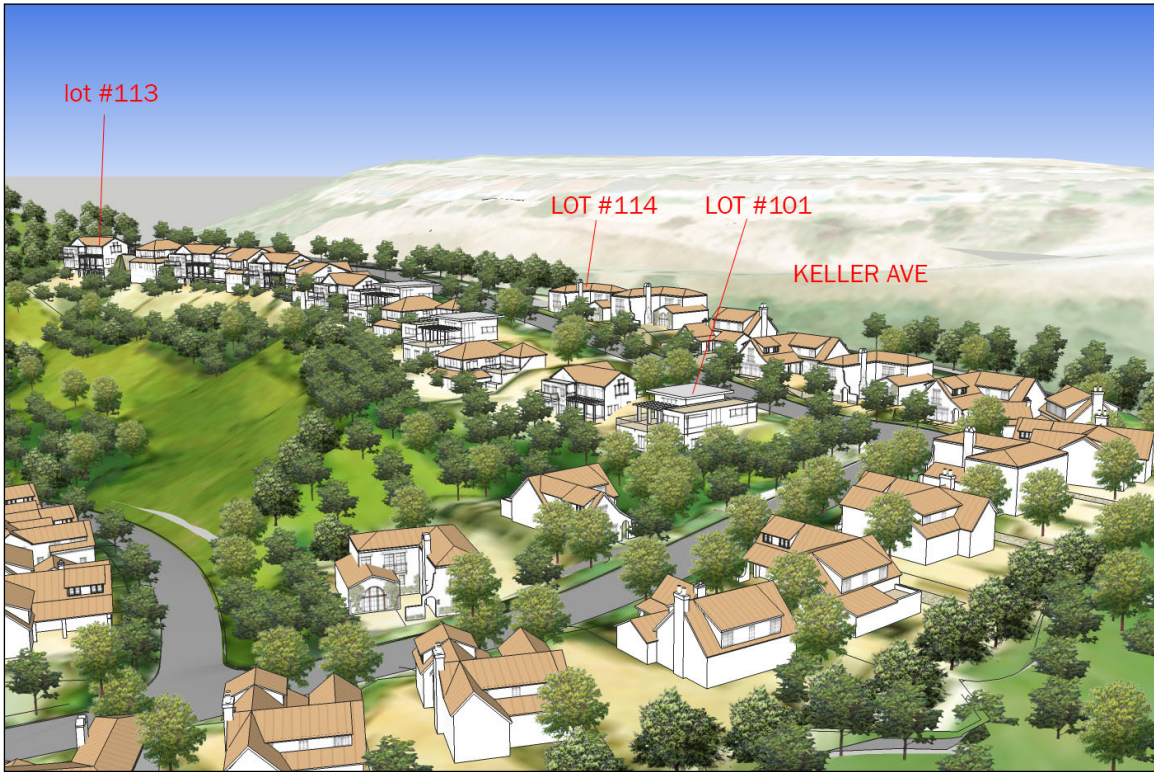


Figure 2-4a - Admiral's Hill Lots - Revised Tiered Grading and Home (VP A)



Figure 2-4b - Admiral's Hill Lots 114-118 Visibility from West (VP B)

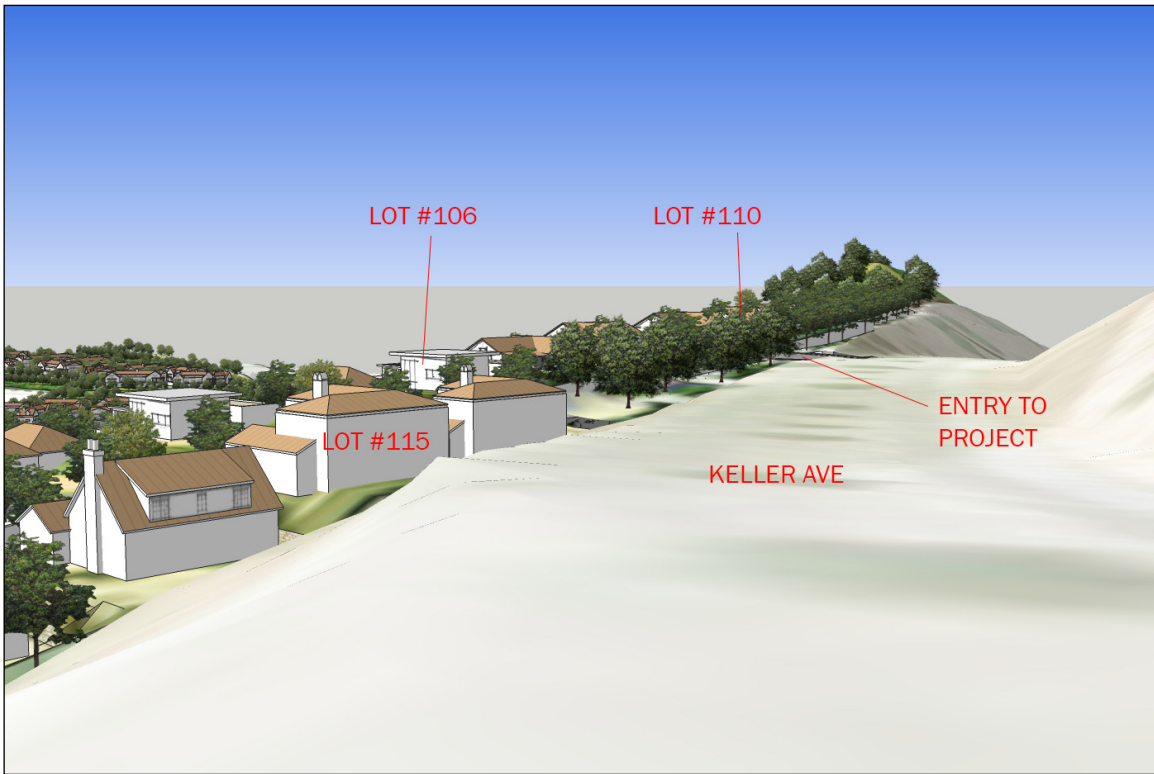


Figure 2-4c - Admiral's Hill Lots 114-118 Visibility from East (NB Keller Avenue) (VP C)

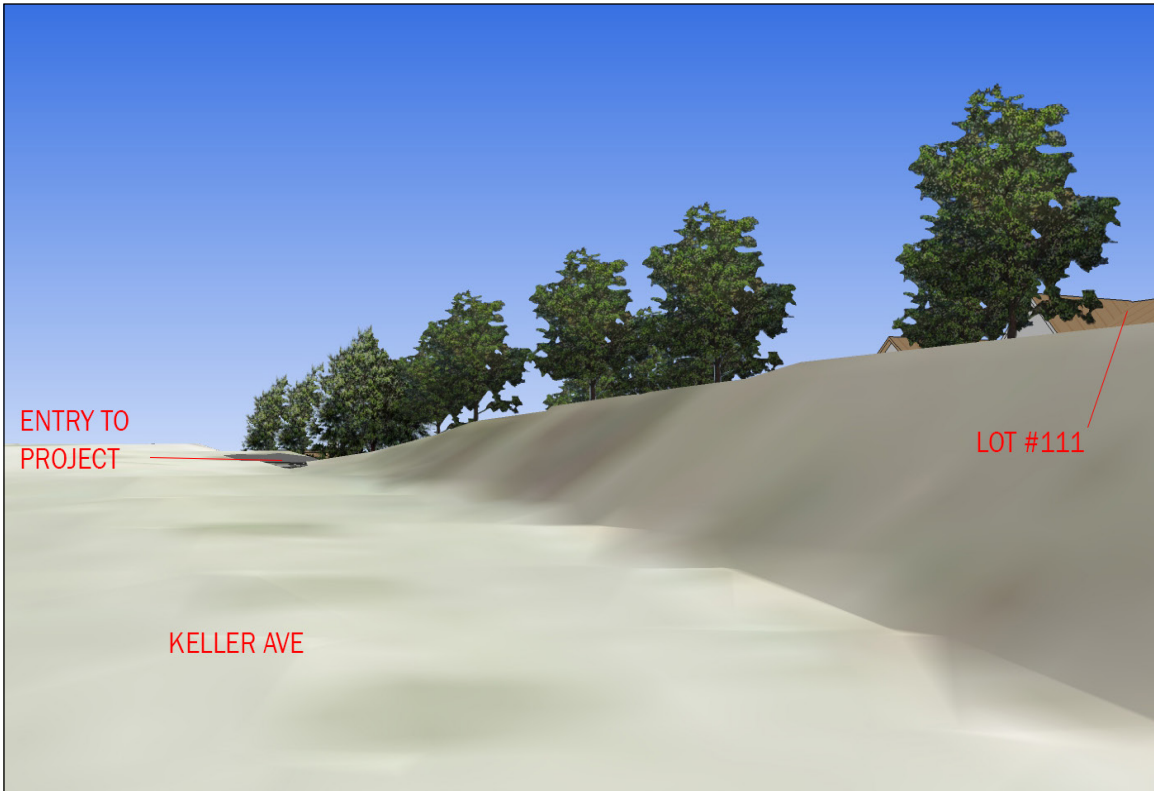


Figure 2-4d - Admiral's Hill Lots Visibility from East (NB Keller Avenue) (VP D)



SOURCE: BKF, 2017

Oak Knoll Project . 120645

Figure 2-5
Admiral's Hill Lots – Long-Range Viewpoint, Visibility from West of I-580 (VP E)

2.3.5 Revised Design of Stormwater Treatment Basins

A Preliminary Stormwater Treatment Plan exhibit (C.3 Plan) is shown in Figure 4.8-3 of the Draft SEIR. This Plan illustrates conceptually the required site storm drainage pattern and treatment areas on the Project site based on the stormwater flow estimates. Runoff from all structures and paved areas would pass through post-construction best management practices (BMPs) that would provide water quality treatment and slow runoff before discharge to the creek. The storm drainage system satisfies the design criteria for flow attenuation and water pollution prevention that is specified in Section C.3 of the City's MS-4 National Pollutant Discharge Elimination System (NPDES) Permit that governs the municipal storm drainage system. Rifle Range Creek outfalls are designed to incorporate energy dissipation structures and biotechnical stabilization techniques to prevent erosion from concentrated stormwater discharges (ESA/PWA, 2016a).

Actual locations of the various stormwater treatment facilities would be determined during final design and pursuant to the Preliminary Storm Drainage Master Plan (BKF, 2015).

As described in the Draft SEIR, the Project proposes to use bio-retention basins, which are a component of the required BMPs, for its primary means of treating stormwater. As shown in Figure 4.8-3 of the Draft SEIR, bio-retention basins for the public streets would be provided within curb bulb-outs where street slopes are gradual enough to accommodate them. Where street slopes are too steep to accommodate the bulb-outs, centralized bio-retentions basins would be provided. Commercial and multi-family parcels would provide C.3 stormwater treatment within those parcels.

In their review of the Preliminary Stormwater Treatment Plan and the assessments of hydrology and water quality impacts in the Draft SEIR, the San Francisco Bay Regional Water Quality Control Board (RWQCB) expressed a preference for a centralized, rather than lot-by-lot, Treatment Plan, noting that a lot-by-lot approach could result in problems involving periodic inspections and maintenance of those in-lot measures. The RWQCB also suggested that a system of centralized treatment basins could be more effective than numerous in-lot treatment measures.

In response to the RWQCB comments regarding the Preliminary Stormwater Treatment Plan, the Project sponsor proposes to eliminate the in-lot treatments and replace them with a system of centralized treatment basins, as illustrated in **Figure 2-6**, Revised Draft SEIR Figure 4.8-3. These centralized basins would be designed to capture the required level of runoff from the commercial and multi-family residential parcels, and to treat the pollutants of concern that would be generated by the developed landscape and hardscape in those areas. Each of these basins would be irregularly shaped, with sloped sides, sized to hold the required volume of runoff from tributary areas, fenced for security, and landscaped with plant materials compatible with a riparian environment and efficient with respect to uptake of water pollutants in the urban runoff. The revised treatment basins would comply with the specifications for storm drainage systems in new development, set forth in Section C.3 of the City's MS-4 NPDES Permit. Designed as centralized facilities, located within common areas owned/maintained by the Homeowners Association (HOA), these basins would also be easier to inspect and maintain, compared to the original concept of in-lot treatments. The new basins would be maintained by the Project's Geologic Hazard Abatement District (GHAD), for functional/performance issues, and maintained by the HOA relative to ornamental landscaping and aesthetics/security issues. No changes to capture and treatment of street runoff are proposed.



Oak Knoll Project . 120645

Figure 2-6

Revised Figure 4.8-3 - Preliminary Stormwater Treatment Plan C.3 Plan

SOURCE: BKF, 2017

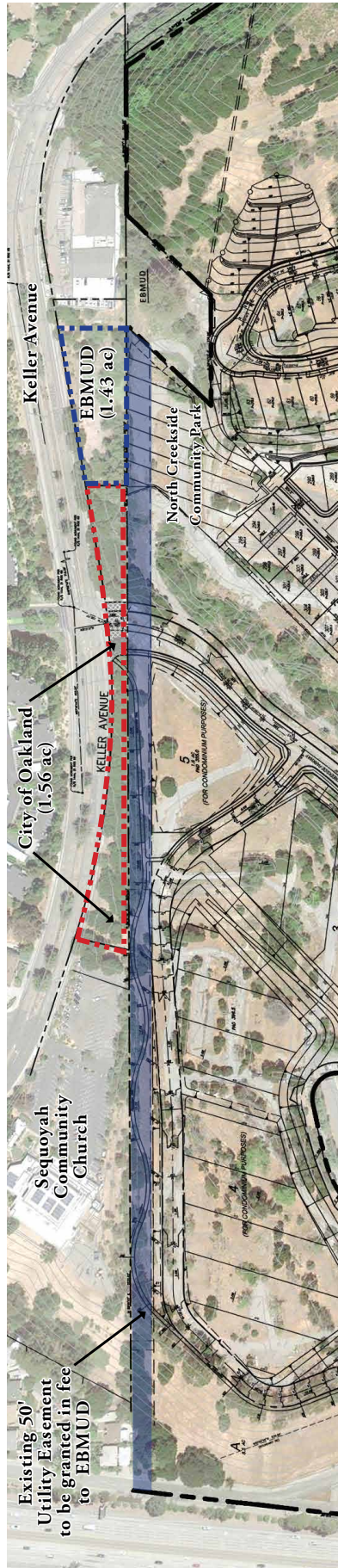
Since the revised stormwater treatment basins would be located entirely within areas originally proposed to be disturbed and developed and the velocity, volume and content of stormwater flows have not changed, there would be no new environmental footprints associated with these basins and thus no new impacts involving biological or cultural resources, hazardous substances and wastes, etc. All treated runoff would continue to be conveyed into Rifle Range Creek. The new basins would be designed to capture and treat the same levels of runoff and the same kinds of potential water pollutants as described in the Draft SEIR, in conformance with the City's MS-4 NPDES Permit. As such, the revised stormwater treatment basins would not result in any new or more significant environmental impacts compared to those identified in the Draft SEIR.

2.3.6 Three Open Space/Parkland Acres Added Along Northern Edge of Site/Expanded Creek Restoration

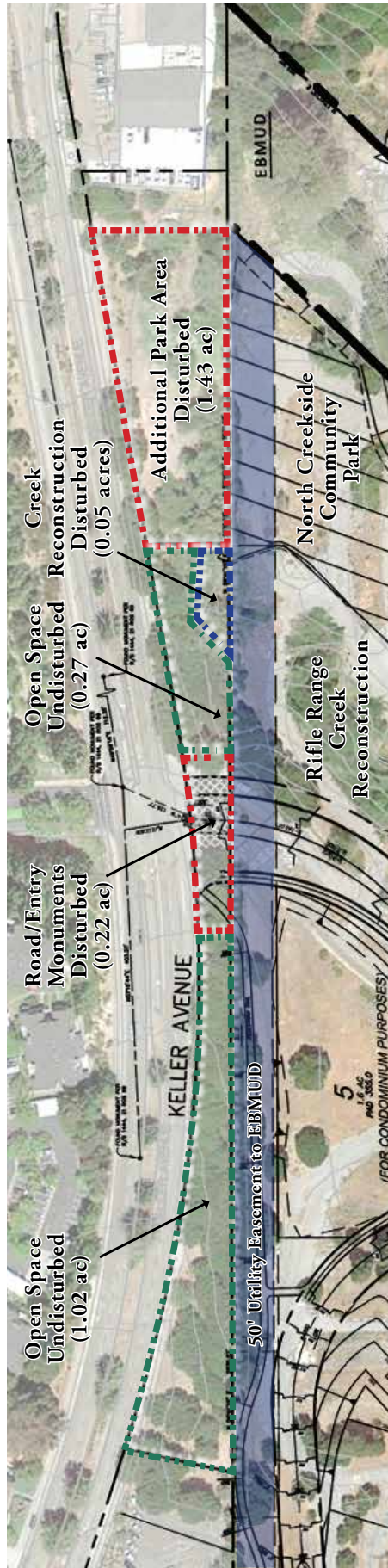
Subsequent to publication of the Draft SEIR, the Project Sponsor reached agreement with the City of Oakland and the East Bay Municipal Utilities District (EBMUD) that allows the acquisition of land along the northern edge of the Project site, adjacent to Keller Avenue (assessor's parcel numbers 037A-3152-009 and 037A-3152-008). This will result in the addition of approximately three acres of land to the Project site, in the area identified in **Figure 2-7** in this chapter.

In exchange, the Project sponsor will grant a 50-foot wide strip of existing land in fee title to EBMUD. This strip of land runs along the existing northern edge of the Project area. As shown in the concept plan in **Figure 2-8** in this chapter, the added land west of the proposed Creekside Parkway/Keller Avenue intersection would remain in its current open space/woodland condition; no landscape alterations are proposed in this area. Within the proposed Creekside Parkway/Keller Avenue intersection area, the acquired land would be improved with the same street improvements as described in the Draft SEIR; the only difference would be in the land ownership. Immediately east of this intersection, the acquired land that encompasses the Rifle Range Creek outflow from Keller Avenue will be modified consistent with the downstream segments as described in the Draft SEIR. This would include replacement of the existing concrete outfall structure with a more naturalistic vegetated boulder structure. The open land surrounding this creek segment would be maintained in its current condition.

Approximately 1.43 acres of the acquired land to the east of the creek (the EBMUD parcel) would be lightly graded (approximately 750 cubic yards [cy] of cut and 1,000 cy of fill), cleared of some additional trees (15-20), vegetation and a small (0.04 acre) wetland area, re-landscaped and added to the proposed North Creekside Community Park. This additional park acreage is proposed to be used for informal active recreation, including activities like soccer and softball, however no lighting, permanent goals, nets or similar equipment, or dedicated parking is proposed. With the addition of these acres and a few other minor changes in the creek restoration plan, there are some small changes in the location and extent of impacts to waters of the United States as reflected in **Figure 2-9**, which is part of the updated Rifle Range Creek Restoration Area and Habitat and Monitoring Plan (WRA, 2017a) included as **Appendix C** to this Final SEIR. A supplemental Oak Knoll Biological Resources Assessment of the Keller Avenue and EBMUD parcels (WRA, 2017b) is also incorporated into this Final SEIR as **Appendix D** to this Final SEIR. (Both Appendices C and D to this Final SEIR are updates to the previous versions of these reports presented in Appendices O and M, respectively, to the Draft SEIR.)



Proposed Parcel Acquisitions



Proposed Parcel Uses
 Total Disturbed - 1.70 ac
 Total Undisturbed - 1.29 ac
 Total 2 Parcels - 2.99 ac

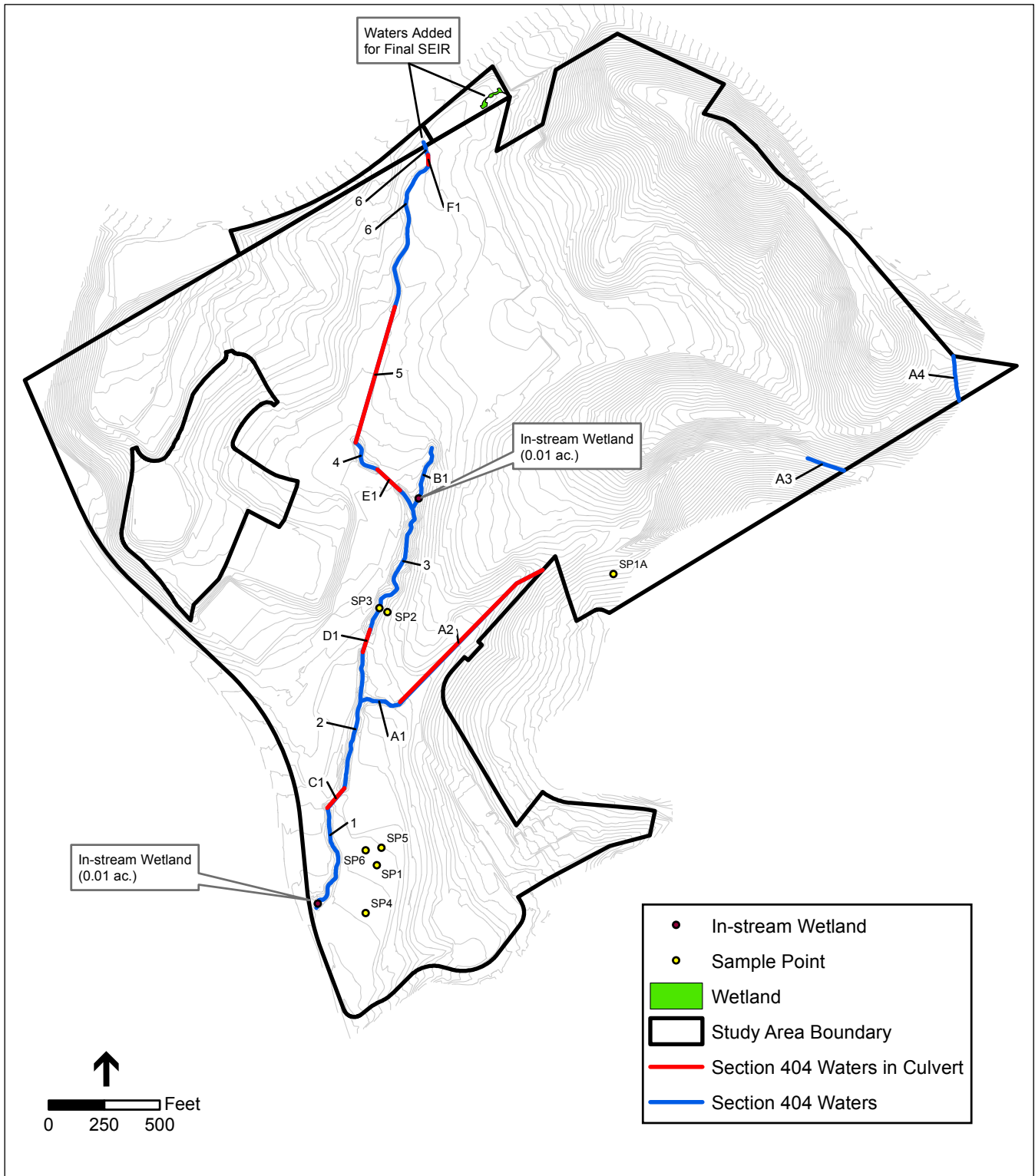
Oak Knoll Project . 120645

Figure 2-7

City of Oakland and EBMUD Parcels

SOURCE: Hart Howerton, 2017





SOURCE: WRA, 2017

Oak Knoll Project . 120645

Figure 2-9
Summary of Jurisdictional Waters in the Project Area

Based on the land use concepts identified above and in Figure 2-8 for the land to be added along Keller Avenue, the breakdown of land uses identified in Table 3-1 of the Draft SEIR is revised as follows in **Table 2-2** (revisions shown in double underline/strike-out text format):

**TABLE 2-2
REVISED DRAFT SEIR TABLE 3-1 - KEY OAK KNOLL PROJECT CHARACTERISTICS**

Use	Characteristics
Residential	935 dwelling units
Village Center Commercial	72,000 square feet
Open Space ¹	62.0 <u>61.5</u> acres
Parks/Community Facilities ²	5.6 <u>7.6</u> acres
Restored Creek Corridor	46.7 <u>16.97</u> acres
Total Site Area ³	487.0 <u>190.9</u> acres
Creek Crossings (combined auto and pedestrian/bicycle)	1
Creek Crossings (pedestrian only)	1
Trails	3.5 miles

NOTES:

¹ Undisturbed Open Space and Revegetated Slope Banks; excludes Creek Corridor and Parks

² Includes new Community Clubhouse with 10,000 s.f. of community commercial use

³ Also includes 0.22 acre of additional roadway and entry monuments in land added along Keller Avenue

SOURCE: OKVA, LLC

The environmental effects associated with the acquisition of the three acres along Keller Avenue would be minor and similar to the effects previously accounted for in the Draft SEIR, as discussed below in **Table 2-3**. There would be no material changes to the findings regarding the Project's impacts or mitigation measures as disclosed in the Draft SEIR.

2.3.7 Salvage and Relocation of Up to 20 Healthy Oak Trees

The Project sponsor determined that it would be feasible to salvage and relocate between 10 and 20 healthy oak trees previously proposed for removal. The exact trees to be transplanted are not yet identified. On-site transplant sites would be chosen in visually prominent locations such as near the Clubhouse, Project entries and Village Center. The 10 to 20 trees will be in addition to the over 8,500 trees that the Project proposes to plant or replant to meet the City's tree mitigation requirements, as detailed in an update to the 2015 Oak Knoll Tree Removal Impact Mitigation Plan detailing the updated tree plan (WRA, 2017c), which is incorporated as **Appendix E** to this Final SEIR. There are no new or more significant environmental impacts associated with this Project revision.

**TABLE 2-3
ENVIRONMENTAL EFFECTS OF ADDITIONAL LAND ACQUISITION**

Environmental Impact Topic	Incremental Impacts of Added Three Acres
Aesthetics	<i>None/Less Than Significant:</i> Vegetated open space buffer maintained along Keller Avenue; no significant aesthetic impact from expansion of North Creekside Community Park.
Air Quality	<i>Less Than Significant:</i> Minor additional creek restoration and light grading/re-landscaping of EBMUD parcel (total grading estimated at 750 cy of cut and 1,000 cy fill for new playfield area) to expand North Creekside Park would result in less than significant incremental construction emissions. No change in operational emissions.
Biological Resources	<p><i>Less Than Significant with SCAs:</i> Within the City parcel, additional 0.1 acre of creek restoration and replacement of concrete outfall structure would be included in Creek Restoration Permit, U.S. Army Corps of Engineers Permit (Corps), RWQCB Permit, with same design approaches and mitigation requirements. Creekside Parkway/Keller Avenue intersection improvements would mostly affect existing pavement, plus minor new disturbance that would require removal of approximately 2-4 additional oak trees, subject to same mitigation requirements and SCAs for other oak tree removals. Open space and trees around creek and to west of Creekside Parkway/Keller Avenue would be preserved.</p> <p>Approximately 75% of a 1.43-acre parcel to be added to the park would be developed for active park uses, requiring removal of approximately 15-20 oak trees. About half of the existing trees/woodland vegetation would be preserved. Cleared land would be replaced with grass turf, shrubs and oak trees consistent with the landscaping depicted in the Final Development Plan (FDP) for North Creekside Community Park. Mitigation for loss of oak woodland and protected trees on the EBMUD parcel would be same as for other parts of site where these resources would be removed. The filling of the small area of wetlands on this parcel would result in a net increase of 0.01 acres of jurisdictional waters permanently impacted by this project compared to the impacts disclosed in the Draft SEIR. The project also would have 0.03 acres more of temporary impacts. The restoration of the creek would provide sufficient mitigation to allow impacts to remain less than significant, as disclosed in the Draft SEIR, and there would be no new impacts or mitigation required. (See Figure 2-9 above, and Appendices C and D to this Final SEIR.)</p>
Cultural and Paleontological Resources	<i>Less Than Significant with SCAs:</i> No structures occur within the City's parcel or the EBMUD parcel. No known cultural or paleontological resources have been identified in this area. If potential resources are encountered during land clearance and site improvements within the EBMUD parcel, Standard Condition of Approval (SCA) CUL -1 requires the contractor to halt work and evaluate potential archaeological or paleontological resources to determine their significance and the scope of any avoidance and/or mitigation measures that might be required.
Geology and Soils	<i>Less Than Significant:</i> Minor grading (approx. 750 cy cut and 1,000 cy fill for playfield area) on EBMUD parcel for land clearance and re-landscaping and no development proposed in that area. Creek restoration within City-owned parcel would be similar to other restoration activities previously identified in Draft SEIR.
Greenhouse Gas Emissions and Climate Change	<i>Less Than Significant:</i> Minor additional creek restoration and light grading/re-landscaping of EBMUD parcel (total grading estimated at 750 cy of cut and 1,000 cy fill for new playfield area) to expand North Creekside Park would not alter the conclusions about the Project's Greenhouse Gas (GHG) emissions.
Hazards and Hazardous Materials	<i>Less Than Significant with SCAs:</i> Minor risk of accidental waste discharges during land clearance of EBMUD parcel, to be addressed through standard SCAs requiring BMPs to prevent such wastes during construction. No new or more significant operational hazards.
Hydrology and Water Quality	<i>Less Than Significant with SCAs:</i> Minor additional creek modification/restoration activities to be addressed through same Project permitting requirements for construction and post-development, i.e. NPDES General Construction Permit, Army Corps Section 404 Permit, RWQCB Section 401 Permit and City SCAs. No changes in developed site runoff or water quality treatment requirements. No new or more significant impacts.

TABLE 2-3 (Continued)
ENVIRONMENTAL EFFECTS OF ADDITIONAL LAND ACQUISITION

Environmental Impact Topic	Incremental Impacts of Added Three Acres
(cont.) Land Use and Planning	<i>No Impact:</i> Same overall land use plan, with minor increases in open space and parkland. The additional 3.0 acres of land will be designated in the D-OK-6 Open Space-Active Zone and the D-OK-7 Open Space-Passive Zone (described in Appendix B to this Final SEIR).
Noise and Vibration	<i>Less Than Significant with SCAs:</i> Minor new construction activities within creek modification/restoration area and during land clearance/re-landscaping of EBMUD parcel. Construction would be subject to same control measures applied to other construction activities noted in Draft SEIR. No new or more significant operational noise or vibration impacts.
Population and Housing	<i>No Impact:</i> No new dwelling units proposed and no existing dwelling units to be impacted.
Public Services and Recreation	<i>Less Than Significant Impact:</i> No existing public services or parks and recreation facilities affected. Approximately 1.43 acres would be added to North Creekside Park.
Transportation and Circulation	<i>None/Less Than Significant:</i> Likely that the minor additional construction within creek area and EBMUD parcel would not require larger work crews or more vehicle traffic than estimated in the Draft SEIR. Less than significant new operational traffic impacts from people coming to the added 1.43 acres of park on a given day. No change in the Draft SEIR traffic impact conclusions.
Utilities and Service Systems	<i>No Impact.</i> No impact to existing utilities and minor added demand for irrigation water, but within existing water supply.
Energy	<i>Less Than Significant.</i> The construction activities associated with additional creek modifications/restoration and land clearance/re-landscaping within the EBMUD parcel would result in minor increases in the amount of petroleum fuels and electrical energy consumed by construction equipment and vehicles. These minor increases would not alter the conclusions regarding energy use in the Draft SEIR.

2.3.8 Modified Oak Knoll Design Guidelines

The Project sponsor modified the Oak Knoll Design Guidelines to accommodate the concerns of Oakland Planning Staff and the Design Review Committee of the City of Oakland Planning Commission. Changes were made to the following areas:

- Retail Village: Modifications to the conceptual layout for the Retail Village were made to better screen the grocery store parking and loading docks from Mountain Boulevard and proposed Creekside Parkway (also see Section 2.3.1 in this chapter).
- Residential:
 - Additional reference imagery was added to the images of conceptual townhome and single-family home design to show “contemporary” options.
 - Additional requirements were added to guide design of homes near Admiral’s Hill to reduce visual impacts.
- Landscape:
 - Several changes to the tree and plant list were made in response to comments from the Design Review Committee.
 - Additional detail on site fencing was added to the Landscape Chapter.

- General: In response to comments from Oakland Planning Staff, specific dimensional standards were removed from the Design Guidelines because, for the City, it is better for the Zoning Ordinance to be the document that contains all the standards.

None of the above modifications would alter the environmental analysis or conclusions in the SEIR. The revised Design Guidelines are found in **Appendix F** of the Final SEIR.

References – Project Modifications

BKF Engineers, *Oak Knoll Preliminary Storm Drainage Master Plan*, September 22, 2015. (2015) (Included as part of **Appendix Y** to the Draft SEIR.)

Environmental Science Associates (ESA/PWA), *Rifle Range Creek: Hydrology Report, Restoration Plan and Preliminary Creek Protection Plan*. Oak Knoll Mixed Use Community Development Project. Prepared for Oak Knoll Venture Acquisition LLC. February 24, 2016 (ESA 2016a). (Included as part of **Appendix N** to the Draft SEIR.)

Fehr & Peers, *Oak Knoll Mountain Boulevard Revised Site Access Design Analysis*, January 20, 2017. (2017) (Included as **Appendix A** to this Final SEIR.)

WRA Environmental Consultants, *Updated Rifle Range Creek Restoration Area and Habitat and Monitoring Plan*, February 2017, which includes *Delineation of Potential Jurisdictional Wetlands and Non-Wetland Waters Under Section 404 of the Clean Water Act, Keller Parcel*, January 2017, as Final SEIR Figure 2-9. (2017a) (Included as **Appendix C** to this Final SEIR.)

WRA Environmental Consultants, *Oak Knoll Biological Resources Assessment - Keller Avenue and EBMUD Parcels*, March 2017. (2017b) (Included as **Appendix D** to this Final SEIR.)

WRA Environmental Consultants, *Oak Knoll Tree Removal Impact Mitigation Plan*, March 24, 2017. (2017c) (Included as part of **Appendix E** to the Final SEIR.)

CHAPTER 3

Changes and Errata to the Draft SEIR

3.1 Introduction

This chapter presents all supplemental information, corrections, modifications and clarifications to the text and exhibits in the Draft SEIR. Any of these changes or corrections may be initiated by City of Oakland (Lead Agency) staff or the Project sponsor, and/or may be made in response to public comments received on the Draft SEIR. Changes include revisions warranted or required to ensure accuracy and clarity of the proposed Project and the environmental analysis of its potential environmental effects. To the extent that modifications to the Project presented in Chapter 2 (Modifications to the Project) of this Final SEIR add or affect specific Draft SEIR text and/or exhibits, those changes are referenced in this chapter.

The changes made to the Draft SEIR in response to comments constitute information that ***clarifies or amplifies, or makes insignificant modifications*** to the adequate Draft SEIR. (See CEQA Guidelines § 15088.5(b).) As such, the changes summarized in this Chapter and in Chapter 2 (Modifications to the Project) do not require recirculation of the Draft SEIR

Throughout this chapter, newly added text is shown in double underline format, and deleted text is shown in ~~double-strikeout format~~. The primary source of each change is noted in brackets, such as “[AI]” following each changed text.

Changes are listed generally in the order in which they would appear in the Draft SEIR. Certain changes supplement the overall discussion of a topic or Project characteristic and do not directly alter Draft SEIR text; this type of changes are identified as *Other Supplemental Information* and listed under the relevant Draft SEIR chapter or section. For ease of review in this chapter due to its length, the table of all impact statements, mitigation measures, Standard Conditions of Approval (SCAs) and residual impacts, incorporating any revisions identified in this Final EIR, is presented at the end of this chapter (Revised Draft SEIR Table 2-2).

As indicated in Chapter 1 (Introduction), the entirety of the Oak Knoll Mixed Use Community Plan Project Final SEIR consists of the Draft SEIR and its Appendices, and this Response to Comments document and its Appendices. Thus, the Draft SEIR changes presented in this chapter are incorporated in and supersede corresponding original text in the Draft SEIR, as specified in this chapter.

3.2 Revisions to Draft SEIR

Chapter 1, Introduction and Background

1. On page 3-1 of the Draft SEIR, the following global revision is made:

Oak Knoll Acquisition Ventures LLC (OKVA) is the Project sponsor for the Oak Knoll Mixed Use Community ~~Plan~~ Project – a proposal to create a mixed use development of residential neighborhoods, commercial development, and open space and recreational facilities on approximately ~~191,488~~ acres, largely comprised of a former decommissioned Naval Medical Center Oakland (NMCO) property at Oak Knoll.

[Project Sponsor Initiated]

Chapter 2, Summary

2. On page 2-1, the text is revised as follows:

The Project would establish approximately ~~69,167.6 square feet~~ acres of parks and open spaces for active and passive recreation, 16.97 acres of creek corridor restoration and enhancement, and approximately 3.5 miles of community-wide trails, including sidewalks connecting unpaved trails, that will link the site to the existing East Bay Regional Park District (EBRPD) trail system (WRA, 2017a and 2017b). [O3]

...

There are approximately ~~7,170~~ 7,323 trees on the Project site, and the Project also includes the removal of approximately ~~4,000~~ 4,502 trees (some of which are invasive and/or non-native), and would replant a sufficient number of trees to mitigate for approximately ~~2,500~~ 2,821 trees based on the City of Oakland Tree Ordinance (WRA, 2017c).

[Project Sponsor Initiated]

Chapter 3, Project Description

3. On page 3-1 of the Draft SEIR:

3.1.2 Project Site Description and Ownership

As supplemental information to **Draft SEIR Section 3.1.2**, information describing the Project sponsor’s proposed acquisition of a three-acre parcel currently owned by the City of Oakland and by EBMUD is presented in **Section 2.3.6** and **Figure 2-7** in Chapter 2 (Modifications to the Project) of this Final SEIR.

[Project Sponsor Initiated]

4. On page 3-4 of the Draft SEIR:

Corrected parcel ownership of the Oak Knoll Project site is delineated in **Figure 3-1, Revised Draft SEIR Figure 3-3, Parcels**, presented on the following page of this Final SEIR.

[PC1]

5. On page 3-5 of the Draft SEIR, the text is revised as follows:

The Project site, as defined for purposes of this environmental analysis, consists of the following Alameda County Assessor's Parcels Numbers, owned as indicated in parentheses:

- 043A-4675-003-21 (Oak Knoll Venture Acquisition, LLC)
- 048-6865-002-03 (City of Oakland; portion by Oak Knoll Venture Acquisition, LLC)
- ~~043A-4712-001 (City of Oakland; portion owned by Oak Knoll Venture Acquisition, LLC)~~
- 048-6870-001 (City of Oakland; portion owned by Oak Knoll Venture Acquisition, LLC)
- 048-6870-002 (City of Oakland; portion owned by Oak Knoll Venture Acquisition, LLC)
- 043A-4675-074-01 (Hardenstine parcel) (Oak Knoll Acquisition Ventures, LLC)
- Portion of Existing Mountain Boulevard Right-of-Way (No Assessor's Parcel Number) (City of Oakland)
- 037A-3152-008 (City of Oakland)
- 037A-3152-009 (East Bay Municipal Utility District)

[PC1]

6. On page 3-13 of the Draft SEIR, Table 3-1 of the Draft SEIR is revised as follows in Table 2-2 of this Final SEIR:

[TABLE 2-2]
REVISED DRAFT SEIR TABLE 3-1 - KEY OAK KNOLL PROJECT CHARACTERISTICS

Use	Characteristics
Residential	935 dwelling units
Village Center Commercial	72,000 square feet
Open Space ¹	62.0 <u>61.5</u> acres
Parks/Community Facilities ²	5.6 <u>7.6</u> acres
Restored Creek Corridor	46.7 <u>16.97</u> acres
Total Site Area ³	487.0 <u>190.9</u> acres
Creek Crossings (combined auto and pedestrian/bicycle)	1
Creek Crossings (pedestrian only)	1
Trails	3.5 miles

NOTES:

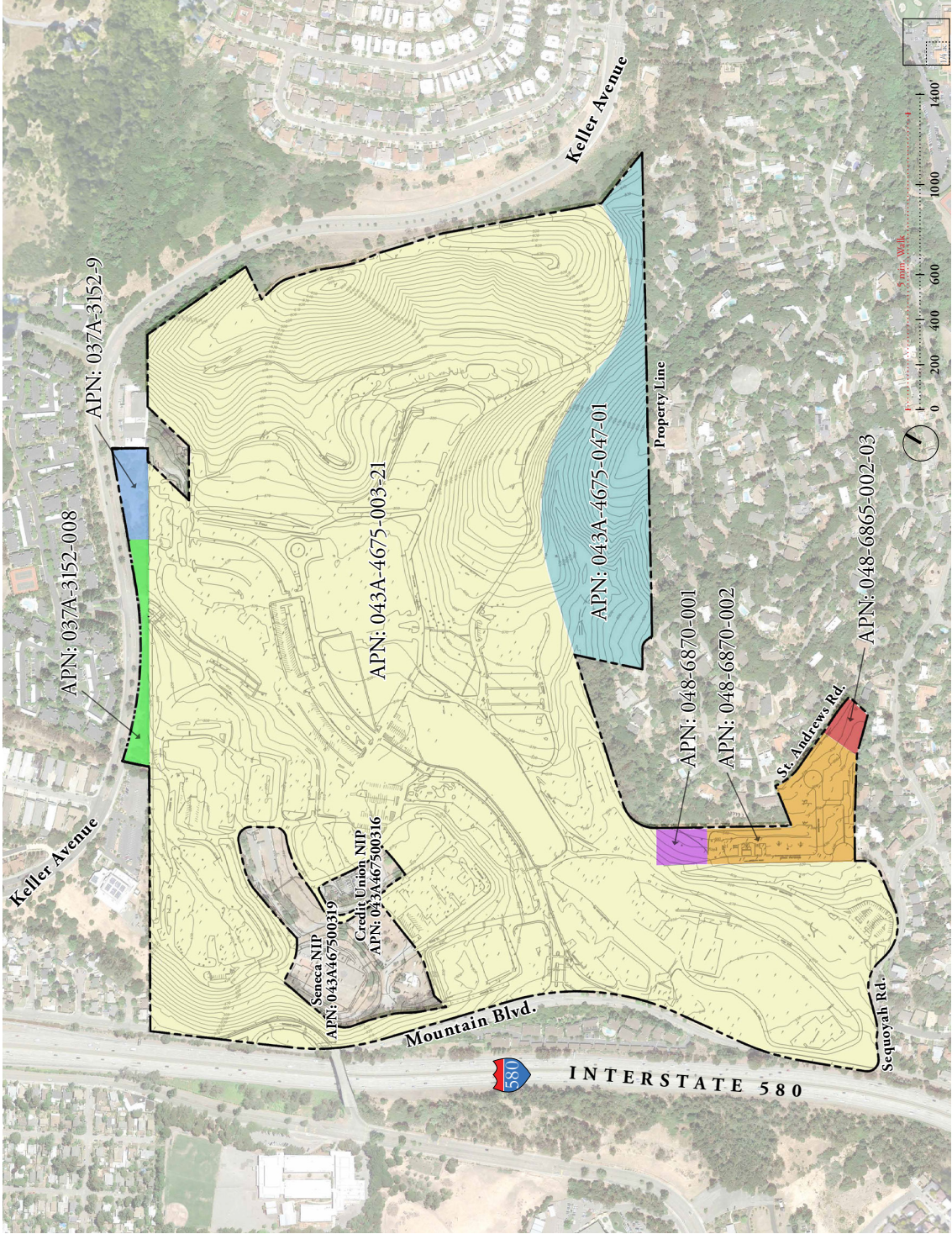
¹ Undisturbed Open Space and Revegetated Slope Banks; excludes Creek Corridor and Parks

² Includes new Community Clubhouse with 10,000 s.f. of community commercial use

³ Also includes 0.22 acre of additional roadway and entry monuments in land added along Keller Avenue

SOURCE: OKVA, LLC

[Project Sponsor Initiated]



SOURCE: OKVA, Hart Howerton, 2016

Oak Knoll Project . 120645
Figure 3-1
 Revised Figure 3-3 - Parcel Ownership

7. *On page 3-13 of the Draft SEIR:*

3.4.2 Circulation, Access and Traffic Control

As supplemental information to **Draft SEIR Section 3.4.2**, a detailed description and plan of the proposed reconfiguration of the intersection of Mountain Boulevard and the Village Center driveway are presented in **Section 2.3.2** and **Figure 2-2**, respectively, in Chapter 2 (Modifications to the Project) of this Final SEIR.

[Project Sponsor Initiated]

8. *On page 3-17 of the Draft SEIR:*

3.4.3 Residential Development and Neighborhoods

As supplement to the description of the “Village Center” neighborhood in **Draft SEIR Section 3.4.3** is a detailed description of the revised Village Center site plan and the resulting environmental effects in **Section 2.3.1** of Chapter 2 (Modifications to the Project) of this Final SEIR.

[Project Sponsor Initiated]

9. *On page 3-17 of the Draft SEIR:*

As an update and supplement to the conceptual layout of the Village Center depicted in **Draft SEIR Figure 3-9**, Project Neighborhoods, in **Draft SEIR Section 3.4.3**, is a revised conceptual plan of the proposed Village Center in **Figure 2-1** in Chapter 2 (Modifications to the Project) of this Final SEIR.

[Project Sponsor Initiated]

10. *On page 3-20 of the Draft SEIR:*

3.4.4 Parks, Recreation Facilities, Open Space, and Landscaping

As updated information to **Draft EIR Section 3.4.4**, a description of the expanded parks, open space, informal ballfield and creek restoration corridor proposed within the Project site, and a discussion of the resulting environmental effects, are presented in **Section 2.3.6** of Chapter 2 (Modifications to the Project) of this Final SEIR.

[Project Sponsor Initiated]

(Also listed under Section 4.12, Public Services and Recreation.)

11. On page 3-20 of the Draft SEIR:

As an update and supplement to the **Draft SEIR Figure 3-10**, Open Space and Parks, in **Draft SEIR Section 3.4.4**, is a conceptual plan for the expanded parks, open space, informal ballfield and creek restoration corridor in **Figure 2-8** in Chapter 2 (Modifications to the Project) of this Final SEIR.

[Project Sponsor Initiated]
(Also listed under Section 4.12, *Public Services and Recreation.*)

12. On page 3-37 of the Draft SEIR, the text is revised as follows:

3.4.9 Site Grading and Tree Removal (Tree Removal, Preservation and Replanting)

As supplemental information to **Draft SEIR Section 3.4.9**, a discussion of the updated proposal to salvage and relocate ~~up to~~ between 10 and 20 healthy oak trees previously proposed for removal is presented in **Section 2.3.7** of Chapter 2 (Modifications to the Project) of this Final SEIR.

[Project Sponsor Initiated]
(Also listed under Section 4.3, *Biological Resources.*)

13. On page 3-37 of the Draft SEIR, the text is revised as follows:

Tree Removal and Mitigation Replanting

There are approximately ~~7,170~~7,323 trees on the Project site in total, according to the Tree Removal Impact Plan, discussed at length in Section 4.3, *Biological Resources*.

[Project Sponsor Initiated]
(Also listed under Section 4.3, *Biological Resources.*)

14. On page 3-38 of the Draft SEIR, the text is revised as follows:

The Project sponsor has prepared a set of Oak Knoll Design Guidelines (included as Appendix E to this Draft SEIR, with an updated version included as Appendix F to the Final SEIR), which are part of the proposed PUD and include the Oak Knoll Landscape Guidelines.

[Project Sponsor Initiated]

Chapter 4, Environmental Setting, Impacts, Standard Conditions of Approval and Mitigation Measures

Section 4.0, Introduction to the Environmental Analysis

No Changes.

Section 4.1, Aesthetics

15. On page 4.1-17 of the Draft SEIR, the text is revised as follows:

Specifically, factored into this impact assessment and generally reflected in the photosimulations is the Project's proposed Oak Knoll Design Guidelines, which include the Oak Knoll Landscape Guidelines (included as Appendix E to this Draft SEIR and Appendix F to the Final SEIR) . . .

[Project Sponsor Initiated]

16. On page 4.1-22 of the Draft SEIR, the text is revised as follows:

Uplands East Neighborhood would include low density, single family detached homes on lots ranging from 3,750 to over 6,000 square feet. Building heights will vary according to lot slope: homes would be a maximum two stories or ~~32~~ feet tall to top of roof on flat lots; on lots that upslope or downslope more than 20 percent, homes could be maximum 24 feet or 18 feet to top of roof, respectively.

[Project Sponsor Initiated]

17. On page 4.1-22 of the Draft SEIR:

Visibility of Proposed Neighborhoods Development (Uplands East Neighborhood)

As supplement to the impact analysis of scenic vistas and resources (**Impact AES-1**), a supplemental visual analysis demonstrating the lack of visibility of the single family homes proposed on Lots 114 through 118 on Admiral's Hill, as viewed from viewpoints from the west and east, is presented in **Figure 2-4a through Figure 2-5** in Chapter 2 (Modifications to the Project) of this Final SEIR.

[Lead Agency and Project Sponsor Initiated]

18. On page 4.1-23 of the Draft SEIR, the text is revised as follows:

Uplands North Neighborhood would include new medium density townhomes on condominium lots on large parcels ~~ranging from 1,600 to 2,200 square feet~~. Development could be up to three stories or ~~40²⁵~~ feet to top of roof, and townhomes should be organized in attached buildings of no more than 10 units.

[Project Sponsor Initiated]

19. On page 4.1-23 of the Draft SEIR, the text is revised as follows:

Creekside Village Neighborhood would include a mix of townhomes and small lot single family homes on lots throughout the lowland areas of the Project site, adjacent to the creek corridor. Lots would be between 2,000 and 3,500 square feet, and the small homes would be 2 or 3 stories and not exceed ~~35³⁰~~ feet in height to top of roof

[Project Sponsor Initiated]

20. Other General Supplemental Aesthetics Information

Revised PDP Building Heights: Updates to the proposed maximum building heights pursuant to the Oak Knoll PDP and resulting environmental effects are presented in **Table 2-1** and **Section 2.3.3**, respectively, in Chapter 2 (Modifications to the Project) of this Final SEIR.

[Project Sponsor Initiated]

Section 4.2, Air Quality

21. On page 4.2-11 of the Draft SEIR, the following text is added:

The 2010 CAP is currently in the process of being updated with a Final Draft expected to be circulated in October or November 2016.

BAAQMD Regulations

BAAQMD has adopted Regulation 6, Rule 3, which prohibits the installation of wood-burning devices in any new building construction. The Project is subject to this regulation.

[O21]

22. On page 4.2-26 of the Draft SEIR, the following updates are made:

**TABLE 4.2-5
AVERAGE DAILY OPERATIONAL EMISSIONS**

	Average Daily Operational Emissions (pounds/day)			
	ROG	NO _x	PM ₁₀	PM _{2.5}
Area Sources	42.9	0.6	1.3	1.3
Energy Sources	0.8	7.2	0.55	0.55
Mobile Sources	37.8 <u>43.3</u>	38.4 <u>43.5</u>	0.4	0.4
Total Project Emissions	81.5 <u>87.0</u>	46.4 <u>51.3</u>	2.2	2.2
Threshold	54	54	82	54
Exceeds Threshold?	Yes	No	No	No
Total Project Emissions with TDM Plan	78.0 <u>81.7</u>	42.5 <u>45.8</u>	2.2	2.2
Exceeds Threshold?	Yes	No	No	No

SOURCE: ESA, 2016; Technical Detail in Appendix I

**TABLE 4.2-6
MAXIMUM ANNUAL OPERATIONAL EMISSIONS**

	Maximum Annual Operational Emissions (tons/year)			
	ROG	NO _x	PM ₁₀	PM _{2.5}
Area Sources	7.8	0.1	0.24	0.24
Energy Sources	0.15	1.31	0.10	0.10
Mobile Sources	6.0 <u>7.9</u>	7.0 <u>7.9</u>	0.08	0.08
Total Project Emissions	14.0 <u>15.9</u>	8.4 <u>9.3</u>	0.4	0.4
Threshold	10	10	15	10
Exceeds Threshold?	Yes	No	No	No
Total Project Emissions with TDM Plan	14.2 <u>14.9</u>	7.8 <u>8.3</u>	0.4	0.4
Exceeds Threshold?	Yes	No	No	No

SOURCE: ESA, 2016; Technical Detail in Appendix I

[M22]

23. On page 4.2-27 of the Draft SEIR, the following clarifications are made:

SCA GHG-1 requires that projects develop a Greenhouse Gas Reduction Plan (GGRP) to increase energy efficiency and reduce GHG emissions. The GGRP developed for the Project (and included in **Appendix WH** of this FSEIR) specifies how the Project proposes to meet SCA GHG-1 requirements through the purchase sufficient offset credits to reduce the Project's temporary GHG emissions (Phase 1, and combined Phase 1 and Phase 2) and ongoing operational GHG emissions. This would also further reduce criteria pollutant emissions. In addition, Project sources would be subject to the requirements of the City of Oakland Green Building Ordinance – Bay Friendly Landscapes (SCA GHG-2), as well as requirements of CALGreen, California's Green Building Code.

[M24]

24. On page 4.2-28 of the Draft SEIR, the following clarifications are made:

Given these various factors it is difficult to predict the magnitude of health effects from the Project’s exceedance of significance criteria for regional ROG emissions. The increase in emissions associated with the proposed Project represents a fraction of total SFBAAB regional ROG emissions (up to ~~7881.7~~ 7881.7 pounds per day compared to 265 tons per day in the SFBAAB region in 2012).

[M22]

25. On page 4.2-29 of the Draft SEIR, generally appended to the analysis of Impact AIR-2, Project Operational Impacts (Criteria Pollutants and Precursors), the following new information is added:

**TABLE M22
UPDATED VMT AND RESULTING GHG AND AIR QUALITY EMISSIONS,
WITH AND WITHOUT TDM**

	Draft SEIR VMT	Updated VMT
VEHICLE MILES TRAVELED^a		
Annual Project VMT with TDM	20,674,040	22,256,431
Annual Project VMT w/o TDM	22,971,155	25,603,552
GREENHOUSE GASES		
MT CO2e per year with TDM ^b	10,807 ^c	11,421 ^d
MT CO2e per year w/o TDM	11,637	12,638
OPERATIONAL CRITERIA AIR POLLUTANTS: % CHANGE W/UPDATED VMT^e Maximum Annual Operational Emissions		
ROG with TDM	Increased 4.8%	
ROG without TDM	Increased 6.8%	
NOx with TDM	Increased 7.0%	
NOx without TDM	Increased 11.1%	
PM10 with TDM	Increased 2.5%	
PM10 without TDM	Increased 2.6%	
PM2.5 with TDM	Increased 1.3%	
PM2.5 without TDM	Increased 1.2%	

^a Final SEIR Appendix N, Updated VMT; Ramboll Environ, 2017

^b Under the City’s SCAs, GHG emissions must be calculated considering implementation of applicable SCAs, including the TDM Program.

^c Draft SEIR Table 4.6-4 in Section 4.6, GHG Emissions and Climate Change, and/or Table 3 in Draft SEIR Appendix W, GGRP; Ramboll Environ, 2016

^d Final SEIR Appendix O, Updated GGRP; Ramboll Environ, 2017

^e Final SEIR Appendix P, Updated Mobile Emissions; Ramboll Environ, 2017

[M22] (Also referenced under Section 4.6, Greenhouse Gas Emissions and Climate Change, and Section 4.13, Transportation and Circulation.)

26. On page 4.2-33, the following clarifications are made:

The following analysis of the effect of existing TACs on future Project residents is provided for informational purposes only, as this analysis is not required pursuant to the California Supreme Court's December 17, 2015 decision in *California Building Industry Association v. Bay Area Air Quality Management District*. Because the analysis looks at all TAC sources, both existing and the Project, this analysis also provides the potential effect of cumulative TACs on future Project residents. The City's ~~CEQA significance thresholds~~ policies require that new projects containing sensitive receptors be evaluated to determine whether those receptors would be exposed to health risks from existing nearby sources of TACs.

[M27]

27. On page 4.2-36 of the Draft SEIR, the following clarifying text is added under "Proposed Project" as part of Impact AIR-6 (Odors):

Cumulative Odor Impacts

As discussed above, there are no odor sources located in the vicinity of the Project Area. The Project also would not introduce new significant sources of odor, and any odors introduced would dissipate by the time it reached surrounding residences. The Project and all cumulative development would be subject to the performance standards requirements of BAAQMD Regulation 7 – Odorous Substances and the Oakland Planning Code Section 17.120. Accordingly, there is no cumulative odor impact and the Project would not make a cumulatively considerable contribution to such an impact if one existed.

Impact Conclusion: Less than Cumulatively Considerable

Comparison to 1998 EIR/EIR Findings: No New Significant Impact

[Lead Agency Initiated]

Section 4.3, Biological Resources

28. On page 4.3-5 of the Draft SEIR, the following update is made:

Developed/Ruderal/Landscaped

The Project site includes 58.8494 acres of developed/ruderal or landscaped areas that are generally unvegetated but may support sparse, non-native opportunistic, weedy species that thrive in disturbed areas such as French broom (*Genista monspessulana*), stinkwort (*Dittrichia graveolens*), ripgut brome (*Bromus diandrus*), soft chess (*Bromus hordeaceus*), and yellow annual sweetclover (*Melilotus indicus*). Prickly pear cactus (*Opuntia* sp.) occur infrequently nearby former building locations and along some streets within the Project site.

[Project Sponsor Initiated]

29. On page 4.3-5 of the Draft SEIR, the following update is made:

Grassland

Non-native annual grassland, planted perennial purple needlegrass grassland, and native perennial purple needlegrass grassland are distinct alliances within the general grassland vegetation community of the Project site.

Non-native annual grassland covers ~~28.0767~~ acres of the Project site and is dominated by non-native grasses and forbs with scattered natives, including slender oat (*Avena barbata*), ripgut brome, rattail fescue (*Festuca myuros*), English plantain (*Plantago lanceolata*), Italian ryegrass, and longbeak stork's bill (*Erodium botrys*).

[Project Sponsor Initiated]

30. On page 4.3-6 of the Draft SEIR, the following update is made:

Coast Live Oak Woodland

Coast live oak (*Quercus agrifolia*) woodland occurs in upland settings throughout the Project site and covers ~~28.8930~~ 30.10 acres. In the western and central portions of the Project site, it occurs mainly as small patches in a matrix of landscaped and developed areas.

[Project Sponsor Initiated]

31. On page 4.3-7 of the Draft SEIR, the following supplemental text is added to the discussion of "Coast Live Oak Woodland," which starts on page 4.3-6:

According to the CALVEG dataset (a classification of Californian Vegetation, 2009, U.S. Dept. of Agriculture, U.S. Forest Service, Regional Ecology Group, San Francisco, Accessed October, 2016), there are approximately 103,000 acres of hardwood forests/woodlands in Alameda County, the vast majority of which are likely oak woodlands. Of the 103,000 acres, approximately 39,000 acres (37 percent) are located within protected areas that are included in the California Protected Areas Database (CPAD, 2016). The approximately 16.97 acres of oak woodlands that would be either temporarily or permanently impacted by the Project represent approximately 0.016 percent of the oak woodlands in Alameda County. The City also recognizes that the site has been highly disturbed in the past, first as a golf course and country club and then as a naval hospital facility.

Coast live oaks, which are the dominant oak species on the Project site, have not had major issues with natural regeneration. The most recent tree survey conducted for the Project Area (WRA, 2017c) documented a total of 1,658 coast live oak trees in the smallest surveyed diameter class (4 to 8.9 inch), or 36 percent of the total 4,502 coast live oak trees surveyed. This large percentage of small diameter trees indicates that coast live oak regeneration is locally abundant.

[M10]

32. On page 4.3-7 of the Draft SEIR, the following update is made:

Riparian Woodland

Riparian woodland occurs on and adjacent to the banks of Rifle Range Creek and its tributaries covering ~~7.2836~~ acres of the Project site.

[Project Sponsor Initiated]

33. On page 4.3-7 of the Draft SEIR, the following text is added:

California Buckeye - Arroyo Willow Alliance

An approximately 0.44-acre stand of California buckeye (*Aesculus californica*) and arroyo willow (*Salix lasiolepis*) occurs east of the riparian corridor in the northeast portion of the site, downstream of a small wetland swale (WRA 2017b). Trees within this area are generally mature and the area appears not to be supported by active wetland hydrology, as new saplings and typical riparian understory species are absent.

[Project Sponsor Initiated]

34. On page 4.3-9 of the Draft SEIR, the following text is added:

The 2015 surveys of the Hardenstine parcel were verified by the Corps on June 6, 2016.

In January 2017, WRA surveyed the 1.43-acre Keller Avenue parcel as an addendum to the two original delineations and identified an additional 151 linear feet (0.04 acre) of potential jurisdictional waters of the U.S. (WRA 2017b).

[Project Sponsor Initiated]

35. On page 4.3-11 of the Draft SEIR, the following clarifications are made:

**TABLE 4.3-1
POTENTIAL FEDERALLY JURISDICTIONAL FEATURES
WITHIN THE WETLAND DELINEATION STUDY AREA**

Type of Feature	Length (linear feet)	Area (square feet)	Area (acres)
Oakland Naval Hospital Site			
Other Waters of the U.S.			
Rifle Range Creek (perennial)	2,801 2,779	23,087 49,774	0.53 0.43
Powerhouse Creek (intermittent)	201	1,206	0.03
Hospital Creek (intermittent)	299	1,794	0.04
<u>Wetland in Keller Avenue Parcel</u>	<u>n/a^a</u>	<u>n/a</u>	<u>0.04</u>
Subtotal Other Waters of the U.S.	3,301 3,279	26,087 24,774	0.64 0.50

Type of Feature	Length (linear feet)	Area (square feet)	Area (acres)
Culverted Waters of the U.S			
Rifle Range Creek (perennial)	1,041	5,197	0.11
Powerhouse Creek (intermittent)	880	4,400	0.10
<i>Subtotal Culverted Waters of the U.S</i>	1,921	9,597	0.21
Subtotal Jurisdictional Waters Oakland Naval Hospital Site	5,222 5,200	35,684 34,374	0.85 0.72
Hardenstine Parcel			
Other Waters of the U.S.			
Powerhouse Creek (ephemeral)	376	1,128	0.03
Total Section 404 Waters	5,598 5,576	36,812 32,490	0.88 0.75

^a Wetland represented as “acres” because it is a non-linear feature.

SOURCE: WRA, 2007b; WRA, 2015a; 2017b (Appendix D to the Final SEIR)

[Project Sponsor Initiated]

36. On pages 4.3-47 and 4.3-48 of the Draft SEIR, the following clarifications are made, starting with the paragraph preceding Recommendation BIO-1:

With Recommendation BIO-1, to which the Project sponsor has agreed, localized impacts to Oakland star tulip ~~would~~ could be substantially reduced through salvage and relocation of a portion of the population for reintroduction elsewhere on the Project site or into established populations in the Project vicinity or by other means detailed below and allow the Project to avoid, minimize, and/or compensate for impacts to special status plants.

Recommendation BIO-1.1: The following measures ~~should~~ shall be implemented prior to construction to avoid or minimize impacts to Oakland star tulip within the Project site.

- a) A qualified botanist shall flag the location of Oakland star tulip plants during the flowering period prior to site grading. Under the direction of the qualified botanist, bulbs and associated soil plugs shall be harvested from ~~at least 50~~ 100 percent the Oakland star tulip plants within the Project site following flowering and withering of leaves.
- b) Harvested bulbs shall be ~~1) replanted on site in an area designated for open space preservation, stored for reintroduction into suitable habitat within upland woodland portions the creek restoration area of the Project site; or 2) made available to a reputable organization for reintroduction into suitable locations near the Project vicinity, such the East Bay Regional Park District, East Bay Chapter of the California Native Plant Society, UC Berkeley Botanical Garden, or Merritt College Horticultural Department.~~
- c) ~~If plants are reintroduced within~~ The Project sponsor shall prepare a Monitoring Plan for relocated / transplanted Oakland star tulip plants within the Project site. The plan shall detail methods and location for relocating or reintroducing Oakland star tulip population, annual monitoring methods and maintenance for successful establishment, and reporting protocols. The recommended success criteria for

relocated plants is 0.5:1 ratio [number of plants established: number of plants impacted] after two years.

- d) Contingency measures such as obtaining bulbs from other locations should be included in the plan if it appears the success criterion will not be met after two years.
- e) The plan shall be developed in consultation with the appropriate agencies prior to the start of local construction activities.
- f) Monitoring reports shall include photo-documentation, planting specifications, a site layout map, descriptions of materials used, and justification for any deviations from the monitoring plan.

[M12]

37. On page 4.3-51 of the Draft SEIR, the following clarification is made:

As discussed in detail under criterion “b” (Riparian Habitat and Sensitive Natural Communities) and criterion “f” (Oakland Tree Protection Ordinance) below, the Project would remove approximately ~~4,000~~ 4,502 trees (WRA, 2017c) throughout the Project site from the riparian corridor, non-native forest, and oak woodland communities as well as scrub and ground vegetation through mass grading of the Project site, that provides cover and foraging opportunities for ground nesting birds.

[Project Sponsor Initiated]

38. On page 4.3-53 of the Draft SEIR, the following clarification is made:

~~SCA BIO-2 specifies mandatory measures the Project sponsor must implement and requires the development of a Bird Collision Reduction Plan which would tailor bird strike reduction strategies to various Project parameters. Specifically, many of the measures in SCA BIO-2 lend themselves to commercial buildings rather than hillside residential neighborhood development that is envisioned for the Project, however, the Project sponsor will tailor the pOak Knoll Project-specific Bird Collision Reduction Plan shall to incorporate those strategies all mandatory measures that reasonably apply to the Project or its commercial tenants or homeowners/tenants. Implementation and Project compliance with SCA BIO-2, as administered and monitored by the City and to the extent that the measures apply to the open hillside context and proposed development type that would occur with the proposed Project), will avoid and/or minimize adverse effects of avian collisions resulting from the proposed Project to a less-than-significant level.~~

[M16]

39. On page 4.3-64 of the Draft SEIR, the following clarifications are made:

The Restoration Area contains ~~8.04~~ 14 acres of riparian woodland and adjacent oak woodland, consisting primarily of coast live oak, willow, horsetail, California blackberry, poison oak, and sedge, with occasional non-native trees such as blackwood acacia. The Project would permanently impact approximately 0.2 acre of riparian woodland due to a

new proposed bridge crossing and would remove and replant approximately 4.7 acres of riparian habitat along Rifle Range Creek and its tributaries; an additional 2.17 acres of existing riparian habitat would be preserved and enhanced. Following restoration activities, the total acreage of riparian habitat and associated native upland vegetation will increase by 8.83 acres to 16.8797 acres. (WRA, 2016b and 2016c.)

[Project Sponsor Initiated]

40. On page 4.3-64 of the Draft SEIR, the following clarifications are made:

**TABLE 4.3-3
IMPACTS TO RIPARIAN HABITAT AND TREES WITHIN THE CREEK RESTORATION AREA**

	Existing Conditions	Impacts Resulting from Re-Grading Creek Banks	Impacts Resulting from New Creek Crossing	Post Creek Restoration Totals
Riparian and Adjacent Oak Woodland Habitat ^a	8.0414 acres	4.7 acres	0.2 acre	16.7497 acres
Approximate Number of Trees ^b	583 trees	297 trees	20 trees	~4,500 trees

^a Riparian habitat will be restored and new trees planted in excess of that impacted.

^b Riparian and adjacent oak woodland habitats are contiguous; the Project would have impacts or plantings in the oak woodland area.

SOURCE: WRA, 2015b; WRA, 2017a and WRA, 2017c (Appendices C and E, respectively, to the Final SEIR)

[Project Sponsor Initiated]

41. On pages 4.3-65 and 4.3-66, the following clarifications are made to Mitigation Measure BIO-2:

1. On Site Mitigation

a. Planting replacement trees, and

b. ~~2.~~ Establishing a restrictive covenant or similar instrument to protect existing riparian woodland habitat.

The Project sponsor shall prepare a Habitat Mitigation and Monitoring Plan (HMMP) for riparian and oak woodland habitat restored under the Project. The HMMP would be subject to approval by the entity with jurisdiction over the restored areas (City of Oakland). . . . An annual report documenting the results and providing recommendations for improvements throughout the year shall be provided to the ~~regulatory agencies.~~ City, or

2. ~~3.~~ Paying an in-lieu fee to a natural resource agency or non-profit organization that would use the fees to protect or enhance oak woodland habitat of the region. . . .

[M15]

42. On page 4.3-70 of the Draft SEIR, the following clarification is made in the second paragraph:

The 1998 EIS/EIR indicated that the National Wetlands Inventory Map did not show any other wetlands on the project site, other than Rifle Range Creek, that would be under the jurisdiction of section 404 of the Clean Water Act (33 USC Sections 1251-1387). Since the 1998 EIS/EIR was prepared, ~~two~~ three delineations have been performed. The results of these surveys as well as the project-specific impacts on jurisdictional waters are discussed below.

[Project Sponsor Initiated]

43. On page 4.3-70 of the Draft SEIR, the following clarification is made:

Proposed Project.

The ~~2006~~ wetland delineation of the ~~183,190.9~~ 183,190.9-acre Oak Knoll Naval Hospital Site identified approximately ~~5,200~~ 5,222 linear feet (~~0.7286~~ 0.7286 acre) of jurisdictional waters of the U.S., which include both other waters of the U.S. and culverted waters of the U.S., within the delineation study area, consisting of Rifle Range Creek and its two tributaries, Powerhouse Creek and Hospital Creek (see Figure 2-9 in the Final SEIR, and the updated 4.3-2, Jurisdictional Features within the Oak Knoll Project Site [WRA, 2017b]). The jurisdictional features presented in the Draft SEIR were verified by the Corps in 2007 (WRA 2015a) and 2013 (Corps 2013). A subsequent delineation is currently under review (WRA, 2017a and WRA, 201b).

[Project Sponsor Initiated]

44. On page 4.3-70 of the Draft SEIR, the following clarifications are made to the end of the third paragraph:

In addition, the 2017 delineation of the 1.43-acre Keller Avenue parcel identified an additional 151 linear feet (0.04 acre) of potential jurisdictional waters of the U.S. (WRA 2017b). Neither the 2015 or 2017 delineation ~~addendum-addenda~~ has not yet have been verified by the Corps. Other waters within the Hardenstine parcel would not be directly disturbed by the Project. Development-related activities would result in the filling of a 0.04-acre wetland located in the northeast corner of the Keller Avenue parcel.

[Project Sponsor Initiated]

45. On page 4.3-70 of the Draft SEIR, the following clarifications are made to the last paragraph:

The restoration of Rifle Range Creek, ~~and~~ and Hospital Creek, and Powerhouse Creek as a component of the proposed Oak Knoll Project is intended to improve the value and quality of the creeks and surrounding riparian corridor within the Project site as a whole.

[Project Sponsor Initiated]

46. On page 4.3-71 of the Draft SEIR, the following clarification is made to the first paragraph:

In addition, ~~201 linear feet of a highly incised reach of Powerhouse Creek would be permanently culverted, and~~ 188 linear feet of Rifle Range would be realigned to accommodate a new bridge crossing.

[Project Sponsor Initiated]

47. On page 4.3-71 of the Draft SEIR, the following clarifications are made to the third paragraph:

Restoration of Rifle Range Creek, ~~and~~ Hospital Creek, ~~and~~ Powerhouse Creek has been designed to minimize placement of fill to achieve the Project objectives of improving quality, function, and value of the creek corridors and riparian habitat.

[Project Sponsor Initiated]

48. On page 4.3-72 of the Draft SEIR, the following clarifications are made:

**TABLE 4.3-4
EFFECTS OF THE PROJECT ON WATERS OF THE U.S.**

Jurisdictional Area	Existing Conditions		Temporary Effects ^a		Permanent Fill ^b		
	Length (linear feet)	Area (acres)	Length (linear feet)	Area (acres)	Length ^c (linear feet)	Area (acres)	Volume (cubic yards)
Rifle Range Creek (includes 0.02 acre of in-stream wetlands)	2,801 <u>2,770</u>	0.53 <u>0.43</u>	2,566	0.37	213	0.03	54
Powerhouse Creek ^c	201	0.03	201 <u>0</u>	0.03 <u>0</u>	n/a <u>204</u>	n/a <u>0.03</u>	n/a <u>45</u>
Hospital Creek (includes 0.01 acre of in-stream wetland)	299	0.04	290	0.04	9	<0.01	2
<u>Wetland in Keller Ave Parcel</u>	<u>n/a</u>	<u>0.04</u>	<u>n/a</u>	<u>n/a</u>	<u>151</u>	<u>0.04</u>	<u>65</u>
Culverted Waters	1,921	0.21	1,041	0.11	n/a	n/a	n/a
Total Jurisdictional Waters	5,222 <u>5,290</u>	0.85 <u>0.72</u>	4,098 <u>3,897</u>	0.55 <u>0.52</u>	373 <u>423</u>	0.07 <u>0.06</u>	121 <u>404</u>

NOTES:

^a Temporary impacts include the following activities: 1) temporary dewatering/water diversion during construction; 2) installation of restoration-related grade control structures where the channel will be returned to its existing elevation and alignment; and 3) restoration-related channel realignment that would increase sinuosity in an artificially straightened reach.

^b Permanent fill would occur through the following activities: 1) fill for development-related channel realignment; 2) placement of rock for erosion control at stormwater outfalls; and 3) construction of park / recreational facilities in Keller Ave. parcel area.

^c Wetland represented as "length", consistent with impacted acreages/lengths relevant to agency permits.

SOURCE: WRA 2015b, 2017b

**TABLE 4.3-5
EXISTING AND PROPOSED HABITAT IN THE RESTORATION AREA**

Habitat	Existing Conditions		Post Restoration (Proposed Project)		Difference Post Restoration	
	Length (linear feet)	Area (acres)	Length (linear feet)	Area (acres)	Length (linear feet)	Area (acres)
Other Waters of the U.S. (unculverted)	3,270 <u>3,301</u>	0.54 <u>0.64</u>	4,473 <u>4,494</u>	4.30 <u>1.48</u>	+1,194 <u>1,193</u>	+0.70 <u>0.84</u>
Other Waters of the U.S. (culverted)	1,921	0.21	922	0.10	-999	-0.44 <u>12</u>
Total Other Waters of the U.S.	5,200 <u>5,222</u>	0.72 <u>0.85</u>	5,395 <u>5,416</u>	4.40 <u>1.58</u>	+495 <u>194</u>	+0.69 <u>0.72</u>

SOURCE: WRA, 2015b; WRA, 2017b (Appendix D to the Final SEIR)

Water Quality Impacts during Construction

Project activities such as creek restoration, grading, and excavation could generate loose, erodible soils which could result in erosion or siltation into Rifle Range Creek, Powerhouse, or Hospital Creek.

[Project Sponsor Initiated]

49. On page 4.3-75 of the Draft SEIR, the following updates are made starting with the second paragraph:

WRA also prepared a Tree Removal Impact Mitigation Plan (WRA, 2015d) (Appendix N to this Draft SEIR) which reports a total of 7,170 trees, representing 85 species were inventoried within the Project site. Since the 2015 Tree Removal Impact Mitigation Plan was prepared, an additional tree survey was conducted on the adjacent Keller Avenue parcels now part of the Project site (WRA, 2017c). The updated total of surveyed trees is 7,323 trees, representing 86 species. Throughout this section, the ~~7,170~~ 7,323 trees are referred to as “surveyed” trees as they do not reflect the total trees on the Project site; trees that do not meet the dimensional requirements of the Oakland Tree Ordinance or that are not located within or near site areas proposed for grading are not included in the ~~7,170~~ 7,323 surveyed trees.

Coast live oak is the most abundant species surveyed, representing approximately 60 percent (approximately ~~4,400~~ 4,502 trees) of the surveyed trees. Other native species comprise approximately 6 percent of trees surveyed onsite and include, in order of abundance, California bay (*Umbellularia californica*; ~~227~~ 229 trees), red willow (*Salix laevigata*; 56 trees), arroyo willow (*Salix lasiolepis*; 42 trees), white alder (*Alnus rhombifolia*; 26 trees), blue elderberry (*Sambucus nigra* ssp. *Caerulea*; 23 trees), coast redwood (*Sequoia sempervirens*; 22 trees), California buckeye (*Aesculus californica*; 22 trees), ~~blue elderberry (*Sambucus nigra* ssp. *Caerulea*; 21 trees)~~, hollyleaf cherry (*Prunus ilicifolia*; 10 trees), madrone (*Arbutus menziessi*; 5 trees), western sycamore (*Platanus racemosa*; 4 trees), mountain mahogany (*Cercocarpus betuloides*; 2 trees), canyon live oak (*Quercus chrysolepis*; 2 trees), bigleaf maple (*Acer macrophyllum*; 1 tree), and toyon (*Heteromeles arbutifolia*; 1 tree). Of the ~~4,840~~ 4,947 native trees surveyed, ~~223~~ percent (~~1,069~~ 1,125) trees were determined to be in good to excellent

condition, ~~54.53~~ percent (~~2,613~~ 2,644 trees) in moderate condition, and 24 percent (~~1,158~~ 1,178 trees) in poor condition.

Non-native species comprise approximately 33 percent of the trees surveyed (~~2,420~~ 2,376 trees). The three most abundant non-native species surveyed include blue gum (*Eucalyptus globulus*; ~~696~~ 691 trees), blackwood acacia (*Acacia melanoxylon*; ~~380~~ 367 trees), and Monterey pine (*Pinus radiata*; ~~259~~ 253 trees). Of the non-native trees surveyed, only 15 percent (~~360~~ 355 trees) were determined to be in good to excellent condition, 40 percent (~~975~~ 963 trees) in moderate condition, and 45 percent (~~1,085~~ 1,058 trees) in poor condition.

[Project Sponsor Initiated]

50. On page 4.3-76 of the Draft SEIR, the following updates are made to the first paragraph:

Tree Removal, Protection, and Proposed Mitigation Plan

Of the ~~7,170~~ 7,323 trees surveyed, ~~4,191~~ 4,502 trees occur within the Project limits of disturbance. The Oakland Tree Ordinance protects ~~3,511~~ 3,567 of these ~~4,191~~ 4,502 trees, of which ~~2,539~~ 2,518 are native species which would require replacement if removed under the Project. (WRA 2015c; WRA, 2015d; and WRA, 2017c). Within areas to be preserved under the Project, ~~2,500~~ 2,821 trees would be retained which are predominantly comprised of native coast live oak (~~2,012~~ 2,064 trees; ~~89~~ 85 percent of preserved trees). **Table 4.3-6** presents a summary of trees within the limits of disturbance and trees to be removed or retained within the Project site.

[Project Sponsor Initiated]

51. On page 4.3-76 of the Draft SEIR, the following updates are made to Table 4.3-6:

**TABLE 4.3-6
SUMMARY OF SURVEYED TREES TO BE REMOVED OR RETAINED UNDER THE PROJECT**

	No. of Trees
Total Surveyed Trees within the Project Limits	7,170 <u>7,323</u>
Total Protected Trees within the Project Limits	6,046 <u>6,163</u>
Trees Protected under the Oakland Tree Ordinance to be Removed	3,511 <u>3,567</u>
Native	2,539 <u>2,518</u>
Non-native	972 <u>1,049</u>
To Be Retained (Preserved Area)	2,500 <u>2,821</u>
Native	2,269 <u>2,429</u>
Non-native	231 <u>392</u>

SOURCE: WRA, 2015c, WRA, 2015d (Appendices M and N, respectively, to this Draft SEIR); WRA, 2017c (Appendix E to the Final SEIR)

[Project Sponsor Initiated]

52. On page 4.3-77 of the Draft SEIR, the following updates are made to Table 4.3-7:

**TABLE 4.3-7
SUMMARY OF TREE REMOVAL BY PHASE**

	Native Trees	Non-native Trees	Total No. of Trees
Total Number of Protected Trees in the Project Area	4,808 <u>4,947</u>	4,203 <u>1,216</u>	6,011 <u>6,163</u>
Phase 1 ^a	4,300 <u>1,676</u>	365 <u>375</u>	4,665 <u>1,051</u>
Phase 2	6,024 <u>6,402</u>	200 <u>314</u>	6,224 <u>6,716</u>
Phase 3	405 <u>113</u>	262 <u>245</u>	467 <u>358</u>
Creek Corridor Area	262 <u>327</u>	55 <u>115</u>	317 <u>442</u>
Total Trees to be Removed	2,539 <u>2,518</u>	972 <u>1,049</u>	3,511 <u>3,567</u>

^a Includes proposed borrow area within Phase 2 development footprint.

SOURCE: WRA, 2015c; WRA, 2015d (Appendices M and N, respectively, to this Draft SEIR); WRA, 2017c (Appendix E to the Final SEIR).

[Project Sponsor Initiated]

53. On page 4.3-77 of the Draft SEIR, the following update is made, starting after Table 4.3-7:

The Tree Ordinance requires the Project to plant mitigation trees of equal value in mitigation credit for the ~~2,494~~2,518 native trees removed from the site as compensation.

- Larger more mature trees planted on site receive more mitigation credit (higher mitigation ratio for trees planted to mitigation credit) than smaller trees.
- Native replacement trees¹ of 24" box size (spaced 23'-26' per 700 square feet) receive a 1:1 mitigation ratio (trees planted : mitigation credit);
- Native replacement trees of 15-gallon size receive a 3:1 mitigation ratio (planted in groups of 3, spaced 13'-14' per 700 square feet).

Applying these ratios, one way for the Project to comply with the Oakland Tree Ordinance and SCA BIO-5 would be to plant ~~2,494~~2,518 native trees of 24" box size in the Project area. Another way would be for the Project to require ~~the planting of 7,782~~7,554 native trees of 15-gallon size to be planted within the Project site.

[Project Sponsor Initiated]

54. On page 4.3-77 of the Draft SEIR, the following update is made, starting at the last paragraph:

The Project sponsor proposes planting enough trees to satisfy the City's mitigation requirement (equivalent to ~~2,494~~2,518 15-gallon trees). Specifically, the Project sponsor proposes to supplement some of 24" box size trees and 15 gallon size trees with

- 36” box size trees (which receive a 1:1.5 mitigation ratio (tree planted : mitigation credit)),
- 48” box size tree (which receive a 1:2 mitigation ratio (tree planted : mitigation credit)), and
- 60” box size trees (which receive a 1:3 mitigation ratio (tree planted : mitigation credit)) where appropriate spacing within the development can accommodate such sizes.

[Project Sponsor Initiated]

55. On page 4.3-87 of the Draft SEIR, the following text is added:

Environmental Science Associates (ESA), *Rifle Range Creek: Hydrology Report, Restoration Plan and Preliminary Creek Protection Plan*. Oak Knoll Mixed Use Community Development Project. Prepared for Oak Knoll Venture Acquisition LLC. February 24, 2016 (ESA 2016a). (Included as **Appendix N** to this Draft SEIR.)

ESA, *Hydrology Report, Basis of Design Rifle Range Creek, Oakland, CA*. Prepared for Oak Knoll Venture Acquisition LLC. February 26, 2016 (ESA 2016b). (Included as **Appendix N** to this Draft SEIR.)

[Lead Agency Initiated]

56. On pages 4.3-88 and 4.3-89 of the Draft SEIR, the following text is added:

WRA Environmental Consultants, *Delineation of Potential Jurisdictional Wetlands and “Other Waters” under Section 404 of the Clean Water Act, Former Oak Knoll Hospital*, December 2006, Revised September 2007. (2007b) (Included as **Appendix K** to the Draft SEIR.)

WRA Environmental Consultants, *Delineation of Potential Jurisdictional Wetlands and Non-Wetland Waters under Section 404 of the Clean Water Act, Hardenstine Parcel (File 2006-4002OS)*, February 2015. (2015a) (Included as **Appendix L** to the Draft SEIR.)

WRA Environmental Consultants, *Biological Resources Assessment, Oak Knoll*, July 2015. (2015b) (Included as **Appendix M** to the Draft SEIR.)

WRA Environmental Consultants, *Tree Survey Report, Oak Knoll*, June 2015. (2015c) (Included as **Appendix O** to the Draft SEIR.)

WRA Environmental Consultants, Memorandum: Oak Knoll Mixed Use Development Project Tree Removal Impact Mitigation Plan, Oak Knoll, November 25. (2015d) (Included as **Appendix R** to the Draft SEIR.)

WRA Environmental Consultants, *Rare Plant Survey Report, Oak Knoll*, April 2016. (2016a) (Included as **Appendix P** to the Draft SEIR.)

WRA Environmental Consultants, *Riparian Restoration and Monitoring Plan, Oak Knoll*, March 2016. (2016c) (Included as **Appendix O** to the Draft SEIR.)

WRA Environmental Consultants, *Updated Rifle Range Creek Restoration Area and Habitat and Monitoring Plan*, February 2017, which includes *Delineation of Potential Jurisdictional Wetlands and Non-Wetland Waters Under Section 404 of the Clean Water Act, Keller Parcel*, January 2017, as Final SEIR Figure 2-9. (2017a) (Included as **Appendix C** to the Final SEIR.)

WRA Environmental Consultants, *Oak Knoll Biological Resources Assessment - Keller Avenue and EBMUD Parcels*, March 2017. (2017b) (Included as **Appendix D** to the Final SEIR.)

WRA Environmental Consultants, *Oak Knoll Tree Removal Impact Mitigation Plan*, March 24, 2017. (2017c) (Included as part of **Appendix E** to the Final SEIR.)

[Lead Agency Initiated]

Section 4.4, Cultural and Paleontological Resources

57. On page 4.4-12 of the Draft SEIR, the following update is made to the second paragraph:

The 1998 EIS/EIR noted that although consultation between the Navy and the California SHPO in 1994 and 1995 determined that neither Club Knoll nor its adjacent, free-standing World War II-era garage were eligible for listing in the National Register, Club Knoll had been placed on the local Oakland Preservation Study List by the LPAB and found to be eligible to become a City of Oakland landmark in 1995 (Weidell, 1994; Wall, 1995) (in **Appendix S** to this Draft SEIR). However, the 1998 EIS/EIR did not address potential eligibility of Club Knoll for the CRHR or whether the building should presumptively be treated as a historic resource because of its local designation because it considered only NRHP-eligible structures to be historic resources and Club Knoll was determined to be ineligible for the NRHP. However, since Club Knoll was proposed for preservation and reuse with the Maximum Capacity Alternative, the 1998 EIS/EIR found that the Alternative would have no impact on cultural resources.

[034]

58. On page 4.4-15 of the Draft SEIR, the following text is revised:

Club Knoll is a two-story building with a three-story ~~bell~~-tower designed in the Spanish Revival style of architecture, with stucco walls . . .

[031]

59. On page 4.4-16 of the Draft SEIR, the following text is revised:

Exterior character-defining features include: the irregular plan with varied massing; the asymmetrical layout; the mix of roof types – gable and shed; the ~~bell~~-tower . . .

[031]

60. On page 4.4-20 of the Draft SEIR, the following text is deleted:

~~New Information / Changed Circumstances~~

~~Club Knoll and its garage have experienced extensive vandalism and deterioration since preparation of the 1998 EIS/EIR. Also, since preparation of the 1998 EIS/EIR, all other remaining buildings on the Project site have been demolished.~~

[0341]

61. On page 4.4-21 of the Draft SEIR, the following text is revised:

1998 EIS/EIR.

The 1998 EIS/EIR noted that although Club Knoll was determined not eligible for listing on the National Register by the Navy and SHPO, the building was placed on the local Oakland Preservation Study List by the LPAB and found to be eligible to become a City of Oakland landmark in 1995. However, the analysis concluded that the Maximum Capacity Alternative would not impact historic resources because ~~it would have retained Club Knoll for recreational use~~Club Knoll was not considered a qualified resource eligible for the NRHP, and the City analyzed impacts only on NRHP-eligible resources.

The 1998 EIS/EIR concluded that the Maximum Capacity Alternative, as well as the other considered alternatives, would have no impact on historic resources because it defined historic resources to mean structures eligible for the NRHP and Club Knoll was found to be ineligible for the NRHP.

Proposed Project.

Club Knoll and its garage have experienced extensive vandalism and deterioration since preparation of the 1998 EIS/EIR. Also, since preparation of the 1998 EIS/EIR, all other remaining buildings on the Project site have been demolished. The proposed Project would relocate all portions of Club Knoll except the basement and third wing to a central portion of the site and rehabilitate the building. The relocated Club Knoll would serve as a community center for classes, gatherings, events, and possibly other accessory commercial uses.

As described under *Regulatory Framework* in Section 4.4.2, the City now considers a historic resource to be a structure eligible for listing on the CRHR and local historic preservation list, in addition to NRHP-eligible resources. Club Knoll has been found to be eligible for listing on the CRHR and eligible to be listed as a local landmark. Therefore, for the purposes of CEQA review, the City has determined that Club Knoll qualifies as a historic resource. As described in Chapter 3 (Project Description) and in the analysis below, in terms of the proposed treatment of Club Knoll, the current Oak Knoll Project modifies the Maximum Capacity Alternative as presented in the 1998 EIS/EIR. The Oak Knoll Project no longer proposes to preserve and reuse Club Knoll in place, but rather to relocate, rehabilitate and reuse Club Knoll as a clubhouse in a different, more central location on the Project site. The potential impacts associated with this change in the Project as compared to the 1998 EIS/EIR are addressed below under Impact CUL-1. Specifically, the Draft SEIR analyzes whether the current Oak Knoll Project (and specifically its proposal to relocate, rehabilitate and reuse Club Knoll) would result in a substantial adverse change in the significance of a historical resource by adversely affecting those character-defining

features that convey its historic significance and justify its inclusion in the City of Oakland's Local Register of Historic Resources.

Impacts to Club Knoll

Relocation of Club Knoll could result in a substantial adverse change in the significance of a historical resource by adversely affecting the character-defining features that convey its historic significance and justify its inclusion in the City of Oakland's Local Register of Historic Resources.

[O34]

62. On page 4.4-21 of the Draft SEIR, the following text is revised under Impact CUL-1 regarding *Historic Resources*:

1998 EIS/EIR.

The 1998 EIS/EIR noted that although Club Knoll was determined not eligible for listing on the National Register by the Navy and SHPO, the building was placed on the local Oakland Preservation Study List by the LPAB and found to be eligible to become a City of Oakland landmark in 1995. However, the analysis concluded that the Maximum Capacity Alternative would not impact historic resources because ~~it would have retained Club Knoll for recreational use~~ Club Knoll was not considered a qualified resource eligible for the NRHP.

[O34]

63. On page 4.4-24 of the Draft SEIR, the following text is added to *New Mitigation Measures CUL-1.5: Specific Relocation/Rehabilitation Measures*, starting on page 4.4-23 of the Draft SEIR:

- j) Ensure the foundation is constructed such that the building, at the exterior stair location on the west elevation, is raised above to the surrounding finished grade.
- k) Ensure the foundation is constructed such that the building, at the exterior stair location on the west elevation, is raised above the surrounding finished grade, and that the orientation is such that Club Knoll will maintain the important relationships with its setting identified in the Carey & Co. Historic Report (May 2016).

[K8]

64. On page 4.4-30 of the Draft SEIR, the following text is added:

ESA, *Oak Knoll Mixed Use Community Development Project – Historic Resources Evaluation Update*. July 14, 2015a. (Included as **Appendix T** to this Draft SEIR.)

ESA, *Oak Knoll Mixed Use Community Development Project Archaeological Survey Report*. June 2015b. (Included as **Appendix T-1** to this Draft SEIR.)

[Lead Agency Initiated]

Section 4.5, Geology and Soils

No Changes.

Section 4.6, Greenhouse Gas Emissions and Climate Change

65. On page 4.6-31 of the Draft SEIR, the following clarifications are made:

**TABLE 4.6-4
TOTAL OPERATIONS AND ANNUALIZED GHG EMISSIONS FOR THE
OAK KNOLL PROJECT (CO2E MT)**

Emission Source/Threshold	Total Emissions
Operational Emissions	
Area (Hearths and Landscaping)	86
Energy (Electricity and Natural Gas)	2,557
Mobile On-Road Exhaust (with SCA TRA-4 TDM, 10% Reduction)	7,566 8,180
Waste Disposed	61
Water Use	101
Total Operational Emissions	10,374 10,985
Annualized Construction (On-Site Crushing Scenario) ^a	447
Annualized Net Vegetation Emissions	(11)
Total Operational + Annualized Construction/Vegetation GHG Emissions (without SCA GHG-1 GGRP)	10,807 11,421
City of Oakland Land Development Operational-Related Mass Emissions Threshold of 1,100 MT CO ₂ e Exceeded?	Yes
Operational-Related Efficiency (without SCA GHG-1 GGRP) (Service Population 2,236 Residents + 180 Employees, Total 2,416)	4.47 4.7
City of Oakland Land Development Operational-Related Efficiency Threshold of 4.6 MT CO ₂ e Exceeded?	No Yes
Total Citywide 2013 GHG Emissions	7,600,000
Project Percent of Total Citywide Emissions	0.001 0.002%

^a Total emissions for the On-Site Crushing scenario is 17,872 MT CO₂e, Table 4.6-4. Divided by 40 years for life of the Project. Off-Haul scenario discussed below.

SOURCE: ESA, 2016; ESA, 2017 (Appendix P to the Final SEIR)

[M22]

66. On page 4.6-32 of the Draft SEIR, the following clarifications are made:

The total annual emissions would be reduced to ~~10,602~~ 11,418 MT CO₂e/year and ~~4.57~~ 4.7 MT CO₂e/year per service population—~~still under the efficiency threshold.~~ The Project would be required to implement a Greenhouse Gas Reduction Plan to reduce emissions below the efficiency threshold.

Effect of the TDM on GHG Emissions. Implementation of the TDM Program would reduce the Project’s motor vehicle emissions (mobile on-road exhaust) by approximately ~~830~~ 830, ~~218~~ 218 MT CO₂e/year or ~~10~~ 13 percent less than the ~~8,396~~ 8,397 MT CO₂e/year that would occur

without the TDM (see Appendix I for detailed emissions tables). Therefore, without the ~~4013~~ percent reduction with the TDM Program, the Project would emit total emissions of ~~11,637~~ **12,638** MT CO₂e/year and ~~4,815.23~~ **4,815.23** MT CO₂e/year per service population, which would exceed both thresholds, including the efficiency threshold of 4.6 MT CO₂e/year.

[M22]

67. On page 4.6-33 of the Draft SEIR, the following clarifications are made:

**TABLE 4.6-5
OPERATIONS AND ANNUALIZED GHG EMISSIONS BY PROJECT PHASE (CO₂E MT)**

Project Description	Project Phase and Operational Year		
	Phase 1 (2022)	Phase 2 (2023)	Phase 3 (2024)
Housing Units	332	263	340
Commercial Development	86,000	0	0
Service Population ^a	975974	629	813
Emissions Source (MT CO₂e)^b			
Total Operational Emissions ^c	6,3536,420	2,5432,827	4,8792,072
Annualized Construction (On-Site Crushing Scenario) ^d	241	143	63
Annualized Net Vegetation Emissions	(11)	0	0
Total Operational + Annualized Construction/Vegetation GHG Emissions (without SCA GHG-1 GGRP)	6,5836,650	2,6862,970	4,8792,135
City of Oakland Land Development Operational-Related Mass Emissions Threshold of 1,100 MT CO ₂ e Exceeded?	Yes	Yes	Yes
Operational-Related Efficiency (without SCA GHG-1 GGRP)	6.8	4.34.7	2.42.6
City of Oakland Land Development Operational-Related Efficiency Threshold of 4.6 MT CO ₂ e Exceeded?	Yes	No Yes	No
MT CO ₂ e Emissions Reduction Required to Avoid Exceedance?	2,0982,170	677	0
MT CO ₂ e Emissions Reduction Required to Avoid Cumulative Exceedance?	2,0982,170	←2,0982,066	578

^a Phase 1 service population of ~~975974~~ residents + no employees. Phase 2 service population of 629 residents + 0 employees.

^b Phase 3 service population of 813 residents + 0 employees.

^c To conduct this by-phase assessment of GHG emissions, the operational year (buildout) of each phase was specified for input into the CalEEMod. The model assumes greater energy and fuel efficiency for each successive operational year, therefore the initial-phase emissions (isolated here to be operational in 2022 and 2023 for compliance with SCA GHG-1) do not reflect the full benefit of the increasing efficiencies that are reflected in the isolated latter-phase emissions operational in 2024. Consequently, the sum of the emissions for each Project phase is slightly greater (~~404 by 334~~ MT CO₂e) than the total Project emissions in Table 4.6-4, which is assessed at the overall Project buildout year 2024.

^d Incorporates TDM Program (SCA TDM-4) and applicable requirements for green building measures (SCA GHG-2).

^e Incorporates On-site crushing scenario for Phase 1 construction and construction-related air pollutant controls (SCA AIR-1)

SOURCE: ESA, 2016, 2017; Also Appendix O to the Final EIR

[M22]

68. On page 4.6-34 of the Draft SEIR, the following clarifications are made:

Total Project Emissions at Buildout. As shown in Table 4.6-4, the Project would emit a total ~~10,807~~11,421 MT CO₂e/year, assuming implementation of the TDM Program and on-site crushing scenario for Phase 1 construction, as well as applicable requirements for green building measures (per SCA GHG-2), and construction-related air pollutant controls (per SCA AIR-1). This emissions level exceeds the City's threshold of 1,100 MT CO₂e/year. To determine if the Project exceeds the service population threshold, the Project's total emissions is divided by its service population. The total service population of the Project at buildout is 2,416 residents and employees (see Tables 4.11-4 and 4.11-5 in Section 4.11, *Population and Housing*). The Project would generate approximately ~~4.474~~4.73 MT CO₂e/year per service population, which would not exceed the City's threshold of 4.6 MT CO₂e/year per service population. This would be a ~~less than~~ significant impact.

Emissions by Phase. As previously described, the Project would be constructed in three phases, with operations commencing in sequence for the same three phases. The emissions for each phase are specific to its first year of operation, which is expected to be the highest-emitting year due to the planned improvements to the on-road vehicle fleet. As shown in Table 4.6-5, each phase of the Project would emit annual emissions that would exceed the City's threshold of 1,100 MT CO₂e/year. However, the Project would not exceed the City's threshold of 4.6 MT CO₂e/year per service population for ~~Phase 2 or Phase 3~~ (at ~~4.3 and~~ 2.6 MT CO₂e/year/service population, respectively), which would be a less-than-significant impact for ~~Phase 2 and in~~ Phase 3.

During Phase 1, the Project would generate approximately **6.8 MT CO₂e/year per service population**, which, because it also exceeds the City's 1,100 MT CO₂e/year threshold, would be a potentially significant impact during Phase 1 prior to factoring in SCA GHG-1 (Greenhouse Gases Reduction Plan). During Phase 2, the Project would generate approximately 4.7 MT CO₂e/year per service population, which, because it also exceeds the City's 1,100 MT CO₂e/year threshold, would be a potentially significant impact during Phase 2 prior to factoring in SCA GHG-1 (Greenhouse Gases Reduction Plan). ~~Also, although Phase 2 alone is below the efficiency threshold, the combined operation of Phases 1 and 2 generate combined emissions that would exceed the efficiency threshold, as shown in Table 4.6-4.~~

[M22]

69. On page 4.6-35 of the Draft SEIR, the following clarifications are made:

As shown in Table 4.6-5, ~~approximately 2,098~~2,170 MT CO₂e must be reduced in Phase 1 for the emissions in that phase to not exceed the 4.6 MT CO₂e efficiency threshold.¹⁰ Moreover, ~~some level of~~ emissions reductions of approximately 2,066 MT CO₂e would also be required to address the combined operation of Phases 1 and 2 that would generate emissions that exceed the efficiency threshold. Emissions reductions would be required to reduce operational emissions when the Project is fully constructed. Pursuant to SCA GHG-1, the Project sponsor has prepared a GGRP (Appendix ~~WH~~ to this ~~Draft Final SEIR~~) that identifies emission reduction measures that for the time period between the completion of Phase 1 construction and Project buildout, the Project sponsor would implement to mitigate GHG emissions from partial- and full Project operations to

below the efficiency threshold of the 4.6 MT CO₂e efficiency threshold. ~~Specifically For example,~~ the Project sponsor may purchase sufficient carbon offsets (~~2,098-2,170~~ MT per year of Phase I operations and 2,066 MT per year of Phase II operations) from 2022 until full buildout to reduce the Phase I and Phase II cumulative phasing exceedances to below the efficiency threshold.

[M22]

70. On page 4.6-35 of the Draft SEIR, footnote 10, the following clarifications are made:

The Phase 1 emissions of ~~6,583~~6,650 MT CO₂e (per Table 4.6-5), minus ~~2,098~~2,170 MT CO₂e, equals ~~4,485~~4,480 MT CO₂e, which divided by the Phase 1 service population of 975 equals 4.6 MT CO₂e, ~~compared that meeting the~~ meeting the efficiency threshold of 4.6 MT CO₂e/service population/year.

[M22]

71. On page 4.6-36 of the Draft SEIR, the following clarifications are made:

As further presented in the GGRP, ~~although~~ the exceedance decreases during the years between Phase 1 and full buildout, ~~the GGRP assumes that the Project applicant would continue to purchase the same number of offset credits as would be needed during Phase 1. Because this is a temporary exceedance which no longer exists a~~ At full buildout, the purchase of carbon offsets is one suitable way to address the exceedance, as is allowed by the SCA GHG-1. In addition, the GGRP includes a menu of options for reducing the Project's GHG emissions, including the installation of solar panels, installation of electric car chargers, and the elimination of natural gas hearths. The Project sponsor would be required to implement sufficient measures to reduce the Project's GHG emissions to below the City's GHG thresholds. Overall, implementation of the carbon offsets during construction and implementation of the GHG reduction measures in the GGRP after Project construction would reduce Phase 1 emissions, and the combined Phase 1 and Phase 2 emissions, would reduce the partial phase emissions to levels that are less than significant.

[M23]

72. On page 4.6-36 of the Draft SEIR, generally appended to the analysis of Impact GHG-1, Operational GHG Impacts, new information is added:

**TABLE M22
UPDATED VMT AND RESULTING GHG AND AIR QUALITY EMISSIONS, WITH
AND WITHOUT TDM**

[M22] (Listed under Section 4.3, Air Quality, and also referenced under Section 4.13, Transportation and Circulation.)

73. On page 4.6-37 of the Draft SEIR, the following clarifications are made:

As shown in Impact GHG-1 and Table 4.6-4, the Project's total emissions are below the 4.6 MT CO₂e/service population/year threshold with implementation of the GGRP. As the GGRP shows, the Project with the required TDM measures also meets the ECAP's goal for projects to reduce emissions by 36 percent from a 2005 BAU scenario with implementation of the GGRP. As discussed above for *Emissions by Project* in Impact GHG-1, as part of the proposed GGRP, the Project sponsor would purchase sufficient offset credits to reduce the Project's Phase 1 emissions, and the combined Phase 1 and Phase 2 emissions, to below the efficiency threshold. This will also reduce the overall Project emissions even more than the to at least 36 percent reduction of emissions as compared to below 2005 BAU emissions.

Project features that would decrease GHG emissions by decreasing the need for vehicle trips include streets that safely accommodate pedestrians and cyclists (see Draft SEIR Appendix F, Oak Knoll Complete Streets Guide), locating residences near neighborhood-serving retail and recreation areas, and locating the project in an area relatively well-served by mass transit, including AC Transit and BART. In addition, under the GGRP, the Project sponsor would be required to implement measures, such as eliminating natural gas hearths, installing solar at the Project site, or installing electrical vehicle chargers, or some combination of these measures. Implementation of the GGRP would reduce the Project's GHG emissions to 36 percent below 2005 BAU emissions.

Because the Project will meet the ECAP's reduction target and does not conflict with applicable ECAP policies, it does not conflict with the ECAP.

[M23]

Section 4.7, Hazards and Hazardous Materials

No Changes.

Section 4.8, Hydrology and Water Quality

74. On page 4.8-26 of the Draft SEIR:

As updated to the Draft SEIR water quality analysis discussion (**Impact HYD-1**) and replacement of **Draft SEIR Figure 4.8-3**, Preliminary Stormwater Treatment Plan – C.3 Plan, a description and exhibit of the modified stormwater treatment approach and proposed basins are presented in **Section 2.3.5** and **Figure 2-6**, respectively, in Chapter 2 (Modifications to the Project) of this Final SEIR.

[Project Sponsor Initiated]

75. On page 4.8-44 of the Draft SEIR, the following text is added:

ESA, *Hydrology Report, Basis of Design Rifle Range Creek, Oakland, CA*. Prepared for Oak Knoll Venture Acquisition LLC. February 26, 2016 (ESA 2016b). (Included as Appendix N to this Draft SEIR.)

[Lead Agency Initiated]

76. On page 4.8-44 of the Draft SEIR, the following correction is made:

Regional Water Quality Control Board (RWQCB), *Best Management Practices (BMP) 3-01 Non-Stormwater Discharge Controls, Dewatering Operations, Amendment Attachment 6 to WQ Order 2012-0006-DWQ*, 2003.

[Text Correction]

77. On page 4.8-44 of the Draft SEIR, the following text is added:

WEST Environment Services and Technology (WEST), *Phase I Environmental Site Assessment - Former Naval Medical Center Oakland*. November 2013. (Included as Appendix X to this Draft SEIR.)

[Project Sponsor Initiated]

78. On page 4.8-44 of the Draft SEIR, the following text is added:

WRA Environmental Consultants, *Riparian Restoration and Monitoring Plan, Oak Knoll*, March 2016. (2016c). (Included as Appendix O to this Draft SEIR.)

[Project Sponsor Initiated]

Section 4.9, Land Use and Planning

79. Starting on page 4.9-25, the following text is updated:

The proposed Oak Knoll District Zones (D-OK) include the following:

- 1) ***D-OK-1 Oak Knoll District Residential Zone - 1.*** The D-OK-1 zone is intended to create, maintain, and enhance areas suitable for low-density single-family home development ~~that Development~~ responds to the site's topography and includes appropriate landscaping, ~~consistent with the surrounding neighborhoods.~~
- 2) ***D-OK-2 Oak Knoll District Residential Zone - 2.*** The D-OK-2 zone is intended to create, maintain, and enhance areas suitable for medium-low density single-family homes. ~~This area has standard-sized Oakland lots and small lots.~~
- 3) ***D-OK-3 Oak Knoll District Residential Zone - 3.*** The D-OK-3 zone is intended to create, maintain, and enhance areas suitable for medium-density residential units,

such as townhomes. ~~This area would have attached housing, adding to the diversity of the housing stock in the Oak Knoll PUD area.~~

- 4) ~~**D-OK-4 Oak Knoll District Commercial Zone - 4.**~~ The D-OK-4 zone is intended to create, maintain, and enhance areas that provide neighborhood-serving retail, such as supermarkets, banks, cafes, and dry-cleaners. Ground floor commercial uses and upper story office uses are encouraged in this zone. ~~This zone is also appropriate for business and office uses, particularly on the second floor of a building with retail on the ground floor.~~
- 5) ~~**D-OK-5 Oak Knoll District Open Space Zone - 5.**~~ The D-OK-5 zone is intended to create, maintain, and enhance open space areas that preserve natural features of the Oak Knoll PUD area and provide opportunities for passive or active recreation. ~~The programming of each individual open space will respond to its location, natural resources, and topography.~~ **D-OK-5 Oak Knoll District Amenity Community Commercial Zone - 5.** The D-OK-5 Zone is intended to create, maintain, and enhance areas for community activities and commercial uses that provide a community amenity. Although this area is intended primarily to serve the community, spaces may be rented for non-community functions, including weddings and other organized events.
- 6) ~~**D-OK-6 Oak Knoll District Community Zone - 6.**~~ The D-OK-6 zone is intended to create, maintain, and enhance areas for community activities and commercial uses that provide a community amenity. ~~Although this area is intended primarily to serve the community, spaces may be rented for non-community functions, including weddings and other organized events.~~ **D-OK-6 Oak Knoll District Active Open Space Zone - 6.** The D-OK-6 Zone is intended to create, maintain and enhance open space areas that provide opportunities for informal active recreation and park use. The programming of each individual open space will respond to its location and the needs of surrounding residents. This zone is appropriate for lawn and landscaped areas, tot lots, and street furniture, such as benches, tables, and ornamental fixtures.
- 7) **D-OK-7 Oak Knoll District Passive Open Space Zone - 7.** The D-OK-7 Zone is intended to create, maintain, and enhance open space areas that preserve natural features of the OKPUD area and provide opportunities for passive recreation and maintenance of visual buffers. The programming of each individual open space will respond to its location, natural resources, and topography. This zone is appropriate for management of vegetation and water features, hiking and walking trails, and enhancement of wildlife.

[Lead Agency Initiated]

80. On page 4.9-27 of the Draft SEIR, the text is revised as follows:

The Oak Knoll PDP includes a set of proposed Design Guidelines (discussed in Section 4.1, Aesthetics, and included as Appendix E to this Draft SEIR, with an updated version included as Appendix F of the Final SEIR) that are intended to demonstrate the overall scale and character of all proposed new development within the Project.

[Project Sponsor Initiated]

81. On page 4.9-28 of the Draft SEIR, the text is revised as follows:

The Project's PDP includes a variety of residential development types (specified in Table 3-2 in Chapter 3 and described in the Oak Knoll Design Guidelines in Appendix E to this Draft SEIR, with an updated version in Appendix F of the Final SEIR).

[Project Sponsor Initiated]

82. On page 4.9-28 of the Draft SEIR, the text is revised as follows:

Landscape Features (see section 3.4.4, Figures 3-7, 3-10, 3-18, and 4.3-7); as detailed in the aforementioned proposed Oak Knoll Design Guidelines (Appendix E of the Draft SEIR and Appendix F of the Final SEIR), which include guidelines for landscaping, parks, plazas and open spaces, as well as guidelines for monumentation.

[Project Sponsor Initiated]

83. *Land Use and Planning (Zoning) - Generally*

The proposed Oak Knoll Zoning Districts map, included in **Appendix B** to this Final SEIR, is updated to incorporate the additional three acres of land along Keller Avenue to the Project site.

[Project Sponsor Initiated]

Section 4.10, Noise and Vibration

84. On page 4.10-37 of the Draft SEIR, the following Reference is deleted:

~~City/County Association of Governments (C/CAG) of San Mateo County, *Airport Land Use Compatibility Plan for the Environs of San Francisco International Airport*, November, 2012.~~

[Text Correction]

85. On page 4.10-37 of the Draft SEIR, the following Reference is corrected:

Oakland International Airport (OIA), Community Noise Equivalent Level Contours for 2004 and 2010~~Fourth Quarter 2008 Noise Contours~~. Internet website: http://www.oaklandairport.com/wp-content/uploads/2016/05/2010_CNEL_v_2004.pdf~~http://www2.oaklandairport.com/noise/pdfs/2008_Annual_Noise_Contour_Map.pdf~~, accessed September 16, 2016; ~~March, 2006~~2009

[Text Correction]

Section 4.11, Population and Housing

No Changes.

Section 4.12, Public Services and Recreation

86. On page 4.12-11 of the Draft SEIR, the following text is added:

The proposed Project would result in increased demand for police officer staff, however, the demand would not result in the need for additional police facilities, because the existing police department facilities have sufficient space to accommodate additional administrative staff and patrol units over time, based on the specific “Additional Resources” identified in the 2016 OPD Strategic Plan as needed to support OPD’s objectives and strategies to achieve its stated goals pertinent to reducing crime and response times (OPD, 2016).

[O63]

87. On page 4.12-14 and 4.12-17 of the Draft SEIR:

Parks and Recreation Impacts (Accelerated Physical Deterioration / New, Expanded Facilities)

As updated information to the Draft SEIR analysis discussion of physical deterioration of existing parks facilities (**Impact PSR-4**) and the impact of new or expanded facilities (**Impact PSR-5**), a description of the expanded parks, open space, informal ballfield and creek restoration corridor proposed within the Project site, and a discussion of the resulting environmental effects, are presented in **Section 2.3.6** of Chapter 2 (Modifications to the Project) of this Final SEIR.

[Project Sponsor Initiated]
(Also listed under Chapter 3, *Project Description*.)

88. On page 4.12-21 of the Draft SEIR, the following Reference is modified:

Oakland Police Department Strategic Plan, 2016 Strategic Plan (Included as Appendix U to the Final SEIR) ~~Oakland Police Department 2016 Annual Report.~~

[Lead Agency Initiated]

Section 4.13, Transportation and Circulation

89. On page 4.13-13 of the Draft SEIR, the following clarification is made:

The nearest schools to the Project site include Charles P Howard Elementary School (0.7 miles from the Project site), Frick Middle School (3.1 miles from the Project site), Skyline High School (5.8 miles from the Project site), Bishop O’Dowd High School

(1.2 miles from the Project site), ~~and~~ Bay Area Technology School (1.5 miles from the Project site), co-located Castlemont High School, Castlemont Primary Academy, and Leadership Public School (2.2 miles from the Project site), and Fracophone Charter School of Oakland (1.4 miles from the Project site).

[Q10]

90. On page 4.13-69 of the Draft SEIR, the following text is added:

The planned Class 2 bicycle lanes would preclude providing a second westbound through lane on Golf Links Road between Mountain Boulevard and I-580 Westbound Ramps at the widths typically required by the City and Caltrans. If the vehicle and bicycle lane widths are each reduced from the preferred width by approximately one foot, it would be feasible to install both the planned Class 2 bicycle lanes and a second westbound through lane. Caltrans and/or City approval would be required to allow reduced vehicle and bicycle lane widths.

[A5]

91. On page 4.13-81 of the Draft SEIR, the following correction is required:

Impact TRANS-11: Traffic generated by the Oak Knoll Project would add more than ten peak hour vehicle trips to a critical movement at the unsignalized *Mountain Boulevard/Keller Avenue (intersection #13)* and after project completion, this intersection would continue to satisfy the MUTCD peak hour volume traffic signal warrant during the AM and PM peak hours (Criterion f) under 2040 Plus Project conditions. (*Less than Significant after Mitigation*)

Mitigation Measure TRANS-11: Implement Mitigation Measure TRANS-4.

After implementation of this measure, the intersection would operate at LOS D during the AM and PM peak hours. No secondary impacts would result from implementation of this measure.

Impact Conclusion: ~~Significant and Unavoidable~~ Less than Significant.

Comparison to 1998 EIS/EIR: No New Significant Impact or Changes. New Mitigation Measures identified.

[Text correction]

92. On page 4.13-83 of the Draft SEIR, the following text is modified:

Additionally, the City of Oakland is planning to implement Class 2 bicycle lanes along Golf Links Road between Mountain Boulevard and 98th Avenue, and the planned Class 2 bicycle lanes would preclude providing a second westbound through lane on Golf Links Road between Mountain Boulevard and I-580 Westbound Ramps at the widths typically required by the City and Caltrans. Traffic operations at the Mountain Boulevard/Golf Links Road intersection can be further improved by providing additional automobile travel lanes on either the Mountain Boulevard or Golf Links Road approaches of the intersection.

However, these modifications cannot be accommodated within the existing automobile right-of-way and at the typically required width would require additional right-of-way, and/or loss of planned Class 2 bicycle facilities, which may result in secondary impacts on pedestrian circulation and/or bus operations. If the vehicle and bicycle lane widths are each reduced from the typical width by approximately one foot, it would be feasible to install both the planned Class 2 bicycle lanes and additional vehicle lanes. Caltrans and/or City approval would be required to allow reduced vehicle and bicycle lane widths.

[A5]

93. On page 4.13-92 of the Draft SEIR, paragraph 1:

Comment raises concerns regarding narrow travel lanes and the lack of sidewalks along the proposed Gardencourt and Creekside Village alleyways. Sidewalks are not needed along the proposed Gardencourt and Creekside Village alleyways since alleyways would only serve the adjacent uses and would have low traffic volumes and low vehicle speeds.

[O67]

94. On page 4.13-96 of the Draft SEIR, the following correction is made to the second paragraph under Construction-Period Impacts

The construction-related traffic may ~~temporary~~ temporarily reduce capacities of roadways in the vicinity because of the slower movements and larger turning radii of construction trucks compared to passenger vehicles.

[Text correction]

95. On page 4.13-110 of the Draft SEIR, generally appended to the discussion of Vehicle Miles Traveled, new information is added:

**TABLE M22
UPDATED VMT AND RESULTING GHG AND AIR QUALITY EMISSIONS, WITH
AND WITHOUT TDM**

[M22] (Listed under Section 4.3, Air Quality, and also referenced under Section 4.6, Greenhouse Gas Emissions and Climate Change)

96. *General Transportation and Circulation*

Revised Village Center Vehicular Access (also listed under changes to Section 3.0, Project Description): A detailed plan of the proposed reconfiguration of the intersection of Mountain Boulevard and the Village Center driveway is presented in **Figure 2-2** in Chapter 2 (Modifications to the Project) of this Final SEIR.

[Project Sponsor Initiated]

Section 4.14, Utilities and Service Systems

97. On page 4.14-11 of the Draft SEIR:

Water utilities under the control of EBMUD shall be designed by EBMUD and installed in accordance with EBMUD's standard drawings and specifications.

[F1]

98. On page 4.14-15 of the Draft SEIR:

In compliance with California Water Code Section 10910(h), EBMUD concluded that because the Project had already been the subject of a WSA in 2006, no additional WSA would be required since there is no substantial increase in water demand, no change in conditions affecting the ability to provide a sufficient supply of water, nor any significant new information made available (EBMUD, 2015g). Subsequently, EMBUD issued an updated Water Supply Verification indicating that the Project is exempt from Government Code's WSV requirements pursuant to section 66473.7(i), and sufficient water is still available to serve the Project.

[F3]

99. On page 4.14-22 of the Draft SEIR:

According to the Preliminary Water Plan, the Project would design and construct all new water distribution facilities onsite in compliance with applicable City of Oakland and EBMUD's requirements and standards...

[F2]

Section 4.15, Energy

100. On page 4.15-26 of the Draft SEIR, the following Reference is deleted:

~~Fehr and Peers, 2015. Oak Knoll Project EIR—Preliminary Transportation Analysis. August 5, 2015.~~

[Text correction]

101. On page 4.15-26 of the Draft SEIR, the following clarification is added:

Ramboll/ENVIRON, 2016. *Oak Knoll Project Energy Usage Calculations*, May, 2016. (Included as Appendix FF to this Draft SEIR.)

[Lead Agency Initiated]

Chapter 5, Alternatives

102. On page 5-39 of the Draft SEIR, the following text is added:

The overall configuration of the Project master plan with the Demolition alternative would be the same as with the proposed Project, as shown Figure 3-7 in Chapter 3 (Project Description). Under this alternative, the Oak Knoll Community Center would be a single story building having a slightly smaller footprint than the multi-story, relocated Club Knoll would under the Project. In addition, under this alternative, no commercial uses would be in the community center, decreasing the need for parking spaces. The result is that there would be more landscaped areas around the Oak Knoll Community Center than proposed by the Project.

[031]

103. On page 5-45 of the Draft SEIR, the following text is added:

The community clubhouse constructed under the Club Knoll Demolition alternative would be more energy efficient than under the Project. For example, it would have new windows, whereas under the Project, Club Knoll's windows would be retained and reused where feasible. Accordingly, on a square foot basis, a newly constructed building would slightly decrease operational greenhouse gas emissions over the rehabilitation and reuse of Club Knoll. In addition, because the newly constructed community clubhouse would be smaller than a relocated Club Knoll, less total fuel and energy would be needed to heat and light the building, slightly reducing the overall operational GHG emissions associated with the community center as compared to the Project.

[031]

104. On page 5-45 of the Draft SEIR, the following text is added:

Vehicle trips are the more substantial generator of operational GHG emissions for the Project, and this Demolition alternative would have fewer daily trips compared to the Project.

[031]

105. On page 5-45 of the Draft SEIR, the following text is added:

There would be no difference in any impacts to hydrology and water quality resulting from demolition versus the proposed relocation/rehabilitation of Club Knoll, since the same footprint area is involved as with the Project. The parking lot associated with the community center under this alternative would be approximately 21,000 square feet rather than 41,720 square feet, resulting in approximately 20,720 square feet more of pervious surface area. This small increase in permeable surface would not change the hydrology and water quality impact analysis.

[031]

106. On page 5-47 of the Draft SEIR, the following text is added:

As discussed above, the total service population would be reduced by 19 persons, the total commercial use associated with the community center would be reduced by 10,000 square feet, and the square footage of the newly constructed community center would be increased by 1,000 square feet (from 4,000 to 5,000 square feet). In addition, water use associated with commercial uses would decrease, although the water use associated with the additional landscaping around the community center would somewhat offset this decrease.

[031]

Chapter 6, Impact Overview and Growth Inducement

No Changes.

Chapter 7, Report Preparers

No Changes.

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CHAPTER 4

Commenters on the Draft SEIR

4.1 Agencies, Organizations and Individuals Commenting in Writing

This chapter presents each agency, organization or individual that provided comments on the Draft SEIR generally during the public review and comment period for the Draft SEIR, which began on **August 29, 2016**, and ended at 5:00 p.m. **October 12, 2016**. The comments addressed in Chapter 6 (Responses to Written Comments Received on the Draft SEIR), Chapter 7 (Responses to Comments Received at the Planning Commission Public Hearing on the Draft SEIR), Chapter 8 (Responses to Comments Received at the Landmark’s Preservation Advisory Board), and Chapter 9 (Responses to Comments Received at the Bicycle and Pedestrian Advisory Commission on the Draft SEIR) of this Final SEIR are presented in the order of the commenters listed below, and are identified by the letter/comment designator (e.g., “Letter A” or “Comment PC#”) shown below.

Designator	Agency / Commenter	Correspondence Date
PUBLIC AGENCIES		
A	California Department of Transportation	10/12/2016
B	California Water Boards - San Francisco Bay Regional Water Quality Control Board	10/12/2016
C	Alameda County Parks, Recreation, and Historical Commission	10/11/2016
D	East Bay Regional Parks District	10/13/2016
E	State Clearinghouse	10/13/2016
F	East Bay Municipal Utilities District	10/4/2016
G	Alameda County Transportation Authority	11/16/2016
H	AC Transit	11/21/2016
ORGANIZATIONS		
I	Oakland Heritage Alliance	9/12/2016
J	Oakland Heritage Alliance	9/30/2016
K	Oakland Heritage Alliance	10/3/2016
L	Oak Knoll Coalition	10/5/2016
M	Oakland Residents for Responsible Development, by Adams Broadwell Joseph & Cardoza	10/12/2016
N	California Native Plant Society	10/12/2016
O	Oak Knoll Coalition	10/12/2016

Designator	Agency / Commenter	Correspondence Date
P	Sequoyah Hills Homeowners Association	10/12/2016
Q	Toler Heights Neighborhood Council	10/12/2016
R	Seneca Center	10/13/2016
INDIVIDUALS		
S	Gary Patton	8/29/2016
T	Felix Guillory	9/2/2016
U	Midori Tabata	9/15/2016
V	Philip Dow	9/20/2016
W	Midori Tabata	9/20/2016
X	Rissa Copland	9/30/2016
Y	John and Jo-Ann Donivan	9/30/2016
Z	Matthew and Jane Gabel	9/30/2016
AA	Stefan	9/30/2016
BB	Charles Bucher	10/03/2016
CC	Ron Carter	10/03/2016
DD	Caroline Kim	10/03/2016
EE	Amelia S. Marshall	10/03/2016
FF	Rebecca Sheldon Brogan	10/04/2016
GG	Elena Comrie	10/14/2016
HH	Sarah Hamilton	10/04/2016
II	Amelia S. Marshall	10/04/2016
JJ	Daniel Levy	10/05/2016
KK	Claire Castell	10/06/2016
LL	Midori Tabata	10/06/2016
MM	Randima Fernando	10/09/2016
NN	Novick Family	10/10/2016
OO	Joe Brown	10/11/2016
PP	Elena Comrie	10/11/2016
QQ	Riley Doty	10/11/2016
RR	Kevin and Agnes Faughnan	10/11/2016
SS	Nathan Landau	10/11/2016
TT	Mary Anne Urry	10/11/2016
UU	Elise R. Bernstein	10/12/2016
VV	Laurie Chait	10/12/2016
WW	George Dedekian	10/12/2016
XX	Steve Glanville	10/12/2016
YY	Mike and Karen Haddan	10/12/2016
ZZ	Saundria Jennings	10/12/2016
AAA	Arnell Kilian	10/12/2016
BBB	Lolita Morelli	10/12/2016
CCC	Leslie Piskitel	10/12/2016
DDD	Geetika Sengupta	10/12/2016
EEE	Sandy Sherwin	10/12/2016
FFF	Lyman Young	10/12/2016
GGG	Joan Dark	10/14/2016
HHH	Midori Tabata	10/16/2016
III	Lolita Morelli	10/21/2016
JJJ	Tim Little	10/23/2016
KKK	Robert Wright	10/23/2016

4.2 Commenters at the Public Meetings and Hearings on the Draft SEIR

(PC) Planning Commission Hearing (In Speaking Order) – October 5, 2016

Commissioner Myres	Randy (Pemith) Fernando
Vice-Chair Weinstein	Phillip Dow
Midori Tabata	Karen Whitestone
Claire Castell	Angie Tam
Tom Haw – Board of Oakland Heritage Alliance	Lyman Young
Daniel Levy- Board of Oakland Heritage Alliance	Sandra Marburg
Tamara Thompson – Oak Knoll Coalition	Roland Peterson
Steven Glanville	Commissioner Limon
Elena Comrie	Commissioner Patillo

(LB) Landmarks Preservation Advisory Board Hearing (In Speaking Order) – September 12, 2016

Board member Birkholz	Peter Madsen -- Homeowner
Chairperson Anderson	Naomi Schiff – Oakland Heritage Alliance
Board member Casson	

(BP) Bicycle and Pedestrian Advisory Committee (In Speaking Order) – September 15, 2016

Commissioner Prinz	Carole Levine
Commissioner Tabata	Jennifer Stanley
Commissioner Wheeler	Commissioner Hwang
Hal Williams	Chair Villalobos

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CHAPTER 5

Master Responses

5.1 Introduction

Although not required by CEQA, this chapter presents Master Responses to address topics raised most often by the public in the comments received on the Draft Supplemental Environmental Impact Report (SEIR). The intent of Master Responses are to improve the readability of the document by reducing repetition and numerous cross-references throughout the individual responses presented in Chapter 6 (Responses to Written Comments Received on the Draft SEIR), Chapter 7 (Responses to Comments Received at the Planning Commission Public Hearing on the Draft SEIR), Chapter 8 (Responses to Comments Received at the Landmark’s Preservation Advisory Board), and Chapter 9 (Responses to Comments Received at the Bicycle and Pedestrian Advisory Commission on the Draft SEIR).

The Master Responses are comprehensive and adequately address each of the individual comments made on a recurring topic. Although individual comments received on any one particular topic may vary in point, taken together, the City determined that the number of similarly-focused comments received on each of these topics warranted a single, comprehensive response.

The following Master Responses are presented in this chapter:

- **Master Response to Comment A:** Draft Transportation Demand Management Plan Trip Reduction
- **Master Response to Comment B:** Relocation and Rehabilitation of Club Knoll
- **Master Response to Comment C:** No Club Knoll Relocation (935 units) Alternative
- **Master Response to Comment D:** Project Effects on Other Project Components
- **Master Response to Comment E:** Relationship of the “1998 EIR” and the “2016 Draft SEIR” for Development of Oak Knoll
- **Master Response to Comment F:** Weekend and Zoo Traffic Considerations
- **Master Response to Comment G:** Revisions and Document Circulation

Where applicable, responses to the individual comments that raise these recurring topics in Chapter 6 (Comments Received in Writing on the Draft SEIR), Chapter 7 (Comments Received at the Planning Commission Hearing on the Draft SEIR), Chapter 8 (Comments Received at the Landmarks Preservation Advisory Board [LPAB] Hearing on the Draft SEIR) and Chapter 9

(Comments Received at the Bicycle and Pedestrian Advisory Committee [BPAC] Hearing on the Draft SEIR) refer the reader to the appropriate Master Response in this chapter.

5.2 Master Response to Comment A – Draft Transportation Demand Management Plan Trip Reduction

Several commenters asked why the Project’s Transportation Demand Management (TDM) Plan would not meet the City’s 20 percent trip reduction goal from baseline conditions, and suggested that the TDM Plan should be revised to require measures that would allow the Project to meet the City’s goals.

The Draft TDM Plan presented in Appendix BB of the Draft SEIR assessed trip reduction relative to the net external trip generation estimate, as summarized on page 4.12-48 the Draft SEIR. However, the Draft TDM did not take into account the mix of retail and residential land uses proposed by the Project, and in particular the co-location of a grocery store with residential uses. The mix of land uses within the Project site is a vehicle miles traveled (VMT) reduction strategy identified in the *Revised Proposal on Updates to the CEQA Guidelines on Evaluating Transportation Impacts in CEQA* (California Office of Planning and Research (OPR), January 2016) and *Quantifying Greenhouse Gas Mitigation Measures* (California Air Pollution Control Officers Association (CAPCOA), August 2010). Accounting for this, the qualifying TDM strategy would reduce the Project’s external VMT trip generation by approximately 9% from the Project’s total trips.

Similarly, implementation of pedestrian and bicycle improvements are VMT reduction strategies identified in the OPR and CAPCOA documents referenced above. The Project’s proposed Complete Streets Plan includes pedestrian and bicycle improvements that also qualify as a TDM strategy for the Project were not previously accounted for in the VMT reduction calculation. These improvements correspond to a three percent vehicle trip reduction from a typical suburban neighborhood (described on pages 2 through 4 of the TDM Plan and page 4.13-47 of the Draft SEIR).

In sum, the trip reductions associated with the proposed mixed land use plan (9 percent), Complete Streets Plan (3 percent), and the additional operational strategies set forth in the TDM Program (9 percent), would achieve the City’s 20 percent trip reduction goal. See the Revised TDM Plan in **Appendix G** to this Final EIR.

Consistent with the requirements of the City’s Standard Conditions of Approval (SCAs) described under SCA TRA-4 on page 4.13-38 of the Draft SEIR, the TDM program requires regular periodic evaluation to determine if the program goals in reducing automobile trips are satisfied, and to assess the effectiveness of the various strategies implemented.

5.3 Master Response to Comment B – Relocation and Rehabilitation of Club Knoll

Many commenters expressed concern about the relocation of Club Knoll, including asking for additional public reviews of the relocation plan, seeking more detail about how the building will be moved, and seeking confirmation that relocation is feasible.

A Final Development Plan (FDP) for the relocation and rehabilitation of Club Knoll has been prepared by the applicant and is included as **Appendix H** to this Final SEIR and available for review on the City’s website. The Landmarks Preservation Advisory Board held its first public hearing on the FDP on November 14, 2016, and a second public hearing on the complete application will be scheduled once the Final SEIR becomes available.

The Draft SEIR includes several mitigation measures designed to protect Club Knoll before, during, and after relocation:

- CUL-1.1 requires that prior to approval of a construction-related permit, Club Knoll must be documented according to the Historic American Building Survey (HABS) standards. Such documentation includes photographs using large-format negatives or high-resolution digital photography of exterior and interior views of Club Knoll; accurate, measured drawings; and a written report of Club Knoll’s history. An architectural historian or architect specializing in historic preservation that meets the Secretary of the Interior’s Standards must oversee this documentation.
- CUL-1.2 requires a baseline building study of Club Knoll to document the condition of Club Knoll and determine what kind of stabilization may be necessary to relocate the building.
- CUL-1.3 requires the project sponsor to submit a relocation travel route to the City that includes identification of an on-site covered, secured and enclosed storage area for the temporary storage of building components if necessary.
- CUL-1.4 requires a building features inventory and plan that identifies the following: how character-defining features will be treated, the proposed building plans, material tests of plaster and stucco for material compatibility for existing plaster or stucco requiring repair, and identification of the vendors and subcontractors working under the contractor. The contractor must have experience in work requiring compliance with the Secretary of the Interior Standards for Rehabilitation.
- CUL-1.5 requires a relocation work plan that incorporates a number of measures, including the following: that temporary work to shore and brace the building be reversible, monitoring of relocation and rehabilitation by a preservation architect or qualified structural engineer, design of new additions (e.g., interior partition walls) done in a manner that the essential form and integrity of Club Knoll would remain if removed, cataloguing and protecting parts and components of the building that are dismantled during relocation, retaining as much wood flooring as possible, providing protective barriers or buffers to protect Club Knoll from potential damage from construction around it, adherence to the Secretary of the Interior’s Standards for the Treatment of Historic Properties, preservation of character-defining features where feasible, and that the new foundation be constructed so that exterior stair on the west elevation remains raised above the surrounding finished grade thereby allowing for the retention of the “basement” facade.

The City has determined that adherence to these mitigation measures will result in a less than significant impact to the historic resource known as Club Knoll.

The Club Knoll FDP describes how relocation will occur. According to the FDP, the applicant will move the building in large components. Moving components of the building requires taking the building apart in a manner that allows saving the components for reassembly. The dismantlement of the existing building and reassembly process will occur concurrently to reduce the need for storage and avoid the risk of damage to components. The Club Knoll FDP demonstrates that relocation of the building is possible and that rehabilitation of the building will be done in a manner that meets the Secretary of Interior Standards for Rehabilitation, as assessed in **Appendix I**, Evaluation of the Proposed Club Knoll FDP for Compliance with the Secretary of Interior's Standards, to this Final SEIR. The details for moving Club Knoll pursuant to the relocation work plan required by Mitigation Measure CUL-1.5 have been included in the FDP, as also summarized in the evaluation presented in Appendix I.

As described in the Draft SEIR, most of Club Knoll, including the main hall, dining hall, lobby, mezzanine, building wings, courtyard, and tower, would be relocated and rehabilitated. Certain elements of Club Knoll would be demolished, including the basement and the north wing. Preservation of the basement is not practicable because it is predominantly built into a hillside that is exposed only on one side. However, the basement façade will be relocated and rehabilitated in part at the new location, as described in Mitigation Measure CUL-1.5. This is possible because the grade change of the proposed site for Club Knoll is comparable to the existing setting. The north wing was not found to be a significant contributor to Club Knoll's historic significance and its loss would not negatively impact Club Knoll's historic significance. When moved, Club Knoll would be oriented so that it functions similarly to its historic use. As in its current location, the courtyard would face the parking area and the opposite side would face landscaped areas. Because this orientation is most similar to Club Knoll's existing setting, it is the one that best meets the Secretary of Interior's Standards for Rehabilitation.

Many historic buildings have been successfully relocated, and relocation is an established preservation option. The history of moving buildings in the United States dates at least as far back at 1843, and mechanics for accomplishing the task are well known. (See John Obed Curtis, *Moving Historic Buildings*, U.S. Dep't of the Interior, Heritage Conservation and Recreation Service, Technical Preservation Services Division, Washington, D.C., 1979.) Examples of successful moves of historic buildings include the moving of North Carolina's Cape Hatteras Lighthouse, several Victorian homes in San Francisco, and Temple Beth Israel in San Diego. Other buildings over fifty years old that have been successfully moved include Connecticut's 1833 Mystic Bank, Massachusetts' Hapgood Wool Carding Mill, Virginia's Pope-Leighey House, and Pennsylvania's Gruber Wagon Works. The mitigation measures included in the Draft SEIR ensure that the Project proponent will follow the recommended steps for moving a historic building, including documentation, cataloguing, moving plans, and plans for reassembly. Given the long history of successfully moving old and historic buildings, there is every reason to foresee that the move will be accomplished successfully. In addition, consistent with standard City practice and Sections 15.44.030 and 15.44.070 of the Oakland Municipal Code, the City will require bonding for the relocation of Club Knoll to ensure the relocation of the structure is conducted pursuant to the Draft SEIR mitigation measures, described above.

5.4 Master Response to Comment C – No Club Knoll Relocation (935 units) Alternative

Several commenters requested that the SEIR assess an additional alternative that would keep Club Knoll on its present site, while also maintaining the total number of dwelling units proposed by the Oak Knoll Project (935). The Draft SEIR studied a reasonable range of alternatives. (Draft SEIR at pp. 5-1–5-73.) In addition, the 1998 EIS/EIR analyzed a preferred project that included the rehabilitation of Club Knoll in its current location for use for community and civic activities, as well as 584 residential units, 300,000 square feet of office space, 100,000 square feet of commercial space, and a 54-acre golf course (the Maximum Capacity Alternative). The City has concluded that rehabilitation of Club Knoll in place is less desirable than relocating the building to a central location within the Project. The current location of Club Knoll is close to existing residential neighborhoods. Use of Club Knoll in place as a community center could result in an active, potentially noise-generating land use that would adversely affect surrounding residents. In contrast, moving Club Knoll to a central location removed from the existing adjacent residential neighborhoods would avoid potential land use conflicts. A central location also means that residents will not have to drive through one of the single-family residential neighborhoods to access the facility. Relocated, Club Knoll would provide a distinctive landmark in a prominent and important location on a generously landscaped site near a proposed park.

While the Draft SEIR already presents a reasonable range of CEQA alternatives that would reduce or avoid significant impacts caused by the Project, this new “Alternative D” has been added to this Final SEIR.

Specifically, compared to the Project, Alternative D would keep Club Knoll in its existing location and rehabilitate it for residential use. (See **Table MR-C**, below.)

**TABLE MASTER RESPONSE (MR)-C
COMPARATIVE ALTERNATIVE D CHARACTERISTICS**

	Proposed Project	Alternative A: Reduced Footprint - Residential Mix	Alternative B: Reduced Footprint - Low Density Small Lot	Alternative C: Hillside Low Density – Large Lot	(Final SEIR) Alternative D: No Club Knoll Relocation (935 units)
Residential Units (Total)	935	616	566	364	935
<i>Club Knoll Flats (Multifamily)</i>	0	15	15	5	15
Club Knoll Treatment	Relocated and Rehabilitated	Reuse In place (Residential Flats)	Reuse In place (Residential Flats)	Reuse In place (Residential Flats)	Reuse In place (Residential Flats)
Community Center / Limited Commercial Use	4,000 s.f. / 10,000 s.f. (in Relocated Club Knoll)	4,000 s.f. / 0 s.f. (new structure)	4,000 s.f. / 0 s.f. (new structure)	4,000 s.f. / 0 s.f. (new structure)	5,000 s.f. / 0 s.f. (new structure)
Service Population	2,416	1,552	1,357	850	2,397

A small (5,000 square-foot) new community center would be constructed in the location the Project proposes for Club Knoll. The overall development program for this alternative is generally the same

as the proposed Project, except that the new community center would be 1,000 square feet greater in size (5,000 square feet), and 10,000 square feet of limited commercial uses would not be developed; also residential units would occupy the rehabilitated Club Knoll building, with an equal number of residential units removed from elsewhere within the Project. The resulting environmental effects would be different between Alternative D and the Project for the following resources: *Historic Resources, Traffic, Air Quality, Greenhouse Gas (GHG) Emissions, Population, Public Services, Utilities and Energy, and Hydrology and Water Quality*. Each of these resources is discussed below, generally in order of relevance.

5.4.1 Historic Resources

Like each of the other CEQA Alternatives (A-C), any in-place alterations for adaptive reuse of Club Knoll would be required to fully comply with the Secretary of Interior Standards for Rehabilitation as well as local guidance and requirements in the Historic Preservation Element of the General Plan. As was identified in the analysis of the Project in Chapter 4 of the Draft SEIR, the alternative would reasonably require one or more mitigation measures to ensure compliant rehabilitation is applied to Club Knoll.

5.4.2 Traffic

Use of Club Knoll for a portion of the Project's 935 total residential units would not increase residential traffic over that estimated for the Projects, as their trips would be offset by removal of a similar number of residential units from elsewhere within the Project. As indicated on Draft SEIR page 4.13-46, the small community center / clubhouse constructed under this Alternative (no longer using the relocated Club Knoll) would primarily serve Oak Knoll residents and accommodate special events on weekends, and would not be expected to generate a noticeable number of trips during typical weekday peak hour conditions.

The primary difference in trip generation under this alternative is that Alternative D would not include approximately 10,000 square feet of limited commercial activities, presuming to occupy the Club Knoll building pursuant to the Project. The total number of vehicle trips that were estimated to be generated by the limited commercial activities was estimated in the Draft SEIR to be between 360 daily trips (the "likely" scenario) and 700 daily trips (the conservative "worst-case" scenario used for traffic modeling in the Draft SEIR). The removal of between 360 to 700 daily trips from the Project's total trip estimate of 11,250 daily trips (from Table 4.13-10 of the Draft SEIR) would result in a 3 percent to 6 percent reduction in total daily trips as compared to the Project, with a corresponding 3 percent to 6 percent reduction in peak hour trips as well. Thus, Alternative D would reduce traffic impacts as compared to the Project, but (especially under the "likely" scenario) would not be expected to substantially reduce any of the traffic impacts identified with the Project to a less-than-significant level.

5.4.3 Air Quality and GHG Emissions

Operationally, given the reduction in daily vehicle trips described above (a 3 to 6 percent reduction), a commensurate level of reduced operational air quality emissions and GHG

emissions compared to the Project would also occur. The reduction would not reduce the significant air quality impact (Impact AIR-2) identified for the Project to a level of less than significant, nor would it reduce GHG emissions to below levels such that a GHG Reduction Plan (GGRP) would not be required. Construction emissions, while not quantified for this assessment, would not be a substantially different from the construction period air emissions and GHG emissions as estimated for the Project.

5.4.4 Population and Housing, Public Services, and Utilities and Service Systems

Compared to the proposed Project, Alternative D would have no employees associated with 10,000 square feet of limited commercial uses (20 employees) that would otherwise occur with the Project. With 20 fewer employees the effects on growth, demand for public services, recreational facilities, and utilities/service systems would not be different than as estimated for the Project.

5.4.5 Utilities and Energy

Alternative D could likely construct a more energy efficient new Oak Knoll Community Center than under the Project. For example, it would have new windows, whereas under the Project, Club Knoll's windows would be retained and reused where feasible. Accordingly, on a square foot basis, a newly constructed building would slightly decrease operational GHG emissions over the rehabilitation and reuse of Club Knoll.

In addition, because the newly constructed Oak Knoll Community Center would be smaller than a relocated Club Knoll, less total fuel and energy would be needed to heat and light the building, slightly reducing the overall operational GHG emissions associated with the community center as compared to the Project.

5.4.6 Hydrology and Water Quality

The parking lot associated with the newly constructed Oak Knoll Community Center under this alternative would be approximately 21,000 square feet rather than 41,720 square feet, resulting in approximately 20,720 square feet more of pervious surface area. However, this small increase in permeable surface would not change the hydrology and water quality impact analysis.

In addition, water use associated with commercial uses would decrease, although the water use associated with the additional landscaping around the community center would somewhat offset this decrease.

5.4.7 All Other Environmental Topics

Overall, all other impacts and mitigation measures identified with the proposed Project, and that are relevant to physical environmental effects, would be the same under Alternative D as identified with the proposed Project.

5.4.8 Non-CEQA Considerations

Because several commenters raise particular considerations outside the purview of CEQA or that do not pertain to physical effects to the environment, this response acknowledges those topics. Alternative D would not change the size of Creekside Park or any other open space parameters of the Project. However, it would allow for more landscaping around the smaller new Oak Knoll Community Center adjacent to Creekside Park.

5.4.9 Summary

In summary, Alternative D would not substantially reduce or avoid any significant impacts as compared to the proposed Project. Alternative C remains the environmentally superior alternative compared to the other alternatives (except the No Project) given its substantially lower proposed density and overall development.

5.5 Master Response to Comment D – Project Effects on Other Project Components

Several commenters ask for analysis of the potential impact one component of the Project may have on another component of the Project. For example, commenters ask that the City analyze the potential noise impacts on the Project’s future residents from having commercial uses in a relocated Club Knoll. Commenters also ask for analysis of the potential impacts to Creekside Park that would be caused by relocating Club Knoll as proposed by the Project. Under CEQA, agencies generally are not required to analyze the project’s own potential impacts on its users or residents. (*California Building Industry Association v. Bay Area Mgmt. Dist.* (2015) 62 Cal.4th 369.) Accordingly, the analysis requested by the commenters is not required. Nevertheless, the individual responses in Chapter 6 (Responses to Written Comments Received on the Draft SEIR), Chapter 7 (Responses to Comments Received at the Planning Commission Public Hearing on the Draft SEIR), Chapter 8 (Responses to Comments Received at the Landmark’s Preservation Advisory Board), and Chapter 9 (Responses to Comments Received at the Bicycle and Pedestrian Advisory Commission) make a good faith effort to address the commenters’ concerns.

5.6 Master Response to Comment E – Relationship of the “1998 EIR” and the “2016 Draft SEIR” for Development of Oak Knoll

Several commenters asked for more information about the relationship between the EIR prepared in 1998 (the “1998 EIR”) and this Draft SEIR. The 1998 EIR examined several alternatives for how to redevelop the Oakland Naval Base property after base closure of the base. The City found that portions of the 1998 EIR retain relevance to the City’s current decision-making process, and thus chose to proceed under CEQA’s subsequent review provisions, including Public Resources Code section 21166, consistent with the Supreme Court’s recent guidance in *Friends of the College of San Mateo Gardens v. San Mateo County Community College District* (2016) 1 Cal.5th 937. Pursuant to Public Resources Code section 21166 and CEQA Guidelines section

15162, the City reviewed the 1998 EIR to determine if changes had occurred that would require substantial revisions to the 1998 EIR. The City found that some changes had occurred, and thus prepared the Draft SEIR to analyze the potential environmental impacts of those changes, and specify new mitigation measures where needed. In addition, for the purpose of full information disclosure, the City also chose to disclose updates to the Project's regulatory and environmental settings even when those updates did not result in the need for substantial revisions to the 1998 EIR.

5.7 Master Response to Comment F – Weekend and Zoo Traffic Considerations

Numerous comments received on the Draft SEIR request an analysis of weekend traffic operations, particularly factoring in Oakland Zoo traffic. The Draft SEIR traffic operations evaluation focused on weekday AM and PM peak hour traffic conditions, which corresponds to the periods in which traffic generated by the proposed Project combined with existing traffic is expected to be the highest. According to the trip generation rates presented in the Institute of Transportation Engineers *Trip Generation Manual, 9th Edition*, the proposed Project's land uses would generate more vehicle trips during the weekday PM peak hour compared to the weekend peak hour; therefore the PM peak hour analysis is a more conservative "worst-case" than a weekend analysis. Although a weekend analysis of traffic operations is not included in the Draft SEIR because Project trips would be less on the weekend than the weekday, the mitigation measures identified in the Draft SEIR, which are sufficient for weekday peak hour traffic, would also serve to mitigate impacts from weekend trips. In addition, even though Zoo traffic is highest on the weekends, the SEIR is assessing the Project's impacts on traffic, not the Zoo's impacts on traffic.

Furthermore, the *Amendment to Oakland Zoo Master Plan: Subsequent Mitigated Negative Declaration/Addendum* prepared for the City of Oakland in February 2011 evaluated traffic impacts at the I-580/Golf Links Road ramp-terminal intersections and the adjacent Mountain Boulevard/Oakland Zoo Driveway intersection. As documented in that Mitigated Negative Declaration, the weekday AM and PM peak hour traffic volumes at these intersections are higher than the Saturday peak hour volumes, even assuming the Zoo expansion. Thus, the weekday AM and PM peak hour analysis as presented in the Draft SEIR is more conservative and presents the worst-case scenario as compared to weekend peak hour analysis.

In addition, the Oakland Zoo Mitigated Negative Declaration did not identify any significant impacts at the study intersections along Golf Links Road and therefore did not propose any mitigation measures based on analysis of weekday AM and PM, Saturday peak hour conditions. In contrast, the Oak Knoll Draft SEIR identified significant impacts and mitigation measures (TRANS-6, 14 and 15) along the Golf Links Road study intersections based on the weekday AM and PM peak hour analysis.

Overall, Project trips would be less on the weekend than the weekday, and the mitigation measures identified in the Draft SEIR would mitigate impacts from the Project's weekend trips.

The 2011 traffic analysis conducted for the Zoo Master Plan documented that weekday peak hour traffic at the I-580/Golf Links Road ramp-terminal intersections and the adjacent Mountain Boulevard/Oakland Zoo Driveway intersection is higher than weekend traffic conditions at these locations, both under existing conditions and after the Zoo expansion. Based on this information, conducting a weekend traffic operations analysis is not warranted nor would it change the conclusions of the Draft SEIR.

5.8 Master Response to Comment G – Project Revisions and Recirculation

In response to comments, the Final SEIR

- added the No Club Knoll Relocation (935 Dwelling Units) Alternative (see Master Response to Comment C, above);
- modified aspects of the Project’s stormwater design (see Section 2.3.5 and Figure 2-6, Revised Draft SEIR Figure 4.8-3, in Chapter 2 (Modifications to the Project) of this Final SEIR);
- revised the Project’s GHG and air quality emission calculations (Appendix P to this Final SEIR) and revised the GHG Reduction Plan (Appendix O to this Final SEIR); and
- made minor modifications to the Project description.

For the reasons explained below, none of these modifications require recirculation of the Draft SEIR.

As introduced in Chapter 1 (Introduction) of this Final SEIR, once a Draft EIR has been circulated for public review, CEQA does not require recirculation except in specified circumstances. Specifically, a lead agency must recirculate an EIR when “significant new information” is added to an EIR after the draft EIR has been circulated for public review. (Public Resources § 21092.1; CEQA Guidelines § 15088.5(a).) New information added to an EIR is not “significant” unless “the EIR is changed in a way that deprives the public of a meaningful opportunity to comment upon a substantial adverse environmental effect of the project or a feasible way to mitigate or avoid such an effect (including a feasible project alternative) that the project’s proponents have declined to implement.” (*Clover Valley Foundation v. City of Rocklin* (2011) 197 Cal.App.4th 200, 223, quoting CEQA Guidelines § 15088.5(a).)

“‘Significant new information’ includes, for example, a disclosure that (1) a new significant environmental impact would result from the project or a new mitigation measure; (2) a substantial increase in the severity of an environmental impact would result unless mitigation measures are adopted; (3) a feasible alternative or mitigation measure considerably different from others previously analyzed would clearly lessen the project’s significant impacts but the project’s proponents decline to adopt it; or (4) the draft EIR was so fundamentally and basically inadequate and conclusory in nature that meaningful public review and comment were precluded.” (CEQA Guidelines § 15088.5(a).)

CEQA Guideline section 15088.5, however, was “not intend[ed] to promote endless rounds of revision and recirculation of EIRs.” (*Laurel Heights Improvement Assn. v. Regents of University of California* (1993) 6 Cal.4th 1112, 1132.) Rather, recirculation is “an exception, rather than the general rule.” (*Id.*) “Recirculation is not required where the new information added to the EIR merely clarifies or amplifies or makes insignificant modifications in an adequate EIR.” (CEQA Guidelines § 15088.5(b).)

5.8.1 New Project Alternative

The City concludes the information added in the No Club Knoll Relocation (935 Dwelling Units) Alternative is not “significant” information because it is not considerably different than the proposed Project. The main difference is that rather than move Club Knoll, Club Knoll would remain in place and be rehabilitated for residential rather than community commercial and community center uses. In addition, rather than include the community center in Club Knoll, a new community center would be constructed. In all other respects the Project would remain the same. The No Club Knoll Relocation (935 Dwelling Units) Alternative would not substantially lessen or avoid any of the Project’s significant environmental impacts and therefore is not an alternative that would be required under CEQA. As such, it is not significant new information within the meaning of CEQA Guideline section 15088.5.

5.8.2 Revised Stormwater System

The City concludes that redesign of certain aspects of the Project’s stormwater system is not significant new information. The redesign would not increase the amount of stormwater runoff, or jeopardize that Project’s ability to comply with requirements of the City’s C.3 Municipal Regional Stormwater Permit. Rather the redesign offers a different, but equally effective way for the Project to treat stormwater before it is discharged into the City’s system and is more consistent with the preferences of the San Francisco Bay Regional Water Quality Control Board (RWQCB). The standards for treatment, and the requirement that the Project meet those standards remain the same. As such, it is not “significant” information within the meaning of CEQA Guideline section 15088.5.

5.8.3 Revised GHG and Criteria Air Pollutant Emissions Calculations and GHG Reduction Plan

The City concludes that new calculations of the Project’s GHG emissions and modification of the GGRP prepared in response to comment M22 is not significant new information. The commenter found a technical error with the Draft SEIR’s calculation of the Project’s GHG emissions from mobile sources. That error resulted in the Draft SEIR slightly underestimating the Project’s GHG emissions from mobile sources (i.e., vehicles). In response to this comment, the GHG emissions calculations have been redone and are summarized in response to Comment M22 (in Chapter 6 [Comments Received in Writing on the Draft SEIR] of this document) and in detailed technical analysis in **Appendix N** (Updated VMT), **Appendix O** (Updated GGRP), and **Appendix P** (Updated Mobile emissions) of this Final SEIR. The corrected analysis in Appendix O shows that the Project would produce approximately 6 percent more GHG emissions than indicated in the Draft SEIR.

As disclosed in the Draft SEIR, the City requires new projects to reduce emissions such that resulting emissions are 36 percent below a 2005 baseline and no more than 4.6 MT CO₂e/year/service population. These thresholds remain unchanged. To meet these thresholds, the Project will be required to purchase more CO₂ offset credits during its initial phases than noted in the Draft SEIR, and would be required to add additional operational features, such as solar panels or electric vehicle chargers, that would reduce GHG emissions to meet the City's thresholds at full buildout. The Draft SEIR already disclosed that the Project would be required to purchase CO₂ offsets during the initial phases. In addition, the proposed operational measures that would allow the Project to meet the City's GHG thresholds at buildout are well-known solutions for reducing GHG emissions. It also is not new information that the Project would have to and could meet the City's GHG regulations or that the Project requires a GGRP. As such, the new GHG calculations and revised GGRP are not significant information within the meaning of CEQA Guideline section 15088.5. (See response to Comment M22 and Table M22 in Chapter 6 of this Final SEIR for more detail in response to the specific individual comment that identified the technical error.)

5.8.4 Other Minor Project Modifications

As discussed in Chapter 2 (Modifications to the Project) of this Final SEIR, the Project also underwent some minor revisions, and as explained in Chapters 1 (Introduction) and 2, those revisions also do not trigger the need to recirculate the Draft SEIR. Summarizing from Chapter 2, the Revised Project includes

- **Revised Village Center Concept Plan (Section 2.3.1).** The overall size and location of the Village Center has not changed, and therefore there are no changes in the type or magnitude of impacts compared to what was disclosed in the Draft SEIR.
- **Revised Mountain Boulevard/Village Center Driveway Intersection (Section 2.3.2).** This modification would not affect the analysis of level of service impacts at any of the upstream or downstream Mountain Boulevard intersections impacted by the Project.
- **Revised residential building heights (Section 2.3.3).** The building height differences in what was modeled for the residential buildings versus now proposed would be imperceptible and thus there are no new impacts compared to what was disclosed in the Draft SEIR.
- **Revised Design of Admiral's Hill Lots (Section 2.3.4).** The change would reduce aesthetic impacts, but the Project would remain subject to Replacement Mitigation Measure AES-1 identified in the Draft SEIR.
- **Revised Layout of Stormwater Treatment Basins (Section 2.3.5),** discussed above.
- **Expanded Project Site with Three (3) Additional Acres of Public Park and Open Space (Section 2.3.6).** This change produces no new or more significant environmental effects than those previously accounted for in the Draft SEIR, as detailed in Table 2-5.
- **Salvage/Relocate up to 20 Oak Trees (Section 2.3.7).** The placement of the oak trees would occur in visually prominent locations and would create no new or more significant environmental impacts than those previously accounted for in the Draft SEIR.

- **Updated Oak Knoll Design Guidelines (Section 2.3.8).** This update of the previous Oak Knoll Design Guidelines (Appendix E to the Draft SEIR), addresses the Retail Village conceptual layout, design guidance for homes near Admiral's Hill, updates to the tree and plant list, guidelines for site fencing, and removes dimensional standards included in the Zoning Ordinance.

References – Master Responses

Curtis, John Obed, 1979. *Moving Historic Buildings*, U.S. Dep't of the Interior, Heritage Conservation and Recreation Service, Technical Preservation Services Division, Washington, D.C., 1979.

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CHAPTER 6

Responses to Comments Received in Writing on the Draft SEIR

This chapter includes copies of the written comments received by hand-delivered mail or electronic mail during the public review period on the Draft SEIR.¹ The comment letters are presented in the order shown in Chapter 4 (Commenters on the Draft SEIR): correspondence received from public agencies presented first, followed by those received from organizations and then individuals.

Each correspondence is identified by a letter designator (e.g., “Letter A”). Discrete comments within each correspondence are identified by an alphanumeric designator that is the letter designator and the numeric sequence of the specific comment (e.g. “A-1” for the first comment in Letter A). The set of responses to a letter is presented immediately following the full letter or email.

Responses focus on comments that pertain to the adequacy of the analysis in the Draft SEIR or to other aspects pertinent to the potential effects of the Oak Knoll Mixed Use Community Project (“Project”) on the environment pursuant to CEQA. Comments that address topics beyond the purview of the Draft SEIR or CEQA are noted as such for the public record. Where comments have triggered changes to the Draft EIR, these changes appear as part of the specific response and are also consolidated in Chapter 3 (Changes and Errata to the Draft SEIR), where they are listed in the order that the revisions would appear in the Draft SEIR document.

¹ The public review and comment period for the Draft SEIR began on August 29, 2016, and ended at 5:00 p.m. October 12, 2016, a total period of 45 calendar days.

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6.1 Public Agencies

DEPARTMENT OF TRANSPORTATION
 DISTRICT 4
 OFFICE OF TRANSIT AND COMMUNITY PLANNING
 P.O. BOX 23660, MS-10D
 OAKLAND, CA 94623-0660
 PHONE (510) 286-5528
 FAX (510) 286-5559
 TTY 711
 www.dot.ca.gov

LETTER A



*Serious Drought.
 Help save water!*

October 12, 2016

SCH # 1995103035
 GTS # 04-ALA-2016-00038
 ALA580838
 ALA-580-PM R37.8

Ms. Heather Klein
 Planning and Zoning Division
 City of Oakland
 250 Frank H. Ogawa Plaza, Suite 2114
 Oakland, CA 94612

Oak Knoll Mixed Use Community Plan (ER15-004) – Draft Supplemental EIR

Dear Ms. Klein:

Thank you for including the California Department of Transportation (Caltrans) in the environmental review process for the Oak Knoll Mixed Use project. In tandem with the Metropolitan Transportation Commission's (MTC) Sustainable Communities Strategy (SCS), the new Caltrans mission signals a modernization of our approach to evaluating and mitigating impacts to the State Transportation Network (STN). We aim to reduce Vehicle Miles Travelled (VMT) by tripling bicycle and doubling both pedestrian and transit travel by 2020. Our comments are based on the Draft Supplemental Environmental Impact Report (EIR).

Project Understanding

The proposed new mixed use community project would develop up to 935 residential units and a total of 82,000 square feet of neighborhood commercial uses in a new village center on the site of the former Naval Medical Center Oakland. The project would establish approximately 67.6 acres of parks and open spaces for active and passive recreation, and approximately 3.5 miles of community wide trails that will link the site to the existing East Bay Regional Park District trail system. The project also involves the restoration and enhancement of approximately 16.7 acres of riparian areas along Rifle Range Creek and onsite tributaries, (Hospital Creek and Powerhouse Creek). A new bridge crossing of the creek is proposed.

The nearest regional access to and from the project site is on Interstate 580 (I-580) via the Keller Avenue interchange. Access to I-580 can also be provided from the 98th Avenue / Golf Links Road interchange, approximately one mile south of the project site.

The Oakland City Council adopted the Environmental Impact Report for the original proposed project in 1998. The current proposal was determined to have potentially more severe impacts, thus requires a Supplemental EIR.

Lead Agency

A2 | As the Lead Agency, the City of Oakland (the City) is responsible for all project mitigation, including any needed improvements to State highways. The project's fair share contribution, financing, scheduling, implementation responsibilities, and Lead Agency monitoring should be fully discussed for all proposed mitigation measures.

Cultural Resources

A3 | There is no Native American consultation documented in either the Supplemental Environmental Impact Report or the Archaeological Survey Report. In accordance with CEQA, AB 52, and Section 106 of the National Historic Preservation Act as codified in 36 CFR 800, Caltrans recommends that the City of Oakland conduct Native American consultation with tribes, groups, and individuals who are interested in the project area and may have knowledge of Tribal Cultural Resources, Traditional Cultural Properties, or other sacred sites.

Impacts and Mitigation Measures

A4 | Caltrans does not agree with the assertion that Impacts TRANS- 1, 2, 3, 5, 8, 9, 10, 12, 14 and 15 are Significant and Unavoidable because they are located outside of the City's jurisdiction, as stated in Section 4.13.7. We request that the City work with Caltrans to identify and implement feasible measures on a fair-share basis to ensure all mitigation measures are funded and implemented. The City or the applicant can implement mitigation measures through the encroachment permit process, described at the end of this letter. These improvements should be completed as part of the required project mitigation.

A5 | Please analyze secondary impacts on pedestrians and bicyclists that may result from any traffic impact mitigation measures. Please also describe any pedestrian and bicycle mitigation measures and safety countermeasures that would therefore be needed as a means of maintaining and improving access to transit facilities and reducing traffic impacts to state highways. In particular, Mitigation Measure TRANS-6, which may preclude planned Class II bike lanes on Golf Links Road, should mitigate for impacts to bicyclists, if implemented.

Project Traffic Impact Analysis

A6 | Table 4.13-13, *Existing Plus Project Conditions Intersection LOS Summary*, indicates that intersections for the I-580 EB Off-Ramp/Golf Links Road/98th Avenue and I-580 WB Ramps/Golf Links Road (numbers 38 and 39, respectively) are at LOS C and pose no significant impact. Caltrans has observed traffic queuing back to the freeway during peak periods at both of these intersections, indicating that the LOS is worse than indicated in the summary and that Existing Plus Project Conditions could potentially pose a significant impact if not mitigated. Please reevaluate the analysis for these intersections.

Pedestrian and Bicycle Facilities

A7 | As the Project will construct new local streets, we recommend that all new facilities be considered for on-street bicycle facilities. Doing so can increase bicycling trips, decrease vehicle trips, and reduce impacts to the State Transportation Network.

A8 | The Mountain Boulevard and Keller Avenue overpasses provide pedestrian access between the project site and neighborhoods to the south of I-580. Although both overcrossings currently have

A8
cont.

sidewalks, the existing configurations do not provide ADA access across Fontaine Street. As the project's residential development is expected to generate new pedestrian trips, and the retail development will attract pedestrian trips from existing residential neighborhoods south of I-580, the project should coordinate with the City of Oakland to upgrade the intersections of Mountain Boulevard and Fontaine Street, and Keller Avenue and Fontaine Street, to facilitate these pedestrian trips.

A9

Vehicle Trip Reduction

Caltrans notes that the project's Transportation Demand Management (TDM) program sets a trip reduction target of ten percent, rather than the proposed 20 percent, due to the project location. However, in order to reduce vehicle trips and impacts to the State Transportation Network, we encourage the project's TDM program to retain the 20 percent target.

A10

In order to encourage pedestrian, bicycle, and transit trips, thereby reducing vehicle miles traveled and impacts to the State Highway System, we recommend that the project consider a reduction in parking supply.

A11

Transportation Management Plan

A Transportation Management Plan (TMP) or construction TIS may be required of the developer for approval by Caltrans prior to construction where traffic restrictions and detours affect State highways. TMPs must be prepared in accordance with California *Manual on Uniform Traffic Control Devices*. For further TMP assistance, please contact the Office of Traffic Management Plans/Operations Strategies at 510-286-4579 and see the following website:

<http://www.dot.ca.gov/trafficops/camutcd/camutcd2014rev1.html>

A12

Transportation Permit

Project work that requires movement of oversized or excessive load vehicles on State roadways requires a Transportation Permit that is issued by Caltrans. To apply, a completed Transportation Permit application with the determined specific route(s) for the shipper to follow from origin to destination must be submitted to:

Caltrans Transportation Permits Office
1823 14th Street
Sacramento, CA 95811-7119.

See the following website for more information about Transportation Permits:

<http://www.dot.ca.gov/trafficops/permits/index.html>

A13

Encroachment Permit

Please be advised that any work or traffic control that encroaches onto the State ROW requires an Encroachment Permit that is issued by Caltrans. Traffic-related mitigation measures should be incorporated into the construction plans prior to the encroachment permit process. To apply, a completed Encroachment Permit application, environmental documentation, and five (5) sets of plans clearly indicating State ROW must be submitted to the following address:

Ms. Heather Klein, City of Oakland
October 12, 2016
Page 4

A13
cont.

David Salladay, District Office Chief
Office of Permits, MS 5E
California Department of Transportation, District 4
P.O. Box 23660
Oakland, CA 94623-0660

See the following website for more information:

<http://www.dot.ca.gov/trafficops/ep/index.html>

Thank you again for including Caltrans in the environmental review process. Should you have any questions regarding this letter, please contact Jesse Schofield at 510-286-5562 or jesse.schofield@dot.ca.gov.

Sincerely,



PATRICIA MAURICE
District Branch Chief
Local Development - Intergovernmental Review

c: State Clearinghouse

Letter A Responses – California Department of Transportation

- A1: The commenter summarizes the commenter’s understanding of the Project. The comment is noted.
- A2: The commenter requests that the Final SEIR describe the Project’s fair share contribution, scheduling, and implementation responsibilities for all proposed traffic mitigation measures. As the Lead Agency, the City will be responsible for ensuring implementation of the proposed mitigation measures. As stated on page 4.13-37 of the Draft SEIR, the City established Standard Condition of Approval (SCA) TRA-3 that requires the Project applicant to “implement the recommended on- and off-site transportation-related improvements contained within the Transportation Impact Study for the Project.” Starting on page 4.13-63, for each proposed traffic mitigation measure, the Draft SEIR lists the percent of development that would trigger the need for improvements; the City will coordinate with the Project applicant and Caltrans to ensure that proposed mitigation measures are implemented prior to construction of the amount of development that would trigger each mitigation measure. In addition, the City has prepared a Standard Condition of Approval / Mitigation Measure Monitoring and Reporting Program (SCA/MMRP) that identifies each mitigation measure and SCA identified in the Draft SEIR, and specifies scheduling, implementation responsibilities, and for traffic mitigation measures and SCAs in particular, fair share contribution.

The City will continue to coordinate with the Project applicant and Caltrans to develop financing, scheduling and implementation responsibilities. Since Caltrans generally requires a certified EIR be available for a project before it processes necessary encroachment permits to construct proposed mitigation measures to the State highway system, the full details on cost and schedule for improvements are not yet available. However, the City and Project applicant will initiate the encroachment permit process as soon as the Final SEIR is certified; certification is anticipated by Summer 2017.

- A3: The commenter notes that no consultation with Native Americans Tribes occurred under Assembly Bill (“AB”) 52 or Section 106 of the National Historic Preservation Act (“Section 106”). Neither AB 52 nor Section 106 applies to the Project. Lead agencies are required to comply with AB 52’s consultation requirements for projects that have a notice of preparation or a notice of negative declaration filed on or after July 1, 2015. The notice of preparation for the Oak Knoll Mixed Use Community Project SEIR was filed before July 1, 2015, on March 23, 2015. Section 106 requires federal agencies to consider the effects of their actions on historic properties and to seek comments from tribes in the Advisory Council on Historic Preservation. The City is not a federal agency. Accordingly, Section 106 does not apply to the City. Before receiving any federal permits, the federal agency issuing those permits would need to comply with federal requirements, including Section 106. (16 U.S.C. § 470(f).)
- A4: The commenter disagrees with the Draft SEIR conclusion that impacts that could be mitigated with Mitigation Measures TRANS-1, TRANS-2, TRANS-3, TRANS-5, TRANS-8, TRANS-9, TRANS-10, TRANS-12, and TRANS-14 would be significant and unavoidable. As stated in the Draft SEIR, implementation of the aforementioned mitigation measures would mitigate the identified significant impacts those mitigation measures are designed to address. However, although it is the Lead Agency, the City does not have sole jurisdiction to implement these mitigation measures because the impacted intersections are outside of the City’s jurisdiction, and require approval and

implementation by Caltrans. Therefore, as described in the Draft SEIR, these impacts are conservatively considered significant and unavoidable because the City cannot ensure their implementation, although it is committed to pursuing their implementation by working together with Caltrans. The City notes that Caltrans is interested in pursuing these mitigations with the City to ensure that the mitigation measures are implemented if the Project is approved.²

Specifically, as described in response to Comment A2, the City will coordinate with Caltrans and the Project applicant on design, funding, and timing for implementation of the mitigation measures that require coordination with Caltrans. The commenter, Caltrans, did not indicate that any of the identified mitigation measures in the Draft SEIR are considered infeasible and requested that the City coordinate with Caltrans to implement the measures.

- A5: The commenter requests an evaluation of secondary impacts on pedestrians and bicyclists that may result from any traffic impact mitigation measure. Pedestrian and bicycle safety impacts are evaluated starting on page 4.13-90 of the Draft SEIR. In addition, the description of each mitigation measure identifies potential secondary impacts, including on pedestrians and bicyclists. At page 4.13-69, the Draft SEIR concludes the installation of capacity improvements at Intersections #39 and #40 would interfere with planned Class 2 bike lanes on Golf Links Road between Mountain Boulevard and I-580 Westbound Ramps at 98th Avenue. Since the publication of the Draft SEIR, the Project design team has determined a feasible configuration that allows both bike and travel lanes to be installed. Specifically, travel lanes will be 11 feet wide, rather than the typical 12 feet, and bike lanes will be 5 feet wide (including the 2 feet wide gutter pan), rather than the typical 6 feet. This will allow the installation of both the capacity improvements recommended under Mitigation Measure TRANS-6 as well as a Class 2 bike lane at this intersection.
- A6: The commenter raises concerns regarding the adequacy of the Existing Conditions analysis of the I-580 ramp-terminal intersections at Golf Links Road. As stated on page 4.13-13 of the Draft SEIR, the Existing Conditions traffic operations analysis is based on counts collected in April 2015. As stated on pages 4.13-14 through 4.13-16, micro-simulation was used to evaluate the operations of the Golf Links Road/I-580 interchange and the adjacent intersection of Golf Links Road/Mountain Boulevard. Existing micro-simulation models at the interchange were validated using the criteria outlined in *Guidelines for Applying Traffic Microsimulation Modeling Software* (California Department of Transportation, 2002); these models were validated to turning movement counts and queue lengths based on AM and PM peak period field observations collected in April 2015. As shown in the analysis worksheets for intersection 38 (Golf Links Road/I-580 Eastbound Off-Ramp/98th Avenue) in Appendix V-H, vehicles along the off-ramp approach experience the highest delay during the AM and PM peak hours compared to the intersection approaches along Golf Links Road and 98th Avenue. Although delay along the I-580 eastbound off-ramp is higher, LOS for a signalized intersection is based on the average intersection delay, not worst movement maximum queues.

Furthermore, as presented in the queuing analysis table in Appendix V-I, 95th percentile queues are expected to exceed the available shared through/right-turn lane storage

² Personal communication, Jesse Schofield, Caltrans, January 25, 2017.

capacity along the I-580 eastbound off-ramp under Existing Conditions during the AM and PM peak hours. Similarly, the Existing Plus Project queuing analysis table presented in Appendix V-I shows that 95th percentile vehicle queues would exceed the right-turn lane storage capacity along the I-580 westbound off-ramp during the AM peak hour; however, overall intersection delay is still expected to operate acceptably. As discussed on page 4.13-52 and 4.13-53 in the Draft Supplemental EIR, the City of Oakland's thresholds of significance for signalized intersections are based on average intersection delay and LOS, not maximum queue lengths.

An intersection queuing analysis, which is a planning-related non-CEQA analysis, is presented starting on page 4.13-102 of the Draft SEIR. Note that Mitigation Measure TRANS-14 proposes widening the I-580 Eastbound Off-Ramp to Golf Links Road to provide more storage capacity; similarly, Mitigation Measure TRANS-15 proposes widening the I-580 Westbound Off-Ramp to Golf Links Road.

- A7: The commenter recommends that all new local streets in the Project provide on-street bicycle facilities. The proposed Project would provide various on-street and off-street bicycle facilities, as discussed on page 4.13-45 of the Draft SEIR and illustrated in Figure 4.13-3 on page 4.13-12 of the Draft SEIR.
- A8: The commenter recommends American with Disabilities Act (ADA) access improvements to the intersections of Fontaine Street/Keller Avenue and Fontaine Street/I-580 Overcrossing. As described in Mitigation Measure TRANS-2 on page 4.13-65 of the Draft SEIR, proposed improvements to the I-580 Eastbound Off-Ramp/Fontaine Street/Keller Avenue intersection would incorporate accessible pedestrian crosswalks with signals (audible and tactile), and City standard ADA wheelchair ramps. The proposed Project is not expected to cause a significant impact at the Fontaine Street/I-580 Overcrossing intersection according to the City of Oakland Transportation Impact Study Guidelines; therefore, improvements at this intersection are not required.
- A9: The commenter recommends that the 20 percent trip reduction goal under the City's SCA be retained for the Project's TDM Plan. See Master Response to Comment A.
- A10: The commenter recommends a reduction in on-site parking supply to reduce vehicle miles traveled (VMT). As discussed on pages 4.13-44 through 4.13-46 of the Draft SEIR, the Project proposes implementation of a Complete Streets Plan to encourage pedestrian, bicycle and transit trips, thereby reducing VMT and impacts to the State Highway System. The TDM Plan meets the 20 percent trip reduction goal for the Project; therefore, reducing parking supply is not necessary. Furthermore, parking supply is not a CEQA topic, as specified on Draft SEIR page 4.13-54 for the discussion of planning-related considerations.
- A11: The commenter states that a Transportation Management Plan (TMP) or construction Transportation Impact Study may require approval by Caltrans where construction-period traffic restrictions and detours affect State highways. As described on page 4.13-36 of the Draft SEIR, SCA TRA-1 requires the preparation of a Construction Traffic Control Plan (TCP)/TMP. Where that TCP/TMP would require traffic restrictions and detours that affect State highways, the City would require the Project applicant to obtain Caltrans approval.

- A12: The commenter states that Project work that requires movement of oversized or excessive load vehicles on State roadways requires a Transportation Permit that is issued by Caltrans. The City and Project applicant will coordinate with Caltrans to obtain the necessary Transportation Permit; if required, the permit application will be submitted to Caltrans after the Final SEIR is certified.
- A13: The commenter mentions that any work that encroaches onto the State right-of-way requires an Encroachment Permit and provides the appropriate Caltrans contact information. The City and Project applicant will coordinate with Caltrans to obtain any necessary Encroachment Permits; if required, the permit application will be submitted to Caltrans after the Final SEIR is certified.



San Francisco Bay Regional Water Quality Control Board

October 12, 2016
CIWQS Place ID No. 814353
CIWQS Reg. Measure ID No. 400456
Corps File No. 2006-400240S

Sent via electronic mail: No hardcopy to follow

City of Oakland
Community and Economic Development Agency
250 Frank H. Ogawa Plaza, Suite 3315
Oakland CA 94612

Attn: Heather Klein, Planner IV (hklein@oaklandnet.com)

Subject: Draft Supplemental Environmental Impact Report for the Oak Knoll Mixed Use
Community Plan Project, City of Oakland, Alameda County
SCH No. 1995103035

Dear Ms. Klein:

San Francisco Bay Regional Water Quality Control Board (Water Board) staff has reviewed the *Draft Supplemental Environmental Impact Report for the Oak Knoll Mixed Use Community Plan Project, City of Oakland, Alameda County* (SEIR). The SEIR assesses potential impacts associated with implementing the Oak Knoll Mixed Use Community Plan (Project). The Project site consists of approximately 165 acres of the 183-acre former Oak Knoll Naval Medical Center Oakland property, approximately 15 acres of an adjacent property (known as the “Hardenstine parcel”), and approximately 8 acres of City-owned property, for a site with a total size of approximately 188 acres. The Project site is bounded by Mountain Boulevard / Interstate 580 to the west, Keller Avenue to the north and east, and Sequoyah Road to the south. The Project proposes to develop up to 935 residential units of varied housing types and up to 72,000 square feet of commercial space. Key components of the Project are the restoration and enhancement of Rifle Range Creek and proposed active and passive recreational facilities. A community-wide trail system would be created to link the Oak Knoll community to the existing East Bay Regional Park District trail system and interconnect neighborhoods, parks and open spaces, public places, and a mixed use commercial / residential community core. Water Board staff have the following comments on the SEIR.

Comment 1.

Section 3.4.9 Site Grading and Tree Removal, Corrective (Remedial) Grading Required Prior to Any Development.

This section of the SEIR includes the following text:

Further, the corridor along Rifle Range Creek is considered unstable from a geotechnical standpoint for lots and streets, with heavily incised banks along both sides of the Creek. There are also areas along the Creek with potential for liquefaction. In order to provide a stable creek channel to support future lots and streets, and to prevent further slope bank

DR. TERRY F. YOUNG, CHAIR | BRUCE H. WOLFE, EXECUTIVE OFFICER

instability and creek bank meander, the majority of the existing banks will be improved by over-excavating and reconstructing (with engineered keyways tying into competent native soil) the creek banks from the bottom to the top. These corrective grading measures are essential to support the proposed lots and streets but also for the creek restoration improvements. Similarly, the areas of potential liquefaction will be mitigated through select remedial grading measures and suitable foundation design criteria.

B1

Since the SEIR does not include designs for the proposed over-excavation and reconstruction of creek banks at the Project site, it is not clear whether or not impacts to the creek banks would be considered permanent or temporary impacts to waters of the State. The nature and amount of mitigation necessary to compensate for impacts to the creek banks will be affected by whether or not impacts to the creek banks are considered temporary or permanent, based on the designs for the bank stabilization. Impacts are usually considered to be temporary when site topography and vegetation can be returned to pre-impact conditions within one year of disturbance.

Also, it is not clear why reconstructing the creek banks is necessary for the creek restoration improvements. To establish stable banks for riparian enhancement, laying back the banks to a stable slope should be sufficient.

Comment 2.

Section 4.3.3 Biological Resources, Discussion of Impacts, Impact BIO-2, Creek Realignment.

This Section of the SEIR contains the following text:

The Project now proposes extensive restoration and enhancement of Rifle Range Creek and one of its tributaries, Hospital Creek, while realigning and stabilizing 201 linear feet of a highly incised reach of Powerhouse Creek and a 188-foot segment of Rifle Range Creek.

B2

Realignment of creek reaches is usually regulated as a permanent impact, and is likely to require mitigation as a permanent impact. The recreation of the creek in a new alignment will provide some of the required mitigation. The extent to which the new alignment provides complete mitigation for the fill of the existing alignment will be a function of the design of the new channel and the program implemented to track the successful establishment of a stable and vegetated new channel alignment.

Comment 3.

Section 4.3.3 Biological Resources, Discussion of Impacts, Impact BIO-2, Creek Setback.

This Section of the SEIR contains the following text under the heading, *Impacts to Riparian Habitat*:

The Oak Knoll Project includes extensive restoration and enhancement of Rifle Range Creek and one of its tributaries, Hospital Creek, concurrently with infrastructure construction for the larger redevelopment Project. Restoration activities would result in temporary impacts to the riparian habitat of the creek corridor and jurisdictional wetlands and other waters of the U.S during construction and an overall net increase in riparian habitat and jurisdictional other waters following Project completion. The restored creek corridor will be defined by an open space parcel that is at least 100 feet wide (average width 198 feet wide), with at least 50 feet between the creek flow line and the boundary of the parcel on each side. In the central part of the site, the creek corridor is up to 250 feet wide and includes an existing oak woodland habitat that will be preserved adjacent to the

creek. Buildings and paved areas are set back a minimum of 15 feet from the parcel boundary throughout the site.

B3

The creek centerline is not the most appropriate reference point for establishing appropriate buffers to safeguard riparian habitat values. Depending on the size of the creek channel, the 50-foot buffer may extend well beyond the top of bank, or fall within the top of bank. Riparian setbacks are best established with respect to the top of bank of the creek.

Comment 4.

Section 4.3.3 Biological Resources, Discussion of Impacts, New Mitigation Measure BIO-2, Mitigation for Temporary Disturbance of Riparian Habitat and Oak Woodland.

Mitigation Measure BIO-2 proposes three possible mitigation actions and states that one of the options will be used as mitigation. The three possible mitigation measures are:

1. Planting replacement trees;
2. Establishing some form of restrictive covenant to protect existing woodland habitat; or
3. Paying an in-lieu fee to a natural resource agency or a non-profit organization that would use the fees to protect or enhance oak woodland habitat of the region.

B4

Any mitigation action will require that the mitigation feature be preserved in perpetuity with some legal instrument to prevent future impacts to the mitigation feature. Therefore, planting trees would only be acceptable as mitigation if the land on which the trees are planted is placed under a restrictive covenant. So items 1 and 2 would both have to be implemented. At this time, the Bay Area does not have an approved in-lieu fee mitigation program. If the project proponent proposes to fund an off-site restoration project that is implemented by a natural resource agency or a non-profit organization as mitigation for impacts to riparian habitat, a specific restoration project must be identified as part of the mitigation provided for the Project. Even if such a mitigation project is implemented by a natural resource agency or a non-profit organization, the project proponent would remain responsible for ensuring that the off-site mitigation project was successful. If the off-site mitigation project were not successful, the project proponent would remain responsible for implementing an alternative mitigation project.

Comment 5.

Section 4.8.2 Hydrology and Water Quality, Regional and Local Setting, Water Quality.

Text in this section of the SEIR states:

The Rifle Range Creek benefits from the Leona detention basin’s ability to trap sediment from the upper watershed area.

B5

This statement is not correct. The Leona detention basin is interrupting the natural sediment balance in the Rifle Range Creek watershed. The sediment-starved condition of the creek at the Project sight is likely to be a significant contributor to the highly incised condition of the creek

Comment 6.

Section 4.8.3 Hydrology and Water Quality, Discussion of Impacts, Degradation of Water Quality / Violation of Standards, Preliminary Stormwater Treatment Plan (C.3 Plan) and Preliminary Storm Drainage Master Plan.

The proposed stormwater treatment for the Project site is described in part on page 4.8-25:

The Preliminary Stormwater Treatment Plan exhibit (C.3 Plan) is shown in Figure 4.8-3. The C.3 Plan illustrates conceptually the site storm drainage pattern and treatment areas on

the Project site needed based on the stormwater flow estimates conducted. Runoff from all structures and paved areas will pass through post-construction BMPs that will provide water quality treatment and slow runoff before discharge to the creek. Rifle Range Creek outfalls have been designed to incorporate energy dissipation structures and biotechnical stabilization techniques to prevent erosion from concentrated stormwater discharges (ESA/PWA, 2016a). Actual locations will be determined during final design and pursuant to the Preliminary Storm Drainage Master Plan (BKF, 2015) (Appendix Y to this Draft SEIR).

As described in the Master Plan, the Project proposes to use bio-retention basins, which are a component of the required BMPs, for its primary means of treating stormwater, as described below under *Oak Knoll Preliminary Storm Drainage Master Plan*. As shown in Figure 4.8-3, bio-retention basins for the public streets will be within curb bulb-outs where streets slopes are gradual enough to accommodate them. Where street slopes are too steep to accommodate the bulb-outs, centralized bio-retentions basins will be provided.

Commercial and multi-family parcels will provide C.3 stormwater areas within those parcels [emphasis added].

And on page 4.8-27:

Storm Water Management

Treatment Areas

- 1) Low impact development features such as disconnected impervious surfaces or impervious areas separated by pervious areas, down spouts draining to pervious or landscaped areas, permeable pavement or pavers, rain gardens, tree wells.
- 2) Treatment facilities, such as grass swales and bio-treatment basins, to provide stormwater treatment for on-site runoff and flow attenuation in accordance with the C.3 Requirements.
- 3) Treatment primarily located within the proposed street right-of-ways ***and on individual parcels/lots*** [emphasis added]. Within the right-of-way, treatment facilities will be located in the planter strips (located between the curb and the sidewalk) and within designated street parking spaces. (See Figure 4.9-3)
- 4) Runoff from the street and untreated lots will be directed to the treatment basins via street curb and gutter system.

At the time that the Water Board issues permits for new outfalls to waters of the State, we review the proposed stormwater treatment measures for all stormwater runoff that is to be discharged via that outfall; we use this review to verify the Project's compliance with the treatment requirements in the Municipal Regional Permit. The stormwater treatment design in the SEIR only provides locations and designs for treatment related to the new roadways at the Project site.

B6 | Treatment designs for residential and commercial lots are deferred to later in the development process. This deferral of treatment design complicates CEQA review, since Water Board staff does not have sufficient information to assess whether or not sufficient surface area at appropriate locations in the post-development site topography have been set aside for the construction of post-construction stormwater treatment facilities to meet the C.3 requirements of the Municipal Regional Permit.

B7 | Water Board staff are also concerned with the proposed use of in-lot treatment measures. It is more difficult for Water Board staff and/or City of Oakland staff to assess the condition of in-lot

B7 | treatment measures than to inspect centralized treatment measures located outside of individual
cont. | residential lots.

B8 | At the time that Certification is issued for the Project, including its outfalls to the on-site creeks,
Water Board staff will review designs for all stormwater treatment measures at the Project site.
If the design of stormwater treatment measures for the entire Project cannot be provided with the
application for Certification, the Water Board may elect to issue individual Waste Discharge
Requirements (WDRs) for the Project, so that there is a mechanism for requiring Water Board
review and approval of stormwater treatment measures for each phase of residential and
commercial development at the Project site.

Comment 7.

Section 4.8.3 Hydrology and Water Quality, Discussion of Impacts, Degradation of Water Quality / Violation of Standards, Detention and Hydromodification Management.

Text on page 4.8-28 states:

No additional detention or hydromodification measures will be required given the slight increase in imperviousness (40 percent to 41 percent) and the implementation of the treatment facilities to reduce runoff via infiltration and surface ponding.

B9 | Because the Project requires a permit from the Water Board, the need for hydromodification
measures will be assessed during review of the application for Certification and/or WDRs.

Please contact me at (510) 622-5680 or brian.wines@waterboards.ca.gov if you have any questions. All future correspondence regarding this Project should reference the CIWQS Place ID Number indicated at the top of this letter.

Sincerely,

Brian Wines
Water Resources Control Engineer
Watershed Division

cc: State Clearinghouse (state.clearinghouse@opr.ca.gov)

Letter B Responses – California Water Boards - San Francisco Bay Regional Water Quality Control Board

B1: The commenter requests clarification for why creek bank reconstruction is necessary and whether these impacts are considered permanent or temporary. Creek bank reconstruction is proposed because portions of the creek bank have been deeply incised through erosion. Daylighting portions of the creek provides an opportunity to restore the entire length of the creek through the site to a less incised, more stable condition. The Draft SEIR generally assumes that impacts to the creek habitat on site will be temporary and that over time the restoration activities will return that habitat to an equal or better condition. As such, the Project's restoration plan is seen as self-mitigating under CEQA. There is no definition under CEQA of how long an impact may last to be deemed to be temporary. However, the City expects that the restoration plan will be successful in achieving its goals – to restore and enhance what is today a degraded creek corridor and that the net long term benefits will significantly outweigh the short term impacts. Restoration activities will result in an overall net increase in riparian habitat and other jurisdictional waters following Project completion. Thus, regardless of whether creek-related impacts are considered temporary or permanent, the Project will result in an overall permanent net increase in habitat area and function.

B2: Further, creek restoration work will be completed under approved permits from multiple agencies including U.S. Army Corps of Engineers Permit (Corps), San Francisco Bay Regional Water Quality Control Board (RWQCB), and the City of Oakland. For this CEQA analysis, the evaluation of potential environmental impacts, and the development of proposed restoration and/or mitigation design, were developed using the Corps mitigation ratio calculator. Mitigation assumes implementation of the Riparian Restoration and Monitoring Plan (WRA, 2015).

B3: The commenter states that the creek centerline is not the most appropriate reference point, as a 50-foot buffer may extend beyond or fall within the top of river banks, and that a riparian setback is a better measurement. The proposed Project activities include restoration of Rifle Range and Hospital Creeks, and will result in an overall net increase in riparian habitat and other jurisdictional waters following Project completion. The creek corridor will be at least 50 feet wide on either side of the creek center line. Pursuant to the Oakland Creek Protection Ordinance, the Project sponsor has prepared and submitted a Category 4 Creek Protection Permit application for all work within 20 feet of the top of the creek bank (Chapter 13.16 of the Oakland Municipal Code). The Category 4 permit application requires submittal of a creek protection plan and hydrology report.

In compliance with the Creek Protection Ordinance, the Project sponsor has submitted to the City for review and approval the Hydrology Report and Basis for Design (ESA, 2016b), Creek Restoration Plan and Creek Protection Plan (ESA, 2016a). According to the submitted Riparian Restoration and Monitoring Plan (WRA, 2015), the newly restored channel would typically consist of a 12-foot-wide low flow channel, a floodplain terrace up to 40-foot-wide, and channel banks at between 1.5:1 and 3:1 slopes.

B4: The commenter describes how the Project proponent would remain responsible for item 3, the in-lieu fee component, under Mitigation Measure BIO-2. The City agrees that both items 1 and 2 should be implemented and revises Mitigation Measure BIO-2 as set forth in response to Comment M15. Creek restoration activities will be performed such that channel complexity and roughness will be increased, and banks will be stabilized and enhanced to

support native vegetation. Where possible, native vegetation will remain undisturbed, and existing oak woodland habitat adjacent to the creek in the central part of the site will be preserved. Restoration activities will result in an overall net increase in riparian habitat and jurisdictional other waters following Project completion. The Project proposes to remove 237 native trees from within the creek corridor area (see updated Oak Knoll Tree Removal Impact Mitigation Plan in Appendix E to this Final SEIR; the updates are incorporated in updated Draft SEIR Table 4.3-7, presented in Chapter 3 of this Final SEIR.

Tree removal will be mitigated following an approved Oakland Tree Ordinance permit, and approved tree species will be planted throughout the Project site and along the creek corridor. In addition to the mitigation trees, riparian species (i.e. willow, alder and blue elderberry) and native grasses will be planted within the riparian corridor. In areas where existing banks will be preserved, existing native trees and shrubs will be preserved, and non-native species will be removed and replaced with natives. Preserved woodland or restored woodland habitat in the creek corridor will be protected by dedication of the creek corridor to a Geologic Hazard Abatement District (“GHAD”), subject to a restrictive covenant requiring the land to be maintained as open space. In accordance with the Oakland Tree Ordinance permit, in lieu fees may be paid to the City of Oakland in replacement for trees that cannot be planted on site, with revenues applied toward tree planting in City parks, streets and medians (Oakland Municipal Code, Title 12, Chapter 12.36, Subsection B(5)). See updated Draft SEIR pages 4.3-64 through 4.3-66 in Chapter 3 of this Final SEIR, and Draft pages 4.3-67 and 4.3-68 for further discussion of the Project’s impact on oak woodland.

- B5: The commenter counters the Draft SEIR determination that Rifle Range Creek benefits from the Leona detention basin’s ability to trap sediment from the upper watershed area. See response to Comment O50.
- B6: The commenter states that when it issues permits for new outfalls to waters of the State, it reviews the proposed stormwater treatment measures for all stormwater runoff that is to be discharged via that outfall. The Water Board notes that the stormwater treatment design in the Draft SEIR provides only locations and designs for treatment related to new roadways, and asks for additional information about the treatment design for residential and commercial lots. In response to this comment, the Stormwater Management Plan has been revised to include additional treatment measures for all the residential and commercial lots. Please see Figure 2-6 in Chapter 2 of this Final SEIR.
- B7: The commenter states the concern regarding in-lot treatment measures in-lieu of centralized treatment measures, due to the challenges of assessment for in-lot treatment measures. The Stormwater Management Plan has been revised to eliminate in-lot treatment measures. Per the Water Board and City’s request, the Project’s Stormwater Management Plan has been revised to provide centralized stormwater treatment measures outside of individual residential lots. Please see Figure 2-6 in Chapter 2 of this Final SEIR.
- B8: The commenter states that it will review designs for all stormwater treatment measures at the Project site. The City understands that this review will occur as part of the Project’s compliance with the Federal Clean Water Act.
- B9: The commenter notes that it would review the need for hydromodification measures for the Project. As designed the Project would not create substantially less impervious area post-development than pre-development. Accordingly, hydromodification will not be needed.

PARKS, RECREATION, AND HISTORICAL COMMISSION
Alameda County Administration Building
224 West Winton Avenue, Room 111
Hayward, CA 94544
(510) 670-5400

October 11, 2016

(By electronic transmission)
Heather Klein, Planner IV (hklein@oaklandnet.com)
City of Oakland, Bureau of Planning
250 Frank H. Ogawa Plaza, Suite 2114
Oakland, California 94612

Re: Oak Knoll Comments and Club Knoll historic building

Dear Ms. Klein,

The Parks, Recreation and Historic Commission is pleased that Sun Cal, EIR consultants and City staff have decided to restore instead of demolish the historic Club Knoll building. We are also enthused about the comprehensive plans for parks and open space.

Our comments on the SEIR are as follows:

Club Knoll Restoration:

- C1 | • In accordance with the Oakland Heritage Alliance recommendations, the PRHC also requests that the alternative of keeping Club Knoll on its current site be studied. Restoration at the current location would keep key asymmetrical design components characteristic of the Spanish style retro homes (1929-31) in the streets adjacent to the site. We ask that comments in the SEIR on the dilapidated condition not be used as a rationale for not considering alternatives to moving the building.
- C2 | • We also recommend that permits be deferred until the Design Review Committee has the opportunity to review an alternative design.
- C3 | • We would also like to know the proposal for the fireplaces and also what bonding or guarantee provides for the careful move of the structure.
- C4 | • Landscaping around the current site or relocated clubhouse should reflect conditions and relevant study should be done to create an appropriate landscape.
- C5 | • We request an addition to the mitigations or conditions of approval that a public review at the Landmarks Board and planning commission, be obtained on the relocations and reuse project when plans are submitted for City approvals.
- C6 | • We request that an official designation of the clubhouse at an appropriate level of landmark be required as part of its reuse and rehabilitation, to preserve and protect the building's future.

C7 | • We request that architectural photos by a qualified architectural photographer be taken prior to the commencement of any work.

C8 | • We again appreciate the work that has been done to plan for the restoration and reuse of Club Knoll. We suggest that consideration be given to setting aside part of the building for an art space and museum to commemorate the history of the Oak Knoll Naval Base, its place in Oakland's history and as a tribute to all who served during its lifetime as a base and naval hospital.

Parks:

C9 | • The PRHC notes that the SEIR does not contain any references to the number of children who will be living at the housing development. It is feasible that single-family dwellings could house from .75-1.30 children per home, which at this development could mean between 693-1,202 children living at the site.

C10 | • In addition to the several schools near the development, a new 450-student high school with 150 on-site residents is proposed at the Holy Redeemer property on Golf Links Road.

• The children who live in the development and the surrounding neighborhoods will need access to active recreation and parks in addition to Open Space and bike paths. Currently the neighborhood and the City of Oakland in general has limited park space for active recreation and sports.

C11 | • The proposed park space in the current plan is very small in comparison to the size of the site, 5.6 acres of parks space, 43.5 acres of Open Space out of 188 acres with only two proposed tot lots and one informal play field.

C12 | The PRHC therefore requests that the recreation needs of children be studied, including a review of the number of active parks and sports playing fields in the development's Census Tract. We also request that some of the community space be dedicated to recreation activities for children of all ages.

Sincerely,



Dionisio Rosario, Chair
Alameda County Parks, Recreation and
Historical Commission

Letter C Responses – Alameda County Parks, Recreation, and Historical Commission

C1: The commenter asks that an alternative that does not require moving Club Knoll be studied. The No Project Alternative, Alternative A, Alternative B, and Alternative C all would keep Club Knoll in its current location. See Master Response to Comment C introducing an additional alternative that would keep Club Knoll on its present site, while also maintaining the total number of dwelling units proposed by the Oak Knoll Project (935). The commenter also asks that Club Knoll's existing dilapidated condition not be used as a rationale for not considering alternatives to moving the building. The Draft SEIR studied alternatives to moving the building and did not use Club Knoll's existing dilapidated condition as a reason not to consider those alternatives for analysis. Alternatives A, B, and C would rehabilitate Club Knoll in its existing location for residential uses.

C2: The commenter recommends that permits be deferred until the Design Review Committee has the opportunity to review an alternative design to relocating Club Knoll. Because the proposed work to Club Knoll is part of a Planned Unit Development (PUD), the Project sponsor has submitted a Final Development Plan (FDP) that provides details about the relocation and rehabilitation of Club Knoll. (See Master Response to Comment B.) The Club Knoll FDP is included as Appendix H to this Final SEIR. Similarly, the Project sponsor has submitted an FDP for the Project's infrastructure, including roads, utilities, and grading. Under the City's Code (Chapter 17.140), the FDP must conform in all major respects with the approved Preliminary Development Plan (PDP), required for PUDs.

The FDP also must include all information included in the PDP plus the following: the location of water, sewerage, and drainage facilities; detailed building and landscaping plans and elevations; the character and location of signs; plans for street improvements; and grading or earth-moving plans. The FDP is a document sufficiently detailed to indicate fully the ultimate operation and appearance of the development. The City Planning Commission will examine the plan and determine whether it conforms to all applicable criteria and standards and whether it conforms in all substantial respects to the PDP and applicable design review criteria.

C3: The commenter asks for information about the fireplaces and bonding or guarantees that will provide for the careful move of Club Knoll. Club Knoll's fireplaces will be cleaned and as much of the fireplaces as feasible would be relocated and rehabilitated. The Club Knoll FDP specifies that all fireplaces and chimneys will be relocated (see Table O31 in response to Comment O31, as well as the Club Knoll FDP in Appendix H). In the relocated building, the fireplaces would be reconstructed but not used due to air quality concerns. The City has enforcement authority to ensure that the moving of Club Knoll complies with the Draft SEIR mitigation measures, including Mitigation Measures CUL-1.4 and CUL-1.5, which have detailed requirements for the relocation and rehabilitation of Club Knoll. The Draft SEIR includes several mitigation measures designed to protect Club Knoll before, during, and after relocation, and they are presented in Master Response to Comment B in Chapter 5 of this Final SEIR. The City has determined that adherence to these mitigation measures, including implementation of the Club Knoll FDP, will result in a less than significant impact to the historic resource.

To ensure the measures in CUL-1.4 are carried out, the City will not issue a construction-related permit until it approves a Building Features Inventory and Plan, which will include how Club Knoll's character-defining features will be treated and relocated, and ensure materials will be consistent with the existing materials. To ensure the measures in CUL-1.5 are carried out, the City requires the Project proponent to incorporate them into a final relocation work plan that would be reviewed and approved by the City before relocation work may commence. It also requires a preservation architect and structural engineer monitor the disassembly and reassembly of Club Knoll. More generally, under CEQA, the Project sponsor must comply with its SCA/MMRP by preparing periodic compliance reports showing the status of compliance with mitigation measures and submit the reports to the City for its review and approval.

The City also requires periodic reporting of compliance with its conditions of approval. The lead planner assigned to the project, with help from experts in other departments as may be needed, would review the compliance reports and follow up on any issues that the City believes are not in compliance with its mitigation measures and conditions of approval. In addition, as with all construction projects, the City will send inspectors to the site to periodically check that work is proceeding according to approved plans and required mitigation measures. Also, consistent with standard City practice and pursuant to the Oakland Municipal Code, the City will require bonding for the relocation of Club Knoll, as discussed in Master Response to Comment B.

- C4: The commenter states that the landscaping around Club Knoll should reflect its historic conditions and relevant study should be done to create an appropriate landscape. The Draft SEIR and supporting materials conclude that the existing landscape is highly modified from the historical golf course that surrounded Club Knoll. Thus, the historical landscape does not exist to be evaluated and preserved. More importantly, Club Knoll was found to have sufficient integrity to qualify as a historic structure despite the loss of integrity of its surroundings. Nonetheless, the existing landscape immediately surrounding Club Knoll would be documented by the HABS documentation required under Mitigation Measure CUL-1.1. In addition, the significance of the club's relationship to the now demolished naval hospital and golf course would be documented in the written report also required under Mitigation Measure CUL-1.1. The new landscaping around Club Knoll will be appropriate for the use of Club Knoll as a community center, which is similar to its historic club house use, and will be reviewed by the City as part of the FDP for the Club Knoll relocation and rehabilitation to ensure it meets the City's requirements and does not impact Club Knoll's historic integrity. For more information about the FDP approval process, see Master Response to Comment B, which is summarized in response to Comment C5, below.
- C5: The commenter requests that a mitigation measure or condition of approval requiring public review at the Landmarks Board and Planning Commission on the proposed relocation and reuse of Club Knoll. As described in Master Response to Comment B, both the Landmarks Preservation Advisory Board and Planning Commission will review the Club Knoll FDP with the Final SEIR.
- C6: The commenter requests that the City officially designate Club Knoll as a local landmark. The Draft SEIR assumes Club Knoll is a historic resource and concludes that mitigation measures are required to ensure that its relocation and rehabilitation will not have a significant impact on the resource. These mitigation measures are substantially similar to the requirements the City would impose if Club Knoll was an officially designated

landmark. Accordingly, while the City has discretion to nominate Club Knoll as a landmark, if such an official designation were approved, it would not change the analysis conclusions in the Draft SEIR. The City can enforce compliance the SEIR's mitigation measures that protect and preserve Club Knoll under the California Environmental Quality Act and through conditions of approval.

- C7: The commenter requests architectural photos by a qualified architectural photographer be taken prior to the commencement of any work. Mitigation Measure CUL-1.1 requires the project sponsor document Club Knoll according to the Historic American Building Survey (HABS) standards, which requires, among other things, photographs with large-format negatives of exterior and interior views of the existing building. These photographs would meet the Heritage Documentation Programs' HABS Photography Guidelines. Although the Photography Guidelines do not specify the qualifications of the person taking the photographs, they specify the appropriate equipment to use and the views that must be captured, which ensures that an architectural resource is appropriately documented.
- C8: The commenter suggests that consideration be given to setting aside part of the building for an art space and museum to commemorate the history of the Oak Knoll Naval Base. The commenter's suggestion will be shared with the City decision makers.
- C9: This comment estimates that the fully developed and fully occupied project could have 693 – 1,202 children living here. The basis for this estimate is not provided. These figures are consistent with the estimated total residential population of 2,236 for the project listed in Table 4.11-4 of the Draft SEIR.
- C10: The commenter mentions a new 450-student high school with 150 on-site residents proposed at the Holy Redeemer property on Golf Links Road. The City received an application for such a proposal which the project sponsor for the school subsequently halted. The cumulative baseline traffic forecasts include the planned Seneca school expansion and the previously proposed California Crosspoint High School project at the Holy Redeemer site.
- C11: The commenter suggests that Draft SEIR specifically analyze recreation needs for children who would live in the development and the surrounding neighborhoods. The Draft SEIR analysis adequately assesses the provision of existing and proposed open space and active recreation space in the area and citywide, with and without the Project. The Project will add net new public trails, open space and parks that will be available for use by the public and Oak Knoll residents. The question of parkland available specific to children is not relevant to CEQA's assessment of potential impacts to parks and recreational facilities and the provision of parks and recreational facilities pursuant to the General Plan, which is adequately addressed in Impact PSR-4, starting on Draft SEIR page 4.12-14 and found to be less than significant.
- C12: The comment requests that some of the community space be dedicated to recreation activities for children of all ages. The comment does not address consideration of CEQA or the adequacy of the Draft SEIR analysis. The comment is noted and will be made available to decision makers of the Project.



2950 PERALTA OAKS COURT P.O. BOX 5381 OAKLAND CALIFORNIA 94605-0381 T: 1-888-EBPARKS F: 510-569-4319 TRS RELAY: 711 WWW.EBPARKS.ORG

LETTER D

October 12, 2016

Heather Klein
Planner IV
City of Oakland
Bureau of Planning
250 Frank H. Ogawa Plaza Suite 2114
Oakland, CA 94612

RE: Oak Knoll Mixed Use Community Plan Project SDEIR

Dear Mrs. Klein –

The East Bay Regional Park District appreciates the opportunity to review and provide comments on the Oak Knoll Mixed Use Community Plan Project Supplemental Draft Environmental Impact Report (SDEIR). The District has been monitoring this project for a number of years as it relates to the adjacent Leona Canyon Regional Open Space Preserve and the potential Knowland Park to Redwood Regional Trail as shown on the District's 2013 Master Plan Map.

The proposed project would result in the redevelopment of the former Naval Medical Center Oakland into a mixed use community of 935 residential units with 82,000 sq.ft. of neighborhood commercial uses and 67,6 sq. ft. of parks and open spaces with 3.5 miles of community wide trails. The District is pleased that the project proposes restoration of Rifle Range Creek and other onsite tributaries and includes connections through the project site that will provide existing and new residents in the project area to access Leona Canyon Regional Open Space Preserve.

D1

The District looks forward to working with the City of Oakland and the project developer should the project be approved on areas of mutual interest. If the project moves forward, the District would appreciate the opportunity to provide comments on specific design proposals as it relates to trail design, crossing of Keller Avenue and access into Leona Canyon, and design of the riparian restoration and other mitigation requirements of the project.

Thank you for the opportunity to review and provide comments. Please feel free to contact me should you have any questions at bholt@ebparks.org or (510) 544-2623.

Respectfully,

Brian W. Holt
Acting Chief, Planning/GIS

Board of Directors

6-24

Doug Siden President Ward 4	Beverly Lane Vice-President Ward 6	Dennis Waespi Treasurer Ward 3	Diane Burgis Secretary Ward 7	Whitney Dotson Ward 1	John Sutter Ward 2	Ayn Wieskamp Ward 5	Robert E. Doyle General Manager
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From: [Brian Holt](#)
To: [Klein, Heather](#)
Subject: Oak Knoll DSEIR Comments
Date: Thursday, October 13, 2016 8:47:42 AM
Attachments: [EBRPD Cmmts Oak Knol DSEIR 101216.pdf](#)

Good morning Heather –

Apologies for the late submittal, but wanted to be sure the District provided comments on the Oak Knoll DSEIR – attached. Please let me know if you have any questions.



Brian Holt
Acting Chief – Planning/GIS
East Bay Regional Park District
2950 Peralta Oaks Court, Oakland, CA 94605
T: 510-544-2623 | F: 510-569-1417
BHolt@ebparks.org | www.ebparks.org

STATEMENT OF CONFIDENTIALITY | This electronic message and any files or attachments transmitted with it may be confidential, privileged, or proprietary information of the East Bay Regional Park District. The information is solely for the use of the individual or entity to which it was intended to be addressed. If the reader of this message is not the intended recipient, you are hereby notified that use, distribution, or copying of this e-mail is strictly prohibited. If you received this e-mail in error, please notify the sender immediately, destroy any copies, and delete it from your system.

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Letter D Responses – East Bay Regional Parks District

D1: This comment states that the District has been monitoring the status of this Project for several years, as this project relates to the adjacent Leona Canyon Regional Open Space Preserve (LCROSP), and the potential Knowland Park to Redwood Regional Trail, as shown on the District’s 2013 Master Plan Map. It further states that the District is pleased with the Project’s proposals for restoration of Rifle Range Creek and its tributaries on site, and that this Project will provide connections to the LCROSP.

Finally, the District indicates that it would like to be apprised of opportunities to review and comment on more precise development plans as they are submitted for City review and approval, specifically as such plans relate to trail design, crossing of Keller Avenue, access into Leona Canyon, design of the riparian restoration, and “other mitigation aspects of the project.” These documents are included with the Project documents available on the City of Oakland website (<http://www2.oaklandnet.com/government/o/PBN/OurOrganization/PlanningZoning/OAK052335>).

These comments are acknowledged and hereby incorporated into this Final SEIR. Since there are no comments regarding the adequacy of the Draft SEIR, no response is required.



EDMUND G. BROWN JR.
GOVERNOR

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



KEN ALEX
DIRECTOR

October 13, 2016

Heather Klein
City of Oakland
250 Frank H. Ogawa Plaza, Suite 2214
Oakland, CA 94612

Subject: Oak Knoll Mixed Use Community Plan Project
SCH#: 1995103035

Dear Heather Klein:

The State Clearinghouse submitted the above named Supplemental EIR to selected state agencies for review. On the enclosed Document Details Report please note that the Clearinghouse has listed the state agencies that reviewed your document. The review period closed on October 12, 2016, and the comments from the responding agency (ies) is (are) enclosed. If this comment package is not in order, please notify the State Clearinghouse immediately. Please refer to the project's ten-digit State Clearinghouse number in future correspondence so that we may respond promptly.

Please note that Section 21104(c) of the California Public Resources Code states that:

E1

"A responsible or other public agency shall only make substantive comments regarding those activities involved in a project which are within an area of expertise of the agency or which are required to be carried out or approved by the agency. Those comments shall be supported by specific documentation."

These comments are forwarded for use in preparing your final environmental document. Should you need more information or clarification of the enclosed comments, we recommend that you contact the commenting agency directly.

This letter acknowledges that you have complied with the State Clearinghouse review requirements for draft environmental documents, pursuant to the California Environmental Quality Act. Please contact the State Clearinghouse at (916) 445-0613 if you have any questions regarding the environmental review process.

Sincerely,

Scott Morgan
Director, State Clearinghouse

Enclosures

cc: Resources Agency

**Document Details Report
State Clearinghouse Data Base**

SCH# 1995103035
Project Title Oak Knoll Mixed Use Community Plan Project
Lead Agency Oakland, City of

Type SIR Supplemental EIR
Description The Oak Knoll Project proposes a planned unit development and preliminary development plan for development of a new mixed use community of up to 935 residential units and a total of 82,000 sf of neighborhood commercial uses in a new Village Center. The project would establish approximately 67,6 sf of parks and open spaces for active and passive recreation, and approximately 3.5 miles of community wide trails that will link the site to the existing East Bay Regional Park District trail system. The project also involves the restoration and enhancement of approximately 16.7 acres of riparian areas along Rifle Range Creek and onsite tributaries, (Hospital Creek and Powerhouse Creek). A new bridge crossing of the creek is proposed.

Lead Agency Contact

Name Heather Klein
Agency City of Oakland
Phone 510-238-3659 **Fax**
email
Address 250 Frank H. Ogawa Plaza, Suite 2214
City Oakland **State** CA **Zip** 94612

Project Location

County Alameda
City Oakland
Region
Lat / Long 37° 46' 04.5" N / 122° 08' 53.29" W
Cross Streets Mountain Blvd. and Sequoyah Rd (8750 Mountain Blvd)
Parcel No. various
Township **Range** **Section** **Base**

Proximity to:

Highways I-580
Airports
Railways
Waterways Upper San Leandro Reservoir
Schools Charles Howard Elem.
Land Use General Plan: Hillside Residential, Community Commercial, Institutional, Resource Conservation, Urban Open Space

Project Issues Agricultural Land; Air Quality; Archaeologic-Historic; Biological Resources; Drainage/Absorption; Flood Plain/Flooding; Forest Land/Fire Hazard; Geologic/Seismic; Minerals; Noise; Population/Housing Balance; Public Services; Recreation/Parks; Schools/Universities; Sewer Capacity; Soil Erosion/Compaction/Grading; Solid Waste; Toxic/Hazardous; Traffic/Circulation; Vegetation; Water Quality; Water Supply; Wetland/Riparian; Growth Inducing; Landuse; Cumulative Effects; Aesthetic/Visual; Economics/Jobs

Reviewing Agencies Resources Agency; Department of Fish and Wildlife, Region 3; Office of Historic Preservation; Department of Parks and Recreation; San Francisco Bay Conservation and Development Commission; Office of Emergency Services, California; California Highway Patrol; Caltrans, District 4; Department of Housing and Community Development; Air Resources Board, Transportation Projects; Regional Water Quality Control Board, Region 2; Department of Toxic Substances Control; Native American Heritage Commission

**Document Details Report
State Clearinghouse Data Base**

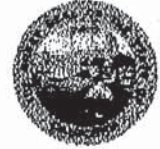
Date Received 08/29/2016 *Start of Review* 08/29/2016 *End of Review* 10/12/2016

STATE OF CALIFORNIA—CALIFORNIA STATE TRANSPORTATION AGENCY

EDMUND G. BROWN Jr., Governor

DEPARTMENT OF TRANSPORTATION

DISTRICT 4
 OFFICE OF TRANSIT AND COMMUNITY PLANNING
 P.O. BOX 23660, MS-10D
 OAKLAND, CA 94623-0660
 PHONE (510) 286-5528
 FAX (510) 286-5559
 TTY 711
 www.dot.ca.gov



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OCT 12 2016

STATE CLEARINGHOUSE

SCH # 1995103035
 GTS # 04-ALA-2016-00038
 ALA580838
 ALA-580-PM R37.8

October 12, 2016

Ms. Heather Klein
 Planning and Zoning Division
 City of Oakland
 250 Frank H. Ogawa Plaza, Suite 2114
 Oakland, CA 94612

Oak Knoll Mixed Use Community Plan (ER15-004) – Draft Supplemental EIR

Dear Ms. Klein:

Thank you for including the California Department of Transportation (Caltrans) in the environmental review process for the Oak Knoll Mixed Use project. In tandem with the Metropolitan Transportation Commission's (MTC) Sustainable Communities Strategy (SCS), the new Caltrans mission signals a modernization of our approach to evaluating and mitigating impacts to the State Transportation Network (STN). We aim to reduce Vehicle Miles Travelled (VMT) by tripling bicycle and doubling both pedestrian and transit travel by 2020. Our comments are based on the Draft Supplemental Environmental Impact Report (EIR).

Project Understanding

The proposed new mixed use community project would develop up to 935 residential units and a total of 82,000 square feet of neighborhood commercial uses in a new village center on the site of the former Naval Medical Center Oakland. The project would establish approximately 67.6 acres of parks and open spaces for active and passive recreation, and approximately 3.5 miles of community wide trails that will link the site to the existing East Bay Regional Park District trail system. The project also involves the restoration and enhancement of approximately 16.7 acres of riparian areas along Rifle Range Creek and onsite tributaries, (Hospital Creek and Powerhouse Creek). A new bridge crossing of the creek is proposed.

The nearest regional access to and from the project site is on Interstate 580 (I-580) via the Keller Avenue interchange. Access to I-580 can also be provided from the 98th Avenue / Golf Links Road interchange, approximately one mile south of the project site.

The Oakland City Council adopted the Environmental Impact Report for the original proposed project in 1998. The current proposal was determined to have potentially more severe impacts, thus requires a Supplemental EIR.

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Ms. Heather Klein, City of Oakland
October 12, 2016
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Lead Agency

As the Lead Agency, the City of Oakland (the City) is responsible for all project mitigation, including any needed improvements to State highways. The project's fair share contribution, financing, scheduling, implementation responsibilities, and Lead Agency monitoring should be fully discussed for all proposed mitigation measures.

Cultural Resources

There is no Native American consultation documented in either the Supplemental Environmental Impact Report or the Archaeological Survey Report. In accordance with CEQA, AB 52, and Section 106 of the National Historic Preservation Act as codified in 36 CFR 800, Caltrans recommends that the City of Oakland conduct Native American consultation with tribes, groups, and individuals who are interested in the project area and may have knowledge of Tribal Cultural Resources, Traditional Cultural Properties, or other sacred sites.

Impacts and Mitigation Measures

Caltrans does not agree with the assertion that Impacts TRANS- 1, 2, 3, 5, 8, 9, 10, 12, 14 and 15 are Significant and Unavoidable because they are located outside of the City's jurisdiction, as stated in Section 4.13.7. We request that the City work with Caltrans to identify and implement feasible measures on a fair-share basis to ensure all mitigation measures are funded and implemented. The City or the applicant can implement mitigation measures through the encroachment permit process, described at the end of this letter. These improvements should be completed as part of the required project mitigation.

Please analyze secondary impacts on pedestrians and bicyclists that may result from any traffic impact mitigation measures. Please also describe any pedestrian and bicycle mitigation measures and safety countermeasures that would therefore be needed as a means of maintaining and improving access to transit facilities and reducing traffic impacts to state highways. In particular, Mitigation Measure TRANS-6, which may preclude planned Class II bike lanes on Golf Links Road, should mitigate for impacts to bicyclists, if implemented.

Project Traffic Impact Analysis

Table 4.13-13, *Existing Plus Project Conditions Intersection LOS Summary*, indicates that intersections for the I-580 EB Off-Ramp/Golf Links Road/98th Avenue and I-580 WB Ramps/Golf Links Road (numbers 38 and 39, respectively) are at LOS C and pose no significant impact. Caltrans has observed traffic queuing back to the freeway during peak periods at both of these intersections, indicating that the LOS is worse than indicated in the summary and that Existing Plus Project Conditions could potentially pose a significant impact if not mitigated. Please reevaluate the analysis for these intersections.

Pedestrian and Bicycle Facilities

As the Project will construct new local streets, we recommend that all new facilities be considered for on-street bicycle facilities. Doing so can increase bicycling trips, decrease vehicle trips, and reduce impacts to the State Transportation Network.

The Mountain Boulevard and Keller Avenue overpasses provide pedestrian access between the project site and neighborhoods to the south of I-580. Although both overcrossings currently have

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Ms. Heather Klein, City of Oakland
October 12, 2016
Page 3

sidewalks, the existing configurations do not provide ADA access across Fontaine Street. As the project's residential development is expected to generate new pedestrian trips, and the retail development will attract pedestrian trips from existing residential neighborhoods south of I-580, the project should coordinate with the City of Oakland to upgrade the intersections of Mountain Boulevard and Fontaine Street, and Keller Avenue and Fontaine Street, to facilitate these pedestrian trips.

Vehicle Trip Reduction

Caltrans notes that the project's Transportation Demand Management (TDM) program sets a trip reduction target of ten percent, rather than the proposed 20 percent, due to the project location. However, in order to reduce vehicle trips and impacts to the State Transportation Network, we encourage the project's TDM program to retain the 20 percent target.

In order to encourage pedestrian, bicycle, and transit trips, thereby reducing vehicle miles traveled and impacts to the State Highway System, we recommend that the project consider a reduction in parking supply.

Transportation Management Plan

A Transportation Management Plan (TMP) or construction TIS may be required of the developer for approval by Caltrans prior to construction where traffic restrictions and detours affect State highways. TMPs must be prepared in accordance with California *Manual on Uniform Traffic Control Devices*. For further TMP assistance, please contact the Office of Traffic Management Plans/Operations Strategies at 510-286-4579 and see the following website:

<http://www.dot.ca.gov/trafficops/camutcd/camutcd2014rev1.html>

Transportation Permit

Project work that requires movement of oversized or excessive load vehicles on State roadways requires a Transportation Permit that is issued by Caltrans. To apply, a completed Transportation Permit application with the determined specific route(s) for the shipper to follow from origin to destination must be submitted to:

Caltrans Transportation Permits Office
1823 14th Street
Sacramento, CA 95811-7119.

See the following website for more information about Transportation Permits:

<http://www.dot.ca.gov/trafficops/permits/index.html>

Encroachment Permit

Please be advised that any work or traffic control that encroaches onto the State ROW requires an Encroachment Permit that is issued by Caltrans. Traffic-related mitigation measures should be incorporated into the construction plans prior to the encroachment permit process. To apply, a completed Encroachment Permit application, environmental documentation, and five (5) sets of plans clearly indicating State ROW must be submitted to the following address:

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Ms. Heather Klein, City of Oakland
October 12, 2016
Page 4

David Salladay, District Office Chief
Office of Permits, MS 5E
California Department of Transportation, District 4
P.O. Box 23660
Oakland, CA 94623-0660

See the following website for more information:

<http://www.dot.ca.gov/trafficops/ep/index.html>

Thank you again for including Caltrans in the environmental review process. Should you have any questions regarding this letter, please contact Jesse Schofield at 510-286-5562 or jesse.schofield@dot.ca.gov.

Sincerely,



PATRICIA MAURICE
District Branch Chief
Local Development - Intergovernmental Review

c: State Clearinghouse

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Letter E Responses – State Clearinghouse

- E1: The commenter acknowledges that the City complied with State Clearinghouse review requirements for draft environmental documents under CEQA. It is a routine transmittal to acknowledge that the City properly completed distribution of the Draft SEIR through the State Clearinghouse, and it includes a list of all State agencies who received a Notice of Completion of the Draft SEIR, plus a copy of a letter from Caltrans District 4 comments on the Draft SEIR. Please refer to the responses to Caltrans letter (Letter A).



October 4, 2016

Heather Klein, Planner IV
City of Oakland, Bureau of Planning
250 Frank H. Ogawa Plaza, Suite 2214
Oakland, CA 94612

Re: Notice of Availability of a Supplemental Draft Environmental Impact Report
for the Oak Knoll Mixed Use Community Plan Project (Case File Number
ER15-004)

Dear Ms. Klein:

East Bay Municipal Utility District (EBMUD) appreciates the opportunity to
comment on the Supplemental Draft Environmental Impact Report (SDEIR) for the Oak
Knoll Mixed Use Community Plan Project located in the City of Oakland (City).
EBMUD has the following comments.

GENERAL

The following language shown in bold should be added under Section 4.14 Utilities and
Service Systems on page 4.14-11 under Monitoring/Inspection: Public Works Department,
Environmental Services Division:

F1

“SCA UTIL-2: Underground Utilities. During construction. The project
applicant shall place underground all new utilities serving the project and under
the control of the project applicant and the City, including all new gas, electric,
cable, and telephone facilities, fire alarm conduits, street light wiring, and other
wiring, conduits, and similar facilities. The new facilities shall be placed
underground along the project’s street frontage and from the project structures to
the point of service. Utilities under the control of other agencies, such as PG&E,
shall be placed underground if feasible. **Water utilities under the control of
EBMUD shall be designed by EBMUD and installed in accordance with
EBMUD’s standard drawings and specifications.** All utilities shall be installed
in accordance with standard specifications of the serving utilities.”

F2

The following language shown in bold should be revised under Section 4.14 Utilities and
Service Systems, paragraph 4.14.3 Discussion of Impacts, Impacts and Mitigation Measures,
Water, Proposed Project on page 4.14-22:

F2
cont.

“ . . . According to the Preliminary Water Plan, the Project would design and construct all new water distribution facilities onsite in compliance with City of Oakland EBMUD’s requirements and standards, and the facilities would be designed to provide adequate pressure for fire flow in accordance with design criteria established by the Oakland Fire Marshall and the East Bay Municipal Utilities District (EBMUD) (BKF, 2015a).”

WATER SERVICE

F3

EBMUD’s Piedmont Pressure Zone, with a service elevation between 325 and 500 feet, and Country Club Pressure Zone, with a service elevation between 500 and 700 feet, will serve the proposed development. Water main extensions, at the project sponsor’s expense, will be required to serve the proposed development. Off-site pipeline improvements, also at the project sponsor’s expense, may be required to meet domestic flows and fire flow requirements set by the local fire agency. Off-site pipeline improvements include, but are not limited to, replacement of existing pipelines to the project site. When the development plans are finalized, the project sponsor should contact EBMUD’s New Business Office 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 and services require substantial lead time, which should be provided for in the project sponsor’s development schedule.

F4

The SDEIR contains a Preliminary Water Master Plan (Draft) that was prepared by BKF Engineers and contains impacts, mitigations, and recommendations for the proposed water system to serve the Oak Knoll Mixed Use Community Plan Project. As noted above, once the development plans are finalized the project sponsor should contact EBMUD’s New Business Office and request a water service estimate through which EBMUD will plan and design the water distribution system for the proposed development which may differ from the recommendations noted in the Preliminary Water Master Plan (Draft).

F5

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

for the removal, treatment, and disposal of all identified contaminated soil and/or groundwater.

F5
cont.

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

RIGHTS-OF-WAY AND EASEMENTS

F6

EBMUD owns and operates water supply tunnels and pipelines along the northern edge of the development in EBMUD rights-of-way (R/W 206 and R/W 1634) and property (Property Numbers 217-A and 506). The integrity of these tunnels and pipelines needs to be maintained at all times. Any proposed construction activity in EBMUD rights-of-way and property would be subject to the terms and conditions determined by EBMUD including relocation of water mains and/or rights-of-way at the project sponsor's expense.

WASTEWATER SERVICE

F7

EBMUD's Main Wastewater Treatment Plant (MWWTP) and interceptor system are anticipated to have adequate dry weather capacity to accommodate the proposed wastewater flows from this project and to treat such flows provided that the wastewater generated by the project meets the requirements of the EBMUD Wastewater Control Ordinance. However, wet weather flows are a concern. The East Bay regional wastewater collection system experiences exceptionally high peak flows during storms due to excessive infiltration and inflow (I/I) that enters the system through cracks and misconnections in both public and private sewer lines. EBMUD has historically operated three Wet Weather Facilities (WWFs) to provide primary treatment and disinfection for peak wet weather flows that exceed the treatment capacity of the MWWTP. Due to reinterpretation of applicable law, EBMUD's National Pollutant Discharge Elimination System (NPDES) permit now prohibits discharges from EBMUD's WWFs. Additionally, the seven wastewater collection system agencies that discharge to the EBMUD wastewater interceptor system ("Satellite Agencies") hold NPDES permits that prohibit them from causing or contributing to WWF discharges. These NPDES permits have removed the regulatory coverage the East Bay wastewater agencies once relied upon to manage peak wet weather flows.

A federal consent decree, negotiated among EBMUD, the Satellite Agencies, the Environmental Protection Agency (EPA), the State Water Resources Control Board

F7
cont.

(SWRCB), and the Regional Water Quality Control Board (RWQCB), requires EBMUD and the Satellite Agencies to eliminate WWF discharges by 2036. To meet this requirement, actions will need to be taken over time to reduce I/I in the system. The consent decree requires EBMUD to continue implementation of its Regional Private Sewer Lateral Ordinance (www.eastbaypsl.com), construct various improvements to its interceptor system, and identify key areas of inflow and rapid infiltration over a 22-year period. Over the same time period, the consent decree requires the Satellite Agencies to perform I/I reduction work including sewer main rehabilitation and elimination of inflow sources. EBMUD and the Satellite Agencies must jointly demonstrate at specified intervals that this work has resulted in a sufficient, pre-determined level of reduction in WWF discharges. If sufficient I/I reductions are not achieved, additional investment into the region's wastewater infrastructure would be required, which may result in significant financial implications for East Bay residents.

To ensure that the proposed project contributes to these legally required I/I reductions, the lead agency should require the project applicant to comply with EBMUD's Regional Private Sewer Lateral Ordinance. Additionally, it would be prudent for the lead agency to require the following mitigation measures for the proposed project: (1) replace or rehabilitate any existing sanitary sewer collection systems, including sewer lateral lines to ensure that such systems and lines are free from defects or, alternatively, disconnected from the sanitary sewer system, and (2) ensure any new wastewater collection systems, including sewer lateral lines, for the project are constructed to prevent I/I to the maximum extent feasible while meeting all requirements contained in the Regional Private Sewer Lateral Ordinance and applicable municipal codes or Satellite Agency ordinances.

WATER CONSERVATION

F8

The proposed project presents an opportunity to incorporate water conservation measures. EBMUD would request that the City include in its conditions of approval a requirement that the project sponsor comply with the Landscape Water Conservation Section, Article 10 of Chapter 7 of the Oakland Municipal Code. The project sponsor should be aware that Section 31 of EBMUD's Water Service Regulations requires that water service shall not be furnished for new or expanded service unless all the applicable water-efficiency measures described in the regulation are installed at the project sponsor's expense.

Heather Klein, Planner IV

October 4, 2016

Page 5

If you have any questions concerning this response, please contact Timothy R. McGowan, Associate Civil Engineer, Major Facilities Planning at (510) 287-1981.

Sincerely,



David J. Rehnstrom

Manager of Water Distribution Planning

DJR:AMM:dks

sb16_187

Letter F Responses – East Bay Municipal Utilities District

F1: The commenter asks the following text be added on page 4.14-11 of the Draft SEIR: “Water utilities under the control of EBMUD shall be designed by EBMUD and installed in accordance with EBMUD’s standard drawings and specifications.” The text suggested by the commenter has been added and is included in Chapter 3 of this Final SEIR document.

F2: The commenter states that text on page 4.14-22 under Section 4.14, *Utilities*, should be revised. The text of the Draft SEIR has been revised as follows, and this clarification is also included in Chapter 3 of this Final SEIR document:

According to the Preliminary Water Plan, the Project would design and construct all new water distribution facilities onsite in compliance with applicable City of Oakland and EBMUD’s requirements and standards...

F3: This commenter identifies which EBMUD water service zone will serve the proposed Project and describes the requirements to coordinate with EBMUD in the design and construction of new and replacement water distribution facilities required for this Project. These comments are acknowledged and hereby incorporated into this Final SEIR. This information is already known to the City and the Project sponsor and does not conflict with any information provided in the Draft SEIR. Moreover, in correspondence provided to the City of Oakland since publication of the Draft SEIR, and included in this Final SEIR as **Appendix J**, Updated Water Supply Verification Applicability (2017), EBMUD has confirmed it has sufficient water supply for the Project and that the Project is exempt from the Government Code’s water supply verification requirements pursuant to Government Code section 66473.7(i).

F4: The commenter specifies the protocols for the Project sponsor once a finalized Water Master Plan is prepared. As stated in response to Comment F3, these comments are also acknowledged and hereby incorporated into this Final SEIR. This information is already known to the City and the Project sponsor and does not conflict with any information provided in the Draft SEIR.

F5: The commenter addresses EBMUD’s restrictions on treatment and installation of infrastructure that may be exposed to or involve interaction with contaminated soil or water. The EBMUD policies and procedures regarding installation of water service facilities in areas where there may be soil or groundwater contamination are hereby acknowledged and incorporated into this Final SEIR. The Project Sponsor will adhere to all EBMUD requirements relative to design and construction of new or replacement water facilities to serve the Project site. Since this comment does not address the adequacy of the Draft SEIR, no further response is required.

F6: The commenter states that the integrity of pipes within its responsibility must be maintained at all times and that construction within their right-of-way and property are subject to EBMUD terms and conditions. EBMUD facilities contained within rights of way and easements along the northern edge of the Oak Knoll site are acknowledged and all construction work in the vicinity of these facilities will be carefully coordinated with EBMUD to ensure that there is no damage to their facilities or interruption of water service. Such coordination is routine procedure and does not require any revisions to the Draft SEIR or the Project plans.

- F7: This commenter describes a regional concern about investments in EBMUD's wastewater treatment and disposal facilities, particularly with respect to treatment and discharge of wet weather inflows and potential long-term impacts and challenges. The Project proposes to install all new sewer laterals that would be designed in compliance with the EBMUD Regional Private Sewer Lateral Ordinance and include features that would reduce infiltration and inflows from rain and groundwater. This comment does not address the adequacy of the Draft SEIR analysis of wastewater treatment and disposal services and, therefore no changes to the Draft SEIR are required.
- F8: The commenter states that the proposed Project must comply with all of the City's ordinances and development regulations, including the referenced Landscape and Water Conservation Section, Article 10 of Chapter 7 of the Oakland Municipal Code. The Project is required to comply with SCA UTIL-6 (Water Efficient Landscaping Ordinance [WELO]) that requires compliance with the water efficient landscape ordinance which will reduced potential water usage, as indicated on Draft SEIR page 4.14-25.



November 16, 2016

Heather Klein
Development Planning Manager
City of Oakland
250 Frank H. Ogawa Plaza, Suite 2214
Oakland, CA 94612

SUBJECT: Comments on Supplemental Environmental Impact Report (SEIR) for the Oak Knoll Mixed Use Community Plan Project

Dear Ms. Klein,

Thank you for the opportunity to comment on the Notice of Preparation (NOP) of a Supplemental Environmental Impact Report (SEIR) for the Oak Knoll Mixed Use Community Plan Project. The project site is approximately 189 acres bounded by Mountain Boulevard/Interstate 580 to the west, Keller Avenue to the north and east, and Sequoyah Road to the south. The proposed project would consist of approximately 925 residential units, 72,000 square feet of commercial use, and 77 acres of open space and recreation areas.

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

Comments on the SEIR

- G1 • On page 4.13-21: The SEIR presents the Level of Service (LOS) information on freeway and other roadway segments from Alameda CTC’s 2014 LOS Monitoring report. The most recent monitoring was performed in spring 2016, and the 2016 Level of Service Monitoring results are available on this webpage: http://www.alamedactc.org/app_pages/view/8091. Please update the LOS information in the SEIR document.
- G2 • On page 4.13-53: Please clarify what is meant by “causing congestion of regional significance” under Item H, Traffic Load and Capacity Thresholds. As you are aware, the Alameda CTC’s Congestion Management Program (CMP) does not establish significance thresholds for designated roadways for the purposes of Land Use Analysis Program (LUAP).
- G3 • On page 4.13-88: The SEIR report states that the proposed project would not degrade the performance of the MTS roadways from LOS E or better to LOS F. Although it states that the related analysis and data are included in Appendix V-H of the report, they are missing from the SEIR.
- G4 • On page 4.13-79: According to Figure. 4.13-05 and Table 4.13-17, approximately 12% of project generated traffic travels through 98th Avenue and approximately 4% of traffic will be traversing International Boulevard. The SEIR finds the traffic impacts to be significant and unavoidable for the intersection of International Boulevard and 98th Avenue. Considering that the East Bay Bus Rapid Transit (BRT) will be operating on International Boulevard soon, and pass through this intersection, in order to avoid any potential impacts to BRT operations, effective TDM measures

G4
cont.

should be considered for implementation to reduce the single occupant vehicle (SOV) trips from the project site, and therefore SOV trips through this corridor. The SEIR should include detailed information of these TDM measures, and how they will be sustained in the long term.

Thank you for the opportunity to comment on this SEIR. Please contact me at (510) 208-7426 or Chris Van Alstyne, Assistant Transportation Planner at (510) 208-7479, if you have any questions.

Sincerely,



Saravana Suthanthira
Principal Transportation Planner

cc: Chris Van Alstyne, Assistant Transportation Planner

file: R:\Planning_Policy_Public_Affairs\Planning\CMP\LUAP\2016\November

Letter G Responses – Alameda County Transportation Authority

- G1: The comment suggests that the 2016 Level of Service Monitoring report should be referenced in the existing setting section of the Draft SEIR instead of the 2014 report. The Existing Conditions presented in Section 4.13.2 of the Draft SEIR is consistent with conditions of the April 2015 release of the Notice of Preparation (NOP). The 2014 Level of Service Monitoring report was the latest available report when the NOP was released in April 2015, therefore the 2014 report is appropriately referenced on page 4.13-21 of the Draft SEIR. As CEQA Guidelines Section 15125, subdivision (a), states, “[a]n EIR must include a description of the physical environmental conditions in the vicinity of the project, as they exist at the time the notice of preparation is published,” and this “environmental setting will normally constitute the baseline physical conditions by which a Lead Agency determines whether an impact is significant.” The 2016 Level of Service Monitoring results would not be reflective of the existing setting relative to the April 2015 NOP release date.
- G2: The comment requests clarification on the significance threshold relating to Metropolitan Transportation System (MTS) roadways listed under Item H on page 4.13-53 of the Draft SEIR. As stated on page 4.13-53, the City has adopted a CEQA significance threshold for impacts to MTS roadway segments that is the same as specified in the Land Use Analysis Program of the Congestion Management Program (CMP). Thus, the Project’s transportation impact evaluation used the same significance criteria for MTS roadways as used for CMP roadway segments: for a roadway or freeway segment, the project would cause (a) the LOS to degrade from LOS E or better to LOS F or (b) the V/C ratio to increase 0.03 or more for a roadway segment that would operate at LOS F without the Project. (Draft SEIR at 4.13-53.)
- G3: The comment states that Appendix V-H (CMP Analysis Worksheets) is missing from the published Draft SEIR. The Draft SEIR included Appendix V-H; however, the CMP analysis summary tables seem to have been corrupted within the PDF available on the City’s website and are not readable. A readable hardcopy was available for review at the City’s offices, and once notified of the corrupted PDF, City staff immediately uploaded readable CMP analysis summary tables to the City’s website.
- G4: The comment suggests that the Draft SEIR should include detailed information on proposed TDM measures. The Draft TDM Plan is discussed in detail and provided in Appendix BB of the Draft SEIR. An updated TDM, revised to clarify how the Project achieves a 20 percent TDM reduction is included as **Appendix G** to this Final SEIR. See Master Response to Comment A.



1600 Franklin Street, Oakland, CA 94612 - Ph. 510/891-4754 - Fax. 510/891-7157

November 21, 2016

Heather Klein
Planner IV
City of Oakland
Bureau of Planning
250 Frank H. Ogawa Plaza, Suite 2114
Oakland, Ca. 94612

Dear Ms. Klein:

This letter is to submit AC Transit’s comments concerning the Supplemental Draft Environmental Impact Report (SEIR) for the Oak Knoll Mixed Use Community Plan Project. Please accept our apologies for delay in submitting this letter.

The Oak Knoll project site is a 183 acre former military hospital located east of Mountain Boulevard and south of Keller Avenue in the East Oakland hills. An earlier Environmental Impact Statement/EIR was approved in 1998, but the project analyzed in that EIR was not implemented. The revised proposal would develop up to 935 residential units and 82,000 square feet of neighborhood commercial space in a Village Center. Approximately 84 acres would remain undeveloped as undisturbed open space, parks, and creek corridors. This means development would occur on less than 100 acres.

H1 | At present, the Oak Knoll site has hourly bus service to Coliseum BART on line 46. Line 46L, which provides faster service, operates through the site to Coliseum BART, but currently does not stop there. Similarly, Transbay commuter line NX4 operates direct service to San Francisco through the site but does not currently stop. With the provision of appropriate bus stops and funding, all of these lines could effectively serve Oak Knoll.

H2 | The relatively compact design of the project will allow many residents to easily walk to a bus stop. AC Transit’s Easy Pass program is designed to provide deeply discounted bus passes to developers and employers. Easy Pass has been incorporated into Oakland’s revised zoning for central Oakland. Under the program, the project owner would purchase a pass or passes for each residential unit. These passes would be valid for both Transbay and local service. Under the current pricing schedule, each pass would cost less than \$10 per pass per month. Passes could also be made available for employees in the commercial space.

H3 | AC Transit proposes conditions on the project concerning the following items:

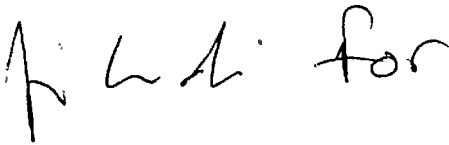
H3
cont.

- **New Bus Stop**—An additional bus stop would be needed to serve the site
- **Operations funding**—Operating funds would be needed to provide more frequent service for Oak Knoll on Lines 46, 46L or NX4
- **Bus Passes**—Provide bus passes for residents to encourage use of transit rather than driving

H4

The Oak Knoll project provides an unusually strong opportunity to improve transit orientation at a Hills site. We urge the City to take advantage of this opportunity. If you have any questions or comments about this letter, please contact Nathan Landau, nlandau@actransit.org. Thank you for your interest.

Sincerely,

Handwritten signature of Robert Del Rosario in black ink.

Robert Del Rosario
Director of Service Development and Planning
AC Transit

Letter H Responses – AC Transit

- H1: The comment provides a brief summary of the existing AC Transit service in the vicinity of the Oak Knoll site and states that the existing routes can effectively serve the Oak Knoll site with provision of appropriate bus stops and funding. As described on page 4.13-45 of the Draft SEIR, the Project applicant is currently proposing bus stops on Mountain Boulevard at Creekside Parkway. The Project applicant will continue to coordinate with AC Transit to investigate the potential of expanding transit service within the Project site. As stated on page 4.13-45, Creekside Parkway between Mountain Boulevard and Keller Avenue will also be designed to accommodate buses.
- H2: The comment provides a brief summary of AC Transit’s Easy Pass program and cost per passes. The Easy Pass can be provided as to residents and employees at Oak Knoll. As described on page 8 of the TDM Plan, AC Transit’s Easy Pass program was identified as an employee transit fare subsidy strategy to be incorporated as part of the Project’s TDM Plan. The Project applicant is not currently considering providing resident transit fare subsidies via the Easy Pass program; however, as stated on page 10 of the TDM Plan, a resident transit fare subsidy strategy will be considered for inclusion in the TDM Plan if the current proposed TDM strategies fail to meet the 20 percent trip-reduction goal.
- H3: The comment proposes the following conditions for the Project: new bus stop, operational funding for AC Transit, and provide bus passes to residents. As described on page 4.13-45 of the Draft SEIR, Creekside Parkway between Mountain Boulevard and Keller Avenue will be designed to accommodate buses and bus stops. (See response to Comment H2.) The Project applicant will continue to coordinate with AC Transit to investigate the potential of expanding transit service within the Project site and discuss transit service funding responsibilities.
- H4: The comment states that the Oak Knoll Project provides a strong opportunity to improve transit service in Project area. The Comment is noted.

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6.2 Organizations



September 12 2016

(By electronic transmission)
 Landmarks Preservation Advisory Board Members
 Betty Marvin, Heather Klein
 City of Oakland Bureau of Planning
 250 Frank H. Ogawa Plaza, Suite 2114
 Oakland, California 94612

Re: Oak Knoll development and Club Knoll historic building

Dear Board Members, Staff, and Consultants

Thank you for providing the SEIR for the Oak Knoll proposal. We will be providing a detailed comment letter, but based on preliminary review, present these general points:

- 11 | 1. We are grateful to the city staff, EIR consultants, and to SunCal for backing away from plans for total demolition of Oak Knoll Officers' Club.
- 12 | 2. We recommend one additional alternative be studied, which would keep Oak Knoll Club on its present historic site, but not cut the overall number of dwellings so drastically. Right now, alternatives that preserve the club on its site are only provided as linked with a drastic reduction in number of units. Yet the area occupied by the Club is not so large that it requires this great a reduction in the building program. This approach makes the selection of alternatives seem prejudicial to retention of the clubhouse on its present location, and avoids presenting a rationale for the revised configuration of the development.
- 13 | 3. We agree with and appreciate the thought that has gone into the many mitigations suggested for proposed relocation of the club, and concur that the wings, courtyard, and related features should be retained. Will the fireplaces survive and be made functional in any way? Will any bonding or other guarantee required to provide for the careful move of the structure?
- 14 | 4. We recommend adding to the mitigations or conditions of approval a public review at landmarks board and planning commission, to obtain comments on the relocation and reuse project when plans are submitted for city approvals.
- 15 | 5. Oakland Heritage Alliance very much appreciates Suncal's recent efforts to protect the building. However we reject all SEIR comments that depend upon its dilapidated condition, as these represent inattention by property owners and ought not be presented as an unavoidable condition.
- 16 | 6. Landscaping around the *in situ* or relocated clubhouse should reference historic conditions, and relevant study should be carried out so that appropriate landscape designs can be created.
- 17 | 7. Official designation of the clubhouse as an appropriate level of landmark should be required as part of its reuse and rehabilitation, to help protect its future.

18 | 8. We thank the Landmarks Preservation Advisory Board, the staff, consultants, developer, and the neighboring residents for their concern, participation, and efforts to retain the historic building.

Thank you for the opportunity to comment.

Sincerely,

A handwritten signature in cursive script that reads "Alison Finlay".

Alison Finlay
President

cc: Betty Marvin, Bureau of Planning/Zoning, Landmarks Preservation Advisory Board

From: [Naomi Schiff](#)
To: [Marvin, Betty](#); [Klein, Heather](#)
Cc: [Chris Andrews](#); floresfrank@hotmail.com; [peter birkholz](#); nenna08@gmail.com; stafford@garden-restoration.com; ellie.casson@gmail.com [Casson](#)
Subject: Preliminary Comments on Oak Knoll SEIR
Date: Monday, September 12, 2016 3:21:53 PM
Attachments: [2016-9-12_OHA_OakKnollSEIR-COMMENTDRAFT.pdf](#)

Dear LPAB and Staff,

Attached please find some comments from OHA. We will submit a more detailed letter before the deadline for comments. Thank you!

Naomi Schiff
238 Oakland Avenue
Oakland, CA 94611

Telephone: 510-835-1819
Email naomi@17th.com

cell: 510-910-3764

Letter I Response – Oakland Heritage Alliance

- I1: The commenter expresses appreciation that the Project applicant is not proposing the demolition of Club Knoll. The Comment is noted.
- I2: The commenter recommends that one additional alternative be studied that would keep Club Knoll on its present historic site, but not cut the overall number of dwellings so drastically. The Draft SEIR presents a reasonable range of alternatives to the proposed Project, including the No Project Alternative, Alternative A, Alternative B, and Alternative C, which all would keep Club Knoll in its current location and rehabilitate it for residential uses. In addition, an alternative has been added to this Final SEIR as described in Master Response to Comment C that would keep the number of residential units the same as the proposed Project and keep Club Knoll in its existing location, rehabilitate it for residential use, and construct an approximately 5,000 square foot community center in the location the Project proposes for Club Knoll.
- I3: The commenter asks for information regarding Club Knoll’s fireplaces and guarantees that the building will be moved carefully. This comment mirrors the points requested in Comment C3. Club Knoll’s fireplaces will be cleaned and as much of the fireplaces as feasible would be relocated and rehabilitated. This is discussed in the Club Knoll FDP in **Appendix H** to this Final SEIR. In the relocated building, the fireplaces would be reconstructed but not used for burning wood due to air quality concerns. The City has enforcement authority to ensure that the moving of Club Knoll complies with the Draft SEIR mitigation measures designed to protect Club Knoll before, during, and after relocation, and they are presented in Master Response to Comment B in Chapter 5 of this Final SEIR.
- I4: The commenter suggests adding to the mitigations or conditions of approval a public review at landmarks board and planning commission to obtain comments on the relocation and reuse of Club Knoll. As described in Master Response to Comment B, both the Landmarks Preservation Advisory Board and Planning Commission will review the Club Knoll FDP.
- I5: The commenter states that it rejects all SEIR comments that depend on Club Knoll’s dilapidated condition, and suggests that condition is the result of the owner. Under CEQA, Club Knoll’s existing condition is the appropriate baseline for determining impacts. In addition, the SEIR assumes Club Knoll is a historic resource and treats it as such, including requiring a number of mitigation measures to ensure Club Knoll is protected from further deterioration and appropriately rehabilitated. See response to Comment C1. The reasons Club Knoll is in its existing condition are not a CEQA issue.
- I6: The commenter suggests that the landscaping around Club Knoll should reference historic conditions. The landscaping around Club Knoll is no longer considered historic. See response to Comment C4.
- I7: The commenter would like to see Club Knoll officially designated as a landmark. See response to Comment C6.
- I8: The commenter thanks the Landmarks Preservation Advisory Board, staff, consultants, developer, and neighboring residents. The City appreciates and notes this comment.

Crescentia Brown

From: Oakland Heritage Alliance <info@oaklandheritage.org>
Sent: Friday, September 30, 2016 11:20 AM
To: Merkamp, Robert
Subject: URGENT: Save the Oak Knoll Officers' Club!

J1

The Oak Knoll Officers' Club is under threat. Suncal may relocate the majority of the building for reuse in a more central area. But some neighbors are now advocating for total demolition. Now is the time to urge the building's retention-preferably on its original site, but if absolutely necessary, relocated-and oppose its demolition.

J2

The Supplemental Environmental Impact Report for Suncal's proposed 935-residential mixed use development at the former Oak Knoll hospital site (Mountain Boulevard/Interstate 580, Keller Avenue, and Sequoyah Road) is circulating for comments, due Oct 12. The Planning Commission is meeting to discuss it on Oct. 5. The SEIR and information about this project can be found at:

<http://www2.oaklandnet.com/government/o/PBN/OurOrganization/PlanningZoning/OAK052335>

We urge you to send in comments right away to planner Heather Klein; consultant, Scott Gregory; and secretary to the planning commission, Robert Merkamp for distribution it to the commission. (Please also copy us at info@oaklandheritage.org.)

hklein@oaklandnet.com, sgregory@lamphier-gregory.com, rmerkamp@oaklandnet.com, info@oaklandheritage.org

J3

Below is a summary of the main points OHA will be making at the Planning Commission, 6 pm Wednesday October 5. Feel free to add your own thoughts, and send comments in by October 5th or sooner so that the commissioners can consider them. Please CC info@oaklandheritage.org in your correspondence. And join us at the meeting if you are able!

Thank you for your help!

Dear Planning Commissioners, planning staff, and consultant:

J4

1. The Oak Knoll Officers' Club must be retained! It is a valuable and historic building of importance to residents of Oakland.

J5

2. The only SEIR alternative studied which keeps Oak Knoll Club on its present site drastically cuts the number of units to be built. The size of the Club does not

J5
cont.

require this huge reduction in the building program. An alternative should be presented that shows the Club on its original site along with the dense development scheme.

J6

3. If the building cannot be retained on site, we support proposed relocation of the club with the greatest possible reuse of the original structure, its interior decorative features, and its courtyard areas, and with the greatest possible sensitivity to the historic features of the building.

J7

4. Please require public review at landmarks board and planning commission for discussion of any relocation or reuse project, before approval of plans.

J8

5. We are grateful for the recent efforts to protect the building. However we firmly reject all SEIR comments that depend upon its dilapidated condition. Inattention and neglect by property owners are not an unavoidable condition.

J9

6. Landscaping around the in situ or relocated clubhouse should reflect historic conditions.

J10

7. Official designation of the clubhouse as an appropriate level of landmark should be pursued.

Sincerely,

Oakland Heritage Alliance
www.oaklandheritage.org
(510) 763-9218

446 17th Street, Suite 301
Oakland, CA 94612

Oakland Heritage Alliance, 446 17th Street, Suite 301, Oakland, CA 94612

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Letter J Response – Oakland Heritage Alliance

- J1: The commenter describes the proposed Project, expresses preference for not moving Club Knoll, and describes neighbors who are advocating to demolish Club Knoll. This comment does not raise CEQA concerns.
- J2: The commenter urges people to send comments on the draft SEIR and Project to City planning staff and the City’s CEQA consultant. This comment does not raise CEQA concerns.
- J3: The commenter asks people to comment on the Project, including at the October 5, 2016 Planning Commission hearing. This comment does not raise CEQA concerns.
- J4: The commenter states that Club Knoll must be retained. The Project proposes to retain Club Knoll in a new location.
- J5: The commenter states that the “only” SEIR alternative studied that keeps Club Knoll in its existing location “drastically” cuts the number of units to be built and requests that the EIR study an alternative that keeps Club Knoll in its existing location and maintains the number of units proposed by the Project. See responses to Comments C1 and I2, and Master Response to Comment C.
- J6: The commenter expresses support for the relocation and rehabilitation of Club Knoll if the building cannot be retained in its current location. This comment expresses an opinion that will be conveyed to the City decision makers.
- J7: The commenter requests a public review by the Landmarks Preservation Advisory Board and Planning Commission on the relocation and reuse of Club Knoll. Such public review is planned. See Master Response to Comment B.
- J8: The commenter states that it rejects all SEIR comments that depend on Club Knoll’s existing, dilapidated condition. See response to Comment I5.
- J9: The commenter says that the landscaping around Club Knoll “should reflect historic conditions.” See response to Comment C4.
- J10: The commenter asks the City to pursue the appropriate level of official landmark designation for Club Knoll. See response to Comment C6.



October 3, 2016

(By electronic transmission)
 Oakland Planning Commission
 Heather Klein, Scott Gregory
 City of Oakland Bureau of Planning
 250 Frank H. Ogawa Plaza, Suite 2114
 Oakland, California 94612

Re: Oak Knoll development and Club Knoll historic building

Dear Commissioners, Staff, and Consultants,

Thank you for providing the SEIR for the Oak Knoll proposal. Here are comments:

- K1 1. We are grateful to the city staff, EIR consultants, and to SunCal for suggesting an alternative to their previous plan for total demolition of Oak Knoll Officers' Club. We strongly support efforts to reuse this historically and architecturally valuable building, whether on its present site or relocated. However, we find that the cultural resources section and related mitigations of the SEIR are insufficient and inadequate. Most importantly, the SEIR fails to address an alternative which satisfies the objective of about 900 residential units, while preserving the historic resource Oak Knoll Club *in situ*.
- K1 2. At least one additional alternative must be studied—retaining the Oak Knoll Club on its present historic site, as in the earlier iteration of this project in about 1998, *as part of a dense project*. In such an alternative, the overall number of dwellings should be about what is proposed by the developer under the current SEIR. Right now, alternatives A, B, and C, which preserve the club on its site, are each linked with a drastic reduction in number of units (334 to 586 fewer) (Pages 2-2 and 2-3). Yet the area occupied by the Club is not so large that it requires this great reduction in the building program. The alternatives selected are inherently prejudiced against retention of the clubhouse on its present location, and the SEIR as a whole does not provide a rationale for moving it. This rationale is necessary to undergird any proposal to move the building under the preferences in the Secretary of Interior Standards for Rehabilitation and Guidelines for Rehabilitating Historic Buildings. Thus far, the case for moving the building has not been made. The only basis for it is on page 3-12, with two words under objective 11, “centrally located”, and a little more description on page 3-27. This is not a complete and compelling argument for moving a historic resource. Once that case has been made, and if relocation is determined to be the logical best outcome, then the Planning Commission must decide whether the mitigations are adequate.
- K2 3. We agree with and appreciate the thought that has gone into the mitigations suggested for proposed relocation of the club, and concur that the wings, courtyard, and related features absolutely should be retained. Will the fireplaces survive and be made functional? Does the relocation design adequately reflect the current appearance from downhill, despite the removal of the lowest level? Proposed major alterations should be specifically addressed. Will any bonding or other guarantee required to provide for
- K3 the careful move of the structure? How are the mitigations to be enforced? (Pages 4.4-20 and following)
- K4 4. We urge that public hearings at landmarks board and planning commission be required before granting city building permits and approvals, to review any relocation, rehabilitation, and reuse project

K4
cont.

for the Club (CUL-1.5, Page 4.4-23 and 24). Such language should be added to the mitigations under CUL-1.5. The mitigations repeatedly use the phrase “ensure”— we request clarity as to precisely who is responsible for ensuring that these measures are carried out meticulously. Is there a specific mechanism such as bonding or reporting, or some other guarantee, to carry out these provisions? Who of the City of Oakland staff will monitor compliance, and how is it reported? Does the Planning Commission or LPAB review to make sure the relocation and/or reuse complies with the mitigations?

K5

5. Oakland Heritage Alliance very much appreciates Suncal’s recent efforts to protect the building. However we reject all SEIR comments (such as at page 4.4-20) that depend upon dilapidated conditions. Building deterioration represents inattention by property owners and ought not be presented as unavoidable. The paragraph at the bottom of 4.4-20 should be rewritten to clarify that ownership has now rectified its previous failure to secure the building, protect its roof from leaks, and will continue to do so pending construction. Clarify to note that unauthorized entry occurred due to the inadequacy of security measures, which were rectified in 2015–16, subsequent to the damage that occurred. The building deteriorated due to inadequate security and structural protection measures. The City of Oakland must not reward owners for demolition or damage due to neglect.

K6

K7

We also question the statement at page 4.4-15: "Only the exterior of the building was accessible. . . " referring to a July 2015 reconnaissance survey, and the following statements about dilapidation. Why was access not facilitated? We know that others were able to enter the building.

K8

6. Under CUL-1.5, add a provision that landscaping around the *in situ* or relocated clubhouse should reflect historic conditions. A study of the historic landscape and any remaining landscape features in the areas closest to the Officers’ Club should be carried out so that appropriate landscape designs can be created.

K9

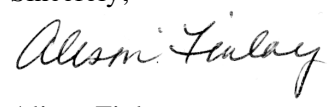
7. Under CUL-1.5, add a provision that official designation of the clubhouse at an appropriate level of landmark will be required as part of its reuse and rehabilitation, to help protect its future. Project proponents should prepare and submit a City Landmark application as one of the mitigations for relocation and/or reuse of the building. The materials provided with this SEIR should make such a document quite easy to prepare.

K10

8. We thank the Landmarks Preservation Advisory Board, the Planning Commission, the staff, consultants, developer, and the neighboring residents for their concern, participation, and efforts to retain the historic building. We look forward to an active new neighborhood that will house Oaklanders and fill a long-vacant site in our city, and that will preserve the Oak Knoll Officers’ Club as a place for people to gather and interact, as well as for its historic connections and its architecture.

Thank you for the opportunity to comment.

Sincerely,



Alison Finlay
President

cc: Betty Marvin, Bureau of Planning/Zoning, Landmarks Preservation Advisory Board

From: [Naomi Schiff](#)
To: [Klein, Heather](#); [Scott Gregory](#); [Merkamp, Robert](#); [Sam Veltri](#); [Pat Keliher](#)
Cc: [Adhi Nagraj](#); [Emily Weinstein](#); tlimon.opc@gmail.com; cmanusopc@gmail.com; amandamonchamp@gmail.com; [Jahmese Myres](#); [Pattillo, Chris](#); [Marvin, Betty](#)
Subject: Comments regarding ER15-004, PLN-15-378, Oak Knoll Mixed Use SEIR SCH 1995103035
Date: Monday, October 03, 2016 2:56:24 PM
Attachments: [2016-10-3_OHA_OakKnollSEIR-PC.pdf](#)

Dear Planning Commissioners, Staff, Consultants, and Developers,

Attached please find comments from Oakland Heritage Alliance regarding the Oak Knoll SEIR.

Thank you!

Naomi Schiff
238 Oakland Avenue
Oakland, CA 94611

Telephone: 510-835-1819
Email naomi@17th.com

cell: 510-910-3764

Letter K Responses – Oakland Heritage Alliance

K1: The commenter states that the cultural resources section and related mitigations of the SEIR are insufficient and inadequate because an additional alternative that keeps the proposed number of residential units and does not move Club Knoll was not studied and the Draft SEIR does not provide sufficient rationale for proposing to move the resource.

First, it should be noted that the relocation of Club Knoll is not a mitigation measure, but instead part of the Project description. Based on the analysis in the Carey & Co. report and information about feasibility submitted by the applicant, in addition to a subsequent assessment of the Club Knoll FDP in **Appendix I** of this Final SEIR, the City has concluded that the proposed relocation does not adversely impact the historic resource with the implementation of mitigation. As such, there is no need to look at the alternative of preserving the building in place. Nonetheless, the Draft SEIR has done so.

Regarding the proposed additional alternative, see Master Response to Comment C. The Project sponsor's reasons for seeking to relocate Club Knoll is not a CEQA issue, but there are several additional reasons to those in the Draft SEIR that support moving Club Knoll to the center of the proposed Oak Knoll Project. First, having it in the center of the Project will better protect it than keeping it near the edge. As mentioned, in its current location, Club Knoll has not been well protected from vandalism by site security. Placing Club Knoll in the middle of the property, away from streets that are likely to be used by others than residents of the Project should make it more secure.

Second, if kept in its current location, Club Knoll would be surrounded by the homes proposed by the Project, which is less in keeping with Club Knoll's historical surroundings than a location adjacent to open space. In the location proposed by the Project, Club Knoll would be adjacent to green space, which is more in keeping with its historical setting. Reusing Club Knoll as a community center is more consistent with its historical uses as a golf club and officer's club than using it for residences, which is the potentially viable reuse of the building considered in the alternatives analysis if Club Knoll is maintained in place. Using Club Knoll for private residences would require significant alterations to both the interior and the exterior and would forever "privatize" the interior. Finally, a community center works best when located in the center of the community and enjoyed most easily by the people of the community. Therefore, moving Club Knoll as proposed by the Project will help ensure that its rehabilitation and reuse are successful, and that success will protect it from neglect and from falling into disrepair in the future.

K2: The commenter asks whether Club Knoll's fireplaces will survive and be functional, and whether relocation would reflect Club Knoll's current appearance from "downhill" even though the lowest level would be removed. The commenter also states that proposed major alterations should be specifically addressed. Regarding the fireplaces, see response to Comment C3 and Table O31 in response to Comment O31, which indicates all fireplaces and chimneys will be relocated. (Also see Club Knoll FDP in Appendix H). Regarding appearance, the proposed site for Club Knoll is also sloped and there would be views of Club Knoll from a downhill setting. In addition, the lower, downhill façade would be retained and relocated. The proposed alterations to Club Knoll have been studied in the Draft SEIR and any impacts would be addressed by mitigation measures.

K3: The commenter asks how the mitigation measures for Club Knoll be enforced. See response to Comment C3, which discusses this in detail. The commenter also asks whether any bonding or other guarantee will be required to ensure the careful move of the

structure. Consistent with standard City practice and pursuant to the Oakland Municipal Code, the City will require bonding for the relocation of Club Knoll, as discussed in Master Response to Comment B.

- K4: The commenter states that public hearings by the Landmarks Preservation Advisory Board and Planning Commission on final Club Knoll relocation work plan should be required under Mitigation Measure CUL-1.5. The City will review the work plan and undertake site visits to ensure that work is proceeding in conformity with the approved work plan. In addition, the requirements of Mitigation Measure CUL-1.5 will be incorporated into the FDP for Club Knoll. That FDP will be reviewed by the Landmarks Preservation Advisory Board and Planning Commission at public hearings. See response to Comment C3.
- K5: The commenter wants to know if there is a specific mechanism such as bonding or reporting or some other guarantee that the mitigation measures will be followed, and who in the City will monitor compliance, and how compliance is reported. See response to response to Comments C3 and K3, which addresses these specific topics.
- K6: The commenter states that it rejects all statements that reference Club Knoll's dilapidated conditions and asks that additions be made to the paragraph at the bottom of page 4.4-20 that blame the property owner for Club Knoll's existing dilapidated condition. See response to Comment I5.
- K7: The commenter asks why the EIR preparer was not provided full access to Club Knoll. The historic consultant, Carey & Co. was provided access to the interior of Club Knoll and evaluated the interior as part of its May 2016 historic report, as summarized in the Draft SEIR on page 4.4-16.
- K8: The commenter requests that a requirement that landscaping around Club Knoll reflect historic conditions be added to Mitigation Measure CUL-1.5 and that a study of the historic landscape and any remaining landscape features in the areas closest to Club Knoll be completed to inform the Project's landscape designs.

See response to Comment C4. In addition, the historic report completed in 2016 found that Club Knoll's setting on a sloped site and relationship to open landscape to the west are important. These relationships would be retained in the proposed new location for Club Knoll (see Club Knoll FDP in **Appendix H** to this Final SEIR). The historic report also concluded the clubhouse's relationship with the golf course was lost with the removal of the course by the Navy. Even though the landscape surrounding Club Knoll has been greatly changed from the time of Club Knoll's period of significance and is not considered a historic resource itself, in response to this comment Mitigation Measure CUL-1.5 will be clarified by adding the following text to page 4.4-24 of the Draft SEIR:

k) Ensure the foundation is constructed such that the building, at the exterior stair location on the west elevation, is raised above the surrounding finished grade, and that the orientation is such that Club Knoll will maintain the important relationships with its setting identified in the Carey & Co. Historic Report (May 2016).

- K9: The commenter requests that a provision be added to Mitigation Measure CUL-1.5 that Club Knoll be designated an official landmark at an appropriate level. See response to Comment C6.
- K10: The commenter expresses its appreciation of various parties. See response to Comment I8.

Oak Knoll Coalition

Generating citywide support to create long-term benefits at Oak Knoll
Representing 2,500+ Households/6,000 Residents
P.O. Box 18742, Oakland, CA 94619

LETTER L

OKNIA
Sequoyah Heights
Sequoyah Highlands
Sequoyah Hills
SHOKNA
Shadow Woods

October 5, 2016

Oakland Planning and Zoning
250 Frank H. Ogawa Plaza
Oakland, CA 94612

RE: Oak Knoll DSEIR SCH No. 1995103035 dated August, 2016
City File No. ER-15-004

Dear Planning Department:

The Oak Knoll Coalition submits the following comments regarding the Draft Supplemental Environmental Impact Report for the Oak Knoll Mixed Use Community Project Plan (DSEIR).

L1

The Oak Knoll Coalition represents six homeowners associations and some 6,000 residents of neighborhoods surrounding the Oak Knoll project. Members of the Coalition have spent an estimated 200 hours reviewing and evaluating this DSEIR, and while the Coalition supports the project in general, we find this critical document to be inconsistent, unclear and incomplete in myriad ways – so much so that it is impossible for the public to reasonably evaluate many key project impacts and proposed mitigations. We therefore believe that CEQA requires the document be redrafted and recirculated.

The Coalition will submit detailed comment letters enumerating the DSEIR's essential deficiencies by the close of the public comment period on October 12, 2016.

Sincerely,

Oak Knoll Coalition Members

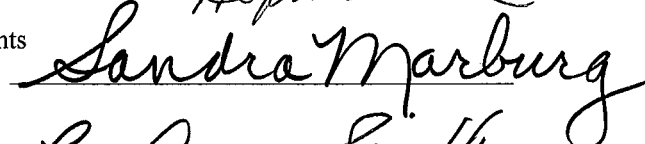
Tamara Thompson, Oak Knoll Neighborhood
Improvement Association



Gaile Hofmann, Sequoyah Hills/Oak
Knoll Neighborhood Association



Sandra Marburg, Associated Residents
of Sequoyah Highlands, Inc.



Lee Ann Smith, Sequoyah Heights
Homeowners Association



Robert Clark, Sequoyah Hills
Homeowners Association



Letter L Responses – Oak Knoll Coalition

- L1: The commenter states that the Draft SEIR is “inconsistent, unclear and incomplete in myriad ways” and “that it is impossible for the public to reasonably evaluate many key Project impacts and proposed mitigations,” and concludes that the Draft SEIR must be redrafted and recirculated. The Draft SEIR fully satisfies CEQA’s requirements. It is well organized and contains the information required under CEQA, and is adequate to allow informed decisions about the Project. The Draft SEIR includes a description of the Project and its setting (pages 3-1 through 3-55), analysis of its potentially significant environmental impacts (pages 4.0-1 through 4.15-26, and 6-1 through 6-6), feasible and enforceable mitigation measures (see summary on pages 2-4–2-50), and alternatives (pages 5-1 through 5-49). Its conclusions are supported by substantial evidence. As such, the document complies with CEQA. The changes made to the Draft SEIR in response to comments constitute information that clarifies or amplifies, or makes insignificant modifications, to the adequate Draft SEIR. (See CEQA Guidelines § 15088.5(b).) As such, these clarifications do not require recirculation of the Draft SEIR. Absent more detail, this general response is adequate to address this general comment. (See *City of Irvine v. County of Orange* (2015) 238 Cal.App.4th 526, 550.)

ADAMS BROADWELL JOSEPH & CARDOZO

A PROFESSIONAL CORPORATION

ATTORNEYS AT LAW

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SACRAMENTO, CA 95814-4721

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VIA E-MAIL AND OVERNIGHT MAIL

Heather Klein
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City of Oakland
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Re: Comments on the Draft Supplemental Environmental Impact Report for the Oak Knoll Mixed Use Community Plan Project, SCH No. 1995103035; (Case Number: PLN15378, PLN15378-PUDF01, ER15-004)

Dear Ms. Klein:

We are writing on behalf of Oakland Residents for Responsible Development regarding the August 2016 Draft Supplemental Environmental Impact Report (“DSEIR”) prepared for the Oak Knoll Mixed Use Community Plan Project (“Project”). The Project is located on approximately 188 acres of land at 8750 Mountain Boulevard on the former Oak Knoll Naval Medical Center Property. The Project proposes construction of 935 residential units, a “Village Center” with 72,000 square feet of neighborhood serving retail and commercial uses, and relocation of the historic Club Knoll building for commercial uses (10,000 square feet) and community space (4,000 square feet). The Project would also include restoration of Rifle Range Creek, approximately 83 acres of open space, and trails, paths and bicycle routes.

In 1996, the Oak Knoll Naval Medical Center property was subject to a Final Reuse Plan, pursuant to federal military base reuse procedures. A 1998 Environmental Impact Statement/Environmental Impact Report for the Disposal and Reuse of Naval Medical Center Oakland (“1998 EIS/EIR”) was prepared to

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assess the potential effects of the Final Reuse Plan. The 1998 EIS/EIR was subsequently certified and the Final Reuse Plan was adopted. The current DSEIR assesses whether the proposed Project would result in new significant environmental effects or substantially increase the severity of previously identified significant effects.

As set forth below, the DSEIR does not comply with the requirements of the California Environmental Quality Act (“CEQA”). The City of Oakland (“City”) may not approve the Project until the errors in the DSEIR are corrected and a revised document is recirculated for public review and comment.

I. STATEMENT OF INTEREST

Oakland Residents for Responsible Development (“Oakland Residents”) is an unincorporated association of individuals and labor unions that may be adversely affected by the potential public and worker health and safety hazards and environmental and public service impacts of the Project. The association includes Alan Guan, Risi Agbabiaka, Peter Lew, Bridgette Hall, Tanya Pitts, UA Plumbers and Pipefitters Union, Local 342, International Brotherhood of Electrical Workers Union, Local 595, Sheet Metal Workers Union, Local 104, and their members and their families; and other individuals that live and/or work in the City of Oakland and Alameda County.

Individual members of Oakland Residents and the affiliated unions live, work, recreate and raise their families in Alameda County, including the City of Oakland. They would be directly affected by the Project’s environmental and health and safety impacts. Individual members may also work on the Project itself. Accordingly, they will be first in line to be exposed to any health and safety hazards that exist onsite. Oakland Residents has an interest in enforcing environmental laws that encourage sustainable development and ensure a safe working environment for its members. Environmentally detrimental projects can jeopardize future jobs by making it more difficult and more expensive for business and industry to expand in the region, and by making it less desirable for businesses to locate and people to live there.

II. SUMMARY OF THE DSEIR'S INFORMATIONAL AND ANALYTICAL DEFICIENCIES

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As these comments will demonstrate, the DSEIR fails to comply with the requirements of CEQA and may not be used as the basis for approving the Project. It fails in significant aspects to perform its function as an informational document that is meant “to provide public agencies and the public in general with detailed information about the effect which a proposed project is likely to have on the environment” and “to list ways in which the significant effects of such a project might be minimized.”¹

M2

Substantial evidence indicates that the Project is likely to cause significant adverse impacts. The DSEIR is legally defective due to its failure to adequately identify, evaluate and mitigate these potentially significant impacts. The errors and deficiencies of the DSEIR include the following:

1. The DSEIR fails to adequately disclose, evaluate and mitigate biological resource impacts;
2. The DSEIR fails to adequately disclose, evaluate and mitigate the Project's air quality impacts;
3. The DSEIR fails to adequately disclose, evaluate and mitigate the Project's greenhouse gas impacts; and
4. The DSEIR fails to disclose, evaluate and mitigate the Project's inconsistency with the City's traffic policies.

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The DSEIR must be withdrawn and revised to address these errors and deficiencies. Because of the substantial omissions in the information disclosed in the DSEIR, revisions necessary to comply with CEQA will be, by definition, significant. In addition, substantial revision will be required to address impacts that were not disclosed as potentially significant in the DSEIR. Accordingly, the revised DSEIR must be recirculated for additional public comment.²

¹ *Laurel Heights Improvement Assn. v. Regents of University of California* (1988) 47 Cal.3d 376, 391.

² Pub. Resources Code § 21091.1; 14 Cal. Code Regs. (“CEQA Guidelines”) § 15088.5.

M4 | We prepared our comments with the assistance of biological resources expert Scott Cashen and air quality experts at SWAPE. Mr. Cashen's comments are attached to this letter as Exhibit A and his *curriculum vitae* is attached as Exhibit B. SWAPE's comments are attached to this letter as Exhibit C and the *curricula vitae* of the experts who prepared SWAPE's comments are attached as Exhibit D.

III. CEQA REQUIRES THE DISCLOSURE OF ALL POTENTIALLY SIGNIFICANT PROJECT IMPACTS AND THE INCORPORATION OF ALL FEASIBLE MITIGATION MEASURES NECESSARY TO REDUCE SUCH IMPACTS TO BELOW A LEVEL OF SIGNIFICANCE

M5 | CEQA has two basic purposes. First, CEQA is designed to inform decisionmakers and the public about the potential, significant environmental effects of a project.³ Except in certain limited circumstances, CEQA requires that an agency analyze the potential environmental impacts of its proposed actions in an environmental impact report ("EIR").⁴ An EIR's purpose is to inform the public and its responsible officials of the environmental consequences of their decisions before they are made. Thus, an EIR "protects not only the environment but also informed self-government."⁵

To fulfill this function, the discussion of impacts in an EIR must be detailed, complete, and "reflect a good faith effort at full disclosure."⁶ CEQA requires an EIR to disclose all potential direct and indirect, significant environmental impacts of a project.⁷ In addition, an adequate EIR must contain the facts and analysis necessary to support its conclusions.⁸

M6 | The second purpose of CEQA is to require public agencies to avoid or reduce environmental damage when possible by requiring appropriate mitigation measures and through the consideration of environmentally superior alternatives.⁹ If an EIR

³ CEQA Guidelines § 15002, subd. (a)(1).

⁴ See, e.g., Pub. Resources Code § 21100.

⁵ *Citizens of Goleta Valley v. Board of Supervisors* (1990) 52 Cal.3d 553, 564.

⁶ CEQA Guidelines § 15151; *San Joaquin Raptor/Wildlife Rescue Center v. County of Stanislaus* (1994) 27 Cal.App.4th 713, 721-722.

⁷ Pub. Resources Code § 21100, subd. (b)(1); CEQA Guidelines § 15126.2, subd. (a).

⁸ See *Citizens of Goleta Valley v. Board of Supervisors* (1990) 52 Cal.3d 553, 568.

⁹ CEQA Guidelines § 15002, subds. (a)(2)-(3); see also, *Berkeley Keep Jets Over the Bay Committee v. Board of Port Commissioners* (2001) 91 Cal.App.4th 1344, 1354; *Citizens of Goleta Valley v. Board of*

M6
cont.

identifies potentially significant impacts, it must then propose and evaluate mitigation measures to minimize these impacts.¹⁰ CEQA imposes an affirmative obligation on agencies to avoid or reduce environmental harm by adopting feasible project alternatives or mitigation measures.¹¹ Without an adequate analysis and description of feasible mitigation measures, it would be impossible for agencies relying upon the EIR to meet this obligation.

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As discussed in detail below, the DSEIR fails to meet either of these two key goals of CEQA. The DSEIR fails to adequately and completely describe the Project and the Project setting and fails to disclose and evaluate all potentially significant environmental impacts of the Project. In addition, it proposes mitigation measures that are unenforceable, vague or so undefined that it is impossible to evaluate their effectiveness.

IV. THE DSEIR FAILS TO DISCLOSE, EVALUATE AND MITIGATE ALL POTENTIAL IMPACTS TO BIOLOGICAL RESOURCES

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The DSEIR fails to adequately evaluate the Project's impacts on biological resources. The DSEIR fails to disclose key baseline information, fails to evaluate impacts from all Project activities, fails to support significance findings with substantial evidence and improperly relies on inadequate, vague or unenforceable mitigation to reduce impacts below a level of significance. A revised DSEIR must be prepared to adequately address these issues and incorporate additional mitigation.

A. The DSEIR Fails to Disclose the Biological Value of the Coast Live Oak Woodlands on the Project Site

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The DSEIR is legally inadequate because it fails to establish the environmental setting of the Project resulting in inadequate disclosure and assessment of the Project's potentially significant impacts on biological resources. In particular, the DSEIR fails to disclose the habitat value of oak woodlands on the Project site.

Supervisors (1990) 52 Cal.3d 553, 564; *Laurel Heights Improvement Assn. v. Regents of University of California* (1988) 47 Cal.3d 376, 391, 400.

¹⁰ Pub. Resources Code §§ 21002.1, subd. (a), 21100, subd. (b)(3).

¹¹ Pub. Resources Code §§ 21002-21002.1.

The environmental setting, or baseline, refers to the conditions on the ground and is a starting point to measure whether a proposed project may cause a significant environmental impact.¹² Describing the environmental setting is a prerequisite to an accurate, meaningful evaluation of environmental impacts. Without this information, an appropriate analysis cannot be made, effective mitigation cannot be designed, and alternatives cannot be considered. Furthermore, the failure to provide a proper baseline precludes the public from meaningfully evaluating the scope of potential biological impacts that may result from the Project activities.

The DSEIR discloses the existence of these oak woodlands, but fails to establish their habitat value. The Project site contains 28.89 acres of coast live oak woodlands.¹³ Oak woodlands have the richest wildlife species abundance of any habitat in California, with over 330 species of birds, mammals, reptiles, and amphibians depending on them at some stage in their life cycle.¹⁴ Wilson and others (1991) suggest California oak woodlands rank among the top three habitat types in North America for bird richness.¹⁵

The Biological Resources Assessment (“BRA”) that was prepared for the Project states: “[t]he oak woodland habitat in the Project Area, including the riparian woodland, is generally of medium to low quality due to the fragmented nature and the abundance of non-native, invasive species.”¹⁶ The statement that the habitat is medium to low quality is not supported by evidence. Habitat quality is defined by the ability of the area to provide conditions appropriate for individual and population persistence.¹⁷ Measuring habitat quality requires collecting data on critical resources (e.g., food and nest sites) and demographic variables (e.g., reproductive output and survival).¹⁸ The Applicant’s biological resources consultant, WRA, did not measure those variables. Therefore, the statement that oak woodland habitat at the Project site is “medium to low quality” is arbitrary and misleading to the public and decisionmakers.

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cont.

¹² *Save Our Peninsula Com. v. Monterey Bd. of Supervisors* (2001) 87 Cal.App.4th 99, 125.

¹³ BRA, Figure 2.

¹⁴ Cashen Comments.

¹⁵ Cashen Comments.

¹⁶ BRA, p. 40.

¹⁷ Cashen Comments.

¹⁸ *Id.*

The effects of fragmentation and exotic (non-native) species on habitat quality depend on the species being evaluated, and thus cannot be generalized. Because plants exhibit some redundancy in ecosystem function, exotic plant species can substitute in part for natives in performing a range of ecosystem functions, including wildlife support.¹⁹ Indeed, in some cases native wildlife species preferentially select exotic plants over native ones.²⁰ Nevertheless, the statement that the oak woodland habitat at the site is medium to low quality due to fragmentation and the abundance of exotic species conflicts with the description in the BRA, which states:

The eastern and southeastern portions of the Project Area are characterized by steep, hilly topography with relatively undisturbed, natural vegetation types, including coast live oak (*Quercus agrifolia*) woodland, California sagebrush (*Artemisia californica*) scrub, and native purple needlegrass (*Stipa pulchra*) grassland.²¹

and

In the northeastern and southeastern portions of the Project Area, larger, more contiguous stands of oak woodland occur. Some of these larger stands appear to predate development in the Project Area and have a higher diversity of native plant species compared to elsewhere in the Project Area. The overstory is composed of dense coast live oak with occasional California bay.²²

Almost a thousand large oak trees occur on the Project site (859 trees with dbh > 18").²³ Coastal oak woodlands are comprised of slow growing, long-lived trees. As a result, succession requires a long time. The actual time is variable and depends on local environmental conditions; however, development of large, mature trees requires 60 to 80 years.²⁴ Large, mature oak trees are especially important to wildlife because they provide key structural elements and characteristics (e.g.,

¹⁹ *Id.*

²⁰ *Id.*

²¹ BRA at p. 4 [emphasis added].

²² BRA at p. 18.

²³ DSEIR, Appendix A to Appendix Q.

²⁴ Cashen Comments.

cavities, caching sites, and suitable substrates for raptor nests, among others) that are not available in smaller trees.²⁵

M9
cont.

By failing to adequately disclose the habitat value of the Project setting, the public and decisionmakers are not provided sufficient information to assess the significance of the Project's impacts to these mature oak woodlands.

M10

In addition to failing to establish the habitat value of the oak woodlands on the Project site, the DSEIR also fails to describe the regional setting in sufficient detail to allow meaningful assessment of the cumulative impacts threatening the affected oak woodlands. Urbanization and agricultural development have eliminated approximately one-third of California's oak woodlands.²⁶ Of the oak woodlands that remain, only 40% are protected (e.g., in parks).²⁷ However, even those that are protected from development are susceptible to numerous threats. In many cases, existing oak woodlands are not regenerating naturally (i.e., young trees are not establishing to replace older trees as they senesce and die).²⁸ In addition, the pathogen responsible for "Sudden Oak Death" started attacking California oaks in 1985 and became a full-scale epidemic by 1999.²⁹ Thus, Californians continue to lose their oak woodland heritage, even at sites that are protected from development. The DSEIR, however, fails to disclose this regional setting and fails to evaluate the Project's cumulative impact to coast live oak woodlands in the region.

The DSEIR needs to be revised to establish the cumulative threats to the coast live oak woodlands in the region (e.g., percentage that remain in Oakland and in Alameda County, and the rate at which existing woodlands are being lost). Without this regional context it is impossible for the public and decisionmakers to understand the relative importance of the oak woodlands on the Project site, and consequently, the cumulative significance of the Project impacts to those woodlands.

B. The DSEIR Fails to Disclose and Evaluate Impacts from All Project Features

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The DSEIR is also inadequate because it fails to disclose and evaluate biological impacts from all Project components. CEQA requires an EIR to evaluate

²⁵ *Id.*

²⁶ *Id.*

²⁷ *Id.*

²⁸ *Id.*

²⁹ *Id.*

the “whole of an action” which is being approved, including *all* components and activities that are reasonably anticipated to become part of the Project.³⁰ Here, the DSEIR fails to disclose and analyze the direct, indirect, and cumulative biological impacts associated with construction and operation of: (a) the hiking trail through the Hardenstine parcel, (b) the hiking trail through the preserved hillside grassland, and (c) Oak Knoll Memorial Park.³¹

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cont.

Construction of these features would have direct impacts on habitat. In addition, they would indirectly impact biological resources by promoting recreation in places where it does not currently exist. Recreation and human presence in general, can have negative ecological impacts to ecosystems, plants, and wildlife.³² Those impacts can include: trampling, soil compaction, erosion, disturbance (due to noise and motion), pollution, nutrient loading, and the introduction of exotic plant species.³³ Corridors such as trails can also impact plant and animal species by causing habitat fragmentation and adverse “edge effects.”³⁴ In addition, the construction of the trails and park may result in the removal or destruction of additional biological resources.³⁵

This incomplete evaluation precludes the County from dismissing the likelihood of potential impacts.³⁶ Because the City has failed to investigate, disclose or evaluate the potential impacts from these Project activities, the City lacks substantial evidence to support a determination that the Project’s activities will not result in significant impacts on biological resources.

C. The DSEIR Fails to Disclose and Mitigate Impacts to the Oakland Star-Tulip

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The DSEIR’s finding that the Project would not have a significant impact on the Oakland star-tulip is not supported by substantial evidence. Furthermore, the DSEIR improperly relies on inadequate, voluntary and unenforceable mitigation to mitigate impacts to the Oakland star-tulip.

³⁰ CEQA Guidelines §15378.

³¹ See DSEIR, Figures 3-10 and 3-11. See also BRA, Figure 8.

³² Cashen Comments.

³³ Cashen Comments.

³⁴ Cashen Comments.

³⁵ Cashen Comments.

³⁶ See *Gentry v. City of Murietta* (1995) 36 Cal.App.4th 1359, 1378-1379; *Sundstrom v. County of Mendocino* (1988) 202 Cal.App.3d 296, 311.

According to the DSEIR, the proposed Project “has the potential to permanently impact an estimated 723 individuals of Oakland star-tulip due to planned grading and conversion of suitable habitat to developed areas.”³⁷ The DSEIR states that the Oakland star-tulip is a special status plant species.³⁸ The DSEIR provides no evidence the Applicant has implemented design measures in an attempt to avoid impacts to the species. The Project may thus result in the removal of all 723 of these plants.

The Oakland star-tulip is a “locally significant species with limited distribution and is considered “fairly endangered” in California.³⁹ Nonetheless, the DSEIR concludes that the loss of Oakland star-tulip on the Project site is not significant given the regional prevalence of the species.⁴⁰ In support of this finding, it states: “[r]eported occurrences of Oakland star-tulip in the Project vicinity document observations in Alameda and Contra Costa counties ranging from a single plant to populations of over a thousand, though most records describe smaller concentrations of under 100 individuals (Calflora 2016a, Calflora 2016b).”⁴¹ While it is correct that “most records describe smaller concentrations of under 100 individuals,”⁴² the DSEIR fails to establish how this supports its conclusion that impacts to a population of over 723 individuals would not be significant. In contrast to the population on the Project site, most recorded populations are extremely small – often indicating just “1+” individuals.⁴³ Populations of the size found on the Project site are very rare. There are only a few recorded populations of over 500 individuals.⁴⁴

Based on this information, the administrative record does not support the DSEIR’s conclusion that impacts to a population of 723 individuals, one of just a few recorded populations with over 500 plants, are not of significant impact. Indeed, under the DSEIR’s analysis, every population of Oakland star-tulip in the Project vicinity could be eliminated without any mitigation. No evidence in the record supports the City’s assumption that the threshold of significance for impacts to the

³⁷ DSEIR at p. 4.3-18.

³⁸ DSEIR at p. 4.3-14.

³⁹ DSEIR at p. 4.3-15.

⁴⁰ DSEIR, p. 4.3-47.

⁴¹ DSEIR, p. 4.3-18.

⁴² Cashen Comments.

⁴³ Cashen Comments.

⁴⁴ Cashen Comments.

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Oakland star-tulip is greater than 723 individual plants. The DSEIR must be revised and recirculated to disclose this potential impact.

The proposed adoption of Mitigation BIO-1 does not rectify this error. Mitigation BIO-1 is neither mandatory nor sufficient to reduce impacts below a level of significance. The DSEIR states: “[w]ith Recommendation BIO-1, to which the Project sponsor has agreed, localized impacts to Oakland star-tulip could be substantially reduced through salvage and relocation of a portion of the population for reintroduction elsewhere on the Project site or into established populations in the Project vicinity.”⁴⁵ While the DSEIR lists “Recommendation BIO-1” in the summary of mitigation measures, the DSEIR makes clear from the statement above and from its designation as a “recommendation that this is only a voluntary measure to be performed at the applicant’s discretion, not an enforceable mitigation measure. There is no guarantee that the Applicant will not change its mind or transfer the Project to a subsequent developer who has made no such commitment.

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cont.

CEQA requires that public agencies adopt “feasible” mitigation measures that must “actually be implemented.”⁴⁶ Nonbinding measures cannot be relied upon to mitigate potential impacts.⁴⁷ Accordingly, Recommendation BIO-1 must be amended to provide mandatory mitigation obligations before it can be relied upon to reduce the Project’s impacts to the Oakland star-tulip.

Even if it were mandatory, Recommendation BIO-1 would be inadequate to reduce Project impacts below a level of significance. Recommendation BIO-1 indicates the applicant would salvage at least 50% of the Oakland star-tulip bulbs. The applicant would then replant the bulbs within the Project site, *or* make the bulbs available to a reputable organization (e.g., East Bay Regional Park District, East Bay Chapter of the California Native Plant Society, U.C. Berkeley Botanical Garden, or Merritt College Horticultural Department).⁴⁸ There are several problems with this mitigation.

First, it would only mitigate a fraction of the impacted plants. An attempt to salvage 50% of the Oakland star-tulip bulbs would still mean a net loss of 361

⁴⁵ DSEIR, p. 4.3-47.

⁴⁶ *Federation of Hillside and Canyon Associations v. City of Los Angeles*, *supra*, 83 Cal.App.4th at 1261; see Pub. Resources Code § 21002.1, subd. (b).

⁴⁷ *Napa Citizens for Honest Government v. Napa County Board of Supervisors* (2001) 91 Cal.App.4th 342, 385.

⁴⁸ *Id.*

plants—an amount greater than the vast majority of Oakland star-tulip populations in the area. In addition, Recommendation BIO-1 suggests a success criterion of 0.5:1, meaning that the actual net loss could be as much as 542 plants. Accordingly, the net loss of Oakland star-tulip bulbs would still be significant even if this voluntary mitigation was implemented.⁴⁹

Second, the option to make the bulbs available to a reputable organization is not equivalent to the requirements set forth for replanting the bulbs on the Project site. Donating the bulbs (instead of replanting them on-site) would completely eliminate the plant from the Project area. Furthermore, that option does not: (a) set forth any guidelines or requirements for what the “reputable organization” does with the donated bulbs; (b) require the Applicant to fund any replanting efforts by the reputable organization; and (c) impose any success criteria (or even any requirement to plant the bulbs) on the organization that receives the bulbs. As a result, all 723 Oakland star-tulips could be lost even if the Applicant complies with Recommendation BIO-1.⁵⁰

In contrast, under Recommendation BIO-1, if the Applicant elects to replant the bulbs within the Project site, it would need to: (a) prepare and implement a monitoring plan; (b) consult with the “appropriate agencies” prior to the start of local construction activities; (c) achieve success criteria at the bulb relocation sites; (d) implement contingency measures if success criteria are not achieved; and (e) prepare monitoring reports that include justification for any deviations from the monitoring plan.⁵¹ Given the vast difference in the level of effort and money between these two options, it is extremely likely that the Applicant would select the bulb donation option.

Due to the issues described above, the Project would have a potentially significant, unmitigated impact on the Oakland star-tulip. A revised DSEIR must be prepared to disclose this impact.

⁴⁹ Cashen Comments.

⁵⁰ Cashen Comments.

⁵¹ DSEIR, pp. 4.3-47 and -48.

D. The DSEIR Fails to Adequately Disclose, Evaluate or Mitigate Impacts to the Purple Needlegrass Grassland Community on the Project Site

The DSEIR is also inadequate because it fails to adequately disclose, evaluate or mitigate the Project's direct and cumulative impact on the loss of purple needlegrass grassland community. The Project site contains 17.52 acres of purple needlegrass grassland, of which 7.04 acres were planted in areas where buildings were demolished in the Project area.⁵² Purple needlegrass grassland is considered a sensitive natural community in California.⁵³ The DSEIR's analysis of impacts to this sensitive natural community contains a number of fundamental errors.

First, the DSEIR distinguishes the naturally occurring purple needlegrass community from the planted one. It then arbitrarily treats the former as a sensitive natural community, but not the latter. The DSEIR fails to justify the rationale for this distinction. According to California Fish and Wildlife Code section 1901, the term "native plant" means: "a plant growing in a wild uncultivated state which is normally found native to the plant life of this state." Purple needlegrass is native to the Project site, and the areas that were planted after buildings were demolished are now in a "wild uncultivated state."⁵⁴

The DSEIR does not support its finding that the "planted" section of the purple needlegrass community is not a sensitive natural community with any analysis or evidence. The DSEIR does not cite any guidelines that indicate it is acceptable to ignore the sensitivity of a natural community if the vegetation in that community was originally planted. It also cites no studies showing that "planted" communities have no biological value.

Furthermore, the assumption that planted communities cannot be sensitive natural communities directly contradicts the widely accepted practice (by both state and federal resource agencies) of accepting the creation or restoration of sensitive natural communities as mitigation for impacts to naturally occurring ones.⁵⁵ Indeed, the DSEIR proposes the enhancement and *creation* of oak woodland (a sensitive natural community) as mitigation for the Project's significant impact on

⁵² BRA, Figure 2 and p. 15.

⁵³ Cashen Comments.

⁵⁴ Cashen Comments.

⁵⁵ Cashen Comments.

the naturally occurring oak woodland.⁵⁶ The City concludes this would reduce the impact to a less-than-significant level (i.e., because the created natural community replaces the impacted one).⁵⁷ If a created natural community sufficiently replaces a naturally occurring one, the two communities are functionally equivalent.⁵⁸ As a result, the City cannot view the oak woodland that would be created by the Project as a sensitive natural community, without also viewing the previously created purple needlegrass community as a sensitive one.

The DSEIR's refusal to characterize the created purple needlegrass community as a sensitive natural resource is not supported by substantial evidence and violates CEQA's requirement to accurately disclose the project setting. This failure renders public comment and review meaningless since the public is not provided the basic information about the Project necessary to understand and assess the Project's impacts. It also results in a failure to assess all project impacts and in significance findings that are not supported by substantial evidence.

The DSEIR's evaluation of the purple needlegrass community is also inadequate because it relies on unsupported claims regarding the regional setting of the purple needlegrass community. The DSEIR provides the following discussion of native purple needlegrass grassland in the Project region:

purple needlegrass grassland is relatively common in the Project vicinity with an estimated several hundred acres occurring in parks and open space areas within a 5-mile radius of the Project site (e.g. at Knowland Park, Anthony Chabot/Fairmont Ridge, Skyline Serpentine Prairie Preserve, and Upper San Leandro Reservoir/Las Trampas Ridge). At least 250 acres of needlegrass grassland have been mapped at three sites in the Project vicinity (Fairmont Ridge, Knowland Park, and Skyline Serpentine Prairie). No detailed mapping has been conducted at other sites, but it is likely that there are many more acres of purple needlegrass grassland in the vicinity.⁵⁹

This information is not supported by evidence. Specifically, the DSEIR does not say *who* estimates several hundred acres (of purple needlegrass grassland) occur in parks and open space areas within a 5-mile radius of the Project site, *how*

⁵⁶ DSEIR, p. 4.3-68.

⁵⁷ *Id.*

⁵⁸ Cashen Comments.

⁵⁹ DSEIR, p. 4.3-68.

the estimate was made, or *when* it was made. The DSEIR also assumes, without any supporting evidence, that the purple needlegrass grasslands in these parks and open space areas are secure. To the contrary, monitoring data collected by researchers at U.C. Berkeley indicate a widespread decline in purple needlegrass at parks managed by the East Bay Regional Park District.⁶⁰

Similarly, the DSEIR does not provide evidence to substantiate the statement that: “at least 250 acres of needlegrass grassland have been mapped at three sites in the Project vicinity.” Furthermore, the statement that “it is likely that there are many more acres of purple needlegrass grassland in the vicinity” is speculation, which does not constitute evidence under CEQA.

Even if this were accurate, the DSEIR also lacks substantial evidence to support its assumption that the existence of other, larger purple needlegrass communities in the area would somehow render the purple needlegrass community on the Project site unimportant and unworthy of protection or mitigation. Currently only 1% of California’s native grasslands remain, and as a result, California grasslands are among the 21 most-endangered ecosystems in the United States.⁶¹ The DSEIR provides no biological justification for its claim that impacts to the purple needlegrass community on the Project site would not be significant.

The DSEIR also lacks substantial evidence to support its claim that the purple needlegrass communities in nearby parks and open spaces are “generally of much higher quality than the habitat found in the Project site, which is relatively fragmented and generally co-dominated by non-native annual grasses and forbs, with few native forbs.” The statement that occurrences in nearby parks and open spaces are generally of much higher quality than those on the Project site is not supported by evidence. While the native purple needlegrass grassland on the Project site is fragmented and co-dominated by non-native grasses and forbs, so are the native grasslands that occur in nearby parks and open spaces.⁶² Consequently, the DSEIR lacks evidence that grasslands in nearby parks and open spaces are “much higher quality.”

Finally, the DSEIR lacks substantial evidence to support its finding that the majority of the purple needlegrass community on the Project site will not be impacted by the Project and will be preserved. The DSEIR states that:

⁶⁰ Cashen Comments.

⁶¹ *Id.*

⁶² *Id.*

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Additionally, the majority (6.62 of the 10.48 acres) of the purple needlegrass in the Project site, located on the steeper slopes of the northeast portion of the site, will not be impacted by development and will be preserved. As such, the Project impact to 3.86 acres of native purple needlegrass grassland would be less than significant.⁶³

M13
cont.

The DSEIR, however, failed to disclose or analyze the impacts associated with the proposed hiking trails and Oak Knoll Memorial Park that may directly go through this “preserved community.”⁶⁴ These features would have direct and indirect impacts on the native purple needlegrass grassland.⁶⁵ Therefore, the statement that the majority (6.62 of the 10.48 acres) of the purple needlegrass at the Project site will not be impacted by development is inaccurate.

The statement that the majority of the native grassland will be “preserved” is also not supported by evidence. The DSEIR does not require a conservation easement, deed restriction, or other mechanism that would ensure the purple needlegrass grassland would be preserved and appropriately managed for conservation in perpetuity. Without enforceable mitigation, the assumption that the majority of the purple needlegrass grassland community will be preserved is speculative.

For these reasons, the City lacks substantial evidence to conclude Project impacts to purple needlegrass grassland (native *or* planted) would be less than significant. The DSEIR must be revised and recirculated to evaluate this impact.

E. The DSEIR Fails to Adequately Evaluate Cumulative Impacts to Biological Resources on the Project Site

M14

The DSEIR is also inadequate because it fails to evaluate the Project’s cumulative biological impacts. The DSEIR acknowledges: “[t]he 1998 EIS/EIR analysis did not discuss or describe potential cumulative impacts related to biological resources.”⁶⁶ The DSEIR further acknowledges the 1998 EIS/EIR did not analyze impacts to all sensitive biological resources known to occur on the Project site. Moreover, the cumulative impacts scenario has changed considerably since 1998. This includes both the rate of urbanization in the East Bay, and the severity

⁶³ DSEIR, p. 4.3-68.

⁶⁴ See DSEIR, Figures 3-10 and 3-11. See also BRA, Figure 8.

⁶⁵ *Id.*

⁶⁶ DSEIR, p. 4.3-84.

of threats to biological resources (e.g., due to climate change). In addition, the status of some sensitive biological resources has changed substantially since 1998. For example, Sudden Oak Death has become an epidemic, and the burrowing owl (which was detected on the Project site in 1995) has continued to decline despite efforts to conserve the species and its habitat.⁶⁷

The DSEIR, however, fails to provide any *quantitative* analysis of cumulative effects. For example, the DSEIR does not quantify how much habitat existed historically, how much has been lost due to past and present projects, and how much more is expected to be lost due to reasonably foreseeable future projects. Although the DSEIR provides a list of “Active Major Development Projects” in the City of Oakland as of October 2014, that list does not identify: (a) the geographic size of the projects, or (b) the biological resources that would (or might) be affected by the projects.⁶⁸ This precludes any ability to conduct independent analysis of cumulative impacts and the Project’s corresponding contribution to those impacts.

M14
cont.

Not only did the DSEIR fail to provide any quantitative analysis, but the *qualitative* analysis it provided is flawed and insufficient to make any conclusions pertaining to the significance of cumulative impacts to biological resources.

The DSEIR states:

Given the City’s requirement for all projects to comply with SCAs [Standard Conditions of Approval], the proposed Project would not adversely contribute to the cumulative effect when considered with other past, present, and reasonably foreseeable future development; its effect would not be cumulatively considerable.⁶⁹

The DSEIR provides no evidence that the City’s SCAs have effectively mitigated cumulative impacts. Moreover, existing evidence demonstrates the City has not required “all projects” to comply with SCAs. For example, there is substantial evidence showing the City has failed to enforce SCAs for the “California Trail Project” (on the ridgeline of Oakland’s Knowland Park), and that failure to comply with the SCAs has resulted in significant impacts to sensitive biological resources.⁷⁰

⁶⁷ California Department of Fish and Game. 2012. Staff Report on Burrowing Owl Mitigation. p. 1.

⁶⁸ DSEIR, Appendix G.

⁶⁹ DSEIR, p. 4.3-85.

⁷⁰ Cashen Comments.

The DSEIR also lacks substantial evidence to support its conclusion that “[n]one of the potential adverse effects identified for the Project would make a cumulatively considerable contribution to the cumulative impact when combined with other approved or anticipated projects considered in this analysis.”⁷¹

First, the “projects considered in this analysis” are limited to projects in the City of Oakland⁷², which does not comport with the geographic area used to justify the City’s conclusions. For example, the City used the abundance of purple needlegrass grassland at neighboring reserves to justify its conclusion that impacts to native purple needlegrass grassland at the Project site would be less than significant.⁷³ However, many of the reserves referenced in the DSEIR are outside of the City of Oakland, and the City did not consider the impacts of projects outside the City of Oakland.

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Second, the City’s cumulative effects assessment only considered “potential adverse effects identified for the Project.” For example, it based its conclusion that impacts to native purple needlegrass grassland would be less than significant on its finding that only 3.86 acres of native grassland would be affected by the Project and that this acreage is relatively small compared to the overall regional population. This undermines the intent of cumulative effects analysis, which is to determine whether two or more individual effects, when considered together, are considerable. Whereas impacts to 3.86 acres might be considered insignificant in a vacuum, it could be cumulatively considerable when viewed in connection with other past, present, and future projects.

Grading and other development activities will have a significant effect on habitat conditions, and even if the Applicant’s restoration activities are successful, they will not replace the habitat that is lost for many years (e.g., it takes 60-80 years for an oak to reach maturity). For wildlife, this equates to multiple generations of lost habitat, and consequently, a considerable loss of reproductive output. This could have serious cumulative consequences on a species’ ability to maintain a viable population in the Project area. This potential cumulative impact must be disclosed and evaluated in a revised DSEIR.

⁷¹ DSEIR, p. 4.3-85.

⁷² DSEIR, Appendix G.

⁷³ DSEIR, p. 4.3-68.

F. The DSEIR Lacks Substantial Evidence to Support Its Finding that the Project’s Impact to Avian Habitat Will Be Temporary and Not Significant

The DSEIR acknowledges that mass grading and the removal of over 4,000 trees from the riparian corridor, non-native forest, and oak woodland communities would impact avian habitat.⁷⁴ It then states:

This impact to avian habitat is considered temporary however, as the Project proposes an extensive replanting and landscape plan, described in detail under criterion “f” (Oakland Tree Ordinance and Tree Removal) under Impact BIO-5. Restoring portions of the site as open space and parks, installing street trees, and restoring Rifle Range Creek, its tributaries, and the associated riparian corridors, would reduce the overall long-term effects on avian habitat attributable to the Project.⁷⁵

M15

There are several flaws with the City’s rationale.

First, the development of large, mature oak trees, which provide critical resources to many bird species, requires 60 to 80 years.⁷⁶ Thus, Project impacts to avian habitat are not “temporary,” especially when considering the lifespan and reproductive potential of birds.⁷⁷ California Partners in Flight and PRBO Conservation Science examined seven focal bird species representative of the range of oak habitats in the state. They reported: “[l]oss of habitat or habitat structure (such as dead standing trees, mature trees with cavities, or a shrubby understory component) is implicated as a likely cause of decline and/or other problems for five of the seven focal species.”⁷⁸

Second, adherence with Oakland’s Tree Ordinance does not offset the loss of *woodlands*, which is the functional unit of conservation concern (i.e., not the individual tree).⁷⁹ Indeed, the Tree Ordinance allows the Applicant to pay a fee in lieu of replanting trees at the site. That fee is applied toward tree planting in city

⁷⁴ DSEIR, p. 4.3-51.

⁷⁵ *Id.*

⁷⁶ Cashen Comments.

⁷⁷ *Id.*

⁷⁸ *Id.*

⁷⁹ *Id.*

parks, streets, and medians.⁸⁰ Trees planted at those locations do not create *woodlands*, and they would not replicate the functions and values of the trees (and woodlands) removed from the Project site.⁸¹

Third, the DSEIR lacks substantial evidence for its assumption compliance with the Oakland Tree Ordinance would reduce impacts to oak woodlands below a level of significance. To the contrary, a study reviewing oak ordinances throughout California found that tree ordinances, such as the one implemented by the City of Oakland, have not been effective in conserving oaks and oak woodlands.⁸²

Fourth, many of the replacement trees planted at the Project site will be located in areas that are not conducive to high-quality avian habitat. The DSEIR indicates:

In addition to trees preserved under the Project, the Project sponsor proposes an extensive replanting and landscape plan introduced along Project streets, residential areas, hillsides, pedestrian ways, the creek corridor, and site entrances along with a system of several parks, gardens, courtyards, pedestrian trails, and open spaces onsite, which would incorporate replacement trees pursuant to the City's Tree Ordinance and SCA BIO-5.⁸³

Trees along streets and in residential areas may be aesthetically pleasing to humans, but they have minimal value to most bird species.⁸⁴ Indeed, trees in those locations can create an "ecological trap" by attracting birds to places where they will be susceptible to heightened mortality (e.g., due to window strikes and domestic cats).⁸⁵

⁸⁰ DSEIR, p. 4.3-43.

⁸¹ Cashen Comments.

⁸² *Id.*

⁸³ DSEIR, p. 4.3-76.

⁸⁴ Cashen Comments.

⁸⁵ Cashen Comments. An ecological "trap" is an area where an animal settles to breed because conditions at the time of settlement seem appropriate. However, either because natural conditions change (e.g., fire, drought), or humans change them (e.g., drive motorcycles through them), the animal has made a mistake and either dies or has reduced reproductive output. Thus the animal is, in essence, lured into what turns out to be poor-quality habitat.

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Finally, “restoring” portions of the site does not ensure avian habitat would be replaced because the performance standards proposed in the Applicant’s restoration plan pertain to tree survival during the first 10 years—the plan does not include any performance standards for avian habitat.⁸⁶ The success of a *habitat* restoration project must be judged by how wildlife species respond to it, not just by the replanting of plant species.⁸⁷ Because the DSEIR does not incorporate appropriate success criteria for restoring avian habitat, the DSEIR lacks substantial evidence to support its assumption that restoration efforts would reduce the overall long-term effects on avian habitat below a level of significance.⁸⁸

The DSEIR must be revised and recirculated to disclose and evaluate potential impacts to avian habitat from the replacement of mature woodland habitat with immature trees scattered in areas with much lower habitat value.

G. The DSEIR Improperly Defers Formulation of Mitigation Measures to Address Significant Impacts from Avian Collisions

M16

The DSEIR acknowledges: “avian collisions with glass or reflective surfaces on buildings of the proposed Project have the potential to result in mortality, which could be a significant impact under CEQA and violate the federal MBTA and the California Fish and Game Code (as it could constitute unauthorized take).”⁸⁹ The DSEIR finds that this impact would be reduced below a level of significance with implementation of the Bird Collision Reduction Measures set forth in SCA BIO-2.

SCA BIO-2 requires preparation of a Bird Collision Reduction Plan and lists several *mandatory measures* that need to be incorporated into the Plan.⁹⁰ However, it subsequently states: “the project sponsor will tailor the project-specific Bird Collision Reduction Plan to incorporate those strategies that reasonably apply to the Project or its commercial tenants or homeowners/tenants.”⁹¹ The DSEIR does not identify what measures “reasonably apply” and does not set forth any performance standards to guide the Applicant in selecting the appropriate measures. Instead, it is left up to the Applicant to decide what is “reasonable” after the CEQA review process terminates.

⁸⁶ DSEIR, Appendix 6 to Appendix N.

⁸⁷ Cashen Comments.

⁸⁸ *Id.*

⁸⁹ DSEIR, p. 4.3-53.

⁹⁰ DSEIR, pp. 4.3-36 and -37.

⁹¹ DSEIR, p. 4.3-54.

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Because the Applicant has not prepared a Bird Collision Reduction Plan and because the DSEIR has not identified which collision reduction measures will be mandatory, the mitigation measures that will be implemented are uncertain and unenforceable. CEQA requires that public agencies adopt “feasible” mitigation measures that must “actually be implemented.”⁹² Nonbinding measures cannot be relied upon to mitigate potential impacts.⁹³ As a result, the City lacks substantial evidence to support a determination that the Plan will be sufficient to reduce avian collision impacts below a level of significance.

H. The DSEIR Misrepresents the Amount of Habitat that Will Be Restored or Enhanced

The DSEIR is also inadequate because its findings rely on a misrepresentation of the amount of habitat that will be restored or enhanced. A key component of the Project is the restoration and enhancement of riparian areas along Rifle Range Creek.⁹⁴ Neither the DSEIR nor accompanying appendices define the terms “restoration” and “enhancement.” However, because the focus of the restoration and enhancement element is on riparian areas, one can presume the DSEIR is referring to *habitat* restoration and enhancement. In general:

M17

- The term “habitat restoration” means the manipulation of the physical, chemical, or biological characteristics of a site with the goal of returning the majority of natural functions to the lost or degraded native habitat.⁹⁵
- The term “habitat enhancement” means the manipulation of the physical, chemical, or biological characteristics of a habitat to change a specific function or seral stage of the habitat for the purpose of benefitting species.⁹⁶

The DSEIR exaggerates the amount of riparian restoration that would occur due to the Project. It states: “[t]he Project proposes restoration and enhancement of approximately 16.7 acres of riparian areas along Rifle Range Creek and one of the

⁹² *Federation of Hillside and Canyon Associations v. City of Los Angeles*, *supra*, 83 Cal.App.4th at 1261; see Public Resources Code § 21002.1, subd. (b).

⁹³ *Napa Citizens for Honest Government v. Napa County Board of Supervisors* (2001) 91 Cal.App.4th 342, 385.

⁹⁴ DSEIR, p. 1-1.

⁹⁵ U.S. Legal Definitions [online]. Habitat Restoration Law & Legal Definition. Available at: <<http://definitions.uslegal.com/h/habitat-restoration/>>.

⁹⁶ U.S. Legal Definitions [online]. Habitat Enhancement Law & Legal Definition. Available at: <<http://definitions.uslegal.com/h/habitat-enhancement/>>.

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Creek's tributaries, Hospital Creek."⁹⁷ However, there are currently 7.28 acres of riparian woodlands on the Project site.⁹⁸ These woodlands are comprised primarily of native plant and animal species (although some non-native herbaceous plants occur in the understory).⁹⁹ Therefore, from the habitat prospective, they do not appear to need restoration or enhancement. Nevertheless, given 7.28 acres already exist on the site, the Project would, at most, result in a net increase of 9.42 acres of riparian woodlands (if the Applicant's restoration and enhancement activities are successful).

M18

V. THE DSEIR FAILS TO DISCLOSE OR ADEQUATELY MITIGATE AIR QUALITY AND GREENHOUSE GAS IMPACTS

The DSEIR fails to adequately evaluate the Project's air quality impacts and its impacts on global climate change. Air pollutant and greenhouse gas ("GHG") emissions associated with the Project are underestimated and may in fact result in new and more significant impacts when correctly evaluated. A revised DSEIR should be prepared to adequately address these issues and incorporate additional mitigation.

M19

A. The DSEIR Arbitrarily Changes CalEEMod Input Parameters to Understate the Project's Air Quality Impacts

The DSEIR for the Project relies on emissions calculated from the California Emissions Estimator Model Version CalEEMod.2013.2.2 ("CalEEMod").¹⁰⁰ CalEEMod provides recommended default values based on site specific information, such as land use type, meteorological data, total lot acreage, project type and typical equipment associated with project type.¹⁰¹ If more specific project information is known, the user can change the default values and input project-specific values, but CEQA requires that such changes be justified by substantial evidence.¹⁰² Once all the values are inputted into the model, the Project's construction and operational emissions are calculated, and "output files" are generated. These output files disclose to the reader what parameters were utilized in calculating the Project's air

⁹⁷ DSEIR, p. 3-23.

⁹⁸ BRA, Figures 2 and 9.

⁹⁹ BRA, pp. 17 and 18.

¹⁰⁰ CalEEMod website, available at: <http://www.caleemod.com/>.

¹⁰¹ SWAPE Comments.

¹⁰² CalEEMod User Guide, p. 2, 9, available at: <http://www.caleemod.com/>.

pollution and GH emissions, and make known which default values were changed as well as provide a justification for the values selected.¹⁰³

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Here, several of the values inputted into the Project's CalEEMod output files are incorrect and are not consistent with information disclosed in the DSEIR.¹⁰⁴ As a result, emissions associated with the Project are greatly underestimated.¹⁰⁵ A revised DSEIR must be prepared to adequately assess the potential impacts operation of the Project may have on regional and local air quality and global climate change.

1. Use of Incorrect CO₂ Intensity Factors

M20

The CalEEMod model relies upon an incorrect carbon dioxide (CO₂) intensity factor to estimate the Project's operational emissions.¹⁰⁶ When Pacific Gas & Electric ("PG&E") is chosen as the utility provider for the proposed Project, CalEEMod assumes a default CO₂ intensity factor of 641.35 pounds per megawatt-hour ("lb/MWhr"). This intensity factor is used to estimate the CO₂ emissions generated from electricity usage during Project operation. The PG&E intensity factor of 641.35 pounds is the most accurate, verified, and up-to-date number that has been reported to the BAAQMD by PG&E, and it is the number that is used and recommended in the most recent CalEEMod program.¹⁰⁷ As described in the CalEEMod User's Guide, this intensity factor is "based on Table G6 of the California Air Resources Board (ARB) Local Government Operation Protocol version 1.1 or the latest public utilities inventory reports," and "is consistent with recommendations in the California Air Pollution Control Officer Association (CAPCOA) Quantifying Greenhouse Gas Mitigation Measures document."¹⁰⁸

The intensity factor used in the Project's three operational GHG CalEEMod models, however, were adjusted from the default value to 290 lb/MWhr.¹⁰⁹ As a

¹⁰³ SWAPE Comments; CalEEMod User Guide, p. 7, 13, available at: <http://www.caleemod.com/> (A key feature of the CalEEMod program is the "remarks" feature, where the user explains why a default setting was replaced by a "user defined" value. These remarks are included in the report.)

¹⁰⁴ SWAPE Comments.

¹⁰⁵ *Id.*

¹⁰⁶ SWAPE Comments.

¹⁰⁷ See CalEEMod User's Guide, Appendix D, Default Data Tables, Table 1.2, available at: <http://www.caleemod.com/>

¹⁰⁸ *Id.*, Appendix A, Calculation Details, p. 2.

¹⁰⁹ Appendix H-I, pp. 783, pp. 877, and pp. 930

result, the emissions generated by this modeling are less than half what they would be if CalEEMod default factor was used.

This Project's Greenhouse Gas Reduction Plan ("GHG Reduction Plan") states that this reduced intensity factor comes from "the Pacific Gas and Electric Company (PG&E) CO₂ intensity factor for 2020."¹¹⁰ The 2015 document, however, expressly states that this estimate is "not to be used" for "GHG reporting, financial analysis, or regulatory compliance...."¹¹¹

Moreover, the 290 lb value cited in that document is taken from a 2010 CPUC Future Emissions Estimate that was calculated "prior to the drought."¹¹² The drought has a significant impact on the availability of hydroelectric power. As a result, the CPUC 2010 estimates have not been reliable estimates of future CO₂ intensity factors.¹¹³

There is no substantial evidence to support using a 55% reduction in electricity-related GHG emissions. PG&E's CO₂ intensity factor rises and falls from year to year, based primarily on customer demand and the availability of clean hydropower.¹¹⁴

The DSEIR's significant reduction from the default assumption for PG&E is unsupported. PG&E's intensity factor changes each year and even PG&E acknowledges that its reports should not be relied upon until "a thorough, third-party verification" is conducted.¹¹⁵ California is still in the midst of a severe drought. With global warming impacts occurring more rapidly than expected,

¹¹⁰ Appendix W, p.5

¹¹¹ Greenhouse Gas Emission Factors: Guidance for PG&E Customers, at p. 1, available at: https://www.pge.com/includes/docs/pdfs/shared/environment/calculator/pge_ghg_emission_factor_info_sheet.pdf.

¹¹² Greenhouse Gas Emission Factors: Guidance for PG&E Customers, at p. 3, available at: https://www.pge.com/includes/docs/pdfs/shared/environment/calculator/pge_ghg_emission_factor_info_sheet.pdf.

¹¹³ SWAPE Comments; compare: <http://www.pgecurrents.com/2016/02/05/pge%E2%80%99s-carbon-emissions-remain-among-nation%E2%80%99s-lowest/>, with: http://www.pge.com/includes/docs/pdfs/shared/environment/calculator/pge_ghg_emission_factor_info_sheet.pdf.

¹¹⁴ SWAPE Comments; PG&E article dated February 20, 2013, available at: <http://www.pgecurrents.com/2013/02/20/pge%E2%80%99s-clean-energy-reduces-greenhouse-gas-emissions/>.

¹¹⁵ SWAPE Comments.

hydropower resources will continue to become less reliable.¹¹⁶ The DSEIR fails to provide any analysis, explanation or substantial evidence to support deviating from the default intensity factor in favor of the inapplicable and out-of-date 2010 CPUC Future Emissions Estimate. While the City may deviate from default CalEEMod values, these deviations must be explained and supported. The reliance on the 2010 CPUC Future Emissions Estimate is speculative at best.

Furthermore, the reliance on the 2010 CPUC Future Emissions Estimate contained in the PG&E document is contrary to that document's own guidance for estimated future year emissions. Because of the unreliability of the 2010 future emissions estimates, the PG&E document states that "to estimate GHG emissions in a recent or future year for which an emission factor is not yet available, we recommend using an average of the five most recent coefficients available."¹¹⁷ The PG&E Emissions Factor Summary estimates the five year average for CO₂ to be 457 lbs/MWh.¹¹⁸ Therefore, at the very least, an intensity factor of 457 lbs/MWh should have been applied to the Project, which is still almost double the 290 lb/MWh intensity factor used within the operational CalEEMod models.¹¹⁹

The DSEIR lacks substantial evidence to support its decision to rely on out-of-date emissions that were never intended to be relied upon to estimate future CO₂ emissions for regulatory purposes. As a result, the Project's GHG emissions are greatly underestimated,¹²⁰ violating CEQA's requirement to disclose the scope of a project's potential impacts.

Because the DSEIR substantially underestimates the Project's GHG emissions, its conclusion that proposed mitigation will reduce the Project's GHG emissions below a level of significance is not supported by substantial evidence. The DSEIR relies on mitigation measures such as offsets that are based upon the Project's total annual GHG emissions. Sufficient offsets will not be obtained to reduce the Project's GHG emissions below a level of significance if the Project's GHG emissions are underestimated.

¹¹⁶ SWAPE Comments.

¹¹⁷ Greenhouse Gas Emission Factors: Guidance for PG&E Customers, at p. 2, available at: https://www.pge.com/includes/docs/pdfs/shared/environment/calculator/pge_ghg_emission_factor_info_sheet.pdf.

¹¹⁸ SWAPE Comments.

¹¹⁹ *Id.*

¹²⁰ *Id.*

2. Use of Incorrect Land Use Type

The Project's emissions are also underestimated due to the use of incorrect land use types in the CalEEMod calculations.¹²¹ Both the "Mobile Emissions-TDM" and "Mobile Emissions- No TDM- New Fleet Mix" CalEEMod output files included "General Light Industry" as one of the Land Use.¹²²

The inclusion of "General Light Industry" land use, however, is unjustified, as there is no light industry proposed by the Project. The Project only proposes commercial, residential, open space and parks, and roads.¹²³

M21

Without providing adequate justification for the inclusion of the "General Light Industry" land use type, the "Mobile Emissions-TDM" and "Mobile Emissions- No TDM- New Fleet Mix" CalEEMod output files are incorrect and therefore should not be relied upon to make a significance determination.¹²⁴

Additionally, 1,110 daily trips were inputted for the General Light Industry land use for both models, but then a trip length of zero miles was applied to the daily trips.¹²⁵ No explanation is provided as to why daily trips for this land use would be inputted into the models and then have the associated trip lengths reduced to zero miles, essentially resulting in the omission of emissions from these operational trips. Due to these discrepancies in these models, the DSEIR's mobile source emission models are inaccurate and unreliable, and do not support the DSEIR's significance determinations.¹²⁶

3. Incorrect Number of Vehicle Trips

The Project's emissions are also underestimated because the DSEIR underestimates the number of vehicle trips.¹²⁷ The DSEIR states, "The transportation analysis for the Project estimates that upon buildout, the Project would result in approximately 12,360 net new vehicle trips per day after accounting

M22

¹²¹ SWAPE Comments.

¹²² DSEIR, Appendix H-1, pp. 518, pp. 592

¹²³ DSEIR, p. 3-52, Figure 3-22.

¹²⁴ SWAPE Comments.

¹²⁵ DSEIR, Appendix H-1, pp. 581, pp. 655

¹²⁶ SWAPE Comments.

¹²⁷ SWAPE Comments.

for the use of alternative modes of transportation and internal trip capture.”¹²⁸ The proposed Project is also required to implement a Transportation Demand Management (TDM) program under SCA TRA-4 to reduce vehicle trips.¹²⁹ The TDM program designed for the proposed Project will achieve a 10% reduction in vehicle trips.¹³⁰ Assuming 12,360 daily trips as stated above, a 10% reduction due to implementation of the TDM would result in approximately 1,236 less daily mobile trips, resulting in a total of 11,124 daily trips (12,360 trips-1,236 trips). The CalEEMod output files used to estimate the Project’s operational mobile emissions (output files titled “Mobile Emissions- No TDM- New Fleet Mix” and “Mobile Emissions-TDM”), however, failed to use the net new daily vehicle trips stated in the DSEIR.¹³¹ As a result, emissions from operational mobile trips are underestimated.¹³²

According to the “Mobile Emissions- No TDM- New Fleet Mix” CalEEMod output file, a total of only 10,785.70 daily weekday trips and 10,842.90 daily weekend trips were modeled (see excerpt below).¹³³

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Land Use	Average Daily Trip Rate			Unmitigated Annual VMT	Mitigated Annual VMT
	Weekday	Saturday	Sunday		
Condo/Townhouse	3,088.80	3,146.00	3,146.00	8,674,272	8,674,272
General Light Industry	1,110.00	1,110.00	1,110.00		
Regional Shopping Center	3,501.40	3,501.40	3,501.40	5,677,483	5,677,483
Single Family Housing	3,085.50	3,085.50	3,085.50	8,619,400	8,619,400
Total	10,785.70	10,842.90	10,842.90	22,971,155	22,971,155

As stated in the title, this model does not assume implementation of the Transportation Demand Management (TDM) program. The total weekday and weekend mobile trips utilized in this model, however, do not reflect the 12,360 net new daily trips discussed in the Air Quality section of the DSEIR.¹³⁴ In fact, the model underestimates the total number of trips by approximately 1,574 weekday trips and 1,517 weekend trips.¹³⁵

¹²⁸ DSEIR, p. 4.2-25-4.2-26

¹²⁹ DSEIR, 4.2-25

¹³⁰ DSEIR, 4.2-26

¹³¹ SWAPE Comments.

¹³² *Id.*

¹³³ Appendix H-I, pp. 655.

¹³⁴ DSEIR, p. 4.2-25.

¹³⁵ SWAPE Comments.

Furthermore, the “Mobile Emissions-TDM” CalEEMod output file only models 9,818.13 daily weekday trips and 9,869.61 daily weekend trips (see excerpt below).¹³⁶

Land Use	Average Daily Trip Rate			Unmitigated	Mitigated
	Weekday	Saturday	Sunday	Annual VMT	Annual VMT
Condo/Townhouse	2,779.92	2,831.40	2831.40	7,806,845	7,806,845
General Light Industry	1,110.00	1,110.00	1110.00		
Regional Shopping Center	3,151.26	3,151.26	3151.26	5,109,735	5,109,735
Single Family Housing	2,776.95	2,776.95	2776.95	7,757,460	7,757,460
Total	9,818.13	9,869.61	9,869.61	20,674,040	20,674,040

This model assumes implementation of the TDM. As previously stated, the TDM program would result in a 10% reduction of total daily trips, which would result in 11,124 daily trips (12,360 trips-1,236 trips). Therefore, by modeling mobile emissions assuming only 9,818.13 daily weekday trips and 9,869.61 daily weekend trips after implementation of the TDM, these operational trips are underestimated by approximately 1,305 weekday trips and 1,254 weekend trips.¹³⁷

M22
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It should be noted that while the Air Quality section of the DSEIR states that a total of 12,360 net new trips will be result from the proposed Project,¹³⁸ the Draft Transportation Demand Management Program states that the proposed Project is estimated to generate 11,275 daily mobile trips before implementation of the TDM program.¹³⁹ As discussed above, the “Mobile Emissions- No TDM- New Fleet Mix” CalEEMod output file models a total of 10,785.70 daily weekday trips, which still underestimates the total daily trips stated in the Draft Transportation Demand Management Program by approximately 489 trips.¹⁴⁰

Furthermore, the Draft Transportation Demand Management Program states that the TDM program would “Reduce automobile trip generation by 62 AM peak hour, 97 PM peak hour, and 1,125 daily trips, which would result in the Project generating 562 AM peak hour, 868 PM peak hour, and 10,125 daily trips.”¹⁴¹ This assumption of 10,125 daily trips after implementation of the TDM program is still greater than the 9,818.13 daily weekday trips utilized in the DSEIR’s model. As a result, despite the differences in daily operational trips presented in the DSEIR

¹³⁶ Appendix H-I, pp. 581.
¹³⁷ SWAPE Comments.
¹³⁸ DSEIR, p. 4.2-25.
¹³⁹ Appendix BB, p. 1.
¹⁴⁰ SWAPE Comments.
¹⁴¹ Appendix BB, p. 5.

and the Draft Transportation Demand Management Program, the “Mobile Emissions- No TDM- New Fleet Mix” and “Mobile Emissions-TDM” CalEEMod models still underestimate operational trips for both before and after implementation of the TDM.¹⁴²

Additionally, 1,110 daily trips were inputted for the General Light Industry land use for both models with a trip length of zero miles.¹⁴³ By assuming a trip length of zero miles, these daily trips are essentially unaccounted for. In essence, emissions from only 9,675.7 weekday trips (10,785.70 trips -1,110 trips) and 9,732.9 weekend trips (10,842.90 trips - 1,110 trips) are accounted for in the “Mobile Emissions- No TDM- New Fleet Mix” model.¹⁴⁴ Furthermore, emissions from only 8,708.13 weekday trips (9,818.13 trips -1,110 trips) and 8,759.61 weekend trips (9,869.61 trips - 1,110 trips) are accounted for in the “Mobile Emissions-TDM”.¹⁴⁵ Therefore, the total daily operational trips utilized in the “Mobile Emissions- No TDM- New Fleet Mix” and “Mobile Emissions-TDM” CalEEMod models are even further underestimated compared to what is discussed in the DSEIR and the Draft Transportation Demand Management Program.¹⁴⁶

By underestimating the operational trips for both the “Mobile Emissions- No TDM- New Fleet Mix” and “Mobile Emissions-TDM” CalEEMod models, the total vehicle miles travelled are underestimated for Project operation. As a result, the Project’s air pollutant and GHG emissions generated by mobile sources during operation are greatly underestimated and the mobile source emissions presented in Table 4.2-5 and Table 4.2-6 of the DSEIR for both before and after implementation of the TDM program are incorrect and unreliable.¹⁴⁷ An updated air quality analysis must be prepared in a revised DSEIR that adequately assesses the Project’s air quality and greenhouse gas impacts using correct input parameters.

When the Project’s emissions are correctly modeled, criteria air pollutant and GHG emissions will increase. Because operational GHG emissions upon buildout are just barely below the threshold of significance applied by the DSEIR, these increases will almost certainly result in a new or substantially more significant impact.

¹⁴² SWAPE Comments.

¹⁴³ Appendix H-I, pp. 581, pp. 655.

¹⁴⁴ Appendix H-I, pp. 655.

¹⁴⁵ Appendix H-I, pp. 581.

¹⁴⁶ SWAPE Comments.

¹⁴⁷ SWAPE Comments; DSEIR, p. 4.2-26.

B. By Understating GHG Emissions, the DSEIR Lacks Substantial Evidence to Support Its Conclusion that Compliance with Oak Knoll Project Greenhouse Gas Reduction Plan Will Reduce Greenhouse Gas Impacts Below a Level of Significance

The DSEIR for the Oak Knoll Project relies on consistency with the August 2016 Oak Knoll Greenhouse Gas Reduction Plan (“GHG”) Reduction Plan, pursuant of SCA GHG-1 to support its finding that the Project’s GHG emissions will be reduced below a level of significance. According to SCA GHG-1,

“The project applicant shall retain a qualified air quality consultant to develop a Greenhouse Gas (GHG) Reduction Plan for City review and approval and shall implement the approved GHG Reduction Plan. The goal of the GHG Reduction Plan shall be to increase energy efficiency and reduce GHG emissions to below at least one of the Bay Area Quality Management District’s (BAAQMD’s) CEQA Thresholds of Significance (1,100 metric tons of CO₂e per year or 4.6 metric tons of CO₂e per year per service population) AND to reduce GHG emissions by 36 percent below the project’s 2005 “business-as-usual” baseline GHG emissions (as explained below) to help implement the City’s Energy and Climate Action Plan (adopted in 2012) which calls for reducing GHG emissions by 36 percent below 2005 levels.”¹⁴⁸

The GHG Reduction Plan relied upon by the DSEIR to reduce impacts to below a level of significance bases its mitigation requirements (including the purchase of offsets) on a comparison of the Project’s annual GHG emissions (calculated assuming Project implementation of a Transportation Demand Management program and assuming implementation of City and State efforts to reduce GHG emissions from vehicles, electrical generation and waste disposal) to BAAQMD’s CEQA Thresholds of Significance. If both BAAQMD thresholds of significance are exceeded, then the GHG Reduction Plan requires the purchase of offsets and/or the installation of Project design features in an amount sufficient to reduce operational GHG emissions below at least one of the BAAQMD thresholds.

The GHG Reduction Plan states that, without sufficient mitigation, GHG emissions for Phase I and combined operation of Phase I and Phase II will exceed the significance threshold of 4.6 MT CO₂e/service population/year and thus require

¹⁴⁸ DSEIR, p. 4.6-21-4.6-22

M23

offsets or additional mitigation.¹⁴⁹ At full buildout in 2024, the Plan finds that GHG operational emissions will be 4.5 MT CO₂e/service population/year - just barely below the threshold of 4.6. The GHG Reduction Plan thus does not require any offsets or additional mitigation for the GHG operational emissions at full buildout.

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cont.

As discussed above, the GHG emission estimates are substantially understated.¹⁵⁰ As a result, the DSEIR lacks substantial evidence for its finding that operational emissions at full buildout will not exceed the BAAQMD threshold of 4.6 MT CO₂e/service population/year. Because the GHG Reduction Plan does not require any offsets or additional mitigation at full buildout, emissions above this threshold will not be mitigated or offset. The DSEIR must be revised and recirculated to accurately calculate potential GHG operational emissions and to mitigate those emissions to the extent feasible.

The GHG Reduction Plan is also inadequate because it requires specific offsets for the operational year 2022, but fails to specify the amount of offsets required for operational year 2023. CEQA guidelines require GHG reduction plan requirements to be binding and enforceable or to be incorporated as mitigation measures applicable to the project.¹⁵¹ Because SCA GHG-1 does not specify the amount of carbon offsets to be purchased in order to meet the BAAQMD efficiency threshold for operational emissions from cumulative phases in 2023, it fails to meet the requirements of CEQA and fails to support a finding that sufficient carbon offsets will be purchased to mitigate this impact.

M24

C. The DSEIR Lacks Substantial Evidence to Support its Conclusion that SCA AIR-1 Will Reduce Impacts from Construction NO_x Emissions to Below a Level of Significance

The DSEIR finds that the combined average daily emissions for construction of the proposed Project would exceed the BAAQMD significance threshold for NO_x.¹⁵² As a result, the DSEIR states that SCA AIR-1 will be implemented to reduce fugitive dust and construction equipment exhaust emissions.¹⁵³ SCA AIR-1 includes implementation of the BAAQMD's Best Management Practices for fugitive dust and requires "all construction equipment, diesel trucks, and generators be

M25

¹⁴⁹ DSEIR, Appendix W at p. 7.

¹⁵⁰ SWAPE Comments.

¹⁵¹ CEQA Guidelines, Section 15183.5.

¹⁵² DSEIR at p. 4.2-23.

¹⁵³ DSEIR at p. 4.2-23.

equipped with Best Available Control Technology [BACT] for emission reductions of NO_x and PM”.¹⁵⁴ In an effort to determine the reductions in construction emissions after implementation of BACT, emissions were remodeled assuming all construction equipment for all three phases of construction will be equipped with Tier 3 engines.¹⁵⁵ However, even assuming an entire construction fleet of Tier 3 equipment, the DSEIR air quality modeling still found that the Project’s construction emissions would exceed NO_x significance thresholds.¹⁵⁶

Nonetheless, the DSEIR concludes that NO_x emissions from construction will be less than significant after implementation of SCA AIR-1. The DSEIR bases this conclusion on the assumption that the Project will be constructed with a combination of Tier 3 and Tier 4 equipment in order to reduce emissions to below significant levels. This assumption is speculative and unenforceable.¹⁵⁷ No condition or mitigation is proposed to require the use of a sufficient mixture of Tier 3 and Tier 4 equipment to reduce NO_x emissions to below a level of significance.

SCA AIR-1 does not specifically prescribe what “Best Available Control Technology” is required and does not contain any requirement to reduce NO_x emissions to below any significance threshold. The DSEIR states that the “necessary technology to be determined on a case-by-case basis” to reduce emissions to below the significant threshold level, but that is not the definition of BACT and is not required under the terms of the SCA.¹⁵⁸ Moreover, the City may not rely on SCA AIR-1 in lieu of an enforceable mitigation measure where the requirements of SCA AIR-1 are vague or unenforceable as applied to a specific project. Where the City’s standard conditions are uncertain as applied to a specific project, the DSEIR must specify the project-specific requirements as a mitigation measure.¹⁵⁹

The DSEIR states that the applicant “could” require its contractors to utilize Tier 4 equipment for at least half of all construction equipment as part of SCA AIR-1.¹⁶⁰ However, this *is not required by SCA AIR-1*. Not only does SCA AIR-1 not require the use of Tier 4 equipment, it doesn’t even require that all construction equipment be at least Tier 3. SCA AIR-1 states that “All equipment to be used on

¹⁵⁴ DSEIR at pp. 4.2-23-4.2-24.

¹⁵⁵ DSEIR at p. 4.2-24.

¹⁵⁶ DSEIR at p. 4.2-24.

¹⁵⁷ SWAPE Comments.

¹⁵⁸ DSEIR at p. 4.2-24.

¹⁵⁹ See CEQA Guidelines § 15183.5.

¹⁶⁰ DSEIR at p. 4.2-24.

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cont.

the construction site and subject to the requirements of Title 13, Section 2449, of the California Code of Regulations (“California Air Resources Board Off-Road Diesel Regulations”) must meet emissions and performance requirements one year in advance of any fleet deadlines. Upon request by the City, the project applicant shall provide written documentation that fleet requirements have been met.”¹⁶¹

Under California Air Resources Board (“CARB”) guidelines, new vehicles purchased for construction fleets must be at least Tier 3 for medium and large engines and Tier 2 for small engines.¹⁶² Furthermore, CARB Off-Road Diesel emissions and performance requirements allow use of existing Tier 1 or Tier 0 equipment as long as fleet-wide averages meet CARB requirements.¹⁶³ There is thus no requirement that a contractor have *any* Tier 4 equipment, much less use all Tier 3 equipment. Furthermore, California Air Resources Board Off-Road Diesel emissions and performance requirements allow use of existing Tier 1 or Tier 0 equipment as long as fleet-wide averages meet CARB BACT requirements.¹⁶⁴

Without specific, enforceable mitigation, the DSEIR’s assumption that at least 50% of construction equipment will be Tier 4 compliant is speculative and violates CEQA. CEQA requires that public agencies adopt “feasible” mitigation measures that must “actually be implemented.”¹⁶⁵ “When the success of mitigation is uncertain, an agency cannot reasonably determine that significant effects will not occur.”¹⁶⁶ Nonbinding measures cannot be relied upon to mitigate potential impacts.¹⁶⁷

The DSEIR’s assumption that NOx emissions would be reduced below a level of significance if at least 50% of the construction equipment will be Tier 4 compliant is also speculative because it fails to identify or set standards for which equipment would be part of the 50% that is Tier 4. If the Tier 3 equipment is, on the average,

¹⁶¹ DSEIR at p.4.2-15.

¹⁶² See <https://www.arb.ca.gov/msprog/ordiesel/faq/tierlifefaq.pdf>;
<https://www.arb.ca.gov/msprog/ordiesel/faq/bactfaq.pdf>.

¹⁶³ *Id.*

¹⁶⁴ See <https://www.arb.ca.gov/msprog/ordiesel/faq/tierlifefaq.pdf>;
<https://www.arb.ca.gov/msprog/ordiesel/faq/bactfaq.pdf>.

¹⁶⁵ *Federation of Hillside and Canyon Associations v. City of Los Angeles*, *supra*, 83 Cal.App.4th at 1261; see Pub. Resources Code § 21002.1, subd. (b).

¹⁶⁶ Remy, Thomas, Moose and Manley, Guide to the California Environmental Quality Act (Solano Press, 2007) at p. 426; see *Sundstrom v. County of Mendocino* (1988) 22 Cal.App.3d 296, 306-308.

¹⁶⁷ *Napa Citizens for Honest Government v. Napa County Board of Supervisors* (2001) 91 Cal.App.4th 342, 385.

comprised of larger engines than the Tier 4 equipment, or is operated substantially more hours than the Tier 4 equipment, then NOx emission could still remain significant even if 50% of the construction equipment was Tier 4.

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cont.

Without substantial evidence that sufficient Tier 4 equipment will be used to reduce Nox emissions below a level of significance, the DSEIR's reliance on these measures to support its conclusions is speculative and without evidentiary support. The DSEIR must be revised and recirculated to disclose that NOx emissions from construction activities may be significant and, if feasible, to identify specific and enforceable mitigation to reduce this impact below a level of significance.

VI. THE TRANSPORTATION DEMAND MANAGEMENT PLAN IS INCONSISTENT WITH SCA TRA-4

M26

The DSEIR is also inadequate because it fails to disclose, evaluate and mitigate the Project's inconsistency with the City's Transportation Demand Management policy. The City has adopted Standard Conditions of Approval that are "mandatory" and must be incorporated as part of project approval.¹⁶⁸ One of the SCAs applicable to the Project is SCA TRA-4. Pursuant to SCA TRA-4, prior to permit approval, "[t]he project applicant shall submit a Transportation and Parking Demand Management (TDM) Plan for review and approval by the City."¹⁶⁹ The goals of the TDM plans are determined based on the number of vehicle trips that will be generated by the project. For projects generating 100 or more net new a.m. or p.m. peak hour vehicle trips, the goal of the TDM Plan is a 20% reduction in vehicle trips.¹⁷⁰ Because the Project would generate a net 624 a.m. peak hour trips and 965 p.m. peak hour trips, this 20% goal was triggered.¹⁷¹

The Project's TDM Plan does not come close to meeting this goal. In fact, it achieves only half of the goal—a 10% reduction in vehicle trips.¹⁷² The City should not approve the Project's TDM Plan until it is able to achieve the full 20% reduction. As a result the Project fails to comply with SCA TRA-4 and is inconsistent with the City's traffic and TDM policies.

¹⁶⁸ See SEIR, pp. 4.0-5, 4.13-36.

¹⁶⁹ SEIR, p. 4.13-38.

¹⁷⁰ *Id.*

¹⁷¹ See SEIR, p. 4.13-48.

¹⁷² SWAPE Comments; see SEIR, Appendix BB, p. 5; see also SEIR, p. 4.13-110 (acknowledging that the TDM Plan will only achieve a 10% reduction, despite a 20% reduction target).

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cont.

Accordingly, the DSEIR lack substantial evidence to support its finding that the Project would not conflict with “an applicable plan, policy or regulation of an appropriate regulatory agency adopted for the purpose of reducing greenhouse gas emissions” or “adopted City policies, plans, or programs regarding public transit, bicycle, or pedestrian facilities.”¹⁷³

VII. THE PUBLIC WAS NOT PROVIDED WITH THE NECESSARY INFORMATION TO REVIEW THIS PROJECT

M27

On September 22, 2016, we submitted a request for all documents referenced in the DSEIR. The documents that were provided in response did not include the full HRA report¹⁷⁴ and the August 2016 Transportation Impact Analysis prepared by Fehr & Peers in the SEIR appendices.¹⁷⁵ The underlying data for the HRA was provided in Appendix J and the underlying data for the traffic analysis was provided in Appendix V, but the actual reports were not included.

This violates CEQA’s requirement that all documents referenced in the draft EIR be available during the public comment period.¹⁷⁶ We reserve our right to comment relevant to these documents once this information is publicly released.

VIII. THE CITY MUST PREPARE AND RECIRCULATE A REVISED DSEIR AS A RESULT OF ITS INADEQUACIES

M28

CEQA requires a lead agency to recirculate an EIR when significant, new information is added to the EIR following public review, but before certification.¹⁷⁷

¹⁷³ See SEIR, pp. 2-26, 2-46, 4.6-32, 4.6-39, 4.13-95.

¹⁷⁴ The DSEIR incorrectly claims that the Supreme Court held TAC impacts to new sensitive residents are not subject to CEQA. (Citing *California Building Industry Association v. Bay Area Air Quality Management District* (2015) 62 Cal.4th 369, 377-378.) To the contrary, the Supreme Court clearly stated that the effect of existing conditions on future users of the project *must be analyzed* under CEQA when the project “exacerbates” these existing environmental hazards. (*Id.* at 377-378.) Where a new project would emit toxic air pollutants that exacerbate an existing source of toxic contaminants, as is the case here, CEQA requires analysis of how the existing TACs, combined with the project’s contribution, would affect future residents. Here, the Project will add more vehicles to I-580, Keller Avenue and Mountain Boulevard, thus further exacerbating existing TAC emissions.

¹⁷⁵ See SEIR, Appendix D.

¹⁷⁶ CEQA Guidelines, § 10587.

¹⁷⁷ Pub. Resources Code § 21092.1.

The CEQA Guidelines clarify that new information is significant if “the EIR is changed in a way that deprives the public of a meaningful opportunity to comment upon a substantial adverse environmental effect of the project” including, for example, “a disclosure showing that ... [a] new significant environmental impact would result from the project.”¹⁷⁸

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cont.

As discussed above, the proposed Project will have numerous impacts that are different and more severe than those described in the EIR, including biological resource impacts, air quality impacts and greenhouse gas impacts. The DSEIR also lacks adequate mitigation for the potentially significant impacts that are identified. A revised and recirculated EIR is required.

IX. CONCLUSION

M29

Oakland Residents for Responsible Development and its individual members thank the City for providing the opportunity to comment on this matter. We urge the City to ensure that the Project’s impacts are fully disclosed, evaluated and mitigated before the Project is allowed to proceed.

Sincerely,



Thomas A. Enslow

TAE:ljl

Exhibits

¹⁷⁸ CEQA Guidelines § 15088.5.

EXHIBIT A

October 11, 2016

Mr. Thomas Enslow
Adams Broadwell Joseph & Cardozo
520 Capitol Mall, Suite 350
Sacramento, CA 95814

**Subject: Comments on the Draft Supplemental Environmental Impact Report
Prepared for the Oak Knoll Mixed Use Community Plan Project**

Dear Mr. Enslow:

This letter contains my comments on the Draft Supplemental Environmental Impact Report (“DSEIR”) prepared by the City of Oakland (“City”) for the Oak Knoll Mixed Use Community Plan Project (“Project”). Oak Knoll Acquisition Ventures LLC (“Applicant”) proposes to create a mixed-use development of residential neighborhoods, commercial development, and open space and recreational facilities on approximately 188 acres in the City of Oakland.

I am an environmental biologist with 23 years of professional experience in wildlife ecology and natural resource management. I have served as a biological resources expert for over 100 projects in California. My experience and scope of work in this regard has included assisting various clients with evaluations of biological resource issues, reviewing environmental compliance documents prepared pursuant to the California Environmental Quality Act (“CEQA”) and the National Environmental Policy Act (“NEPA”), and submitting written comments in response to CEQA and NEPA documents. My work has included the preparation of written and oral testimony for the California Energy Commission, California Public Utilities Commission, and U.S. district courts. My educational background includes a B.S. in Resource Management from the University of California at Berkeley, and a M.S. in Wildlife and Fisheries Science from the Pennsylvania State University. A true and correct copy of my current curriculum vitae is attached hereto.

I have gained particular knowledge of the biological resource issues associated with the Project through my work on numerous other projects in the region. The comments herein are based on my review of the environmental documents prepared for the Project, a review of scientific literature pertaining to biological resources known to occur in the Project area, consultations with other biological resource experts, and the knowledge and experience I have acquired during more than 23 years of working in the field of natural resources management.

EXISTING SETTING

Oak Woodlands

The Project site contains 28.89 acres of coast live oak woodlands.¹ Oak woodlands have the richest wildlife species abundance of any habitat in California, with over 330 species of birds, mammals, reptiles, and amphibians depending on them at some stage in their life cycle.² Wilson and others (1991) suggest California oak woodlands rank among the top three habitat types in North America for bird richness.³

M30

The Biological Resources Assessment (“BRA”) that was prepared for the Project states: “[t]he oak woodland habitat in the Project Area, including the riparian woodland, is generally of medium to low quality due to the fragmented nature and the abundance of non-native, invasive species.”⁴ This statement that the habitat is medium to low quality is not supported by evidence. Habitat quality is defined by the ability of the area to provide conditions appropriate for individual and population persistence.⁵ Measuring habitat quality requires collecting data on critical resources (e.g., food and nest sites) and demographic variables (e.g., reproductive output and survival).⁶ The Applicant’s biological resources consultant, WRA, did not measure those variables. Therefore, the statement that oak woodland habitat at the Project site is “medium to low quality” is arbitrary and misleading to the public and decision makers.

The effects of fragmentation and exotic (non-native) species on habitat quality depend on the species being evaluated, and thus cannot be generalized. Because plants exhibit some redundancy in ecosystem function, exotic plant species can substitute in part for natives in performing a range of ecosystem functions, including wildlife support.⁷ Indeed, in some cases native wildlife species preferentially select exotic plants over native ones.⁸ Nevertheless, the statement that the oak woodland habitat at the site is medium to low quality due to fragmentation and the abundance of exotic species conflicts with the description in the BRA, which states:

The eastern and southeastern portions of the Project Area are characterized by steep, hilly topography with relatively undisturbed, natural vegetation types, including coast live oak (*Quercus agrifolia*) woodland, California sagebrush

¹ BRA, Figure 2.

² CalPIF (California Partners in Flight). 2002. Version 2.0. The oak woodland bird conservation plan: a strategy for protecting and managing oak woodland habitats and associated birds in California (S. Zack, lead author). Point Reyes Bird Observatory, Stinson Beach, CA. p. 8.

³ *Ibid.*

⁴ BRA, p. 40.

⁵ Morrison ML, BG Marcot, and RW Mannan. 2006. Wildlife-Habitat Relationships: Concepts and Applications. 3rd ed. Washington (DC): Island Press. p. 448.

⁶ Johnson MD. 2007. Measuring Habitat Quality: A Review. *The Condor* 109:489-504.

⁷ Westman WE. 1990. Park Management of Exotic Plant Species: Problems and Issues. *Conservation Biology* 4(3):251-260.

⁸ Westman WE. 1990. Park Management of Exotic Plant Species: Problems and Issues. *Conservation Biology* 4(3):251-260.

M30
cont.

(*Artemisia californica*) scrub, and native purple needlegrass (*Stipa pulchra*) grassland.⁹

and,

In the northeastern and southeastern portions of the Project Area, larger, more contiguous stands of oak woodland occur. Some of these larger stands appear to predate development in the Project Area and have a higher diversity of native plant species compared to elsewhere in the Project Area. The overstory is composed of dense coast live oak with occasional California bay.¹⁰

Several hundred large oak trees occur on the Project site (i.e., 859 trees with dbh > 18").¹¹ Coastal oak woodlands are comprised of slow growing, long-lived trees. As a result, succession requires a long time. The actual time is variable and depends on local environmental conditions; however, development of large, mature trees requires 60 to 80 years.¹² Large, mature oak trees are especially important to wildlife because they provide key structural elements and characteristics (e.g., cavities, caching sites, and suitable substrates for raptor nests, among others) that are unavailable in smaller trees.¹³

Urbanization and agricultural development have eliminated approximately one-third of California's oak woodlands.¹⁴ Of the oak woodlands that remain, only 40% are protected (e.g., in parks).¹⁵ However, even those that are protected from development are susceptible to numerous threats. In many cases, existing oak woodlands are not regenerating naturally (i.e., young trees are not establishing to replace older trees as they senesce and die).¹⁶ In addition, the pathogen responsible for "Sudden Oak Death" started attacking California oaks in 1985 and became a full-scale epidemic by 1999.¹⁷ Thus, Californians continue to lose their oak woodland heritage, even at sites that are protected from development.

M31

The DSEIR fails to disclose the habitat value of the coast live oak woodlands on the Project site. Furthermore, it fails to establish the status of oak woodlands in the region (e.g., percentage that remain in Oakland and Alameda County, and the rate at which existing woodlands are being lost). Without this regional context it is impossible for the public and decision makers to understand the relative importance of oak woodlands that remain on the Project site, and consequently, the relative significance of Project impacts

⁹ BRA, p. 4 [emphasis added].

¹⁰ BRA, p. 18.

¹¹ DSEIR, Appendix A to Appendix Q.

¹² California Wildlife Habitat Relationships System. 2005 [update]. Wildlife Habitats: Coastal Oak Woodland. California Department of Fish and Game. California Interagency Wildlife Task Group. Available at: <<https://www.wildlife.ca.gov/Data/CWHR/Wildlife-Habitats>>.

¹³ CalPIF (California Partners in Flight). 2002. Version 2.0. The oak woodland bird conservation plan: a strategy for protecting and managing oak woodland habitats and associated birds in California (S. Zack, lead author). Point Reyes Bird Observatory, Stinson Beach, CA.

¹⁴ *Ibid.*

¹⁵ *Ibid.*

¹⁶ *Ibid.*

¹⁷ *Ibid.*

M31
cont.

to those woodlands. Without this regional context it is also impossible to evaluate the cumulative impact to oak woodlands in the region.

IMPACTS/MITIGATION

The DSEIR Fails to Disclose and Analyze Impacts from All Project Features

M32

The DSEIR fails to disclose and analyze the direct, indirect, and cumulative impacts associated with: (a) the hiking trail through the Hardenstine parcel, (b) the hiking trail through the preserved hillside grassland, and (c) Oak Knoll Memorial Park.¹⁸ Construction of these features would have direct impacts on habitat. In addition, they would indirectly impact biological resources by promoting recreation in places where it does not currently exist.

Recreation, and human presence in general, can have negative ecological impacts to ecosystems, plants, and wildlife. Those impacts can include: trampling, soil compaction, erosion, disturbance (due to noise and motion), pollution, nutrient loading, and the introduction of exotic plant species.¹⁹ Corridors such as trails can also impact plant and animal species by causing habitat fragmentation and adverse “edge effects.” Without an analysis of impacts to biological resources due to the proposed trails and Oak Knoll Memorial Park, the record does not support the findings made in the DSEIR.

Oakland Star-Tulip

Impacts

M33

The 1998 EIS/EIR did not analyze whether development of the Maximum Capacity Alternative would result in an impact to the Oakland star-tulip.²⁰ According to the DSEIR, the currently proposed Project “has the potential to permanently impact an estimated 723 individuals of Oakland star-tulip due to planned grading and conversion of suitable habitat to developed areas.”²¹ Based on my review of the maps provided in the DSEIR, the Project *would* impact those 723 individuals of Oakland star-tulip. The DSEIR provides no evidence the Applicant has implemented design measures in an attempt to avoid impacts to the species.

The City has concluded the loss of Oakland star-tulip on the Project site is not considered significant given regional prevalence of the species.²² It states: “[r]eported occurrences of Oakland star-tulip in the Project vicinity document observations in Alameda and Contra Costa counties ranging from a single plant to populations of over a thousand,

¹⁸ See DSEIR, Figures 3-10 and 3-11. See also BRA, Figure 8.

¹⁹ Jordan M. 2000. Ecological Impacts of Recreational Use of Trails: A Literature Review. 6 pp. See also Richardson CT, CK Miller. 1997. Recommendations for Protecting Raptors from Human Disturbance: A Review. Wildlife Society Bulletin 25(3):634-638.

²⁰ DSEIR, p. 4.3-46.

²¹ *Ibid.*

²² DSEIR, p. 4.3-47.

M33
cont.

though most records describe smaller concentrations of under 100 individuals (Calflora 2016a, Calflora 2016b).”²³ I reviewed the data in the Calflora database (i.e., the source cited in the DSEIR) and I concur with the statement that: “most records describe smaller concentrations of under 100 individuals.” Specifically, most of the records indicate “1+” individuals; very few records indicate > 500 individuals. Based on this information, the administrative record does not support the DSEIR’s conclusion that impacts to a population of 723 individuals are not significant. Indeed, under the DSEIR’s analysis, almost every population of Oakland star-tulip in the Project vicinity (i.e., any population ≤ 723 individuals) could be eliminated without causing a significant impact or requiring mitigation. No evidence in the record supports the City’s assumption that the threshold of significance for impacts to the Oakland star-tulip is greater than 723 individual plants.

Mitigation

According to the DSEIR: “[w]ith Recommendation BIO-1, to which the Project sponsor has agreed, localized impacts to Oakland star tulip could be substantially reduced through salvage and relocation of a portion of the population for reintroduction elsewhere on the Project site or into established populations in the Project vicinity.”²⁴ While the DSEIR lists “Recommendation BIO-1” in the summary of mitigation measures, the DSEIR makes clear that this is only a recommendation, not an enforceable mitigation measure. Furthermore, while the Applicant has stated it intends to follow this recommendation; the DSEIR does not propose requiring the Applicant to do anything to mitigate impacts to 723 Oakland star-tulips. There is no guarantee that the Applicant will not change its mind or transfer the Project to a subsequent developer who has made no such commitment. As a result, Recommendation BIO-1 should be amended to provide mandatory mitigation obligations.

Even if it was mandatory, Recommendation BIO-1 is inadequate to reduce Project impacts below a level of significance. Recommendation BIO-1 indicates the Applicant would salvage at least 50% of the Oakland star-tulip bulbs. The Applicant would then replant the bulbs within the Project site, *or* make the bulbs available to a reputable organization (e.g., East Bay Regional Park District, East Bay Chapter of the California Native Plant Society, UC Berkeley Botanical Garden, or Merritt College Horticultural Department).²⁵ There are several problems with this mitigation.

First, it would only mitigate a fraction of the impacted plants. An attempt to salvage 50% of the Oakland star-tulip bulbs would still mean a net loss of 361 plants—an amount greater than the vast majority of Oakland star-tulip populations in the area. In addition, Recommendation BIO-1 suggests a success criterion of 0.5:1, meaning that the actual net loss could be as much as 542 plants. Accordingly, the net loss of Oakland star-tulip bulbs would still be significant even if this voluntary mitigation was implemented.

²³ DSEIR, p. 4.3-18.

²⁴ DSEIR, p. 4.3-47.

²⁵ *Ibid.*

M33
cont.

Second, the option to make the bulbs available to a reputable organization is not equivalent to the requirements set forth for replanting the bulbs on the Project site. Donating the bulbs (instead of replanting them on-site) would completely eliminate the plant from the Project area. Furthermore, that option does not: (a) set forth any guidelines or requirements for what the “reputable organization” does with the donated bulbs; (b) require the Applicant to fund any replanting efforts by the reputable organization; and (c) impose any success criteria (or even any requirement to plant the bulbs) on the organization that receives the bulbs. As a result, all 723 Oakland star-tulips could be lost even if the Applicant complies with Recommendation BIO-1.

In contrast, under Recommendation BIO-1, if the Applicant elects to replant the bulbs within the Project site, it would need to: (a) prepare and implement a monitoring plan; (b) consult with the “appropriate agencies” prior to the start of local construction activities; (c) achieve success criteria at the bulb relocation sites; (d) implement contingency measures if success criteria are not achieved; and (e) prepare monitoring reports that include justification for any deviations from the monitoring plan.²⁶ Given the vast difference in the level of effort and money between these two options, it is extremely likely that the Applicant would select the bulb donation option.

Due to the issues described above, the Project would have a potentially significant, unmitigated impact on the Oakland star-tulip.

Purple Needlegrass Grassland

M34

The Project site contains 17.52 acres of purple needlegrass grassland, of which 7.04 acres were planted in areas where buildings were demolished in the Project area.²⁷ Purple needlegrass grassland is considered a sensitive natural community in California. The 1998 EIS/EIR did not analyze impacts to this sensitive community.

The DSEIR distinguishes the naturally occurring purple needlegrass community from the planted one. Specifically, it treats the former as a sensitive natural community, but not the latter. The DSEIR fails to justify the rationale for this distinction. According to California Fish and Wildlife Code 1901, the term “native plant” means: “a plant growing in a wild uncultivated state which is normally found native to the plant life of this state.” Purple needlegrass is native to the Project site, and the areas that were planted after buildings were demolished are now in a “wild uncultivated state.”

Furthermore, the DSEIR does not cite any guidelines that indicate it is acceptable to ignore the sensitivity of a natural community if the vegetation in that community was originally planted. If this was a universally accepted practice, the state and federal resource agencies would not accept creation or restoration of sensitive natural communities as mitigation for impacts to naturally occurring ones (which they do). Indeed, the DSEIR proposes the enhancement and *creation* of oak woodland (a sensitive natural community) as mitigation for the Project’s significant impact on the

²⁶ DSEIR, pp. 4.3-47 and -48.

²⁷ BRA, Figure 2 and p. 15.

M34
cont.

naturally occurring oak woodland.²⁸ The City concludes this would reduce the impact to a less-than-significant level (i.e., because the created natural community replaces the impacted one).²⁹ If a created natural community sufficiently replaces a naturally occurring one, the two communities are functionally equivalent. As a result, the City cannot view the oak woodland that would be created by the Project as a sensitive natural community, without also viewing the previously created purple needlegrass community as a sensitive one.

The DSEIR provides the following discussion of native purple needlegrass grassland in the Project region:

purple needlegrass grassland is relatively common in the Project vicinity with an estimated several hundred acres occurring in parks and open space areas within a 5-mile radius of the Project site (e.g. at Knowland Park, Anthony Chabot/Fairmont Ridge, Skyline Serpentine Prairie Preserve, and Upper San Leandro Reservoir/Las Trampas Ridge). At least 250 acres of needlegrass grassland have been mapped at three sites in the Project vicinity (Fairmont Ridge, Knowland Park, and Skyline Serpentine Prairie). No detailed mapping has been conducted at other sites, but it is likely that there are many more acres of purple needlegrass grassland in the vicinity.³⁰

This information is not supported by evidence. Specifically, the DSEIR does not say *who* estimates several hundred acres (of purple needlegrass grassland) occur in parks and open space areas within a 5-mile radius of the Project site, *how* the estimate was made, or *when* it was made. Furthermore, the DSEIR implies purple needlegrass grasslands in parks and open space areas are secure, which they may not be. For example, monitoring data collected by researchers at U.C. Berkeley indicate a widespread decline in purple needlegrass at parks managed by the East Bay Regional Park District.³¹

Similarly, the DSEIR does not provide evidence to substantiate the statement that: “at least 250 acres of needlegrass grassland have been mapped at three sites in the Project vicinity.” Furthermore, the statement that “it is likely that there are many more acres of purple needlegrass grassland in the vicinity” is speculation, which does not constitute evidence under CEQA.

The DSEIR suggests 250 acres of native needlegrass grassland is a lot. However, 250 acres is miniscule compared to the thousands of acres of native grasslands that historically occurred in the region. Two-thirds of Alameda and Contra Costa Counties were once occupied by native grasslands and rolling oak savannas.³² Currently only 1%

²⁸ DSEIR, p. 4.3-68.

²⁹ *Ibid.*

³⁰ *Ibid.*

³¹ Bartolome JW, RH Barrett. 2009. Annual report for the East Bay Regional Park District Grassland Monitoring Project, 2009 Field Season (Year 8). 47 pp.

³² Amme D. 2004. Grassland Heritage: Stewardship of a Changed Landscape. Bay Nature Apr-Jun 2004 Issue. Available at: <<http://baynature.org/article/grassland-heritage/>>.

of California's native grasslands remain, and as a result, California grasslands are among the 21 most-endangered ecosystems in the United States.³³

M34
cont.

The DSEIR provides the following assessment of the 10.48 acres of native purple needlegrass grassland on the Project site:

The occurrences in nearby parks and open spaces are also generally of much higher quality than the habitat found in the Project site, which is relatively fragmented and generally co-dominated by non-native annual grasses and forbs, with few native forbs. Additionally, the majority (6.62 of the 10.48 acres) of the purple needlegrass in the Project site, located on the steeper slopes of the northeast portion of the site, will not be impacted by development and will be preserved. As such, the Project impact to 3.86 acres of native purple needlegrass grassland would be less than significant.³⁴

There are several flaws with this assessment:

First, the statement that occurrences in nearby parks and open spaces are generally of much higher quality than those on the Project site is not supported by evidence. I do not dispute that the native purple needlegrass grassland on the Project site is fragmented and co-dominated by non-native grasses and forbs. However, so are the native grasslands that occur in nearby parks and open spaces.³⁵ Consequently, the DSEIR lacks evidence that grasslands in nearby parks and open spaces are "much higher quality."

Second, the DSEIR failed to disclose or analyze the impacts associated with the proposed hiking trails and Oak Knoll Memorial Park.³⁶ These features would have direct and indirect impacts on the native purple needlegrass grassland.³⁷ Therefore, the statement that the majority (6.62 of the 10.48 acres) of the purple needlegrass at the Project site will not be impacted by development is inaccurate.

Third, the statement that the majority of the native grassland will be "preserved" is not supported by evidence. Specifically, the DSEIR does not require a conservation easement, deed restriction, or other mechanism that would ensure the purple needlegrass grassland would be preserved and appropriately managed for conservation in perpetuity.

For these reasons, the City does not have the basis to conclude Project impacts to purple needlegrass grassland (native *or* planted) would be less than significant.

³³ Noss RF, RL Peters. 1995. Endangered ecosystems: a status report on America's vanishing habitat and wildlife. p. 58. Available at: <<http://www.iatp.org/documents/endangered-ecosystems-a-status-report-on-americas-vanishing-habitat-and-wildlife>>.

³⁴ DSEIR, p. 4.3-68.

³⁵ Bartolome JW, RH Barrett. 2009. Annual report for the East Bay Regional Park District Grassland Monitoring Project, 2009 Field Season (Year 8). 47 pp.

³⁶ See DSEIR, Figures 3-10 and 3-11. See also BRA, Figure 8.

³⁷ *Ibid.*

Cumulative Impacts

M35

As the DSEIR acknowledges: “[t]he 1998 EIS/EIR analysis did not discuss or describe potential cumulative impacts related to biological resources.”³⁸ The DSEIR further acknowledges the 1998 EIS/EIR did not analyze impacts to all sensitive biological resources known to occur on the Project site. Moreover, the cumulative impacts scenario has changed considerably since 1998. This includes both the rate of urbanization in the East Bay, and the severity of threats to biological resources (e.g., due to climate change). In addition, the status of some sensitive biological resources has changed substantially since 1998. For example, Sudden Oak Death has become an epidemic, and the burrowing owl (which was detected on the Project site in 1995) has continued to decline despite efforts to conserve the species and its habitat.³⁹ For these reasons, the City needs to make a dedicated attempt at cumulative impacts analysis. As described below, the cumulative impacts analysis provided in the DSEIR is highly insufficient.

The DSEIR fails to provide any *quantitative* analysis of cumulative effects. For example, the DSEIR does not quantify how much habitat existed historically, how much has been lost due to past and present projects, and how much more is expected to be lost due to reasonably foreseeable future projects. Although the DSEIR provides a list of “Active Major Development Projects” in the City of Oakland as of October 2014, that list does not identify: (a) the geographic size of the projects, or (b) the biological resources that would (or might) be affected by the projects.⁴⁰ This precludes any ability to conduct independent analysis of cumulative impacts and the Project’s corresponding contribution to those impacts.

The DSEIR does not clearly define the geographic scope of the City’s cumulative impacts assessment, although a 5-mile radius was applied to the assessment of native purple needlegrass grassland.⁴¹ This is important because the DSEIR’s list of cumulative projects is limited to projects in the City of Oakland—it does not include all other projects within a 5-mile radius of the Project site. If the City wants to use the amount of purple needlegrass grassland within a 5-mile radius as evidence that Project impacts would be insignificant, it must also assess threats (e.g., development projects) to purple needlegrass grassland within that 5-mile radius.

Not only did the DSEIR fail to provide any quantitative analysis, but the *qualitative* analysis it provided is flawed and insufficient to make any conclusions pertaining to the significance of cumulative impacts to biological resources.

The DSEIR states:

Given the City’s requirement for all projects to comply with SCAs [Standard Conditions of Approval], the proposed Project would not adversely contribute to

³⁸ DSEIR, p. 4.3-84.

³⁹ California Department of Fish and Game. 2012. Staff Report on Burrowing Owl Mitigation. p. 1.

⁴⁰ DSEIR, Appendix G.

⁴¹ DSEIR, p. 4.3-68.

the cumulative effect when considered with other past, present, and reasonably foreseeable future development; its effect would not be cumulatively considerable.⁴²

The DSEIR provides no evidence that the City’s SCAs have effectively mitigated cumulative impacts. Moreover, existing evidence demonstrates the City has not required “all projects” to comply with SCAs. For example, there is substantial evidence showing the City has failed to enforce SCAs for the “California Trail Project” (on the ridgeline of Oakland’s Knowland Park), and that failure to comply with the SCAs has resulted in significant impacts to sensitive biological resources.⁴³

M35
cont.

The DSEIR even claims the Project would improve the condition of natural communities on the Project site.⁴⁴ It states:

While vegetation communities and wildlife habitat will be setback locally during construction and while restored or enhanced areas mature, over the long-term the restored, preserved, enhanced restored creek corridor, oak woodland, and knoll would offer improved habitat conditions over those currently existing within the Project site.⁴⁵

This statement relies on the single, fundamental assumption that restoring the creek and native vegetation communities would improve habitat conditions. That assumption is not valid because it ignores the numerous other biotic factors that affect habitat suitability. For example, the DSEIR ignores the increased noise, lighting, human presence, and domestic cats that would result from the Project. These factors would adversely affect habitat suitability and potentially render it useless to many species even if vegetative conditions are suitable. Nevertheless, the City cannot rely on theoretical future conditions at the site to justify its conclusion that the Project would not contribute to significant cumulative impacts, especially because the DSEIR fails to provide evidence that the Applicant has successfully completed restoration projects similar to what is proposed for the Project.

The Project would disturb 151 acres (80%) of the 188-acre site.⁴⁶ Grading and other development activities will have a significant effect on habitat conditions, and even if the Applicant’s restoration activities are successful, they will not replace the habitat that is lost for many years (e.g., it takes 60-80 years for an oak to reach maturity). For wildlife, this equates to multiple generations of lost habitat, and consequently, a considerable loss of reproductive output. This could have serious consequences on a species’ ability to maintain a viable population in the Project area.

The City’s qualitative assessment of cumulative impacts concludes that: “[n]one of the potential adverse effects identified for the Project would make a cumulatively

⁴² DSEIR, p. 4.3-85.

⁴³ See: <<https://ebcnps.files.wordpress.com/2016/09/complaint-letter-to-cdfw-re-ebzs-ca-trail-project-2-22-2016-1.pdf>>.

⁴⁴ DSEIR, p. 4.3-85.

⁴⁵ *Ibid.*

⁴⁶ BRA, Table 3. The BRA indicates 185 acres.

considerable contribution to the cumulative impact when combined with other approved or anticipated projects considered in this analysis.”⁴⁷ There are two fundamental problems with the City’s rationale:

M35
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First, the “projects considered in this analysis” appear to be limited to projects in the City of Oakland (DSEIR, Appendix G), which does not comport with the geographic area used to justify the City’s conclusions. For example, the City used the abundance of purple needlegrass grassland at neighboring reserves to justify its conclusion that impacts to native purple needlegrass grassland at the Project site would be less than significant.⁴⁸ However, many of the reserves referenced in DSEIR are outside of the City of Oakland, and the City did not consider the impacts of projects outside the City of Oakland.

Second, the City’s cumulative effects assessment only considered “potential adverse effects identified for the Project.” For example, it did not consider impacts to native purple needlegrass grassland to be a potentially adverse effect because only 3.86 acres of native grassland would be affected by the Project. This undermines the intent of cumulative effects analysis, which is to determine whether two or more individual effects, when considered together, are considerable. Whereas impacts to 3.86 acres might be considered insignificant at the project-level, it could be cumulatively considerable when viewed in connection with other past, present, and future projects.

Avian Habitat

M36

The DSEIR acknowledges that mass grading and the removal of over 4,000 trees from the riparian corridor, non-native forest, and oak woodland communities would impact avian habitat.⁴⁹ It then states:

This impact to avian habitat is considered temporary however, as the Project proposes an extensive replanting and landscape plan, described in detail under criterion “f” (Oakland Tree Ordinance and Tree Removal) under Impact BIO-5. Restoring portions of the site as open space and parks, installing street trees, and restoring Rifle Range Creek, its tributaries, and the associated riparian corridors, would reduce the overall long-term effects on avian habitat attributable to the Project.⁵⁰

There are several flaws with the City’s rationale:

First, the development of large, mature oak trees, which provide critical resources to many bird species, requires 60 to 80 years.⁵¹ Thus, Project impacts to avian habitat are not “temporary,” especially when considering the lifespan and reproductive potential of birds. California Partners in Flight and PRBO Conservation Science examined seven

⁴⁷ DSEIR, p. 4.3-85.

⁴⁸ DSEIR, p. 4.3-68.

⁴⁹ DSEIR, p. 4.3-51.

⁵⁰ *Ibid.*

⁵¹ California Wildlife Habitat Relationships System. 2005 [update]. Wildlife Habitats: Coastal Oak Woodland. California Department of Fish and Game. California Interagency Wildlife Task Group. Available at: <<https://www.wildlife.ca.gov/Data/CWHR/Wildlife-Habitats>>.

focal bird species representative of the range of oak habitats in the state. They reported: “[l]oss of habitat or habitat structure (such as dead standing trees, mature trees with cavities, or a shrubby understory component) is implicated as a likely cause of decline and/or other problems for five of the seven focal species.”⁵²

Second, adherence with Oakland’s Tree Ordinance does not offset the loss of *woodlands*, which is the functional unit of conservation concern (i.e., not the individual tree).⁵³ Indeed, the Tree Ordinance allows the Applicant to pay a fee in lieu of replanting trees at the site. That fee is applied toward tree planting in city parks, streets, and medians.⁵⁴ Trees planted at those locations do not create *woodlands*, and they would not replicate the functions and values of the trees (and woodlands) removed from the Project site.

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Third, the DSEIR fails to provide evidence that the Oakland Tree Ordinance has been an effective conservation measure, especially with respect to oaks. Light and Pedroni (2002) reviewed oak ordinances throughout California. They concluded that tree ordinances, such as the one implemented by the City of Oakland, have not been effective in conserving oaks and oak woodlands.⁵⁵

Fourth, many of the replacement trees planted at the Project site will be located in areas that are not conducive to high-quality avian habitat. The DSEIR indicates:

In addition to trees preserved under the Project, the Project sponsor proposes an extensive replanting and landscape plan introduced along Project streets, residential areas, hillsides, pedestrian ways, the creek corridor, and site entrances along with a system of several parks, gardens, courtyards, pedestrian trails, and open spaces onsite, which would incorporate replacement trees pursuant to the City’s Tree Ordinance and SCA BIO-5.⁵⁶

Trees along streets and in residential areas may be aesthetically pleasing to humans, but they have minimal value to most bird species. Indeed, trees in those locations can create an “ecological trap” by attracting birds to places where they will be susceptible to heightened mortality (e.g., due to windows strikes and domestic cats).⁵⁷

⁵² CalPIF (California Partners in Flight). 2002. Version 2.0. The oak woodland bird conservation plan: a strategy for protecting and managing oak woodland habitats and associated birds in California (S. Zack, lead author). Point Reyes Bird Observatory, Stinson Beach, CA. p. 11.

⁵³ Light RH, LE Pedroni. 2002. When Oak Ordinances Fail: Unaddressed Issues of Oak Conservation. USDA Forest Service Gen. Tech. Rep. PSW-GTR-184.

⁵⁴ DSEIR, p. 4.3-43.

⁵⁵ Light RH, LE Pedroni. 2002. When Oak Ordinances Fail: Unaddressed Issues of Oak Conservation. USDA Forest Service Gen. Tech. Rep. PSW-GTR-184.

⁵⁶ DSEIR, p. 4.3-76.

⁵⁷ An ecological “trap” an area where an animal settles to breed because conditions at the time of settlement seem appropriate. However, either because natural conditions change (e.g., fire, drought), or humans change them (e.g., drive motorcycles through them), the animal has made a mistake and either dies or has reduced reproductive output. Thus the animal is, in essence, lured into what turns out to be poor-quality habitat. See Robertson BA, JS Rehage, A Sih. 2013. Ecological novelty and the emergence of evolutionary traps. *Trends in Ecology and Evolution* 28(9):552-560.

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Finally, “restoring” portions of the site does not ensure avian habitat would be replaced because the performance standards proposed in the Applicant’s restoration plan pertain to tree survival during the first 10 years—the plan does not include any performance standards for avian habitat.⁵⁸ As reported by Morrison (2002): “*the success of a restoration project should be judged by how wildlife species respond to it.*”⁵⁹ Therefore, the City cannot assume restoration efforts would reduce the overall long-term effects on avian habitat unless it incorporates appropriate success criteria for that habitat.

Avian Collisions

M37

The DSEIR acknowledges: “avian collisions with glass or reflective surfaces on buildings of the proposed Project have the potential to result in mortality, which could be a significant impact under CEQA and violate the federal MBTA and the California Fish and Game Code (as it could constitute unauthorized take).”⁶⁰ As a result, the City is requiring the Applicant to prepare a Bird Collision Reduction Plan.

The DSEIR lists several *mandatory measures* that need to be incorporated into the Bird Collision Reduction Plan.⁶¹ However, it subsequently states: “the project sponsor will tailor the project-specific Bird Collision Reduction Plan to incorporate those strategies that reasonably apply to the Project or its commercial tenants or homeowners/tenants.”⁶² The DSEIR does not identify what measures “reasonably apply” and does not set forth any performance standards to guide the Applicant in selecting the appropriate measures. Instead, it is left up to the Applicant to decide what is “reasonable” after the CEQA review process terminates. Because the Applicant has not prepared a Bird Collision Reduction Plan, and because the DSEIR has not identified which collision reduction measures will be mandatory, there is not enough information in the record to support a determination that the Plan will be sufficient to reduce impacts below a level of significance.

Restoration

M38

A key component of the Project is the restoration and enhancement of riparian areas along Rifle Range Creek.⁶³ Neither the DSEIR nor accompanying appendices define the terms “restoration” and “enhancement.” However, because the focus of the restoration and enhancement element is on riparian areas, one can presume the DSEIR is referring to *habitat* restoration and enhancement. In general:

- The term “habitat restoration” means the manipulation of the physical, chemical, or biological characteristics of a site with the goal of returning the majority of

⁵⁸ DSEIR, Appendix 6 to Appendix N.

⁵⁹ Morrison ML. 2002. Wildlife Restoration: Techniques for Habitat Analysis and Animal Monitoring. Island Press: Washington (DC). p. 1.

⁶⁰ DSEIR, p. 4.3-53.

⁶¹ DSEIR, pp. 4.3-36 and -37.

⁶² DSEIR, p. 4.3-54.

⁶³ DSEIR, p. 1-1.

natural functions to the lost or degraded native habitat.⁶⁴

- The term “habitat enhancement” means the manipulation of the physical, chemical, or biological characteristics of a habitat to change a specific function or seral stage of the habitat for the purpose of benefitting species.⁶⁵

According to Miller and Hobbs (2007):

The term [habitat restoration] covers the general topic of restoring ecosystems for the specific purpose of providing habitat—either for the individual species or for the entire suite of species likely to be found in an area. It is also used more broadly to represent the restoration of native plant communities (e.g., Gilbert and Anderson 1998). Increasing the amount of habitat present in a given area is often a primary motivation for undertaking restoration, particularly where extensive ecosystem fragmentation and modification have taken place (e.g., Hobbs & Lambeck 2002; Lambeck & Hobbs 2002). However, in many cases, little attention is given to deciding what restoring “habitat” actually means: what constitutes habitat and what are its essential components?⁶⁶

The DSEIR exaggerates the amount of riparian restoration that would occur due to the Project. It states: “[t]he Project proposes restoration and enhancement of approximately 16.7 acres of riparian areas along Rifle Range Creek and one of the Creek’s tributaries, Hospital Creek.”⁶⁷ However, there are currently 7.28 acres of riparian woodlands on the Project site.⁶⁸ These woodlands are comprised primarily of native plant and animal species (although some non-native herbaceous plants occur in the understory).⁶⁹ Therefore, from the habitat prospective, they do not appear to need restoration or enhancement. Nevertheless, given 7.28 acres already exist on the site, the Project would, at most, result in a net increase of 9.42 acres of riparian woodlands (if the Applicant’s restoration and enhancement activities are successful).

This concludes my comments on the SDEIR.

Sincerely,



Scott Cashen, M.S.
Senior Biologist

⁶⁴ U.S. Legal Definitions [online]. Habitat Restoration Law & Legal Definition. Available at: <<http://definitions.uslegal.com/h/habitat-restoration/>>.

⁶⁵ U.S. Legal Definitions [online]. Habitat Enhancement Law & Legal Definition. Available at: <<http://definitions.uslegal.com/h/habitat-enhancement/>>.

⁶⁶ Miller JR, RJ Hobbs. 2007. Habitat Restoration—Do We Know What We’re Doing? Restoration Ecology 15(3):382-390.

⁶⁷ DSEIR, p. 3-23.

⁶⁸ BRA, Figures 2 and 9.

⁶⁹ BRA, pp. 17 and 18.

M38
cont.

EXHIBIT B

Scott Cashen, M.S.
Senior Wildlife Ecologist

Scott Cashen has 23 years of professional experience in natural resources management. During that time he has worked as a field biologist, forester, environmental consultant, and instructor of Wildlife Management. Mr. Cashen focuses on CEQA/NEPA compliance issues, endangered species, scientific field studies, and other topics that require a high level of scientific expertise.

Mr. Cashen has knowledge and experience with numerous taxa, ecoregions, biological resource issues, and environmental regulations. As a biological resources expert, Mr. Cashen is knowledgeable of the various agency-promulgated guidelines for field surveys, impact assessments, and mitigation. Mr. Cashen has led field investigations on several special-status species, including ones focusing on the yellow-legged frog, red-legged frog, desert tortoise, steelhead, burrowing owl, California spotted owl, northern goshawk, willow flycatcher, Peninsular bighorn sheep, red panda, and various forest carnivores.

Mr. Cashen is a recognized expert on the environmental impacts of renewable energy development. He has been involved in the environmental review process of over 80 solar, wind, biomass, and geothermal energy projects. Mr. Cashen's role in this capacity has encompassed all stages of the environmental review process, from initial document review through litigation support. Mr. Cashen has provided expert witness testimony on several of the Department of the Interior's "fast-tracked" renewable energy projects. His testimony on those projects helped lead agencies develop project alternatives and mitigation measures to reduce environmental impacts associated with the projects.

Mr. Cashen was a member of the independent scientific review panel for the Quincy Library Group project, the largest community forestry project in the United States. As a member of the panel, Mr. Cashen was responsible for advising the U.S. Forest Service on its scientific monitoring program, and for preparing a final report to Congress describing the effectiveness of the Herger-Feinstein Forest Recovery Act of 1998.

AREAS OF EXPERTISE

- CEQA, NEPA, and Endangered Species Act compliance issues
- Comprehensive biological resource assessments
- Endangered species management
- Renewable energy development
- Scientific field studies, grant writing and technical editing

EDUCATION

M.S. Wildlife and Fisheries Science - The Pennsylvania State University (1998)

Thesis: Avian Use of Restored Wetlands in Pennsylvania

B.S. Resource Management - The University of California, Berkeley (1992)

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PROFESSIONAL EXPERIENCE

Litigation Support / Expert Witness

Mr. Cashen has served as a biological resources expert for over 100 projects subject to environmental review under the California Environmental Quality Act (CEQA) and/or the National Environmental Policy Act (NEPA). As a biological resources expert, Mr. Cashen reviews CEQA/NEPA documents and provides his clients with an assessment of biological resource issues. He then submits formal comments on the scientific and legal adequacy of the project's environmental documents (e.g., Environmental Impact Statement). If needed, Mr. Cashen conducts field studies to generate evidence for legal testimony, or he can obtain supplemental testimony from his deep network of species-specific experts. Mr. Cashen has provided written and oral testimony to the California Energy Commission, California Public Utilities Commission, and U.S. district courts. His clients have included law firms, non-profit organizations, and citizen groups.

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REPRESENTATIVE EXPERIENCE

Solar Energy

- Abengoa Mojave Solar Project
- Avenal Energy Power Plant
- Beacon Solar Energy Project
- Blythe Solar Power Project
- Calico Solar Project
- California Flats Solar Project
- Calipatria Solar Farm II
- Carrizo Energy Solar Farm
- Catalina Renewable Energy Project
- Fink Road Solar Farm
- Genesis Solar Energy Project
- Heber Solar Energy Facility
- Imperial Valley Solar Project
- Ivanpah Solar Electric Generating
- Maricopa Sun Solar Complex
- McCoy Solar Project
- Mt. Signal and Calexico Solar
- Panoche Valley Solar
- San Joaquin Solar I & II
- San Luis Solar Project
- Stateline Solar Project
- Solar Gen II Projects
- SR Solis Oro Loma
- Vestal Solar Facilities
- Victorville 2 Power Project
- Willow Springs Solar

Geothermal Energy

- Casa Diablo IV Geothermal Project
- East Brawley Geothermal
- Mammoth Pacific 1 Replacement
- Orni 21 Geothermal Project
- Western GeoPower Plant

Wind Energy

- Catalina Renewable Energy Project
- Ocotillo Wind Energy Project
- SD County Wind Energy Ordinance
- Searchlight Wind Project
- Shu'luuk Wind Project
- Tres Vaqueros Repowering Project
- Tule Wind Project
- Vasco Winds Relicensing Project

Biomass Facilities

- CA Ethanol Project
- Colusa Biomass Project
- Tracy Green Energy Project

Other

- DRECP
- Carnegie SVRA Expansion Project
- Lakeview Substation Project
- Monterey Bay Shores Ecoresort
- Phillips 66 Rail Spur
- Valero Benecia Crude By Rail
- World Logistics Center

Project Management

Mr. Cashen has managed several large-scale wildlife, forestry, and natural resource management projects. Many of the projects have required hiring and training field crews, coordinating with other professionals, and communicating with project stakeholders. Mr. Cashen's experience in study design, data collection, and scientific writing make him an effective project manager, and his background in several different natural resource disciplines enable him to address the many facets of contemporary land management in a cost-effective manner.

REPRESENTATIVE EXPERIENCE

M39
cont.

Wildlife Studies

- Peninsular Bighorn Sheep Resource Use and Behavior Study: (*CA State Parks*)
- "KV" Spotted Owl and Northern Goshawk Inventory: (*USFS, Plumas NF*)
- Amphibian Inventory Project: (*USFS, Plumas NF*)
- San Mateo Creek Steelhead Restoration Project: (*Trout Unlimited and CA Coastal Conservancy, Orange County*)
- Delta Meadows State Park Special-Status Species Inventory: (*CA State Parks, Locke*)

Natural Resources Management

- Mather Lake Resource Management Study and Plan – (*Sacramento County*)
- Placer County Vernal Pool Study – (*Placer County*)
- Weidemann Ranch Mitigation Project – (*Toll Brothers, Inc., San Ramon*)
- Ion Communities Biological Resource Assessments – (*Ion Communities, Riverside and San Bernardino Counties*)
- Del Rio Hills Biological Resource Assessment – (*The Wyro Company, Rio Vista*)

Forestry

- Forest Health Improvement Projects – (*CalFire, SD and Riverside Counties*)
- San Diego Bark Beetle Tree Removal Project – (*SDG&E, San Diego Co.*)
- San Diego Bark Beetle Tree Removal Project – (*San Diego County/NRCS*)
- Hillslope Monitoring Project – (*CalFire, throughout California*)

Biological Resources

Mr. Cashen has a diverse background with biological resources. He has conducted comprehensive biological resource assessments, habitat evaluations, species inventories, and scientific peer review. Mr. Cashen has led investigations on several special-status species, including ones focusing on the foothill yellow-legged frog, mountain yellow-legged frog, desert tortoise, steelhead, burrowing owl, California spotted owl, northern goshawk, willow flycatcher, Peninsular bighorn sheep, red panda, and forest carnivores.

REPRESENTATIVE EXPERIENCE

Biological Assessments/Biological Evaluations (“BA/BE”)

- Aquatic Species BA/BE – Reliable Power Project (*SF Public Utilities Commission*)
- Terrestrial Species BA/BE – Reliable Power Project (*SF Public Utilities Commission*)
- Management Indicator Species Report – Reliable Power Project (*SF Public Utilities Commission*)
- Migratory Bird Report – Reliable Power Project (*SF Public Utilities Commission*)
- Terrestrial and Aquatic Species BA – Lower Cherry Aqueduct (*SF Public Utilities Commission*)
- Terrestrial and Aquatic Species BE – Lower Cherry Aqueduct (*SF Public Utilities Commission*)
- Terrestrial and Aquatic Species BA/BE – Public Lands Lease Application (*Society for the Conservation of Bighorn Sheep*)
- Terrestrial and Aquatic Species BA/BE – Simon Newman Ranch (*The Nature Conservancy*)

Avian

- Study design and Lead Investigator - Delta Meadows State Park Special-Status Species Inventory (*CA State Parks: Locke*)
- Study design and lead bird surveyor - Placer County Vernal Pool Study (*Placer County: throughout Placer County*)
- Surveyor - Willow flycatcher habitat mapping (*USFS: Plumas NF*)
- Independent surveyor - Tolay Creek, Cullinan Ranch, and Guadacanal Village restoration projects (*Ducks Unlimited/USGS: San Pablo Bay*)
- Study design and Lead Investigator - Bird use of restored wetlands research (*Pennsylvania Game Commission: throughout Pennsylvania*)
- Study design and surveyor - Baseline inventory of bird species at a 400-acre site in Napa County (*HCV Associates: Napa*)

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- Surveyor - Baseline inventory of bird abundance following diesel spill (*LFR Levine-Fricke: Suisun Bay*)
- Study design and lead bird surveyor - Green Valley Creek Riparian Restoration Site (*City of Fairfield: Fairfield, CA*)
- Surveyor - Burrowing owl relocation and monitoring (*US Navy: Dixon, CA*)
- Surveyor - Pre-construction burrowing owl surveys (*various clients: Livermore, San Ramon, Rio Vista, Napa, Victorville, Imperial County, San Diego County*)
- Surveyor - Backcountry bird inventory (*National Park Service: Eagle, Alaska*)
- Lead surveyor - Tidal salt marsh bird surveys (*Point Reyes Bird Observatory: throughout Bay Area*)
- Surveyor - Pre-construction surveys for nesting birds (*various clients and locations*)

Amphibian

- Crew Leader - Red-legged frog, foothill yellow-legged frog, and mountain yellow-legged frog surveys (*USFS: Plumas NF*)
- Surveyor - Foothill yellow-legged frog surveys (*PG&E: North Fork Feather River*)
- Surveyor - Mountain yellow-legged frog surveys (*El Dorado Irrigation District: Desolation Wilderness*)
- Crew Leader - Bullfrog eradication (*Trout Unlimited: Cleveland NF*)

Fish and Aquatic Resources

- Surveyor - Hardhead minnow and other fish surveys (*USFS: Plumas NF*)
- Surveyor - Weber Creek aquatic habitat mapping (*El Dorado Irrigation District: Placerville, CA*)
- Surveyor - Green Valley Creek aquatic habitat mapping (*City of Fairfield: Fairfield, CA*)
- GPS Specialist - Salmonid spawning habitat mapping (*CDFG: Sacramento River*)
- Surveyor - Fish composition and abundance study (*PG&E: Upper North Fork Feather River and Lake Almanor*)
- Crew Leader - Surveys of steelhead abundance and habitat use (*CA Coastal Conservancy: Gualala River estuary*)
- Crew Leader - Exotic species identification and eradication (*Trout Unlimited: Cleveland NF*)

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cont.

Mammals

- Principal Investigator – Peninsular bighorn sheep resource use and behavior study (*California State Parks: Freeman Properties*)
- Scientific Advisor – Study on red panda occupancy and abundance in eastern Nepal (*The Red Panda Network: CA and Nepal*)
- Surveyor - Forest carnivore surveys (*University of CA: Tahoe NF*)
- Surveyor - Relocation and monitoring of salt marsh harvest mice and other small mammals (*US Navy: Skagg's Island, CA*)
- Surveyor – Surveys for Monterey dusky-footed woodrat. Relocation of woodrat houses (*Touré Associates: Prunedale*)

Natural Resource Investigations / Multiple Species Studies

- Scientific Review Team Member – Member of the scientific review team assessing the effectiveness of the US Forest Service's implementation of the Herger-Feinstein Quincy Library Group Act.
- Lead Consultant - Baseline biological resource assessments and habitat mapping for CDF management units (*CDF: San Diego, San Bernardino, and Riverside Counties*)
- Biological Resources Expert – Peer review of CEQA/NEPA documents (*various law firms, non-profit organizations, and citizen groups*)
- Lead Consultant - Pre- and post-harvest biological resource assessments of tree removal sites (*SDG&E: San Diego County*)
- Crew Leader - T&E species habitat evaluations for Biological Assessment in support of a steelhead restoration plan (*Trout Unlimited: Cleveland NF*)
- Lead Investigator - Resource Management Study and Plan for Mather Lake Regional Park (*County of Sacramento: Sacramento, CA*)
- Lead Investigator - Biological Resources Assessment for 1,070-acre Alfaro Ranch property (*Yuba County, CA*)
- Lead Investigator - Wildlife Strike Hazard Management Plan (*HCV Associates: Napa*)
- Lead Investigator - Del Rio Hills Biological Resource Assessment (*The Wyro Company: Rio Vista, CA*)
- Lead Investigator – Ion Communities project sites (*Ion Communities: Riverside and San Bernardino Counties*)
- Surveyor – Tahoe Pilot Project: Validation of California's Wildlife Habitat Relationships (CWHR) Model (*University of California: Tahoe NF*)

Forestry

Mr. Cashen has five years of experience working as a consulting forester on projects throughout California. Mr. Cashen has consulted with landowners and timber operators on forest management practices; and he has worked on a variety of forestry tasks including selective tree marking, forest inventory, harvest layout, erosion control, and supervision of logging operations. Mr. Cashen's experience with many different natural resources enable him to provide a holistic approach to forest management, rather than just management of timber resources.

REPRESENTATIVE EXPERIENCE

- Lead Consultant - CalFire fuels treatment projects (*SD and Riverside Counties*)
- Lead Consultant and supervisor of harvest activities – San Diego Gas and Electric Bark Beetle Tree Removal Project (*San Diego*)
- Crew Leader - Hillslope Monitoring Program (*CalFire: throughout California*)
- Consulting Forester – Forest inventories and timber harvest projects (*various clients throughout California*)

Grant Writing and Technical Editing

Mr. Cashen has prepared and submitted over 50 proposals and grant applications. Many of the projects listed herein were acquired through proposals he wrote. Mr. Cashen's clients and colleagues have recognized his strong scientific writing skills and ability to generate technically superior proposal packages. Consequently, he routinely prepares funding applications and conducts technical editing for various clients.

PERMITS

U.S. Fish and Wildlife Service Section 10(a)(1)(A) Recovery Permit for the Peninsular bighorn sheep

PROFESSIONAL ORGANIZATIONS / ASSOCIATIONS

The Wildlife Society

Cal Alumni Foresters

Mt. Diablo Audubon Society

OTHER AFFILIATIONS

Scientific Advisor and Grant Writer – *The Red Panda Network*

Scientific Advisor – *Mt. Diablo Audubon Society*

Grant Writer – *American Conservation Experience*

M39
cont.

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TEACHING EXPERIENCE

Instructor: Wildlife Management - The Pennsylvania State University, 1998

Teaching Assistant: Ornithology - The Pennsylvania State University, 1996-1997

PUBLICATIONS

Gutiérrez RJ, AS Cheng, DR Becker, S Cashen, et al. 2015. Legislated collaboration in a conservation conflict: a case study of the Quincy Library group in California, USA. Chapter 19 *in*: Redpath SR, et al. (eds). *Conflicts in Conservation: Navigating Towards Solutions*. Cambridge Univ. Press, Cambridge, UK.

Cheng AS, RJ Gutiérrez RJ, S Cashen, et al. 2016. Is There a Place for Legislating Place-Based Collaborative Forestry Proposals?: Examining the Herger-Feinstein Quincy Library Group Forest Recovery Act Pilot Project. *Journal of Forestry*.

EXHIBIT C



Technical Consultation, Data Analysis and
Litigation Support for the Environment

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October 12, 2016

Thomas A. Enslow
Adams Broadwell Joseph & Cardozo
601 Gateway Blvd., Suite 1000
South San Francisco, CA 94080

Subject: Comments on the Oak Knoll Mixed-Use Community Plan Project

Dear Mr. Enslow:

We have reviewed the Draft Supplemental Environmental Impact Report (“DSEIR”) for the Oak Knoll Mixed-Use Community Plan Project (“Project”) located in Oakland, California. The Project site would encompass approximately 188 acres of land and would develop the site with a mix of residential, commercial, and community serving uses. Specifically, the Project would develop 935 residential units; a Village center consisting of 72,000 square feet of commercial retail uses and 10,000 square feet of community commercial uses; 67.6 acres of open space and publicly accessible parks and recreational facilities; restoration and enhancement of creeks; and a street network.

The Project site is located on a former Naval Medical Center Oakland (NMCO) property at Oak Knoll. In 1996, the NMCO property was subject to a Final Reuse Plan, pursuant to federal military base reuse procedures. A 1998 Environmental Impact Statement/Environmental Impact Report for the Disposal and Reuse of Naval Medical Center Oakland (1998 EIS/EIR) was prepared to assess the potential effects of the Final Reuse Plan. The 1998 EIS/EIR was subsequently certified and the Final Reuse Plan was adopted. The current DSEIR assesses whether the proposed Project would result in new significant environmental effects or substantially increase in the severity of previously identified significant effects.

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Our review concludes that the DSEIR fails to adequately evaluate the Project's Air Quality and Greenhouse Gas impacts. We find that air pollutant and greenhouse gas emissions associated with the Project are underestimated and may in fact result in a new and more significant impact when correctly evaluated. As a result, an updated Draft Environmental Impact Report (DEIR) should be prepared to adequately address these issues and incorporate additional mitigation.

Air Quality

Unsubstantiated Input Parameters Used to Estimate Project Emissions

M41

The DSEIR for the Project relies on emissions calculated from the California Emissions Estimator Model Version CalEEMod.2013.2.2 ("CalEEMod").¹ CalEEMod provides recommended default values based on site specific information, such as land use type, meteorological data, total lot acreage, project type and typical equipment associated with project type. If more specific project information is known, the user can change the default values and input project-specific values, but CEQA requires that such changes be justified by substantial evidence.² Once all the values are inputted into the model, the Project's construction and operational emissions are calculated, and "output files" are generated. These output files disclose to the reader what parameters were utilized in calculating the Project's air pollution emissions, and make known which default values were changed as well as provide a justification for the values selected.³

When reviewing the Project's CalEEMod output files, which are located in Appendix H-I of the DSEIR, we found that several of the values inputted into the model are incorrect and are not consistent with information disclosed in the DSEIR. As a result, emissions associated with the Project are greatly underestimated. A DEIR should be prepared to adequately assess the potential impacts operation of the Project may have on regional and local air quality and global climate change.

Use of Incorrect Intensity Factors

M42

The CalEEMod model relies upon an incorrect carbon dioxide (CO₂) intensity factor to estimate the Project's operational emissions. When Pacific Gas & Electric (PG&E) is chosen as the utility provider for the proposed Project, CalEEMod assumes a default CO₂ intensity factor of 641.35 pounds per megawatt-hour (lb/MWhr). This intensity factor is used to estimate the CO₂ emissions generated from electricity usage during Project operation. The intensity factor used in the Project's three operational greenhouse gas (GHG) CalEEMod models, however, were adjusted from the default value to 290 lb/MWhr (see excerpt below) (Appendix H-I, pp. 783, pp. 877, and pp. 930).

tblProjectCharacteristics	CO2IntensityFactor	641.35	290
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The Project's Greenhouse Gas Reduction Plan (GHG Reduction Plan) states that this reduced intensity factor comes from "the Pacific Gas and Electric Company (PG&E) CO₂ intensity factor for 2020"

¹ CalEEMod website, available at: <http://www.caleemod.com/>

² CalEEMod User Guide, p. 2, 9, available at: <http://www.caleemod.com/>

³ CalEEMod User Guide, p. 7, 13, available at: <http://www.caleemod.com/> (A key feature of the CalEEMod program is the "remarks" feature, where the user explains why a default setting was replaced by a "user defined" value. These remarks are included in the report.)

M42
cont.

(Appendix W, p.5). The 2015 document, however, expressly states that this estimate is “not to be used” for “GHG reporting, financial analysis, or regulatory compliance...”⁴

Furthermore, the 290 lb value cited in that document is taken from a 2010 CPUC Future Emissions Estimate that was calculated “prior to the drought.” The drought has a significant impact on the availability of hydroelectric power. As a result, the CPUC 2010 Future Emissions Estimates are not reliable estimates of future CO2 intensity factors.⁵

There is no substantial evidence to support using a 55 percent reduction in electricity-related GHG emissions. PG&E’s CO2 intensity factor rises and falls from year to year, based primarily on customer demand and the availability of clean hydropower.⁶

The DEIR’s significant reduction from the default assumption for PG&E is unsupported. PG&E’s intensity factor changes each year, and even PG&E acknowledges that its reports should not be relied upon until “a thorough, third-party verification” is conducted.⁷ California is still in the midst of a severe drought. With global warming impacts occurring more rapidly than expected, hydropower resources will continue to become less reliable. The SDEIR fails to provide any analysis, explanation or substantial evidence to support deviating from the default intensity factor in favor of the inapplicable and out-of-date 2010 CPUC Future Emissions Estimate. While the City may deviate from default CalEEMod values, these deviations must be explained and supported. The reliance on the 2010 CPUC Future Emissions Estimate is speculative at best.

Furthermore, the reliance on the 2010 CPUC Future Emissions Estimate contained in the PG&E document is contrary to that document’s own guidance for estimated future year emissions. Because of the unreliability of the future emissions estimates, the PG&E document states that “to estimate GHG emissions in a recent or future year for which an emission factor is not yet available, we recommend using an average of the five most recent coefficients available.”⁸ The PG&E Emissions Factor Summary estimates the five-year average for CO₂ to be 457 lbs/MWh. Therefore, at the very least, an intensity factor of 457 lbs/MWh should have been applied to the Project, which is still much greater than the 290 lb/MWh intensity factor used within the operational CalEEMod models. As a result, the Project’s GHG emissions are greatly underestimated.

Use of Incorrect Land Use Type

⁴ Available at:

http://www.pge.com/includes/docs/pdfs/shared/environment/calculator/pge_ghg_emission_factor_info_sheet.pdf

⁵ *Ibid.* p. 2

⁶ PG&E article dated February 20, 2013, available at: <http://www.pgecurrents.com/2013/02/20/pge%E2%80%99s-clean-energy-reduces-greenhouse-gas-emissions/>

⁷ See footnote 110, *supra*.

⁸ Available at:

http://www.pge.com/includes/docs/pdfs/shared/environment/calculator/pge_ghg_emission_factor_info_sheet.pdf, p. 2

Both the “Mobile Emissions-TDM” and “Mobile Emissions- No TDM- New Fleet Mix” CalEEMod output files included “General Light Industry” as one of the Land Use (see excerpt below) (Appendix H-I, pp. 518, pp. 592).

Land Uses	Size	Metric	Lot Acreage	Floor Surface Area	Population
General Light Industry	1.00	1000sqft	0.02	1,000.00	0
Condo/Townhouse	572.00	Dwelling Unit	35.75	572,000.00	1636
Single Family Housing	363.00	Dwelling Unit	117.86	653,400.00	1038
Regional Shopping Center	82.00	1000sqft	1.88	82,000.00	0

The inclusion of “General Light Industry” land use, however, is unjustified, as there is no light industry proposed by the Project. As demonstrated in Figure 3-22, the Project only proposes commercial, residential, open space and parks, and roads (see excerpt below) (DSEIR, p. 3-52).



SOURCE: OKVA, Hart Howerton, 2016 Oak Knoll Project . 120645
Figure 3-22
Land Use

Without providing adequate justification for the inclusion of the “General Light Industry” land use type, the “Mobile Emissions-TDM” and “Mobile Emissions- No TDM- New Fleet Mix” CalEEMod output files are incorrect and therefore should not be relied upon to make a significance determination.

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cont.

Additionally, 1,110 daily trips were inputted for the General Light Industry land use for both models, but then a trip length of zero miles was applied to the daily trips (Appendix H-1, pp. 581, pp. 655). No explanation is provided as to why daily trips for this land use would be inputted into the models and then have the associated trip lengths reduced to zero miles, essentially resulting in the omission of emissions from these operational trips. Due to these discrepancies in these models, the DSEIR’s mobile source emission models are inaccurate and unreliable, and should not be utilized to make significance determinations.

Underestimates Number of Vehicle Trips

M44

The DSEIR states, “The transportation analysis for the Project estimates that upon buildout, the Project would result in approximately 12,360 net new vehicle trips per day after accounting for use of alternative modes of transportation and internal trip capture” (p. 4.2-25-4.2-26). The proposed Project is also required to implement a Transportation Demand Management (TDM) program under SCA TRA-4 to reduce vehicle trips (4.2-25). The TDM program designed for the proposed Project will achieve a 10 percent reduction in vehicle trips (4.2-26). Assuming 12,360 daily trips as stated above, a 10 percent reduction due to implementation of the TDM would result in approximately 1,236 less daily mobile trips, resulting in a total of 11,124 daily trips (12,360 trips-1,236 trips). Review of the CalEEMod output files used to estimate the Project’s operational mobile emissions (output files titled “Mobile Emissions- No TDM- New Fleet Mix” and “Mobile Emissions-TDM”) demonstrates that the net new daily vehicle trips stated in the DSEIR was not utilized and emissions from operational mobile trips are in fact underestimated.

According to the “Mobile Emissions- No TDM- New Fleet Mix” CalEEMod output file, a total of only 10,785.70 daily weekday trips and 10,842.90 daily weekend trips were modeled (see excerpt below) (Appendix H-I, pp. 655).

Land Use	Average Daily Trip Rate			Unmitigated	Mitigated
	Weekday	Saturday	Sunday	Annual VMT	Annual VMT
Condo/Townhouse	3,088.80	3,146.00	3,146.00	8,674,272	8,674,272
General Light Industry	1,110.00	1,110.00	1,110.00		
Regional Shopping Center	3,501.40	3,501.40	3,501.40	5,677,483	5,677,483
Single Family Housing	3,085.50	3,085.50	3,085.50	8,619,400	8,619,400
Total	10,785.70	10,842.90	10,842.90	22,971,155	22,971,155

As stated in the title, this model does not assume implementation of the Transportation Demand Management (TDM) program, and therefore represents the total net operational mobile emissions. The total weekday and weekend mobile trips utilized in this model, however, do not reflect the 12,360 net new daily trips discussed in the Air Quality section of the DSEIR (DSEIR, p. 4.2-25). In fact, the model underestimates the total number of trips by approximately 1,574 weekday trips and 1,517 weekend trips.

Furthermore, the “Mobile Emissions-TDM” CalEEMod output file only models 9,818.13 daily weekday trips and 9,869.61 daily weekend trips (see excerpt below) (Appendix H-I, pp. 581).

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Land Use	Average Daily Trip Rate			Unmitigated	Mitigated
	Weekday	Saturday	Sunday	Annual VMT	Annual VMT
Condo/Townhouse	2,779.92	2,831.40	2831.40	7,806,845	7,806,845
General Light Industry	1,110.00	1,110.00	1110.00		
Regional Shopping Center	3,151.26	3,151.26	3151.26	5,109,735	5,109,735
Single Family Housing	2,776.95	2,776.95	2776.95	7,757,460	7,757,460
Total	9,818.13	9,869.61	9,869.61	20,674,040	20,674,040

This model assumes implementation of the TDM. As previously stated, the TDM program would result in a 10 percent reduction of total daily trips, which would result in 11,124 daily trips (12,360 trips-1,236 trips). Therefore, by modeling mobile emissions assuming only 9,818.13 daily weekday trips and 9,869.61 daily weekend trips after implementation of the TDM, these operational trips are underestimated by approximately 1,305 weekday trips and 1,254 weekend trips.

It should be noted that while the Air Quality section of the DSEIR states that a total of 12,360 net new trips will be result from the proposed Project (p. 4.2-25), the Draft Transportation Demand Management Program (Appendix BB) states that the proposed Project is estimated to generate 11,275 daily mobile trips before implementation of the TDM program (Appendix BB, p. 1). As discussed above, the “Mobile Emissions- No TDM- New Fleet Mix” CalEEMod output file models a total of 10,785.70 daily weekday trips, which still underestimates the total daily trips stated in the Draft Transportation Demand Management Program by approximately 489 trips. Furthermore, the Draft Transportation Demand Management Program states that the TDM program would “Reduce automobile trip generation by 62 AM peak hour, 97 PM peak hour, and 1,125 daily trips, which would result in the Project generating 562 AM peak hour, 868 PM peak hour, and 10,125 daily trips” (Appendix BB, p. 5). This assumption of 10,125 daily trips after implementation of the TDM program is still greater than the 9,818.13 daily weekday trips utilized in the DSEIR’s model. As a result, despite the differences in daily operational trips presented in the DSEIR and the Draft Transportation Demand Management Program, the “Mobile Emissions- No TDM- New Fleet Mix” and “Mobile Emissions-TDM” CalEEMod models still underestimate operational trips for both before and after implementation of the TDM.

Additionally, as previously discussed in this letter, 1,110 daily trips were inputted for the General Light Industry land use for both models with a trip length of zero miles (Appendix H-I, pp. 581, pp. 655). By assuming a trip length of zero miles, these daily trips are essentially unaccounted for. In essence, emissions from only 9,675.7 weekday trips (10,785.70 trips -1,110 trips) and 9,732.9 weekend trips (10,842.90 trips - 1,110 trips) are accounted for in the “Mobile Emissions- No TDM- New Fleet Mix” model (Appendix H-I, pp. 655). Furthermore, emissions from only 8,708.13 weekday trips (9,818.13 trips -1,110 trips) and 8,759.61 weekend trips (9,869.61 trips - 1,110 trips) are accounted for in the “Mobile Emissions-TDM” (Appendix H-I, pp. 581). Therefore, the total daily operational trips utilized in the “Mobile Emissions- No TDM- New Fleet Mix” and “Mobile Emissions-TDM” CalEEMod models are even further underestimated compared to what is discussed in the DSEIR and the Draft Transportation Demand Management Program.

By underestimating the operational trips for both the “Mobile Emissions- No TDM- New Fleet Mix” and “Mobile Emissions-TDM” CalEEMod models, the total vehicle miles travelled (VMTs) are underestimated

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cont.

for Project operation. As a result, the Project's air pollutant and GHG emissions generated by mobile sources during operation are greatly underestimated and the mobile source emissions presented in Table 4.2-5 and Table 4.2-6 of the DSEIR for both before and after implementation of the TDM program are incorrect and unreliable (DSEIR, p. 4.2-26). An updated air quality analysis should be prepared in a DEIR that adequately assesses the Project's air quality and greenhouse gas impacts using correct, input parameters.

For the reasons discussed above, the DSEIR's CalEEMod output files rely on input values that are not consistent with information disclosed in the DSEIR and artificially reduce the Project's criteria air pollutant and GHG emissions. Due to these inconsistencies, we find the DSEIR's models to be unreliable and inaccurate and conclude that it should not be relied upon to determine Project significance. When the Project's emissions are correctly modeled, criteria air pollutant and GHG emissions will increase, potentially resulting in a new or substantially more significant impact. Updated models should be prepared that more accurately represents the proposed Project's emissions and an updated air quality analysis should be prepared in a DEIR.

Failure to Demonstrate Commitment to Tier 3 and Tier 4 Mitigation

M45

According to the DSEIR, the combined average daily emissions for construction of the proposed Project would exceed the BAAQMD significance threshold for NO_x (p. 4.2-23). As a result, the DSEIR states that SCA AIR-1 will be implemented to reduce fugitive dust and construction equipment exhaust emissions (p. 4.2-23). Specifically, SCA AIR-1 includes implementation of the BAAQMD's Best Management Practices for fugitive dust and requires "all construction equipment, diesel trucks, and generators be equipped with Best Available Control Technology [BACT] for emission reductions of NO_x and PM" (DSEIR, p. 4.2-23-4.2-24). In an effort to determine the reductions in construction emissions after implementation of BACT, emissions were remodeled assuming all construction equipment for all three phases of construction will be equipped with Tier 3 engines (DSEIR, p. 4.2-24). Even assuming an entire construction fleet of Tier 3 equipment, the DSEIR still finds that the Project's construction emissions would exceed NO_x significance thresholds (p. 4.2-24). As a result, the DSEIR concludes using a combination of Tier 3 and Tier 4 equipment will reduce emissions to below significant levels, and therefore the Project's construction emissions will be less than significant with implementation of SCA AIR-1 (p. 4.2-24-4.2-25). This conclusion, however, is incorrect.

SCA AIR-1 is extremely vague in regards to construction equipment BACT and does not require the Project Applicant to commit to any specific measures. Even the DSEIR admits that "SCA AIR-1 does not specifically prescribe what "Best Available Control Technology" is required to reduce the NO_x emissions to below the threshold" and simply states "the SCA is required for all projects, with the necessary technology to be determined on a case-by-case basis" to reduce emissions to below the significant threshold level (p. 4.2-24). As an example, the DSEIR states that the Project Applicant "could" require its contractors to utilize Tier 4 equipment for at least half of all construction equipment as part of SCA AIR-1 (p. 4.2-24). However, nowhere in SCA AIR-1 is this required. Contrary to the DSEIR's assumption, SCA AIR-1 does not contemplate determining BACT on a case by case basis. Nor does it require

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implementation of the “necessary technology” to reduce emissions to below the significant threshold level. Therefore, concluding that implementation of SCA AIR-1 will reduce emissions to a less than significant level is unsubstantiated and incorrect. SCA AIR-1 not only does not require the use of Tier 4 equipment, it doesn’t even require that all construction equipment be at least Tier 3, which is how emissions were modeled. SCA AIR-1 states that “All equipment to be used on the construction site and subject to the requirements of Title 13, Section 2449, of the California Code of Regulations (“California Air Resources Board Off-Road Diesel Regulations”) must meet emissions and performance requirements one year in advance of any fleet deadlines. Upon request by the City, the project applicant shall provide written documentation that fleet requirements have been met” (DSEIR, p. 4.2-15).

Under California Air Resources Board (“CARB”) guidelines, new vehicles purchased for construction fleets must be at least Tier 3 for medium and large engines and Tier 2 for small engines.⁹ Furthermore, CARB Off-Road Diesel emissions and performance requirements allow use of existing Tier 1 or Tier 0 equipment as long as fleet-wide averages meet CARB requirements.¹⁰ There is thus no requirement that a contractor have *any* Tier 4 equipment, much less use all Tier 3 equipment. Furthermore, California Air Resources Board Off-Road Diesel emissions and performance requirements allow use of existing Tier 1 or Tier 0 equipment as long as fleet-wide averages meet CARB BACT requirements.¹¹

Without specific, enforceable mitigation, the DSEIR’s assumption that at least 50% of construction equipment will be Tier 4 compliant is speculative and nonbinding.

The DSEIR’s assumption that NO_x emissions would be reduced below a level of significance if at least 50% of the construction equipment will be Tier 4 compliant is also speculative because it fails to identify or set standards for which equipment would be part of the 50% that is Tier 4. If the Tier 3 equipment is, on the average, comprised of larger engines than the Tier 4 equipment, or is operated substantially more hours than the Tier 4 equipment, then NO_x emission could still remain significant even if 50% of the construction equipment was Tier 4.

Without substantial evidence that sufficient Tier 4 equipment will be used to reduce NO_x emissions below a level of significance, the DSEIR’s reliance on these measures to support its conclusions is speculative. The DSEIR must be revised and recirculated to disclose that NO_x emissions from construction activities may be significant.

Failure to Implement All Feasible Operational Mitigation Measures

M46 The DSEIR concludes that long-term operational ROG (also referred to as VOCs) emissions will exceed the BAAQMD’s daily and annual thresholds (p. 4.2-26). In an effort to mitigate these measures, the

⁹ See <https://www.arb.ca.gov/msprog/ordiesel/faq/tierlifefaq.pdf>;
<https://www.arb.ca.gov/msprog/ordiesel/faq/bactfaq.pdf>.

¹⁰ *Id.*

¹¹ See <https://www.arb.ca.gov/msprog/ordiesel/faq/tierlifefaq.pdf>;
<https://www.arb.ca.gov/msprog/ordiesel/faq/bactfaq.pdf>.

DSEIR implements Mitigation Measure AIR-2.1 and Mitigation Measure AIR-2.2 (p. 4.2-27-4.2-28). Using these mitigation measures, the DSEIR concludes that operational ROG emissions will still remain above thresholds and therefore be significant and unavoidable (p. 4.2-28). However, the DSEIR fails to implement all feasible mitigation measures to the maximum extent possible. While it is true that the Project would result in significant ROG impacts, the DSEIR's conclusion that these impacts are "significant and unavoidable" is entirely incorrect. According to CEQA and as stated by the San Joaquin Valley Air Pollution Control District (SJVAPCD),

"CEQA requires Lead Agencies to mitigate or avoid significant environmental impacts associated with discretionary projects. Environmental documents for projects that have any significant environmental impacts must identify all feasible mitigation measures or alternatives to reduce the impacts below a level of significance. If after the identification of all feasible mitigation measures, a project is still deemed to have significant environmental impacts, the Lead Agency can approve a project, but must adopt a Statement of Overriding Consideration to explain why further mitigation measures are not feasible and why approval of a project with significant unavoidable impacts is warranted." ¹²

Therefore, an impact can only be labeled as significant and unavoidable after all available, feasible mitigation is considered. The DSEIR states that the Project's operational ROG emissions would be significant even after mitigation (p. 4.2-28). However, the DSEIR fails to implement all feasible mitigation to effectively reduce the Project's operational ROG emissions to a less than significant impact. A DEIR should be prepared to incorporate all feasible mitigation measures, including, but not limited to, the measures listed below.

Use of Zero-VOC Emissions Paint

The Project Applicant should consider the use of zero-VOC emission paints for operation, which has been required for numerous projects that have undergone CEQA review. Zero-VOC emission paints are commercially available. Other low-VOC standards should be incorporated into mitigation including use of "super-compliant" paints, which have a VOC standard of less than 10 g/L. The DSEIR includes Mitigation Measure AIR-2.1, which would require use of low and super-compliant architectural coatings. However, the DSEIR should restrict all architectural coatings to zero-VOC or super-compliant coatings to ensure that the most stringent coatings are being utilized and to reduce VOC emissions to the maximum extent possible.

Use of Material that do Not Require Paint

Using materials that do not require painting is a common mitigation measure where VOC emissions are a concern. Interior and exterior surfaces, such as concrete, can be left unpainted. Therefore, no architectural coatings will need to be reapplied during operation.

¹² http://www.valleyair.org/transportation/GAMAQI_3-19-15.pdf, p. 115 of 125

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cont.

Use of Spray Equipment with Greater Transfer Efficiencies

Various coatings and adhesives are required to be applied by specified methods such as electrostatic spray, high-volume, low-pressure (HVLP) spray, roll coater, flow coater, dip coater, etc. in order to maximize the transfer efficiency. Transfer efficiency is typically defined as the ratio of the weight of coating solids adhering to an object to the total weight of coating solids used in the application process, expressed as a percentage. When it comes to spray applications, the rules typically require the use of either electrostatic spray equipment or HVLP spray equipment. The SCAQMD is now able to certify HVLP spray applicators and other application technologies at efficiency rates of 65 percent or greater.¹³ When reapplying architectural coatings to building surfaces during operation of the Project, utilizing application technologies with high efficiency rates will decrease emissions.

When combined together, these measures offer a feasible way to effectively reduce the Project's operation-related ROG emissions, potentially to a less than significant level. As such, these mitigation measures should be considered in a DEIR to reduce these emissions to a less than significant level.

Greenhouse Gas

M47

The DSEIR for the Oak Knoll Project relies on consistency with a GHG Reduction Plan, pursuant of SCA GHG-1 to determine the Project's GHG impact. According to SCA GHG-1,

“The project applicant shall retain a qualified air quality consultant to develop a Greenhouse Gas (GHG) Reduction Plan for City review and approval and shall implement the approved GHG Reduction Plan. The goal of the GHG Reduction Plan shall be to increase energy efficiency and reduce GHG emissions to below at least one of the Bay Area Quality Management District's (BAAQMD's) CEQA Thresholds of Significance (1,100 metric tons of CO₂e per year or 4.6 metric tons of CO₂e per year per service population) AND to reduce GHG emissions by 36 percent below the project's 2005 “business-as-usual” baseline GHG emissions (as explained below) to help implement the City's Energy and Climate Action Plan (adopted in 2012) which calls for reducing GHG emissions by 36 percent below 2005 levels” (p. 4.6-21-4.6-22).

The GHG Reduction Plan relied upon by the SDEIR to reduce impacts to below a level of significance bases its mitigation requirements (including the purchase of offsets) on a comparison of the Project's annual GHG emissions (calculated assuming Project implementation of a Transportation Demand Management program and assuming implementation of City and State efforts to reduce GHG emissions from vehicles, electrical generation and waste disposal) to BAAQMD's CEQA Thresholds of Significance. If both BAAQMD thresholds of significance are exceeded, then the GHG Reduction Plan requires the purchase of offsets and/or the installation of Project design features in an amount sufficient to reduce operational GHG emissions below at least one of the BAAQMD thresholds.

¹³ <http://www.aqmd.gov/home/permits/spray-equipment-transfer-efficiency>

M-47
cont.

The GHG Reduction Plan states that, without sufficient mitigation, GHG emissions for Phase I and combined operation of Phase I and Phase II will exceed the significance threshold of 4.6 MT CO₂e/service population/year and thus require offsets or additional mitigation. (SDEIR, Appendix W at p. 7.) At full buildout in 2024, the Plan finds that GHG operational emissions will be 4.5 MT CO₂e/service population/year - just barely below the threshold of 4.6. The GHG Reduction Plan thus does not require any offsets or additional mitigation for the GHG operational emissions at full buildout.

As discussed above, the GHG emission estimates are substantially understated. As a result, the SDEIR lacks substantial evidence for its finding that operational emissions at full buildout will not exceed the BAAQMD threshold of 4.6 MT CO₂e/service population/year. Because the GHG Reduction Plan does not require any offsets or additional mitigation at full buildout, emissions above this threshold will not be mitigated or offset. The DSEIR must be revised and recirculated to accurately calculate potential GHG operational emissions and to mitigate those emissions to the extent feasible.

M-48

The GHG Reduction Plan is also inadequate because it requires specific offsets for the operational year 2022, but fails to specify the amount of offsets required for operational year 2023. CEQA guidelines require GHG reduction plan requirements to be binding and enforceable or to be incorporated as mitigation measures applicable to the project.¹⁴ Because SCA GHG-1 does not specify the amount of carbon offsets to be purchased in order to meet the BAAQMD efficiency threshold for operational emissions from cumulative phases in 2023, it fails to meet the requirements of CEQA and fails to support a finding that sufficient carbon offsets will be purchased to mitigate this impact.

Failure to Comply with SCA TRA-4

M-49

According to SCA TRA-4, "The project applicant shall submit a Transportation and Parking Demand Management (TDM) Plan for review and approval by the city" (DSEIR, p. 4.13-38). One of the goals of the TDM Plan, under SCA TRA-4, is to achieve a 20 percent reduction in vehicle trips for Projects generating 100 or more net new a.m. or p.m. peak hour vehicle trips (DSEIR, p. 4.13-38). However, the TDM Plan fails to meet this standard, and as a result, the proposed Project may have a significant traffic impact.

The DSEIR states that the proposed Project would generate a net 624 a.m. peak hour trips and 965 p.m. peak hour trips (p. 4.13-48), which exceeds the level stated in SCA TRA-4 that would trigger a necessary 20 percent reduction from the TDM Plan. The Draft Transportation Demand Management Program, however, only demonstrates a 10 percent reduction in vehicle trips (Appendix BB, p. 5), not 20 percent as stated in SCA TRA-4 (DSEIR, p. 4.13-38). According to the DSEIR, "Standard Conditions of Approval are mandatory City requirements" (p. 4.0-5). Therefore, by failing to meet this requirement, the Projects traffic impacts may be significant. In particular, the GHG emissions from the vehicle trips will contribute to the total Project's GHG emissions and the exceedance of the BAAQMD's GHG efficiency threshold. A

¹⁴ CEQA Guidelines, Section 15183.5.

M-49
cont. | revised DEIR should be prepared that clearly demonstrates compliance with SCA TRA-4 prior to approval of the Project.

Sincerely,



Matt Hagemann, P.G., C.Hg.



Mahsa Ostowari

EXHIBIT D1



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Matthew F. Hagemann, P.G., C.Hg., QSD, QSP

**Geologic and Hydrogeologic Characterization
 Industrial Stormwater Compliance
 Investigation and Remediation Strategies
 Litigation Support and Testifying Expert
 CEQA Review**

Education:

M.S. Degree, Geology, California State University Los Angeles, Los Angeles, CA, 1984.
 B.A. Degree, Geology, Humboldt State University, Arcata, CA, 1982.

Professional Certification:

California Professional Geologist
 California Certified Hydrogeologist
 Qualified SSWPP Developer and Practitioner

Professional Experience:

Matt has 25 years of experience in environmental policy, assessment and remediation. He spent nine years with the U.S. EPA in the RCRA and Superfund programs and served as EPA's Senior Science Policy Advisor in the Western Regional Office where he identified emerging threats to groundwater from perchlorate and MTBE. While with EPA, Matt also served as a Senior Hydrogeologist in the oversight of the assessment of seven major military facilities undergoing base closure. He led numerous enforcement actions under provisions of the Resource Conservation and Recovery Act (RCRA) while also working with permit holders to improve hydrogeologic characterization and water quality monitoring.

Matt has worked closely with U.S. EPA legal counsel and the technical staff of several states in the application and enforcement of RCRA, Safe Drinking Water Act and Clean Water Act regulations. Matt has trained the technical staff in the States of California, Hawaii, Nevada, Arizona and the Territory of Guam in the conduct of investigations, groundwater fundamentals, and sampling techniques.

Positions Matt has held include:

- Founding Partner, Soil/Water/Air Protection Enterprise (SWAPE) (2003 – present);
- Geology Instructor, Golden West College, 2010 – present;
- Senior Environmental Analyst, Komex H2O Science, Inc (2000 -- 2003);

- Executive Director, Orange Coast Watch (2001 – 2004);
- Senior Science Policy Advisor and Hydrogeologist, U.S. Environmental Protection Agency (1989–1998);
- Hydrogeologist, National Park Service, Water Resources Division (1998 – 2000);
- Adjunct Faculty Member, San Francisco State University, Department of Geosciences (1993 – 1998);
- Instructor, College of Marin, Department of Science (1990 – 1995);
- Geologist, U.S. Forest Service (1986 – 1998); and
- Geologist, Dames & Moore (1984 – 1986).

Senior Regulatory and Litigation Support Analyst:

With SWAPE, Matt’s responsibilities have included:

- Lead analyst and testifying expert in the review of numerous environmental impact reports under CEQA that identify significant issues with regard to hazardous waste, water resources, water quality, air quality, greenhouse gas emissions and geologic hazards.
- Lead analyst and testifying expert in the review of environmental issues in license applications for large solar power plants before the California Energy Commission.
- Stormwater analysis, sampling and best management practice evaluation at industrial facilities.
- Manager of a project to provide technical assistance to a community adjacent to a former Naval shipyard under a grant from the U.S. EPA.
- Technical assistance and litigation support for vapor intrusion concerns.
- Manager of a project to evaluate numerous formerly used military sites in the western U.S.
- Manager of a comprehensive evaluation of potential sources of perchlorate contamination in Southern California drinking water wells.
- Manager and designated expert for litigation support under provisions of Proposition 65 in the review of releases of gasoline to sources drinking water at major refineries and hundreds of gas stations throughout California.
- Expert witness on two cases involving MTBE litigation.
- Expert witness and litigation support on the impact of air toxins and hazards at a school.
- Expert witness in litigation at a former plywood plant.

With Komex H2O Science Inc., Matt’s duties included the following:

- Senior author of a report on the extent of perchlorate contamination that was used in testimony by the former U.S. EPA Administrator and General Counsel.
- Senior researcher in the development of a comprehensive, electronically interactive chronology of MTBE use, research, and regulation.
- Senior researcher in the development of a comprehensive, electronically interactive chronology of perchlorate use, research, and regulation.
- Senior researcher in a study that estimates nationwide costs for MTBE remediation and drinking water treatment, results of which were published in newspapers nationwide and in testimony against provisions of an energy bill that would limit liability for oil companies.
- Research to support litigation to restore drinking water supplies that have been contaminated by MTBE in California and New York.
- Expert witness testimony in a case of oil production-related contamination in Mississippi.
- Lead author for a multi-volume remedial investigation report for an operating school in Los Angeles that met strict regulatory requirements and rigorous deadlines.

- Development of strategic approaches for cleanup of contaminated sites in consultation with clients and regulators.

Executive Director:

As Executive Director with Orange Coast Watch, Matt led efforts to restore water quality at Orange County beaches from multiple sources of contamination including urban runoff and the discharge of wastewater. In reporting to a Board of Directors that included representatives from leading Orange County universities and businesses, Matt prepared issue papers in the areas of treatment and disinfection of wastewater and control of the discharge of grease to sewer systems. Matt actively participated in the development of countywide water quality permits for the control of urban runoff and permits for the discharge of wastewater. Matt worked with other nonprofits to protect and restore water quality, including Surfrider, Natural Resources Defense Council and Orange County CoastKeeper as well as with business institutions including the Orange County Business Council.

Hydrogeology:

As a Senior Hydrogeologist with the U.S. Environmental Protection Agency, Matt led investigations to characterize and cleanup closing military bases, including Mare Island Naval Shipyard, Hunters Point Naval Shipyard, Treasure Island Naval Station, Alameda Naval Station, Moffett Field, Mather Army Airfield, and Sacramento Army Depot. Specific activities were as follows:

- Led efforts to model groundwater flow and contaminant transport, ensured adequacy of monitoring networks, and assessed cleanup alternatives for contaminated sediment, soil, and groundwater.
- Initiated a regional program for evaluation of groundwater sampling practices and laboratory analysis at military bases.
- Identified emerging issues, wrote technical guidance, and assisted in policy and regulation development through work on four national U.S. EPA workgroups, including the Superfund Groundwater Technical Forum and the Federal Facilities Forum.

At the request of the State of Hawaii, Matt developed a methodology to determine the vulnerability of groundwater to contamination on the islands of Maui and Oahu. He used analytical models and a GIS to show zones of vulnerability, and the results were adopted and published by the State of Hawaii and County of Maui.

As a hydrogeologist with the EPA Groundwater Protection Section, Matt worked with provisions of the Safe Drinking Water Act and NEPA to prevent drinking water contamination. Specific activities included the following:

- Received an EPA Bronze Medal for his contribution to the development of national guidance for the protection of drinking water.
- Managed the Sole Source Aquifer Program and protected the drinking water of two communities through designation under the Safe Drinking Water Act. He prepared geologic reports, conducted public hearings, and responded to public comments from residents who were very concerned about the impact of designation.

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cont.

- Reviewed a number of Environmental Impact Statements for planned major developments, including large hazardous and solid waste disposal facilities, mine reclamation, and water transfer.

Matt served as a hydrogeologist with the RCRA Hazardous Waste program. Duties were as follows:

- Supervised the hydrogeologic investigation of hazardous waste sites to determine compliance with Subtitle C requirements.
- Reviewed and wrote "part B" permits for the disposal of hazardous waste.
- Conducted RCRA Corrective Action investigations of waste sites and led inspections that formed the basis for significant enforcement actions that were developed in close coordination with U.S. EPA legal counsel.
- Wrote contract specifications and supervised contractor's investigations of waste sites.

With the National Park Service, Matt directed service-wide investigations of contaminant sources to prevent degradation of water quality, including the following tasks:

- Applied pertinent laws and regulations including CERCLA, RCRA, NEPA, NRDA, and the Clean Water Act to control military, mining, and landfill contaminants.
- Conducted watershed-scale investigations of contaminants at parks, including Yellowstone and Olympic National Park.
- Identified high-levels of perchlorate in soil adjacent to a national park in New Mexico and advised park superintendent on appropriate response actions under CERCLA.
- Served as a Park Service representative on the Interagency Perchlorate Steering Committee, a national workgroup.
- Developed a program to conduct environmental compliance audits of all National Parks while serving on a national workgroup.
- Co-authored two papers on the potential for water contamination from the operation of personal watercraft and snowmobiles, these papers serving as the basis for the development of nation-wide policy on the use of these vehicles in National Parks.
- Contributed to the Federal Multi-Agency Source Water Agreement under the Clean Water Action Plan.

Policy:

Served senior management as the Senior Science Policy Advisor with the U.S. Environmental Protection Agency, Region 9. Activities included the following:

- Advised the Regional Administrator and senior management on emerging issues such as the potential for the gasoline additive MTBE and ammonium perchlorate to contaminate drinking water supplies.
- Shaped EPA's national response to these threats by serving on workgroups and by contributing to guidance, including the Office of Research and Development publication, Oxygenates in Water: Critical Information and Research Needs.
- Improved the technical training of EPA's scientific and engineering staff.
- Earned an EPA Bronze Medal for representing the region's 300 scientists and engineers in negotiations with the Administrator and senior management to better integrate scientific principles into the policy-making process.
- Established national protocol for the peer review of scientific documents.

Geology:

With the U.S. Forest Service, Matt led investigations to determine hillslope stability of areas proposed for timber harvest in the central Oregon Coast Range. Specific activities were as follows:

- Mapped geology in the field, and used aerial photographic interpretation and mathematical models to determine slope stability.
- Coordinated his research with community members who were concerned with natural resource protection.
- Characterized the geology of an aquifer that serves as the sole source of drinking water for the city of Medford, Oregon.

As a consultant with Dames and Moore, Matt led geologic investigations of two contaminated sites (later listed on the Superfund NPL) in the Portland, Oregon, area and a large hazardous waste site in eastern Oregon. Duties included the following:

- Supervised year-long effort for soil and groundwater sampling.
- Conducted aquifer tests.
- Investigated active faults beneath sites proposed for hazardous waste disposal.

Teaching:

From 1990 to 1998, Matt taught at least one course per semester at the community college and university levels:

- At San Francisco State University, held an adjunct faculty position and taught courses in environmental geology, oceanography (lab and lecture), hydrogeology, and groundwater contamination.
- Served as a committee member for graduate and undergraduate students.
- Taught courses in environmental geology and oceanography at the College of Marin.

Matt currently teaches Physical Geology (lecture and lab) to students at Golden West College in Huntington Beach, California.

Invited Testimony, Reports, Papers and Presentations:

Hagemann, M.F., 2008. Disclosure of Hazardous Waste Issues under CEQA. Presentation to the Public Environmental Law Conference, Eugene, Oregon.

Hagemann, M.F., 2008. Disclosure of Hazardous Waste Issues under CEQA. Invited presentation to U.S. EPA Region 9, San Francisco, California.

Hagemann, M.F., 2005. Use of Electronic Databases in Environmental Regulation, Policy Making and Public Participation. Brownfields 2005, Denver, Colorado.

Hagemann, M.F., 2004. Perchlorate Contamination of the Colorado River and Impacts to Drinking Water in Nevada and the Southwestern U.S. Presentation to a meeting of the American Groundwater Trust, Las Vegas, NV (served on conference organizing committee).

Hagemann, M.F., 2004. Invited testimony to a California Senate committee hearing on air toxins at schools in Southern California, Los Angeles.

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cont.

Brown, A., Farrow, J., Gray, A. and **Hagemann, M.**, 2004. An Estimate of Costs to Address MTBE Releases from Underground Storage Tanks and the Resulting Impact to Drinking Water Wells. Presentation to the Ground Water and Environmental Law Conference, National Groundwater Association.

Hagemann, M.F., 2004. Perchlorate Contamination of the Colorado River and Impacts to Drinking Water in Arizona and the Southwestern U.S. Presentation to a meeting of the American Groundwater Trust, Phoenix, AZ (served on conference organizing committee).

Hagemann, M.F., 2003. Perchlorate Contamination of the Colorado River and Impacts to Drinking Water in the Southwestern U.S. Invited presentation to a special committee meeting of the National Academy of Sciences, Irvine, CA.

Hagemann, M.F., 2003. Perchlorate Contamination of the Colorado River. Invited presentation to a tribal EPA meeting, Pechanga, CA.

Hagemann, M.F., 2003. Perchlorate Contamination of the Colorado River. Invited presentation to a meeting of tribal representatives, Parker, AZ.

Hagemann, M.F., 2003. Impact of Perchlorate on the Colorado River and Associated Drinking Water Supplies. Invited presentation to the Inter-Tribal Meeting, Torres Martinez Tribe.

Hagemann, M.F., 2003. The Emergence of Perchlorate as a Widespread Drinking Water Contaminant. Invited presentation to the U.S. EPA Region 9.

Hagemann, M.F., 2003. A Deductive Approach to the Assessment of Perchlorate Contamination. Invited presentation to the California Assembly Natural Resources Committee.

Hagemann, M.F., 2003. Perchlorate: A Cold War Legacy in Drinking Water. Presentation to a meeting of the National Groundwater Association.

Hagemann, M.F., 2002. From Tank to Tap: A Chronology of MTBE in Groundwater. Presentation to a meeting of the National Groundwater Association.

Hagemann, M.F., 2002. A Chronology of MTBE in Groundwater and an Estimate of Costs to Address Impacts to Groundwater. Presentation to the annual meeting of the Society of Environmental Journalists.

Hagemann, M.F., 2002. An Estimate of the Cost to Address MTBE Contamination in Groundwater (and Who Will Pay). Presentation to a meeting of the National Groundwater Association.

Hagemann, M.F., 2002. An Estimate of Costs to Address MTBE Releases from Underground Storage Tanks and the Resulting Impact to Drinking Water Wells. Presentation to a meeting of the U.S. EPA and State Underground Storage Tank Program managers.

Hagemann, M.F., 2001. From Tank to Tap: A Chronology of MTBE in Groundwater. Unpublished report.

Hagemann, M.F., 2001. Estimated Cleanup Cost for MTBE in Groundwater Used as Drinking Water. Unpublished report.

Hagemann, M.F., 2001. Estimated Costs to Address MTBE Releases from Leaking Underground Storage Tanks. Unpublished report.

Hagemann, M.F., and VanMouwerik, M., 1999. Potential Water Quality Concerns Related to Snowmobile Usage. Water Resources Division, National Park Service, Technical Report.

VanMouwerik, M. and **Hagemann, M.F.** 1999, Water Quality Concerns Related to Personal Watercraft Usage. Water Resources Division, National Park Service, Technical Report.

Hagemann, M.F., 1999, Is Dilution the Solution to Pollution in National Parks? The George Wright Society Biannual Meeting, Asheville, North Carolina.

Hagemann, M.F., 1997, The Potential for MTBE to Contaminate Groundwater. U.S. EPA Superfund Groundwater Technical Forum Annual Meeting, Las Vegas, Nevada.

Hagemann, M.F., and Gill, M., 1996, Impediments to Intrinsic Remediation, Moffett Field Naval Air Station, Conference on Intrinsic Remediation of Chlorinated Hydrocarbons, Salt Lake City.

Hagemann, M.F., Fukunaga, G.L., 1996, The Vulnerability of Groundwater to Anthropogenic Contaminants on the Island of Maui, Hawaii. Hawaii Water Works Association Annual Meeting, Maui, October 1996.

Hagemann, M. F., Fukanaga, G. L., 1996, Ranking Groundwater Vulnerability in Central Oahu, Hawaii. Proceedings, Geographic Information Systems in Environmental Resources Management, Air and Waste Management Association Publication VIP-61.

Hagemann, M.F., 1994. Groundwater Characterization and Cleanup at Closing Military Bases in California. Proceedings, California Groundwater Resources Association Meeting.

Hagemann, M.F. and Sabol, M.A., 1993. Role of the U.S. EPA in the High Plains States Groundwater Recharge Demonstration Program. Proceedings, Sixth Biennial Symposium on the Artificial Recharge of Groundwater.

Hagemann, M.F., 1993. U.S. EPA Policy on the Technical Impracticability of the Cleanup of DNAPL-contaminated Groundwater. California Groundwater Resources Association Meeting.

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cont.

Hagemann, M.F., 1992. Dense Nonaqueous Phase Liquid Contamination of Groundwater: An Ounce of Prevention... Proceedings, Association of Engineering Geologists Annual Meeting, v. 35.

Other Experience:

Selected as subject matter expert for the California Professional Geologist licensing examination, 2009-2011.

EXHIBIT D2

Mahsa Ostowari



Technical Consultation, Data Analysis and
Litigation Support for the Environment

SOIL WATER AIR PROTECTION ENTERPRISE

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EDUCATION

UNIVERSITY OF CALIFORNIA, LOS ANGELES

JUNE 2014

Bachelor of Science, Environmental Science
Minor, Conservation Biology

PROJECT EXPERIENCE

SOIL WATER AIR PROTECTION ENTERPRISE

SANTA MONICA, CA

PROJECT ANALYST

JULY 2014- PRESENT

CEQA Air Quality and Greenhouse Gas Analysis & Modeling

- Modeled construction and operational activities for proposed development Projects in CalEEMod to quantify criteria air pollutant emissions.
- Model and quantify greenhouse gas (GHG) emission for business-as-usual, proposed, and future development projects using CalEEMod.
- Modeled ambient air concentrations at receptor locations utilizing EPA recommended screening level dispersion model, AERSCREEN.
- Prepared health risk assessments evaluating the risk posed to sensitive receptors from exposure to air contaminants, including diesel particulate matter from stationary and mobile sources.
- Review GHG analyses in CEQA environmental documents for proposed projects to determine compliance of project with applicable state reduction targets as well as significance thresholds established by local air districts.
- Prepared analyses, including tables and figures, of estimated criteria air pollutant and GHG emissions from development projects, including comparing estimated emissions to CEQA thresholds established by local air districts.
- Prepared letters and reports discussing inadequacies of air quality and GHG analyses prepared in compliance with CEQA.

Evaluation of Natural Gas Release from Injection Wells

- Conducted air sampling using vacuum boxes and tedlar bags to analyze constituents of natural gas emissions exposed to nearby residents.
- Compiled and analyzed laboratory testing data. Produced tables, charts, and graphs to exhibit emission levels. Compared findings to applicable health exposure limits.
- Prepared a final analytical report and organized supporting data for use by clients.
- Participated in meetings with clients to discuss necessary actions and strategies for project.

Exposure Assessment of Odorants from Landfills

- Conducted site visits and assessed concentration of odors at receptor locations using nasal ranger.
- Reviewed and managed sampling data. Prepared figures and charts determining maximum odor concentrations and demonstrating the trend in odor concentrations throughout the day.
- Utilized meteorological data to analyze wind patterns to determine locations with maximum odor impacts.

ACCOMPLISHMENTS

- **Academic Honoree**, Dean's List, University of California, Los Angeles
- **UCLA Representative**, California Student Sustainability Coalition

JUNE 2012 - JUNE 2014

SEPT 2012 - JUNE 2013

Letter M Response – Oakland Residents for Responsible Development, by Adams Broadwell Joseph & Cardoza

- M1: The commenter states that the Draft SEIR fails to comply with the requirements of CEQA and cannot be used as the basis for approving the Project, and that the Draft SEIR fails in significant aspects to perform its function as an informational document. See response to Comment L1.
- M2: The commenter states substantial evidence indicates that the Project is likely to cause significant adverse impacts and the Draft SEIR is legally defective due to its failure to adequately identify, evaluate and mitigate these potentially significant impacts, including failure to adequately disclose, evaluate and mitigate biological resource impacts, air quality, greenhouse gas impacts, and inconsistency with the City’s traffic policies. See response to Comment L1.
- M3: The commenter states that the Draft SEIR must be withdrawn and revised to address errors and deficiencies and that substantial revision to the Draft SEIR will be required to address impacts that were not disclosed as potentially significant, and these changes require recirculation of the Draft SEIR. See response to Comment L1.
- M4: The commenter states that comments were prepared with the assistance of a biological resources expert and an air quality expert, and references the qualifications resumes of these individuals. Comment noted. **Appendix K** to this Final SEIR includes qualifications for the technical experts preparing the SEIR. **Appendix L** to this Final SEIR includes qualification of the Project sponsor’s technical experts preparing Project documents analyzed in the SEIR.
- M5: The commenter provides its view of the requirements of CEQA. The requirements of CEQA are found in Public Resources Code section 21000 et seq., and CEQA’s requirements are best understood by reading the statute. The Draft SEIR meets the requirements of CEQA, providing an analysis of the potentially significant impacts of the proposed Project. As required by CEQA, the Draft SEIR’s conclusions are supported by substantial evidence. See response to Comment L1.
- M6: The commenter provides additional views of the requirements of CEQA. See response to Comments L1 and M5.
- M7: The commenter states that the Draft SEIR fails to adequately and completely describe the Project and the Project setting and fails to disclose and evaluate all potentially significant environmental impacts of the Project, and also claims that its mitigation measures are unenforceable, vague or overly undefined. See response to Comment L1.
- M8: The commenter states that the Draft SEIR contains an inadequate analysis of biological resources. See responses to M9–M17.
- M9: The Draft SEIR and supporting documents adequately and accurately establish the environmental baseline and assess potentially significant impacts, including the “habitat value” of the oak woodlands. The baseline studies included a comprehensive tree survey of every oak tree on the property 4 inches or larger in diameter at breast height (DBH, measured as the cumulative sum of all stems at 4.5 feet above grade, which is the City’s

threshold under its Tree Ordinance). In addition to mapping and measuring all trees, each tree's condition was qualitatively evaluated on a 1-5 scale by professionally trained and certified arborists (WRA, 2015a). The tree survey went above and beyond what was required by including the entire Project area (not just the impact area). In addition, since preparation of the Draft SEIR, a supplement to the tree survey was prepared to address the additional three acres added to the Project site (see Chapter 2 of this Final SEIR) (WRA, 2017c). In addition, clusters of oak trees were characterized as "oak woodlands" and were depicted on a figure showing biological communities within the Project area (Figure 4.3-1 of the Draft SEIR). The condition of the oak woodland patches was qualitatively described in the Draft SEIR using a variety of metrics that are generally used in describing the environmental setting (e.g. the degree of past disturbance, habitat continuity and fragmentation, and commonly associated species were all described). "Habitat value" as described in the comment letter is a subjective term as the value of a habitat is species-dependent and can only be described at the individual or population level (Johnson, 2007). That is, an area may be high value for one species and low value for another species.

The comment letter cites the relatively high species richness in California oak woodlands (in general) as justification of the high "habitat value" of oak woodlands on the Project site. However, the oak woodlands on the Project site are lacking much of the biological diversity typically found in intact, larger, more contiguous stands of oak woodlands as evidenced by the results of the most recent Alameda whipsnake (*Masticophis lateralis euryxanthus*; AWS) survey that was completed on the Oak Knoll site (The Wildlife Project 2015). The AWS survey used drift fences and funnel traps to capture reptiles, amphibians, and small mammals. Although the traps were spread across the site and were not concentrated exclusively in oak woodlands, the trap locations are representative of the overall mosaic of grasslands, woodlands, and developed areas that are present on the Oak Knoll site, and wildlife species found in oak woodlands would also utilize the surrounding habitats for resources. After 2,598 trap days the AWS survey resulted in only 404 captures of 10 different vertebrate species; no AWS individuals were captured. A very similar survey was completed in 2011 at the Knowland Park site less than one mile to the south of the Oak Knoll site. Both the Knowland Park survey and the Oak Knoll survey used traplines of drift fences and funnel traps to survey for AWS in a variety of habitat types. In each case, the survey effort consisted of more than 2,500 trap days.

The Knowland Park site represents a good analog of what the Oak Knoll site might have been like had it not been impacted by prior development activities. While the Oak Knoll site was previously developed, first as a golf course and then as a naval hospital, the Knowland Park site has never been intensively developed and consists of a relatively intact mosaic of grassland, oak woodlands, and scrublands. Compared to the survey at Oak Knoll, the Knowland Park survey resulted in more than 5 times as many captures per trap day (0.82 capture/trap day at Knowland Park compared to 0.16 captures per trap day at Oak Knoll), and 2.4 times the total number of vertebrate species (24 species at Knowland Park compared with 10 species at Oak Knoll). The species evenness at Knowland Park was also substantially higher than at Oak Knoll. At Knowland Park, the most commonly observed species (western fence lizard) represented only 33 percent of all captures compared to 62 percent of all captures at Oak Knoll. The higher species richness and evenness at Knowland Park suggest much lower biodiversity at Oak Knoll relative to a less disturbed analog site (Knowland Park).

Species richness or even biological diversity, admittedly are not direct measures of “habitat quality” or “habitat value.” and the commenter states that “measuring habitat quality requires collecting data on critical resources (e.g., food and nest sites) and demographic variables (e.g., reproductive output and survival).” This statement is based on a review paper on habitat quality metrics for bird species (Johnson, 2007); however, the same paper notes that habitat quality can only be assessed at the level of an individual or population (group of individuals of the same species). Therefore, “habitat value” as described in the comment letter is a subjective term as the value of a habitat is species-dependent. It is unclear which species or suite of species the commenter is suggesting should have been studied in greater detail. Moreover, the Johnson (2007) paper also notes that “time and monetary constraints rarely allow all of these measures to be obtained, so biologists often rely on other measures to help distinguish rich and poor habitats, spawning related terms and concepts such as habitat carrying capacity, habitat preference, habitat occupancy, and so on.” That is, it is generally considered impractical to measure demographic variables for a single species, let alone an entire suite of species that may occupy a site. As such, we believe that other metrics (e.g. level of past disturbance, fragmentation, patch size, proportion of native vs. invasive species, and relative species richness) are appropriate to assess the overall quality of the oak woodlands and other habitats on site. These metrics are each strongly associated with biodiversity (Honay et al., 1999; Lindborg and Eriksson, 2004; Butchart et al., 2010), and maintaining biological diversity is one of the primary goals of many environmental regulations.

The commenter goes on to state that “The effects of fragmentation and exotic (non-native) species on habitat quality depend on the species being evaluated, and thus cannot be generalized.” This statement is true and again reiterates that “habitat quality” is a subjective term. However, increased habitat fragmentation and increased abundance of invasive species are both highly correlated with reduced overall biological diversity (Fischer and Lindenmayer, 2007; Van Der Wal et al., 2008) Moreover, the Oak Woodland Impact Decision Matrix: A Guide for Planner’s to Determine Significant Impacts to Oaks as Required by SB 1334 (Giusti et al., 2008) explicitly states that fragmentation should be considered when analyzing impacts to oak woodlands.

The commenter also states that the characterization of the oak woodlands in the Draft SEIR as medium to low quality conflicts with portions of the Biological Resources Assessment Report that characterize oak woodlands as “relatively undisturbed”, “contiguous stands,” that “predate development.” This perceived conflict is due to the fact that there are varying levels of disturbance across different portions of the Project site. While the oak woodlands within the proposed impact area are generally degraded by past development and highly fragmented, the oak woodlands within the preservation areas have generally experienced less disturbance and generally occur in larger, more contiguous patches (e.g. the preserved oak woodlands on the Hardenstine Parcel in the southern portion of the project site). The Hardenstine Parcel has a moderate-quality woodland, versus much of the Project area that would be considered low-quality woodland; the Hardenstine Parcel was added to the Project area to protect it from development and maintain this area as oak woodland.

The Draft SEIR analysis and proposed compensatory mitigation ratio of 2:1 (preserved/created acre: impacted acres) are both fully consistent with regulatory guidance such as the Oak Woodland Impact Decision Matrix: A Guide for Planner’s to Determine Significant Impacts to Oaks as Required by SB 1334 (Giusti et al., 2008).

Moreover, the project will voluntarily salvage and relocate between 10 and 20 mature specimen trees.

- M10: The commenter opines that the Draft SEIR does not sufficiently describe the regional setting information upon which to evaluate the Projects cumulative effects on oak woodlands. The following information will supplement the “Coast Live Oak Woodland” setting starting on page 4.3-6 of the Draft SEIR, as also documented in Chapter 3 of this Final SEIR. However, the cumulative analysis (Impact BIO-7) factors in oak woodland and the beneficial long term effects the Project would offer over existing conditions, which will benefit the local and regional enhancement of oak woodlands locally and regionally.

Supplemental text starting on page 4.3-6 of the Draft SEIR:

According to the CALVEG dataset (a classification of Californian Vegetation, 2009. U.S. Dept. of Agriculture, U.S. Forest Service, Regional Ecology Group, San Francisco. Accessed October, 2016), there are approximately 103,000 acres of hardwood forests/woodlands in Alameda County, the vast majority of which are likely oak woodlands. Of the 103,000 acres, approximately 39,000 acres (37 percent) are located within protected areas that are included in the California Protected Areas Database (CPAD, 2016). The approximately 16.97 acres of oak woodlands that would be either temporarily or permanently impacted by the Project represent approximately 0.016 percent of the oak woodlands in Alameda County. The City also recognizes that the site has been highly disturbed in the past, first as a golf course and country club and then as a naval hospital facility.

Coast live oaks, which are the dominant oak species on the Project site, have not had major issues with natural regeneration. The most recent tree survey conducted for the Project Area (WRA, 2017c) documented a total of 1,658 coast live oak trees in the smallest surveyed diameter class (4 to 8.9 inch), or 36 percent of the total 4,502 coast live oak trees surveyed. This large percentage of small diameter trees indicates that coast live oak regeneration is locally abundant.

The commenter states that oak woodlands within protected areas are not truly secure because “in many cases, existing oak woodlands are not regenerating naturally.” Oak woodland regeneration has been identified as a problem with three species in particular (valley oak, blue oak, and Engelmann oak; http://ucanr.edu/sites/oak_range/Oak_Regeneration/). The information above provides evidence to the contrary for the Project Area with a substantial number of coast live oaks surveyed.

Additionally, historical aerial photographs of the site suggest that the site historically supported a larger proportion of open grasslands (see 1939 photo, **Appendix M** to this Final SEIR). The planting of trees for landscaping and suppression of grazing and fire have likely contributed to unnaturally high levels of tree cover on the site. Past development of the Project site also cause an unnaturally high amount of tree cover, while having lower diversity overall. Understory plants that would be typical of an oak woodland are generally absent from much of the Project area, which causes a reduction in biodiversity from that present in high quality oak woodland.

The commenter states that the Draft SEIR fails to disclose “Sudden Oak Death” (SODS) in the regional setting. However, the Draft SEIR acknowledges the presence of SODS in the region and includes a recommendation measure to control its spread. (See Draft SEIR at pages 4.3-80 through 4.3-82.) Based on a recent survey, the estimated infection rate of trees in the East Bay ranges from 0% to 6.4% depending on the area (https://nature.berkeley.edu/garbelottowp/?page_id=2942). However, it would be speculative to predict the long-term changes to oak woodlands caused by the potential spread of this pathogen.

The rate at which oak woodlands are being lost has not been well quantified; however, the proposed project will result in a net increase (not a net loss) of oak woodland area over the long term, assuming current rates of SODS infection and trees loss remains constant. As such, the impact to oak woodlands is temporary. There are no other large projects proposed in the vicinity that would contribute to cumulative temporal impacts and a large area (>12 acres) of the oak woodlands on site will be permanently preserved. As such there would be temporary refuge areas available for wildlife.

- M11: Proposed trail corridors are generally along existing trails, sidewalks and roads. The Draft SEIR (3.4.6) identifies areas within the Hardenstine Parcel that will be retained as open space. The proposed trail alignment through this area follows an existing hard-packed dirt road that is currently used as a hiking trail by community members and that will remain as open space. Previous surveys in this area identified approximately five Oakland Star Tulip plants within the trail corridor. Per response to Comment M12, these plants will be moved from the trail alignment, to an area nearby to mitigate any impacts to the plants by trail use.

Overall, much of the Project area has already been impacted by humans through past development of the site with a golf course and then the Naval Hospital. Also, the Project site is located within a heavily urbanized portion of the East Bay hills and is surrounded and bisected by roads, housing, and other commercial developments. As stated in the Draft SEIR (3.4.6), Oak Knoll Memorial Park and the Preserved Hillside Grassland are approximately 2.0 acres of the prominent Oak Knoll ridgeline, retained as a natural grassland park, offering with panoramic views of the Bay. Proposed trails through the Preserved Hillside Grassland will extend for approximately 50 feet through a Eucalyptus grove, and then the remainder of the trail is along existing old, paved roads. Trail alignment in this area will have minimal habitat impacts. Additionally, the proposed trail alignment within the Admiral’s Ridge/Memorial Park area will have minimal habitat impacts as it will follow existing paved roads. As explained in response to Comment M9, the habitat value of the oak woodlands on the Hardenstine Parcel is only moderate. Pedestrian travel through the area on an established trail will not have a significant adverse impact on biological resources.

- M12: See response to Comment N2 regarding analysis of impacts to Oakland star tulip. CEQA requires the implementation of feasible mitigation measure to reduce potentially significant impacts. The impact to Oakland star tulip was determined to be less than significant. However, the applicant has voluntarily agreed to implement Recommendation BIO-1. To strengthen the measure, the applicant has indicated it is willing to bind itself to the measure as a mandatory condition of approval. If the applicant sells the property to another developer, that developer would be equally bound by the Project’s conditions of approval. The comment also questions the proposed success ratio of 0.5:1 ratio (number of plants established: number of plants impacted). There is no CDFW or other guidance about a success criteria ratio for unlisted plant species such as the star tulip, and qualified Project

biologists recommended the proposed success criterion as a reasonable and achievable benchmark for an unlisted plant.

The following changes are made to Recommendation BIO-1 to clarify its effectiveness:

With Recommendation BIO-1, to which the Project sponsor has agreed, localized impacts to Oakland star tulip ~~would~~ could be ~~substantially~~ reduced through salvage and relocation of a portion of the population for reintroduction elsewhere on the Project site or into established populations in the Project vicinity or by other means detailed below.

Recommendation BIO-1.1: The following measures ~~should~~ shall be implemented prior to construction to avoid or minimize impacts to Oakland star tulip within the Project site.

- a) A qualified botanist shall flag the location of Oakland star tulip plants during the flowering period prior to site grading. Under the direction of the qualified botanist, bulbs and associated soil plugs shall be harvested from ~~at least 50~~ 100 percent the Oakland star tulip plants within the Project site following flowering and withering of leaves.
- b) Harvested bulbs shall be ~~1) replanted on site in an area designated for permanent open space preservation stored for reintroduction into suitable habitat within upland woodland portions the creek restoration area of the Project site; or 2) made available to a reputable organization for reintroduction into suitable locations near the Project vicinity, such the East Bay Regional Park District, East Bay Chapter of the California Native Plant Society, UC Berkeley Botanical Garden, or Merritt College Horticultural Department.~~
- c) ~~If plants are reintroduced within the~~ The Project sponsor shall prepare a Monitoring Plan for relocated / transplanted Oakland star tulip plants within the Project site. The plan shall detail methods and location for relocating or reintroducing Oakland star tulip population, annual monitoring ~~methods and maintenance~~ for successful establishment, and reporting protocols. The ~~recommended~~ success criteria for relocated plants is 0.5:1 ratio [number of plants established: number of plants impacted] after two years.
- d) Contingency measures such as obtaining bulbs from other locations should be included in the plan if it appears the success criterion will not be met after two years.
- e) The plan shall be developed in consultation with the appropriate agencies prior to the start of local construction activities.
- f) Monitoring reports shall include photo-documentation, planting specifications, a site layout map, descriptions of materials used, and justification for any deviations from the monitoring plan.

M13: The commenter addresses differentiating native versus planted purple needlegrass. The survey and analysis work conducted for the Draft SEIR mapped all areas that met the minimum membership rules as needlegrass grassland according to recognized sources and guidance. Specifically, the California Department of Fish and Wildlife (CDFW), a responsible agency under CEQA, provides guidance for addressing impacts to sensitive

vegetation types under CEQA that include an assessment of quality. Specifically, the CDFW provides the following guidance, as well as an analogous example:

*Ascertain if project-affected stands of these vegetation types or natural communities can be considered as high-quality occurrences of the given community. The judgment of whether a stand is high quality or not involves a flexible set of criteria such as the range of existing sustainable occurrences of this element or vegetation type based on site quality, defensibility, size, and surrounding landscapes. These criteria vary based on the type of vegetation or natural community and the range of existing occurrences known. For example, it is likely that although there are many individual stands (or occurrences) and many thousands of acres of Douglas-fir/Vine maple/Oregon grape association (*82.200.20 *Pseudotsuga menziesii* / *Acer circinatum* - *Mahonia nervosa*) in northwestern California, there are only a few that reflect the most exemplary qualities of natural vegetation including:*

1. *lack of invasive exotic species,*
2. *no evidence of human-caused disturbance such as roads or excessive livestock grazing, or high-grade logging,*
3. *evidence of reproduction present (sprouts, seedlings, adult individuals of reproductive age), and*
4. *no significant insect or disease damage, etc.*

For this community, these characteristics exemplify high quality, sustainable, old growth characteristics. Thus the ranking of this association is based on the restricted high quality examples. If a project would affect a small acreage of second growth stand of this type, unless there are other plant or animal elements of significance associated with it, it is unlikely that this would constitute a significant impact. Modification of this stand would be considered less likely to be a serious threat to the existence of all high quality stands of this type.

The areas mapped as “planted purple needlegrass grassland” are generally considered low quality based on the criteria described by the CDFW above. These stands occur in areas that were previously developed (either as part of a golf course in the 1920s or subsequently as a Naval Hospital which was active from the 1940s to the 1990s) and have a long history of “human-caused disturbance.” As such, they occur in small patches of less than an acre, are highly fragmented, are surrounded by pavement or other hardscape, are co-dominated by invasive species, and lack any other native plant species.

In comparison, the needlegrass grassland at nearby Fairmont Ridge (approximately four miles south of the Project site, in Chabot Regional Park) is described as having “consistent relatively high level of native cover of purple needlegrass, native forbs and lilies; [and] two rare native plants [:] big scale balsamroot (*Balsamorhiza macrolepis* var. *macrolepis*) and fragrant fritillary (*Fritillaria liliacea*).” Common native forbs observed at Fairmont Ridge include narrow leaf mule ears (*Wyethia angustifolia*), blue eyed grass (*Sisyrinchium bellum*), hillside morning glory (*Calystegia subacaulis*), gumweed (*Grindelia hirsutula*), purple sanicle (*Sanicula bipinnatifida*), and yellow mariposa lily (*Calochortus luteus*) among a total of 29 native species that were observed over a six-year period (UCB, 2013). In comparison, all of these native forbs are absent from the planted purple needlegrass grassland areas at Oak Knoll (although some occur in the

areas of naturally occurring needlegrass grasslands that were classified as a sensitive natural community).

Also see response to Comment N4, which addresses this topic and focuses further on occurrence and other factors of habitat quality.

In addition to comments similar to those raised by the East Bay CNPS Chapter, the commenter states:

“The DSEIR also assumes, without any supporting evidence, that the purple needlegrass grasslands in these parks and open space areas are secure. To the contrary, monitoring data collected by researchers at U.C. Berkeley indicate a widespread decline in purple needlegrass at parks managed by the East Bay Regional Park District.”

The study cited was the 2009 (Year 8) Annual Report for the East Bay Regional Park District Grassland Monitoring Project (Bartolome and Barrett 2009). However, the Final 2011 (Year 10) Annual Report for the East Bay Regional Park District Grassland Monitoring Project (Bartolome and Barrett 2013) includes the following caveat:

“Because this Project was set up to evaluate the effect of livestock grazing on the Valley grassland species community, it is not possible to generate specific trends for individual plant species. The data generated by the Project can only suggest that purple needlegrass populations in the District fluctuate due to causes other than livestock grazing, probably weather-related factors (see 2009 annual report).”

This statement clearly contradicts the assertion made by the commenter regarding the “widespread decline” of purple needlegrass. Although the data show that cover of needlegrass fluctuates over time, the study was not designed to identify long-term trends for individual species. In addition, the purple needlegrass population at the Oak Knoll site is not expected to be any more or less variable than populations elsewhere; like oak woodlands, they represent a very small percentage of what exists on a regional scale.

The commenter also notes that prior development throughout California has reduced grassland populations. Impacts from past development on purple needlegrass were considered in the cumulative impact analysis, discussed in more detail in response to Comment M14.

- M14: The discussion of cumulative impacts to biological resources in the Draft SEIR is adequate. The Draft SEIR evaluated impacts to biological resources and proposed mitigation measures to address direct, temporal and cumulative impacts. These are addressed in Section 4.3 of the Draft SEIR and summarized in Table 2.1-Section 4.3 Biological Resources.

To inform the analysis, ESA conducted reconnaissance botanical and wildlife surveys of the Project site on June 29, 2015 to characterize existing conditions, including sensitive natural communities. In addition, as stated on page 4.3-1 of the Draft SEIR, the following sources were used to develop sensitive species lists: California Natural Diversity Database (CDFW, 2015c), the California Native Plant Society (CNPS) Electronic Inventory (CNPS, 2015a), the U.S. Fish and Wildlife Service (USFWS, 2015), standard

biological literature, eBird.org (eBird, 2015), and reconnaissance-level and focused surveys of the Project site on March 25 and April 20, 2015. Numerous new (since the 1998 EIR/EIS) mitigation measures have been developed in response to current conditions and scientific understanding of the biological resources on-site. These include habitat restoration, timing restrictions based on breeding and nesting animals, on-site (planting) and off-site (in-lieu fees) mitigation for impacted, ordinance-protected trees and design of project infrastructure like lighting and buildings.

Furthermore, ESA conducted reconnaissance botanical and wildlife surveys of the Project site on June 29, 2015 to characterize existing conditions, sensitive natural communities. However, the Draft SEIR inaccurately stated that the 1998 EIR for the redevelopment of site did not address cumulative impacts on biological resources. In fact, the 1998 EIR/EIS concluded:

“Reuse of [the site] in combination with other regional development would not significantly contribute cumulatively to the regional loss of sensitive wildlife habitat and native vegetation. Rifle Range Creek riparian corridor is the only sensitive habitat and existing regulations require mitigation for any impacts to this area, including those measures identified in the OUSD’s Developer Fee Justification Study (OUSD, 1996).” (1998 EIR/EIS at p. 5-5)

This finding is consistent with the finding in the Draft SEIR the City prepared for the 1998 General Plan, which specifically envisioned the redevelopment of this property. Regarding cumulative impacts to biological resources, that EIR concludes:

“Development consistent with the Land Use and Transportation Element would occur concurrently with development throughout the Bay Area. The cumulative effect of this development on vegetation and wildlife would be to reduce the amount of habitat and increase the potential for the loss of rare, threatened, and endangered species. Mitigation measures in this EIR emphasize a regional approach to habitat management, including coordination with other jurisdictions on habitat conservation. Because Oakland is already substantially built out, the City’s contribution to regional effects on vegetation and wildlife is relatively small.” (Oakland General Plan Land Use and Transportation Element EIR at p. V-7.)

This project is consistent with the 1998 Land Use and Transportation Element of the City’s General Plan for which an EIR was prepared and certified and which contained a cumulative impacts analysis of this development on biological resources. As such, this Oak Knoll Draft SEIR was not required to have its own separate cumulative impacts analysis, although it does so. See CEQA Guidelines § 15130(d).

The commenter suggests that the cumulative impacts analysis for the Project’s biological impacts does not account for past changes to the Project area by, for example, stating how much habitat has been lost due to past and present projects, and how much more is expected to be lost due to reasonably foreseeable projects. The commenter also claims that the cumulative biological analysis fails to account for changes to the severity of threats to biological resources from, for example, climate change and Sudden Oak Death, and does not discuss burrowing owls.

The amount of habitat lost through past and present projects is captured in the discussion of the area's existing conditions, discussed on pages 4.3-2–4.3-25 of the Draft SEIR. The effect of reasonably foreseeable future projects and the Project on biological resources is discussed on pages 4.3-84–4.3-85 of the Draft SEIR.

As previously mentioned in this response, numerous recent mitigation measures have been developed to address biological resources and that are widely applied. Cumulative development (past, present and reasonably foreseeable future projects), like the Oak Knoll Project, would implement standard SCAs and/or mitigation measures and regulations to avoid significant adverse effects to existing resources. Typical examples of the types of standard SCAs and/or mitigation measures required for all development projects located adjacent to sensitive plant and/or animal communities involve measures for avoidance, permit approvals, best management practices (BMPs), preconstruction surveys, compensatory mitigation, species relocation, and monitoring. Like the Project site, other development sites in Oakland may have remnants of previous development and be ruderal in nature, dominated by non-native vegetation. Considering cumulative development combined with the Project, compliance with existing laws and regulations that are administered and enforced by regulatory agency-issued permit requirements and/or an MMRP (or an SCA/MMRP in Oakland), pursuant to CEQA, have and will continue to result in improved biological conditions and controlled non-native vegetation in the geographic area by restoring and enhancing and/or protecting oak woodlands, wetlands and other habitats and species, even where past development may have had adverse contribution.

The commenter claims that the City may not rely on the effectiveness of its SCAs as a City-wide approach to reducing cumulative impacts to biological resources. First, CEQA specifically sanctions reliance on uniformly applied development standards as a means to mitigate impacts. See example, for Guidelines § 15183(f). Second, the commenter suggests that City systematically fails to enforce its SCAs by pointing to a single example at the Oakland Zoo. Even if this example showed a failure to enforce its SCAs (a claim which the City disputes in any event), the commenter has presented no evidence that work on the trail in the zoo is causing significant cumulative environmental impacts.

The effects of climate change on temperature, precipitation, water supply, sea level rise, and water quality are discussed in general terms on pages 4.6-2–4.6-4. As temperature, precipitation, water supply, etc., change due to climate change, there will be impacts to biological resources, including changes in the timing of seasonal life cycle events, range shifts, food web changes, and changes to disease vectors. However, the extent, timing, and details of such impacts are unknown due to the varied and often complicated intersection of numerous causal forces. In addition, there is no method to determine the connection between the Project's contribution to greenhouse gas emissions and impacts to biological resources. For these reasons, such details are not discussed in the Draft SEIR. Sudden Oak Death and burrowing owls are discussed below.

The commenter states, "Sudden Oak Death has become an epidemic, the burrowing owl has continued to decline." According to the Calveg dataset, there are approximately 103,000 acres of hardwood forests/woodlands in Alameda County, the vast majority of which are likely oak woodlands. Of the 103,000 acres, approximately 39,000 acres (37 percent) are located within protected areas that are included in the California Protected Areas Database (CPAD 2016). The approximately 16.97 acres of oak woodlands that would be either temporarily or permanently impacted by the project

represent approximately 0.016 percent of the oak woodlands in Alameda County. Therefore, it would not represent a cumulative impact.

The Draft SEIR found that burrowing owl are unlikely to occur within the Project Area, as it contains predominantly developed surfaces, and ground squirrels burrows or burrow surrogates were not observed on the site. Further, no burrowing owls were observed during biological surveys. Short grasslands and open habitats preferred by burrowing owls are extremely limited within the Project Area.

The commenter further states, “the City did not consider the impacts of projects outside the City of Oakland.” This statement is incorrect. The temporal disruption due to construction and the change in habitat of the relatively small sized project (<200 acres) was considered within the context of the larger adjacent landscape of more than 11,000 relatively contiguous acres of suitable and desirable habitat including the large open space areas of Leona Canyon Regional Preserve, Redwood Regional Park, Chabot Regional Park and Lake, and the Las Trampas Regional Wilderness. These regional parks and preserves are held in the public trust. It is therefore reasonably foreseeable for them to remain undeveloped, as it is their purpose to remain so. Therefore, one can reasonably expect that these resources will remain preserved. The EIR properly concludes that the majority of high quality biological resources in the region are under regional public rather private ownership. The impacts of development projects on private land in the City and other nearby jurisdictions was taken into account when considering cumulative biological impacts. The Project site is surrounded by developed parcels and adjacent to an interstate freeway. This past development has created a cumulative impact on biological resources, as the stated in the Draft SEIR. Because the majority of the private land near the Project site (including in the City of Oakland and City of San Leandro) is already developed, there is a lack of sensitive habitats, species occurrences, and sensitive natural communities not already habituated to humans that are biologically linked to the Project site. Thus, the Project’s contribution to cumulative biological impacts was determined to be less than cumulatively considerable.

The commenter states, “the City used the abundance of purple needlegrass grassland at neighboring reserves to justify its conclusion that impacts to native purple needlegrass grassland at the Project site would be less than significant. However, many of the reserves referenced in the Draft SEIR are outside of the City of Oakland, and the City did not consider the impacts of projects outside the City of Oakland.” See paragraph above.

The commenter further states that the cumulative effects assessment in the Draft SEIR only considered potential adverse effects identified for the Project, undermining the intent of cumulative effects analysis. The analysis considered past, present, and reasonably foreseeable impacts when assessing whether the Project’s contribution to cumulative impacts would be cumulatively considerable, as required by CEQA. The fact that the Project site had been previously developed and the surrounding area is developed is accounted for in the City’s determination of how much contribution, if any, to cumulative impacts can occur before the contribution is cumulatively considerable. The analysis’s conclusion that the Project would not make a cumulatively considerable contribution to cumulative biological impacts was based on several facts, including that the Project would be developing a previously developed area, is surrounded by development, and would improve the biological quality of a highly degraded creek and surrounding riparian habitat through the Project site.

Regarding cumulative impacts to purple needlegrass, the needlegrass grasslands on the project site represent a very small proportion of the overall extent of needlegrass grasslands in the region. The CNDDDB has identified approximately 160 acres of needlegrass grassland at Fairmont Ridge (Chabot regional Park and Lake) and another 50 acres of serpentine grassland (needlegrass dominated) at Redwood Regional Park (CNDDDB, 2016). Knowland Park has at least 73 acres of needlegrass grassland (WRA, 2011). Tilden and Wildcat Regional Parks also have “abundant purple needlegrass” according to the California Native Grassland Association’s Guide to Visiting California’s Grasslands (CNGA). Based on these data, the proposed project’s impact would be less than two percent of the region’s needlegrass. As stated above, needlegrass within the region are largely located on public land that will remain undeveloped. Therefore, cumulative impacts from the loss of 3.86 acres of fragmented and low-quality needlegrass on private land long slated for redevelopment would be less than significant.

The commenter raises concern about development activities impacts on habitat and migration corridors. The project site is immediately surrounded by moderate to high density urbanization and associated infrastructure on all sides including Interstate 580 (I-580) to the east, Keller Avenue and residential development to the north and east, and residential dwellings to south. The City of Oakland Open Space, Conservation and Recreation (OSCAR) Figure 14 illustrates Rifle Range Creek as an existing wildlife corridor that should be maintained and enhanced, as the Project proposes. Wildlife has passively occupied the project site over time since the demolition of the hospital infrastructure and is likely habituated to the activities of an urban and residential landscape both within and outside the project site. Wildlife like deer and turkeys have become habituated to using the site, and moving between it and the surrounding landscape to disperse and to take advantage seasonal food availability and sheltering opportunities; it is likely these urban adapted species of wildlife will continue move throughout the landscape in the same manner they do now. Implementation of the stream restoration and tree mitigation measures and ongoing habitat management the proposed project will not result in a measurable or detectable change in the ability of common wildlife to move around, utilize habitats and persist in the area. Therefore, the overall the cumulative biological impacts would be less than significant.

The commenter noted that development of 80 percent of the site will have a significant effect on habitat conditions, but fails to take into account that the majority of the site has a long-standing history of development. The site currently consists of approximately 31 percent developed/ruderal areas. Non-native and invasive plant assemblages including broom scrub, eucalyptus stands, non-native mixed pine, and Monterey pine woodland encompass an additional 22 percent of the Project site (WRA, 2015b and 2017b). In total, approximately 53 percent of the Project site is currently covered in concrete, asphalt, or vegetation assemblages that are direct results of human interference and non-native planting. Project restoration activities will result in an overall increase in native oak woodland and riparian woodland. In addition, approximately 14 acres of existing, mature oak woodland within the Hardenstine Parcel and riparian corridor will remain untouched by development activities, representing approximately 7.5 percent of the Project area. New plantings will take a few decades to mature, but the oak woodland that will not be disturbed on site, as well as other undisturbed trees and trees surrounding the Project site will provide habitat for nesting birds and other wildlife. Moreover, the temporary reduction in the number of mature trees on the Project site would not significantly impact birds or special status wildlife species. (See Draft SEIR at pp. 4.3-50–4.3-58.)

M15: The project proposes to implement numerous habitat avoidance, restoration, preservation and management measures that will, in the context and scope of the proposed action, result in maintenance of habitats suitable for avian breeding, feeding, and sheltering on the project site (see Draft SEIR Section 4.3 Biological Resources and summarized in Table 2-1; 4.3 Biological Resources). The restoration of the degraded riparian area to native vegetation within the Rifle Range Creek will provide an important feature for the future viability of native avian species onsite. In addition, the restoration of creek hydrology will result in increased habitat function providing important foraging opportunities for avian species. Timing restrictions for construction to allow breeding birds to complete their nesting cycle is included as an important avoidance measure.

Measures to address the impacts to tree resources will include removal of decedent non-native species, replanting of oak woodland and active management of site adapted native species that will improve nesting and foraging opportunities for avian species, thus providing an ancillary benefit to avian species. Moreover, even with tree removal during construction, approximately 2,821 trees would remain on the Project site in areas outside the construction footprint (WRA, 2017c). The Project would be required to plant thousands of trees to meet the City's tree mitigation requirements. While some of these trees would take 40 to 70 years to reach maturity, most will be large enough to provide avian habitat within 20 years, based on professional WRA arborists input. Further, as discussed on pages 4.3-50 through 4.3-54 of the Draft SEIR, the Project would not have a significant impact on special status birds.

The commenter also states that the Draft SEIR is not requiring mitigation for loss of oak woodland but rather 1:1 mitigation for loss of specific trees. Mitigation Measure BIO-2 is amended in this Final SEIR as follows, requiring replacement planting in addition to a protective restriction as one option to paying an in-lieu fee:

Revised New Mitigation Measure BIO-2: The Project sponsor shall mitigate for temporary disturbance of riparian habitat and oak woodland in support of the Project through restoration or preservation/enhancement of riparian habitat or oak woodland at a ratio of 2:1 (restored/preserved area: impacted area) through one of the following options:

1. On Site Mitigation

a. Planting replacement trees, and

b. ~~Establishing~~ Establishing a restrictive covenant or similar instrument to protect existing riparian woodland habitat.

The Project sponsor shall prepare a Habitat Mitigation and Monitoring Plan (HMMP) for riparian and oak woodland habitat restored under the Project. The HMMP would be subject to approval by the entity with jurisdiction over the restored areas (City of Oakland). The HMMP shall include a detailed description of restoration/enhancement/preservation actions proposed such as a planting plan, a weed control plan to prevent the spread of invasive and non-native species within restored areas, and erosion control measures to be installed around the restored area following mitigation planting in order to avoid or minimize sediment runoff into the adjacent creeks; restoration performance criteria for each restored area that establish success thresholds over a specific amount of time, as determined by regulatory agencies with jurisdiction of the affected areas; and proposed monitoring/maintenance program to evaluate the restoration performance

criteria, under which progress of restored areas are tracked to ensure survival of the mitigation plantings. The program shall document overall health and vigor of mitigation plantings throughout the monitoring period and provide recommendations for adaptive management as needed to ensure the site is successful, according to the established performance criteria. An annual report documenting the results and providing recommendations for improvements throughout the year shall be provided to the ~~regulatory agencies.~~ City, or

2. ~~3.~~ Paying an in-lieu fee to a natural resource agency or non-profit organization that would use the fees to protect or enhance oak woodland habitat of the region.

If an in-lieu fee is used for mitigation, there must be a direct nexus between the amount of fees paid and mitigation required in terms of oak tree replacement and oak woodland preservation. The amount of the in-lieu fee shall be determined either by calculating the value of the land with oak woodland habitat proposed for removal, or by some other calculation developed by a qualified biologist in collaboration with the City of Oakland. This alternate calculation shall reflect differences in the quality of habitat proposed for removal and may consider the cost of comparable habitat (fee title or easement) in nearby areas.

Overall and in the context of the larger landscape of suitable avian habitats, post construction, the site will provide a substantial amount of habitat suitable for avian species including raptors, songbirds and riparian dependent species and along with the mitigation measures to be implemented during construction, will result in less than significant impacts overall.

As noted above, the Draft SEIR does not rely on the City's Tree Ordinance to reach the conclusion that the Project would have less than significant impacts on birds. This conclusion stems from Project design features, compliance with City SCAs (specifically SCA BIO-1, SCA Implementation Measure BIO-1, and SCA BIO-2), and New Mitigation Measure BIO-2, above.

The commenter makes several other claims regarding the Project's adverse effect on avian habitat, including as a result of a reduction in mature oak trees. The commenter provides a quote from the California Partners in Flight & PRBO Conservation Science's Oak Woodland Bird Conservation Plan (OWBCP), which states that loss of oak habitat and habitat structures are implicated in the decline of five of the seven focal species. The plan authors continue on to say "*Accordingly, a series of conservation recommendations are provided, focusing primarily on protection, restoration and management of habitat that will facilitate and promote natural oak woodland regeneration. Other recommendations focus on the need to promote nest success, by retaining mature oaks in altered landscapes to provide nest cavities and by keeping down the number of native and introduced nest predators.*" Within the Project site, approximately 14 acres of existing, mature oak trees will remain untouched by development activities. The main two areas are concentrated near the riparian corridor and within the Hardenstine parcel. These two areas will provide habitat for nesting birds and other wildlife that depend on oak woodlands.

Additionally, restoration activities in the existing riparian corridor will result in an additional 8.83 acres, totaling 16.97 acres of riparian and oak woodland habitat (9 percent

of total project area). In addition to planting oaks, the proposed planting plan includes a suite of native trees and shrubs which will increase the quality of understory canopy structure and function. An increase in the quantity and quality of oak woodland are both in alignment with the OWBCP objectives. Restoration activities also include planting oak trees grown from acorns obtained from the Project site, where possible, to conserve locally-adapted races of coast live oak, which aligns with PRBO conservation by bioregion goals. Other Project restoration activities align closely with the objectives of the OWBCP. Project activities include implementation of BMPs as part of Recommendation BIO-2 (Draft SEIR page 4.3-80) to ensure minimization of the spread of *Phytophthora* on the site, and testing plants before planting to ensure no infected carriers are planted within the oak woodland.

The commenter notes that trees planted on site will be planted in areas that will serve as an “ecological trap” for avian species, and is not conducive to high-quality habitat. Of the trees proposed for removal, over half are non-native invasive trees that do not serve as high-quality oak woodland habitat. The conceptual planting plan included as part of the final development package shows proposed planting locations for trees that will serve as mitigation for trees removed. The commenter is correct that some of these trees will be planted along street corridors (approximately 52 coast live oaks). The vast majority of mitigation trees (more than 8,500) that will be planted on the property are in large contiguous swaths along the riparian corridor and on hillsides located between Memorial Park and the riparian corridor. These large corridors will serve as functional oak woodland habitat that would not be considered “ecological traps.”

The commenter notes that habitat restoration projects should be judged by how well wildlife respond. The OWBCP provides conservation action recommendations to facilitate the protection and restoration of oak woodland habitat, which in turn will ensure a secure future for oak woodland birds. OWBCP Measures 1.5 and 1.7 identify that prioritization should be given to sites that are large, unfragmented and connected, and are not surrounded by high-levels of urban or suburban development. These measures identify that fragmented sites surrounded by urbanization may negatively impact the quality of habitat for native birds and host non-native species which directly compete for resources and are more readily adapted to living in urban areas. Considering the long-standing history of disturbance on the Oak Knoll Project area, and the surrounding level of urbanization, the majority of oak woodland that remains on the Project site would be considered of a lower quality than some of the surrounding preserved open-space areas (*i.e.* Knowland Park). Even if the woodland within the Project site is considered lower quality, large-scale restoration, enhancement and expansion of the existing wooded areas will provide additional habitat for avian species. Project restoration goals are in alignment with measures *1.6 Prioritize oak woodland sites adjacent to intact chaparral, grassland, pine or and riparian habitats* and *4.4 Restore upland oak woodland habitats in conjunction with adjacent riparian restoration*. Much of the increase in oak woodland on the property will be along the riparian corridor (+8.83 acres) and adjacent oak woodland. The Project is also preserving the Knoll as in-tact grassland habitat, and preserving and planting oaks along the western portion of the proposed park area on the Knoll.

The Project also aligns with Objective 2 of the OWPBC to increase the acreage of protected oak woodland habitat. Both the riparian corridor and Hardenstine parcel will be preserved as open space and will not be developed in the future, increasing the chance for long-term survivability of oak woodland-dependent species within a largely urbanized

area. OWPCB Objectives 4.1 and 6.2 aim to restore oak woodlands through active restoration to promote oak regeneration. Proposed planting activities include using mesh-cages to protect smaller oak trees from grazing, installation of irrigation at each installed plant, and replacement of individuals that do not meet restoration success criteria. OWPCB Objective 4.2 aims to restore understory components of oak woodland systems. As stated above, as part of the Oak Knoll restoration planting plan, thousands of native understory trees and shrubs are proposed to be planted within the riparian corridor to enhance the structure and function of the understory component of the oak woodland and riparian corridor.

Overall, the Project aligns closely with many of the objectives stated in the OWBCP that aim to increase the quantity and quality of oak woodland in the hopes of increasing habitat for the seven bird species of concern. These objectives were designed to inform land managers and focus conservation efforts on habitat protection to ensure an “if we build it, they will come” effect for bird conservation. Although the project is not actively monitoring wildlife species responses to habitat restoration, efforts are focused on ensuring the long-term survivability of the thousands of plant species proposed for the restoration area, which will in turn, provide long-term breeding, feeding and cover habitat for avian and other wildlife species.

- M16: The increased probability of bird collisions is addressed in the Draft SEIR. The document indicates that “...avian collisions with glass or reflective surfaces on buildings of the proposed Project have the potential to result in mortality...” and the document goes on to propose specific measures to reduce the potential for this type of mortality. These measures include “... incorporating specific design elements into the development and adapting landscape schemes to avoid or minimize avian collisions with buildings or other design features.” SCA BIO-2 in the Draft SEIR provides specific design criteria to avoid and/or minimize avian collisions, including installation of diversionary lighting, minimizing rooftop antennas and monopole structures, installation or application of treatments on windows, reduction of light attractants, and implementation of operations and maintenance best management practices (Draft SEIR pages 4.3-36 to 4.3-38).

To clarify the obligation of the Project applicant pursuant to SCA BIO-2, the following text revision is made to the last paragraph starting on Draft SEIR page 4.3-53, and also shown in Chapter 3 of this Final SEIR:

~~SCA BIO-2 specifies mandatory measures the Project sponsor must implement and requires the development of a Bird Collision Reduction Plan which would tailor bird strike reduction strategies to various Project parameters. Specifically, many of the measures in SCA BIO-2 lend themselves to commercial buildings rather than hillside residential neighborhood development that is envisioned for the Project, however, the Project sponsor will tailor the pOak Knoll Project-specific Bird Collision Reduction Plan shall to incorporate those strategies all mandatory measures that reasonably apply to the Project or its commercial tenants or homeowners/tenants. Implementation and Project compliance with SCA BIO-2, as administered and monitored by the City and to the extent that the measures apply to the open hillside context and proposed development type that would occur with the proposed Project), will avoid and/or minimize adverse effects of avian collisions resulting from the proposed Project to a less-than-significant level.~~

M17: The Project will enhance the existing habitat and protect it from future development. The proposed restoration of the Rifle Range Creek corridor is subject to approvals by a number of federal, state, and local regulatory and permitting agencies (including the City of Oakland), as presented in Table 3-3 in Chapter 3 (Project Description) of the Draft SEIR, and updated in Figure 2-9 of Chapter 2 of this Final SEIR. The Riparian Restoration and Monitoring Plan (WRA, 2015c) reported in the Draft SEIR identified that restoration activities include actions such as stabilization of creek headcuts, bank stabilization and revegetation, and removal of stormdrains, concrete debris and other water control structures. Currently, approximately 999 linear feet of creek are culverted and another 745 feet are stabilized with gabions. Under the proposed plan, these portions of the creeks will be daylighted, bank slopes stabilized, channel gradient reduced to control headcutting, and invasive species removed and those areas revegetated with native species. According to the updated Rifle Range Creek Restoration Area and Habitat and Monitoring Plan (WRA, 2017a), presented in **Appendix C** to this Final SEIR, the total acreage of riparian habitat and associated native upland vegetation will increase from 8.14 acres (existing) to 16.97 acres.

M18: The comment claims that the Draft SEIR does not adequately disclose the Project's air quality and greenhouse gas emissions (GHG) impacts.

The Draft SEIR adequately evaluates the Project's air quality and GHG impacts. The Draft SEIR discloses the quantity of emissions and compares them to the City of Oakland's CEQA thresholds of significance. The air quality and GHG impacts are quantified using project-specific design parameters and tools recommended by the Bay Area Air Quality Management District (BAAQMD) and the City of Oakland. Specific comments from the Oakland Residents for Responsible Development are addressed below (see responses to Comments M19 through M25).

M19: The comment relates to inputs to the CalEEMod model, which was used to develop the construction and operational emissions inventories for the Project. CalEEMod was developed in collaboration with the California Air Pollution Control Officers Association (CAPCOA) for use in developing emission inventories suitable for use in environmental documentation prepared in compliance with CEQA. The model is publicly available and employs widely accepted calculation methodologies for emission estimates combined with appropriate default data if site-specific information is not available.

The CalEEMod output files for the Oak Knoll Project are included as Appendix I to the Draft SEIR and **Appendix P** to this Final SEIR. Section 1.3 of each CalEEMod output files shows the changes to the default CalEEMod values. Section 4.2 of the Draft SEIR explains that the construction CalEEMod inputs include, for example, project-specific phasing and schedule inputs. Specific comments from the Oakland Residents for Responsible Development regarding CalEEMod inputs are addressed below (see responses to comments M20 through M22). Any changes to the default values are explained below.

M20: The comment states the Draft SEIR uses an incorrect CO₂ intensity factor to estimate operational emissions from the Project.

Although the latest version of CalEEMod assumes a default CO₂ intensity factor of 641.35 lb/MWhr, the alternative factor used in the Oak Knoll Draft SEIR is more representative of electricity carbon intensity in the full-buildout year. PG&E reported the

641.35 lb/MWhr value on their 2008 GHG emissions inventory; therefore it is appropriate for historical emissions analysis but not projections through 2020, the year for which the State of California has a 33 percent Renewables Portfolio Standard (RPS) requirement. The City of Oakland has discretion to rely on the PG&E emission factor guidance document for a more appropriate and realistic CO₂ intensity factor, since it assumes PG&E will fully comply with the RPS requirements.

The PG&E emission factor guidance document shows a decreasing trend for the historical CO₂ intensity factor from 2009–2013. PG&E has substantial evidence that they will meet the near-term 2020 GHG reduction goals. PG&E’s power mix from 2011-2015 shows a substantial and consistent increase in the renewable energy share, comprised of sources such as solar, wind, geothermal, and biopower. Because of the drought, PG&E has been strategically conserving water and generating less hydropower. PG&E is using other renewable energy sources to make up for the hydropower in the portfolio mix. According to a recent news release from February 2016, PG&E is “well ahead of schedule in meeting the state’s 33 percent target by 2020.”³

Thus, the City of Oakland has concluded that using the 2020 projected CO₂ intensity factor of 290 lb/MWhr would provide the best representation of the Project’s operational emissions at full buildout. Not only that, the State 2030 goals for 50% RPS would require that PG&E continue to decrease the carbon intensity of its electricity mix to below 290 lb/MWhr during the lifetime of the Project. Thus, over time, the Draft SEIR’s analysis of emissions likely *overestimates* emissions.

Furthermore, the 290 lb/MWhr value has been approved in many other EIRs in the PG&E service area, such as the University of California San Francisco (UCSF) 2014 Long Range Development Plan⁴ and the City of Petaluma Riverfront Mixed Use Project.⁵

The commenter cites a statement from the PG&E emission factor guidance that the CO₂ intensity factor estimates should not be used for “GHG reporting, financial analysis, or regulatory compliance.” The commenter leaves out an important part of this sentence, which is that these CO₂ emission factors should not be used for “*mandatory* GHG reporting, financial analysis, or regulatory compliance” (emphasis added). Projecting GHG emissions and determining whether they are significant *for CEQA purposes* does not fall into any of these categories of activities. “*Mandatory* GHG reporting” encompasses activities such as GHG reporting by industrial facilities, fuel suppliers and electricity importers to the Cal e-GGRT reporting system pursuant to AB32 in California or the federal Mandatory Reporting Rule. CEQA projections are also not “financial analysis.” Although the term “regulatory compliance” is very broad, the fact that the PG&E guidance specifically invites use of the emissions factors in the document for “estimating GHG emissions” means that the guidance document did not mean to include CEQA analysis within the definition of “regulatory compliance.” To the contrary, in addition to the opening statement quoted above, the PG&E guidance encourages the use of these emission factors, saying “if 100 percent of your electricity was purchased from PG&E, you can use the average emission factor for all the PG&E electricity delivered

³ News Release: PG&E Achieves Major Renewable Energy Milestone and Remains a National Leader in Greenhouse Gas Reduction, *available at*:

https://www.pge.com/en/about/newsroom/newsdetails/index.page?title=20160225_pge_achieves_major_renewable_energy_milestone_and_remains_a_national_leader_in_greenhouse_gas_reduction

⁴ UCSF 2014 Long Range Development Plan EIR, *available at*: <https://www.ucsf.edu/cgr/cgr-projects/lrdp>

⁵ City of Petaluma Riverfront Mixed Use Project EIR, *available at*: <http://cityofpetaluma.net/cdd/riverfront.html>

during that specific year.” The emissions factors used in the GHG estimates are PG&E’s own estimates of future carbon intensity given compliance with the RPS to be used for purposes of GHG emissions estimates. As such, reliance on them by the City of Oakland for that purpose was proper.

As noted above, the estimate is also conservative because although the Project will first be operational after 2020, no credit is taken for the necessary GHG reductions from electricity use between 2020 and 2030. GHG emissions associated with electricity usage from the Project will continue to decline after 2020 due to increasing requirements for renewable power in California. The RPS for California increases from 33 percent in 2020 to 50 percent in 2030 through Senate Bill 350. There is no requirement that the fraction of renewable power increase linearly between 2020 and 2030, so estimating the operational GHG emissions between 2020 and 2030 to account for the likely increasing renewable power in the supply is speculative. However, because the 2030 RPS is 50 percent in 2030, it is reasonable to assume that GHG emissions will continue to drop and will be consistent with California’s climate goals for 2030. No credit is taken for the 2020 to 2030 renewable electricity reduction in the Project GHG analysis, to be conservative.

- M21: The comment expresses concern that the Draft SEIR used the General Light Industry land use type in CalEEMod operational emissions analysis as a proxy for internal trips-based emissions, even though there is no General Light Industry in the Project Description. There is no category for “internal trips” in the CalEEMod program. Therefore, a proxy land use category was selected to account for the starting and resting emissions associated with the internal trips. This proxy land use is only in the “mobile-only” CalEEMod runs in Appendix I of the Draft SEIR and does not contribute any land-use emissions in the non-mobile categories. The category “General Light Industry” was selected because it would stand out clearly from the land uses that are part of the Project.

Another concern noted is that the estimated 1,110 internal trips were apparently not assigned any distance for purposes of calculating the project’s total vehicle miles traveled. As noted by the commenter, the internal trips were not directly assigned a 0.5-mile trip length in the CalEEMod worksheets, but rather this travel distance was included in the total VMT for other land use categories. This approach was intended to overcome the limitations of the CalEEMod settings to ensure that the full emissions burden associated with internal trips was captured in the emissions calculations. Nonetheless, in reviewing the commenter’s assertions, the City found an error in the calculations of total trips that resulted in an underestimate of the Project’s daily trips and VMT and thus an underestimate of the total mobile emission associated with that metric. Please refer to the following responses to Comments M22-M24 for additional explanation of updated calculations of the Project’s daily trips, VMTs, and mobile emissions and revisions to the findings of the Draft SEIR relative to Project impacts and mitigation requirements involving GHG and criteria air pollutant emissions. In the updated calculations, internal trips are now represented in CalEEMod as “User-Defined Residential,” which is consistent with the project’s land use mix. As explained in response to Comment M22, with the updated information, the Project would still have a less than significant impact on GHG emissions and air quality impacts with mitigation.

- M22: The comment expresses concern that the Draft SEIR’s air quality and GHG analysis has under-counted the project’s operational trip generation and underestimated total VMT, so the calculations of criteria air pollutant and GHG emissions attributable to mobile sources also were underestimated. The comment also suggests that if emissions were correctly

modeled, the Project would have a new or substantially more significant impact on air quality and GHG emissions.

The commenter is correct that the calculations of project-generated vehicle trips performed in the Draft SEIR relative to mobile emissions (Appendix I pp. 518 to 665) mistakenly deducted the 1,100 internal trips from the total trips, because they were removed from the external street network. An internal trip is a vehicle trip that does not go outside the Project site. Examples of internal trips include a trip from a home to the on-site Village Center and back home and from a home to the Community Center and back home. Even though internal trips do not add traffic to the off-site roadway network, internal trips have VMTs and associated emissions, and thus should have been included in the total mobile emissions calculations.

Accordingly, updated calculations of the Project's VMTs that account for the Project's 1,110 daily internal trips, which have a 0.5-mile average trip length, have been completed. Those updated calculations are provided in **Appendix N** to this Final SEIR and used to produce updated GHG calculations and air quality calculations, presented, respectively, in **Appendix O** and Appendix P to this Final SEIR. The updated calculations apply the VMT metrics developed by Fehr & Peers, the Project traffic consultant, as represented in Table 4.13-28 in the Draft SEIR.

Note that for the purpose of calculating trip generation for the traffic impact analysis on intersections and roadways (as opposed to VMT calculations), the traffic analysis in Section 4.13 of the Draft SEIR conservatively assumed a higher number of vehicle trips than the air quality or GHG analyses in Section 4.2 and Section 4.6, respectively, in the Draft SEIR. Specifically, the traffic analysis conservatively does not take credit for a 3 percent reduction in trips attributable to the bicycle, pedestrian and transit-friendly components of the proposed Complete Streets Plan, and does not take credit for the additional 9 percent in trip reductions estimated to result from the TDM's operational measures (car share, TDM marketing and education, and BART shuttle services, etc.). Thus, the trip calculations applied to analyze level of service impacts in the transportation chapter are higher than the trip generation calculations used to calculate VMT in the air quality and GHG sections. This potentially results in an overestimate of traffic impacts in Section 4.13 (and thus potential over-mitigation for traffic congestion impacts). Accordingly, no changes were made to the transportation analysis.

It is proper to apply the trip reduction credits associated with the Project's mixture of land uses, plus the Complete Streets Plan, plus the additional operational features proposed in the draft TDM Program (such as a dedicated BART shuttle or expanded AC Transit service subsidy and car share/ride matching programs), and HOA-administered marketing and education programs for purposes of the GHG and air pollutant emissions analysis, even if the traffic analysis conservatively does not do so. The Complete Streets and TDM strategies to be employed by the Project have been demonstrated to reduce trips or trip lengths or both, and are either part of the proposed Project or required by a City SCA.

The changes in VMT, GHG emissions, and air quality emissions are summarized below and in **Table M22**.

**TABLE M22
UPDATED VMT AND RESULTING GHG AND AIR QUALITY EMISSIONS,
WITH AND WITHOUT TDM**

	Draft SEIR VMT	Updated VMT
VEHICLE MILES TRAVELED^a		
Annual Project VMT with TDM	20,674,040	22,256,431
Annual Project VMT w/o TDM	22,971,155	25,603,552
GREENHOUSE GASES		
MT CO ₂ e per year with TDM ^b	10,807 ^c	11,421 ^d
MT CO ₂ e per year w/o TDM	11,637	12,638
OPERATIONAL CRITERIA AIR POLLUTANTS: % CHANGE W/UPDATED VMT^e Maximum Annual Operational Emissions		
ROG with TDM		Increased 4.8%
ROG without TDM		Increased 6.8%
NO _x with TDM		Increased 7.0%
NO _x without TDM		Increased 11.1%
PM ₁₀ with TDM		Increased 2.5%
PM ₁₀ without TDM		Increased 2.6%
PM _{2.5} with TDM		Increased 1.3%
PM _{2.5} without TDM		Increased 1.2%

^a Final SEIR Appendix N, Updated VMT; Ramboll Environ, 2017

^b Under the City's SCAs, GHG emissions must be calculated considering implementation of applicable SCAs, including the TDM Program.

^c Draft SEIR Table 4.6-4 in Section 4.6, GHG Emissions and Climate Change, and/or Table 3 in Draft SEIR Appendix W, GGRP; Ramboll Environ, 2016

^d Final SEIR Appendix O, Updated GGRP; Ramboll Environ, 2017

^e Final SEIR Appendix P, Updated Mobile Emissions; Ramboll Environ, 2017

VMT

The TDM Program, as discussed in Master Response to Comment A, includes both operational measures and land use measures, and is estimated to reduce vehicle trips by 21 percent, and thus affects the VMT calculation. The updated annual project VMT calculated by CalEEMod®, as shown in Appendix N of this Final SEIR, totals 25,603,552 miles for the Project before the TDM Program is implemented, and totals 22,256,431 miles with all components of the TDM Plan in place (approximately 13 percent reduction in VMT). The Draft SEIR indicated that annual Project VMT would be 22,971,155 miles without the TDM Program and 20,674,040 miles after implementation of the TDM Program (or approximately 10 percent reduction in VMT). The new analysis included in Appendices M and N of this Final SEIR thus discloses higher total VMT than discussed in the Draft SEIR.

GHG

The total mobile GHG emissions with TDM measures exceed the mobile emissions with TDM measures reported in the Draft SEIR by 614 MT CO₂e per year. With these higher mobile emissions, the Project's total annual GHG emissions are about six percent higher than disclosed in the Draft SEIR, rising from 10,807 MTCO₂e per year to 11,421 MTCO₂e per year. Please refer to response to Comment M23 for a discussion of revisions to the existing GGRP that would reduce the higher levels of GHG emissions to below the City's and BAAQMD's CEQA thresholds of significance. With implementation of the

revised GGRP, the Project's impacts associated with GHG emissions would remain the same as found in the Draft SEIR.

Air Quality

Mobile sources of criteria air pollutant emissions were recalculated based on the revised VMT inputs shown in Table M22 and described above. The Project's total levels of criteria air pollutants increased from what was reported in the Draft SEIR, however, the Project's impacts associated with GHG emissions would remain the same as found in the Draft SEIR.

M23: The comment asserts that the Draft SEIR underestimated the Project's GHG emissions and thus underestimated the level of the Project's exceedance of applicable significance thresholds and the level of required mitigation to offset that exceedance.

In response to this comment, updated calculations of the Project's mobile emissions and total emissions was conducted. These calculations are provided in Appendices N and O to the Final SEIR. Based on these updated calculations, the Project's total GHG footprint has increased from what was represented in the Draft SEIR. Specifically, the revised emissions calculations indicate that the Project, when fully built and occupied, and with full implementation of the updated TDM Plan, would not meet the City's Energy and Climate Action Plan (ECAP) goal of at least 36 percent below the 2005 business-as-usual (BAU) scenario, and the 4.6 MT CO₂e per service population threshold, but instead would only reduce GHG emissions to 32.6 percent below the 2005 BAU scenario, and result in a service population ratio of 4.7 MT CO₂e. A revised GGRP in Appendix O to this Final SEIR shows that an additional reduction of 578 MT CO₂e per year is now required to achieve both thresholds, for the fully built Project. That level of reduction will be achieved through implementation of the menu of additional project design measures and/or fee programs that would individually, or in combination, lower Project GHG emissions by at least 578 MT CO₂e per year. The key measures identified in the revised GGRP (Table 4) include:

- Installation of electric vehicle charging units within homes and/or within the Village Commercial Center parking lot;
- Installation of rooftop or ground-mounted solar photovoltaic panels on homes or within the Village Commercial center buildings and parking area; and
- Payment of carbon offset fees.

As already noted in the Draft SEIR, there would also be an exceedance of the service population threshold between the time that the first phase development has been completed and fully occupied and the time when the project is fully built and operational. During that time, payment of carbon offset fees sufficient to offset 2,170 MT CO₂e would be required after completion of Phase I. This amount would decline as additional homes are built and operational, as the service population increases. It is estimated that payment of carbon offset fees to offset 2,066 MT CO₂e would be required while Phase I and Phase II emissions are occurring, and this amount would continue to decline to 578 MT CO₂e, when the project is fully developed and occupied.

If one or more of the GHG reduction measures identified in Table 4 of the updated GGRP are implemented during any of the development phases, then the total GHG emissions for

each phase will be less than what has been estimated and the amount of carbon offset fees required Project is building out also will decline accordingly.

The revisions to the calculations of mobile emissions and total Project emissions GHG emissions and criteria air pollutants do not constitute significant new information concerning the Project's impacts related to GHG emissions and air quality. The revisions provide a more accurate accounting of Project emissions by correcting an error in the estimates of the Project's estimated VMT involving the accounting of internal trips. While emission levels have increased as a result of the updated VMT calculations, the emission sources are the same, the level of increase at full buildout is minor, i.e., six percent, and the GGRP has been revised to require additional project design measures and/or fee offsets, to mitigate the Project's significant temporary and permanent GHG impacts to below the City's and BAAQMD's significance thresholds. Through these actions, the conclusion of the Draft SEIR regarding the Project's GHG impacts will remain Less Than Significant with SCAs. See Master Response to Comment G.

M24: The comment states that the GGRP included as Appendix W to the Draft SEIR should quantify carbon offset requirements for the 2023 operational year.

First, the updated GGRP has quantified the offset requirement for year 2022 as 2,170 MT CO₂e. The offset required in 2022 (estimated year of completion/full operation of first development phase) will be the highest required since, during these early years, the population of the site will still be relatively low and thus the Project would be further away from meeting the City's GHG per service population significance threshold. As additional phases are completed, the population would increase faster than the emissions would increase, and thereby move closer to meeting the service population significance threshold. The offsets requirement for 2023 (estimated year of completion/full operation of second development phase) is thus quantified in Table 2 of the updated GGRP, and would be no more than 2,066 MT CO₂e. Offsets also would be required while the third development phase is being completed, again in lesser amounts than what would be required after completion of the first phase. The exact amount of the required offsets for the second and third development phases will depend on the buildout schedule and cannot be exactly predicted now except to say that it will be at or less than 2,170 MT CO₂e, the amount determined for the first phase. The GGRP requires ongoing monitoring and reporting per SCA GHG-1 and through this program the exact amount of offsets required when the second phase and third phases are completed will be determined and tracked by the City. As such, the exact amount of offsets required for the second and third phases will be determined in real time using the ongoing construction monitoring required by SCA GHG-1.

To summarize, payment of temporary carbon offset fees is required for the time period in which the Project's total service population-based GHG factor exceeds the significance threshold-during the project development phases, before all of the reduction strategies in the revised GGRP are in place. The need for carbon offset fees is projected to occur for the time between completion and occupancy of the first phase of the Project and full buildout. The amount of emissions to be offset is the highest after completion of the first Project phase, when 2,170 MT CO₂e must be offset, and will decline to 578 MT CO₂e at full build out. At full buildout, the operational GHG reduction measures chosen from the GGRP also will be completed and these would bring the Project into compliance with the GHG reduction thresholds.

If one or more of the GHG reduction measures identified in Table 4 of the updated GGRP are implemented during any of the development phases, then the total GHG emissions for that phase and subsequent phases will be less than what has been estimated and the amount of carbon offset fees required will also decline accordingly. Regarding the enforceability of the GGRP and other measures of SCA GHG-1, as with all applicable SCAs, SCA GHG-1 will be included as part of the SCA/MMRP, which ensures that the requirements are binding, and will contain protocols for ongoing monitoring and corrective action.

- M25: The comment expresses concern that SCA AIR-1 is not sufficient to reduce NO_x emissions from construction to a less than significant level.

SCA AIR-1 requires that the Project sponsor implement specific air pollution control measures throughout all phases of construction and, as specified in condition (m), requires use of “Best Available Control Technology” to address the emission reductions of NO_x (and particulate matter [PM]). Tier 4 engines are considered the best available technology; numerous CEQA documents require the use of Tier 4 engines to reduce air quality impacts to a less-than-significant level, and Tier 4 engines are routinely used at construction sites throughout California (see **Appendix V** to this Final SEIR). Tier 4 engines have been being phased in since 2011. The Project will not begin construction until 2018, when there will be even more Tier 4 availability than there is today. On August 23, 2016, the City received a letter from ICF International opining about the availability of Tier 4 equipment, concluding it is widely available. The information in that letter (included in **Appendix W** to this Final SEIR) provides further evidence that Tier 4 equipment will be available when the Project is constructed. The Project analysis (Draft SEIR page 4.2-24) indicates that using a combination of Tier 3 and Tier 4 engines would reduce Project NO_x emissions to levels below the significance threshold. However, conformance with SCA AIR-1, which calls for use of Best Available Control Technology - or Tier 4 engines - ensure Project NO_x emissions are below the significance threshold.

- M26: The comment expresses concern that the Project’s TDM Plan does not meet the requirements of SCA TRA-4. See Master Response to Comment A. As discussed in Master Response to Comment A, the TDM Plan now demonstrates compliance with the 20 percent goal and thus compliance with SCA TRA-4. With the application of the Project’s revised TDM Program, GHG emissions are below the service population threshold of significance at full buildout. For the period of time following completion of Phases I and II when emissions are not below the threshold of significance, the Project will purchase sufficient carbon offsets to reduce GHG impacts to a less than significant level. The TDM Program for the Project is sufficient to reduce GHG impacts from the Project during Phase III and full operations to less than significant.

- M27: The commenter states that in response to its request on September 22, 2016, for all documents referenced in the Draft SEIR, the City failed to give the commenter the HRA report and Transportation Impact Analysis. The City does not prepare HRA or transportation impact reports, but instead takes the underlying data provided by its consultants and uses it to draft the analysis in the Draft SEIR. As the commenter notes, the City provided the underlying data in response to the commenter’s request. All analysis and background detail necessary to conduct the HRA and traffic analysis in the Draft SEIR are included in that document or its appendices.

The commenter also states that the Draft SEIR incorrectly stated the holding in *California Building Industry Association v. Bay Area Air Quality Management District* (2015) 62 Cal.4th 369, 377–378 (“*CBIA v. BAAQMD*”). Specifically, the commenter states that because the Project’s TACs would “exacerbate” existing TACs by adding to them, the analysis must analyze the health impacts to the future residents of the Project. While the City and the commenter may disagree regarding the holding of *CBIA v. BAAQMD*, the City provided the analysis commenter seeks, which is the potential impact from TACs on future residents of the Project. (See Draft SEIR at pp. 4.2-33–4.2-35.)

The following minor clarification is made to page 4.2-33 of the Draft SEIR:

The following analysis of the effect of existing TACs on future Project residents is provided for informational purposes only, as this analysis is not required pursuant to the California Supreme Court’s December 17, 2015 decision in *California Building Industry Association v. Bay Area Air Quality Management District*. Because the analysis looks at all TAC sources, both existing and the Project, this analysis also provides the potential effect of cumulative TACs on future Project residents. The City’s policies require that new projects containing sensitive receptors be evaluated to determine whether those receptors would be exposed to health risks from existing nearby sources of TACs.

- M28: The commenter summarizes his opinion of CEQA’s requirements and makes general statements that the Draft SEIR must be recirculated because “the proposed Project will have numerous impacts that are different and more severe than those described in the EIR, including biological resource impacts, air quality impacts and greenhouse gas impacts” and “lacks adequate mitigation for the potentially significant impacts that are identified.” See response to Comment L1.
- M29: The comment summarizes its point that the Project’s impacts be fully disclosed, evaluated and mitigated before the Project is allowed to proceed. The comment is noted.
- M30: This comment is the same as Comment M9 above; see the response to Comment M9. The exhibits supporting Comments M30 through M39 are provided in **Appendix Q-1** to this Final SEIR.
- M31: This comment is the same as Comment M10 above; see the response to Comment M10.
- M32: This comment is the same as Comment M11 above; see the response to Comment M11.
- M33: This comment is the same as Comment M12 above; see the response to Comment M12.
- M34: This comment is the same as Comment M13 above; see the response to Comment M13.
- M35: This comment is the same as Comment M14 above; see the response to Comment M14.
- M36: This comment is the same as Comment M15 above; see the response to Comment M15.
- M37: This comment is the same as Comment M16 above; see the response to Comment M16.
- M38: This comment is the same as Comment M17 above; see the response to Comment M17.

- M39: This comment provides the resume for the author of Comments M30–M38. This information does not address the adequacy of the Draft SEIR. The comment is noted.
- M40: This comment is the same as Comment M18 above; see the response to Comment M18. The exhibits supporting Comments M40 through M51 are provided in **Appendix Q-2** to this Final SEIR.
- M41: The comment relates to inputs to the CalEEMod model, which was used to develop the construction and operational emissions inventories for the Project. Please refer to response to Comment M19.
- M42: The comment states the Draft SEIR uses an incorrect CO₂ intensity factor to estimate operational emissions associated with PG&E electricity generation. Please refer to response to Comment M20.
- M43: The comment expresses concern that the Draft SEIR uses the General Light Industry land use type in CalEEMod operational emissions analysis, even though there is no General Light Industry in the Project Description. Please refer to response to Comment M21.
- M44: The comment expresses concern that the Draft SEIR has underestimated total VMT and also emissions by mobile sources during project operation. Please refer to response to Comments M22 and M23.
- M45: The comment expresses concern that SCA AIR-1 is not sufficient to reduce NO_x emissions from construction to a less than significant level. Please refer to response to Comment M25.
- M46: The commenter states that the Draft SEIR does not incorporate all feasible mitigation measures to reduce VOC emissions, including use of zero-emissions and “super-compliant” paint, use of material that do not require paint, and requirements to apply coatings and adhesives using electrostatic spray, HVLP spray, roll coater, flow coater, dip coater, etc. to maximize transfer efficiency.

Mitigation Measure AIR-2.1 requires use of low- and super-compliant coatings to reduce VOC emissions. While Oak Knoll may use only zero-VOC and super-compliant coatings during operations, as a conservative approach, the Draft SEIR does not assume or attempt to quantify any potential VOC emissions reductions from the use of such coatings, because it would be infeasible for the City to enforce restrictions on private home and business maintenance activities involving painting and other exterior surface coatings during Project operation.

The commenter also suggests using various application methods to reduce emissions from coatings and adhesives. However, the purpose of these spray equipment and application technologies is to increase the transfer efficiency of coating solids, which would only decrease particulate matter (PM) emissions, not ROG emissions. Transfer efficiency refers to the percentage of solids content that will adhere to the surface and does not affect or change the volatility of any organic compounds in the coatings. Therefore, implementation of these application methods as a mitigation measure would not reduce ROG emissions or reduce the operational ROG impact to less than significant. Further, it is infeasible for the City to enforce restrictions on painting techniques used by

- private homeowners and commercial tenants in the future, after construction, because painting does not require City permit approval.
- M47: The comment states the Draft SEIR uses the GGRP to find that the Project's GHG impact is less than significant. Please refer to discussions in the response to Comment M23.
- M48: The comment states that the GGRP included as Appendix W to the Draft SEIR should quantify offset requirements for the 2023 operational year. Please refer to response to Comment M24.
- M49: The comment expresses concern that the Project's TDM Program does not meet the requirements of SCA TRA-4. Please refer to discussions in Master Response B. The Draft SEIR GHG analysis conservatively analyzed trip reduction based only on Project design features as well as with the implementation of the TDM Program, and did not credit trip reductions until all of Phase III is developed and occupied.
- M50: The comment provides the resume for the author of Comments M30–M39. The information does not address the adequacy of the Draft SEIR. The comment is noted.
- M51: These comments provide the resume for the author of Comments M40–M49. The information does not address the adequacy of the Draft SEIR. The comment is noted.



CALIFORNIA
NATIVE PLANT SOCIETY

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October 12, 2016

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City of Oakland
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case number ER15-004

**RE: Oak Knoll Mixed Use Community Draft Supplemental Environmental Impact Report
(Draft SEIR)**

Dear Ms. Heather Klein, and City of Oakland Planning Commissioners,

The following are the comments of the East Bay California Native Plant Society (EBCNPS). The California Native Plant Society (CNPS) is a non-profit organization of more than 10,000 laypersons and professional botanists organized into 34 chapters throughout California. Our local East Bay chapter (EBCNPS) covers Alameda and Contra Costa Counties, inclusive of approximately 1000 members. The mission of CNPS is to increase the understanding and appreciation of California's native plants and to preserve them in their natural habitat through scientific activities, education, and conservation. We appreciate the opportunity to comment on these General Plan and Downtown Specific Plan Updates, and the Draft Sand Creek Focus Area Land Use Map and related planning process. Pursuant to the mission of protecting California's native flora and vegetation, EBCNPS submits the following comments:

N1 | EBCNPS has interest in all native and locally significant plant species, and an appreciation for many positive planning changes evident in the Draft SEIR overall compared to previous versions. As in my spoken comments at the Planning Commission meeting on October 5, 2016, I will concentrate on the Oakland star tulip, *Calochortus umbellatus*. However, EBCNPS is interested in all native plant protections and impacts on the project site. Please contact us for any detail clarifications, or native plant protections questions. We are happy to provide more input on potential project improvements in the service of protecting maximum natural resources on site, or other projects in the City of Oakland.

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As requested, in our letter we discuss sufficiency of the Draft SEIR in discussing possible impacts on the physical environment, ways in which potential adverse effects may be minimized, and alternatives to the project.

N1
cont.

Primarily, EBCNPS requests a summary analysis of the records viewed by the project sponsor, its consultants, or its investors, that ultimately led to the conclusion of “regional prevalence” of the Oakland star tulip, followed by an assessment of “no significant impact” on the Oakland star tulip at this project site. A detailed summary of existing regional records would improve understanding of the exact regional prevalence and ultimate importance of these native plants. We believe that actual regional prevalence has not been sufficiently evaluated as required by CEQA, in order to accurately determine extent of impact of this project on this species as a whole.

We request revisions of this Draft SEIR to include the following adjustments:

Provide a complete account of botanically verifiable records accessed which were used to determine “regional prevalence” of Oakland star tulip.

N2

It is stated in the Draft SEIR that “loss of Oakland star tulip is not considered significant given regional prevalence of the species,” thus concluding that this impact is not significant. At the same time, Oakland star tulip is ranked CNPS Rare Plant Rank (RPR) 4.2, and recognized by our chapter as species of local concern and rarity as A2, one of our highest rankings. The Draft SEIR acknowledges these rankings, and provides an outline proposal for a voluntary mitigation measure which would transplant the bulk of this population to another location on site.

As defined in CEQA Guideline 15125, providing environmental setting in the vicinity of the project and baseline conditions, are key to deciding impact significance. As ranked, Oakland star tulip meets the definition of rarity in CEQA Guideline 15380, because it is a species not presently threatened with extinction but occurs in such small numbers that it may become endangered if the environment worsens. If this site is the largest recorded population in the east bay, and especially if it is the largest population throughout the species’ range; then, this population at this project site is providing significant genetic variety to the species, and an avoidable impact inflicted on this population would be a tremendous and possibly unrecoverable push towards extinction.

“Regional prevalence” is the primary justification given for a conclusion of no significant impact. Vital to assessing impact to Oakland star tulip, is an appropriate assessment of available occurrence records of Oakland star tulip. A summary report of substantiated observational records performed by a qualified botanist, is essential to draw this conclusion of no impact. In other words, a summary analysis is due diligence that should already be part of available records which were accessed by project sponsor or consultants used to determine area prevalence, not a new mapping effort.

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N2
cont.

The records EBCNPS has accessed in pursuit of finding another comparably sized population do not seem to be the same as what the applicant has accessed. EBCNPS concludes from verifiable occurrence records available to us, that impact to Oakland star tulip on this project would be a *biologically significant impact*, and that *regional prevalence cannot be concluded* from the available records. We are currently unaware of a population in the east bay larger than this 723 plants. We believe this difference of conclusion is not a difference of opinion of two scientific parties who are viewing the same available records. From the Draft EIR assessment and references, it is unclear whether this difference of conclusion is based on a robust documented existence of Oakland star tulip which our organization is simply unaware of, or, an incomplete or inaccurate analysis of regional setting and baseline data. This lack of clarity is a weakness in the Draft SEIR, and makes assessment of impact very difficult.

Note that number of records is not an accurate profile of prevalence. Even if one hundred appropriately documented occurrences of Oakland star tulip exist in the east bay, how many of these other records are 1, 5, or even 50 plants in population size? The 723 plants at this project site would still represent enormous source of genetic diversity for the entire species, and especially for local populations.

We are concerned that unverified and unsubstantiated records may have been referenced as justification for regional prevalence in the Draft SEIR. The records referenced in the Draft SEIR vary from California Natural Diversity Database (CNDDDB) occurrences and EBCNPS Rare, Unusual and Significant Plants database records (both verified and substantiated resources), to Calflora Database records and reference to rumors of multiple nearby populations of Oakland star tulip numbering in the thousands.

Additionally, all records are not created equal, and unfortunately not everyone is a qualified botanist. Citizen- science, volunteer- sourced records are more likely to contain misidentifications, inaccurate population estimates, and visits to areas not timed for the appropriate flowering time (and thus, accurate evaluation of population size) for any given rare plant. Although Calflora is an excellent tool, a significant component of its data is sourced from citizen science volunteers. We encourage an accounting of records verified by a professionally qualified botanist. For reference, our organization provides statewide guidelines for California Consulting Botanist Certification.

A publicly available summary of the known Oakland star tulip records could go far in answering simple analysis questions such as: How many other substantiated records occur of the Oakland star tulip? How many plants occur at each of the substantiated observational records? How many of these records are less than 50 plants, less than 250 plants, or near 1000 plants? Essentially, how big is this population on the project site, compared to other populations? We believe a summary analysis will show this population is of enormous significance to the species as a whole.

The underlying argument behind a finding of no significance for impacts to this species, is the assumption that only plants listed as CNPS RPR 1 or 2 deserve legal protections and enforceable mitigation measures. Many more native rare plants than are listed as CNPS RPR 1

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or 2 or than are listed with the California Endangered Species Act or the Native Plant Protection Act, for example, actually do require legal protections. CEQA sections 15380 and 15125 reference legal protections for native plants of local rarity and concern.

N2
cont.

We recommend revisiting the assumption of prevalence in the region of Oakland star tulip. While this assumption is under scrutiny, we also support recognition of impact to Oakland star tulip as a *significant* biological impact. Not all native plants receive rarity rankings, so it is significant to consider that this plant has received a ranking. Oakland star tulip occurs in small geographic range, and is rare statewide. EBCNPS considers the current rarity rankings of the Oakland star tulip as sufficient enough to demonstrate significance of impact to the species. Protections for it would then be required. We would support wholesale avoidance as the most appropriate mitigation measure for this species.

Recognize and assess impacts to rare vegetation alliances present, such as Arctostaphylos Shrubland Alliance, and Maritime Chaparral.

The following is a brief account of sensitive communities and rare vegetation alliances which need further consideration for impacts.

N3

Northern Maritime Chaparral likely does occur on site, but on page 4.3-8 the Draft SEIR notes that Maritime Chaparral has only the potential to occur. On page 4.3-6, *Arctostaphylos crustacea ssp. crustacea* is listed as a plant associate within the Coastal Scrub/California sagebrush scrub community. This is a characteristic species of a rare community type Arctostaphylos (*crustacea, tomentosa*) Shrubland Alliance (Brittle leaf - Woolly leaf manzanita chaparral) and thus should be called out as a separate vegetation type and protected. To qualify, you only need 1-2% of *A. crustacea* cover. This vegetation type is a subset of vegetation types included within Northern Maritime Chaparral.

· Other locally significant plants: They note that slender-footed sedge and Douglas iris are locally significant – not clear if they are also offering protections for these documented occurrences.

Value equally both naturally-occurring and planted native vegetation communities, including all needlegrass grasslands.

N4

Regarding native versus planted needlegrass grasslands occurring on project site, the Manual of California Vegetation (MCV) does not differentiate between native and planted vegetation communities in different protections, only that they need to meet the membership rules. California Department of Fish and Wildlife does allow for some assessment of the habitat value of an area (e.g., lack of invasives, etc.) – but from the data provided it is difficult to differentiate if the planted areas are particularly degraded so it appears all mapped needlegrass should be protected. Note also that MCV membership rules require at least 10% relative cover (which is what is mapped), or 5% absolute cover (which in cases where total herbaceous cover is very high, could mean less than 10% relative cover).

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N4
cont.

EBCNPS also supports providing native plant protections for locally significant slender-footed sedge and Douglas iris. Protection measures are not obvious in the Draft SEIR.

We also encourage incorporating more existing mature live oak trees into the final development plan. Tree Removal and Tree Preservation Permits allow removal of 4191 trees within Project limits, of which 3511 trees are protected under Oakland Tree Ordinance, and 2539 trees are native species (with plans for replacement). The proposed tree replanting program provides planting 5378 new trees.

Conclusion:

N5

We recognize this mitigation and relocation plan for Oakland star tulip is a voluntary mitigation measure. It is currently possible for the developer to change this plan to completely eliminate all Oakland star tulip on the project site, without any mitigation plans proposed or required. Obviously, this is not in the best interest for this iconic Oakland native. We support presence of a mitigation plan over no mitigation plan at all. However, we advocate firstly for avoidance of rare native plants, followed by the most robust restoration plan possible to rectify damages and restore the population exactly where it already occurs following impacts, followed by the strongest mitigation plan possible with protocols in place for high survivorship of native rare plants in place. We are also concerned about the unnecessary detriment of the entire species at risk, further contributing to its rarity.

In conclusion, thank you for the opportunity to participate in this important proceeding. We look forward to being active participants in upcoming related review processes. If you have any questions, please contact me at conservation@ebcnps.org or 510-734-0335.

Sincerely,

Karen Whitestone
Conservation Analyst
East Bay California Native Plant Society

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ATTACHMENT

EBCNPS RECOMMENDED PUBLICATIONS

- “A Guidebook to the Botanical Priority Protection Areas in the East Bay.” East Bay Chapter of the California Native Plant Society. 2010. Bartosh et al. <<http://ebcnps.org/publications/guidebook-to-botanical-priority-protection-areas/>>. Accessed August, 2016.
- “Rare, unusual and significant plants of Alameda and Contra Costa Counties.” East Bay Chapter of the California Native Plant Society. 2016. Lake. <<http://ebcnps.org/native-plants/database-of-rare-unusual-and-significant-plants-of-alameda-and-contra-costa-counties/>>. Accessed August, 2016. Online database.
- “A1/ A2/ *A-ranked Hot Spots of the East Bay.” Rare, unusual and significant plants of Alameda and Contra Costa Counties. East Bay Chapter of the California Native Plant Society. 2010. Lake. Accessed August, 2016.
- “Annotated Checklist of the East Bay Flora, 2nd ed.” East Bay Chapter of the California Native Plant Society. 2013. Ertter et al.
- “Manual of California Vegetation, 2nd ed.” California Native Plant Society. 2009. Sawyer et al. <<http://vegetation.cnps.org/>>. Accessed August, 2016. Online database.

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Letter N Response – California Native Plant Society

N1: See response to Comment N2.

N2: The response has been organized by sub-headings for greater ease of readability.

Statewide Rarity

Oakland star tulip (*Calochortus umbellatus*) is a California Rare Plant Rank 4.2 species, indicating that it has a “limited distribution” statewide and is “moderately threatened.” It has been documented in Alameda, Contra Costa, Lake, Marin, Santa Clara, Santa Cruz, San Mateo, and Stanislaus counties, although it is thought to be extirpated from Santa Cruz County (CNPS, 2016). The majority of documented occurrences are located in grassland and woodland habitats in the hills of Alameda, Contra Costa, and Marin counties (CNDDDB, 2016).

There are a total of 114 documented occurrences in the California Natural Diversity Database (CNDDDB, 2016). Most of these records (80/114) have no abundance estimates associated with them. Of the remaining 34 records, 12 (or 35 percent of those with abundance estimates) were estimated to have more than 700 plants (CNDDDB, 2016). An additional four records have qualitative descriptions which suggest several hundred plants such as “500+”, “100s”, or “100-1000” (CNDDDB 2016). Thirteen records (38 percent of those with abundance estimates) are small populations of 100 plants or fewer (CNDDDB, 2016). A complete listing of these records can be found in **Appendix R** to this Final SEIR.

In addition to the records listed in CNDDDB, there are several well-documented occurrences of large populations listed on the Calflora Observation Hotline (Calflora, 2016). While some of these records appear to be duplicates of those in the CNDDDB, others appear to be unique records, or at least unique abundance information for duplicate records. For example, there is a record of 2,000 plants in the El Cerrito Hills with the source listed as the East Bay CNPS Rare and Unusual Plants Database and another record of “1,001-10,000” plants in Lake County with the observer listed as Ryan O’Dell (a professional botanist with the Bureau of Land Management). Neither of these abundance estimates appears to be included in the CNDDDB. A complete listing of Calflora records is listed in Appendix R to this Final SEIR.

Analysis of Threat/Cumulative Impacts

Although spatially explicit data are not available for Rank 4 species in the CNDDDB, Calflora’s Observation Hotline includes latitude and longitude for each reported occurrence. Of the 238 spatially explicit occurrences on the Calflora Observation Hotline, 169 (71 percent) are located within protected areas identified in the California Protected Area Database (CPAD). While the validity of the Calflora Observation Hotline has been questioned as “citizen science,” the majority of reports are from reliable, well-documented sources such as the Consortium of California Herbaria (CCH, 114 records), the East Bay CNPS Rare and Unusual Plants Database (71 records), and other reliable organizations that employ professional botanists such as East Bay Regional Park District, Marin Municipal Water District, National Park Service, California State Parks, and The Nature Conservancy. Only 40 records (17 percent) are from individuals or volunteer groups and many of these individuals are well-qualified botanists (see list in Appendix R to this Final SEIR). Based on these data, the majority of populations appear to be

protected and relatively secure with little threat. Only 29 percent of the occurrences are located on private lands. As such, the potential for cumulative impacts is minimal to Oakland star tulip as a result of development.

CEQA Consideration for Rank 4 Species

According to the California Native Plant Society (CNPS 2016):

Plants with a California Rare Plant Rank of 4 are of limited distribution or infrequent throughout a broader area in California, and their status should be monitored regularly. Should the degree of endangerment or rarity of a California Rare Plant Rank 4 plant change, we will transfer it to a more appropriate rank.

Some of the plants constituting California Rare Plant Rank 4 meet the definitions of the California Endangered Species Act of the California Department of Fish and Game Code, and few, if any, are eligible for State listing. Nevertheless, many of them are significant locally, and we strongly recommend that California Rare Plant Rank 4 plants be evaluated for impact significance during preparation of environmental documents relating to CEQA, or those considered to be functionally equivalent to CEQA, based on CEQA Guidelines §15125 (c) and/or §15380. This may be particularly appropriate for:

- *The type locality of a California Rare Plant Rank 4 plant,*
- *Populations at the periphery of a species' range,*
- *Areas where the taxon is especially uncommon,*
- *Areas where the taxon has sustained heavy losses, or*
- *Populations exhibiting unusual morphology or occurring on unusual substrates.*

Impacts to Oakland star tulip were evaluated for impact significance during preparation of environmental documents as required under CEQA. However, the population of Oakland star tulip on the Oak Knoll site does not meet any of the above criteria. The type locality is Oakland, California (Abrams, 1923) in a variety of habitats (CNPS, 2016). The population is not at the periphery of the species' range as there are several populations to the east and south (e.g. Cull Canyon, Chabot Regional Park, Sunol Regional Wilderness, Ohlone Regional Wilderness, Knowland Park, Las Trampas Regional Wilderness, and Mt. Diablo) and numerous populations to the north and west in Marin, Alameda, and Contra Costa counties (CCH, 2016; CNDDDB, 2016). The taxon is not especially uncommon in the vicinity of the Project area as there are at least 16 documented occurrences in the Oakland East USGS 7.5-minute quadrangle in which the Project is located and 69 documented occurrences in the East Bay (CNDDDB 2016). The taxon has not sustained especially heavy losses in the vicinity of the Project area as the majority of the suitable habitat has been protected as part of the East Bay Regional Park District or East Bay Municipal Water District Watershed lands (CCH, 2016; CNDDDB, 2016; and CPAD, 2016). The population of Oakland star tulip in the Project area does not exhibit unusual morphology or occur on unusual substrate. The form of the Oakland star tulip at Oak Knoll is typical of the species and this species has been documented on a wide variety of soil types (CCH, 2016; CNDDDB, 2016).

Local Rarity

The Oakland star tulip is included as an A2-ranked species on the East Bay California Native Plant Society's Database of Rare, Unusual, and Significant Plants of Alameda and Contra Costa Counties (Lake, 2010). The database defines this ranking as follows:

A2: Species currently known from 3 to 5 regions in the two counties, or, if more regions, meeting other important criteria such as small populations, stressed or declining populations, small geographical range, limited or threatened habitat, etc.

The Oakland star tulip is listed as occurring in 11 regions in the two counties (Lake, 2010), which would otherwise classify it as a C-ranked species (part of the second-priority watch list) based on the regional distribution criterion described in the methodology; however, its rank was elevated due to "small geographical range," a term that is never defined in the document (Lake 2010). C-ranked species are described as being "still relatively common and widespread in the two-county area (occurring in 10 to 15 regions), [but] they should be monitored since they could become less common if certain conditions persist" (Lake, 2010). Oakland star tulip is not the only species whose local rarity status was upgraded beyond what its regional distribution would otherwise warrant. For example, coast live oak (*Quercus agrifolia*) likely occurs in all 40 botanical regions in the East Bay, but was also ranked as an A2 species, the same rank as Oakland star tulip (Lake, 2010). In the case of coast live oak, the database justifies the A2 ranking due to the fact that "many trees are being attacked by Sudden Oak Death (SOD)."

There are at least 69 documented occurrences of Oakland star tulip in Alameda and Contra Costa counties (CNDDDB, 2016). The Calflora database includes 145 records of Oakland star tulip in Alameda and Contra Costa counties; however, many of these records are duplicates of those in the CNDDDB and some cannot be validated so the true number of documented occurrences is likely somewhere between 69 and 145. Of the 69 records in CNDDDB, 18 have abundance estimates. Three populations (17 percent of those with abundance estimates) have more than 1,000 plants (one has more than 5,000 plants) and another three occurrences (17 percent of those with abundance estimates) have qualitative descriptions which suggest several hundred plants such as "500+", "100s", or "100-1000" (CNDDDB, 2016). Ten records (56 percent of those with abundance estimates) are of small populations with fewer than 100 plants (CNDDDB, 2016). The Calflora Observation Hotline lists six records of Oakland star tulip in the East Bay with 500 or more plants and one record that notes the number of plants as "abundant." The source in each case is the East Bay CNPS Rare and Unusual Plants Database (Calflora, 2016). Four of the six records appear to be duplicates of those in the CNDDDB; however, the other two (500 plants at Chaot-Garin Trail and 2,000 plants in the El Cerrito Hills) appear to be unique records. In total, we are aware of four populations in the East Bay with more than 1,000 plants, six populations in the East Bay with 500 or more plants, and nine populations in the East Bay described as being several hundred plants or more (excluding the Project site) (Calflora, 2016; CCH, 2016; CNDDDB, 2016). Of these, seven populations are located in protected areas and two (El Cerrito Hills and Sobrante Ridge) are located on private lands. The remaining records do not have exact locations, but are located within the Oakland East, Las Trampas Ridge and Briones Valley quadrants.

It is important to note that the majority (74 percent) of documented records in the CNDDDB lack abundance estimates. As such, it is likely that additional large populations exist, but the numbers of plants have not yet been quantified or reported. In fact, the East

Bay CNPS comment letter notes that Calflora records may be more likely to contain “inaccurate population estimates, and visits to areas not timed for the appropriate flowering time (and thus, accurate evaluation of population size) for any given rare plant.” This is certainly true, and the estimates are more likely to be skewed towards under-reporting than over-reporting. Specifically, because Oakland star tulip is relatively common in the East Bay hills, few people are likely to wander off trails and scour steep hillsides or other difficult to access areas to carefully count the numbers of individuals in an effort equivalent to that of a professional rare plant survey. In addition, the vast majority of reported occurrences are based on single-day surveys which may or may not have been ideally timed (see list in Appendix R). In contrast, the Oak Knoll survey included a team of four professional botanists surveying the site across multiple days. Indeed, the initial population estimate for the Oak Knoll site was increased to 700 only after repeated surveys and the number of plants documented during the 2015 survey was substantially higher than during a previous survey (13 plants in a 2006 survey; WRA, 2006). With a lower survey effort or without repeated visits (as is the case for most records in the database), one could have easily concluded that the Oak Knoll population was much smaller than it is.

One commenter also noted the frequency of records indicating “1+” individuals in the Calflora database (Calflora 2016) as evidence that most populations of Oakland star tulip are quite small. However, it is important to clarify that “1+” is the default entry for the “number of plants” field when entering data into the Calflora Observation Hotline. As such, these values should really be treated as “not available” or “N/A”, rather than as indications of one or only a few plants. In fact, there are seven records in the Calflora database that describe populations with 500 or more plants in the “notes” field and in each case the “number of plants” field states “1+.” In the CNDDDB dataset, which is more closely managed, 35 percent of the records with size estimates have more than 700 plants and the proportion could be as high as 47 percent if qualitative descriptors such as “500+”, “100s”, or “100-1000” are included (CNDDDB, 2016). Nonetheless, the City will modify its recommendation that the Project harvest 50 percent of the bulbs for replanting on site and instead recommend that 100 percent of the bulbs be harvested, as presented in Recommendation BIO-1.1 in response to Comment M12. The applicant has agreed to implement this measure as an enforceable condition of approval.

- N3: The statement on page 4.3-8 of the Draft SEIR that hairy manzanita (*Arctostaphylos crustacea* ssp. *crustacea*) is an associate species in the coastal scrub/California sagebrush community is inaccurate. The original Biological Resources Report (WRA, 2015d) lists *A. crustacea* ssp. *crustacea* manzanita as present but not dominant in the California sagebrush community. The comment letter seems to imply that *any* area with *A. crustacea* ssp. *crustacea* should be “called out as a separate vegetation type and protected.” It also notes that “to qualify, you only need 1-2 percent of *A. crustacea* cover.” It is unclear where the 1-2 percent threshold comes from, and one or several individuals do not typically constitute a vegetation type or community. In fact, the Manual of California Vegetation lists 30 percent cover of *A. crustacea* or *A. tomentosa* in the shrub canopy as the minimum cover requirement for qualification as *Arctostaphylos* shrubland alliance (CNPS, 2016; Keeler-Wolf et al. 2003). And, Holland (1986) describes Northern Maritime Chaparral as “A fairly open chaparral (50-80 percent cover, usually fairly easy to walk through) dominated by several narrowly restricted manzanita or ceanothus species.”

The area where *A. crustacea* ssp. *crustacea* was observed is located on a south-facing slope on the Hardenstine Parcel in the southern portion of the Project site. The coastal

scrub community in this area is intergrading with coast live oak woodland and it appears to be in a state of transition from coastal scrub to coast live oak woodland. As such, most of the few *A. crustacea* ssp. *crustacea* plants present are in decline due to increased shading and competition. Finally, this area would not be impacted by the proposed Project and would be permanently preserved via a restrictive covenant.

N4: The response has been organized by sub-headings for greater ease of readability.

Needlegrass Grasslands Conditions and Preservation

The majority of the needlegrass grasslands on the Project site will be preserved as noted on page 4.3-68 of the Draft SEIR. Specifically, the Project would protect 6.62 acres of purple needlegrass grassland in an area that will be in a GHAD area with a restrictive covenant and zoned as passive open space. The 3.86 acres to be removed represent a very small proportion of the overall extent of needlegrass grasslands in the region. The CNDDDB has identified approximately 160 acres of needlegrass grassland at Fairmont Ridge and another 50 acres of serpentine grassland (needlegrass dominated) at Redwood Regional Park (CNDDDB, 2016). Knowland Park has at least 73 acres of needlegrass grassland (WRA, 2011). Tilden and Wildcat Regional Parks also have “abundant purple needlegrass” according to the California Native Grassland Association’s Guide to Visiting California’s Grasslands (CNGA).

Surveys and Methods

The information in the Draft SEIR regarding purple needlegrass grasslands in the Project vicinity and cited by the commenter is based on professionals and methods described in the Oak Knoll Rare Plant Survey Report (WRA, 2016a). Surveys were conducted by trained botanists familiar with the flora of the San Francisco Bay Area. The surveys were conducted using wandering transects and were floristic in nature (i.e. all plants observed were identified to the lowest level possible, often subspecies or variety). The survey dates in March and April of 2015 encompassed the peak bloom periods for six of the seven species with potential to occur. Rainfall preceding the surveys was below normal; however, reference site visits were conducted to verify that target plant species were in bloom and detectable. Reference site visits confirmed that the survey timing and weather conditions were suitable for the detection of the majority of the target species; however, the 2015 surveys were conducted too late in the season to be able to adequately detect fragrant fritillary (*Fritillaria liliacea*). As such, additional focused surveys were conducted in February and March of 2016 for fragrant fritillary. A reference visit confirmed that the survey timing and weather conditions were suitable for the detection of this species. No members of this species were observed.

Naturally-Occurring vs. Planted Purple Needlegrass

See response to Comment M13, which also addresses differentiating native versus planted purple needlegrass and CDFW guidance on the matter. The commenter here is correct that the Manual of California Vegetation does not differentiate between native and planted vegetation communities. The Project sponsor has mapped all areas that met the minimum requirements for consideration (membership rules) as needlegrass grassland. However, the Manual of California Vegetation is not a regulatory document and does not by itself provide any recommendations regarding appropriate “protections” for vegetation types. Notably, the majority of native needlegrass in the Project area exists in areas that are proposed for permanent open space protection (see **Appendix S** to this Final SEIR).

Habitat Quality and Diversity

Additionally, wildlife species richness is often considered an indicator of habitat quality. The most recent Alameda whipsnake (*Masticophis lateralis euryxanthus*; AWS) survey that was completed on the Oak Knoll site (The Wildlife Project, 2015), when combined with a very similar survey that was conducted at Knowland Park (Swaim, 2011), offers a unique opportunity to compare wildlife use at these two nearby sites. Knowland Park also supports needlegrass grassland communities, and the needlegrass grassland at Knowland Park was considered to be higher quality than the needlegrass grassland at Oak Knoll due to the fact that Knowland Park is a larger, more contiguous open space area that has never been previously developed. This belief that Knowland Park represents higher quality habitat is strongly supported by the wildlife survey data. Both the Knowland Park survey and the Oak Knoll survey used traplines of drift fences and funnel traps to survey for AWS in a variety of habitat types. In each case, the survey effort consisted of more than 2,500 trap days. The Knowland Park survey resulted in a total of 2,575 total captures of 24 different vertebrate species across 3,150 trap days. In comparison, the Oak Knoll survey resulted in only 404 total captures of 10 vertebrate species across 2,598 trap days. AWS was not captured during any of the trapping events at Oak Knoll.

After adjusting the total number of captures for the total number of trap days, the Knowland Park site averaged 0.82 captures/trap day compared to 0.16 captures/trap day at Oak Knoll. Moreover, the total species richness was 2.4 times higher at Knowland Park. The species evenness at Knowland Park was also substantially higher than at Oak Knoll. At Knowland Park, the most commonly observed species (western fence lizard) represented 33 percent of all captures compared to 62 percent of all captures at Oak Knoll. The higher species richness and evenness at Knowland Park suggest that biodiversity and habitat quality are higher at Knowland Park compared to Oak Knoll.

Finally, the EIR/EIS prepared for Oak Knoll in 1998 also concluded that impacts to purple needle grass were less than significant. That conclusion was not challenged and remains unchanged.

Douglas' Iris and Slender-footed Sedge

The impacts to Douglas' iris (*Iris douglasiana*) and slender-footed sedge (*Carex leptopoda*) were analyzed in the Draft SEIR. Both of these species are widespread along the northern and central coast of California (slender-footed sedge is also common in the Sierra Nevada Range, (Jepson eflora, 2016). Although these species are locally ranked because the East Bay is near the edge of their distributions, the Project would not reduce the range of these species. In the case of both species, there are nearby populations that have already been protected in open space areas. For example, slender-footed sedge occurs in both Joaquin Miller and Redwood Regional Parks and is commercially available at local native plant nurseries (nativeherenursery.org). The sources of the nursery plants are listed as Redwood Regional Park, Claremont Canyon, and Tilden Regional Park. Douglas' iris also occurs at both Redwood Regional Park and Joaquin Miller Regional Park, as well as Huckleberry Regional Park, Chabot Regional Park, Claremont Canyon and other areas (Lake, 2010). As such, Project impacts to these species were found to be less than significant and no mitigation is proposed.

Proposed Tree Plantings/Relocation

In addition to planting many thousands of native trees on the Project site (over 8,500 trees, as stated in Chapter 2 and Appendix E to this Final SEIR), the Project will salvage

between 10 and 20 mature specimen trees for relocation within the Project area at an estimated cost of approximately \$100,000 per tree. The salvaging of mature trees is a voluntary measure that is being implemented in addition to the tree planting that is required by the City of Oakland Ordinance.

- N5: The commenter addresses the need for a complete account of verifiable records to determine regional prevalence of the Oakland star tulip. See response to Comment N2 above regarding impacts to Oakland star tulip.

Oak Knoll Coalition

Generating citywide support to create long-term benefits at Oak Knoll

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LETTER O



OKNIA

Sequoyah Heights

Sequoyah Highlands

Sequoyah Hills

SHOKNA

Shadow Woods

Oakland Planning and Zoning
250 Frank H. Ogawa Plaza
Oakland, CA 94612

October 12, 2016

RE: Oak Knoll DSEIR SCH No. 1995103035 dated August, 2016
City File No. ER-15-004

Dear Planning Department:

The Oak Knoll Coalition (OKC) submits the following comments regarding the Draft Supplemental Environmental Impact Report (DSEIR) for the Oak Knoll Mixed Use Community Project Plan.

O1

The Coalition represents six homeowners associations and some 6,000 residents of neighborhoods surrounding the Oak Knoll Project. Members of the Coalition have exhaustively reviewed this DSEIR, and we find this critical document to be inconsistent, unclear and incomplete in myriad ways — so much so that it is impossible for the public, staff and decision makers to reasonably evaluate many key Project impacts and proposed mitigations.

O2

The California Environmental Quality Act (CEQA) contains a “substantive mandate” that public agencies must deny Projects with significant environmental effects if “there are feasible alternatives that can substantially avoid those effects¹.” In order to determine whether the Project will create significant effects, and whether alternatives should be considered, CEQA requires that EIRs be “organized and written in a manner that will be meaningful and useful to decision makers and to the public.”² Therefore, the Project description in the EIR must be clear, accurate and consistent throughout the EIR.³ In fact, “[A]n accurate, stable and finite Project description is the sine qua non of an informative and legally sufficient EIR.”⁴ Only when the Project description is absolutely accurate throughout the entire document can the general public understand, review and comment on the EIR, and only then can the public agency consider the advantage of terminating the Project, or weigh other alternatives.⁵

That is certainly not the case with the Draft Supplemental EIR for the Oak Knoll Mixed Use Community Project Plan considered here.

¹ See Remy, Thomas, Guide to CEQA, 11th Ed., at p. 1, citing the California Supreme Court in *Mountain Lion Foundation v. Fish & Game Commission* (1997) 16 Cal.4th 105, at 134.

² Pub Res. Code § 21003(b).

³ Remy, Thomas, *supra*, at p. 415.

⁴ *County of Inyo v. City of Los Angeles*, 71 Cal.App.3d 185, 193 (1977).

⁵ *County of Inyo*, *supra*, at 192-193.

The DSEIR's Project Description is Legally Inadequate

O3

The Oak Knoll DSEIR begins with a Project Overview that inaccurately describes the Project as including “67.6 square feet of parks and open spaces,” when in reality the total is more than 67 acres. Further scrutiny of the volumes reveals much more than simple typographical errors, including missing and contradictory data; inconsistent data between tables, text and appendixes; unusable traffic maps that lack street names; missing legends or technical abbreviation keys for tables; ambiguous and obfuscatory language, and missing appendixes that are nevertheless referenced in the text.

In addition, the report fails to consider several aspects of the Project in cumulative context, fails to adequately analyze the alternatives for Club Knoll, ignores entire sections of the development as pertaining to visual impacts on surrounding neighborhoods and a state-designated Scenic Highway; and proposes insufficient or nonexistent mitigations in many areas of concern.

After extensive review, the Coalition finds that the DSEIR is legally inadequate and has failed to meet CEQA’s “substantive mandate,” meaning it therefore must be redrafted and recirculated for public comment.

Our specific concerns are detailed below. Additional comments on mitigations and other areas of incomplete analysis were presented (and hard copy of those comments was provided) during the October 5, 2016 public hearing before the Planning Commission.

4.1 Aesthetics

The DSEIR Fails to Adequately Consider Development Impacts

O4

The aesthetics review of the Oak Knoll Mixed Use Community Plan is skewed in that it only highlights positive mitigations pertaining to development of the Knoll or the Eastern Ridge. The bias is apparent in the DSEIR’s total disregard of development impacts other than those that involve the Eastern Ridge and does not consider the effects of development on the Northwest Knoll, impacts to the views on I-580 with state Scenic Highway designation, and the effects of loss of views of the Eastern Knoll for the Mountain Boulevard community directly across from the proposed new entrance to the Oak Knoll Community.

The Aesthetics section of the DSEIR is so deficient that the general public cannot ascertain the true impacts of the Project from all boundaries, and appropriate mitigations have not been studied due to incomplete analysis.

For these reasons, CEQA requires that the Aesthetics section be expanded and redrafted to include additional photo simulations and provide a deeper analysis of the environmental impacts to the existing neighborhoods.

The DSEIR Fails to Adequately Consider the Existing Environment

O5

Additionally, the DSEIR fails in that it does not adequately consider the entire existing environment surrounding the planned development. As the Coalition asserted through its

attorney in its 2007 review of the 2007 DSEIR, “In assessing the impacts of a Project proposed for an undeveloped piece of property, agencies should compare Project impacts against the *existing environment*, rather than a hypothetical, impacted future environment (the Maximum Capacity Alternative) that might occur without the proposed Project.”⁶

A. Impact AES-1: The proposed Project could adversely affect an existing scenic vista or substantially damage scenic resources within a state or locally designated scenic highway.

AES-1 has a designation of LTSM, less than significant impact, after mitigation. However, the analysis of impacts contained in the DSEIR is flawed as it does not actually consider all elements of the scenic resources, other than the Eastern Knoll, or the true effects of development on Eastern and North West Knoll views from all surrounding communities and the existing environment.

- 1) No analysis of the view from I-580 has been completed to ascertain how the Retail Village development will be seen from this state-designated Scenic Highway. The analysis considers the Eastern Ridge/Knoll, but it does not consider the impact of the actual commercial village on the highway itself, nor signage or height restrictions. In fact, the Design Guidelines⁷ submitted do not list proposed height restrictions, or provide any guidance whatsoever with the exception of DSEIR Figure 3-13a, which alludes to a height of 40 ft. Given that all commercial development currently along Mountain Boulevard visible from the highway is between one and two stories, a four-story retail structure will have a considerable impact on the scenic views from the designated Scenic Highway.
- 2) No analysis or photo simulations of the view from the Oak Knoll Heights community on Mountain Boulevard looking East, across the Retail Village to the Knoll have been submitted or considered for analysis in the DSEIR. As outlined in A1, no height guidelines have been submitted in the Design Guidelines to analyze the impacts. If in fact the suggested height of 40 ft shown in Figure 3-13a is maintained for the Retail Village, this will have a significant impact on the Oak Knoll Heights Community.
- 3) While the mitigation outlined in AES-1 may be sufficient for buildings along the Eastern Ridge, specific mitigation measures should be implemented to visually soften the areas surrounding the townhome developments either by building size guidelines, landscape requirements or other appropriate measures. This is by far the largest portion of the residential homes, and there is no treatment of ways to minimize the impacts of what are simulated to be large barracks-like buildings (see Figure 4.1-5A).

⁶ See *County of Amador v. El Dorado County Water Agency*, 76 Cal. App. 4th 931, 952 (3rd Dist. 1999) (“[a]n EIR must focus on impacts to the existing environment, not hypothetical situations”). See also Remy, Thomas, et al, *Guide to CEQA*, Solano Press Books, p. 199-200 (11th ed. 2006).

⁷ Oak Knoll Mixed Use Community Plan Project, Supplemental Environmental Impact Report (SEIR) SCH No. 1995103035, Appendix E, Oak Knoll Design Guidelines

B. Impact AES-2: The Project would not substantially degrade the existing visual character or quality of the site and its surroundings.

AES-2 has an unsupported designation of LTS-C/Beneficial, less than significant or negligible impact, no mitigation required, standard condition of approval, beneficial. However, the analysis of impacts contained in the DSEIR is flawed as it does not actually consider all elements of the existing visual character of the site and its surroundings.

Although significant Design Guidelines and suggested mitigation measures have been proposed for the Uplands/Ridge Homes (Low Density Single family Detached Homes) and Low/Medium Small Lot and Courtyard homes along the Eastern Ridge, no analysis of the impacts of the townhomes has been provided on the surrounding neighborhoods or alternative vistas, as required by CEQA.

Since the townhomes make up the largest portion (572 out of the proposed 935 homes, or 61%) of the residential development, the current DSEIR is incomplete and should be redrafted to consider the impact of the townhomes from the surrounding community vistas.

O8
cont.

The DSEIR Fails to Consider the Visual Impact of Townhomes

The DSEIR's failure to describe the treatment of townhomes on the Northwest Knoll that runs along Keller Avenue is a glaring omission. The Northwest Knoll is a prominent feature for communities along the North side of Keller Avenue, including Shadow Woods, Ridgemont Skyline, homes on the South West side of Campus Drive, and the residents of Rilea Way, facing South towards Keller, as well as Skyline Community Church and Leona Canyon Regional Open Space.

- 1) While photo and simulation viewpoints have been submitted for analysis in the 2016 DSEIR, they are incomplete because they primarily consider the views from the Eastern Knoll looking West Ridge or East from King Estate Open Space looking towards the Eastern Knoll/Ridge. This fails to consider the impact of the townhomes on the existing communities or the blockage of Southwest facing views of the Northwest Knoll and beyond, as required by CEQA.
- 2) Figure 4.1-12A of the 2016 DSEIR alludes to the density of the townhomes situated on the Northwest Knoll. The plateau rises approximately 88 feet from Creekside Parkway to the rise behind the Sequoyah Hills Church. The townhomes have been referred to as 30 ft and in some cases 40 ft high⁸, although, there is no mention of a suggested townhome height in the Design Guidelines submitted with the DSEIR.⁹ This study is unrealistic because it is an analysis of the views of the future homes

⁸ Figure 3-13b, page 3-26, Oak Knoll Mixed Use Community Plan Project, Supplemental Environmental Impact Report (SEIR) SCH No. 1995103035

⁹ Oak Knoll Mixed Use Community Plan Project, Supplemental Environmental Impact Report (SEIR) SCH No. 1995103035, Appendix E, Oak Knoll Design Guidelines

O8
cont.

along the ridge and does not consider the *existing* homes surrounding the proposed site.

- 3) CEQA requires that the DSEIR be redrafted to include a study of the impacts to the visual character of the existing surroundings, specifically photo simulations of the following intersections and vantage points:
 - a. Keller/Campus intersection looking Southwest down Keller Avenue into the proposed development, to the future site of the townhomes in the Creekside North and Uplands North development.
 - b. Rilea Way looking across the Sequoyah Hills Community Church parking lot to the ridge line of the proposed Uplands North townhome development.
 - c. Keller Avenue near Williams Street¹⁰/Canyon Oaks looking South West
 - d. The entrance and exit to Oak Knoll Heights looking East into the Retail Village and new entrance
- 4) The King Ridge in the King Estate Open Space (KEOS), at the highest point, is 478 ft. The highest Uplands North townhome pad is 440 ft, after grading (Uplands North, Figure 4.1-5B). The townhomes with the largest mass and highest roof lines will be in direct sight line from KEOS. The photo simulation depicting eight years of landscape maturity doesn't in any way mask these buildings, and the DSEIR fails to adequately mitigate view impacts at KEOS.
- 5) The DSEIR fails in its review of this site by not considering the visual impact of townhomes and whether the view of the Upland North highest pad would be improved by placing Courtyard SFD or Small Lot SFD at that location instead. Buildings with less mass, more roofline variation, and more shadow lines would clearly improve this sightline.

The DSEIR Fails to Include Adequate Design Guidelines

The Coalition recognizes that the City of Oakland has stated each residential developer will address Design Guidelines in their own building permit process. This is not in the best interests of a development of this size and impact, and as such the Design Guidelines should be far more substantial to mitigate miscommunications and loose interpretations down the road. For example, the Design Guidelines submitted for the Project do not delineate any size guidelines for the townhomes, specifically, how long or how high the buildings will be, other than through simulations of the creek corridor¹¹.

The Coalition is deeply concerned about the visual character and impact of townhomes and is strongly opposed to a 500+ unit Oak Knoll townhome development like the unsightly Leona

¹⁰ Williams St. is incorrectly identified in Figure 4.1-6A and Figure 4.1-6B. It does not exist in the depicted location.

¹¹ Oak Knoll Mixed Use Community Plan Project, Supplemental Environmental Impact Report (SEIR) SCH No. 1995103035, Page 3-26, Figure 3-13b

Canyon project nearby or the barracks-like runs of townhomes found in Dublin along the I-580 corridor.

The existing condominium neighborhoods in line of sight with Oak Knoll are Ridgemont Skyline, Shadow Woods and Oak Knoll Heights. These communities are no higher than two stories. The Shadow Woods and Ridgemont Skyline communities are comprised of eight-unit blocks, no more than two units wide.

The townhomes depicted in Figure 4.1-5A are substantially larger than what is present in the current surroundings, and the impacts of buildings of the depicted size and scope have not been studied from the vantage point of the communities and vistas most affected, nor have any suggested mitigations to the impacts been considered. The DSEIR must be redrafted to correct this deficiency.

The DSEIR Fails to Establish Appropriate Building Setbacks

The photo simulation of the corner of Mountain Boulevard and Sequoyah Road (Figures 4.1-10A, 4.1-10B, 4.1-11, and 4.1-11B) does not utilize an appropriate setback from the wall to the townhomes. This creates an enormous wall with no visual softening at the intersection, which is incompatible with the existing neighborhood character of older single-family and two story homes.

The visual appearance of the Project entry here must be corrected so these areas conform with adjacent neighborhoods, and a revised DSEIR must include a new photo simulation detailing the plan.

The Design Guidelines allude to “building line (setback varies)¹², yet there are no definitive setback guidelines provided. Additionally, the setbacks mentioned are for the front of a home, and no mention is made of the rear of the home, where similar setbacks should be required. A revised DSEIR must include clear setback guidelines.

Again, while the City of Oakland may feel it appropriate to define each neighborhood Project separately with each builder in a separate permit process, it is crucial for the development and the good will of the community that greater attention is paid to actual guidelines with real numbers throughout this initial process.

The DSEIR Fails to Provide an Adequate Summary and Analysis of the Retail Village

As stated previously in this comment letter, Retail Village views will be highly visible from existing multi-family townhomes at 8725 Mountain Blvd. Appropriate mitigations could include:

- Architectural/visual shielding of parking lot views.
- Provide photo simulation of Retail Village from perspective of second story window at 8725 Mountain Blvd.

¹² Oak Knoll Mixed Use Community Plan Project, Supplemental Environmental Impact Report (SEIR) SCH No. 1995103035, Appendix E, Oak Knoll Design Guidelines, pages 36-38, Figures 21, 22, 23

As the Retail Village views will be highly visible from traffic on Creekside Parkway, the Project design must also include:

- Shielding of loading docks, dumpsters, compactors, etc., viewed from Creekside Parkway.
- Provide photo simulation of Retail Village from Creekside Parkway at access to the Retail Village.

The DSEIR Fails to Consider Development Impacts on Surrounding Neighborhoods

The 1998 EIS/EIR¹³“...specifically considered the following components of the Maximum Capacity Alternative that would substantially affect the visual quality of visual character of the NMCO site (discussed under the category of “visual resources” in that document)

Demolition and Redevelopment of the West Quadrant. The Maximum Capacity Alternative would redevelop the west quadrant of the site with new commercial neighborhood retail buildings, parking and signage – introducing a new and different visual character to a portion of Keller Avenue, visible from adjacent neighborhoods to the north. While this development could result in some new blockage from vantage points along approximately 1,000 feet of Keller Avenue, the 1998 EIS/EIR concluded that the effect would be beneficial given the comparable architectural design and landscape treatment that would be employed.”

This 2016 DSEIR utterly fails to consider any development of the West and Northwest sites as they relate to the surrounding neighborhoods. Although the 1998 document found that the effect would be beneficial, this 2016 study does not even study the issue, so it is not possible to assert whether the townhome portions of the community will be beneficial or not. A revised DSEIR should address this deficiency, as required by CEQA.

The DSEIR Fails to Adequately Evaluate Lighting and Glare Impacts

Without knowing the orientation of the townhomes on the Northwest Knoll, or having any analysis done, this DSEIR fails to define whether much of the Project would substantially or adversely affect day or nighttime views in the area, or cause daytime glare.

As already discussed regarding section B/AES-2, additional photo simulations must be done on Keller Avenue. The revised DSEIR should also require International Dark-Sky Association Seal of Approval on all exterior lighting.

Similarly, it is impossible to adequately consider whether the proposed Project would cast shadow that substantially impairs the beneficial use of any public or quasi-public park, lawn garden or open space.

Additionally, no discussion of the impacts of the townhomes in the Uplands North Project have been undertaken as it relates to the views from Leona Canyon Open Space. CEQA requires that photo simulations from different elevations inside Leona Canyon open space be done to address impacts to AES-4.

¹³ Oak Knoll Mixed Use Community Plan Project, Supplemental Environmental Impact Report (SEIR) SCH No. 1995103035, Visual Character and Quality, Impact AES-2, pages 4.1-56-57

The DSEIR Fails to Provide Enough Information to Gauge Aesthetics Impacts

O15 Due to the analysis failures of the 2016 DSEIR listed above, it is impossible to evaluate whether the Project would result in a cumulative aesthetics impact. CEQA requires that revisions to the DSEIR be made according to the points above so that an accurate analysis can be done by the public.

Further, the only mitigations listed in Table 2.1, with respect to AES-6, are mitigations for building on the Eastern Slope/Knoll. No considerations for any mitigation relating to AES-6 due to the townhomes or building on the Northwest Knoll have been made. Likewise, as there is not a significant analysis of the Retail Center, it cannot be understood if the Retail Village will have a significant cumulative aesthetic impact.

Design Guidelines, Appendix E & F

The DSEIR Fails to Include Substantive Elements of the Design Guidelines

The Design Guidelines submitted in the DSEIR are vague throughout the document, especially around height and setback allowances for multiple areas of the development.

- 1) Page 9 of the Design Guidelines, Appendix E of the 2016 DSEIR, states,

“Where the Design Guidelines are silent or vague, the Preliminary Development Plan shall be used for the purposes of interpretation, and/or directly applied as appropriate.”

- 2) Page 24 of the Design Guidelines, Appendix E of the 2016 DSEIR states,

O16 “Building setback and height requirements are contained in the Development Standards with the proposed zoning and vary according to lot size and building type.”

No Preliminary Development Plan or Development Standard documents were included with the DSEIR or the Appendices. For this reason, it is impossible to accurately determine aesthetic impacts of the Project in the absence of clearly described building and architectural elements.

The treatment of the design elements of the townhomes and Retail Village are extraordinarily vague, and while more detail may exist, it was not submitted with the DSEIR.

If the Design Guidelines mention supporting documentation, those explanatory documents must be provided to the public.

CEQA requires that the appropriate supporting documents for the Design Guideline portion of the SIER submitted and the Aesthetics section be redrafted to appropriately consider the *actual and complete* design elements of the property.

Additional Areas of Aesthetics Concern

Without the Development Standards (by no means is this a complete list, given we do not have access to the documents) areas of Coalition concern and consideration pertaining to design and aesthetics are as follows:

- 1) Townhome height limits, massing and neighborhood context

O16
cont.

- 2) Orientation of the townhomes on the Northwest Knoll juxtaposed with the existing communities
- 3) Setback distances for townhomes along Mountain and Keller, from the sidewalk to the back of the units
- 4) Setback distance of the townhomes along the Northwest Knoll from Keller
- 5) Height allowances, setbacks and orientation planning for the Retail Village
- 6) Orientation of the parking at the Retail Village as it impacts the views from neighboring Oak Knoll Heights townhomes

4.2 Air Quality

The DSEIR Fails to Establish Compliance for Air Quality Measures

O17

The DSEIR quotes the Bay Area Air Quality Management District’s (BAAQMD) guidelines for emissions regulations but does not specify whether the Oak Knoll Project adheres to these guidelines, nor does it state that if it does not adhere to these guidelines, what measures will be taken to make it compliant. The DSEIR must be revised to state whether or not it adheres to the BAAQMD’s guidelines for emissions regulations thresholds for this type of development.

O18

Additionally, the Coalition would like to see the addition of language stating that vehicles used during the construction phase for all activities (not just diesel-fueled commercial vehicles over 10,000 lbs) at this site must comply with the CA EPA Heavy-Duty Diesel Vehicle Idling Regulations limits at all times.

The revised DSEIR should also mandate that diesel trucks and buses that operate at the site be upgraded to meet PM filter requirements for the entire duration of the construction phase of this Project (2017 through 2023).

The DSEIR Presents an Unacceptable Plan for Concrete Disposal

O19

Table 4.2-7 acknowledges that construction activities associated with the Project will create a potentially significant cancer risk that exceeds BAAQMD safety thresholds. This is of particular concern to the Coalition as it pertains to potential concrete crushing at the Project site, especially because the DSEIR does not appear to indicate whether concrete has been tested for asbestos and other known carcinogens.

The DSEIR states that two scenarios are under consideration for removing existing concrete surfaces — on-site crushing and off-site hauling. While we support the concept of recycling, we believe this task would better protect public health if it were located off-site and not in the middle of a residential neighborhood where residents may be subject to potentially hazardous concrete dust.

O20

Additionally, many people work out of their homes and air-quality and noise impacts from this Project would be significant; doing the material recycling offsite would reduce this impact to people’s livelihoods. The DSEIR fails to make any comments on how home-based businesses

O20
cont.

would be compensated for these impacts, and a revised version must address this issue in order for the public to understand whether there are additional impacts that need to be mitigated.

The DSEIR Fails to Prohibit Wood-Burning Fireplaces in New Construction

O21

The addition of 935 homes at this Project site can reasonably be expected to impact the air quality of surrounding neighborhoods. The DSEIR does not state whether the use of wood-burning fireplaces, wood-burning stoves or wood-burning outdoor devices will be allowed in new construction at Oak Knoll. The document should be revised to prohibit all wood-burning devices in the entirety of this site.

4.3 Biological Resources

The DSEIR Underestimates the Importance of the Site’s Oakland Star-Tulip Population

O22

The Oakland star-tulip is a statewide special-status plant that is also described under the City of Oakland General Plan’s Open Space, Conservation and Recreation Element (OSCAR) as “locally rare, threatened and endangered.”

The DSEIR acknowledges the Project “has the potential to permanently impact an estimated 723 individuals of Oakland star-tulip due to planned grading and conversion of suitable habitat to developed areas.” (page 4.3-46, 2016 DSEIR)

Although impacts to this plant may be considered significant under CEQA due to local sensitivity, the DSEIR concludes that “given regional presence of the species...loss of the Project site population is not regionally significant to the species or result in a significant CEQA impact.” (page 4.3-47, 2016 DSEIR)

This is incorrect. While Oakland star-tulip specimens have indeed been found in other locations in the region, the numbers of them are quite small, ranging from just a single individual to scattered groups of under 100 plants. The Oak Knoll Project site, meanwhile, is home to a well-established community of 723 plants, by far the largest documented population of Oakland star-tulip in Alameda County, according to the California Native Plant Society. (CNPS presentation to the Oakland Planning Commission, October 5, 2016).

The BIO-1 Recommendation for minimizing impacts to Oakland star-tulip at the Project site is insufficient and based on an incorrect assumption about the regional importance of this particular plant community. Efforts must be made to protect this plant population or offset its loss more significantly than 50% as described. A revised DSEIR must include improved plans for doing so.

The DSEIR Fails to Consider Large Populations of “Nonsensitive” Wildlife

O23

The Oak Knoll site spans nearly 200 acres of woods, scrub, grasslands and abandoned urbanized areas that have remained largely undisturbed by human activity over the past two decades. Because of this — and because the site is isolated by major thoroughfares — the area has become a de facto wildlife preserve, providing stable habitat for sizable populations of deer, wild

turkeys, guinea fowl, red foxes, coyotes and other mammals (even a mountain lion by some accounts).

The DSEIR only briefly acknowledges the presence of non-special status wildlife at the site but concludes that “other than temporary potential effects of tree removal or building demolition to special-status animal species...the proposed Project would not have a significant impact on other common (ie: nonsensitive) species wildlife that may occur at the Project site.”

The DSEIR relies on information from the 1998 EIS/EIR to make this assertion, however it has been nearly twenty years since that report was written and wildlife populations at the site have increased substantially since that time, for the reasons noted above.

Project neighbors routinely witness herds of deer grazing at the site, and it is not an exaggeration to estimate there may be 40-50 deer on the property. Similarly, neighbors estimate the turkey flocks to number 100 or more individuals.

The DSEIR, however, provides no population estimates for any species, nor does it provide any mitigation measures to facilitate their safe exit from the property before or during construction.

This is completely unacceptable to both the Coalition and the larger Oakland community and must be addressed, whether or not CEQA requires it.

The DSEIR Fails to Include a Plan for Wildlife Exit Via Movement Corridors

The DSEIR states that, “Suitable natural and urbanized habitat areas typical to common species exist in adjunct areas for use during construction and following Project completion,” including Leona Canyon Open Space and Chabot Regional Park, both owned by the East Bay Regional Park District (EBRPD), as well as Knowland Park, owned by the City of Oakland.

How significant numbers of deer and other animals are supposed to survive the formidable obstacles of major thoroughfares (Keller and Mountain boulevards, I-580, Golf Links Drive) and travel through residential neighborhoods populated by natural predators (such as dogs) to get to those “suitable” locations is not discussed, despite noting earlier in the section that CEQA, the California Department of Fish and Wildlife and the United States Fish and Wildlife Service all consider wildlife movement corridors an important ecological resource that “mitigates the effects of [urban] fragmentation by allowing animals to move between remaining habitats.”

The DSEIR mentions briefly that Rifle Range Creek may act as a movement corridor within the Project site, but no mention is made of a movement corridor leading away from the site in any direction. A revised DSEIR must study whether such movement corridors currently exist and, if not, the Project must devise routes to facilitate the safe passage of animals away from the site.

Although "nonsensitive" wildlife are not afforded specific protections under CEQA, the Coalition strongly believes that the size of the populations at Oak Knoll makes it a moral imperative that the Project study and mitigate the issue thoroughly in a redrafted SEIR.

The DSEIR Fails to Analyze the Potential Off-Site Impacts of Wildlife Exit

With such a large deer population potentially seeking exit from the Project site, there is concern that introducing too many animals to a new location could have negative environmental impacts. The closest “suitable” location, for example, is Leona Canyon Open Space, which is just 280 acres itself and already supports its own sizable deer population.

O23
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O24

O24
cont.

Overburdening this EBRPD property with additional animals could have consequences such as increased hillside erosion, plant community damage due to over-foraging, and other possible unforeseen outcomes. Other consequences may be felt in nearby residential neighborhoods that could find themselves inundated with coyotes, raccoons, possums, skunks and other small mammals fleeing the Project site, especially as site grading gets underway.

These issues must be thoroughly studied in conjunction with EBRPD and the City of Oakland to determine how animals can best move from the Project site to new habitats, which areas are best suited to support them, and how potentially negative effects on the environment and community can be mitigated.

The DSEIR Fails to Address the Conversion of Oak Woodlands Under CEQA

Throughout the DSEIR, the Project consistently refers to the nearly 30 acres of “oak woodlands” at the Project site in its discussions of environmental setting, biological resources and many other topic areas.

O25
cont.

In January 1, 2005, Senate Bill 1334 (Kuehl) established Public Resources Code Section 21083.4, the state's first oak woodlands conservation standards for the CEQA processes, which requires analysis and specific mitigations for the "Conversion of Oak Woodlands." The Coalition finds no treatment of this CEQA topic in the DSEIR.

Because this CEQA code went into effect after the 1998 EIS/EIR for this Project was approved, it is unclear whether this is an omission in the 2016 DSEIR, or whether the “oak woodlands” at the Project site are somehow not categorized as such under the law.

This issue must be clarified to specify whether the term “oak woodlands” is used throughout this document simply as a term of convenience, or whether it is a recognized habitat designation conferred by Alameda County or the State. If it is the latter, the Project has not done due diligence in analyzing the impacts to oak woodlands at the Project under CEQA, and the DSEIR must be redrafted to address this important omission.

The DSEIR Text, Tables and Appendixes Present Inconsistent Data on Trees

The DSEIR text, Tables and Appendixes that discuss tree surveys and removal plans are rife with contradictions and inconsistencies.

O26

For example, the text on page 4.3-75 states that 4,840 native trees and 2,420 non-native trees were surveyed at the Project site, for a total of 7,260 trees surveyed. However, Table 4.3-6 gives the total number of trees surveyed as 7,170, while the Tree Survey Report (Appendix Q) lists the number of native trees total surveyed as 3,147 and non-native trees as 1,343, for a substantially smaller total of 4,490 trees surveyed. Meanwhile, the Tree Mitigation Plan (Appendix R) reports the non-native number surveyed as just 1,975 trees.

Additionally, the text on page 4.3-64 states that “approximately 317 trees qualifying for protection under the Oakland Tree Ordinance would be removed in support of creek restoration” in the riparian woodland and restoration area. A page later, however, the text discusses “the loss of approximately 297 trees” in the same creek restoration area.

Inconsistent numbers appear between the Tree Survey Report (Appendix Q), Tree Removal Mitigation Plan (Appendix R), Table 4.3-6 and Table 4.3-7, and the text of the DSEIR itself, including:

1. the total number of trees surveyed
2. the total number of Coast Live Oaks present on the Project site
3. the number of protected trees both surveyed and identified for removal
4. the number of nonprotected trees both surveyed and identified for removal
5. totals for species numbers are also inconsistent between Tables and Appendixes.

Without clear and consistent data throughout a DSEIR and its Appendixes, it is impossible for the public, staff and decision makers to adequately evaluate the tree removal plan and its overall environmental impact as a key component of the proposed Project; therefore the Biological Resources section of this document must be redrafted to comply with CEQA's substantive mandate.

The DSEIR Fails to Provide Adequate Documentation for Tree Removal Plans

According to *Appendix A. Summary of Tree Totals by Species and DBH Range* contained in the "Tree Survey Report" (DSEIR Appendix Q), there are 2,904 Coast live oaks of taggable size on the Project site. More than 850 of them have diameters over 18," while 189 trees have diameters of 36" or more; the largest surveyed has a 58-inch diameter (tag #3335). Of these, the report finds that 2,391 are in good or moderate condition (*Tree Survey Report, Appendix C. Summary of Preservation Suitability by Species* in DSEIR Appendix Q). In addition, the report identified a massive multi-stemmed red willow tree with a 110-inch diameter (tag #3337).

Although *Tree Survey Report Appendix E. Complete List of All Tree Survey Data* (in DSEIR Appendix Q) provides individual tag numbers, species detail, diameter and tree condition for all tagged trees at the Project site, there is no documentation included anywhere in the DSEIR or its Appendixes to indicate specifically which trees will be removed based on their tag numbers, nor is there any documentation indicating where specific tree tag numbers are located on the Project site.

There is no way to ascertain, for example, whether the two largest trees mentioned above will be preserved or removed, or even where they are situated on the property. Additionally, it is not possible to determine exactly how many Coast live oaks (a special-status species protected by both state law and local ordinance) will actually be removed from the property and where exactly they will be taken from.

The complete absence of such detail makes it impossible to evaluate the tree removal and mitigation plans for this Project — whether adequately or not. There is simply no documentation indicating which trees will be removed and from where, aside from the broad-brush and inadequately detailed "Tree Removal Plan" drawing presented as Figure 3-18 in the Project Description.

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O26
cont.

This section of the DSEIR fails to meet the substantive mandate required by CEQA and must be redrafted and recirculated so that the public, staff and decision makers can have the information necessary to make a properly informed analysis of this Project's impacts.

The DSEIR Fails to Satisfy OSCAR Policies for Maintaining Wooded Character

The Project's extensive grading and fill plans would move roughly 3,000,000 cubic yards of soil with cuts as great as 60 feet deep, necessitating the removal of virtually all trees (including an unknown but substantial number of protected Coast live oaks) within the grading area. Such massive grading plans have led to non-selective and wholesale tree removal plans at the site.

This is not compatible with Policy C0-7.3 of the City of Oakland's OSCAR Element, *Forested Character*, which stipulates that Projects must "make every effort to maintain the wooded or forested character of tree-covered lots when development occurs on such lots."

O27

It is also incompatible with OSCAR Policy C0-7.4 *Tree Removal*, which "discourage(s) the removal of large trees on already developed sites unless removal is required for biological, public safety, or public works reasons."

The extent of these impacts are impossible to judge in the absence of detailed tree-removal plans and tag maps, as explained in the previous section. A far more detailed assessment of grading impacts on trees must be done, listing specific trees within the grading area that are to be removed and evaluating whether any can be spared through design changes, as OSCAR requires "every effort" be made to maintain the wooded character of lots. A revised DSEIR must thoroughly address this issue.

The DSEIR's Inclusion of an In-Lieu Fee to Mitigate Tree Removal Is Unacceptable

The mitigation measures submitted under Bio-2 and Bio-5 follow the mitigation replanting requirements of the Oakland Tree Ordinance and are designed to mitigate tree-removal impacts *on-site*, however the inclusion of an in-lieu fee option to mitigate tree loss at the Project site — to be paid "to a natural resource agency or a non-profit organization that would use the in-lieu fees to protect or enhance oak woodland habitat of the region" — is not acceptable.

O28

It is the Coalition's firm belief that the extensive tree removal planned for the Oak Knoll site, including the removal of hundreds of protected Coast live oaks for which the city is named, demands that all mitigation measures be implemented on-site through tree replacement and that the Project not simply be allowed to pay for the loss of protected trees. The Coalition requests that the in-lieu fee option be removed as a possible mitigation in a revised DSEIR.

The DSEIR Fails to Preserve Visual Shielding on the Northwest Knoll

O29

Tree Removal Map 3-38 in the Project Description indicates the intent to remove a substantial row of eucalyptus trees along the Northwest Knoll, near the former Navy helicopter pad. Removing these trees will eliminate visual shielding for the townhomes scheduled to be built on that part of the Project site, substantially altering the hillside view for residents on the West side

O29
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of I-580 as well as from the state-designated I-580 Scenic Highway itself. Further, the City of Oakland Scenic Highways Element of the General Plan (in McArthur Freeway Policy 3) specifies that “interesting views now available to the motorist should not be obliterated by new structures,” which would certainly be the case here.

Currently existing vegetative shielding must be left in place and be added to in substantial quantity prior to development in order to ensure adequate maturity to mitigate the public view of the new townhome development.

4.4 Cultural and Paleontological Resources

The DSEIR Incorrectly Cites Club Knoll Demolition as a “Non-CEQA” Alternative

O30

The DSEIR erroneously describes the alternative option of demolishing Club Knoll as a "Non-CEQA Planning Alternative." Because this alternative would have significant impact on a potentially, but not as yet fully recognized, historic resource, it must be fully analyzed.

Guidelines section 15064.5, subsection b of CEQA fully explains this requirement, which has not been met here. The potential demolition of Club Knoll is only briefly described in this DSEIR; in fact, the demolition alternative was entirely left off Table 5.5 *Comparison of the Impacts of Project and Alternatives*. This is in clear violation of the CEQA mandate and this DSEIR must be redrafted to properly explore this option so that the public, staff and decision-makers can properly evaluate all available Project alternatives.

The DSEIR Fails to Accurately Describe Club Knoll

O31

The DSEIR outlines three scenarios for Club Knoll. The Restoration and Relocation Alternative will result in a 14,000 square foot building that is created by moving and restoring portions of Club Knoll. Most of the Draft focuses on the details and impacts of this alternative, which is clearly favored at present. Two additional “non-CEQA” alternatives are only briefly described in the DSEIR (5-38 to 5-49). Of these, the Reduced/Relocation Alternative results in a 9,900 square foot building created by moving and restoring a smaller section of Club Knoll, while the Demolition Alternative replaces Club Knoll with a new 5,000-square foot building. All three alternatives relocate the clubhouse to Creekside Park at the center of the Project.

The DSEIR suggests that the local historic significance of the building will largely be retained in both of the Restoration/Relocation Alternatives, but the DSEIR does not fully describe the current condition of the Club Knoll structure. What is assumed to be a “restorable” building may, in fact, become one that resembles Club Knoll, but is largely constructed from new materials according to strict restoration guidelines. Vandalism, probable lead and asbestos contamination and the lack of salvageable components make this a likely outcome.

The DSEIR variously refers to the building’s “character-defining features” or “character-defining elements” but never enumerates or describes what those are, key details that are necessary for any informed discussion about whether to preserve such elements.

The document also incorrectly refers to the Club Knoll cupola as a “bell-tower;” it has never housed a bell, nor was it build to accommodate one. The document further states that scenic

views of Club Knoll are currently limited by “...sound walls along the freeway.” There are no sound walls along I-580 in that area.

In both the restoration/relocation alternatives, parts of the restored building will be used for commercial purposes (something that is not needed as a part of the Demolition Alternative). The additional commercial space added to the Project — from 72,000 square feet to 77,900 or 82,000 square feet -should be subject to a much more thorough vetting, especially for the Reduced Club Knoll/Relocation Alternative. The additional requirements for commercial parking—land likely to be taken from the proposed Creekside Park — should also be vetted as a part of the Reduced Relocation Alternative.

The third alternative, Demolition of Club Knoll, is only briefly described (5-38 to 5-47). While this alternative would involve appropriate handling and disposal of building components, it would also require construction of a new clubhouse of equal or superior materials. The resulting building (at 5,000 square feet) would be the appropriate size and scope to serve as the new clubhouse for the homeowners association (HOA). This alternative would result in no commercial space as a part of the new HOA clubhouse and would serve the actual needs of the HOA, as opposed to the other alternatives which significantly increase the size of the clubhouse building, significantly increase the responsibility to the homeowners, and unnecessarily impact the environment and overall Project. A newly built-for-purpose building would have the least spatial impact on Creekside Park, the smallest physical building footprint and the lowest requirement for parking. The Demolition Alternative, in fact, is the only alternative that maintains the 72,000 square foot commercial component that has been proposed by the developer since the 2007 DSEIR. The current DSEIR must be redrafted to clearly and fully explore and explain these issues.

The DSEIR Does Not Adequately Define the Term “Community Center”

Throughout the DSEIR, the term “community center” is used without clarification of exact meaning. This is especially perplexing given the history of the Oak Knoll base closure process. In the 1990s, neighbors supported the Oakland Parks Department’s Public Benefit Application to the Navy to convey Club Knoll (and 20 nearby acres) for a multi-use East Oakland community center and senior center. While that plan did not move forward after the city withdrew its application¹⁴, it is still hoped that residents of Oakland will have access to the creek park and a restored or reconstructed clubhouse.

Since Club Knoll has long been associated with the idea of a community center for Oakland residents generally, the major change in the current plan to use the building as an HOA clubhouse should be explicitly defined. Unfortunately, it rarely is. For instance, in the 2007 DSEIR, Club Knoll is described as being retained for “[c]ommunity or non-profit use with a portion dedicated for administrative space” (II-2). In the 2016 DSEIR, all three alternatives use

¹⁴ It is notable that of the options in the local historic preservation options is for the city to acquire, by eminent domain if necessary, existing or Potential Historic Properties, or Portions therefore, in order to preserve them (4.4-3 Policy 3.4). Oakland had the opportunity to acquire Club Knoll for free from the Navy in the 1990s, but when considering that option, staff concluded that the ongoing costs of maintaining the community center would be prohibitive for the city. Those costs will now potentially be transferred to a home owner association, depending on ownership and management.

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O32

the term “community center” or “civic use” in referring to Club Knoll. In some instances, there is reference to use by new Oak Knoll homeowners and tenants, but not a clear reference to ownership of the building by the new HOA.

With confusion about the term “community,” the public and some officials may be left with the impression that the City or County will help fund maintenance and operation of the building in the future which is in fact, not the case. The Oak Knoll Coalition believes that the term “homeowners association clubhouse” would clarify the intended use and ownership of the building throughout the analysis of all three alternatives.

Additionally, section 4.9-26 describes the need to rezone the area of Club Knoll’s potential relocation, designating it as a “Community Zone, D-OK-6.” Such a zoning designation is described as allowing “commercial uses that provide a community amenity.” The term “community amenity” is used numerous times throughout the discussion, but it is never defined and its meaning is vague and open to broad interpretation. The language of this section must be clearly defined in a revised DSEIR.

The DSEIR Fails to Adequately Describe Club Knoll’s Historic Status

The discussion of the historical status of Club Knoll is crucial to the analysis of the proposed alternatives. Yet the DSEIR repeatedly fails to present the relevant information in a clear and consistent fashion. Making this problem even more difficult is the fact that there are several different levels at which “historical status” is conferred, both in terms of national, state and local agencies, but also in terms of whether a building is considered merely “eligible” for listing or is actually “listed” on an historical register. Still another dimension is added when the determination can be reassessed at any time, and local agencies have different rating systems that are simultaneously applied.

For example, in the DSEIR, the Clubhouse is said to have local historical significance, but the information is usually presented without mentioning the multiplicity of local ratings categories. In fact, Club Knoll has been locally accorded both an “A” and “B” rating. In 1994, the Oakland Cultural Heritage Survey assigned Club Knoll a “B” in a five-tier system (Landmarks Preservation Advisory Board, Staff Report, Sept. 12, 2016, p. 4). This is consistent with the rating information provided by Page and Turnbull (2006, p. 63, Appendix S), namely that “Building No. 18 [Club Knoll] was placed on the City of Oakland’s Preservation Study List with a ‘B’ rating in 1995.” The building is also described as being on the City of Oakland’s Local Register of Historic Resources for its “B” rating (LPAB, Staff Report, Sept. 12, 2016, p. 4).

However, in 1995, the Landmarks Preservation Advisory Board gave the building an “A” rating (LPAB, Staff Report, Sept. 12, 2016, p. 4), and, for reasons that are not explained, the 2016 DSEIR focuses only on this 1995 LPAB “A” rating, omitting any reference to the “B” ratings. Here is the relevant DSEIR excerpt.

In 1995, Oakland Landmarks Preservation Advisory Board (LPAB) determined that the club was eligible for landmark status with an “A” rating....The “A” rating indicated that it is of highest importance and eligible for listing as a local landmark. The structure was therefore automatically listed on the City of Oakland’s Local Register of Historic Resources (LRHR) at that time. The “A” rating was assigned based largely on the architectural interest and integrity of the structure. (DSEIR, 2016, 4.4-11)

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O33

This DSEIR (4.4-11) concludes that the “A” rating for Club Knoll, its presence on the preservation study list and its eligibility for landmark status qualifies Club Knoll as a potential CEQA historic resource. The current DSEIR therefore leaves the impression that Club Knoll has consistently been given an “A” rating, when in fact this is not the case.

The existence of several different local listing agencies and several different registers makes the issue difficult for public understanding at the most elemental level. Although both “A” and “B” level local historical status buildings are eligible for inclusion in the DSEIR, the fact that Club Knoll is variously referred to at the highest “A” and second-highest “B” local levels in a 5-tiered rating system should be clarified and then consistently stated throughout the final SEIR.¹⁵

In addition to the variety of local ratings, the DSEIR does not adequately describe Club Knoll’s position with regard to both federal and state listings. In fact, Club Knoll was rejected by both federal and state agencies for historic status in the 1990s. The Department of the Navy, (Appendix S, Feb. 23, 1994, page1) concluded:

We initially believed that the building [Club Knoll] would qualify for the National Register because of its architectural design. However, after researching the structure our consultant had reservations about this possibility. The design, Spanish Colonial, is representative of the period in which it was built. But there are better examples of clubhouses in this style at other golf and country clubs in the Bay area.¹⁶

O33
cont. The California State Office of Historic Preservation came to a similar conclusion. “[T]he Clubhouse has not been shown to be an outstanding example of its type, given the fact that the Spanish Colonial revival style was common for Bay Area clubhouses built in the 1920s” (Appendix S, May 31, 1994 letter, page 2). Studies of the historical connection of Club Knoll a known architect, prominent golfer, and cultural landscape resulted in similar decisions to decline historic status.

Despite these decisions to deny Club Knoll federal and state historical listing status, ten years later Page & Turnbull conclude just the opposite, namely, that Club Knoll and the garage are both “eligible” for state listing (Historic Resource Inventory, 2006, p. 68, Appendix S). Similarly, Carey and Co. after a 2016 onsite tour conclude that Club Knoll “retains integrity and still appears to be eligible for the California Register of Historical Resources” (Relocation Evaluation, 2016, Appendix T, p.2). Yet the most recent document states the Navy and California State offices found that Club Knoll was not eligible for listing in the National Register in the 1990s, and this determination has “not been formally revisited or reversed” (Landmarks Preservation Advisory Board Staff Report, Sept. 12, 2016, p. 4).

How can the public or decision makers understand this level of complexity without an effort to provide a clear, concise but accurate explanation? Decisions regarding historic status can apparently be reviewed continuously at several different levels, and the determinations may be

¹⁵ The final EIR/EIS 1998 (3-35) doesn’t provide specific information on the local rating system, but notes that: “Club Knoll has been placed on the local Oakland Preservation Study List by the Oakland Landmarks Preservation Advisory Board and has been found eligible to become a City of Oakland landmark.”

¹⁶ It should be pointed out that there are two other early 20th century Spanish Colonial Revival style clubhouses located within a two mile radius of Club Knoll. The clubhouse at the city-owned Chabot Golf Course was constructed during the Depression Era and the privately-owned Sequoyah Golf and Country Club was constructed between 1915 and 1928. Both are still associated with active golf courses, but neither example is discussed in the DSEIR.

contradictory at different levels or times. Seemingly final decisions are apparently open to revision or reversal. This dilemma means it is especially necessary for the DSEIR to present the information in a clear and consistent manner so as to support and justify any decisions made.

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Understanding of the historic value of Club Knoll is essential for decision makers to evaluate the various alternatives presented in the DSEIR. The analysis of this topic must therefore be substantially improved in the final SEIR. It is imperative that the complex historical status of Club Knoll be clearly and consistently presented in the revised document.

The DSEIR Fails to Adequately Address Clubhouse Ownership

In all three Club Knoll alternatives, the new homeowner association (HOA) at Oak Knoll will own the clubhouse whether it is a restored Club Knoll or a smaller replacement building. However, the long-term economic sustainability of Club Knoll under private ownership is not assessed under CEQA, even though it may be a major factor in the future. Nor is there analysis of the process which will require a homeowner association to become a commercial landlord. If, in fact, the alternatives could be assessed and analyzed economically, it would become more apparent that the Restoration/Relocation and Reduced Relocation Alternatives pose higher (and perhaps unsustainable) long-term economic risks than the Demolition Alternative. A new 5,000 square-foot building appears to be the best economic, environmental and spatial fit for its intended use as an HOA clubhouse. The revised DSEIR must address these issues.

O34

The DSEIR Fails to Adequately Address the Potential Impacts of New Commercial Uses at the Relocated Clubhouse

A major change in the 2016 plan is the proposal for additional commercial space associated with both of the restored Club Knoll alternatives. In earlier discussions with the surrounding neighborhoods, the developer repeatedly announced that the Project would have 72,000 square feet of retail. Only recently has the plan fundamentally changed with regard to commercial, but the language in the DSEIR conveniently makes this change in the Project design difficult to understand. The Relocation/Rehabilitation Alternative would add 10,000 additional square feet of commercial space to the Project, while the Reduced Club Knoll Alternative would add 5,900 additional square feet of commercial space.

O35

The impacts of the proposed additional commercial space for the Reduced Club Knoll Alternative are briefly analyzed in the “non-CEQA” alternatives regarding hydrology, traffic, light and employee service. Noise at Creekside Park (and surrounding communities) is only partly analyzed in the DSEIR since inadequate consideration is given to the “non-CEQA” alternatives (5-38 through 5-49), but the additional parking requirements and the subsequent loss of parkland due to the added commercial space are not addressed. Other issues associated with the additional commercial space in both Restoration Alternatives also need to be analyzed in greater detail. These include noise, lighting and hours of operation. For future residents at the new Oak Knoll community and existing residential neighbors (many of which are immediately adjacent to the Project’s borders), these issues are significant and must be studied in detail for each of the Restoration Alternatives.

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cont.

Clearly, the Demolition alternative, with no commercial space and the smallest structural footprint (a new 5,000 square-foot HOA clubhouse) will have the lowest spatial impact on the park and nearby residential neighborhoods and would therefore be the alternative that would minimize some of the negative impacts on the physical environment. This point needs to be made clear in the revised DSEIR document.

The DSEIR Provides an Incomplete Description of Clubhouse Retail Activities

O36

As noted earlier, the current Project Proposal and the Reduced/Restored Alternative include a clubhouse that is too large for the designated future use as an HOA facility. In both cases the excess space will be used for “commercial purposes,” which are vaguely defined in the two relevant alternatives. This may be partly due to the dynamic and uncertain outcome for the building, but it also makes public assessment difficult. Buried in the Staff Report to the Landmarks Advisory Board, 9/12/16, p. 8, states: “The types of commercial uses that are more likely to occur in Club Knoll such as a fitness or athletic center, recreational center, day care, a small office, or specialty retail.” More details on these alternative commercial uses in the revised DSEIR would assist the public and decision makers in understanding the overall Project and how it would impact Creekside Park, as well as existing nearby residential communities.

The DSEIR Fails to Adequately Analyze the “Non-CEQA” Alternatives

O37

After careful review, the Oak Knoll Coalition concludes that the Demolition Alternative (with construction of a 5,000 square-foot Clubhouse) would result in an outcome that is better suited and more economically appropriate for the proposed Project. We also believe that the public benefits of the entire proposed Project outweigh the benefit of retaining the original structure.

Since the DSEIR deals only superficially with the two “non-CEQA alternatives,” there is no detailed analysis of their potential impacts, only a superficial review of associated impacts, and no discussion of different parking requirements, economic viability or suitability for the entire Project. The lack of such analysis makes it extremely difficult to evaluate the alternatives in an objective manner.

In short, more information and analysis of the Club Knoll alternatives, including demolition, must be included in the final SEIR. A more complete analysis of all three alternatives would suggest that the Demolition alternative (with a smaller clubhouse) would provide many benefits for the Project, and would result in fewer possible impacts on the physical environment.

For the benefit of the public, staff and decision makers, the following additional issues must be more fully analyzed in the revised document.

O38

1. The new clubhouse associated with either the Restoration/Relocation and Reduced Restoration/Relocation Alternatives (at 14,000 square feet or 9,900 square) is too large to be consistent with its new intended civic purpose as a homeowner association clubhouse. A smaller, new building (at 5,000 square feet) would be appropriate for its intended use in the Project.

- O39 | 2. The large clubhouses proposed by the Restoration/Relocation or Reduced Restoration/Relocation Alternative would both place an unreasonable financial burden on the new homeowner association regarding the clubhouse. The Demolition Alternative would reduce the economic liability for the future HOA.
- O40 | 3. The Restoration/Relocation and Reduced Restoration/Relocation alternatives are associated with commercial space within the relocated Club Knoll. Either alternative would effectively require that the new HOA become a commercial landlord — a role not normally intended for an organization of that type. The HOA would also be required to pay for insurance and other potential legal liabilities, as well as fund ongoing operating expenses and maintenance costs for the added commercial space. The economic viability of this arrangement is uncertain and it may not be economically sustainable. This could potentially jeopardize long-term goals for the Project itself. The Demolition Alternative would eliminate the need for the future HOA to become a commercial landlord.
- O41 | 4. The two Club Knoll Relocation Alternatives include additional commercial space (with total building sizes of 14,000 square feet and 9,900 square feet) that will impact Creekside Park in terms of noise, lighting and increased space for parking. These potential impacts would be minimized with the Demolition Alternative, including a building footprint that would be significantly smaller (5,000 square feet) and no added commercial space. All of the potential impacts on the physical environment (especially traffic impacts) would therefore be significantly reduced with the Demolition Alternative. These benefits should be made clear in the revised document.
- O42 | 5. A smaller and more appropriate new 5,000 square foot building that retains the character and feel of Club Knoll should be constructed to serve as an HOA clubhouse for the new Oak Knoll neighborhood. Such a structure would be both more economically and functionally feasible than the two alternatives that involve restoring and relocating Club Knoll. The new smaller clubhouse would be the proper scale for its new location and function, and would better integrate with the neighborhood being created by the Project.
- O43 | 6. If the Demolition Alternative is adopted, the developer will be required by the city to mitigate the loss of Club Knoll. These mitigations, briefly described in the DSEIR, must be more comprehensively addressed in the revised document.
- O44 | 7. A replacement 5,000 square-foot clubhouse would reflect the architectural style of Club Knoll and could also incorporate some of its aesthetically valuable elements, such as the existing interior wood trusses. Additionally, the new building would be of comparable or superior construction quality, and meet all seismic and other updated requirements and codes for public buildings. Specific guidelines for a replacement building, including architectural style and elements that would capture the look and feel of Club Knoll, must be included in the revised document.
- O45 | 8. The public benefits of the proposed Project including open space, a restored creek, parks and trails substantially outweigh the benefits of restoring and moving Club Knoll as a privately-owned future HOA clubhouse.

4.6 Greenhouse Gas (GHG) Emissions and Climate Change

The DSEIR Fails to Provide an Adequate GHG Analysis

- O46 | Given population growth in Alameda County, and the City of Oakland specifically, suggesting that the Project might merely shift the location of GHG-emitting activities simply shifts the

burden from the Project to the community. Reduction in vehicle trips are not likely to occur unless the City of Oakland makes significant enhancements to bus services in the area, even with a commercial corridor on Mountain Road; one cannot bike, walk or hike to work or needed commercial or government locations. Suggesting that there could be “potential net reduction in GHG emissions” in 4.6-28 Discussion of Impacts, *Net Change in Emissions and Local/Global Context*, is overly optimistic.

O46
cont.

GHG emissions is a complex topic given the global nature of the impact, and the effects of shifting local weather patterns — however, it does not recuse the DSEIR from undertaking detailed analysis of the Project’s impacts on the surrounding area. The highest densities in housing, along with the commercial corridor, are in the lowest spot of the Project, and the Project is nestled in a bowl. Local impact of continuous emissions for Project – not just during construction phases but after build-out — must be calculated. CEQA requires that a cumulative analysis of GHG emissions be done and that it demonstrates consistency with related plans.

The DSEIR Presents Unsubstantiated and Conflicting Information on GHG

On page 4.6-13, *Emissions by Phase*, the DSEIR discusses that the first year of operation will have the highest emissions “due to the planned improvement to the on-road vehicle fleet.” Two points need to be made here: if there is such an improvement by Year 2, why not have the improved on-road vehicles available in Year 1? There is also no reasoning offered for how this conclusion was reached; it is an unsubstantiated claim that needs to be backed up by facts, or the DSEIR fails to demonstrate that its calculations in Table 4.6-5 are accurate.

O47

The DSEIR also jumps between discussions of the construction phase GHG impacts, the operational GHG impacts and the full 40-year Project impacts in such a way that it is difficult to ensure that the DSEIR actually meets its carbon-offset requirements. The impacts and the offsetting solutions for each impact (and related phases) must be clearly spelled out in order to determine whether this DSEIR fails or succeeds in its GHG compliance under CEQA.

The DSEIR Fails to Include a Plan to Meet OSCAR and ECAP Goals

Although the Regional Regulations and Guidelines section of 4.6 details the OSCAR Element of the City of Oakland General Plan, the Oakland Energy and Climate Action Plan (ECAP) and their policies for reducing GHG emissions, no further mention is made of these policies or how the Project would endeavor to address them, in whole or in part. Of particular interest to the Coalition are ECAP Priority Actions PA37: Plan for Electric Vehicle Infrastructure, PA50: Facilitate Community Solar Programs, and OSCAR Policy CO.13.4: Alternative Energy Sources.

O48

The Coalition supports the City’s efforts to reduce energy consumption and GHG emissions and believes that new construction at the site should include as many alternative energy components as possible, such as centrally located electric vehicle charging stations and solar panels for both homes and Retail Village buildings.

Oakland has an opportunity for this Project to be the first to meet the Net Zero requirements that will go into effect by 2020, and every avenue to meet this goal should be explored to bring additional environmental and financial benefits to the Project. A revised DSEIR should evaluate how solar and other alternative energy projects could be incorporated into the Project.

4.7 Hazards and Hazardous Materials

The DSEIR Fails to Provide a Comprehensive Soil Management Plan

While not discussed in Section 4.7, the Project Description (Section 3.4.11 Site Remediation), notes that lead-impacted “soils will be segregated during the grading process and disposed of either under commercial building foundations, under streets, in parking areas or hauled off-site.”

Per the City of Oakland General Plan Policy HM-1, Projects shall “minimize the potential risks to human and environmental health and safety associated with the past and present use, handling, storage, and disposal of hazardous materials.”

O49 Once the preliminary limits of lead-impacted soil are delineated, the Project should excavate and segregate lead-impacted soil prior to the initiation of grading work. Following excavation, confirmation sampling should be conducted to confirm that all of the impacted soil has been excavated. The excavated soil must then be tested to determine whether the lead is leachable and, if the testing determines that the lead is leachable, the soil must be treated to stabilize the lead or hauled off-site for disposal.

The onsite reuse of lead-impacted soil with the ability to leach lead to groundwater beneath foundations or roadways in a site where groundwater is as shallow as five (5) feet beneath ground surface poses a potential risk to human and environmental health and safety and is not acceptable.

The DSEIR must be revised to include a Soil Management Plan that details the means and methods for delineating, excavating, stockpiling, testing, treating and otherwise managing lead-impacted soil.

The DSEIR Fails to Consider the Presence of Naturally Occurring Asbestos

Page 4.7-14 of the DSEIR states that “Due to the Project’s location outside known areas of serpentinized ultramafic rock and historic asbestos mines, the potential for encountering naturally occurring asbestos during construction is considered very low and the public safety requirements to minimize the risk of naturally occurring asbestos would not apply to the Project site.”

O50 The DSEIR provides no basis for the above statement. The Leona Quarry, located less than one mile away, was a mine that uncovered veins of serpentine, which is known to contain naturally occurring asbestos. Further, Boring EB-2 (Appendix U, 2006 Preliminary Geotechnical Exploration), located near the center of the Project site, was logged as containing serpentine at approximately 28 feet below ground surface. As the Project proposes to move roughly 3,000,000 cubic yards of soil with cuts as great as 60 feet, the Project must assume that naturally occurring asbestos (NOA) may be encountered during grading activities.

The Bay Area Air Quality Management District (BAAQMD) regulates all construction activities that produce dust potentially containing NOA. The Airborne Toxic Control Measure places requirements on construction and grading activities where NOA is likely to be found.

The Project must proceed with the expectation that NOA will be encountered and act in compliance with all applicable BAAQMD requirements; the revised DSEIR should address this issue.

4.8 Hydrology and Water Quality

The DSEIR Potentially Underestimates Water Flow to the Project Site

O51 The Hydrology evaluation presented in Appendix N to the DSEIR considers the Leona Canyon Detention Basin, which is located upstream of the Project area and provides peak flood attenuation for large storm events. According to the “Rifle Range Creek: Hydrology Report” found in Appendix N of the DSEIR, the detention basin is approximately 4.5 acres in area and 20-30 feet deep. A topographic map of the detention basin, provided by Alameda County Flood Control District, was used to estimate the storage volume of the basin. Unfortunately, the date of the survey conducted to generate the topographic map was not provided.

The Leona Canyon Detention Basin has experienced a significant accumulation of sediment over the last ten plus years due to increased use of the area by dog walkers and park visitors and may not currently have the capacity that the topographic map indicates.

As part of a revised DSEIR, the Project should revisit the date of the basin topographic map and, if it is more than five years old, conduct a new survey of the detention basin and use that survey as the basis for a new determination of the basin volume.

The DSEIR Fails to Accurately Assess and Mitigate Stormwater Impacts

O52 The Project C.3 bioretention/treatment basins are sized based on the Mean Annual Precipitation (MAP) values from a collection gauge at the Oakland Airport. The Project area receives consistently more annual rainfall than the Airport, and therefore MAP values from a closer rain gauge should be used for sizing treatment systems.

The proposed locations for the C.3 bioretention/treatment basins are not optimal for catching stormwater runoff most likely to be impacted with first flush hydrocarbons and total suspended sediments. In fact, most of the proposed locations appear to be afterthoughts and located where space permits and not where they will provide the most benefit. The proposed commercial area, where parking will be densest, should have at least one bioretention/treatment basin located to capture the all of the drainage from the parking areas. Additional basins should be located where they will intercept and treat surface runoff from paved areas, and the revised DSEIR should address this issue.

4.9 Land Use and Planning

The DSEIR Presents Ambiguous Language on FAR Limits

O53 Section 4.9-4 notes that the maximum Floor Area Ratio (FAR) is 5.0 for commercial areas and 8.0 for institutional areas. It is unclear whether these are city-wide general zoning limits or whether the numbers refer to maximums allowed at the Oak Knoll Project site specifically. Since the Retail Village commercial center and Club Knoll/HOA clubhouse areas of the Project site will need to be rezoned, this is of particular concern to the Coalition. Such high FARs would be incompatible with other retail centers near the Project site, to say nothing of nearby residential

neighborhoods. Without clarification on the FAR issue, it is impossible to properly evaluate the Land Use and Planning impacts of commercial development at the Retail Village under CEQA.

The DSEIR Fails to Adequately Assess Zoning Designation Impacts

The Coalition applauds the Project's balance of open spaces, creek restoration and rezoning to create a new neighborhood with a vibrant commercial area and ample trails and parks. However, there are several areas where the DSEIR fails to provide enough details for the public to evaluate whether the land use impacts are less than significant, or might need revision to be in compliance with CEQA.

For example, 4.9-7 states that under the Land Use and Transportation Element (LUTE) of Oakland's General Plan, LUTE Policy N.7.3, hillside area properties should be at least 8,000 square feet of lot area/dwelling unit, or less as long as this ratio is maintained for parcels being divided. HR-3 zoning designates 12,000 sf+, while HR-4 zoning designates 6,500-8,000 sf.

O53
cont.

As stated in the DSEIR, HR-3 and HR-4 zoning designations are not expansive enough for the Project, and site specific zoning is required. However, as stated in 4.9-21 and elsewhere, the proposed hillside lots are only 3,780-6,000 sf, which is significantly below even the HR-4 zoning requirement. While this may not be in conflict with the neighborhood on the Project's Eastern border, it is clearly in conflict with neighborhoods to the Southeast and Southwest, specifically on the south side of the Hardenstein parcel. This contradicts the DSEIR's assertion that "the proposed Project does not conflict with [these] policies," including *LUTE N.7.1 Ensuring Compatible Development*, and *LUTE Policy N.7.3 Subdividing Hill Area Properties*.

Additionally, when discussing potential conflicts to the South of the Project, the DSEIR fails to note the size of the single family home parcels in the neighboring areas as it does when discussing "fit" with areas to the East and North, and thus does not demonstrate a lack of conflict with its potential neighbors.

Until these issues regarding LUTE compliance can be addressed, it is impossible to judge whether the Project would "result in a fundamental conflict between adjacent or nearby land uses" and that the impact is "less than significant." CEQA requires this issue to be explored and explained in a revised DSEIR.

The DSEIR Fails to Analyze Ways to Minimize Hillside Grading Impacts

In 4.9-10, *Policy OS-1.3, Development of Hillside Sites* states that to have no conflict with the OSCAR Element of the General Plan, when there is hillside development creative site planning should "minimize grading." The Uplands portion of Phase 2 is not in compliance with this policy. Since the DSEIR fails to demonstrate how the grading on this highly visible hillside is being minimized, it needs to be addressed to show that there are not significant impacts from the Project.

O54

The DSEIR Fails to Address Fire Hazards on the Hardenstein Parcel

While the intent of the Project acquiring the 15-acre Hardenstein parcel is to leave it undeveloped in order to provide a visual and spatial buffer between the Project and its nearby

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O55
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neighbors, the DSEIR states that NO work will be done in this area, even though dead or dying trees and invasive French broom there pose a significant fire hazard and safety risk for Project neighbors.

The Project must work closely with boundary neighbors to responsibly manage this area for fire hazards, while at the same time preserving trees that shield neighbors' views. Additionally, any work done on this parcel must take into account the presence of the Oakland star-tulip (a protected locally rare species) on this part of the Oak Knoll site, and proceed accordingly.

The Coalition would like to additionally suggest that as part of vegetation and view management on the Hardenstein parcel, perhaps the location could be used as a planting area for an additional number of Coastal Live Oaks relocated from the Project's main grading area.

4.9-27 Open Space Preservation

The DSEIR Fails to Clarify Ownership and Public Access to Open Spaces and Trails

In Section 3 of the PUD permit satisfaction discussion (*Open Space Preservation* topic), the DSEIR fails to make clear whether, how much and by what mechanism open space at the Project site will be dedicated as public open space and/or permanently reserved as common open space by the owners and residents of the Project. The impacts to surrounding neighborhoods and Oakland residents in general could be significant if only the second criteria is met. It would mean that the owners and residents of the Project (ie: the future HOA) could close off open space to anyone but themselves.

O56

If such a scenario is possible under the language of this DSEIR, then all of the Project mitigation offsets related to open space, trails, creek restoration and even Club Knoll itself must be revised to reflect their access status (private vs. public) before the Project can reasonably be evaluated based on its true attributes, expected impacts and potential contributions to the public good.

Without knowing which areas of open spaces will be dedicated as public, and which will be held for residence-only common open space, it is also impossible to determine whether the proposed Project would conflict with OSCAR or LUTE.

In a parallel discussion of Parks and Recreation Facilities in Section 4.12-19, the DSEIR further states that the proposed Project would add 5.6 acres of new "local-serving" parks as well as 62 acres of "open space, hillsides and grasslands that would be accessed by parts of the proposed trail network through the site and *connecting to adjacent existing neighborhoods and regional trail system and open spaces.*" (Italic added) This still does not specify that the 62 acres (including trails) are to remain accessible to the public.

It is the Coalition's understanding that the Project developer intends in good faith for the open spaces, trails, parks and Club Knoll to be accessible to the general public in perpetuity; however, without specific language in the DSEIR to that effect, it is impossible to analyze the true impacts and benefits of the Project under CEQA as it is currently presented here.

O56
cont.

A redrafted SEIR must explore and analyze potential legal mechanisms for ensuring the intended public areas do in fact remain accessible to the public indefinitely; these might include Conservation Easements and/or formal deed restrictions in the Deed of Trust. Only then can the public, staff and decision makers consider the full impacts of the Project.

4.10 Noise and Vibration

The Draft EIR Fails to Adequately Consider the Cumulative Context of Project Noise

The DSEIR monitors recorded very high decibel levels on the Oak Knoll site. In two places the daytime constant sound level was recorded at 71 dB, two decibels higher than the standard described as unacceptable for residential areas. Additionally, short term measurements showed three instances of noise peaking as high as 75.3 dB. The I-580 freeway is the predominant source of this noise, as traffic passes through this densely populated section of Oakland.

Large-scale earth moving and construction activities at Oak Knoll can reasonably be expected to significantly exacerbate this condition to potentially unhealthy levels for neighboring residents throughout the expected eight-year build-out of this Project. CEQA requires Project impacts to be considered in cumulative context and the DSEIR fails to do this regarding noise. Therefore, the Coalition believes the DSEIR should be redrafted to include additional noise protections for surrounding neighborhoods, including:

O57

1. Stipulate that activities at a relocated Club Knoll or other HOA clubhouse be subject to City of Oakland noise regulations for residential neighborhoods.
2. Require diesel engines to be substituted by gasoline powered engines whenever practicable; that diesel engines never be allowed to "warm up" and/or idle on site; and that their use be strictly limited to the hours of 9 a.m. - 5:00 p.m., Monday through Friday.
3. Prohibit the use of air-powered vibration/tampering construction equipment on the Oak Knoll site within 0.5 miles of any inhabited structure whether located on or off site.
4. Prohibit the use of pneumatically powered tools with compressed or other air under all circumstances.
5. Prohibit overnight construction activity resulting in any noise for surrounding community.
6. Strictly prohibit the use of cranes, dozers, excavators or graders outside the hours of 8:30 a.m. and 5:30 p.m., Monday through Friday.
7. Require all newly constructed habitable units at Oak Knoll to be constructed with materials and components such that measured interior noise levels shall not exceed 45 dB, as is widely considered an acceptable residential standard.

- O57 cont. | 8. Limit allowable construction receiving noise to less than 65 dB Monday through Friday 8:00 a.m. - 6:30 p.m. and Saturday 9:00 a.m. - 6:00 p.m.; NO noise on Sunday.

The DSEIR Offers Inadequate Mitigations for Noise

O58 | The Project is expected to substantially increase noise levels at Keller Avenue between I-580 and Canyon Oaks Drive, and Mountain Boulevard between Sequoyah Road and Calafia Road. There are no reasonable mitigation methods suggested, although they are clearly needed. The DSEIR should be redrafted to include such mitigations, which might include planting the area with substantial vegetation in order to reduce the resulting increase in noise from the Project.

O59 | The proposed addition of the “South Creek-side Entry Park” is critical and recognized by neighbors as a requirement for this development. The proposed (and conservative) noise level identified here of 75 dB is completely unacceptable and requires mitigation. Extensive vegetation and landscaping, and berms, sufficient to lessen the dB here to less than 67 is critical.

O60 | The DSEIR also fails to specify the length of breaks required between the noisiest phases of construction. A single day break between extended peak noise phases, for example, would circumvent this requirement. Neighborhood advisory groups must have input as to whether any extension should be granted.

O61 | Additionally, the DSEIR fails to consider the impact of noise protection measures on other impacts (soil retention and erosion control). This is particularly critical for hillside operations, abutting non-construction areas or permanent or seasonal waterways. A revised DSEIR must address this issue.

The DSEIR Provides Insufficient Accountability for Noise Monitoring

O62 | The City of Oakland requires that "noise monitoring devices" be installed on site in order to electronically record and store all levels of noise measured and recorded throughout the site, including medically recognized harmful levels of noise. Because demolition, earth-moving and construction noise can reasonably be expected to impact neighborhoods surrounding the Project throughout its eight-year build-out, the Coalition requests that additional noise monitoring devices be installed and monitored at locations off the project site on all sides, up to and including distances of 0.75 miles.

The DSEIR notes that the Project’s noise-monitoring records must be provided to the City of Oakland 'upon city's request' — meaning they are unlikely to be routinely requested/monitored and therefore provide no substantive benefit to neighbors, who will have to press the City to request such records on their behalf.

To alleviate this dilemma and build good faith with Project neighbors, the Oak Knoll Coalition requests that all noise level records collected from all noise monitoring devices located on- or off-site be provided to the Coalition on the first day of every month, beginning immediately upon commencement of demolition/construction activity at Oak Knoll, without requirement for any formal request and without delay of more than 24 hours. Such records should also be

publically posted on the Oak Knoll Project Development Page provided on the City of Oakland's website.

4.12 Public Services and Recreation

The DSEIR Fails to Adequately Document the Basis for Mitigation Removal

The 1998 EIS/EIR acknowledged the need for an additional Oakland Police Officer to be added to the force in order to offset the Project's public services impact to less than significant. The current DSEIR, however, states that due to modified City of Oakland thresholds of significance for CEQA impacts, this mitigation is no longer applicable.

O63 | However, the DSEIR fails to give proper reference and documentation to determine whether this is in fact true. A quote is provided in 4.12-18, but it is out of context, and there is no document reference to see what the surrounding text is in order to determine if new thresholds do in fact negate what is known as Mitigation 1 in this topic area. Without addressing this satisfactorily, Mitigation 1 will still be in effect.

It is unlikely that the addition of 935 homes would not be expected to create new demand for OPD services in the Project area, particularly in relation to property crimes such as residential burglary and auto theft; the DSEIR must be revised to analyze this issue more fully and include documentation about the mitigation finding.

4.13 Transportation and Circulation

O64 | As stated on page 1, third paragraph of this comment letter, CEQA mandates that EIRs be "organized and written in a manner that will be meaningful and useful to decision makers and to the public." The Transportation and Circulation section of this DSEIR does not meet that standard and must be redrafted to bring it into compliance with CEQA.

4.13.6 Project Transportation Characteristics

The Transportation Characteristics section of the DSEIR has reached inadequate conclusions and must be expanded and redrafted to address the following comments.

The DSEIR Fails to Provide an Adequate Site Map for Traffic

O65 | The section on "Project Access and Circulation" (page 4-13-42) refers to Figure 4.13-4, with no identification of streets or neighborhoods, while the following paragraph, "Automobile Access and Circulation," goes into great detail regarding streets and neighborhoods. The DSEIR must be revised to contain a site map with streets and neighborhoods identified.

The DSEIR Fails to Describe Vehicle Access to the Retail Village

O66 | From reading the "Automobile Access" section, one learns that access to the Retail Village will not be possible from Southbound Mountain Blvd., with Main Street only having a Northbound right in and right out. However, there is no description of how automobiles are to access the Retail Village. Creekside Parkway is described as have seven-foot parking and eleven-foot

travel on both sides. The implications are that Southbound automobile access to the Retail Village must make a left, somewhere, while blocking the through-lane on Creekside Parkway, but it is unclear.

O66
cont.

The DSEIR must be revised to provide a description and scale drawing depicting all the traffic components on Mountain Blvd. adjacent to the development frontage, including the Creekside Parkway access to the Retail Village. In addition, it is the Coalition's conclusion that a signal-controlled left turn lane, on Southbound Mountain Blvd., must be provided for Retail Village access at Main Street. Without sufficient vehicle access to the Retail Village, the economic viability of the center could be in jeopardy.

The DSEIR Fails to Explain Street-Width Inconsistencies

While the DSEIR, in general, provides little if any information pertaining to the townhomes, the "Automobile Access" section briefly mentions that access to the Upland North townhomes on the northern ridge will be provided by Access Road. In the PUD Final Plan, dated May 20, 2016, page L001 indicates that a spur/cul-de-sac designed with sidewalks and with standard street widths, branches off Creekside Parkway. At the cul-de-sac, a much narrower road, with no sidewalks, titled Access Road, heads up to the ridge.

O67

Paragraph 4, page 4.13-91 states that all streets will have two 10-11 foot lanes and paragraph 1, page 4.13-92 states that all streets except Gardencourt and Creekside Village alleyways will have sidewalks.

The DSEIR must be revised to provide an explanation for why Upland North townhomes do not require standard-width streets with sidewalks as per all the other Oak Knoll neighborhoods.

Attachment BB Transit Demand Management

The DSEIR Fails to Provide an Adequate Transit Demand Management Plan

The Coalition finds the headway of the proposed shuttle will not compete with automobile travel, especially if one is transiting within the East Bay. In addition, requiring the HOA to be financially responsible for the shuttle is not tenable and will surely doom the shuttle to fail over time.

O68

It is the Coalition's belief that a more robust BART shuttle, with expanded service area, needs to be implemented utilizing AC Transit or a private contractor, with HOA-subsidized fare for Oak Knoll residents and paid fare for the expanded service area.

The DSEIR must be revised to provide a realistic Transit Demand Management plan that provides an expanded shuttle plan and other transit options that will meet the 20% VMT reduction. In addition, the DSEIR must look at additional methods that would reduce greenhouse gas emissions, such as roof-top solar, if the 20% VMT can't be achieved.

4.13.7 Traffic Mitigations

The DSEIR Fails to Identify Funding for Traffic Mitigations

O69

Traffic Impact Fees will generate approximately \$3,000,000 to be used at intersections within the Southeast Oakland Area Traffic Impact Fund (TIF) that require an estimated \$4,900,000 of

O69
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infrastructure improvements (pg. 4.13-41). However, one glaring problem with the traffic mitigations proposed by this DSEIR is that a critical interchange (Golf Links/98th Avenue/I-580/and Mountain Blvd.), which involves three mitigations, is not included in the TIF. The DSEIR fails to indicate how the mitigations of this critical interchange will be paid for or whether it could be added to the TIF, and the document must be revised to address this crucial issue.

O70

The DSEIR must also contain a cost-benefit analysis to determine which mitigations can be achieved based on the funds that will be available in the Traffic Impact Fund. If these studies determine that a specified mitigation cannot be implemented, the City of Oakland must provide a remedy. Failing that, an additional traffic survey should be done to evaluate how the Project is impacting traffic routes and neighborhood cut-throughs in the absence of Project mitigations for traffic.

The DSEIR Makes Risky Assumptions About Third-Party Approvals

Oak Knoll Coalition is very troubled with the evasive and ambiguous language used by the City of Oakland in describing the execution of the proposed mitigations. Tying the mitigations to traffic studies, warrants and the year 2040 is meaningless to the communities that surround this development.

O71

At a minimum, the DSEIR must require mitigations TRANS-3,4,5,6,14 and 15 to be tied to a tangible benchmark, such as building phases, percent of completion or building permit applications. This would ensure that these mitigations will be completed during and/or prior to development completion.

In addition, most of the mitigations are tied to CALTRANS approvals, yet there is no indication in the DSEIR as to whether approvals are attainable or even whether there is a plan for investigating this issue. The DSEIR must be revised to include a feasibility study to determine whether mitigations requiring CALTRANS approval can be implemented, and CALTRANS approval must be tied to the same tangible benchmark.

The DSEIR Fails to Consider the Cumulative Context of Weekend Zoo Traffic

O72

Mitigations TRANS-6, 14, and 15, are all impacted by weekend events at the Oakland Zoo. Unfortunately, weekend Zoo traffic was not included in the traffic study. The Oakland Zoo's weekend events currently create significant spillover and hazardous conditions on the westbound I-580/Golf Links off-ramp. Widening the off-ramp as per TRANS-15 will not provide enough storage because the existing spillover extends beyond the San Leandro/Oakland border. The existing conditions will be exacerbated with the completion of the Zoo expansion and, coupled with the Oak Knoll traffic, will produce unsustainable conditions.

The DSEIR must be redrafted to consider the cumulative context of weekend Zoo traffic and this Project's synergistic impacts on the intersections and freeway access points discussed above.

The DSEIR must provide mitigations that consider current weekend Zoo traffic and Zoo expansion traffic in order to properly consider this Project in cumulative context. Mitigations primarily necessitated by Zoo traffic must remain the sole responsibility of the City of Oakland and the East Bay Zoological Society.

The DSEIR Provides Inadequate Traffic Mitigation Analysis

The Coalition has numerous concerns about proposed traffic mitigations at specific intersections, including:

O73

1. **Intersection #14**, Creekside/Keller/Williams, is proposed to become a 4-way stop rather than the current single stop sign from Williams with no controls on Keller. Better would be to signal this intersection maximizing green on Keller, and with triggering of green to Williams delayed enough that unobstructed right turns onto Keller do not trigger the lights to change. Consideration should be given to providing a left turn lane from Westbound Keller onto Creekside for safety reasons.

O74

2. **I- 580 eastbound Mountain Blvd. exit at Keller/Fontaine**. The DSEIR fails to include an assessment of the impacts that installing a traffic signal at this location would have on the King Estate neighborhood west of I-580. Eastbound cars stopping for the light would queue past homes on Keller and the nearby intersection of Keller/Earl, degrading air quality for residents and making it difficult and possibly dangerous to turn left onto Keller. If the timing of the light is synchronized with the one at the intersection of Keller/Mountain, as suggested, it could also create a speed hazard on the Western portion of Keller because cars will have greater distance to gain speed and no longer be required to stop before entering this residential neighborhood with no sidewalks. The DSEIR should be redrafted to assess possible air quality, traffic flow and safety impacts of signal control at this location. There appears to be significant community opposition to a light at this location, and other possible mitigations should be explored.

O75

3. **Signalized through traffic on Fontaine Street, intersection #12**. The DSEIR fails to analyze the impacts of the southbound through traffic on Fontaine Street. While the traffic count will not change significantly, a continuous traffic stream (or traffic pulse) created by the release of traffic at the proposed signalized intersection will create impacts on the residential neighborhood from 7901 to 8115 Fontaine Street. The Coalition requests the restriping of Fontaine, from 7901 to 8115, to create one southbound through lane, with a buffer zone between the through lane and the parking lane.

O

4. **Sequoyah Road and Mountain Blvd, intersection 25**. Sequoyah and Mountain Blvd currently presents a serious public safety hazard during the a.m. commute. Frustrated drivers, trying to avoid delays on westbound I-580, use Mountain as a cut-through from Golf Links to Edwards, and they do so with excessive speed. Residents trying to exit Sequoyah do so at risk. A four-way stop-controlled intersection at Sequoyah and Mountain would seem to be appropriate, considering the proposed crosswalks and revitalized bus stop. Table 4.13-13 indicates current time delays of 2.45 seconds in the morning and 3.7 seconds in the evening at the Sequoyah Road-Mountain Blvd. intersection. This is grossly inconsistent with time delays reported by residents. The table also indicates that time delays would be shorter at that intersection after the Project is complete. This seems inaccurate because the DSEIR states earlier that 75% of the traffic from the Project is expected to use the Mountain Blvd. access. The right in-right out plan for entrances to the site would likely generate much heavier West-bound traffic on Mountain between Golf Links and Keller during peak evening hours. This would

generate substantially longer wait times than estimated and also cause longer delays for cars exiting Sequoyah Road. This configuration needs to be reconsidered in a revised DSEIR.

O77

5. **98th Avenue, intersection #37.** The 98th Avenue access to eastbound I-580 on-ramp is perilous as well, especially during the morning commute and during weekend Zoo events. The existing 98th Avenue left-turn lane has no control and the on-coming two lanes of traffic have no control. Traffic often backs up past the left-turn queue length while drivers try to thread the needle of on-coming traffic that emerges from over a blind hill. A left-turn stop and an all-through-lane stop on the northbound 98th lanes would allow a much more even and safe flow of traffic through this intersection.

The DSEIR Fails to Provide Analysis or Mitigations for Substantial Freeway Impacts

It is clear that the Project will substantially degrade the current quality of service for traffic near the Project, especially on I-580. The DSEIR incorrectly claims that no mitigations are possible for the impacted freeway segments. The segment of I-580 from Keller to High Street in both directions is quite congested, primarily because the design of the intersection with Highway 13 is inadequate for current traffic loads. Adding more than 11,000 vehicle trips per day to and from the Oak Knoll Project would clearly add a substantial load to an already overburdened freeway system.

O78

The DSEIR describes the freeway as being congested during the a.m. or p.m. peak hour, depending upon direction, but the congestion lasts for much longer than an hour. However, the DSEIR provides no analysis of how much the added traffic would be expected to extend the period of congestion.

The traffic models being used assume 2,000 vehicles per hour per lane for freeway traffic, however this is likely incorrect for the segment being analyzed because in the Eastbound (p.m. commute direction) there are two very active on-ramps immediately followed by the Edwards off-ramp. Congestion routinely starts here at much lower traffic volumes.

O79

The highway exit from I-580 Westbound to Hwy. 13 north is simply described as congested now during the “a.m. peak hour.” No effort was made to estimate increased queuing or delays or the expansion of the length of time that congested conditions would exist.

Similarly, the highway exit from Hwy 13 north to I-580 Eastbound is simply described as congested now during the “p.m. peak hour.” No effort was made to estimate increased queuing or delays, or the expansion of the length of time that congested conditions would exist.

O80

Deeper analysis of current traffic congestion and flow patterns — as well as a clear plan to engage CALTRANS for potential freeway-related mitigations — are clearly required as part of a redrafted SEIR for this Project. Mitigating these critical traffic impacts is the single most important Project concern for the surrounding community.

4.15 Energy

The DSEIR Fails to Adequately Address Idling Vehicles at the Project Site

O81

For more mitigation of construction-related air pollution, the diesel-fueled commercial vehicle threshold should be reduced to capture smaller diesel-powered vehicles. There is no reason that any vehicle should be idling excessively, applicability to Title 13, Section 2485 notwithstanding.

Conclusion

O82

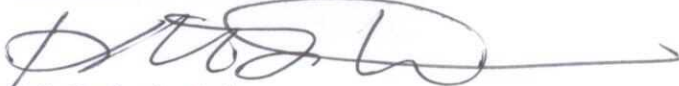
We appreciate your careful consideration of our remarks and recommendations. The Oak Knoll Coalition has worked for 20-plus years to help make the new SunCal development at Oak Knoll economically sound, ecologically sensitive and an asset to surrounding neighborhoods as well as the City of Oakland.

The Draft Supplemental Environmental Impact Report for the Oak Knoll Mixed Use Community Project Plan is incomplete and insufficient, filled with so many inaccuracies, inconsistencies and glaring omissions that it is impossible for the public, staff and decision-makers to adequately and reasonably evaluate many crucial Project impacts and proposed mitigations.

The document has failed to meet CEQA's "substantive mandate" and is therefore legally inadequate; it must be redrafted and recirculated for public comment.

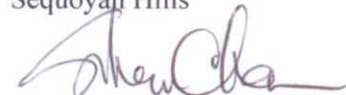
Respectfully,

Oak Knoll Coalition Members



Kris Drobocky Baitoo

Sequoyah Hills



Sohini Chan

Oak Knoll Neighborhood Improvement Association



Robert Clark

Sequoyah Hills




Philip Dow

Oak Knoll Neighborhood Improvement Association

Gaile Hofmann 
Sequoyah Hills/Oak Knoll Neighborhood Association


Peter Madsen 
Shadow Woods Homeowners Association

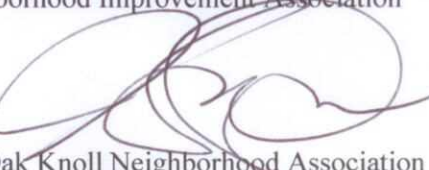
Sandra Marburg 
Associated Residents of Sequoyah Highlands

Donald Mitchell 
Sequoyah Hills/Oak Knoll Neighborhood Association

Roland Petersen 
Sequoyah Hills/Oak Knoll Neighborhood Association

Lee Ann Smith 
Sequoyah Heights

Tamara Thompson 
Oak Knoll Neighborhood Improvement Association

Jeannette Yusko 
Sequoyah Hills/Oak Knoll Neighborhood Association

CC:

Councilmember District 7—Larry Reid
Oakland Mayor—Libby Shaaf
Assistant City Manager—Claudia Cappio
Councilmember District 1—Dan Kalb
Councilmember District 2—Abel J. Guillen
Council President District 3—Lynette Gibson McElhaney
Councilmember District 4—Annie Campbell Washington
Councilmember District 5—Noel Gallo
Councilmember District 6—Desley Brooks
Councilmember at large—Rebecca Kaplan
City Attorney—Barbara Parker
SunCal—Pat Keliher

From: [jyusko](#)
To: [Klein, Heather](#)
Cc: [Reid, Larry](#); [Office of the Mayor](#); [Cappio, Claudia](#); [Mossburg, Pat](#); [Kalb, Dan](#); [Guillen, Abel](#); [McElhane, Lynette](#); [Campbell Washington, Annie](#); [Gallo, Noel](#); [Brooks, Desley](#); [At Large](#); [Parker, Barbara](#); [tpkeliher@gmail.com](#)
Subject: Oak Knoll Coalition Response letter to the: Oak Knoll DSEIR SCH No. 1995103035 dated August, 2016; City file no.: ER-15-004
Date: Wednesday, October 12, 2016 2:09:02 PM
Attachments: [OKC 2016 SEIR Response Ltr FINAL.pdf](#)

Dear Planning Department:

Attached, please find Oak Knoll Coalition's response to the Draft Supplemental Environmental Impact Report (Oak Knoll DSEIR SCH No. 1995103035 dated August, 2016; City file no.: ER-15-004) for the Oak Knoll Mixed Use Community Project Plan.

A hardcopy was also submitted today in person to Ms. Heather Klein at the City of Oakland offices.

Respectfully,
-Oak Knoll Coalition
www.oakknollcoalition.org

Letter O Responses – Oak Knoll Coalition

- O1: The commenter finds the Draft SEIR to be “inconsistent, unclear, and incomplete in myriad ways.” See response to Comment L1.
- O2: The commenter summarizes its opinion of CEQA’s requirements and makes a general statement that the Draft SEIR does not meet them. In addition, the commenter states that the Draft SEIR has an unstable Project description, but does not provide support for this statement. See responses to Comments L1 and O3.
- O3: The commenter states that the Project description is inadequate because it has a typo in the Project Overview section, mislabeling units square feet instead of acres, and also has “missing and contradictory data; inconsistent data between tables, text and appendixes; unusable traffic maps that lack street names; missing legends or technical abbreviation keys for tables; ambiguous and obfuscatory language, and missing appendixes that are nevertheless referenced in the text.” The commenter further states that the Draft SEIR “fails to consider several aspects of the Project in cumulative context, fails to adequately analyze the alternatives for Club Knoll, ignores entire sections of the development as pertaining to visual impacts on surrounding neighborhoods and a state-designated Scenic Highway; and proposes insufficient or nonexistent mitigations in many areas of concern.” The commenter concludes that the Draft SEIR is “legally inadequate and has failed to meet CEQA’s ‘substantive mandate’” and must be recirculated.

Regarding the typo in the Project Overview, the following text changes, which also reflects updates presented in this Final SEIR, are made to the Draft SEIR text on page 2-1:

The Project would establish approximately ~~69,167.6 square feet~~ acres of parks and open spaces for active and passive recreation, 16.97 acres of creek corridor restoration and enhancement, and approximately 3.5 miles of community-wide trails, including sidewalks connecting unpaved trails, that will link the site to the existing East Bay Regional Park District (EBRPD) trail system (WRA, 2017a and 2017b).

Note that the Draft SEIR uses the correct metric (acres) in describing parks and open space in other places, including on pages 3-13 and 3-27. Regarding other alleged defects, see responses to Comments O4–O63.

The cumulative analysis for each resource topic is generally located at the end of each resource topic chapter except for the analysis of air quality pollutants and greenhouse gas emissions, which are inherently cumulative. (See *Rialto Citizens for Responsible Growth v. City of Rialto* (2012) 208 Cal.App.4th 899, 937.) For example, cumulative aesthetic impacts are analyzed on pages 4.1-67 through 4.1-68 and cumulative biological impacts are analyzed on pages 4.3-84 through 4.3-85 of the Draft SEIR.

The alternatives analysis is on pages 5-1 through 5-73 of the Draft SEIR. The alternative analysis meets CEQA’s requirements and includes alternatives to the Project that would reduce some of the Project’s significant environmental impacts. See also response to Comment I2 and Master Response to Comment C.

Regarding visual resources, see responses to Comments O5 through O16.

Regarding mitigation measures, mitigation is required only where the Project would cause a significant impact. The Draft SEIR imposes all feasible mitigation available to reduce significant impacts attributable to the Project.

Regarding recirculation, see response to Comment L1.

- O4: This comment states an opinion that the Draft SEIR assessment of aesthetics impacts was deficient in several ways that are explained in subsequent comments: see responses to Comments O5 through O16, and O29. Since this comment does not address any specific text or illustrations in the Draft SEIR, no response is warranted.
- O5: This comment expresses an opinion that the Draft SEIR assessment of aesthetics impacts did not adequately consider all aspects of the affected environmental setting.

This comment fails to recognize the Draft SEIR's extensive description of the existing environmental setting with respect to the site's landscape features and visual prominence, or lack thereof, from all surrounding publicly accessible vantage points (pages 4.1-1 thru 4.1-7). The analysis does not assume a hypothetical baseline, but considers the Project site as it now exists, which is generally vacant with the exception of Club Knoll and some utility infrastructure, roadways and parking areas that supported the former NMCO facilities. (Draft SEIR at p. 4.1-1.)

This comment also fails to acknowledge the Draft SEIR's consideration of the City's General Plan Policies pertaining to protection of views along the MacArthur Freeway (page 4.1-11) and preservation of natural scenic features on hillsides, open spaces, creeks, and oak tree communities such as those found on the Oak Knoll site itself (pages 4.1-9 thru 4.1-10). This comment also fails to acknowledge the explanation of the approach to the visual impact assessment that started with evaluation of site visibility from all surrounding public vantage points, including I-580, Keller Avenue, Mountain Avenue, existing residential neighborhoods to the north, east and south, and even from distant areas on the west side of I-580.

Based on the understanding of the site's most prominent visual features and the level of site visibility from various surrounding publicly accessible vantage points, a set of public viewing locations was selected for further analysis via photo simulations, to represent the Project's built character, compared to the existing visual character, at those locations where the public views are most expansive and include one or more scenic features found on the Project site. The simulation of proposed building character was based on the specifications set forth in the Project's PDP, Design Guidelines, Landscape Design Guidelines, Open Space and Parks Plan and Tree Mitigation Plan. Refer to the discussion of the Approach to Analysis, on pages 4.1-15 thru 4.1-18 of the Draft SEIR. While the commenter may disagree with the sufficiency of the analytical methods and findings that formed the basis for selection of photo simulations locations, no legal deficiencies in the adequacy of the Draft SEIR assessment have been identified. CEQA requires a reasoned analysis of public impacts, not an aesthetic analysis of the Project "from all boundaries," as suggested by the commenter.

- O6: This comment alleges that the Draft SEIR did not adequately assess visual impacts from the adjacent MacArthur Freeway, a Scenic Highway corridor identified in the Oakland General Plan, and that the visual impact of the commercial center in particular should be considered to have a "considerable" impact on views from that highway. This comment

apparently ignores the Draft SEIR's assessment of the visual impact of the proposed retail center from the I-580 corridor, found on page 4.1-24, where it is noted that the proposed retail village area has limited and intermittent visibility from passing motorists due to the freeway traveling speeds and the view-obstructing effects of intervening development along Mountain Boulevard and vegetation on the Project site. This assessment is consistent with the findings of the 1998 EIS/EIR for the NMCO Master Reuse Plan, which found that there could be some significant impact to views from the scenic highway due to development on the Eastern Ridge and Knoll, which is no longer proposed. The area where the proposed village commercial center would be sited was not identified as an area that would significantly affect views from the scenic highway. Also note that the proposed Oak Knoll zoning standards would establish a building height limit in the village commercial area of 30 feet, not 40 feet as alleged in this comment. This height limit would likely result in structures of no more than two stories in height, given vertical spans of 10-15 feet per floor, which is consistent with other retail structures near the MacArthur Freeway.

- O7: The proposed Oak Knoll zoning standards would establish a building height limit in the village commercial area of 30 feet, not 40 feet as alleged in this comment. This height limit would likely result in structures of no more than two stories in height, given vertical spans of 10-15 feet per floor. Also, it is unclear what the commenter means by the statement that Figure 3-13a "alludes to" a height of 40 feet. The buildings depicted in Figure 3-13a are illustrative, and the tallest of them shown is approximately 30 feet tall.

Views from adjacent private development areas were not considered in the Draft SEIR assessment of aesthetic impacts because such views are not public vantage points; impacts to private views are not a criterion for assessing the significance of changes to visual character and quality under the City's CEQA thresholds. This is stated clearly on page 4.1-16 of the Draft SEIR, to quote:

"The City of Oakland's Significance of Thresholds Guidelines (May, 2013) specifies that only impacts to scenic views enjoyed by members of the public generally (not private views) are potentially significant. Public view corridors are those viewed from publicly accessible locations, such as City roadways, highways, parks, and other publicly-controlled spaces."

At such time as detailed development plans are proposed for the Oak Knoll Village Commercial area, the residents of the Oak Knolls Heights community, and others who live in the vicinity, will have an opportunity to participate in the City's review of those plans and the design features to ensure that the commercial site is developed in accordance with the Oak Knoll Design Guidelines and creates a desirable visual character.

- O8: As noted on page 4.1-23 of the Draft SEIR, the townhomes in the Uplands North neighborhood would be built on the existing graded terraces remaining from the former NCMO complex, with relatively minor grading alterations. Up to three-story/40-foot (to top of a pitched roof) high buildings would consist of no more than 10 units and clusters of buildings would be separated by vegetated slopes between terraces, consisting of oak trees and other vegetation elements specified in the tree mitigation plan and the final landscape plans. As shown on Figure 3-7 in the Draft SEIR, landscape edges would border and soften views of the townhomes along Keller Avenue and the site entrance via Creekside Drive. It will take several years for the landscaping to mature and provide full visual softening effects, but this is typical of all new development projects and the assessment of the

Project's aesthetics impacts is based on a long period of time corresponding to the operating life of the completed development, not the first few years after it is built.

The images of the proposed townhomes that would be built within the Uplands North neighborhood that are depicted in Figures 4.1-5a and 4.1-5b are representative of potential building height and bulking characteristics that would be consistent with the proposed Oak Knoll Design Guidelines, but do not include all potential building articulations, individual building shapes and orientations, landscape enhancements, etc. that could be applied. Thus, these simulations probably under represent the visual appeal of the Project. The simulation of built conditions with landscaping at an 8-year maturity level also does not reflect the more extensive landscape cover that will exist over a longer period of time, which will gradually expand the intensity of the landscaping and further soften views of buildings in this area.

The Oak Knoll Design Guidelines apply to all future construction on the Project site. Based on the design objectives established for the townhomes in Section 2.4 of the proposed Design Guidelines, it is unlikely that there would be a single building typology for all townhomes or that a monotonous repetition of building forms and design features could occur. Examples of design objectives on page 22 of the Oak Knoll Design Guidelines (Appendix E to the Draft SEIR) that will promote variation in the building mass, form, and articulation include:

- Variation of design is encouraged, and corner units should be treated differently than middle units;
- End facades should be treated as if they were highly visible and should feature windows, entries where appropriate, and other design features normally on the front facade;
- Odd numbers of units in a row are encouraged;
- Stepping between units is encouraged to provide private balconies and a varied building frontage as viewed from the street; and
- Landscape planting should be integrated in with streetscapes and provide screening for parking & alleys.

The proposed Oak Knoll Zoning District Standards establish building height restrictions for all buildings throughout Oak Knoll. In the townhome districts, the maximum height proposed is 35 feet for the maximum wall height and 40 feet for the maximum height of the roof peak. Sample profiles of townhome buildings are depicted on pages 22 and 23 of the Oak Knoll Design Guidelines. Maximum building coverage would be 55 percent of the affected lot area. These restrictions will reduce the visual impact of building massing within the townhome development area.

View simulations presented in Draft SEIR Figures 4.1-12A, and 4.1-12B depict the general visual character of the proposed townhomes and adjacent parts of Oak Knoll, as viewed from the Eastern Knoll on site. This view is also representative of views that could be seen from more distant locations within the Sequoyah Hills community to the east. While the near-field views of the Oak Knoll site would be dominated by the newly built features, the longer distance views of natural landforms and flatlands beyond would not be affected. A landscape buffer along Keller Avenue would screen views of the townhomes within Uplands North from motorists traveling along Keller Avenue and also from homes within the Shadow Woods community immediately to the north of the

townhomes. Vegetation within the Shadow Woods complex would also shield views toward the Oak Knoll site and residents of Shadow Woods would likely have more visibility of the Oak Knoll site for some seconds as they travel along Keller Avenue to and from their homes. That visibility is not considered to represent a significant public viewing location nor are views of townhomes considered to be an adverse impact for motorists or pedestrians traveling through an already urbanized landscape. Homes sited along the west side of Mountain Boulevard, directly opposite the Project site, would have little or no view of proposed townhomes in Creekside South or Uplands North, since the Village Commercial Center and the revegetated Rifle Range Creek Corridor would block views of the townhomes, as would vegetation within that residential complex.

While the concerns expressed in this comment about the visual character of the proposed townhomes are acknowledged, there has been no demonstration of how the proposed building character would result in significant, adverse impacts to the visual character and quality of the site or surroundings. Just because clusters of townhome structures or other types of structures would be visible from some surrounding vantage point does not mean that there would be a significant adverse visual impact because the structures are replacing a currently vacant site with some nearby tree stands. Views of Oak Knoll from surrounding vantage points in all directions currently consist of a mixture of landscape elements that include remnants of the former NMCO development areas, including graded terraces, streets and various forms of vegetation. The proposed Oak Knoll development plan includes variation in building heights, massing, styles, and articulation, as well as extensive landscaping and retention of natural open spaces that are designed to create an attractive, cohesive community character. The proposed landscape character is to replicate the coastal woodland that currently dominates on the site, and to link the open spaces, parks, neighborhoods and Village core through that character. This is far different than a development that consists of a single boxy building type replicated throughout the site, with little variation in articulation or style and a monochromatic landscape palette comprised solely of non-native, ornamental species.

It is also noted that there is no requirement under the City's CEQA significance criteria to evaluate the visual effects of this single building component (townhomes) from the private viewing locations of any surrounding developments. The townhomes have been considered as part of the broader visual changes that would result from the proposed Oak Knoll Project, inclusive of buildings, landscaping, walls, streets, and all other building elements. The visual impacts of the Project, including the townhomes have been considered as seen from the public vantage points identified in Figure 4.1-4 in the Draft SEIR, including from King Estates Open Space (Figure 4.1-5A and Figure 4.1-5B), Keller Avenue near Williams Street (Figure 4.1-6A and Figure 4.1-6B), Keller Avenue near Campus Drive (Figure 4.1-7A and Figure 4.1-7B), upper Keller Avenue (Figure 4.1-8A and Figure 4.1-8B), Briarcliff Road (Figure 4.1-9A and Figure 4.1-9B), the intersection of Mountain Boulevard and Sequoia Road (Figure 4.1-10A and Figure 4.1-10B), Mount Boulevard facing Club Knoll (Figure 4.1-11A and Figure 4.1-11B), and the Eastern Ridge (Figure 4.1-12A and Figure 4.1-12B). This is an adequate number of visual simulations to assess the visual impacts of the Project.

The commenter incorrectly suggests that Williams Street is incorrectly noted on aforementioned Figure 4.1-6A and Figure 4.1-6B. As indicated in Figure 4.1-4, Viewpoint B is located slightly west of Williams Avenue, which intersects Keller Avenue. West of Keller Avenue, Williams Street is the remnant access/egress road to the Project site; east of Keller Avenue, Williams Street is the driveway to the Shadow Woods condominiums.

There may be a number of homes to the north, east and west of the Project site that will have full or obstructed views of the proposed townhomes, but those views were not subject to assessment as part of the Draft SEIR. As indicated on page 4.1-18 in the Draft SEIR, the consideration of whether a Project could have a significant impact with respect to the visual character and quality of the site and surroundings involves an assessment of the level of visual contrast resulting from the proposed development conditions, in all of its facets, such as building massing, heights, scale, landscape elements, layout and the configuration of public spaces, compared to the existing conditions. The change in visual character and quality is not considered significant unless it is demonstrated that the changes would be substantially adverse, damaging or degrading when compared to existing conditions. None of the statements in Comment O8 have demonstrated that there would be such adverse effects.

While it is noted on page 4.1-57 of the Draft SEIR that the built character of the Uplands North neighborhood and other neighborhoods would be substantially different from the existing visual character, this change is not considered to be significantly adverse, because it will occur in an already urbanized setting within the context of an integrated community development plan and would be of comparable character and quality as existing surrounding development. Pursuant to Section 17.140.060 of the City of Oakland Planning Code, residents of surrounding neighborhoods will have an opportunity to participate in a public hearing before the City Planning Commission, which is responsible for review and approval of FDPs for the proposed townhomes and other components of the Project, at such time as those plans are submitted for final approval. At that time, all design elements associated with the townhomes will be evaluated to ensure that the building features are designed and enhanced to ensure that the visual effects of building bulk are minimized and sensitively integrated into a neighborhood character that will include extensive landscaping that will, over time, also soften the appearance of structures.

This comment specifically raises concerns about visual impacts from the following locations: (1) “Keller/Campus intersection looking Southwest down Keller Avenue into the proposed development, to the future site of the townhomes in the Creekside North and Uplands North development”; (2) “Rilea Way looking across the Sequoyah Hills Community Church parking lot to the ridge line of the proposed Uplands North townhome development”; (3) “Keller Avenue near Williams Street/Canyon Oaks looking South West”; (4) “The entrance and exit to Oak Knoll Heights looking East into the Retail Village and new entrance”; and (5) the view of townhomes from the Kings Estate Open Space, which the commenter says is not adequately mitigated by vegetation growth at eight years.

Each of the views 1 through 3 cited by the commenter were analyzed in the 2006 Draft SEIR for a previous development proposal on the Oak Knoll site for a new community plan development similar to the current proposal. Each of these viewpoints occur along to the north and/or east of the site from higher elevations. From these viewpoints there is a combination of perimeter landscaping (that will remain with site development), intervening development, the “bowl” topography of the Project site, and no existing recognized scenic resource or scenic vista looking across south and east across the Project site that would be adversely affected by development on the Project site. For these reasons, none of these locations was selected for the analysis of scenic resources.

Regarding concerns 4 and 5 (views of townhomes from the Kings Estate Open Space, which the commenter says is not adequately mitigated by vegetation growth at eight years), the analysis in the Draft SEIR describes that while these graded slopes will be

highly visible in the North Uplands (townhomes), views of that area would be largely obscured by existing and new vegetation. In particular, the Project's sloped banks will be revegetated with oak woodlands on these north upland slopes and be more consistent over time with the dense mature vegetation along the perimeter of the site (see Draft SEIR Figure 4.1-5B). The depiction of eight-year maturity of landscaping for the simulations is based on the term of maturity of the proposed species. To the extent that new townhomes remain visible from the Kings Estates vantage point (or any vantage point), the introduction and visibility of new townhomes on the Project site would not be a substantially adverse, damaging, or degrading change when compared to baseline conditions. The siting and design of the townhomes with the applicable Oak Knoll Design Guidelines and development standards would not have a negative visual effect. The Project overall will entail development of new, high-quality development that would be compatible with surrounding development.

- O9: The comment states that the Draft SEIR fails to present clear setback guidelines in the draft Oak Knoll Design Guidelines, specifically rear setbacks. The setback requirements, including the minimum rear setback, are in the proposed zoning for the Project. While the commenter's footnote reference to the draft Design Guidelines document is inaccurate, the draft Design Guidelines conceptually address building setbacks. As discussed and illustrated in Section 2.5 (page 24) of that document, specific numeric development standards are established in the draft Oak Knoll Zoning, which would govern the development of the Project site, along with the Design Guidelines. The draft Zoning Ordinance submitted in October 2016 has been posted by the City on its webpage for this Project. In addition, the City's Zoning Update Committee considered the Zoning Ordinance at a public hearing in November 2016. Further, the Zoning Ordinance will be considered by the Planning Commission at a public hearing at the same time as the PDP and Design Guidelines.

The commenter continues that the photo simulation of the corner of Mountain Boulevard and Sequoyah Road shows that the townhomes will be too close to a wall and that the lack of a setback causes a lack space for plantings that would visually soften the view from the corner and states that the lack of visual softening is incompatible with the existing neighborhood character.

Figure 4.1-10B shows the townhomes set back approximately 30 feet from an eight-foot site wall along Mountain Boulevard. This 30-foot setback will allow landscaping between the townhomes and the wall that could provide additional screening. As the rendering shows, the site wall is additionally setback from the sidewalk, and the Project has proposed the planting of two rows of Oak trees (one on either side of sidewalk) as visual screening. In addition, a fifty-foot swath of existing eucalyptus on the Property is being preserved to the south along Sequoyah Road. For CEQA purposes, however, the views of townhomes and other structures, such as walls, are not considered to be an adverse impact for motorists or pedestrians traveling through already urbanized areas, such as those that surround the Project site. In addition, adding residences in a predominantly residential area is considered to be compatible. Please also see response to Comments O4–O8.

Differences in required building setbacks between adjacent developments and those proposed within Oak Knoll do not constitute significant environmental impacts. Variations in building setbacks between adjacent neighborhoods occurs throughout Oakland and in most urbanized communities, especially when there are a variety of housing types and intentionally different neighborhood characters. Aesthetic

compatibility between existing and proposed neighborhoods does not require identical building standards; if that were to be applied, there would be substantially monotony in the appearance of one neighborhood after the other and that would result in negative visual impacts in terms of visual character and quality.

In the view simulations shown in Figures 4.1-10A and B, and Figures 4.1-11A and B in the Draft SEIR, the juxtaposition of the perimeter walls with the townhome buildings is such that there is some appearance of a continuous line of structure extending from the wall to the top of the townhomes. This alignment would occur for a fleeting moment to a motorist or pedestrian. A small move to the right or left by the viewer would cause the horizontal space between the wall and the building to become apparent. Further, as shown in the simulations of conditions at eight years of landscaping maturity, the growing tree canopies will eventually mask and soften the images of structural expanses comprised of the perimeter walls and townhomes. Additional landscaping and architectural enhancements may be added as a result of the City's review of final design plans, to ensure that views of structural massing at the intersection of Mountain Boulevard and Sequoyah Road are minimized.

- O10: The commenter is concerned that the Draft SEIR did not study the impact of the Village Center on views from existing residences on Mountain Boulevard and from within the Project site. As noted in responses Comments O7 and O8 concerning aesthetic impacts as viewed from neighboring *private* viewing locations, the Draft SEIR assessment was focused on changes in views from selected *public* vantage points, in accordance with the City's CEQA implementation procedures and significance determination criteria. In addition, CEQA does not require the analysis of the Project's potential aesthetic impact on residents of the Project itself.

The commenter raises concern about whether the service areas of the commercial buildings will be shielded. The design of the Village Center will need to comply with the Design Guidelines, which include the following objectives for commercial uses:

- Building placement that reinforces the concept of the Plaza and orients service areas away from the Plaza while keeping them screened from view from Mountain Blvd.;
- 70% glazing on facades directly fronting the plaza and 50% glazing on facades fronting pedestrian pathways;
- Awnings and trellis overhead canopies to provide outdoor shade and shaded gathering areas;
- Sidewalk widths at primary retail facades sufficient to provide tree planting, signage, furnishings, lighting and outdoor seating areas where appropriate to adjacent retail use; and
- Hardscape and Planting that reinforces the outdoor pedestrian realm, but provides equal access to vehicular traffic.

The above design objectives, along with the applicable zoning standards in the Oakland Municipal Code (sections 17.124.025 and 17.124.045), ensure that the service areas of commercial uses will be screened. When precise FDPs for the Retail Village are submitted for City approval, there will be additional opportunities for public review of the various design features and the effects on visual character as viewed from surrounding public vantage points.

- O11 As discussed in response to Comment O8, the Draft SEIR considers the aesthetic impact of the Project from public viewpoints to the north and west of the Project. (See Figure 4.1-4, indicating that visual simulations were taken from points north and west of the Project site). The analysis is contained on pages 4.1-29–4.1-36 and 4.1-57 of the Draft SEIR.
- O12 Potential light and glare impacts from various sources throughout the completed Oak Knoll community are discussed on pages 4.1-63 through 4.1-64 in the Draft SEIR. As discussed therein, the variety of outdoor lighting fixtures that would occur within the developed Oak Knoll community would be similar to outdoor lighting already found in surrounding residential and neighborhood commercial areas. No unique or exceptionally intense illumination fixtures are proposed. A variety of lighting restrictions will be imposed, pursuant to the City's existing SCAs and development standards, to ensure that new outdoor lighting within Oak Knoll is designed, oriented, shielded and located in a careful way, to avoid light intrusion or glare onto adjoining properties or streets. There is also substantial spatial separation and intervening vegetation around much of the site perimeter, which further limits the potential for any light intrusion to adjacent properties from new lighting within Oak Knoll. As such, the Draft SEIR determined that this project would not result in any significant light or glare impacts. This comment provides no evidence that any such adverse impacts could occur.
- O13: Potential shadow impacts that could affect public or quasi-public lawns, gardens or open spaces are discussed in the Draft SEIR under Impact AES-4, on pages 4.1-65 to 4.1-66 and potential shadow impacts that could affect a historic resource (i.e. Club Knoll) are discussed under Impact AES-5, on pages 4.1-66 to 4.1-67 of the Draft SEIR. As discussed therein, this project would not result in shadows cast on existing nearby public open spaces, i.e. Rifle Range Creek and the Leona Regional Open Space. Further, the project's building elements would not cast shadows that could reach the relocated Club Knoll structure and would not materially affect any of the historic elements of that structure. No significant shadow impacts have been identified in this comment.
- O14: This comment fails to indicate why views from the Leona Canyon Open Space should be evaluated with respect to potential aesthetics impacts from the proposed townhomes, involving shadows (the comment refers to Impact AES-4, which is a significance threshold concerning casting of shadows that detrimentally affects public or quasi-public lawns, gardens or open spaces). As discussed on page 4.1-65 of the Draft SEIR, the Leona Open Space is located more than 200 feet from the nearest edge of Oak Knoll, and the nearest proposed buildings would be at least 500 feet from that open space area. There is no possibility that shadows from any buildings within Oak Knoll would reach the Leona Open Space, given these distances.
- O15: The commenter summarizes its previous comments of concern regarding the adequacy of the aesthetics analysis, in particular the focus on the Eastern Slope/Knoll and the Retail Center as related to the cumulative impact analysis. See responses to Comments O8 and O10 in particular. As discussed in the Draft SEIR (page 4.1-68), the Project, including the townhomes and retail center, would not combine with past, present, and reasonably foreseeable future projects to have a substantial adverse effect on a scenic vista or scenic resources within a state scenic highway. In addition, there is no cumulative degradation of the existing visual character, and the Project would be a high quality mixed use development, consistent with surrounding land uses and the area's visual character. The Project also would not make a cumulatively considerable contribution to cumulative light

or glare impacts because it would be required to comply with the City's restrictions to prevent such impacts.

- O16: The commenter states that the Draft SEIR lacked sufficient information to allow analysis of aesthetic impacts, including information about the PDP and development standards. The entire set of draft Design Guidelines was appended to the Draft SEIR and was available for public review and comment, along with all other Draft SEIR materials. The PDP was posted on the City's website at the time of publication of the Draft SEIR and summarized in numerous exhibits within the Draft SEIR, within the Project Description section and throughout the document, as appropriate. All of the exhibits depicting existing aesthetic conditions and simulations of the proposed built conditions were based on the specific layout of development identified in the PDP, together with the visual character-defining aspects of the draft Oak Knoll Design Guidelines (Appendix E to the Draft SEIR) and draft Oak Knoll Complete Streets Guide (Appendix F to the Draft SEIR). As such, the representation of the visual character of the proposed Oak Knoll development plan is sufficient to support a complete assessment of the project's impacts, in accordance with the City's CEQA significance criteria. Complete, permit-ready plans containing all levels of design details are not required to support an analysis of the project's aesthetic impacts.

Development standards are established in the applicable draft zoning districts, which include customized standards written specifically for the Oak Knoll project and are available on the City's website (<http://www2.oaklandnet.com/government/o/PBN/OurOrganization/PlanningZoning/OAK052335>). The draft Oak Knoll Zoning codifies a range of restrictions pertaining to building heights, building setbacks, lot coverage, permitted uses, plan review procedures, etc. The proposed zoning is designed to allow implementation of the PDP and Design Guidelines and is among the various applications for Project approval to be considered by the Oakland Planning Commission and City Council. As such, there will be further opportunities for public review and comment concerning the proposed zoning standards, prior to any formal actions concerning project approvals.

As noted in previous responses, prior to initial development of any group of residences or the commercial center, an FDP must be submitted by the builder that includes precise design details concerning all aspects of the proposed building heights, orientation, and massing, setbacks, densities, landscaping, streets, parking, lighting, signs, walls, etc. The Oakland Planning Commission will consider the FDP at a noticed public hearing. Through this process, surrounding residents and property owners will have an opportunity to participate in the FDP review and provide more input regarding design issues.

None of the specific concerns identified in this comment have demonstrated any deficiencies in the Draft SEIR assessment of the aesthetics impacts associated with the proposed townhomes or other land use elements.

The comment expresses concern over the following issues: (1) townhome height, massing, and neighborhood context; (2) orientation of the townhomes on the Northwest Knoll juxtaposed with the existing communities; (3) setback distances for townhomes along Mountain and Keller, from the sidewalk to the back of units; (4) setback distance of the townhomes along the Northwest Knoll from Keller; (5) height allowances, setbacks, and orientation planning for the Retail Village; and (6) orientation of the parking at the Retail Village as it impacts the views from neighboring Oak Knoll Heights townhomes.

Regarding issue 1, for more information about height, please see responses to Comment O8. The general massing is shown in the Design Guidelines, available at <http://www2.oaklandnet.com/government/o/PBN/OurOrganization/PlanningZoning/OAK052335>. Regarding neighborhood context, the Project is designed to be a consistent whole, but also to have distinct building groupings that could be viewed as neighborhoods. The neighborhood context of the surrounding areas is described on Draft SEIR pages 4.1-6 and 4.1-7.

Regarding issue 2, the orientation of the townhomes is shown on Figure 3-7 of the Draft SEIR. As depicted on that figure, the townhomes on the Northwest Knoll would be organized around and would face shared landscaped areas. The townhomes in this area will be surrounded by landscaping. This organization is similar to and consistent with the organization of the townhomes on the north side of Keller Avenue.

Regarding issues 3 and 4, the shortest distance from the back of the townhouse closest to Mountain Boulevard and the edge of the sidewalk along Mountain Boulevard is 260 feet. The shortest distance from the back of the townhouse closest to Keller Avenue and the edge of the sidewalk along Keller Avenue is 179 feet.

Regarding issue 5, please see response to Comment O10.

- O17: The comment expresses concern that the Project will not adhere to the BAAQMD CEQA Guidelines. The BAAQMD has established thresholds of significance for use in the CEQA process, as has the City of Oakland (see City of Oakland CEQA Thresholds of Significance Guidelines). The City of Oakland thresholds of significance are consistent with the BAAQMD thresholds of significance for emissions and local risks and hazards. In this way, the analysis of significant impacts in the Draft SEIR is consistent with the BAAQMD CEQA Guidelines and the Project's compliance with the Draft SEIR's mitigation measures will ensure that the Project is in compliance with the BAAQMD Guidelines. The Project does not include any stationary sources of air pollution, and so does not include sources that are under the jurisdiction of the BAAQMD during operation. The Project does not include wood-burning fireplaces, pursuant to BAAQMD Regulation 6 Rule 3 Wood-Burning Devices. See response to Comment O21.

The BAAQMD CEQA guidance for minimizing construction emissions in Tables 8-1 and 8-2 is incorporated into the Draft SEIR as SCA AIR-1, which minimizes emissions from fugitive dust and equipment exhaust. As part of SCA AIR-1, the BAAQMD CEQA guidance for minimizing construction emissions is incorporated into a binding condition of approval of the Project.

- O18: The commenter asks that all vehicles used during construction should comply with the CA EPA Heavy-Duty Diesel Vehicle Idling Regulations limits and that diesel trucks and buses be upgraded to meet PM filter requirements during the entire construction phase.

The CARB Commercial Vehicle Idling Regulation⁶ has no maximum idling limit for diesel vehicles with a Gross Vehicle Weight Rating (GVWR) smaller than 10,000 lbs. Because there is no established idling standard for these vehicles, imposing an idling

⁶ California Air Resources Board Facts About Changes to California's Commercial Vehicle Idling Regulation, available at: <https://www.arb.ca.gov/msprog/truck-idling/factsheet.pdf>

limit as a mitigation measure would be unsupported by regulations. To the extent that smaller diesel vehicles will limit their idling to less than five minutes, the Draft SEIR conservatively does not take any credit for such reductions in reaching the less than significant conclusions in Impacts AIR-1 and AIR-4. Because the impact is determined to be less than significant, no additional mitigation is required.

The use of diesel particulate filters on diesel trucks and buses for the duration of construction is not necessary to reduce emissions or local risks and hazard impacts from construction to below levels of significance for the Project. As such, there is no requirement in the Draft SEIR for diesel particulate filters for diesel trucks and buses. The CARB On-Road Heavy-Duty Diesel Vehicles (In-Use) Regulation stipulates almost all trucks and buses need to have 2010 model year engines or equivalent by January 1, 2023.⁷ These trucks will be phased in during Project construction and CalEEMod considers the evolving on-road fleet in its mobile emissions estimation module.

- O19: The commenter raises concern about fugitive dust from concrete crushing operations. In compliance with SCAs HAZ-1 and HAZ-2, all concrete waste materials will be evaluated for presence of toxic materials such as asbestos, as part of the pre-construction efforts to identify sources of environmental contaminants, and to devise an appropriate hazardous materials cleanup plan to be implemented under the oversight of the State Department of Toxic Substances Control (DTSC). Prior environmental site assessments conducted on-site have already identified the presence or potential presence of concrete pipe wastes containing asbestos materials. As such, those wastes must be remediated through standard asbestos removal procedures, prior to any crushing of those concrete wastes. The BAAQMD CEQA guidelines recommend Best Management Practices to mitigate fugitive dust from construction, which would include dust generated by concrete crushing or recycling. The Draft SEIR has adequately analyzed the impacts specifically from concrete crushing operations using the BAAQMD guidance. The emissions and health risk impacts from construction are less than significant with SCAs using BAAQMD guidance and are not more significant than in the 1998 EIS/EIR.

The commenter also expresses concern about cancer risks from Project activities and references Draft SEIR Table 4.2-7, which indicates that Project emissions during construction could cause potentially significant cancer risks. Table 4.2-7 summarizes the Project's impacts before the application of various construction emissions control measures required to by SCA AIR-1. As shown in Table 4.2-8, with these construction control measures, the Project is well below the BAAQMD significance threshold concerning health risks. With SCA AIR-1, the Project's incremental increase in cancer risk from construction would be 3.2 per million for a child and 0.1 per million for an adult, which is below the City and BAAQMD threshold of significance of 10 per million. The increase in cumulative cancer risk from Project construction with SCA-1 would be 14 per million, which also is below the City and BAAQMD threshold of 100 per million.

- O20: The commenter raises concern about the impact from fugitive dust and noise from concrete crushing operations on home-based businesses located around the Project site. As discussed in response to Comment O19, the emissions and health risk impacts from construction are less than significant with SCAs using BAAQMD guidance, and are not more significant than in the 1998 EIS/EIR. Further, health risk, cancer risk and PM_{2.5} concentrations are calculated as annual averages, and construction will last a substantially

⁷ CARB Truck and Bus Regulation, *available at*: <https://www.arb.ca.gov/msprog/onrdiesel/onrdiesel.htm>

less than 70 years. In addition, the construction noise impacts considered the noise from concrete crushing and found that it would be less than significant. Because the Project would comply with the daytime noise construction standards per the City of Oakland noise ordinance, the effects would be considered to be maintained at a level sufficient to avoid speech interference issues that might impact home-based businesses.

Further, this comment offers no evidence on how home-based businesses would be adversely impacted as a result of the construction period noise and air pollutant emissions. The analyses of construction phase noise and air quality impacts presented in the Draft SEIR do not identify any such adverse impacts. Disposal of various concrete and metal wastes remaining from demolition of the former NMCO facilities throughout the site may occur through on-site crushing or off-site transport, as noted in the Draft SEIR. There are trade-offs with respect to emissions and other types of impacts between these two options. For example, off-hauling of wastes would avoid localized noise and air pollutant emissions that would occur with on-site crushing, but this would increase emissions associated with truck trips and also add to potential traffic congestion problems during those temporary periods of time when the haul-off trips occur. No significant health risks or environmental impacts have been identified for either waste disposal option in the Draft SEIR. There is no evidence that the Project would reduce people's livelihoods from home-based businesses and in all events, economic impacts are not within the scope of CEQA.

- O21: The commenter expresses concern about the lack of analysis of woodburning hearths that may be included in the Project's residences. The City is within the BAAQMD jurisdiction and is therefore subject to BAAQMD rules. The BAAQMD has imposed restrictions on residential wood-burning through Regulation 6 Rule 3 Wood-Burning Devices. Effective November 1, 2016, Section 6-3-306 of the Rule prohibits the installation of wood-burning devices in any new building construction. Therefore, there will be no wood-burning fireplaces, stoves, or outdoor devices in the residences. To make this clear, the following text will be added to the Draft SEIR on page 4.2-11:

BAAQMD Regulations

BAAQMD has adopted Regulation 6, Rule 3, which prohibits the installation of wood-burning devices in any new building construction. The Project is subject to this regulation.

The emissions estimates in the Draft SEIR assume natural gas hearths in the residences only. Although Club Knoll's fireplaces would be relocated and rehabilitated, the use of the fireplaces would be restricted for air quality reasons.

- O22: The commenter suggests that the Draft SEIR underestimates the importance of the site's Oakland star tulip population. See response to Comment N2.
- O23: The commenter states that the Draft SEIR fails to consider large populations of non-sensitive wildlife. Impacts to non-sensitive wildlife on the Project site are not expected to be significant. Non-sensitive wildlife species in this area of Oakland are already habituated to urban conditions and are able to forage and breed in the urban area's pockets of wooded areas and open space. This will continue after the Project is constructed. During construction, some temporary impacts and dislocation of common wildlife species may occur. However, there is no evidence that populations of deer, turkey, vultures, raccoons and other common wildlife are endangered or threatened, or

that the temporary construction impacts from the Project will have any significant population-level impacts on these common species.

The mitigation requirements for other plant and animal species will provide significant benefits to non-sensitive wildlife that will still be present on the Project site after build-out. The restoration of portions of Powerhouse Creek, Hospital Creek, and Rifle Range Creek, along with the revegetation and management of vegetation throughout the Project site will provide significant benefits to all species of plants and animals. In particular, the restoration and management of riparian habitat along the restored sections of the creeks will be a significant improvement over current conditions for non-sensitive wildlife. The revegetation and active management of the open space and native plant communities throughout the site will still provide high quality habitats for non-sensitive species and restoration and/or protection and management of trees and vegetation off site will also provide important benefits to non-sensitive species.

- O24: The commenter expresses concern regarding how “significant numbers of deer and other animals are supposed to survive the formidable obstacles of major thoroughfares (Keller and Mountain boulevards, I-580, Golf Links Drive) and travel through residential neighborhoods populated by natural predators (such as dogs) to get to” suitable natural and urbanized habitat areas typical to common species. The commenter also seeks information about how animals get to and leave the portion of Rifle Range Creek on the site, and thus use Rifle Range Creek as a movement corridor.

The OSCAR (Figure 14) illustrates Rifle Range Creek as existing a potential wildlife corridor that should be maintained and enhanced, as the Project proposes. The Project site is immediately surrounded by moderate to high density urbanization and associated infrastructure on all sides including I-580 to the east, Keller Ave. to the north and east, and residential dwellings to south. Non-sensitive wildlife has passively occupied the Project site over time since the demolition of the hospital infrastructure and is likely habituated to the activities of an urban landscape both within and outside the Project site. Non-sensitive wildlife like deer and turkeys have become habituated to navigating in and around the Project site and around the larger landscape to disperse and to take advantage seasonal food availability and sheltering opportunities; it is likely these urban adapted species of wildlife will continue move throughout the landscape in the same familiar manner they do now. In addition, the barriers to wildlife movement cited by the commenter are existing conditions.

With the implementation of the stream restoration and tree mitigation measures and ongoing habitat management and landscaping, the proposed Project will not result in a measurable or detectable change in the ability of non-sensitive to move around, utilize habitats and persist in the area, or alter the ability of wildlife to use Rifle Range Creek as a movement corridor.

The Project would cause the temporal disruption to the wildlife corridor due to construction and would change the habitat of portions of the Project site. The Project (<200 acres) should be considered within the context of the larger adjacent landscape of more than 11,000 relatively contiguous acres of suitable and desirable habitat including the large open space areas of Leona Canyon Regional Preserve, Redwood Regional Park, Chabot Regional Park and Lake, and the Las Trampas Regional Wilderness. These adjacent large open space areas are within dispersal distance and are likely occupied to some extent by same localized species found on the Project site. The temporal movement

of the animals now occupying Project site will cause a minimally detectable change in the populations in the adjacent landscape and would likely stabilize after construction is completed and Rifle Range Creek is restored to a better condition than currently exist.

- O25: The commenter asks whether the oak woodlands at the Project site are regulated by Public Resources Code section 21083.4. See response to Comment M10. Public Resources Code Section 21083.4 is not applicable to this Project as it only applies to projects under County jurisdiction. This Project is entirely within the City of Oakland.
- O26: The commenter identifies alleged inconsistencies between the tree counts in the Draft SEIR and appendices to the Draft SEIR. Multiple tree surveys have been completed on the Project site, and the most recent information as of publication of the Draft SEIR was contained within Appendices P and Q to the Draft SEIR. The increase in the number of trees from approximately 4,500 (2015 Tree Survey Memo, WRA, 2015c) to 7,323 (2016 Tree Survey Memo, WRA 2017c and Appendix E to this Final SEIR) is because of several factors, including the addition of the Hardenstine Parcel to the Project footprint. Additionally, as the Project has evolved over a number of years, the numbers of trees included in surveys have changed due to trees that have died, or that have grown into the size required for survey per the City of Oakland Tree Ordinance. The comment notes that the text on page 4.3-75 (7,260 trees) of the Draft SEIR is incongruent with Table 4.3-6. The Draft SEIR itself also notes these differences on page 4.3-75, explaining that “[t]hroughout this section, the 7,232 trees are referred to as ‘surveyed’ trees as they do not reflect the total trees on the Project site; trees that do not meet the dimensional requirements of the Oakland Tree Ordinance or that are not located within or near site areas proposed for grading are not included in the 7,232 surveyed trees.” Further, in accordance with the City of Oakland Tree Removal Permit, the Project has compiled a list of trees proposed for removal within the limits of the Project area with detailed information about each tree including size, species, GPS coordinates, condition and a map with locations on site as part of its permit application on file with the City and the City’s website (<http://www2.oaklandnet.com/government/o/PBN/OurOrganization/PlanningZoning/OAK052335>).

Appendix E to this Draft SEIR includes a supplemental tree survey conducted in February 2017, and updates to the Draft SEIR Tables 4.3-3, 4.3-6 and 4.3-7 regarding trees surveyed and proposed to be removed or retained in the Project area, also presented in Chapter 3 of this Final SEIR.

- O27: The commenter expresses concern about the impacts of grading on trees, and believes the Project is incompatible with General Plan Policies CO-7.3 and CO-7.4, and wants to see additional evidence that the Project makes “every effort” to maintain the wooded character of lots. As explained at pages 3-30 through 3-37 in the Draft SEIR, the amount of grading on site is also dictated by the need to address geologic stability issues through remedial grading. The Project has taken measures to reduce the amount of grading (see response to Comment O54), and Figure 3-18 of the Draft SEIR identifies that area of impacts to trees and shows trees to be preserved and protected. Further, Figures 3-10 and 4.3-7 of the Draft SEIR identify areas proposed for replanting, including sloped oak woodland areas. Overall, these exhibits and plans support the Project’s compliance with General Plan policies to maintain the existing wooded character of the site (Policy CO-7.3) and to minimize the removal of large trees to those necessary.
- O28: Tree removal will be mitigated following an approved Oakland Tree Ordinance permit, and approved tree species will be planted throughout the Project site and along the creek

corridor. In addition to planting several thousand native trees on the Project site (over 8,500 trees, as stated in Chapter 2 and Appendix E), the Project will salvage between 10 and 20 mature specimen trees for relocation within the Project area at an estimated cost of approximately \$100,000 per tree. The salvaging of mature trees is a voluntary measure that is being implemented in addition to the tree planting that is required by the City of Oakland Ordinance. In accordance with the Oakland Tree Ordinance permit, in lieu fees may be paid to the city of Oakland in replacement for trees that cannot be planted on site, with revenues applied toward tree planting in city parks, streets and medians (Oakland Municipal Code, Title 12, Chapter 12.36, Subsection B(5)).

O29: The comment raises concern with the visibility of the proposed townhomes in the northwest areas of the site, due to the proposed removal of existing eucalyptus trees, pursuant to the proposed Tree Removal Plan. As indicated in Figure 3-18 of the Draft SEIR, the trees intended for removal on the northwest knoll are invasive trees that are not protected under the City of Oakland's Tree Removal Ordinance. These trees are mostly non-native eucalyptus, most of which are in poor condition, as described in the Tree Survey Report (WRA 2015). Additionally, these trees represent a fire hazard and will be removed to minimize the threat of fire damage to the planned housing development. See response to Comment O8 which addresses the visibility and proposed landscaping associated with the proposed townhomes in the Uplands North neighborhood. No further response is warranted.

O30: The commenter states the Draft SEIR description of the alternative of a Project where Club Knoll is demolished as a "Non-CEQA Planning Alternative" is incorrect because this alternative would have a significant impact on Club Knoll that was not analyzed. The commenter is correct that this alternative would have a significant impact on Club Knoll, which is why it is not a CEQA alternative, but instead is included for planning purposes as a secondary option to relocation of Club Knoll, which is proposed as part of the Project description. Under CEQA, an EIR first must focus on alternatives that avoid or substantially lessen any significant effects of the Project. (CEQA Guidelines § 15126.6.) Demolishing Club Knoll would not avoid or substantially lessen impacts on Club Knoll (which, under the proposed Project, are determined to be less than significant). The impacts of demolishing Club Knoll, including its significant impact on Club Knoll, are discussed on pages 5-38 through 5-47 of the Draft SEIR.

O31: The commenter raises several concerns about the analysis of Club Knoll. First, the commenter states that the Draft SEIR does not fully describe the current condition of Club Knoll. Club Knoll's existing condition is described on pages 4.4-12 through 4.4-17 of the Draft SEIR. Mitigation Measure CUL-1.2 requires the Project sponsor to prepare a Baseline Building Conditions Study that includes establishing the baseline conditions of the building. Existing conditions of the structure is also addressed in the Club Knoll FDP prepared by the Project sponsor and included in Appendix H to this Final SEIR.

Second, the commenter expresses concern that much of Club Knoll is not salvageable and the ultimate result would be a new building that looks like Club Knoll rather than restoration and rehabilitation of the existing building. Mitigation Measure CUL-1.4 requires the Project sponsor to prepare a Building Features Inventory and Plan. Paired with Mitigation Measure CUL-1.5 that identifies Specific Relocation and Rehabilitation Measures, will document Club Knoll's character-defining features of the building, but also require the preservation and restoration of its character-defining features that are not deteriorated beyond repair. Where preservation and repair is not possible or the feature is

missing, the features would be replaced. (Mitigation Measure CUL-1.4(a).) Initial assessments of these efforts are included in the Club Knoll FDP. The Project sponsor has assessed the viability of moving Club Knoll and has prepared the following assessment of the status of existing features, and whether they can be relocated or must be replaced:

**TABLE O31
STATUS OF CLUB KNOLL FEATURES**

Building Component	% Existing	% Relocate	% Intact After Move	% To Replace If Moved	% To Replace, No Move	How
INTERIOR						
MECHANICAL SYSTEM	0	0	0	0	100	New System
ELECTRICAL SYSTEM	0	0	0	0	100	New System
SPRINKLER SYSTEM	0	0	0	0	100	New System
PLUMBING SYSTEM	0	0	0	0	100	New System
LIGHT FIXTURES	0	0	0	0	100	New System
INTERIOR PLASTER/ DECORATIVE STUCCO	90	0	0	0	100	Deteriorated and Hazmat Content
HARDWARE	0	0	0	0	100	All hardware missing
FIREPLACES/ CHIMNEYS	100	100	85	15	0	Repoint Grout Loss
ROOF TRUSSES	100	100	100	0	0	
WOOD CORBELS	90	90	90	0	10	Missing to be Replaced
PLASTER COLUMNS	90	90	90	10	0	
INTERIOR WOOD RAILINGS	90	90	90	10	10	Missing to be Replaced
WOOD CEILING	100	100	80	20	0	Fix Existing Damage due to Water Intrusion
DOORS	80	40	40	0	0	All Doors may not be Needed
GRAFFITI	100	0	0	0	0	Not Original
WOOD FLOOR + BASEBOARDS	100	100	60	40	0	All New Systems
EXTERIOR						
EXTERIOR PLASTER	90	90	90	10	5	Damage to be Replaced
EXTERIOR METAL RAILINGS	90	90	90	10	10	Missing to be Replaced
DOORS	50	50	30	70	70	Missing to be Replaced
DOOR FRAMES	80	80	50	50	50	Missing to be Replaced
DOOR HARDWARE	40	40	20	80	60	Missing to be Replaced
WINDOWS FRAMES	90	90	75	25	25	Missing to be Replaced
GLASS	35	20	20	65	65	Missing to be Replaced
STRUCTURAL WOOD FRAME	100	90	90	10	0	Replace Dry Rot
ROOF TILES	75	100	60	0	0	Use salvaged spare tiles from 3rd wing
FIREPLACE	100	100	90	10	0	Replace lost grout
ROOF BRACKETS	50	50	50	0	50	Missing to be Replaced

Replacement of missing or damaged features is consistent with the Secretary of the Interior's Standards, which state that if the essential form and detailing are still evident so that the physical evidence can be used to re-establish the feature as an integral part of the rehabilitation project, then replacement of features beyond repair is appropriate. Accordingly, replacement is an appropriate option where preservation and repair is infeasible.

Third, the commenter says that the Draft SEIR does not list Club Knoll's character defining features. The character-defining features are listed on page 4.4-16 of the Draft SEIR. They are also described in the Carey & Co. Report (Appendix T to the Draft SEIR, starting at page 25.)

Fourth, the commenter notes that the Draft SEIR incorrectly refers to Club Knoll's cupola as a "bell tower" even though it is not one. The commenter is correct that there is not a bell in the tower on Club Knoll. In response to this comment, the following clarification is made in this Final SEIR:

Page 4.4-15: "Club Knoll is a two-story building with a three-story ~~bell~~-tower designed in the Spanish Revival style of architecture, with stucco walls . . ."

Page 4.4-16: "Exterior character-defining features include: the irregular plan with varied massing; the asymmetrical layout; the mix of roof types – gable and shed; the ~~bell~~-tower . . ."

These changes do not change the Draft SEIR's conclusions and do not require recirculation.

Fifth, the commenter states that there is no sound wall that would limit views of Club Knoll from I-580. The Draft SEIR states that sound walls and other elements along I-580 limit motorists' views of the Project site. To clarify, there are sound walls along portions of I-580, particularly to the south of the Project site. These walls are not located directly on the interstate. Instead, there is a landscaped strip between the walls and interstate. The vegetation between the interstate and the walls interrupts views of the walls, and the walls themselves obstruct motorists' views of parts of the Project site from certain locations along I-580. There is a fleeting view of Club Knoll from I-580.

- O32: The commenter requests a more thorough vetting of the up to 10,000 square feet of community commercial space that would be allowed in Club Knoll under the Project and the up to 5,900 square feet of community commercial space allowed in the Reduced Club Knoll Relocation Alternative, including the additional requirements for commercial parking, which the commenter assumes would be taken from the proposed Creekside Park. The traffic and other impacts (except for cultural impacts) of allowing 5,900 square feet of commercial space in a relocated Club Knoll would be similar to, but not as great as, the impacts of the Project, which included 10,000 square feet of commercial space in Club Knoll and in its traffic analysis, land use analysis, and noise analysis. Under the Project, the parking does not decrease the size of the proposed Creekside Park, but instead is accommodated within the clubhouse parcel.

The commenter also requests that the Draft SEIR be redrafted to clearly and fully explore and explain that the Club Knoll Demolition alternative would result in no commercial space in Club Knoll, an appropriately sized clubhouse of equal or superior materials,

have the least impacts on Creekside Park, smallest physical building footprint, and the lowest requirement for parking. The commenter is incorrect that any of the alternatives would change the size of Creekside Park from the size proposed by the Project, but is correct that if the clubhouse is smaller, there would be more landscaping around the building adjacent to Creekside Park.

In addition, although the community center under the Oak Knoll Demolition alternative would be 5,000 square feet, and the relocated Club Knoll would place 14,000 square feet on the same site, the footprint of the 5,000 square-foot community center would be only slightly smaller than Club Knoll because the new community center would be a single story whereas Club Knoll is two stories.

The commenter also raises several non-CEQA concerns, including parking and the ability of the homeowners association to support its community space. Notably, the amount of community space the homeowners association would need to support under the Project, which is 4,000 square feet, is less than proposed under the Club Knoll Demolition alternative, which is 5,000 square feet.

Regarding the other issues, the Draft SEIR already conveys them, including the tradeoffs between reusing historic materials and having new construction. Nevertheless, in response to this comment, the following minor clarifications are introduced in this Final SEIR:

- Page 5-39: The overall configuration of the Project master plan with the Demolition alternative would be the same as with the proposed Project, as shown Figure 3-7 in Chapter 3 (Project Description). Under this alternative, the Oak Knoll Community Center would be a single story building having a slightly smaller footprint than the multi-story, relocated Club Knoll would under the Project. In addition, under this alternative, no commercial uses would be in the community center, decreasing the need for parking spaces. The result is that there would be more landscaped areas around the Oak Knoll Community Center than proposed by the Project.
- Page 5-45: The community clubhouse constructed under the Club Knoll Demolition alternative would be more energy efficient than under the Project. For example, it would have new windows, whereas under the Project, Club Knoll's windows would be retained and reused where feasible. Accordingly, on a square foot basis, a newly constructed building would slightly decrease operational greenhouse gas emissions over the rehabilitation and reuse of Club Knoll. In addition, because the newly constructed community clubhouse would be smaller than a relocated Club Knoll, less total fuel and energy would be needed to heat and light the building, slightly reducing the overall operational GHG emissions associated with the community center as compared to the Project.
- Page 5-45: Vehicle trips are the more substantial generator of operational GHG emissions for the Project, and this Demolition alternative would have fewer daily trips compared to the Project.
- Page 5-45: There would be no difference in any impacts to hydrology and water quality resulting from demolition versus the proposed relocation/rehabilitation of Club Knoll, ~~since the same footprint area is involved as with the Project.~~ The

parking lot associated with the community center under this alternative would be approximately 21,000 square feet rather than 41,720 square feet, resulting in approximately 20,720 square feet more of pervious surface area. This small increase in permeable surface would not change the hydrology and water quality impact analysis.

- Page 5-47: As discussed above, the total service population would be reduced by 19 persons, the total commercial use associated with the community center would be reduced by 10,000 square feet, and the square footage of the newly constructed community center would be increased by 1,000 square feet (from 4,000 to 5,000 square feet). In addition, water use associated with commercial uses would decrease, although the water use associated with the additional landscaping around the community center would somewhat offset this decrease. Thus the overall demand for utilities and services systems would also be reduced from that of the proposed Project.

O33: The commenter finds the term “community center” ambiguous because it does not clearly reveal that Club Knoll would be owned and operated by the Project’s homeowners association and would not be a City of Oakland facility. The commenter is correct that the City has not offered any funding for Club Knoll’s relocation, rehabilitation, and continued operation. The commenter also states that the meaning of “commercial uses that provide a community amenity” is unclear. These uses include health clubs, coffee shops, juice bars, spaces for demonstrations and classes, and spaces to accommodate events for the Oak Knoll Community, and for the general public when available and at the discretion of the Project’s homeowners association’s Board of Directors.

For the Draft SEIR, the Club Knoll’s use is assumed to be general retail in 10,000 square feet, as that type of use would generate more peak hour vehicle trips than, for example, a fitness center or a weekend cooking class. However, general retail would be limited to no more than 5,000 square feet in total. Other allowed or conditionally allowed uses would be those similar to the uses listed in Planning Code section 17.10.160, Community Assembly Civic Activities, 17.10.190, Nonassembly Cultural Civic Activities, and certain commercial activities, including administrative offices and health clubs. Finally, the commenter seeks clarification regarding the ownership of Club Knoll under the three alternatives presented in the Draft SEIR. In the CEQA alternatives (Alternatives A, B and C, summarized on page 5-10 of the Draft SEIR), Club Knoll would be turned into 5 or 15 individually owned residential units, with common spaces supported by homeowner association fees, as is typical of condominium development.

O34: The commenter expresses concern that the description of Club Knoll’s historic status in the Draft SEIR is ambiguous. As noted by the commenter, the Oakland Cultural Heritage Survey assigned Club Knoll a “B” rating in 1994, but the Landmarks Preservation Advisory Board gave the building an “A” rating in 1995. The “A” and “B” ratings result from two different ratings systems, which are not directly related to each other. The “B” is the Oakland Cultural Heritage Survey (OCHS) Rating by City staff (see Table 3-1 and Appendix B to the Historic Preservation Element to the Oakland General Plan). The “A” is a rating by the Landmarks Board using the “Guidelines for Determination of Landmark Eligibility” (see Appendix D Historic Preservation Element to the Oakland General Plan). Although similar to each other in language, the two rating systems are used for different purposes, and are not directly comparable, nor are they mutually exclusive. The

relevancy of both ratings is that each of them individually qualifies the property as a CEQA historical resource.

In addition, the commenter notes that although in 1996 the Department of the Navy and California State Office of Historic Preservation (“SHPO”) concluded that Club Knoll was not eligible for listing to the National Register of Historic Places (the “National Register”), the historic consultants who surveyed Club Knoll recommended in 2006 that it appeared eligible for listing on the California Register of Historic Resources (the “California Register”), and again in 2016 that it appeared eligible for listing to the California Register. Based on these facts, the commenter finds that the Draft SEIR does not provide adequate information for decision makers to understand the reasons for the differences in the historic resource statuses of Club Knoll in the 1998 EIS/EIR and the Draft SEIR.

To understand why the Draft SEIR appropriately evaluated the historic value of Club Knoll, it is important to understand what resources can be treated as historic under CEQA. CEQA Guidelines section 15064.5(a)(2) states that “[a] resource included in a local register of historical resources . . . or identified as significant in an historical resource survey . . . shall be presumed to be historically or culturally significant,” and “[p]ublic agencies must treat any such resource as significant unless the preponderance of evidence demonstrates that it is not historically or culturally significant.” Club Knoll was rated a “B” by the OCHS, which signifies that it is a local resource of “major importance.” In addition, the Landmarks Preservation Advisory Board placed Club Knoll on the Preservation Study List as an “A”, elevating its historic status. Thus, under CEQA, the City has properly determined it should be treated as a historic resource and substantial evidence weighs in favor of this finding. This evidence includes the LPAB’s finding that Club Knoll should be rated an “A” under the City’s “Guidelines for Determination of Landmark Eligibility”, and two reports by historic resource consultants, the 2006 Page & Turnbull Report, which concluded that Club Knoll is eligible for listing to the National Register and the California Register, and the 2016 Carey & Co. Report, which concluded that Club Knoll is eligible for listing to the California Register. Although, as the commenter notes, countervailing evidence exists, that evidence does not undermine the City’s finding that Club Knoll is a resource of major importance and the historic reports concluding Club Knoll qualifies as a historic resource. Thus, the Draft SEIR appropriately treats Club Knoll as a historic resource.

Even though the 1998 EIS/EIR noted that “[t]he predominant historic architectural resource at NMCO is Club Knoll, built in 1927 as the clubhouse for the Oak Knoll Golf and Country Club” (1998 EIS/EIR at p. 3-33), the 1998 EIS/EIR did not address potential eligibility of Club Knoll for the California Register, although it could have. The 1998 EIS/EIR did address the potential for Club Knoll to be listed on the National Register of Historic Places (“NRHP”), finding it ineligible after SHPO and Navy consultation (1998 EIS/EIR at p. 3-34). The 1998 EIS/EIR acknowledged that the City found Club Knoll eligible to be listed as a City landmark (1998 EIS/EIR at p. 3-35), but treated only NRHP-eligible historic buildings as “historic resources.” For this reason, the 1998 EIS/EIR concluded that the Maximum Capacity Alternative analyzed in that document (as well as the other considered alternatives) would have no impact on historic resources. Notably, all alternatives studied in the 1998 EIS/EIR proposed the preservation and reuse of Club Knoll in place.

The City now considers not only NRHP-eligible structures as historic resources, but also structures potentially eligible for listing on either the California Register of Historic Resources (“CRHR”) or the City’s local preservation list as CEQA historic resources. As noted in the 1998 EIS/EIR, Club Knoll was considered to be eligible for listing as a City Landmark, as it still is. In addition, Club Knoll has been subsequently found to be eligible for inclusion on the California Register based the 2006 Page & Turnbull Report and the 2016 Carey & Co. Reports mentioned by the commenter. Therefore, for the purposes of CEQA review, the City has changed its conclusion that Club Knoll is not a historic resource. This is not a change in Club Knoll itself, but a change in the way the City interprets CEQA between the 1998 EIS/EIR and the 2015 SEIR. As described and analyzed in the Draft SEIR, specifically under *Background – Architectural Resources* starting on Draft EIR page 4.4-11, and Impact CUL-1 starting on Draft EIR page 4.4-21, the impacts to Club Knoll (whether qualifying as a local or state resource) are fully addressed and disclosed.

To clarify the differences between the Draft SEIR’s consideration of Club Knoll and the consideration it received in the 1998 EIR/EIS, the following text change is made to Draft SEIR page 4.4-12 (as also shown in Chapter 3 to this Final SEIR):

~~The 1998 EIS/EIR noted that although consultation between the Navy and the California SHPO in 1994 and 1995 determined that neither Club Knoll nor its adjacent, free-standing World War II-era garage were eligible for listing in the National Register, Club Knoll had been placed on the local Oakland Preservation Study List by the LPAB and found to be eligible to become a City of Oakland landmark in 1995 (Weidell, 1994; Wall, 1995) (in Appendix S to this Draft SEIR). However, the 1998 EIS/EIR did not address potential eligibility of Club Knoll for the CRHR or whether the building should presumptively be treated as a historic resource because of its local designation because it considered only NRHP-eligible structures to be historic resources and Club Knoll was determined to be ineligible for the NRHP. However, since Club Knoll was proposed for preservation and reuse with the Maximum Capacity Alternative, the 1998 EIS/EIR found that the Alternative would have no impact on cultural resources.~~

This lack of analysis has been corrected in this SEIR.

Further clarification is provided on Draft SEIR page 4.4-21 (as also shown in Chapter 3 to this Final SEIR):

1998 EIS/EIR.

The 1998 EIS/EIR noted that although Club Knoll was determined not eligible for listing on the National Register by the Navy and SHPO, the building was placed on the local Oakland Preservation Study List by the LPAB and found to be eligible to become a City of Oakland landmark in 1995. However, the analysis concluded that the Maximum Capacity Alternative would not impact historic resources because ~~it would have retained Club Knoll for recreational use Club Knoll was not considered a qualified resource eligible for the NRHP, and the City analyzed impacts only on NRHP-eligible resources.~~

The 1998 EIS/EIR concluded that the Maximum Capacity Alternative, as well as the other considered alternatives, would have no impact on historic resources because it defined historic resources to mean structures eligible for the NRHP and Club Knoll was found to be ineligible for the NRHP.

Proposed Project.

The proposed Project would relocate all portions of Club Knoll except the basement and third wing to a central portion of the site and rehabilitate the building. The relocated Club Knoll would serve as a community center for classes, gatherings, events, and possibly other accessory commercial uses.

As described under *Regulatory Framework* in Section 4.4.2, the City now considers a historic resource to be a structure eligible for listing on the CRHR and local historic preservation list, in addition to NRHP-eligible resources. Club Knoll has been found to be eligible for listing on the CRHR and eligible to be listed as a local landmark. Therefore, for the purposes of CEQA review, the City has determined that Club Knoll qualifies as a historic resource. As described in Chapter 3 (Project Description) and in the analysis below, in terms of the proposed treatment of Club Knoll, the current Oak Knoll Project modifies the Maximum Capacity Alternative as presented in the 1998 EIS/EIR. The Oak Knoll Project no longer proposes to preserve and reuse Club Knoll in place, but rather to relocate, rehabilitate and reuse Club Knoll in a different, more central location on the Project site. The potential impacts associated with this change in the Project as compared to the 1998 EIS/EIR are addressed below under Impact CUL-1. Specifically, the Draft SEIR analyzes whether the current Project (specifically its proposal to relocate, rehabilitate and reuse Club Knoll) would result in a substantial adverse change in the significance of a historic resource by adversely affecting those character-defining features that convey its historic significance and justify its inclusion in the City of Oakland's Local Register of Historic Resources.

Impacts to Club Knoll

Relocation of Club Knoll could result in a substantial adverse change in the significance of a historical resource by adversely affecting the character-defining features that convey its historic significance and justify its inclusion in the City of Oakland's Local Register of Historic Resources.

Although not a CEQA issue, for informational purposes, this response also explains the City's process of rating historic buildings. The OCHS is a general "windshield" survey (meaning that no interiors are reviewed) of every visible building in Oakland. It contains the surveyor's best estimate on building age and possible historical or architectural interest and significance. The Planning Department then undertakes detailed, "intensive" surveys and conducts additional research of select buildings on the OCHS, as part of development projects.

- O35: The commenter states that the Draft SEIR fails to address the long-term economic sustainability of Club Knoll under private ownership or analyze how a homeowner association would function as a commercial landlord. These comments do not raise CEQA issues, but the City responds that it is commonplace for a homeowners association to maintain community centers. Such a mechanism has worked well for the maintenance of other historic buildings used as community centers, such as the historic church that serves as the community center of the condominiums developed in the rehabilitated St. Joseph's Hospital in San Francisco. The commenter has not provided any evidence this mechanism would cause an adverse, physical impact on Club Knoll.

- O36: The commenter states that the Draft SEIR is unclear that the Project would have 82,000 square feet of commercial space and the Reduced Club Knoll Alternative would result in a total of 77,900 square feet of commercial space. The commenter also states that the noise impacts from the commercial uses in Club Knoll on Creekside Park are inadequately analyzed and there is analysis of the loss of parkland due to parking required for commercial uses. The commenter asks for additional analysis of the Project and Reduced Club Knoll Alternative for noise, lighting, and hours of operation associated with the commercial space in Club Knoll. Finally, the commenter states that the Draft SEIR should be clearer that the Demolition alternative would have the least visual impact on the park and nearby residential neighborhoods.

The Draft SEIR clearly indicates that the Project proposes 10,000 square feet of community commercial space in a relocated and rehabilitated Club Knoll. (See, e.g., Draft SEIR at pp. 1-3, 2-1, 4.0-10, 4.1-63, 4.10-23, 4.11-3, 4.11-9, 4.13-46, 4.14-24, 4.14-27, 5-10, and 5-38.) It also clearly states that the Reduced Club Knoll Alternative would have 5,900 square feet of community commercial space in the smaller portions of a relocated Club Knoll studied in that alternative. (See Draft SEIR at p. 5-38.)

Regarding the Project's or Reduced Club Knoll Alternative's impacts to the immediately surrounding residential uses and Creekside Park, see Master Response to Comment B. In addition, the City considers residential, recreational, and community commercial uses to be compatible, and in fact encourages the development of commercial near residential uses. (See General Plan, Chapter 3, p. 146, Climate Action Plan at p. 42.) While parking capacity is no a CEQA consideration, as the commenter notes, both the Project and Reduced Club Knoll Alternative would require more parking than the Demolition alternative, which would slightly reduce pervious surface and landscaping as compared to the Demolition alternative. Because the Demolition alternative would result in a smaller building on the site proposed for Club Knoll's relocation, it also would be less visible from Creekside Park and surrounding residences than a relocated Club Knoll. These clarifications do not change the Draft SEIR's impact analysis or require recirculation of the Draft SEIR. See response to Comment L1.

- O37: The commenter states that the Project and Reduced/Restored Alternative do not adequately describe the potential commercial activities that could be located in Club Knoll. The Draft SEIR describes the general types of uses that would be allowed in Club Knoll. These include health club, special events, child care, office, and specialty retail. The proposed Oak Knoll Zoning describes uses that would be allowed. The exact community commercial uses that may ultimately be in Club Knoll do not need to be known to enable adequate environmental review. (See *Maintain Our Desert Environment v. Town of Apple Valley* (2004) 124 Cal.App.4th 430, 445.) Instead, the Draft SEIR adequately analyzes the potential environmental impacts from including community commercial uses in a relocated Club Knoll. Further, the most intensive land use scenario (retail) in terms of peak-hour vehicle trip generation, was factored into the CEQA traffic analysis.
- O38: The commenter restates concerns with the lack of detailed analysis of the "non-CEQA alternatives" in the Draft SEIR, which would have demonstrated that the Demolition alternative would provide more provide additional benefits for the Project and fewer environmental impacts. See previous responses to Comments O31 and O32 that provide supplemental clarifications for certain comparative potential effects, both CEQA and non-CEQA, of the Demolition alternative. Responses to Comments O35 above and LB7

specifically address the consideration of the economic viability of the relocated Club Knoll.

The commenter also opines that the public benefits of demolishing Club Knoll outweigh those of relocating Club Knoll, citing certain comparative advantages (Comments O39 through O44, below) that the commenter finds would be more beneficial than the relocation/ renovation proposed by the Project. This commenter expresses an opinion about the relative public benefit of demolition of Club Knoll that will be conveyed to the City decision makers.

- O39: The commenter states that a smaller 5,000 square foot clubhouse would be more appropriate for its intended use in the Project, and that the demolition of Club Knoll alternatives would result in a Project that would be more economically viable for a future homeowners association to manage. See responses O35 and LB7.
- O40: The commenter restates claims that the Project will have adverse effects on the proposed Creekside Park, particularly compared to the demolition of Club Knoll alternatives. See response to Comment O32 and O36.
- O41: The commenter states that new smaller community clubhouse building would be more functionally viable and integrate better with the scale of its surroundings than either of the relocation/renovation alternatives analyzed in the Draft SEIR. Relative characteristics of a smaller building are addressed within responses to Comments O32, O36, in addition to LB7. Also, as previously discussed in response to Comment K1, the commenter suggests that a new, smaller clubhouse in the location proposed for relocating Club Knoll would better integrate with the neighborhoods in terms of neighborhood scale. However, the relocated Club Knoll would be adjacent to green space, which is more in keeping with its historical setting than in its current location with the Project.
- O42: The commenter acknowledges that the Project sponsor would have to mitigate the loss of Club Knoll if the Demolition alternative was implemented. A detailed description of viable and required mitigations to address the unavoidable impact of demolition of an historical resource is presented starting on page 5-43 of the Draft SEIR. As also discussed there, the Project sponsor would be required to meet specific findings and regulations for the demolition of historic properties under the Demolition alternative, pursuant to Oakland Planning Code Section 17.136.075, regular design review for historic properties.
- O43: The comment describes how a new, smaller clubhouse would reflect the architectural style of Club Knoll and incorporate some of the aesthetically valuable elements of Club Knoll. However, relocating Club Knoll would best maintain the existing style and architectural value and historicism of the structure itself. See response to Comment O31 addressing the proposed treatment of Club Knoll's character-defining features within the context of the proposed relocation and renovation; also see Master Response to Comment B regarding the proposed relocation of the overall structure, including mitigation measures to address the treatment and design of key building features after relocation.
- O44: The commenter restates its opinion that the open space, restored creek, parks and trails substantially outweigh the benefits of restoring and moving Club Knoll as a privately-owned future homeowners association clubhouse. As previously addressed in response to Comment O32, the relocated Club Knoll would not reduce open space, parks and trails than a smaller clubhouse constructed in the same location. The relocated Club Knoll

versus a smaller structure would not change the size of Creekside Park or length of trails, although a smaller structure would allow for more landscaping around the building adjacent to Creekside Park. Neither scenario affects the proposed creek restoration.

- O45: The comment expresses concern over Project operational GHG impacts. The Draft SEIR includes a rigorous analysis of GHG emissions from the Project, as well as a Greenhouse Gas Reduction Plan to demonstrate conformance with the City’s GHG reduction targets. A TDM Plan has been developed for the Project which will reduce vehicle trips, as will the mixed-use design of the Project. While GHG emissions may be, in fact, relocated from other parts of Oakland, they are treated as net new emissions in the Draft SEIR, for the evaluation of CEQA significance. The Draft SEIR performs a rigorous Project-specific analysis of GHG emissions over the lifetime of the Project. Over the lifetime of the Project, GHG emissions related to the Project may decrease, due to State programs such as the Renewables Portfolio Standards, automotive fuel and exhaust emissions control standards, vehicle electrification, and developments in building energy efficiency.

The impacts of GHG emissions, such as climate change, are by nature cumulative. The BAAQMD does not distinguish between a Project-level and cumulative GHG impact threshold, although by showing consistency with applicable plans, policies, or regulations of appropriate regulatory agencies adopted for the purpose of reducing greenhouse gas emissions, in impact GHG-2, the Project’s contribution to measures to cumulatively reduce GHG emissions is considered in the Draft SEIR.

- O46: The comment expresses concern over Project operational GHG impacts from mobile sources and the changes in the mobile source inventory over time.

Vehicles in the State of California are subject to on-road vehicle standards that grow more stringent over time. In 2009, CARB amended the Clean Car Standards (“Pavley” regulations) to reduce GHG emissions in new passenger vehicles from 2009 to 2016.⁸ More recently, in January 2012, CARB approved the Advanced Clean Car Program, which affects new passenger vehicles with model year between 2017 and 2025.⁹ By 2025, the Advanced Clean Car standards will reduce GHG emissions by 34 percent and reduce emissions of smog-forming pollutants by 75 percent. Furthermore, the CARB On-Road Heavy-Duty Diesel Vehicles (In-Use) Regulation stipulates almost all trucks and buses need to have 2010 model year engines or equivalent by January 1, 2023.¹⁰ Thus it is reasonable to expect an improvement to the on-road vehicle fleet by Operational Year 2 (2023). It is not reasonable to suggest that new development wait to commence construction until new on-road fleet standards are implemented, as suggested by commenter.

The Draft SEIR quantifies construction and operational GHG emissions. The construction emissions have been annualized over the 40-year life of the project and added to the operational GHG emissions. In this way, the annual GHG emissions presented in the Draft SEIR include both construction and operational emissions, and both construction and operational GHG emissions will be offset through the measures in the Greenhouse Gas Reduction Plan.

⁸ CARB Clean Car Standards – Pavley, Assembly Bill 1493, *available at*: <https://www.arb.ca.gov/cc/ccms/ccms.htm>

⁹ CARB Facts About the Advanced Clean Cars Program, *available at*: https://www.arb.ca.gov/msprog/zevprog/factsheets/advanced_clean_cars_eng.pdf

¹⁰ CARB Truck and Bus Regulation, *available at*: <https://www.arb.ca.gov/msprog/onrdiesel/onrdiesel.htm>

- O47: The comment addresses the OSCAR and Energy and Climate Action Plan (ECAP) goals. The comment encourages the incorporation of electric vehicle charging stations and solar panels in the Project design.

ECAP Priority Action PA50: Facilitate Community Solar Programs is not applicable to private new developments, nor is PA37: Plan for Electric Vehicle Infrastructure, as these are City actions. The purpose of the ECAP “is to identify and prioritize actions the City can take to reduce energy consumption and greenhouse gas (GHG) emissions associated with Oakland.”¹¹ The description of PA37 begins with City actions and lists three City departments as having Responsibility for PA37: Equipment Services, Transportation Services, and Building Services. The Responsibility for PA50 is with Environmental Services and in the description the action lies with the City.

Similarly, OSCAR Policy CO 13.4: Alternative Energy Sources is a City action, to accommodate the development and use of alternative energy programs. The OSCAR Element, part of the City’s General Plan, contains policies that “are in no way intended to establish absolute development criteria for specific parcels.”¹² While the OSCAR Element sets goals for the City and development projects, the actions that accompany Policy CO 13.4 are specifically for the City. Action 13.4.1: Elimination of Regulatory Obstacles charges the City with ensuring there are no undue obstacles to the use of solar power and the development of alternative energy sources. Action CO-13.4.2: Promotion of Waste-to-Energy Facilities is relevant only to Recycling Enterprise Zones, and the Project site is not such a zone.

The California Public Utilities Commission has set a goal for Zero Net Energy (“ZNE”) residential buildings by 2020. “ZNE” buildings are defined as buildings that produce as much renewable energy on site as the amount of energy that is consumed by the building itself over the course of a year. The Project will fully comply with the Title 24 building energy requirements, which become periodically more stringent. To the extent that updates to Title 24 and/or the City’s local building regulations will require ZNE residential buildings at the time of construction, the Project will comply with State requirements. This may include installation of rooftop solar PV panels, for example, which is one of the most effective ways to produce on-site renewable power as called for in the ZNE strategy. Nonetheless, the revised GGRP incorporates solar panels and EV charging stations into a menu of options available to the developer to meet the 36 percent below 2005 BAU standard of the City’s Standard Conditions of Approval.

- O48: Known and potential presence of a variety of environmental contaminants associated with spills, leaks and other releases at the former NMCO complex, including lead-impacted soils, are discussed at length on pages 4.7-4 through 4.7-12 in the Draft SEIR. As discussed therein, it is known that many of the former NMCO buildings were painted with lead-based paints and that some traces of lead within near-surface soil materials around former building footprints have been documented in on-site environmental assessments. An Environmental Site Assessment was prepared by WEST and cited in the Draft SEIR (WEST 2014), which recommended preparation and implementation of a Soil Management Plan (“SMP”) to ensure proper testing, collection, and disposal of any lead-contaminated soils that might be detected with concentrations considered to be too high for proposed residential and commercial uses. As stated on page 4.7-36 of the Draft

¹¹ <http://www2.oaklandnet.com/oakca1/groups/pwa/documents/report/oak039056.pdf>

¹² <http://www2.oaklandnet.com/oakca1/groups/ceda/documents/webcontent/oak035254.pdf>

SEIR, further site assessment is ongoing, and a State Department of Toxic Substances Control (DTSC)-approved response plan is anticipated to be completed and released for public comment sometime in 2017, and then implemented with the initial site excavation and corrective grading activities. The specific procedures for testing, reporting, removal and disposal of lead-contaminated soils will be identified in a Soils Management Plan to be prepared for approval by the City and also submitted for approval and monitoring by DTSC. Through this SMP and the DTSC oversight, environmental and health hazards would be avoided and Project construction workers as well as residents of surrounding properties would not be exposed to potential hazards associated with lead-based paint contaminated soils found on the Project site. Preparation and proper implementation of a SMP will be ensured through SCA Implementation Measures HAZ-2.1 thru 2.4, described on pages 4.7-37 to 4.7-39 of the Draft SEIR.

- O49: The referenced text of the Draft SEIR is based on a number of geotechnical explorations conducted throughout the Project site and the general absence of geologic formations containing naturally occurring asbestos has been well documented within Appendix U of the Draft SEIR. This comment correctly notes that a single boring location on site (EB-2, 2006) did encounter a lens of serpentine bedrock at a depth of 28 feet below ground surface, which may form the mineral chrysotile in such bedrock features. The nearest deepest cuts planned in the area of Boring EB-2 is for recreating the open channel creek, with planned cut depths of roughly 17 to 23 feet below existing grade. At these depths, the planned cuts will not extend into the serpentinite lens below.

As a standard construction practice, a professional geotechnical engineering team will be on-site during grading activities and their geologists will be mapping civil cuts and subexcavations. If geologic conditions are encountered that may have a potential for containing naturally occurring asbestos, the trained geologists will inform the Project team and will develop an appropriate dust monitoring and mitigation program to appropriately handle these materials on-site and place them at depth with a suitable cap. Off-hauling soil or bedrock potentially containing naturally occurring asbestos material, if any, is not planned and would not occur unless appropriate sampling/testing occurs and this indicates that off-hauling is the best solution.

- O50: The commenter expresses concern that the Leona Quarry Basin has less capacity than indicated in the “Rifle Range Creek: Hydrology Report” found in Appendix N of the Draft SEIR. The Leona Quarry Basin analysis in Appendix N of the Draft SEIR assumed that the area of that basin that is below the lowest basin outlet does not contribute to the active storage capacity of the basin. This approach is standard, since the part of the basin that is deeper than the outlet may already be full of water at the start of a storm event. To the extent sediment has accumulated in the bottom of the basin, the level of the sediment is well below the basin outlet and therefore does not affect the active storage capacity or function of the basin, or the results of the hydrologic analysis.
- O51: The commenter challenges the methodology used to estimate Mean Annual Precipitation for purposes of sizing treatment areas. The Mean Annual Precipitation is a published value specified to a city/county location. The Alameda County Flood Control and Water Conservation District Map, which is Attachment 16 to the Alameda County Hydrology and Hydraulic Manual for Alameda County was referenced for the stormwater design and is included in **Appendix T** to this Final SEIR. The C.3 Stormwater Plan has been updated to include additional treatment basins, as shown in Figure 2-6 in Chapter 2 of this Final SEIR. The Project will comply with the City and RWQCB's stormwater treatment requirements.

- O52: The commenter notes that the text on page 4.9-4 of the Draft SEIR lists the maximum floor area ratios (FARs) permitted for commercial and institutional areas, and states that it is unclear if these are general City requirements or specific to the Project site. The FARs on page 4.9-4 are the existing maximum allowable FARs for the Property under the City's General Plan. The Project does not propose a General Plan amendment. As the development permitted under the Project would be circumscribed by the proposed Oak Knoll Zoning District, the PUD Permit and Design Guidelines. The maximum FAR proposed under the Oak Knoll Zoning District is 0.50, which is consistent with the General Plan.
- O53: The commenter also states that there are several areas where the Draft SEIR fails to provide enough details for the public to evaluate whether the land use impacts are less than significant, or might need revision to be in compliance with CEQA. The commenter specifically cites to page 4.9-7 of the Draft SEIR, which recites LUTE Policy N.7.3, and states that the proposed hillside lots are significantly below even the HR-4 zoning requirement, in conflict with Policy N.7.3. The commenter also says that the proposed lot sizes are incompatible with the neighborhoods to the Southeast and Southwest, specifically on the south side of the Hardenstine Parcel, in conflict with Policy N.7.1. In addition, the commenter states that when discussing potential conflicts to the south of the Project, the Draft SEIR fails to note the size of the single family home parcels in the neighboring areas to the south as it does when discussing "fit" with areas to the East and North, and thus does not demonstrate a lack of conflict with its potential neighbors. The commenter concludes that additional analysis is needed to determine if the Project would "result in a fundamental conflict between adjacent or nearby land uses."

Regarding consistency with Policy N.7.3, that policy states, "At least 8,000 square feet of lot area per dwelling unit should be required when land in the hill area is being subdivided. Lots smaller than 8,000 square feet may be created to cluster development... as long as this ratio is maintained for the parcel being divided." The Project proposes to subdivide an area to create hillside residential lots that range from 3,500 to 10,000 square feet, with the majority of lots between approximately 4,000 and 6,000 square feet, as well as non-hillside residential and commercial parcels. The purpose of having hillside lots that are smaller on average than 8,000 square feet is to cluster them to the west of the steepest portion of the Property, allowing the preservation of the topography and open space on the east side of the Property. The average hillside lot size per unit after subdivision is approximately 8,300 square feet. Thus, the Project conforms with Policy N.7.3 because the lots smaller than 8,000 square feet are clustered to allow larger open space areas, and the average ratio of lot size to residence exceeds 8,000 square feet per residence.

Regarding Policy N.7.1, that policy states "[n]ew residential development in Detached Unit and Mixed Housing Type areas should be compatible with the density, scale, design, and existing or desired character of surrounding development." As stated in the Draft SEIR, the single-family homes proposed for the south side of the Project area would be compatible with the existing single-family homes to the south. That the lot sizes of these homes may be less than existing nearby lots does not make the homes incompatible. They are still single-family residences and will need to comply with the Oak Knoll Design Guidelines, which would lead to architecture that is compatible with the character of the neighborhood to the south. Compatibility does not require the exact same lot sizes or even housing types.

- O54: The commenter describes how the Draft SEIR fails to analyze ways to minimize hillside grading impacts. The Project has taken measures to reduce the amount of grading in the Uplands portion of Phase 2. This is achieved by setting the roadway slopes near the maximum allowed by City Fire Department and Public Works design standards. Also, the lots near the top of the Admiral's Ridge would be sloped and/or tiered to adhere to City Hillside requirements and minimize grading. As explained at pages 3-30 through 3-37 in the Draft SEIR, the amount of grading on site is also dictated by the need to address geologic stability issues through remedial grading.
- O55: The commenter describes how the Draft SEIR states no work would be done on the Hardenstine Parcel, but that the area should be actively managed to prevent fire hazards, and that the management should take into account the presence of the Oakland star tulip. The commenter closes suggesting the use of this area for the replanting of Coastal live oaks. The reference to “no work” means no development work; the management of the area’s vegetation to prevent fires would occur. Discussed in Section 2.3.7 in Chapter 2 in this Final SEIR, the Project sponsor has determined it feasible to salvage and relocate onsite between 10 and 20 healthy oak trees previously proposed for removal. Factoring in the considerations discussed below, the City will consider the suitability for introducing new trees on the Hardenstine Parcel.

On page 4.7-16 of the Draft SEIR, the Project site is identified as land that has been classified by the California Department of Forestry and Fire Protection as “Very High Fire Hazard Severity Zone,” surrounded by lands with the same classification. This fire hazard severity classification is based on the terrain, fuel load (extensive dry brush), atmospheric conditions (warm, dry and regular afternoon winds), constraints to fire truck access, and lack of water infrastructure and suitable water pressure. The Project site is also identified as within a Federal responsibility area with respect to fire response; this is based on the former federal ownership when the property was developed as the Naval Medical Center Oakland complex. When the Project site is developed in accordance with the Oak Knoll Mixed Use Community Plan standards, the wildland fire hazards that led to the current CAL FIRE classification will be eliminated.

Since most of the undeveloped Hardenstine Parcel will be preserved in its currently natural open space condition, the Fire Department will continue to inspect that land and to provide its debris removal services upon request. Regarding the Oakland star tulip, it is a perennial flowering bulb found primarily in open chaparral, woodlands, and grasslands (CNPS 1). Within the Oak Knoll site, the majority of star tulip individuals grow in an area dominated by grassland and scattered stands of trees. The area of the Hardenstine Parcel to which Oakland star tulip would be relocated is similar in topography and vegetation cover to sites in the vicinity with star tulip populations. Two of these locations, Chabot Regional Park and Redwood Regional Park, are run by East Bay Regional Parks (EBRP). Fuels management is an integral part of reduction of fire danger within the park system and part of regular park maintenance. EBRP employs several methods for reduction of surface fuels including removal by hand crews and animal grazing. These activities do not have adverse negative impacts to star tulip populations located within these parks. Similar methods would be used to manage fire risk on the Hardenstine parcel and likewise, these activities will not have negative impacts to tulips there.

Further, on page 4.7-42 of the Draft SEIR, SCA HAZ-4 (Fire Safety Prevention Phasing Plan) and SCA HAZ-5 (Wildfire Prevention Area – Vegetation Management) are also identified and will apply to the Project. The activities listed that are applicable to the

Hardenstine parcel would be performed in a manner that avoids impacts to the Oakland star tulip, as described above.

- O56: The commenter states that the Draft SEIR is deficient because it fails to specify whether the Project's parks and open spaces would be open to the public or explain the legal mechanism for making them public parks and open spaces. The Project's parks and trails/walkways/ and bicycle pathways would be open to the public. These areas will be dedicated by the developer to a public entity known as a "GHAD, or else to the homeowners association, under a restricted covenant that the parks and trails will be publicly accessible. This information does not alter the analysis in the Draft SEIR.
- O57: The commenter states that the Draft SEIR fails to consider Project impacts in cumulative context and that the Draft SEIR should be revised to include additional noise protections for surrounding neighborhoods to address construction noise. Cumulative noise impacts are analyzed and discussed in the Draft SEIR starting on page 4.10-34. As shown in the noise measurements taken to establish baseline noise in the area, the area has existing ambient noise that is relatively high for a residential area, particularly near Interstate 580. The Project would implement SCA-NOI-6 (Exposure to Community Noise), which ensures acceptable interior noise levels for each proposed land use according to the City's land use compatibility guidelines and Noise Element guidance. (See Draft SEIR at pages 4.10-15 through 4.10-19 for a list of the SCA-NOI measures.) The commenter also misleads by suggesting that three of three existing short-term measurements reached 75.3 dB, when, in fact, that maximum measurement occurs in only the short-term noise recording taken in the morning along Mountain Boulevard.

Regarding the commenter's specific comments, the commenter misinterprets the General Plan standards for noise in residential areas, stating that the recorded ambient noise level of 71 dB is two decibels higher than the acceptable ambient level for residential areas. As shown on Table 4.10-4 in the Draft SEIR, the General Plan land use compatibility guidelines shows 71 dB as only one decibel higher than "conditionally acceptable" ambient noise level for residential development. Further, the General Plan land use compatibility guidelines state that residential development can be undertaken in locations with ambient noise levels between 70 dB and 75 dB "if a detailed analysis of the noise-reduction requirements is conducted, and if highly effective noise mitigation features are included." A detailed analysis of noise reduction requirements was conducted for the Project, resulting in the various noise reduction measures, including:

- SCA NOI-1 (Construction Days/Hours): Comply with the City of Oakland normal business hours for construction activities in the Oakland Noise Ordinance, as described on page 4.10-15 of the Draft SEIR and in the noise-level and hour limitations summarized in Table 4.10-6 on page 4.10-14 of the Draft SEIR.
- SCA NOI-2 (Construction Noise): Implement noise reduction measures during construction, including best available noise control techniques for equipment and trucks, using hydraulically or electrically powered impact tools where feasible, use temporary power poles rather than generators were feasible, locating stationary noise sources as far from adjacent properties as possible, and limiting the noisiest phases of construction to less than 10 days at one time.
- SCA NOI-3 (Extreme Construction Noise: Submit a Construction Noise Management Plan that contains a set of site-specific noise attenuation measures to

further reduce construction noise-impacts associated with extreme noise generating activities, including measures such as erecting temporary noise barriers around the construction site, implementing quiet pile driving technology, and using noise control blankets on the building structure as the building is erected.

- SCA NOI-5 (Construction Noise Complaints): Implement procedures to respond to and track noise complaints related to construction noise, including designating an on-site construction complaint and enforcement manager; erecting a large sign on site near the public right-of-way containing permitted construction days/hours, complaint procedures, and phone numbers for the Project complaint manager and City Code Enforcement Unit; protocols for receiving, responding to, and tracking received complaints; and maintenance of a complaint log.

As discussed in Section 4.10.3 of the Draft SEIR, no additional conditions or measures addressing and reducing construction noise are warranted to reduce these impacts to a less-than-significant level. The additional measures suggested by the commenter may be considered by the City for inclusion; however, most are addressed within existing SCAs or other City requirements.

The commenter also states that activities at Club Knoll or other clubhouse on the site (that, presumably, would take place after construction is completed) should be subject to City of Oakland noise regulations for residential neighborhoods. Activities at Club Knoll or other clubhouse on the site will be subject to the City's Noise Ordinance; and SCA NOI-7 (Operational Noise), which further requires the Project applicant to ensure that noise levels from the Project site after completion of construction (i.e., during Project operation) comply with the City's noise performance standards, and further requires, if noise levels exceed these standards, that the activity causing the noise shall be abated until appropriate noise reduction measures have been installed and compliance verified by the City. No further measures are warranted.

- O58: The commenter states that the Project would substantially increase noise levels at Keller Avenue between I-580 and Canyon Oaks Drive, and Mountain Boulevard between Sequoyah Road and Calafia Road, and that the Draft SEIR should be revised to address this impact with mitigation measures such as the installation of vegetation that would reduce Project noise.

The Draft SEIR acknowledges that ambient noise levels at the Project site are predominately associated with traffic along I-580. The Draft SEIR assesses the potential for the Project (alone and as part of a cumulative effect) to increase existing noise levels beyond established significance thresholds. As analyzed starting on page 4.10-32 of the Draft SEIR, the Project-related noise associated with traffic would not result in an exceedance of the established significance threshold, which is in part due to the existing high ambient noise levels in the area. There is no information in the record that leads the City to believe that traffic noise levels at the proposed Project site from Project buildout would be elevated above the levels presented in the Draft SEIR and result in a significant impact under CEQA. No further measures are warranted.

- O59: The commenter refers to the "South Creek-side Entry Park," which, as described in the Draft SEIR, is a pocket park with a "dog park" designation located on the western Project boundary adjacent to the I-580 freeway where monitored noise levels were measured at 74 and 75 DNL, which would be normally unacceptable environments for active park

- uses with playground structures where children would be regularly exposed to such elevated noise levels. The comment states the noise levels measured at this location require mitigation, with measures such as vegetation, landscaping, and berms that would reduce the noise level to less than 67 dBA. As discussed in response to Comment O58, the Draft SEIR assesses the potential for the Project to increase existing noise levels beyond established significance thresholds, and the Project-related noise associated with traffic would not result in an exceedance of the established significance threshold. As further discussed in the Draft SEIR, the South Creekside Entry Park includes a passive lawn for informal use and benches; no playgrounds or structures are proposed. Therefore, the proposed parks are compatible with the land use noise environment guidelines.
- O60: The commenter states that the Draft SEIR does not specify the length of breaks in construction that would be required (presumably, to ensure that total noise levels during construction are acceptable), and that neighborhood advisory groups should have input as to whether extensions related to construction activities should be granted. See response to Comment O57. The City of Oakland has established noise-level and hour limitations for construction activities, as summarized in Table 4.10-6 on page 4.10-14 of the Draft SEIR. Also, applicable construction period SCAs for noise require public notices be issued prior to the commencement of extreme noise generating activities, or when the Project sponsor requests construction activity outside of the above days/hours. No additional conditions or measures addressing and reducing construction noise are warranted.
- O61: The commenter states that the Draft SEIR does not consider the impacts of noise protection measures on other features, such as soil retention and erosion control. The commenter may be referring to measures such as the erection of temporary plywood noise barriers or installation of acoustic shields. As discussed in Section 4.8, Hydrology and Water Quality, of the Draft SEIR, the Project applicant will be required to implement SCA HYD-1 (Erosion and Sedimentation Control Plan for Construction), which will address the type of impacts referenced in the comment. No revisions to the Draft SEIR are warranted.
- O62: The commenter requests that additional noise monitoring devices be installed and monitored at off-site locations, up to a distance of 0.75 miles, and further requests that noise level records collected from monitoring devices located on- or off-site be provided to the Coalition on the first day of every month, and posted on the public Project website. See response to Comment O57 which addresses the several construction-period noise SCAs that pertain to minimizing, monitoring, and providing public notice for longer durations or extremely high noise level activity. As analyzed in the Draft SEIR (Impact NOI-1), implementation and compliance with SCA NOI-1 through SCA NOI-5 (listed in response to Comment O57), in addition to SCA NOI-8 (Exposure to Vibration), will ensure the environmental impact is reduced to less-than-significant. No further measures are warranted.
- O63: The commenter seeks reference and documentation supporting the Draft SEIR's determination that the mitigation measure identified in the 1998 EIS/EIR is no longer applicable or aligned with the City's current significance thresholds for impacts regarding police services. As described for Impact PSR-2 on page 4.12-11 of the Draft SEIR, based on the applicable significance criterion applied in the 1998 EIS/EIR analysis, that document concluded that the Maximum Capacity Alternative would increase the demand for police to a level warranting additional police staffing. The significance criterion was simply "Increased Demand for City of Oakland Police Services." (1998 EIS/EIR, Table

4.7 on page 4-28). The applicable mitigation measure (Mitigation 1), which is restated on page 4.12-11 of the Draft SEIR, involved funding one additional police officer through (1) the City's general fund or, if (2) insufficient general funds are available, the Project sponsor and City would determine methods for the Project sponsor to provide the one additional staff.

Page 4.12-8 of the Draft SEIR includes a discussion of "Modified Criterion for Governmental Facilities" within the supplemental CEQA context of "New Information / Changed Circumstances" since certification of the 1998 EIS/EIR. As stated there,

Since preparation of the 1998 EIS/EIR, the significance criterion that the City of Oakland applies to evaluate the potential environmental impacts to public services has been modified to clarify that a significant impact would result if a Project would result in

“...*physical* impacts associated with the provision of, or the need for, new or physically altered governmental *facilities*, (the construction of which could cause significant environmental impacts), *in order to* maintain acceptable service ratios, response times, or other performance objectives for any of the following public services” (emphasis and parentheses added).

Consistent with current City practice, the potential need for additional staffing resulting from a proposed development project is not considered a physical impact under CEQA. If the department indicates that a development project may require additional staff resources, the City of Oakland would authorize funding for public service staffing through the discretionary general fund budgeting process, the method suggested in the 1998 EIS/EIR Mitigation Measures.

The impact discussion of the proposed Project on Draft SEIR page 4.12-11 acknowledges that there would be an increased demand for police officer staff, as identified in the 1998 EIS/EIR, but that the new population (which is similar to that considered for the Maximum Capacity Alternative in the 1998 EIS/EIR) would not exceed current population/police ratios in the City. More importantly, the Project would not result in the need for additional police *facilities*. For clarification in response to the commenter, the following text is added to page 4.12-11 of the Draft SEIR:

Proposed Project.

The proposed Project would result in increased demand for police officer staff, however, the demand would not result in the need for additional police facilities, because the existing police department facilities have sufficient space to accommodate additional administrative staff and patrol units over time, based on the specific “Additional Resources” identified in the 2016 OPD Strategic Plan as needed to support OPD’s objectives and strategies to achieve its stated goals pertinent to reducing crime and response times (OPD, 2016).”

For purposes of this response to the commenter, the applicable references are highlighted in an excerpt of the 2016 OPD Strategic Plan (OPD, 2016) and included as **Appendix U** to this Final SEIR.

Further, page 4.12-3 of the Draft SEIR recognizes that OPD has identified the need for additional sworn and civilian staff to address response times, however, no physical facilities are identified in the Strategic Plan or the City's 2015-2017 adopted budget to affect response times or other performance objectives.

The Project, by eliminating an attractive nuisance (the now vacant Club Knoll) and bringing homeowners to the area, likely would reduce crime from what currently exists on the Property. In addition, the City considered the potential for physical characteristics of the Project site and proposed development to create conditions where crime could occur, and even though the Draft SEIR did not identify an impact related to such crime, Recommendation PSR-1 in the Draft SEIR would be made a condition of approval to ensure that the Project submit plans showing the Project incorporated design features and measures consistent with the City's Crime Prevention through Environmental Design (CPTED) checklists.

- O64: The commenter opines that CEQA mandates that EIRs be "organized and written in a manner that will be meaningful and useful to decision makers and to the public" and states that the Transportation and Circulation section of the Draft SEIR does not meet that standard and must be redrafted to bring it into compliance with CEQA. The Transportation and Circulation section of the Draft SEIR is organized and written in a manner that will be useful to decision makers and the public. This section has clear headings, progresses logically from a description of existing conditions and relevant regulatory setting to analysis of each of the City's transportation thresholds. The section was developed according to the City's Transportation Impact Study Guidelines and is consistent with the format and analysis approach of other recent certified EIR's completed in the City. This section also includes information that will help the decision makers make a policy decision about the Project even though not required by CEQA. (See Draft SEIR pages 4.13-97 through 4.13-109.)
- O65: The commenter requests that Figure 4.13-4 be updated to show greater detail regarding streets and neighborhoods. Figure 4.13-4 in the Draft SEIR shows the Project location and identifies the major roadways serving the Project site and vicinity. Figure 3-8 of the Draft SEIR also depicts the major roadways within the Project and Figure 3-11 shows pedestrian bicycle and transit facilities. The Project's Draft PDP and Draft FDP show additional detail. These figures meet CEQA's requirements.
- O66: The commenter raises concerns regarding southbound Mountain Boulevard access to the Retail Village. Based on this comment, the entry to the Village Center from Mountain Boulevard has been redesigned to allow both left-turns and right turns into the Main Street Retail Village driveway. This modified design is proposed to enhance vehicular access to the Village Center and especially the grocery store that is expected to anchor it. This new configuration shifts the new intersection to the south of where it was originally proposed to allow for southbound left turn movements and vehicle queuing into the Project's Village Center, and to maintain the existing northbound left turn access into the Oak Knoll Heights townhome development on the opposite side of Mountain Boulevard. Additional right-of-way will be dedicated along the Project-site side of Mountain Boulevard in order to maintain existing on-street parking for Oak Knoll Heights residents/visitors on the opposite side of the street.

An analysis of the revised turning movements by the City's traffic consultant has determined that traffic signal warrants are not met and that this revised intersection can

be adequately controlled with stop signs. This design change would not affect the analysis of level of service impacts at any of the upstream or downstream Mountain Boulevard intersections impacted by this Project, and would not result in any new or more severe environmental impacts not previously discussed in the Draft SEIR.

O67: The comment raises concerns regarding narrow travel lanes and the lack of sidewalks along the proposed Gardencourt and Creekside Village alleyways. Sidewalks are not needed along the proposed Gardencourt and Creekside Village alleyways since alleyways would only serve the adjacent uses and would have low traffic volumes and low vehicle speeds. This clarification will be incorporated into paragraph 1, on page 4.13-92 of the Draft SEIR, as shown in Chapter 3 of this Final SEIR.

O68: The comment raises concerns regarding the headway of the proposed BART shuttle, the homeowners association being financially responsible for implementing and operating the shuttle, and the effectiveness of the proposed TDM Program. As described on page 4.13-6, AC Transit currently operates Routes 46 and 46L, which provide service between the Project site and the Coliseum BART station with 60-minute headways. As stated on page 6 of the TDM Plan, shuttle service with 20-30 minute headways between the Project site and the Coliseum BART Station is currently proposed as part of the Project's TDM Program. The proposed shuttle service would have higher frequency and shorter travel times during peak periods compared to existing AC Transit service, which will encourage a portion of Oak Knoll residents to use the shuttle instead of driving in a single-occupant vehicle. Use of the shuttle service will also mean BART parking fees will not need to be paid by shuttle users. The shuttle is currently planned to serve Oak Knoll residents and on-site employees; there are no plans to extend shuttle service to adjacent residential neighborhoods. This would not preclude neighboring residents from establishing their own private BART shuttles or from working with the Oak Knoll homeowners association to extend the BART shuttle to neighboring communities.

The comment also states that requiring the homeowners association to be financially responsible for the shuttle will surely doom the shuttle to fail over time, however no specifics are provided. The homeowners association fees will be set at a level that will sufficiently fund the proposed shuttle service and the CC&Rs will specify that the homeowners association is responsible for implementing and maintaining the private shuttle service for Oak Knoll residents and on-site employees. See also Master Response to Comment A regarding City enforcement of the TDM Program and the Project's ability to meet the City's 20 percent trip reduction goal.

O69: The commenter raises concerns regarding the financial responsibilities of the Project applicant associated with implementing mitigation measures at the I-580 ramp-terminal intersections with Golf Links Road. As stated on page 4.13-69 of the Draft SEIR, "in the absence of any applicable Southeast Oakland TIF . . . the applicant shall install improvements" that are part of Mitigation Measure TRANS-6 at the Mountain Boulevard/Golf Links Road intersection, therefore the Project is responsible for implementing the improvements at the Mountain Boulevard/Golf Links Road intersection. Similarly, the Project applicant is fully responsible for implementing Mitigation Measure TRANS-15 as described on page 4.13-83 of the Draft SEIR. As stated on page 4.13-82 of the Draft SEIR, the "project applicant would pay the City for a fair share contribution" to improvements proposed as part of Mitigation Measure TRANS-14, which "would mitigate the project's contribution to the cumulative impact."

- O70: The comment requests that a cost-benefit analysis and neighborhood cut-through analysis be incorporated into the Final SEIR. CEQA does not require a cost-benefit analysis of a project. Regarding neighborhood cut-through traffic, the Project trip distribution and assignment are described on page 4.13-50 of the Draft SEIR; Figure 4.13-5 of the Draft SEIR presents the trip distribution of Project traffic for surrounding neighborhoods, and Figure 4.13A-6 in Appendix V-B of the Draft SEIR presents the AM and PM peak hour trip assignment estimate for all study intersections. The AM and PM trip assignment accounts for vehicle trips generated at study intersections, including neighboring local streets. Therefore, the Project impact analysis presented in Section 4.13.7 of the Draft SEIR adequately accounts for Project trips that would use study intersections and neighboring local streets.
- O71: The comment raises concerns regarding the timing of mitigation measure implementation and the fact that implementation of most mitigation measures will require Caltrans approval. As stated on pages 4.13-63 through 4.13-69 of the Draft SEIR, Mitigation Measures TRANS-1, 2, 3, 4, 5 and 6 include a specific trigger based on the percent of Project development that would trigger the mitigation measure. This trigger is based on when the Project would have sufficient residences to cause a significant impact for which the City can require mitigation.

Mitigation Measures TRANS-14 and 15 propose improvements to address Cumulative (Year 2040) impacts at Golf Links Road/I-580 Eastbound Off-Ramp/98th Avenue (intersection #38), Golf Links Road/I-580 Westbound Ramps (intersection #39) and at Mountain Boulevard/Golf Links Road (intersection #40). Although the trigger for the Mitigation Measure TRANS-14 and 15 was not specified in the Draft SEIR, this Final SEIR specifies the following triggers:

- A straight line interpolation of average intersection delay between 2040 No Project and 2040 Plus Project conditions indicates that Mitigation Measure TRANS-14 at this intersection may be required when about 95 percent of the project is developed.
- The mitigation trigger for implementing Mitigation Measure TRANS-15 is the same as the trigger for implementing Mitigation Measure TRANS-6; therefore implementation of Mitigation Measure TRANS-15 may be required when about 20 percent of the Project is developed. Investigation of the need for this mitigation measure, specifically the proposed widening of the I-580 Westbound Off-Ramp, shall be studied at the time when this 20 percent is reached and every three years thereafter until 2040 or until the mitigation measure is implemented, whichever occurs first.

As stated in the Draft SEIR, implementation of Mitigation Measures TRANS-1, TRANS-2, TRANS-3, TRANS-5, TRANS-8, TRANS-9, TRANS-10, TRANS-12, and TRANS-14 would mitigate the identified significant impact. Physically, these mitigation measures can be implemented and will reduce the identified traffic impacts. However, the City does not have complete authority over implementation of these mitigation measures because the impacted intersections are outside of the City's jurisdiction, and require approval by Caltrans. As such, the priority that Caltrans assigns to such improvements cannot be guaranteed by the City, including design, approvals or funding. Therefore, as described in the Draft SEIR, the impacts requiring work to Caltrans' roads are conservatively considered significant and unavoidable because City has no ability to direct Caltrans. However, the

City is committed to pursuing their implementation. As described in response to Comment A2, City will coordinate with Caltrans and the Project applicant on design, funding, and timing for implementation of these mitigation measures, and communication between the City and Caltrans indicates Caltrans' interest in having these mitigation measures implemented pursuant to their standard permit procedure.

The City also notes that Caltrans comment letter on the Project suggests that Caltrans is interested in cooperating with the City regarding the proposed improvements.

- O72: The commenter requests that the Draft SEIR be updated to include a weekend analysis to evaluate peak Oakland Zoo traffic conditions. See Master Response to Comment F.
- O73: The commenter raises concerns regarding the proposed all-way stop control at the Creekside Parkway/Keller Avenue/Williams Street intersection (#14) presented in the Draft SEIR. As documented in Table 4.13-27 of the SEIR, the Creekside Parkway/Keller Avenue/Williams Street intersection (#14) does not meet the peak hour signal warrant under Existing Plus Project or Cumulative Plus Project conditions, therefore signalization of the intersection is not proposed. As shown on Figures 4.13A-7 and 4.13A-9 in Appendix V-B of the Draft SEIR, the Project would include a dedicated left-turn lane from westbound Keller Avenue onto southbound Creekside Parkway.
- O74: The commenter raises concerns regarding the proposed traffic signal at the I-580 Eastbound Off-Ramp/Fontaine Street/Keller Avenue intersection (#12) presented in the Draft SEIR. Impacts of installing a traffic signal at Intersection #12 are adequately assessed in the Draft SEIR. An intersection queuing analysis, a planning-related non-CEQA analysis, is presented starting on page 4.13-102 of the Draft SEIR. As shown on the queuing analysis summary tables in Appendix V-I, implementing Mitigation Measure TRANS-3 at the I-580 Eastbound Off-Ramp/Fontaine Street/Keller Avenue intersection would result in 95th percentile queues of up to 200 feet along the eastbound approach. As shown in the Draft SEIR in Table 4.13-15 on page 4.13-79 and in Table 4.13-17 on page 4.13-79, the intersection would operate at LOS C during the AM and PM peak hours assuming Existing Plus Project or 2040 Plus Project Conditions and implementation of Mitigation Measure TRANS-3. As discussed on page 4.13-52 and 4.13-53 in the Draft SEIR, the City's thresholds of significance for intersections applied in the Draft SEIR are based on average intersection delay and LOS, not maximum queue lengths or traffic flow. There is no evidence to suggest that installing a traffic signal at the I-580 Eastbound Off-Ramp/Fontaine Street/Keller Avenue intersection would encourage speeding along westbound Keller Avenue. Nor is there any evidence that controlling traffic along this stretch of road would result in significant air quality impacts.
- O75: The commenter raises concerns regarding lane configuration associated with the proposed traffic signal at the I-580 Eastbound Off-Ramp/Fontaine Street/Keller Avenue intersection (#12) presented in the Draft SEIR. Implementation of Mitigation Measure TRANS-3 at the I-580 Eastbound Off-Ramp/Fontaine Street/Keller Avenue intersection would maintain the existing lane configuration of two through lanes along southbound Fontaine Street south of Keller Avenue. As discussed on pages 4.13-52 and 4.13-53 in the Draft SEIR, the City's thresholds of significance for intersections are based on average intersection delay and LOS, not traffic flow created by the release of traffic at the proposed signalized intersection. The restriping of Fontaine is not a required mitigation measure related to any traffic impact associated with the Project.

O76: The commenter raises concerns regarding the evaluation of the Mountain Boulevard/Sequoyah Road intersection (#25) presented in the Draft SEIR. Traffic operation impacts at the Mountain Boulevard/Sequoyah Road intersection were evaluated according to the analysis methodologies presented in the City of Oakland Transportation Impact Study Guidelines. As shown in Table 4.13-13 and Table 4.13-16 of the Draft SEIR, the Project is not expected to cause significant impacts at the intersection, therefore mitigation measures (e.g., four-way stop controlled intersection) are not proposed.

The commenter states that total intersection delay at the Mountain Boulevard/Sequoyah Road intersection is less with the Project compared to without the Project. As shown in Table 4.13-13 and Table 4.13-16 of the Draft SEIR, side-street stop delay along the westbound Sequoyah Road approach is expected to increase by up to five seconds with the Project; however total intersection delay is expected to decrease with the Project because the Project would increase volumes along uncontrolled free movements with minimal delay and therefore the weighted average intersection delay decreases. As stated on page 4.13-14 of the Draft SEIR, the LOS for side-street stop controlled intersections is determined by the worst stop-controlled movement, not average intersection delay. Although the Project would increase side-street delay along Sequoyah Road, the Project would not cause a significant impact according to the City's thresholds of significance discussed on pages 4.13-52 and 4.13-53 in the Draft SEIR.

O77: The comment raises concerns regarding the operations of the I-580 Eastbound On-Ramp/98th Avenue intersection (#37) and suggests improvements to the intersection.

Traffic operation impacts at the I-580 Eastbound On-Ramp/98th Avenue intersection (#37) were evaluated according to the analysis methodologies presented in the City of Oakland Transportation Impact Study Guidelines. As shown in Table 4.13-13 and Table 4.13-16, the Project is not expected to cause significant impacts at the intersection, therefore mitigation measures (e.g., left-turn stop control, northbound stop-control) are not proposed.

O78: The comment raises concerns regarding the adequacy of the freeway mainline impact evaluation presented in the Draft SEIR.

Mainline operation impacts along both directions of I-580 and SR 13 were evaluated for peak hour conditions according to the methodologies presented in the City of Oakland Transportation Impact Study Guidelines. The peak hour mainline analysis is not proposed to be expanded since the peak hour analysis presents a conservative analysis and extending the peak period analysis would not change the conclusions of the Draft SEIR.

The traffic operations analyses for freeway segments evaluated as part of the Draft SEIR are not based on how long it takes a driver to drive from point A to point B, but instead on a volume demand to capacity evaluation during typical weekday AM and PM peak hours.

The Draft SEIR adequately discloses Project impacts along the following mainline locations, as described in Impact TRANS-7 starting on Page 4.13-70 and Impact TRANS-16 starting on Page 4.13-86:

- I-580 Eastbound/SR 13 Southbound On-Ramp Junction (segment #2)
- I-580 Eastbound/Edwards Avenue Off-Ramp Junction (segment #4)

- I-580 Eastbound between Edwards Avenue and Keller Avenue (segment #5)
- I-580 Eastbound/Keller Avenue Off-Ramp Junction (segment #6)
- I-580 Westbound/Seminary Avenue Off-Ramp Junction (segment #23)
- I-580 Westbound/Seminary Avenue Off-Ramp Junction (segment #24)

Mitigation measures for freeway capacity improvements along I-580 are not proposed since widening I-580 to provide an additional travel lane in both directions is not feasible within the study area.

The freeway capacity assumption of 2,000 vehicles per hour per lane is consistent with many other freeway operations studies recently completed for Caltrans projects in the Bay Area region.

O79: The comment raises concerns regarding the adequacy of the freeway mainline impact evaluation presented in the Draft SEIR. See response to Comment O78.

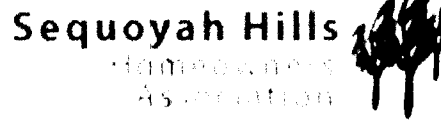
O80: The comment raises concerns regarding the adequacy of the freeway mainline impact evaluation presented in the Draft SEIR.

Intersection and mainline operation impacts for the study area were evaluated according to the methodologies presented in the City of Oakland Transportation Impact Study Guidelines. Please refer to response to Comment O78.

Refer to response to Comment O83 regarding the mitigation measures under Caltrans jurisdiction. The City is committed to coordinating with Caltrans to implement the identified mitigation measures.

O81: The commenter states that to further reduce air pollution during construction, the diesel-fueled commercial vehicle threshold should be reduced to capture smaller diesel powered vehicles, and further states that there is no reason any vehicle should be idling excessively. With implementation of the SCA AIR-1, the Project's emission of criteria air pollutants during construction would be less than significant. Accordingly, additional mitigation is not required.

O82: The commenter states the Draft SEIR is incomplete and insufficient and must be revised and recirculated. See responses to comments O1 through O81.



Sequoia Hills Homeowners Association

P.O. Box 18586 | Oakland, CA 94619-8586 | Phone & Fax: 877.922.7111

October 12, 2016

Heather Klein Planner IV (hklein@oaklandnet.gov)
 City of Oakland, Department of Planning
 250 Frank H. Ogawa Plaza, Suite 2214
 Oakland, CA 94612

RE: Oak Knoll DSEIR SCH No. 1995103035 dated August, 2016
 City File No. ER-15-004

Dear Ms. Klein,

The Sequoia Hills Homeowners Association (SHHA) submits the following comments regarding the Draft Supplemental Environmental Impact Report (DSEIR) for the Oak Knoll Mixed Use Community Project Plan.

SHHA represents 264 residents of our neighborhood. SHHA lies to the Northeast of the project, and our homes look down upon the development from a ridge behind the Eastern Slope, Keller, and Leona Canyon. Members of our community have spent extensive time reviewing and evaluating the DSEIR, and we find this important document to be unclear, inconsistent and incomplete.

The SHHA fully supports the comments and positions presented in the letter dated October 12, 2016 from the Oak Knoll Coalition submitted regarding this DSEIR.

Additionally, we are responding directly regarding the following:

AESTHETICS

The Aesthetics section of the DSEIR focuses almost solely on the prior issue of development on the Eastern Ridge or "Knoll." The DSEIR disregards any development impacts that may affect the Northwest Knoll and impacts to the views on I-580 which has state Scenic Highway designation.

The Aesthetics section of the DSEIR is deficient. The general public cannot ascertain the true impacts of the Project from all boundaries, and appropriate mitigations beyond the Eastern Ridge/Knoll have not been studied due to incomplete analysis. The DSEIR fails to include pertinent documents that relate to the Design Guidelines (Development Plan and Design Standards), thus it is impossible for the average person to understand the impact of the project.

Sequoia Hills Homeowners Association

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For these reasons, and a myriad of others outlined in the Oak Knoll Coalition letter, CEQA requires, that the Aesthetics section be expanded and redrafted to include additional photo simulations and provide a deeper analysis of the environmental impacts to the existing neighborhoods.

SHHA requests that the following viewpoints be studied and added to a redrafted DSEIR:

1. Keller/Campus intersection looking Southwest down Keller Avenue into the proposed development, to the future site of the townhomes in the Creekside North and Uplands North development.
2. Rilea Way looking across the Sequoyah Hills Community Church parking lot to the ridge line of the proposed Uplands North townhome development.
3. Keller Avenue near Williams Street /Canyon Oaks looking South West
4. The entrance and exit to Oak Knoll Heights looking East into the Retail Village and new entrance

The DSEIR Fails to Include Adequate Design Guidelines

SHHA recognizes that the City of Oakland has stated each residential developer will address Design Guidelines in their own building permit process. This is simply not in the best interests of a development of this size and impact.

Design Guidelines submitted with the DSEIR should be far more substantial to mitigate miscommunications and loose interpretations down the road. For example, the Design Guidelines submitted for the Project do not delineate any size guidelines for the townhomes, specifically, how long or how high the buildings will be, other than through simulations of the creek corridor.

SHHA is concerned about the visual character and impact of townhomes that will be visible from our community. We are strongly opposed to a 500+ unit Oak Knoll townhome development like the unsightly Leona Canyon project nearby or the barracks-like runs of townhomes found in Dublin along the I-580 corridor. There are simply no solutions provided in the DESIR that show how the Project will mitigate the visual impact of the townhomes or screen them appropriately.

In our community, neighbors on Coach, Phaeton, and Pinecrest are in line of sight of the development. All of us drive down Keller and on I-580, and the public views and Northwest Knoll Ridgeline visible from Keller Avenue and the entry to the development on Creekside Parkway are part of the quiet and beautiful enjoyment of our homes and neighborhood.

The townhomes depicted in Figure 4.1-5A are substantially larger than what is present in the current surroundings, and the impacts of buildings of the depicted size and scope have not been studied from the vantage point of the communities and vistas most affected, nor have any suggested mitigations to the impacts been considered. The DSEIR must be redrafted to correct this deficiency.

Sequoyah Hills Homeowners Association

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The DSEIR Fails to Consider Development Impacts on Surrounding Neighborhoods

The 1998 EIS/EIR¹ "...specifically considered the following components of the Maximum Capacity Alternative that would substantially affect the visual quality of visual character of the NMCO site (discussed under the category of "visual resources" in that document):

Demolition and Redevelopment of the West Quadrant. The Maximum Capacity Alternative would redevelop the west quadrant of the site with new commercial neighborhood retail buildings, parking and signage – introducing a new and different visual character to a portion of Keller Avenue, visible from adjacent neighborhoods to the north. While this development could result in some new blockage from vantage points along approximately 1,000 feet of Keller Avenue, the 1998 EIS/EIR concluded that the effect would be beneficial given the comparable architectural design and landscape treatment that would be employed."

This 2016 DSEIR fails to consider any development of the West and Northwest sites as they relate to the surrounding neighborhoods. Although the 1998 document found that the effect would be beneficial, this 2016 study does not even study the issue, so it is not possible to assert whether the townhome portions of the community will be beneficial or not. A revised DSEIR should address this deficiency, as required by CEQA.

NOISE & CONSTRUCTION MITIGATIONS

Construction noise and mitigations have been brought up to the SHHA Board by numerous residents in our community. The DSEIR fails to adequately consider the cumulative context of construction noise at the project.

We agree with the comments submitted by the Oak Knoll Coalition for additional mitigation measures, specifically:

"...that the DSEIR should be redrafted to include additional noise protections for surrounding neighborhoods, including:

1. Stipulate that activities at a relocated Club Knoll or other HOA clubhouse be subject to City of Oakland noise regulations for residential neighborhoods.
2. Require diesel engines to be substituted by gasoline powered engines whenever practicable; that diesel engines never be allowed to "warm up" and/or idle on site; and that their use be strictly limited to the hours of 9 a.m. - 5:00 p.m., Monday through Friday.
3. Prohibit the use of air-powered vibration/tampering construction equipment on the Oak Knoll site within 0.5 miles of any inhabited structure whether located on or off site.
4. Prohibit the use of pneumatically powered tools with compressed or other air under all circumstances.

¹ Oak Knoll Mixed Use Community Plan Project, Supplemental Environmental Impact Report (SEIR) SCH No. 1995103035, Visual Character and Quality, Impact AES-2, pages 4.1-56-57

P5
cont.

5. Prohibit overnight construction activity resulting in any noise for surrounding community.
6. Strictly prohibit the use of cranes, dozers, excavators or graders outside the hours of 8:30 a.m. and 5:30 p.m., Monday through Friday.
7. Require all newly constructed habitable units at Oak Knoll to be constructed with materials and components such that measured interior noise levels shall not exceed 45 dB, as is widely considered an acceptable residential standard.
8. Limit allowable construction receiving noise to less than 65 dB Monday through Friday 8:00 a.m. - 6:30 p.m. and Saturday 9:00 a.m. - 6:00 p.m.; NO noise on Sunday.”²

TRAFFIC

P6

The SHHA completely supports the comments submitted by the Oak Knoll Coalition regarding the Traffic section of the DSEIR, including the noted issues with individual intersections, failure to comply with CEQA, and complete inadequacy of the plan to address traffic improvement funding.

Our community is extremely concerned with the traffic mitigation options outlined in the DSEIR. Specifically that the DSEIR does not address funding levels, or the glaring omission of engaging CALTRANS for approval with the purported mitigations.

It is clear when reading the document that most of the DSEIR mitigations are tied to CALTRANS approvals. However, there is no indication in the DSEIR as to whether approvals are attainable or even whether there is a plan for investigating this issue. The DSEIR must be revised to include a feasibility study to determine whether mitigations requiring CALTRANS approval can be implemented.

P7

The traffic impacts we currently experience are due to I-580 congestion at times far outside those studied in the traffic reports provided in the DSEIR Appendices, and impacts from zoo operations. Neither the zoo traffic on the weekends, nor the extended nature of our I-580 commute traffic times were studied in the DSEIR. The DSEIR traffic studies must be expanded to include the cumulative context of the weekend Oakland Zoo traffic and the reality of the Bay Area commute times.

The DSEIR Provides Inadequate Traffic Mitigation Analysis

P8

SHHA has numerous concerns about proposed traffic mitigations at specific intersections. SHHA supports the entirety of the comments submitted by the Oak Knoll Coalition, but is expanding on the following two points as they have a direct daily impact to our residents driving East and West on Keller Avenue.

1. Intersection #14, Creekside/Keller/Williams, is proposed to become a 4-way stop rather than the current single stop sign from Williams with no controls on Keller. Better would be to signal this intersection maximizing green on Keller, and with triggering of green to Williams delayed enough that unobstructed right turns onto Keller do not trigger the lights

² Oak Knoll Coalition DSEIR response letter dated 10/12/2016

to change. Consideration should be given to providing a left turn lane from Westbound Keller onto Creekside for safety reasons.

2. Figure 3.8 of the DSEIR proposed street network designates Right In/Right out from the Oak Knoll Community at Uplands Primary as a "Major Project Gateway". A right out at this exit point from the Oak Knoll Development directs traffic East on Keller Avenue, with the only options to get back to Mountain or I-580 a U-Turn at Hansom Drive, or a right on Sequoyah Road.

- a. The U-Turn at Hansom is not an acceptable route for residents exiting the Project. SHHA has been in contact with OPD numerous times over the last two years to mitigate stop sign running and speeding at this intersection. This four way stop sign is not meant to handle U-Turn traffic with the increased volume we would see from the Project. Allowing U-Turn traffic here will have significant safety impacts on our community and the new neighbors forced to utilize this route. SHHA suggests that the Developer and the City of Oakland work together to make this an *exit EVA* from the property, allowing right in only.
- b. If the right out traffic from the Project does not U-Turn at Hansom, the other alternative is for them to turn Right after the Hansom 4-way stop and go West down Sequoyah Road. No impacts of the increased traffic through this community as result of the proposed right in/right out have been studied.
- c. This suggested "Major Project Gateway," and Hansom/Keller intersection was not studied at all in the DSEIR traffic studies and appendices. CEQA requires that they be included in a DSEIR redraft and analysis.

The DSEIR Fails to Provide Analysis or Mitigations for Substantial Freeway Impacts

SHHA agrees with the comments submitted by the Oak Knoll Coalition regarding freeway mitigation. SHHA requests that the DSEIR be expanded to adequately study the real time traffic issues we are currently experiencing as laid out in the Coalition letter.

CONCLUSION

SHHA appreciates your consideration of our concerns, remarks and recommendations.

The Draft Supplemental Environmental Impact Report for the Oak Knoll Mixed Use Community Project Plan is incomplete and insufficient. It is rife with inaccuracies, inconsistencies and glaring omissions, so much so, that it is impossible for the public, staff and decision-makers to adequately and reasonably evaluate many crucial Project impacts and proposed mitigations.

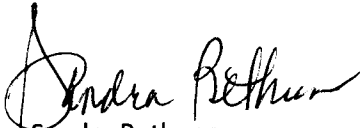
The document has failed to meet CEQA's "substantive mandate" and is therefore legally inadequate; it must be redrafted and recirculated for public comment.

Sequoyah Hills Homeowners Association

P.O. Box 18586 | Oakland, CA 94619-8586 | Phone & Fax: 877.922.7111

Respectfully,

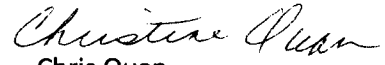
The Sequoyah Hills Homeowners Association Board




Sandra Bethune
President




Barbareta Morris
Vice-President



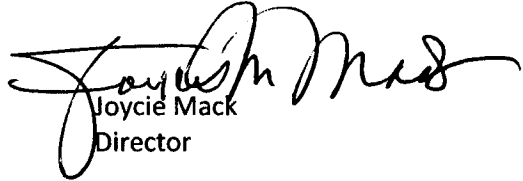
Chris Quan
Secretary



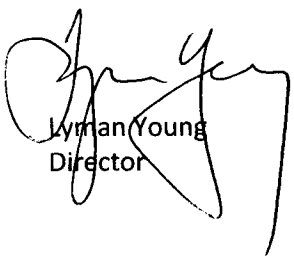
Kris Drobocky Baitoo
Treasurer



John Nichols
Director



Joycie Mack
Director



Lyman Young
Director



Barbara Williams
Director

- CC: Mayor—Libby Shaaf
Assistant City Manager—Claudia Cappio
Councilmember District 1—Dan Kalb
Councilmember District 2—Abel J. Guillen
Council President District 3—Lynette Gibson McElhane
Councilmember District 4—Annie Campbell Washington
Councilmember District 5—Noel Gallo
Councilmember District 6—Desley Brooks
Councilmember District 7—Larry Reid
Councilmember at large—Rebecca Kaplan

From: [Kris Drobocky Baitoo](#)
To: [Klein, Heather](#)
Cc: [Office of the Mayor](#); [Cappio, Claudia](#); [Mossburg, Pat](#); [Kalb, Dan](#); [Guillen, Abel](#); [McElhane, Lynette](#); [Campbell Washington, Annie](#); [Gallo, Noel](#); [Brooks, Desley](#); [At Large](#); [Reid, Larry](#); treasurer@sequoyahhome.org
Subject: Sequoyah Hills Homeowners Association Response to Oak Knoll DSEIR SCH No. 1995103035 dated August, 2016
Date: Wednesday, October 12, 2016 3:39:41 PM
Attachments: [SHHA OakKnollDSEIR_Response10_12_2016_001.pdf](#)

Dear Planning Department:

Attached, please find the Sequoyah Hill Homeowners Association response to the Draft Supplemental Environmental Impact Report (Oak Knoll DSEIR SCH No. 1995103035 dated August, 2016; City file no.: ER-15-004) for the Oak Koll Mixed Use Community Project Plan.

A hardcopy was also submitted today in person to Ms. Heather Klein at the City of Oakland offices.

Respectfully,
The Sequoyah Hills Homeowners Association Board
www.sequoyahhome.org

Letter P Responses – Sequoyah Hills Homeowners Association

- P1: This comment expresses a general concern that the Aesthetics section of the Draft SEIR is inadequate because it does not sufficiently evaluate impacts to views from the I-580 Freeway Corridor, does not sufficiently evaluate impacts to views of the Northwest Knoll, that insufficient information from the Preliminary Design Guidelines was available for review during the Draft SEIR public comment period, and that several additional local vantage points should also be evaluated. This comment repeats the same concerns identified in Comments O8 – O11 by the Oak Knoll Coalition. Please refer to the responses to those comments.
- P2: This comment expresses a concern that there was inadequate information concerning the proposed Design Guidelines to allow for a sufficient analysis of potential aesthetics impacts of the townhome development areas. This is the same concern noted in comments submitted by the Oak Knoll Coalition (see Letter O). Please refer to the Response to Comment O8, which addresses this concern.
- P3: This comment expresses a concern about impacts to views from surrounding private residential areas and for motorists driving to/from those homes along Keller Avenue and I-580, and highlights a specific concern about the visual effect of the proposed townhomes. These same concerns were raised by the Oak Knoll Coalition (see Letter O) and were addressed in Response to Comments O5 – O8. Please refer to those responses.
- P3: The comment mirrors that raised in Letter O and responded to in comment O8, which addresses the impacts and visibility of the proposed townhomes from nearby offsite neighborhoods and roadways, as well as the proposed development characteristics of the proposed townhomes. No further response is warranted.
- P4: The comment raises concern with the scope of the aesthetics analysis in the Draft SEIR, specifically development in the West and Northwest sites, which would be the Northwest quadrant and the Retail Village Center of the proposed Oak Knoll Project. As noted above, the adequacy of the aesthetics analysis regarding potential impacts of the proposed Village Center is addressed in response to Comment O6, and response to Comment O8 address the adequate analysis conducted for development proposed in the Northwest area of the Project site. NO further response is warranted.
- P5: This comment expresses the same concern and is nearly identical to Comment O57 by the Oak Knoll Coalition. Please refer to the response to that comment.
- P6: The comment raises general concerns about the adequacy of the Draft SEIR in evaluating traffic impacts, concerns regarding funding responsibilities and requests that a feasibility study to determine whether mitigations requiring Caltrans approval can be implemented.

Refer to response to Comment O64 regarding concerns of the adequacy of the Draft SEIR and response to Comment O71 regarding mitigation triggers and the Significant and Unavoidable determinations for impacted intersections within Caltrans jurisdiction. A feasibility study to determine whether mitigations requiring Caltrans approval can be implemented is not a considered a CEQA topic and is not required according to the City of Oakland Transportation Impact Study Guidelines.

- P7: The comment raises concerns regarding the adequacy of the mainline analysis presented in the Draft SEIR, and requests that a weekend analysis be included. Refer to response to Comment O78 regarding the adequacy of the mainline analysis and Master Response to Comment F regarding the weekend traffic operations analysis.
- P8: The comment raises concerns regarding the proposed all-way stop control at the Creekside Parkway/Keller Avenue/Williams Street intersection (#14) presented in the Draft SEIR. Refer to response to Comment O73.
- P9: The comment requests that the intersection of Keller Avenue/Hansom Drive and additional intersections along Sequoyah Road be included in the Draft SEIR.

Study intersections and analysis methodologies were identified according to the City of Oakland Transportation Impact Study Guidelines. Based on those Guidelines, additional analysis at the Keller Avenue/Hansom Drive intersection or along Sequoyah Road is not warranted and is not included in this Final SEIR. The Project will continue to propose a right-in/right-out access intersection at Keller Avenue via Uplands Primary; this intersection will also provide emergency vehicle access.

- P10: The comment raises concerns regarding the adequacy of the freeway mainline impact evaluation presented in the Draft SEIR. Refer to response to Comment O78.
- P11: This comment is a concluding statement that reiterates the SHHA opinion that there are numerous serious flaws in the Draft SEIR that need correcting and that the revisions should be recirculated for public review and comment, prior to any City action on the Project. Since this comment is a statement of opinion and does not introduce any new comments concerning the adequacy of the Draft SEIR, no response is warranted. Furthermore, all of the concerns identified throughout this letter have been fully addressed in the various responses and there is no evidence that any substantive new analysis is required that could affect the findings of the Draft SEIR or that recirculation of a significantly revised document is warranted.

LETTER Q

From: [Angie Tam](#)
To: [Klein, Heather](#); sgregory@lamphier-gregory.com
Cc: [Howard Dyckoff](#); [Andrea Fournier](#); [Toler Heights](#); [Nedra Williams](#); [Nedra Williams](#)
Subject: ER15-004 PLN15-378 Oak Knoll Mixed Use Community Plan Project
Date: Wednesday, October 12, 2016 3:41:36 PM
Attachments: [Oak Knoll PLN15-378: ER15-004 comments.pdf](#)

Case File # PLN15-378; ER15-004
Oak Knoll Mixed Use Community..
page 1 of 5

Oct 12, 2016

Angie Tam,
Toler Heights Council representative
8716 Seneca St., Oakland, CA 94605
510-562-9934
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Heather Klein
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Case File #: PLN15-378; ER15-004
Oak Knoll Mixed Use community Plan Project

To City Planning Officials

This is Toler Heights Neighborhood Council's draft SEIR comments on the Oak Knoll Project: PLN15-378; ER15-004.
It is also attached as a PDF.

First, Equity: one sets of residents was favored over another set. EIR management process is problematic both with SunCal and the City of Oakland. Do not pit neighbors against neighbors. We are all in this together.

Q1

We feel that there's been a prejudicial exclusions of Toler Heights community from discussions and meetings. Our neighborhood is south of the project.

After the public hearing on April 15, 2015, the SunCal presenter said to me, (Angie

Tam) that “ I am not a neighbor because I live below 580.” When I asked for a business card of the presenter, I was told he had left them at home.

True to their words, my neighborhood, Toler Heights which is represented by the “Toler Heights Council, and Seneca St. NNO group” have never been invited to any community meetings hosted by Sun Cal.

Our two leadership groups in Toler Heights have a long history of serving our neighborhood and they are known to our Councilman, Larry Reid's office.

Leaders of the Toler Heights community attended one meeting before April 15 2015, . We register ourselves like everyone else. The chair of Toler Heights Council, Andrea Luna made known to Sun Cal of her position on the registration card. She was never contacted. We never received any news from Sun Cal as promised from the registration.

Angie Tam attended a SunCal meeting on May 23, 2016. She learned of it from other sources than Sun Cal. She made known the fact that Toler Heights has been excluded from discussion in front of 250 audience members. Afterward, speaking to one Sun Cal representative, again he left his business cards at home. She was not given official contact information.

At this meeting, we learned that there were two prior meetings conducted before this meeting. We did not know about them. We cannot attend meetings that we don't know about. Our district representatives, did not notify us of the meetings. In our concerns, we would like to work more with our district representative, Councilman Larry Reid and our business analyst, Ray Leon.

We were also never notified about the publication of the draft EIR, despite having sent in written comment for the EIR, back in 2015.

Damage has been done to Toler Heights Community and undue stress put on the leadership of Toler Heights. We have to constantly scoured for news from other sources rather than from the primary sources, SunCal and the City of Oakland. As a result, we have less time than other groups to prepare comments on the Draft EIR. 45 days to read a 2000 page document is already stressful. We missed around 7 days of the preparation period. We never had the opportunity to express our concerns with the Design committee.

Economic Impact on MacArthur Corridor:

Negative economic impact study of the MacArthur Corridor is not present in the EIR. Toler Heights has asked for it at the scoping session and in the written comments back in 2015.

We are concerned about the negative regional impact of the commercial area in this

Q1
cont.

Q2

project because this development is not working in concern with the development that is already here. Originally when it was a hospital, people who worked there and will patronize stores along the MaCarthur corridor, between EastMont and San Leandro Blvd.

Q2
cont.

With their own services, new residents will be less likely to patronize the newly opened stores on MaCarthur Blvd, business may decline. Higher income residents may also shop there, rather than MaCarthur Blvd. The risk is great of causing commercial failures.

MaCarthur Blvd has seen hard times and has not recover fully from previous recessions.

We are concern about this and hope the EIR will take these negative impacts into considerations.

Social Impact:

Q3

This development is an island within District 7, very much like "Piedmont" inside the city of Oakland with the "servant's quarter" in the Toler Heights neighborhood. It has its own services, isolated from other residents., with its back towards the neighborhoods south of the project. Toler Heights is the "servant's quarter" in which schools and fire stations reside, akin to the nursery and kitchen being in the back room of a mansion.

Q4

We feel that the low-density Hillside residential zoning is a privileged zoning. The residents are forever protected from parking problems that neighborhood below 580 experience. Seneca St, inside of Toler Heights never got the low density Hillside residential zoning. Despite being in a Wildfire district , on a hillside with 45 degrees incline in the back yard, big lot of 5-6000 to 10,000 sq. foot. Being below 580, we are zoned RD-1 (single family residential).

We were told, the higher density is for economic development. When there is more people, higher density, there is more business ie customers.

A social contract is being broken, there's a change in paradigm of how this regions in District 7 is being designed.

Q5

Higher density brings in more social problem like parking conflicts and such...

We tolerate the higher density in the hope of having a thriving commercial district on MaCarthur Blvd.

There's too much emphasis on the comfort of incoming NEW residents, but not much on HOW this project will benefit EXISTING residents. This used to be Federal land. We hope public lands are used for public good.

I hope the planning commission will take this into account when looking at the merit of

this project.

Schools:

Again there need to be a regional study of this project so that one neighborhood is not overly burdened. Draft EIR is out of date on schools in this area.

There are now planned new development of private schools inside and around Toler Heights Neighborhood. These concentrated use of traffic and noise would affect quality of life, air quality, traffic, property values of my neighborhood.

We believe, this sudden flurry of application for schools is to serve higher income residents from the Oak Knoll Project.

Recently, Holy Redeemer applied for a conditional use permit -- PLN16259 – for a 75 children private school. This is very close to the Golf Links/ freeway/ Zoo entrance.

Yesterday, 10/11/2016, Toler Heights Council was informed of the expansion of Bishop O'Dowd High School which is the closest high school to the project site. This will be a major expansion and will have significant impact on traffic in the neighborhood.

Q6

Since the Draft EIR scoping session, the Francophone charter school, for French immersion of 120 students and expanding, opened. It's a French K-8 school that had a ready-made student body, transplanted onto the site of our former local elementary school, which was only K-3. It does not serve our local neighborhood, and brings in outside traffic.

Data set for local schools around Toler Heights are not completed.

Please add

these schools into the data set. They are around 1.6 miles away from southern corner of Sequoyah Ave.

Castlemont High School, 8601 MaCarthur Blvd, Oakland

Castlemont Primary Academy, 8601 MaCarthur Blvd, Oakland,

Francophone Charter School – 9736 Lawlor St., Oakland, CA, next to Bishop O'dowd High School

LPS Oakland R & D – 8601 MaCarthur Blvd., Oakland,

Traffic:

Q7 | **There is no funding for traffic mitigation south of this project.**

1. New study is needed: on the Golf Link/ 580 freeway/ Zoo/Thermal/ 98th/Stanley. This is needed because a new school opened on Aug 2015.

The current traffic study is from early 2015 and is completely out of date. It was filed on 4/14/2015, one day before EIR scoping session hearing. (Appendix V-A.) Thus, recommendations from the scoping hearing were not considered.

Q8 | The Toler Heights request for draft EIR, and comments made in front of the planning commission, were specifically concerned about concentrated schools' environmental impact.

Francopone School (at 9736 Lawlor St.) has a 120 student enrollment and expecting to expand. Current residents on Lawlor are already trapped inside their home during morning / afternoon drop off hours – time not studied previously. [see net item]

2. New expanded hours study needed, including 2:30pm to 4:00pm : on Golf Links/580 Stanley/Lawlor/Thermal :

Q9 | Current PM traffic study on Golf Links/ Stanley/Lawlor/Thermal was only for between 4 pm – 6 pm. The traffic bottles up when parents come to pick up and drop off their kids at Bishop O-Dowd, and the new Francophone elementary K-8 school. Both traffic sources will increase if the expansion is allowed.

3. Data set for local schools around Toler Heights are not completed.

Please add

these schools into the data set. They are around 1.6 miles away from southern corner of Sequoyah Ave.

Q10 | Castlemont High School, 8601 MaCarthur Blvd, Oakland

Castlemont Primary Academy, 8601 MaCarthur Blvd, Oakland,

Francophone Charter School – 9736 Lawlor St., Oakland, CA, next to Bishop O'dowd High School

LPS Oakland R & D – 8601 MaCarthur Blvd., Oakland,

Q11 | **4. Traffic Data does not take into account of the Oakland Zoo expansion and no solutions suggested.**

Q12 | **5. freeway 580 / 106th Ave exit has not been studied.** One suggestion for Oakland Zoo entrance traffic jam was to move the entrance to the back of the zoo.

Q12
cont.

The area is the entrance to FoodsCo and frontage road, short cut to the next 580 entrance in the city of San Leandro. As baseline study should be established because it is very close to the site.

Sincerely

Toler Heights Council
Angie Tam
Nedra Williams
Howard Dyckoff
Andrea Luna
Andrea Fournier

Letter Q Responses – Toler Heights Neighborhood Council

Q1: The commenter feels that there has been a prejudicial exclusion of the Toler Heights community from discussion and meetings concerning the Project. The commenter mentions that a representative of the Project sponsor told her that she was “not a neighbor because [she] live[s] below 580” and the Project sponsor has never invited Toler Heights representatives to community meetings hosted by the Project sponsor. The commenter states that a community representative attended one Project sponsor meeting sometime before April 15, 2015, and despite leaving her name on the registration was not contacted by the Project sponsor. The commenter also states that her community was not notified about the publication of the Draft SEIR, and missed approximately seven days of the 45-day comment period. The commenter further states that her community missed the opportunity to express its concerns to the Design Review Committee.

The City advises Project applicants to meet with neighbors to hear their concerns, but such meetings are not required under CEQA. In accordance with City practice, all residents within 300 feet of a proposed Project are notified about that Project’s CEQA documents and public hearings. The City has reviewed its publication list and can confirm that notices were sent to residences that are within 300 feet of the Project. The Toler Heights community is outside the 300-foot radius from the Property boundary.

The City is encouraged that the commenter submitted comments on the Draft SEIR and encourages the commenter to stay engaged by attending upcoming hearings about the Project. The City also encourages the commenter to go to the City’s webpage about the Project (www2.oaklandnet.com/government/o/PBN/OurOrganization/PlanningZoning/OAK052335) and subscribe for updates (there is a link to do this on the upper right hand side of the webpage). Subscribing will ensure that Project updates will be sent directly to your email.

Q2: This comment expresses a concern that the Project’s retail center could have negative economic impacts on existing local businesses located along the MacArthur corridor, between Eastmont and San Leandro Boulevard, and that this should have been addressed in the Draft SEIR. This comment speculates on potential negative economic consequences, but does not indicate how such consequences would necessarily result from the proposed Project, or of how that could translate into adverse environmental impacts. The purpose of this Draft SEIR was to assess potential direct and indirect *physical environmental effects* resulting from the Project’s phased and completed buildout characteristics. It is not appropriate for an EIR to speculate about economic impacts or, without specific evidence, about some sort of environmental impacts (such as blight) that might occur as a result of such impacts. In fact, Section 15064 of the State CEQA Guidelines states: “Economic and social changes resulting from a Project shall not be treated as significant effects on the environment.” An assessment of speculative economic impacts identified in this comment is not warranted.

Q3: The comment states an opinion of the Oak Knoll Project site relative to its surrounding neighborhoods and services. This comment does not raise CEQA concerns about the Project. No response is warranted.

Q4: This comment describes the Toler Heights neighborhood as a sort of “servant’s quarters” for surrounding areas, but does not address the adequacy of the Draft SEIR. No response is required.

- Q5: This comment expresses opinions about trade-offs between higher density zoning and the potential enhanced economic benefits for nearby businesses, and also offers an opinion that there has not been enough attention to how this Project could benefit existing residents. This comment does not raise CEQA concerns about the Project. The general City policy concerns raised in this comment will be conveyed to the City decision makers.
- Q6: This comment expresses concerns about potential impacts to traffic, air quality, noise, and quality of life and property values due to proposed expansion plans by several local school campuses, both public and private, and speculates that these expansions have been planned to accommodate new students from the proposed Oak Knoll Project.

The Oak Knoll Draft SEIR is not required to assess the planning objectives for other projects such as the local school projects mentioned in this comment. Section 4.12 of the Draft SEIR discusses potential impacts to local public schools because private schools are not public services like public schools. The City of Oakland mailed the Notice of Preparation (NOP) for the Draft SEIR, as well as the Notice of Availability (NOA) of the Draft SEIR to the Oakland School District, and the District has not commented on the Draft SEIR and has not provided any information to indicate that there would be overcrowding of existing school campuses or a need to build any new school facilities due to the new student generation from the Project.

In addition, the recent school expansion applications in the study area are not part of the Project. There is no evidence to support the claim that recent applications to expand private schools in the area is in response to Oak Knoll's proposal to build new homes. Build-out of the Project is projected to occur between 2018 and 2024. The City believes the school applications being filed now are independent from the Oak Knoll proposal and are based on existing demand for private school enrollment. The Cumulative (Year 2040) traffic analysis accounts for background project growth due to population, employment and student growth in the region. As discussed in Section 4.0.6.3 (Cumulative Projections Assumptions) in the Draft SEIR, through the process of projecting cumulative year conditions for the traffic analysis for this SEIR, the ABAG land use database that underlies the regional travel demand model was modified to reflect more accurate land use projections in the City of Oakland and the Oak Knoll area. These include land uses for major projects in the Project vicinity, including the then-proposed school proposal at the nearby Redemptorist Society's retreat center, as well as the Zoo expansion and redevelopment of the Oakland Coliseum, as well as numerous other cumulative land use assumptions identified on the City's roster of "Active Major Development Projects." Therefore, the traffic operations analysis summarized in Table 4.13-16 and Table 4.13-18 of the Draft SEIR adequately evaluates the impacts of background traffic growth in the study area, including student growth associated with residential development.

- Q7: The comment states that there is no funding for traffic mitigation south of this Project, however no specifics are provided.

Transportation impacts for the study area were evaluated according to the methodologies presented in the City of Oakland Transportation Impact Study Guidelines; additional operational analysis, additional study intersections or mitigation measures related thereto are not warranted by those Guidelines and will not be included in this Final SEIR. The traffic operations analysis, impacts, proposed mitigation measures and funding responsibilities are described on pages 4.13-56 through 4.13-73 of the Draft SEIR for

Existing Plus Project conditions, and on pages 4.13-73 through 4.13-87 for 2040 Plus Project conditions. Construction period Impacts are described on pages 4.13-96 and 4.13-97 of the Draft SEIR. It is also not true that no traffic mitigation is proposed south of the Project. Intersections 38, 39 and 40 are all south of the Project.

- Q8: The comment requests that the Existing Conditions analysis presented in the Draft SEIR be updated to incorporate more recent count data and to incorporate the expansion associated with the Francophone School into the evaluation.

Refer to response to Comment O64 regarding the adequacy of the analysis. Consistent with the CEQA guidelines, the Existing Baseline condition was set to coincide with the date that the NOP for the Oak Knoll Draft SEIR was released. Since the NOP was released prior to the Francophone School expansion, the baseline conditions identified in the Draft SEIR are adequate and no revisions to reflect changes at the Francophone School are required. Also see response to Comment Q6.

- Q9: The comment requests that the traffic impact analysis be expanded to evaluate the afternoon peak period between 2:30 – 4:00 PM in the Draft SEIR.

The SEIR traffic operations evaluation focused on weekday AM and PM peak hour traffic conditions, which corresponds to the periods, between 7:00 – 9:00 AM and 4:00 – 6:00 PM in which traffic generated by the Project is expected to be the highest. This approach is specified in the methodologies contained in the City of Oakland Transportation Impact Study Guidelines; therefore, a weekday afternoon (2:00 – 4:00 PM) analysis is not required under the City’s guidelines.

- Q10: The comment names additional schools not listed in the Draft SEIR in proximity to Oak Knoll. Related to response to Comment Q6, this information does not substantially alter the analysis in the Draft SEIR regarding potential effects to schools or traffic. In response to this comment, the following additions are made to the Draft SEIR on page 4.13-13:

The nearest schools to the Project site include Charles P Howard Elementary School (0.7 miles from the Project site), Frick Middle School (3.1 miles from the Project site), Skyline High School (5.8 miles from the Project site), Bishop O’Dowd High School (1.2 miles from the Project site), ~~and Bay Area Technology School (1.5 miles from the Project site),~~ co-located Castlemont High School, Castlemont Primary Academy, and Leadership Public School (2.2 miles from the Project site), and Francophone Charter School of Oakland (1.4 miles from the Project site).

- Q11: The comment suggests that the Oakland Zoo expansion was not accounted in the traffic impact in the analysis presented in the Draft SEIR.

The Cumulative (Year 2040) weekday AM and PM peak hour traffic forecasts account for the Oakland Zoo expansion in the study area as described on page 4.13-24 of the Draft SEIR. As documented in the *Amendment to Oakland Zoo Master Plan: Subsequent Mitigated Negative Declaration/Addendum* prepared for the City of Oakland in February 2011, the Oakland Zoo expansion is expected to generate higher trips on Saturdays than weekdays. However, as described in Master Response to Comment F, a weekend traffic operations analysis will not be evaluated in this Final SEIR because it has already been established the highest traffic periods have been accounted for.

Q12: The comment requests that an analysis of the I-580/106th Avenue interchange be incorporated into the Draft SEIR.

All study locations were identified according to the City of Oakland Transportation Impact Study Guidelines; therefore, additional locations such as the I-580/106th Avenue interchange will not be evaluated in this Final SEIR. Any proposal to relocate the entrance of the zoo is not properly part of this analysis.



October 13, 2016

Heather Klein, Planner III
 City of Oakland
 250 Frank H. Ogawa
 Suite 2114
 Oakland, CA 94612

Re: Oak Knoll Mixed Use Community Plan Project Supplemental Environmental Impact Report,
 SCH No. 1995103035

Dear Ms. Klein:

Seneca Family of Agencies (“Seneca”) submits the following comments on the above-referenced Supplemental Environmental Impact Report (“SEIR”) for the Oak Knoll Mixed Use Community Plan Project (the “Project”).

As noted in the SEIR, Seneca owns a parcel adjacent to the Project site and is pursuing an application to expand its facilities to include school and residential treatment uses. SEIR, p. 4.2-18. As Seneca anticipates there will be children attending school at the Seneca site during Project construction, Seneca requests:

R1

- That a dust control plan be required prior to construction permit issuance pursuant to Oakland Municipal Code Section 15.36.100, including a provision for notification of the Project manager and the City by neighbors in the event of issues with dust control, and that Seneca be provided with a copy of the approved the dust control plan. *See* SEIR, p. 4.2-13.
- That plywood noise barriers be erected at the perimeter of the Project site adjacent to the Seneca site during all phase of construction. *See* SEIR, p. 4.10-16. At a minimum, the text of SCA NOI-3 should be revised to incorporate references to Seneca as a sensitive receptor adjacent to the Project site.

Thank you for your consideration.

Sincerely,

Ken Berrick, CEO
 Seneca Family of Agencies

Cc: Deborah E. Quick, Esq.

From: [Executive Assistant](#)
To: [Klein, Heather](#)
Cc: [Quick, Deborah E.](#); [Saul, Cameron R.](#); [Shane Patterson](#); [Ken Berrick](#)
Subject: Oak Knoll - Comment Letter on Draft SEIR
Date: Thursday, October 13, 2016 10:46:17 AM
Attachments: [Letter to City of Oakland re SunCal Draft SEIR 10132016.pdf](#)

Good morning,

Please see the attached comment letter, on behalf of Ken Berrick and Seneca Family of Agencies. A hard copy is in the mail.

Thank you,
Melanie

Melanie Tunison • Executive Assistant

SENECA FAMILY OF AGENCIES

Pronouns: she, her, and hers.

6925 Chabot Road • Oakland, CA 94618

Office: 510.654.4004 x 2224 • Cell: 510.363.5106 • Fax: 510.830.3590

Web: www.senecafoa.org

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Letter R Responses – Seneca Center

R1: The comment expresses concern about dust control during construction of the Project. As discussed in Section 4.2.3 of the Draft SEIR, the Project is subject to the City of Oakland Municipal Code Section 15.36.100. The City adopted Section 15.36.100 to reduce the quantity of dust generated during site preparation, demolition, and overall construction work in order to protect the health of the general public and onsite workers and to minimize public nuisance complaints. Section 15.36.100 represents a regulation of general applicability, adopted for the purpose of environmental protection, that is not peculiar to the parcel or to the project. (CEQA Guidelines, § 15183.)

As discussed in Table 2-1 of the Draft SEIR, demolition and construction emissions from the Project would not exceed the City's construction significance thresholds for PM_{2.5} or PM₁₀. Construction of the Project would not generate or expose sensitive receptors, including the Seneca school facilities, to substantial levels of toxic air contaminants. As required by City of Oakland Municipal Code Section 10.36.100, best management practices will be used in all construction phases for the Project. The BAAQMD has acknowledged that implementation of best management practices represent sufficient insurance of avoiding significant impacts related to fugitive dust generated by construction activities.¹³ Studies have demonstrated that the application of best management practices at construction sites have significantly controlled fugitive dust emissions.¹⁴ Examples of typical BMPs that are expected to be applied throughout the construction of Oak Knoll include watering of the construction site to maintain soil moisture, stopping work when average wind speeds exceed 20 miles per hour, and limiting simultaneous occurrence of excavation, grading, and ground-disturbing construction activities.

Individual measures have been shown to reduce fugitive dust by anywhere from 30 percent to more than 90 percent. In the aggregate, best management practices will substantially reduce fugitive dust emissions from construction sites. These best management practices will minimize dust travel offsite, including to the Seneca school site.

Section 15.36.100 of the Oakland Municipal Code states, "a dust control plan may be required as a condition of permit issuance." This requirement aligns with implementation of SCA AIR-1, which minimizes emissions from fugitive dust and equipment exhaust and is part of the SCA/MMRP.

¹³ BAAQMD, Revised Draft Options and Justification Report, California Environmental Quality Act Thresholds of Significance, October 2009, pages 2 and 25.

¹⁴ Western Regional Air Partnership. 2006. *WRAP Fugitive Dust Handbook*. September 7, 2006. Available at http://www.wrapair.org/forums/dejf/fdh/content/FDHandbook_Rev_06.pdf. Accessed November 2016.

6.3 Individuals

LETTER S

From: gvpattton@comcast.net
To: [Klein, Heather](mailto:Klein_Heather)
Subject: RE: Notice of Availability and Release of the Draft Supplemental EIR for Oak Knoll
Date: Monday, August 29, 2016 3:06:32 PM

HK,

Thanks for getting back to me. Here are some comments related to the Oak Knoll SEIR:

- S1 | - Transportation Mitigation Measures for the Mountain Blvd 98th Ave intersection call for long term monitoring of the intersection and signal installation after 20% build out of the project. Given the staffing issues in the City departments, who specifically is going to insure that this mitigation is satisfied? Is this measure appropriately worded to insure timely compliance?
- S2 | - The Cultural Resources section does not address significant notable Navy personnel that may have been based out of Oak Knoll, particularly during Vietnam. Specifically, I grew up in this neighborhood. My childhood next door neighbor from 1964-67 was a Lieutenant Commander named Charles Thompson. He was the first African American Captain of a battleship in the Pacific Fleet. In fact, Ebony magazine wrote an article about his achievement in 1965. Although technically he was based out of Alameda NAS, he and his family utilized the services at Oak Knoll. There may be doctors or others who served with honor at Oak Knoll. They could be identified by the Navy and memorialized in some way along the creek corridor, open space or in the relocated officers club. The history of the Naval Hospital and it's importance to the soldiers in the Pacific Fleet, especially during Vietnam, could provide an educational opportunity that should not be missed. I do not see any mention of Vietnam or the role of this Navy Hospital or notable personnel in the Cultural Resources section. The history is as much about the people as it is the buildings.
- S3 | - This may be more of an issue for the project as opposed to the SEIR, but there should be conditions of approval eliminating the ability of future project residents to install a gate in any of these new neighborhoods.
- S4 | - Long term maintenance of the infrastructure in the project needs to be specified prior to approval of the project. The creeks, streetlights, creek corridor trail improvements, clubhouse and open spaces have to be maintained over time. This will be a long term financial burden on future project residents. A Community Finance District (CFD) or other special assessment district should be established. The specific details of the short and long term fiscal commitment should be analyzed and approved by the City prior to approval of the first Final Map.

Thanks

Gary Patton

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

From: Heather Klein <HKlein@oaklandnet.com>

To: gvpattton@comcast.net

Sent: Mon, 29 Aug 2016 19:40:33 -0000 (UTC)

Subject: RE: Notice of Availability and Release of the Draft Supplemental EIR for Oak Knoll

[It's up on both sites now.](#)

From: gvpattton@comcast.net [<mailto:gvpattton@comcast.net>]

Sent: Monday, August 29, 2016 10:24 AM

To: Klein, Heather

Letter S Responses – Gary Patton

- S1: The comment requests clarification on implementation responsibilities for the mitigation measures proposed in the Draft SEIR.

As the Lead Agency, the City of Oakland will be responsible for implementing proposed mitigation measures. As stated on page 4.13-37, the City of Oakland established a Standard Condition of Approval (SCA TRA-3) that requires the Project applicant to “implement the recommended on- and off-site transportation-related improvements contained within the Transportation Impact Study for the project”. The City will continue to coordinate with the Project applicant to develop financing, scheduling and implementation responsibilities for improvements to City-controlled locations, and will also coordinate with Caltrans for improvements to Caltrans-controlled locations.

- S2: The comment discusses historical characteristics of the naval station and people associated with the naval station during the Vietnam era. The comment does not address inadequacy of the Draft SEIR or CEQA. The comment is noted.

- S3: The commenter states that there should be conditions of approval eliminating the ability of future Project residents to install a gate in any of these new neighborhoods. This comment does not raise a CEQA issue and will be conveyed to the City decision makers for their consideration when making policy decisions.

- S4: The comment requests that the short and long-term fiscal revenues to maintain the Project’s infrastructure be assessed in the Draft SEIR. Although not a CEQA issue, the City anticipates that short and long-term maintenance of streets, parks, open space and clubhouse will be the responsibility of the three entities: the City (streets, streetlights), the homeowners association (parks and park improvements), and a GHAD (open space and trails, excluding the riparian areas). Taxes and assessment will be levied to pay for this short and long-term maintenance.

Felix Guillory
4909 Stacy Street, Oakland, CA 94605
gcore_llc@comcast.net
(510) 557-1187

LETTER T

September 2, 2016

City of Oakland
Bureau of Planning
Darin Ranelletti, Director
Building and Neighborhood Preservation
250 Frank H. Ogawa Plaza Ste. 3315
Oakland, CA 94612-2032

RE: EIR, Oak Knoll Development

Dear Mr. Darin Ranelletti:

The Oak Knoll's Environmental Impact Report (EIR) of 1998, for the former Naval Hospital located in the East Oakland Hills; draws attention to the potential development in all aspects. The report identified how the proposed developments growth, expansion will interact with existing community in matters of ingress and egress, and how all conditions how will impact the surrounding existing community.

T1

It is very possible the EIR did not envision 900+ homes with two car garages estimate to be approximately 1900 residential vehicles, plus commercial vehicles traveling to do their business in the community. I beg you to have a new EIR report ordered to take into consideration the time laps and new development that has occurred in the general impacted area.

T2

This letter is written to draw attention to the intersection at located at Mountain Blvd, Golf Links Road and the entrance to the Knowland Park Oakland Zoo which leads directly to the Oak Knoll site. The EIR has labeled the above intersection as an "E intersection," and in the explanation of the grading system A, B, C, D, E, and F; F being an intersection that needs of reconfiguration for safety etc. It explains that there is only one other intersection in Oakland with the low grade of E, that being the intersection of 20th at Harrison and Lakeside Drive. The "E" was instituted to draw attention of a condition worse than "F". F being completely unacceptable. The intersection has been reconfigured to eliminate the hazards so traffic and pedestrians can cross it safely.

T3

The portion of Golf Links Road that is of concern is the two lane road that stretches for about 2 miles from the golf course to the above mentioned intersection. It is a one lane road going to and one lane coming from the community. The problem is the homeowners' community up Golf Links Road for 2 miles to the Chabot Golf Course, a has grown close to double in size since 1998. There are many more vehicles traveling daily in and out of the community to get into Oakland proper and back home. The stop light located at the exit of 580 Freeway San Francisco bound, needs to be improved to eliminate the rolling stops as vehicles make right turns on red lights; a condition that causes queuing at the stop sign up Golf Links Road from Mountain Blvd. The queuing at the stop sign at the intersection at times is up to 10-15 vehicles backed up beyond Calafia Ave. In many day time hours of the day not just rush hour times.

T4

The residence living in the community up Golf Links Road has 3 ways to get into and out of the community. If an emergency occurs, such as the holocaust fire that occurred in the tunnel area back a few years ago, happens in the regional park to the north East of Skyline Blvd, the Road would not be accessible to get out of harm's way. Also Emergency Vehicles will be heavily using Golf Links Road and traveling up/down Malcolm Avenue to get to the

T4 cont.

emergency area. Leaving minimal roads available for residence to leave the danger area. Residence living up Malcolm Avenue as well as residents from Grass Valley community will be attempting to leave the area, the backup will be horrendous for Grass Valley and the Sequoyah communities. Golf Links Road will be pretty much in a parking lot trying to escape danger zones.

T5

Often the Zoo has special events, traffic is almost at a standstill on the as one travels up Golf Links Road at the intersection of Mountain Blvd. There are great backups on the freeway as 580 West bound as traffic is going into the Zoo parking areas creates hazard conditions on the freeway lanes also.

I implore the city planning community, engineer's architectures' collectively to reconfigure the intersection of Mountain, Golf Links and the Zoo's entrance to eliminate the possible loss of life and damage to property in cases of disaster. Oaklanders have been victims to disaster before, figure it out so the potential for disaster is reduced to minimal. Work with the States Caltrans Department to stop the rolling stops and develop a plan for freeway backups.

A suggestion configuring a second lane coming down Golf Links Road from Calafia Avenue to the intersection would relieve most of the queuing and allow for great flow out of the community in case of a grave emergency.

T6

Negotiate with the developer to spread any cost throughout the development, so as not to burden the citizenry with additional infrastructure costs. The additional cost to the multiple structures will be minimal.


Felix Guillory

Letter T Responses – Felix Guillory

T1: The comment suggests that the transportation analysis presented in the Draft SEIR is inadequate, however no specifics are provided.

Refer to response to Comment O64.

T2: The Draft SEIR did take into account the trips to be generated by the Project and their Project-specific and cumulative impacts on the existing road network. The comment attempts to summarize the LOS methodology and grading system presented in the Draft SEIR.

Section 4.13 of the Draft SEIR does not include any references to the intersection of “20th at Harrison and Lakeside”. As shown on Table 4.13-4 on page 4.13-15 of the Draft SEIR, LOS F has a higher delay threshold than LOS E; therefore LOS E was not instituted to draw attention of a condition worse than LOS F as stated in the comment.

T3: The comment describes concerns regarding traffic congestion along Golf Links Road due to housing growth post-1998 and traffic congestion concerns at the Golf Links Road intersections with Mountain Boulevard and the I-580 ramps.

As stated on page 4.13-13, the Existing Conditions traffic operations analysis is based on counts collected in April 2015; therefore, the traffic operations analysis summarized in the Draft SEIR accounts for traffic growth associated with housing growth after 1998 in the residential community along Golf Links Road east of Mountain Boulevard. As described in Mitigation Measure TRANS-6 (Mountain Boulevard/Golf Link Road intersection) on page 4.13-68, installation of a traffic signal at Golf Links Road/Mountain Boulevard (intersection #40) would require traffic signal timing optimization and coordination improvements at the adjacent intersections of Golf Links Road/I-580 Eastbound Off-Ramp/98th Avenue (intersection #38) and Golf Links Road/I-580 Westbound Ramps (intersection #39).

T4: The comment states that access in the case of an emergency is limited for residential communities along Golf Links Road east of Mountain Boulevard.

The Project will not change emergency access along Golf Links Road. The Project itself will have several means of emergency access in case of fire, including Mountain Boulevard, Keller and Golf Links Avenue. The comment does not raise any substantive environmental issues that require further response, or comment on the general adequacy of the EIR. See response to Comment AAA3.

T5: The comment requests that improvements to the intersection of Mountain Boulevard/Golf Links Road be identified. Mitigation Measure TRANS-6 described on page 4.13-68 of the Draft SEIR proposes the following improvements to the intersection of Mountain Boulevard/Golf Links Road (#40):

- Restripe the eastbound Golf Links Road approach to provide one left-turn lane and one shared left-turn/through/right-turn lane, and restripe Mountain Boulevard to provide two receiving lanes for a minimum of 100 feet,

- Signalize intersection providing actuated operations, with split phasing on the east-west approaches (Golf Links Road) and permitted phasing on north-south (Mountain Boulevard/Oakland Zoo Entrance) approaches, and
- Coordinate the signal timing at this intersection with the adjacent intersections at Golf Links Road/I-580 Eastbound Off-Ramp/98th (#38) and Golf Links Road/I-580 Westbound Ramps (#39) intersections. The Golf Links Road/I-580 ramp-terminal intersections are under the jurisdiction of Caltrans so any equipment or facility upgrades must be coordinated and approved by Caltrans prior to installation.

In addition, Mitigation Measure TRANS-14 described on page 4.13-82 proposes the following improvements to the Golf Links Road/I-580 Eastbound Off-Ramp/98th intersection (#38):

- Extend the shared through/right-turn lane on the I-580 eastbound off-ramp to provide a minimum 450 feet of storage length, and
- Reconfigure Golf Links Road between the I-580 eastbound off-ramp and the I-580 westbound ramps to provide two left-turn lanes and one through lane along eastbound Golf Links Road and one left-turn lane and one shared left-turn/ through lane along westbound Golf Links Road.

Mitigation Measure TRANS-15 described on page 4.13-83 also proposes the following improvements to the Golf Links Road/I-580 Westbound Ramps intersection (#39):

- Widen I-580 westbound off-ramp to provide one shared left-turn/through lane and two right-turn lanes (minimum 300 feet of storage length) approaching the intersection.

Widening Golf Links Road to provide two westbound lanes between Calafia Avenue and Mountain Boulevard is not feasible and will not be proposed as part of any mitigation measure presented in this Final SEIR.

T6: The comment requests that the City of Oakland negotiate with the developer to fund the proposed transportation mitigation measures described in the Draft SEIR.

Refer to response to Comment A2, which discusses implementation and financial responsibilities of the City and Project applicant.

LETTER U

From: [midori tabata](#)
To: [Klein, Heather](#)
Subject: Comments to Oak Knoll DEIR
Date: Thursday, September 15, 2016 11:58:09 PM

Heather,

Hi, it's Midori from the BPAC. I would like to make additional comments to the DEIR beyond my statements at the meeting tonight. Unfortunately, I had not reviewed Appendix BB, the TDM section. Scott Gregory, who made the presentation at the BPAC stated that this TDM as presented was it and that there would be no further consideration or enlargement.

The TDM as presented in Appendix BB is woefully inadequate and will not get you close to the 20% reduction in VMT. This TDM plan is cookie cutter formula with possibly a shuttle to Bart, car share spaces, transit subsidies, etc.

Transit subsidies won't solve any transit issue. Transit in an around this development is very inadequate, virtually non-existent. It's like giving me money for a product that doesn't exist. With the existing service you can get to downtown San Francisco faster than anywhere else. An hour headway on 46 is laughable. I know, because I live in the neighboring community. It is about 2 miles to the nearest transit center at Eastmont and about 4 miles to the closest Bart.

U1

Traffic in the area has increased significantly, especially with the Leona development off Edwards Avenue where over 400 units were added with just about no traffic mitigation. It is often faster to ride my bike to the Bart station than to drive there because I can ride past the stopped cars.

Car share services won't really make a difference. It just means a shared car on the road as opposed to owner occupied. Nonetheless, a car is on the road.

Prior to our meeting, I consulted with a shuttle service expert. There are many ways to set up shuttles. Since transit service is so lacking, partnering with AC Transit for improved service may be one option. In fact, AC Transit is piloting a on demand flexible bus route in Union City to accommodate areas with poor transit services.

Private shuttle service can be established and expanded with the adjoining Leona development as well as the surrounding community. I have neighbors who may be interested in such a service rather than driving. You could set it up so that it is free to Oak Knoll residents and everyone else pays a fare. Believe me, paying to ride beats driving in traffic.

However, if no other measures are taken than what is already published, this development is unsustainable as presented and should not go forward. It leads to more greenhouse gas production for the region.

Midori Tabata

Letter U Responses – Midori Tabata

U1: The comment questions the trip reduction effectiveness of providing subsidies and car share services as part of the Project's TDM Plan. The comment also suggests coordinating with AC Transit to expand transit service in the area and/or provide a private shuttle service between the Project site and the Coliseum BART Station.

As described on page 8 of the TDM Plan, transit fare subsidies would be provided by commercial employers, which are estimated to reduce commercial employee automobile trip generation by about 10 percent, which corresponds to less than one percent of the overall trip generation. As shown on Table 1 on page 7 of the TDM Plan, trip reductions are expected to be low for the transit fare subsidies.

Car-sharing service can be effective in reducing automobile trips as it provides residents access to an automobile in the event that one is needed to make a trip, which reduces the need to own an automobile for residents. Residents who own an automobile tend to drive more than residents who do not own an automobile, and therefore car-sharing service can be considered a trip reduction strategy. As shown on page 7 of the TDM Plan, the estimated trip reduction is less than one percent if car-share service is provided on the Project site, which is low.

As stated on page 6 of the TDM Plan, shuttle service with 20-30 minute headways from the Project site to the Coliseum BART Station is currently proposed as part of the Project's TDM Program. As shown on Table 1 on page 7 of the TDM Plan, the BART shuttle service would be the most effective operational strategy, with an estimated trip reduction of about four percent. In addition, as described on page 9 of the TDM Plan, the Project applicant will coordinate with AC Transit to investigate the potential for re-routing and expanding existing AC Transit service through the Project site.

Refer to response to Comment A9 in regards to the TDM Plan achieving the 20 percent trip reduction goal set by the City of Oakland.

From: [Philip Dow](#)
To: ["midori tabata"](#); [Klein, Heather](#)
Subject: RE: Saturday traffic study for Zoo at Oak Knoll
Date: Tuesday, September 20, 2016 1:31:27 PM

Hi Midori and Heather,

These are my comments regarding the zoo. They will be part of my SEIR comment letter submitted at a later date.

Oakland Zoo

City of Oakland must take responsibility to correct the Oakland Zoo spillover on westbound 580/Golf Links off ramp. Widening of the off-ramp, as per TRANS-15, will not provide enough storage, because existing spillover extends beyond the San Leandro/Oakland border. The existing conditions will be exacerbated with the completion of the Zoo expansion and, coupled with the Oak Knoll traffic, will produce unsustainable conditions.

Zoo Mitigation

- Onsite mitigations—such as charging an exit fee—must be developed and implemented regardless of the approval of this SEIR.

Phil

From: midori tabata [mailto:midorit@pacbell.net]
Sent: Tuesday, September 20, 2016 1:02 PM
To: Heather Klein <hklein@oaklandnet.com>
Cc: Philip Dow <pdow@mindspring.com>
Subject: Saturday traffic study for Zoo at Oak Knoll

Heather,

I'm not sure who to relay this information to, so you are it. I just spoke with Bob Westfall, the Director of Park Services at the Zoo. He says that traffic studies were conducted by the City, the County, and the Zoo about traffic generated by the Zoo and that it is available.

Midori

V1

Letter V Responses- Philip Dow

VI: The comment states that Mitigation Measure TRANS-15 will not provide enough storage along the I-580 Westbound Off-Ramp to Golf Links Road, and the Oakland Zoo fee collection booth should be re-located to charge an exit fee instead of an entrance fee.

Refer to response to Comment A6 regarding the queuing concerns along the I-580 Westbound Off-Ramp to Golf Links Road.

The Oak Knoll project is not responsible for improving/upgrading the fee collection booth at the Oakland Zoo driveway.

LETTER W

From: [midori tabata](#)
To: [Klein, Heather](#)
Cc: [Philip Dow](#)
Subject: Saturday traffic study for Zoo at Oak Knoll
Date: Tuesday, September 20, 2016 1:02:04 PM

W1

Heather,
I'm not sure who to relay this information to, so you are it. I just spoke with Bob Westfall, the Director of Park Services at the Zoo. He says that traffic studies were conducted by the City, the County, and the Zoo about traffic generated by the Zoo and that it is available.

Midori

Letter W Responses – Midori Tabata

W1: The commenter notes that Bob Westfall, Director of Park Services at the Zoo stated that traffic studies by the City, County and Zoo about Zoo generated traffic were conducted and are available. The comment is noted.

Crescentia Brown

From: Rissa Coplan <rissa.coplan@gmail.com>
Sent: Friday, September 30, 2016 12:18 PM
To: Merkamp, Robert
Subject: Oak knoll officers club

X1

As an oakland resident and member of the oakland heritage alliance I am in full support of saving and restoring this building. If it must be moved I can support that decision. The richness of our history must be enjoyed by future generations. I hope the building will also be land marked as well. Thank you for all you do to make Oakland as wonderful as she can be.

Sincerely,
Rissa Coplan
5861 Harbord dr
Oakland 94611

Letter X Responses – Rissa Copland

- X1: The commenter supports saving and restoring Club Knoll and moving it if necessary, and hopes that the building will be land marked. The commenter's support is noted. Regarding the decision to make Club Knoll a landmark, please see response to Comment C6.

LETTER Y

From: [John and Jo-Ann Donovan](#)
To: [Klein, Heather: sgregory@lamphier-gregory.com](#); [Merkamp, Robert](#)
Cc: info@oaklandheritage.org
Subject: Save Oak Knoll Officer"s Club
Date: Friday, September 30, 2016 12:39:10 PM

Dear Planning Commissioners, planning staff, and consultant:

- Y1 | 1. The Oak Knoll Officers' Club must be retained! It is a valuable and historic building of importance to residents of Oakland.
- Y2 | 2. The only SEIR alternative studied which keeps Oak Knoll Club on its present site drastically cuts the number of units to be built. The size of the Club does not require this huge reduction in the building program. An alternative should be presented that shows the Club on its original site along with the dense development scheme.
- Y3 | 3. If the building cannot be retained on site, we support proposed relocation of the club with the greatest possible reuse of the original structure, its interior decorative features, and its courtyard areas, and with the greatest possible sensitivity to the historic features of the building.
- Y4 | 4. Please require public review at landmarks board and planning commission for discussion of any relocation or reuse project, before approval of plans.
- Y5 | 5. We are grateful for the recent efforts to protect the building. However we firmly reject all SEIR comments that depend upon its dilapidated condition.
Inattention and neglect by property owners are not an unavoidable condition.
- Y6 | 6. Landscaping around the in situ or relocated clubhouse should reflect historic conditions.
- Y7 | 7. Official designation of the clubhouse as an appropriate level of landmark should be pursued.

Sincerely, Jo-Ann & John Donovan Oakland CA

<http://www.donivanandmaggiora.com>

Letter Y Responses – John and Jo-Ann Donovan

- Y1. The commenter states that Club Knoll must be retained because it is a valuable and historic building. The Project proposes to retain Club Knoll, and to relocate it. The potentially significant impacts of this proposal are fully analyzed in the Draft SEIR.
- Y2: The commenter would like to see an alternative that shows Club Knoll in its current location and has a dense development scheme. See Master Response to Comment C.
- Y3: The commenter state that if Club Knoll cannot be retained in its present location, they would support relocation with the greatest possible reuse of the original structure, interior decorative features, courtyard areas, and sensitivity. The commenter’s support for relocation is noted. See Master Response to Comment B.
- Y4: The commenter requests public review at the LPAB and Planning Commission before approval of the final Club Knoll relocation and rehabilitation plans. See Master Response to Comment B.
- Y5: The commenter rejects all SEIR comments that reference Club Knoll’s dilapidated condition. See response to Comment I5.
- Y6: The commenter states that landscaping around Club Knoll should reflect historic conditions. See response to Comment C4.
- Y7: The commenter requests official designation of Club Knoll as a landmark. See response to Comment C6.

LETTER Z

From: [Matthew Gabel](#)
To: [Klein, Heather](#); sgregory@lamphier-gregory.com; [Merkamp, Robert](#)
Cc: info@oaklandheritage.org; "[Jane Gabel](#)"
Subject: *Save* The Oak Knoll Officers' Club!
Date: Friday, September 30, 2016 12:43:19 PM

Dear Planning Commissioners, planning staff and consultants:

We are residents of Oakland for the past 35 years and strongly support the Oakland Heritage Alliance's stance regarding the Oak Knoll Officers Club:

- Z1 | 1. The Oak Knoll Officers' Club must be retained! It is a valuable and historic building of importance to residents of Oakland.
- Z2 | 2. The only SEIR alternative studied which keeps Oak Knoll Club on its present site drastically cuts the number of units to be built. The size of the Club does not require this huge reduction in the building program. An alternative should be presented that shows the Club on its original site along with the dense development scheme.
- Z3 | 3. If the building cannot be retained on site, we support proposed relocation of the club with the greatest possible reuse of the original structure, its interior decorative features, and its courtyard areas, and with the greatest possible sensitivity to the historic features of the building.
- Z4 | 4. Please require public review at landmarks board and planning commission for discussion of any relocation or reuse project, before approval of plans.
- Z5 | 5. We are grateful for the recent efforts to protect the building. However we firmly reject all SEIR comments that depend upon its dilapidated condition. Inattention and neglect by property owners are not an unavoidable condition.
- Z6 | 6. Landscaping around the in situ or relocated clubhouse should reflect historic conditions.
- Z7 | 7. Official designation of the clubhouse as an appropriate level of landmark should be pursued.

Sincerely yours,

Matthew & Jane Gabel
1018 Sunnyhills Rd.
Oakland, CA 94610

matthew.a.gabel@gmail.com

510.465.7870 (home)

Letter Z Responses – Matthew and Jane Gabel

- Z1: This comment is the same as Comment Y1. See response to Comment Y1.
- Z2: This comment is the same as Comment Y2. See response to Comment Y2.
- Z3: This comment is the same as Comment Y3. See response to Comment Y3.
- Z4: This comment is the same as Comment Y4. See response to Comment Y4.
- Z5: This comment is the same as Comment Y5. See response to Comment Y5.
- Z6: This comment is the same as Comment Y6. See response to Comment Y6.
- Z7: This comment is the same as Comment Y7. See response to Comment Y7.

From: [stefen STEFEN](#)
To: [Klein, Heather](#); sgregory@lamphier-gregory.com; [Merkamp, Robert](#); info@oaklandheritage.org
Subject: Preserve Oak Knoll Officers" Club
Date: Friday, September 30, 2016 8:37:30 PM

AA1

Oak Knoll Officers' Club should be historically preserved to be integrated with the surrounding development. The style is beautiful and should be returned to its original grandeur and used for the new surroundings. Gardens should also be rehabbed and maintained.

STEFEN
www.stefenart.com
⌘ ⌘ ⌘ ⌘ ⌘

Letter AA Responses – Stefan Stefan

AA1: The commenter would like Club Knoll to be preserved, integrated into the surrounding development, and returned to its original grandeur and for its gardens to be rehabbed and maintained. The commenter's preference is noted. Also note that the Project would preserve the majority of Club Knoll, relocate and rehabilitate it in a central area of the Project site that is better integrated into the proposed development, and provide and maintain new landscaping around the building.

From: [Charles Bucher](#)
To: [Klein, Heather](#)
Cc: [Naomi Schiff](#); [Oakland Heritage Alliance](#); [Alison Finlay](#); [Merkamp, Robert](#)
Subject: Re: Oak Knoll Officer"s Club
Date: Monday, October 03, 2016 9:18:26 AM

Resending with correct email address.

Charles Bucher
Muller & Caulfield Architects
Board Member, Oakland Heritage Alliance

On Oct 2, 2016, at 3:32 PM, cbucher@mullercaulfield.com wrote:

To the City of Oakland Planning Board:
2016

October 2,

BB1

My name is Charles Bucher. I have been a member of the board of the Oakland Heritage Alliance for more than three years, and a local architect, with a modest amount of experience in historic preservation. I would like to address issues concerning the question of preserving the Oak Knoll Officers Club, on the former Oak Knoll Naval Hospital grounds. This beautiful, rambling, Mediterranean classical style building is the last building left on the former navy base. The property is now owned by SunCal developers, who have plans to develop the base for residential housing. Until recently it has been SunCal’s plan to demolish Club Knoll, but SunCal has now backed off from that stance, and they now propose to move Club Knoll to a more central part of the development and convert it to a community center.

BB2

While we applaud SunCal’s concession, and the reprieve of Club Knoll, we must also remark that such a move, as described by the developer’s new proposal, involves transporting only part of the complete, existing building, and, in moving from a sloped site to one on flat ground, the relocated building will lose the extensive existing basement, and its entire basement façade on the sloped side of the site. We assert that it would be a much preferred plan to retain the Club Knoll building on its existing site, and restore it there.

BB3

In any case, being able to retain the Club Knoll building, even though it is moved, is far preferable to demolition. Although a review of the revised plan in the Oak Knoll SEIR document to move the Club Knoll building reveals a sensitive and thorough treatment of many factors, there is yet a number of concerns: in particular the plan describes dismantling the building into parts to move to the new site. The size of the building parts separated for the move is of paramount importance. Retaining large parts of the building intact while transporting will retain ensemble elements together including interior and exterior wall finishes in their context and relationship with visible and aesthetic structural elements would allow large authentic parts of the building to remain in their original, historic condition. The description of the move in the SEIR provides no specificity whether large parts of the building will be transported, or if the building will be reduced to excessively small components:

BB3
cont. | structural members, decorative features, windows, doors, etc, which will in no way preserve context, only approximate it. I recommend that a close attention should be paid to the building movement plan to ascertain, and correct if necessary the possible tendency of the developer to break the building into small parts, without retaining generous parts of the building walls and structure, preserving context, including existing wall surface finishes and the relationship of decorative and structural elements.

In addition, these are our priorities:

BB4 | It is imperative to require public review of the handling of the Officer's Club, whatever the fate of the building may be, before approval of the plans.

BB5 | We are grateful for the reconsideration to retain the building, but we reject all statements made to the effect of the building's deteriorated condition. Such conditions are the responsibility of the building and site owner, and not an act of God or the whims of nature.

BB6 | Provide landscaping around the building, whether in its current location or moved, appropriate to its historic status, including the building's courtyard elements, which should be restored, and if moved, reconstructed completely and with sensitivity.

BB7 | The memorialization of the building in a landmark status should absolutely be pursued.

Sincerely,

Charles Bucher

Muller & Caulfield Architects

Board Member, Oakland Heritage Alliance

Letter BB Responses – Charles Bucher

- BB2: The commenter notes that the relocated Club Knoll will lose its basement and basement façade, and would prefer a plan to retain Club Knoll on its existing site and restore it there. The Draft SEIR studied three alternatives that keep Club Knoll in its existing site and restore it there. Also, an additional alternative has been added a Master Response C to this Final SEIR that would restore Club Knoll in its existing location and keep the number of residential units at 935. In addition, the Draft SEIR studied the impacts caused by moving Club Knoll to a new location without its basement. When it certifies the EIR, the City will make findings concerning the merits of each of the alternatives.
- BB3: The commenter expresses concern about how Club Knoll will be moved and states that it is preferable to retain large parts of the building intact. See Master Response to Comment B.
- BB4: The commenter would like public review of the handling of Club Knoll. See Master Response to Comment B.
- BB5: This comment expresses dissatisfaction with the manner in which existing conditions of Club Knoll are described, but it does not identify any specific aspect of the Draft SEIR as deficient. This comment is noted; however, no response is required.
- BB6: This comment offers an opinion about landscaping treatment associated with relocation of Club Knoll. This opinion is noted. Please refer to response to Comment K8 and Master Response to Comment B.
- BB7: This comment requests that Club Knoll’s landmark status be memorialized. See response to Comment C6.

LETTER CC

From: [Ron Carter](#)
To: [Klein, Heather](#)
Subject: Oak Knoll Development Proposal (Eucalyptus Tree Removal)
Date: Monday, October 03, 2016 9:45:15 PM

Ms. Klein,

My name is Ron Carter and I live on Coach Drive which is situated directly above the proposed Oak Knoll Development. This email shall serve as my opportunity to express my concern with the development from a fire protection standpoint. Specifically, my concern is with the grove of eucalyptus trees that currently borders the North Eastern side of the development which runs along Keller Ave.

CC1

As a retired Deputy Chief from the Oakland Fire Department, I know how devastating a fire can be when eucalyptus tree are involved. I am concerned that a fire in the Oak Knoll Development could easily spread across Keller Ave and endanger the lives and property on Coach Drive and the surrounding neighborhood.

Therefore, I am hereby respectfully requesting that the Oak Knoll Development include a plan to permanently remove the grove of eucalyptus tress as described above.

Respectfully,

Ron Carter
(510) 815-2364

Letter CC Responses – Ron Carter

CC1: This comment recommends removal and replacement of the existing grove of eucalyptus trees along the Keller Avenue frontage of the Project site, because it should be considered to be a fire hazard. This comment does not explain why this stand of eucalyptus trees represents a unique or extreme fire hazard, compared to any other stand of trees in this area. The draft Oak Knoll Master Landscape Plan would remove and replace this stand of trees within the Project site. With the proposed landscape elements and new homes, streets, new water infrastructure and other components of a built environment in place, this edge of the Project site and the rest of the new development footprint would no longer be considered a wildland fire hazard area.

LETTER DD

From: [Caroline Kim](#)
To: [Klein, Heather](#); sgregory@lamphier-gregory.com; [Merkamp, Robert](#)
Cc: [Guillen, Abel](#); [Raya, Richard](#); [Kaplan, Rebecca](#)
Subject: Oak Knoll Officers" Club
Date: Monday, October 03, 2016 7:44:26 PM

Dear Ms. Klein and Messrs. Gregory and Merkamp:

- DD1 | I urge you to retain the Oak Knoll Officers' Club either at its current site which is preferable or at another location. As a 21 year resident and homeowner of Oakland, I am very concerned about the lack of open space and general disregard that Oakland has concerning quality of life issues for its residents. It is important for Oakland to protect its past and look to the long term for building a desirable, beautiful city.
- DD2 | Oak Knoll should not even be developed but added to the park system with the Officers' Club maintained.
- DD3 | Most of Oakland's new development consists of cheap looking buildings which block out the sunlight and views.
- DD4 | Worst of all, all of the construction will not put a dent in the problem of homelessness because many of those needing housing have incomes way below what is considered affordable.
- DD5 | However, it seems as if adding parkland for a growing population is not on the table. At least make the developers put in something that is beautiful as well as practical. Public review must be considered at the landmarks board and planning commission for discussion of any relocation or reuse project before approval of plans.

Sincerely,
Caroline Kim
Oakland, 94610

Letter DD Responses – Kaia Eakin

- DD1: The commenter would like Club Knoll to be retained at its current location, or if necessary, another location. The commenter’s preference is noted. The commenter is concerned about the lack of open space and the City’s disregard for its residents’ quality of life. The Project would provide approximately 69.1 acres of parks and open spaces for active and passive recreation. The commenter’s opinion of the City’s attitude towards its residents’ quality of life is noted.
- DD2: The commenter states that Oak Knoll should not be developed, but added to the park system with the Club Knoll maintained. This opinion is noted. Since this land is privately owned and the proposed Oak Knoll Mixed Use Community Plan project is consistent with the City’s General Plan land use policies, a park only alternative is considered infeasible and is not under consideration.
- DD3: The comment opines on the appearance of the proposed buildings, based on images provided in the Draft SEIR. The comment is subjective, and the topic is addressed in the visual quality assessment in Impact AES-2 in the Draft SEIR. The comment also suggests that the proposed development will block out the sunlight and views. The adequacy of the view analysis in the Draft SEIR is addressed in numerous previous responses; see initial responses to comments O5, O6 and O8. Response to Comments O13 and O14 address the potential impacts of the proposed Project resulting from new shadow cast on public spaces historic resources, as directed by the City’s CEQA significance criteria. No further response is warranted.
- DD4: This comment states a concern that the proposed Project would not address the problem of homelessness. This comment is noted; however, the issue of homelessness is a broad and complex one and well beyond the scope of this privately sponsored and funded project to address. It is noted that the master developer will be required to pay an estimated \$19.8 million in affordable housing fees, to be applied by the City in their programs to provide more affordable housing throughout the community.
- DD5: The commenter suggests that “adding parkland for a growing population is not on the table.” The Project would create a number of passive and active parks throughout the site, including approximately 3.5 miles of trails with connecting sidewalks and approximately 7.6 acres of parks and community space. The commenter also states that public review must be considered at the LPAB and Planning Commission for discussion of any relocation or reuse Project before approval of plans. See Master Response to Comment B.

From: amelia.marshall@att.net
To: [Naomi Schiff](#); [Klein, Heather](#); [Scott Gregory](#); [Merkamp, Robert](#); [Sam Veltri](#); [Pat Keliher](#)
Cc: [Adhi Nagraj](#); [Emily Weinstein](#); tlimon.opc@gmail.com; cmanusopc@gmail.com; amandamonchamp@gmail.com; [Jahmese Myres](#); [Pattillo, Chris](#); [Marvin, Betty](#)
Subject: Re: Comments regarding ER15-004, PLN-15-378, Oak Knoll Mixed Use SEIR SCH 1995103035
Date: Monday, October 03, 2016 3:12:07 PM

EE1 | EXCELLENT!

Amelia S. Marshall (510) 482-9718

On Monday, October 3, 2016 2:56 PM, Naomi Schiff <Naomi@17th.com> wrote:

Dear Planning Commissioners, Staff, Consultants, and Developers,

Attached please find comments from Oakland Heritage Alliance regarding the Oak Knoll SEIR.

Thank you!

Naomi Schiff
238 Oakland Avenue
Oakland, CA 94611

Telephone: 510-835-1819
Email naomi@17th.com

cell: 510-910-3764

Letter EE Responses – Amelia S. Marshall

EE1: This is a one-word comment, i.e. “Excellent!” that is apparently a response to some earlier email communication. Please refer to the separate responses to comments by the Alliance, in the subsection containing responses to various organizations.

From: [Rebecca Sheldon Brogan](#)
 To: [Klein, Heather](#)
 Subject: Development Letter of Concern from Home Owner on Hansom Drive
 Date: Tuesday, October 04, 2016 12:07:49 PM

Hello Ms. Klein,

FF1 I have read the conversation on NextDoor Sequoia North regarding the development at Oak Knoll and I am deeply concerned about the impact that this large development will have on traffic, roads, crime, house values etc, based partially on the traffic study. I will not be able to attend the City Hall Planning Commission meeting tomorrow at 6pm, so I wanted to be sure that my voice is represented in this letter. My family has owned this property since 1972. I am in full agreement with Ms. Comrie's online list of concerns and support a further objective analysis to address the following points:

- FF2
- The traffic study which was paid for by the developer was discussed in great detail.
 - Although the traffic study **confirms** that the development will negatively impact almost every intersection and traffic flow on the neighboring roads, the developer is **not required** to follow any of the recommendations in the traffic study.
 - Oakland has not made any traffic mitigation measures a condition of approval for this development. The developers do not have to install a single traffic sign or traffic light.
- FF3
- The developers have not made any agreements or arrangements with CalTrans regarding the impact to off-ramps, on-ramps, or increased freeway traffic (although this impact is mentioned in the traffic report).
 - The developer states that there will be an additional 11,250 daily car trips in and out of the development everyday. This number is likely a very low estimate, considering they are building a shopping complex at the base of the site. The previous number of daily car trips for the hospital was 5,000.
 - The traffic study did not include any weekend hours (i.e. Zoo traffic that can cause the freeway to back-up for miles into San Leandro)
- FF4
- Regarding construction: At a previous meeting, the developer stated that it would take 2 1/2 -3 years to construct the infrastructure and 5-7 or 8 years to build out the rest of the project. This developer is planning on selling off/parceling out the specific housing developments/pads to other builders/developers (i.e. Toll Brothers). The project will then have multiple developers in each phase.
- FF5
- I agree that if this development has to take place, it should be more carefully studied and the number of homes should be significantly reduced. Additionally, traffic mitigation (including additional signage, improved off-ramps and on-ramps, and additional stop lights) should be a Condition of approval before this development goes any further.

Thank you,

Rebecca Sheldon
7900 Hansom Drive
Oakland, CA 94605

Rebecca Sheldon Brogan / Graphic Artist
rebecca@rasheldon.com / 650.796.2970

Alternative Design Solutions

Letter FF Responses – Rebecca Sheldon Brogan

FF1: The comment states concern about the overall impact of the proposed Project on traffic, roads, crime, house values etc., based partially on the traffic study. Most of these specific issues are addressed in the Letter FF comments below. Also see response to Comment HH1 regarding crime.

FF2: The comment states the developer is not required to follow any recommendations of the traffic study and that the City of Oakland has not made any traffic mitigation measures a condition of approval for this development.

This comment is incorrect; the developer is obligated to implement the mitigation measures that will be adopted by the City. This is required by SCA TRA-3, and further ensured through CEQA Findings and implementation of an SCA/MMRP, pursuant to Section 15097 of the State CEQA Guidelines.

Refer to response to Comment A2 regarding mitigation measure implementation responsibilities and coordination with Caltrans to implement improvements.

FF3: The comment states that the trip generation estimate for the Project is low and that the traffic study did not include any weekend analysis of traffic operations.

As discussed on page 4.13-46 through 4.13-49, the AM peak hour, PM peak hour and daily Project trip generation estimates were calculated according to the City of Oakland Transportation Impact Study Guidelines; therefore, no changes will be made to the Project trip generation estimates. Refer to Master Response to Comment F regarding weekend traffic operations analysis.

FF4: The commenter describes the proposed construction phasing and that individual developers would implement the Project. The comment does not address the adequacy of the Draft SEIR or CEQA, and is therefore noted.

FF5: The comment states that mitigation measures should be a condition of approval. Refer to response to Comment S1 and FF2.

LETTER GG

From: [Elena Comrie](#)
To: [Klein, Heather](#)
Subject: Concerns and objections to the proposed Oak Knoll Development
Date: Tuesday, October 04, 2016 6:15:51 PM

To: Heather Klein, and the City of Oakland Bureau of Planning

The list below itemizes some of my concerns and objections to the proposed Oak Knoll Development project:

- GG1 | • The traffic study which was paid for by the developer was discussed in great detail at the 9/22/16 meeting with the Developers and various neighborhood groups, and with City of Oakland staff in attendance (Claudia Capiro).
- GG2 | • Although the traffic study **confirms** that the development will negatively impact almost every intersection and traffic flow on the neighboring roads, the developer is **not required** to follow any of the recommendations in the traffic study.
- GG2 | • Oakland has not made any traffic mitigation measures a condition of approval for this development. The developers do not have to install a single traffic sign or traffic light.
- GG2 | • I have personally witnessed several near accidents at the main intersections that will be affected by this development. Near misses included occurrences when drivers have exited the freeway at the Keller onto Mountain Blvd off ramp and since the traffic was backed up onto the freeway, they simply used the 'right turn only' lane to turn left. I have also witnessed the incredible congestion that is an almost permanent condition at the Golf Link exit.
- GG3 | • The developers have not made any agreements or arrangements with CalTrans regarding the impact to off-ramps, on-ramps, or increased freeway traffic (although this impact is mentioned in the traffic report).
- GG4 | • The developer states that there will be an additional 11,250 daily car trips in and out of the development everyday. This number is likely a very low estimate, considering they are building a shopping complex at the base of the site. The previous number of daily car trips for the hospital was 5,000.
- GG5 | • The traffic study did not include any weekend hours (i.e. Zoo traffic that can cause the freeway to back-up for miles into San Leandro)
- GG6 | • Regarding construction: At a previous meeting, the developer stated that it would take 2 1/2 -3 years to construct the infrastructure and 5-7 or 8 years to build out the rest of the project. This developer is planning on selling off/parceling out the specific housing developments/pads to other builders/developers (i.e. Toll Brothers). The project will then have multiple developers in each phase.
- GG7 | • I believe that if this development has to take place, it should be more carefully studied and the number of homes should be significantly reduced. Additionally, traffic mitigation (including additional signage, improved off-ramps and on-ramps, and additional stop lights) should be a Condition of approval before this development goes any further.
- GG8 | • I will be at the 10/5/16 meeting with my concerns and objections and I'm informing my
- GG9 |

GG9 |
cont. |

neighbors to do the same. If this plan is approved in its current state, it will have a negative effect on our quality of life and property values.

- We strongly object to the current proposed Oak Knoll development and want our objections noted and taken into consideration in any & all City of Oakland review.

GG10 |

Regards,

Elena Comrie

7848 Surrey Lane

Letter GG Responses – Elena Comrie

- GG1: The commenter states that the traffic study was discussed at the 9/22/16 meeting. The Comment is noted.
- GG2: The comment states that the City of Oakland has not made any traffic mitigation measures a condition of approval for this development. Refer to response to Comment S1 and FF2.
- GG3: The comment states that developers have not made any agreements with Caltrans to implement mitigation measures. Refer to responses to Comment A2 and Comment A4.
- GG4: The comment states that the trip generation estimate for the Project is low. Refer to response to Comment FF3.
- GG5: The comment states that the traffic study did not include any weekend analysis of traffic operations. Refer to Master Response to Comment F.
- GG6: The commenter notes that at a meeting, the developer stated that it would take 2.5 to 3 years to construct the infrastructure and 5-7 or 8 years to build out the rest of the Project. The commenter also states that the developer is planning on selling off/parceling out the specific housing developments/pads to other builders/developers such as Toll Brothers, concluding that the Project would have multiple developers in each phase. This comment does not raise a CEQA concern. Regarding the process of development, it is anticipated that the current owner would do all of the preparatory site work, including grading, utilities, roads; relocate and rehabilitate Club Knoll; and construct the commercial buildings. Once the residential building pads are ready for residences, they would be sold to homebuilders, who would build the homes and townhomes.
- GG7: The commenter believes that if this development has to take place, it should be more carefully studied and the number of homes should be significantly reduced. The EIR provides the necessary environmental analysis required by CEQA. In addition, the City has held and will hold several more public hearings to study the policy decisions involved in approving the Project. To ensure that City decision makers have information about the environmental impacts of a project that has a significantly reduced number of residences, the EIR presents three alternatives where the number of residences would be less than proposed by the Project. The Project sponsor's submittals of FDPs also will be reviewed by the City, as would FDPs submitted by others for the commercial and residential development.
- GG8: The comment states that mitigation measures should be a condition of approval. Refer to response to Comment S1 and FF2.
- GG9: The comment states generally that the proposed plan would have a negative effect on quality of life and property values. The comment does not address the inadequacy of the Draft SEIR or CEQA. The comment is noted.
- GG10: The comment objects to the proposed Project. The position will be relayed to the City decision-makers and is noted.

From: [Sarah Hamilton](#)
To: [Klein, Heather](#)
Subject: Oak Knoll Concerns
Date: Tuesday, October 04, 2016 12:58:21 PM

HH1

I am a local resident and have concerns with the Oak Knoll development proposal. The concerns are in regards to the non-fixable" traffic issues and the increase in crime with no new funding for police improvements.

HH2

The off ramps from 580 are already a nightmare at rush hour. I can't even imagine how bad it will be with the new development. And how do they expect to repaint the existing intersection to support three lanes, each way, at Keller and Mountain? I was looking at it the other day and don't see how it would be possible.

HH3

We are already dealing with a lack of police officers in Oakland. For the plan to suggest that we would not need any additional officers is ridiculous.

Sarah Hamilton
Avonoak Court

Letter HH Responses – Sarah Hamilton

HH1: The comment states concern with “non-fixable” traffic issues, which are specified in Comment HH2 below. The commenter is also concerned with the increase in crime due to the Project. The purpose of this Draft SEIR was to assess potential direct and indirect physical environmental effects resulting from a project, and it is not appropriate for an EIR to speculate about the potential for increased crime without specific evidence about some sort of environmental impacts (such as blight) that might occur as a result of crime. In fact, Section 15064 of the State CEQA Guidelines states “... social changes resulting from a project shall not be treated as significant effects on the environment.”

HH2: The comment requests clarification regarding Project impacts to the I-580 off-ramps within the study area and the feasibility of implementing proposed improvements at the Mountain Boulevard/Keller Avenue intersection.

The traffic operations analysis and impacts at I-580 ramp-terminal intersections are described on pages 4.13-56 through 4.13-69 of the Draft SEIR for Existing Plus Project conditions, and on pages 4.13-73 through 4.13-83 for 2040 Plus Project conditions.

Mitigation Measure TRANS-4 at Mountain Boulevard/Keller Avenue is described on page 4.13-66 of the Draft SEIR. The proposed improvements would not provide three lanes along each approach to the intersection of Mountain Boulevard/Keller Avenue as stated in the comment. As described on page 4.13-66, Mitigation Measure TRANS-4 proposes the following improvements to lane configurations (two lanes per approach):

- Restripe eastbound Keller Avenue approach to provide one shared left-turn/through lane and one shared through/right-turn lane,
- Restripe westbound Keller Avenue approach to provide one shared left-turn/through lane and one right-turn lane, and
- Restripe southbound Mountain Boulevard Avenue approach to provide one left-turn lane and one shared through/right-turn lane.

Proposed improvements can be implemented within the available right-of-way at the Mountain Boulevard/Keller Avenue intersection.

HH3: The comment contends that the Project will require additional police officers. See response to Comment O63 regarding the need for additional police.

LETTER II

From: amelia_marshall@att.net
To: [Klein, Heather](mailto:Klein_Heather); sgregory@lamphier-gregory.com; [Merkamp, Robert](mailto:Merkamp_Robert)
Cc: [Oakland Heritage Alliance](#)
Subject: Comments on the Oak Knoll Development Plan
Date: Tuesday, October 04, 2016 3:47:25 PM

To:
Heather Kline, planner
Scott Gregory, consultant
Robert Merkamp, secretary to the commission
Members, Oakland Planning Commission:

Many of Oakland's architectural treasures have been allowed to deteriorate through owner neglect. The Oak Knoll Officers' Club is one that can be saved.

It is surprising how little widespread knowledge there is about the history of the Oak Knoll area. Prior to the construction of the naval hospital on the site beginning in 1942, it had long been a retreat for equestrians. Local lore holds that it was an encampment for the *vaqueros* from the Antonio Peralta *rancho*. From 1922 to 1933, the J-O Ranch dude ranch provided trail rides, dinner parties, "excessive alcohol consumption during Prohibition", and marksmanship practice along the eponymous Rifle Range Creek. Cavalrymen from the 143rd Field Artillery of the California National Guard rode down to participate in horse shows at Mills College.

The proposed new development, based on the renderings provided by SunCal, appears to resemble the exurban tracts one sees outside Sacramento or Riverside. Perhaps this departure from the traditional character of the area is inevitable.

But preserving the Officers' Club, on site, with its magnificent fireplaces intact, is a small gesture in support of civic pride. We Oakland citizens value our cultural heritage, and we need to stand up to out-of-town developers who evince no such regard.

Sincerely,

Amelia S. Marshall

Amelia S. Marshall (510) 482-9718
3327 Wisconsin Street
Oakland CA 94602

Coauthor: Oakland's Equestrian Heritage (Arcadia Publishing, 2008)
http://www.arcadiapublishing.com/mm5/merchant.mvcScreen=PROD&Product_Code=9780738558103

Letter II Responses – Amelia S. Marshall

- II1: The commenter raises three issues: (1) Club Knoll can be saved, (2) provides additional history about the property, and (3) states that the proposed Project resembles exurban tracts around Sacramento and Riverside, and departs from the traditional character of the area. Regarding the first issue, the Project proposes to rehabilitate and relocate the majority of Club Knoll in a manner that retains the building's historic integrity. Regarding the second issue, the additional information is interesting and will be conveyed to the City decision makers. Regarding the third issue, the Project's architecture at this time is conceptual; more detailed architecture will be presented in FDPs that would be reviewed by the Planning Commission. Although the architecture is conceptual, compliance with the Project's PDP and Design Guidelines will ensure high-quality design that is compatible with the character of the area.
- II2: The commenter states that preserving Club Knoll on site, with its fireplaces intact, is a small gesture in support of civic pride and that Oakland citizens value their cultural heritage. The commenter's opinion will be conveyed to the City decision makers. This comment does not raise CEQA concerns. Club Knoll's fireplaces would be preserved as part of its relocation and rehabilitation; see Table O31 in response to Comment O31, as well as the Club Knoll FDP in Appendix H).

LETTER JJ

From: Daniel Levy
To: Klein, Heather: sgregory@lamphier-gregory.com; Merkamp, Robert
Cc: info@oaklandheritage.org
Subject: Oak Knoll Officers Club SEIR Comments
Date: Wednesday, October 05, 2016 2:24:19 PM

Dear Planning Commissioners, Planning Staff, and Consultant,

My name is Daniel Levy, I was born in Oakland, and am an Oakland resident and homeowner. I am also on the board of OHA.

I wanted to provide a few comments regarding the Oak Knoll Officers Club SEIR. It is an exciting project.

JJ1 | 1) The Oak Knoll Club is a historic resource that aids the fabric and context of the area. It will create pride and give the development authenticity. It must be retained not only for the people of Oakland, but also for the development's own success.

JJ2 | 2) The Oak Knoll Officers Club should be retained in its current location. The alternatives in the SEIR that keep the Club at its current site dramatically reduce the number of units that would be built. Why is there no alternative that maintains the Club at its current site and also maintains the 935 proposed units? If this alternative is infeasible, it must be explained. It does not seem to me that 935 units and a restored Officers Club cannot co-exist -- especially given that there are 188 acres to play with. The desire for a "centrally located" community center to justify its demolition or even relocation is not sufficient.

JJ3 | 3) If the Club must be moved, please relocate the building using as much of the original structure as possible. In addition, please investigate retaining the basement of the structure or mimicking its facade at the new site. Please also retain the building's orientation. We need to move this structure with the greatest sensitivity.

JJ4 | 4) Please require public review at Landmarks Board and Planning Commission for discussion of any relocation or reuse project before approval of plans.

JJ5 | 5) I am grateful for the recent efforts to protect the building. However, I firmly reject all SEIR comments that depend upon its dilapidated condition. Inattention and neglect by property owners are not an unavoidable condition.

JJ6 | 6) Landscaping around the in situ or relocated clubhouse should reflect historic conditions.

JJ7 | 7) Official designation of the clubhouse as an appropriate level of landmark should be pursued.

Thank you for reading. Please let me know if you have any comments or questions.

Daniel Levy
1941 5th Avenue
Oakland

e: dlouislevy@gmail.com
p: 510-289-4699

Letter JJ Responses – Daniel Levy

- JJ1: The commenter states that Club Knoll must be retained because it aids the fabric and context of the area and creates pride and gives the development authenticity. The Project proposes to retain Club Knoll and relocate it. See Master Response to Comment B. The potentially significant impacts of this proposal are fully analyzed in the Draft SEIR. This comment does not raise any CEQA concerns with that analysis.
- JJ2: The commenter would like to see an alternative that shows Club Knoll in its current location and has a dense development scheme. See Master Response to Comment C.
- JJ3: The commenter states that if Club Knoll must be moved, as much as the original structure as possible should be relocated, and asks for an investigation into retaining the basement or mimicking the basement façade at the proposed location for Club Knoll. The commenter also requests that the building's orientation be retained, and comments that moving the structure should be done with the greatest sensitivity. Regarding the moving of Club Knoll, see Master Response to Comment B.
- JJ4: The commenter requests public review at the LPAB and Planning Commission before approval of the final Club Knoll relocation and rehabilitation plans. See Master Response to Comment B.
- JJ5: The commenter rejects all SEIR comments that reference Club Knoll's dilapidated condition. See response to Comment I5.
- JJ6: The commenter states that landscaping around Club Knoll should reflect historic conditions. See response to Comment C4.
- JJ7: The commenter requests official designation of Club Knoll as a landmark. See response to Comment C6.

Oakland Planning Commission
Heather Klein, Scott Gregory
City of Oakland Bureau of Planning
250 Frank H. Ogawa Plaza, Suite 2114
Oakland, California 94612

LETTER KK

Re: The Officers Club at Oak Knoll - Doubly Historic

Dear Commissioners, Staff, and Consultants

KK1

I attended Wednesday nights SEIR review and shared a couple concerns at the meeting.

One concerned citizen expressed the opinion that the Oak Knoll Country Club wasn't important enough as a good historical example of Mission Revival architecture, as there were other similar examples in the Bay Area.

I would like to point out that the architecture of the 1927 club house, one of the finest golf clubs of its time, is not the only reason it is historically important. Oak Knoll has a direct connection to a long line of Naval Medical History in the Bay Area that is very important to Navy Veterans and others who have served.

We have learned from our friend Captain Thomas Snyder, the Secretary of the Naval Order of the United States Foundation, and Commander of the San Francisco Commandery, about the connection of Oak Knoll Naval Hospital to a much older history of the Mare Island Naval Hospital.

The Mare Island Hospital was first built in 1865, with a replacement in 1871. The large building that remains today was built in 1901 after a 1989 earthquake.

Mare Island Naval Hospital provided medical care for the Navy for World War 1 and other military conflicts. The 1901 building was deteriorating by the 1930s.

After the attack on Pearl Harbor, the Navy needed a hospital in California to replace that facility and commissioned Oak Knoll Naval Hospital on July 1 1943 to serve Naval personnel wounded in the Pacific Theater. A modern hi-rise hospital building was added in 1968 to serve Vietnam vets.

The Navy kept the Country Club club house as the Oak Knoll Officers Club and many people today have fond memories of working at the Club, attending weddings at the club or seeing famous performers at the Officers Club. People tell of the time they saw Bing Crosby there, an aunt who was a nurse there, or a father who was a surgeon.

Many notables visited the hospital to cheer and salute the injured Navy staff, including US senators and congressmen, governors of California, Hollywood stars and regional artists, foreign states officials, Mrs. Franklin Delano Roosevelt, Fleet Admiral and Mrs. Chester Nimitz, among others. L. Ron Hubbard, the founder of Scientology, was a naval officer hospitalized at Oak Knoll.

The Naval Hospital attracted the largest number of celebrities our city has ever seen who entertained at the Officer's Club: Bing Crosby, Bob Hope, Dinah Shore, Doris Day, Shirley Temple Black, Ed Sullivan, Jack Benny as well as Governors Ronald Reagan, Earl Warren and Pat Brown, during its 53 years of war and peace.

Let's remember that the other historic importance to this structure is its place in Navy History in California.

Sincerely,

From: [Claire Castell](#)
To: sgregory@lamphier-gregory.com; [Klein, Heather](#)
Cc: willis03@comcast.net; [Naomi Schiff](#); [Doris Brown](#); [Tom Haw](#); [Thomas Snyder](#); [Daniel Levy](#)
Subject: The Officers Club at Oak Knoll - Doubly Historic
Date: Thursday, October 06, 2016 9:00:58 PM
Attachments: [Letter to Oakland Planning Commission.docx](#)

Please see the attached letter concerning the Oak Knoll Officers Club.

Best regards,

Claire Castell
clairecastell@pacbell.net

Letter KK Responses – Claire Castell

KK1: The commenter notes that Club Knoll is important not just for its architecture but also for its connection to the Bay Area’s naval medical history. Club Knoll’s connection to naval medical history is discussed on pages 4.4-11 to 4.4-15 of the Draft SEIR. Although Club Knoll has a connection to the Bay Area’s naval medical history, due to the demolition of almost all the other naval buildings, a 2006 historic survey determined that the site does not retain sufficient historical integrity to convey its history as a naval hospital.

LETTER LL

From: [midori tabata](#)
To: [Klein, Heather](#)
Cc: [Philip Dow](#)
Subject: Comments to Oak Knoll DEIR
Date: Thursday, October 06, 2016 7:00:46 PM

Heather,

After last evening's Planning Commission meeting where Oak Knoll was the agenda, here are my remaining comments.

- LL1 | • The DEIR is woefully inadequate about the traffic impact this development will have on the area and communities and does little to provide adequate mitigation measures.
- Most of the suggested mitigation measures involve signaling surrounding streets, mostly Mountain Blvd.
- LL2 | • The DEIR did not consider the traffic effects of the Oakland Zoo and its expansion plans. The traffic study conducted by the developer only considered weekday traffic, not weekends when the Zoo is especially busy.
 - 98th Ave. at 580 and Mountain need to be studied further and a full mitigation measure developed along with specific plans for how it will be funded.
- The current TDM in Appendix BB does nothing to address the issue of traffic resulting from this development.
 - The suggestions of providing free parking for car share does nothing to reduce auto traffic.
 - Providing transit vouchers to a virtually non existing transit system helps no one. There is one transbay service and one local line running about every hour.
 - Walking to a destination is miles of walking
 - Biking to destinations takes an experienced and hearty cyclist. The ascent on 98th is not as bad as 73rd, but the traffic volume and speed is difficult to manage.
- LL3 | • This development is not a TOD. There is very little alternative transportation options in the area. Assuming that 96.7% of the people will drive, creating over 11,000 daily auto trips is unacceptable.
- Creative solutions are needed such as guaranteed enhanced bus service or a community shuttle. Vouchers for ride hailing services do not meet this need. That is just another auto on the road.
- LL4 | • I also recommend this development adopt the new development parking guidelines adopted by the City and limit parking to one auto per unit. That would limit the number of autos at this development. Then car share might be useful.

Midori Tabata

Letter LL Reponses – Midori Tabata

LL1: The comment questions the adequacy of the traffic impact analysis presented in the Draft SEIR. Refer to response to Comment O64.

LL2: The comment states that the traffic impact analysis did not adequately consider effects of the planned Oakland Zoo expansion since a weekend analysis was not conducted; in addition, the comment requests that full mitigation measures be developed for the Golf Links Road intersections at Mountain Boulevard and I-580 ramps.

Refer to Master Response to Comment F regarding the weekend analysis. Refer to response to Comment T5 regarding proposed mitigation measures at the Golf Links Road intersections at Mountain Boulevard and I-580 ramps, and response to Comment A2 regarding implementation and financial responsibilities for proposed mitigation measures.

LL3: The comment questions the trip reduction effectiveness of providing subsidies and car share services as part of the Project's TDM Plan. The comment also suggests coordinating with AC Transit to expand transit service in the area and/or provide a private shuttle service between the Project site and the Coliseum BART Station. The comment also assumes that 96.7 percent of Oak Knoll residents and on-site employees will drive. Refer to response to Comment U1 regarding effectiveness of strategies proposed in the TDM Plan.

There is a misunderstanding regarding the 96.9 percent automobile trip percentage presented on page 4.13-47; this percentage does not represent the amount of people expected to drive to/from the Project site, it represents the adjustment factors applied to the ITE Trip Generation Manual trip generation estimates as suggested in the City of Oakland Transportation Impact Study Guidelines.

LL4: The comment requests that off-street residential parking be limited to one space per residential dwelling unit. Refer to response to Comment A10.

Klein, Heather

From: Randima Fernando <randy.fernando@gmail.com>
Sent: Sunday, October 09, 2016 8:17 PM
To: Klein, Heather; Scott Gregory
Subject: Oak Knoll Development - Comments [Case number ER15-004]

Dear Heather, Scott, and Other Oakland City Officials,

My name is Pemith Fernando. I live on Surrey Lane near the top of Keller with my wife, for the past 4 years. We love our neighborhood and its unique, peaceful character and am writing to express my concerns about the Oak Knoll Development Proposal.

I've read through the 899-page Oak Knoll Development Proposal as thoroughly as I could, and here are some thoughts.

My main concerns are centered around four areas:

1. Traffic caused by construction
2. Traffic caused by new residential/commercial development
3. Noise caused by construction
4. Safety

MM1

1. TRAFFIC CAUSED BY CONSTRUCTION

Construction of this project goes from **2017 to 2024**. Which means that there is likely to be impact on our commutes in one form or another for many years. As far as I can tell, the report only addresses this in ONE sentence:

"There may be short-term temporary, adverse effects on the circulation system during construction of each project phase but these would not rise to the level of a significant impact due to their temporary nature."

This is easy to write, but we will have to deal with huge, slow construction vehicles, stoppages in the flow of traffic, rerouting, etc... I think they should analyze the consequences of construction to us in the same way that they have analyzed the post-project impact on traffic.

MM2

2. TRAFFIC CAUSED BY NEW RESIDENTIAL/COMMERCIAL DEVELOPMENT

The SEIR seems very clear that the project would introduce many serious traffic congestion issues without any clear plan for how to deal with them.

In some of the most important cases, there are supposedly no mitigation measures available, such as:

- I-580 Eastbound/SR 13 Southbound On-Ramp Junction (segment #2)
- I-580 Eastbound/Edwards Avenue Off-Ramp Junction (segment #4)

MM2 cont.

- I-580 Eastbound between Edwards Avenue and Keller Avenue (segment #5)
- I-580 Eastbound/Keller Avenue Off-Ramp Junction (segment #6)
- I-580 Eastbound/SR 13 Southbound On-Ramp Junction (segment #2)
- I-580 Eastbound between Edwards Avenue and Keller Avenue (segment #5)
- I-580 Eastbound/Keller Avenue Off-Ramp Junction (segment #6)
- I-580 Westbound/Seminary Avenue Off-Ramp Junction (segment #23)
- I-580 Westbound/Seminary Avenue Off-Ramp Junction (segment #24)

And of course the freeways themselves will become increasingly congested as well.

One of the things I enjoy most is the peaceful drive in and out of our area, and I worry that all the new traffic lights and delays will completely change that feeling.

MM3

These changes will be worsened by the already existing serious Zoo traffic, especially on weekends.

3. NOISE CAUSED BY CONSTRUCTION

MM4

Construction is allowed to take place **daily from 7 am - 7 pm**, and **weekends 9 am - 8 pm**. For people near the construction over 8 years, this will be very unfortunate. The noisiest phases of construction shall be limited to less than 10 days at a time, but exceptions may be allowed if the City determines an extension is necessary and all available noise reduction controls are implemented -- which means that the 10-day limit is likely to be exceeded often.

4. SAFETY

MM5

As it is we have enough burglaries and thefts in our neighborhood (about one burglary every 2 weeks). This project would add another 935 dwelling units in total, with many rental units... which in turn is likely to increase the level of crime. **I don't believe this aspect was analyzed at all in the report.**

In addition, the new units would mean that the police officers assigned to our area would now have to cover a significant number of new units. The report says that there would be no significant impact, but of course adding another 935 units (much larger than our whole neighborhood's 320+ lots) will have some impact.

We have a very special, peaceful community, and this project in its current form would most certainly end all that.

Thank you very much for listening to the concerns of our community. I hope you will take the time to consider how you would feel if you were in our shoes.

Sincerely,
Pemith Fernando

Letter MM Responses – Randima Fernando

MM1: The comment requests clarification regarding the construction traffic impact analysis summarized in the Draft SEIR.

As stated on page 4.13-96 of the Draft SEIR, construction traffic, especially heavy truck traffic, is expected to occur between 9:00 AM and 4:00 PM, outside the peak commute hours. In addition, peak hour traffic generated by construction activity (see page 4.13-96) would be less than traffic generated by the proposed Project at full buildout. The Draft SEIR evaluates traffic operation impacts assuming full Project buildout, which is more conservative when evaluating Project traffic related impacts. Therefore, even if construction traffic occurred during times within peak commute hours between 7:00 AM and 9:00 AM, the construction traffic impact would still be less than described in the Draft SEIR. As described on Draft SEIR page 4.13-36, the City of Oakland established a Standard Condition of Approval (SCA TRA-1) that requires the Project applicant to prepare traffic control plans prior to approval of construction-related permits to minimize congestion impacts, keep trucks out of residential areas, and to repair any damage to the public right-of-way caused by Project construction. Additional traffic operations analysis for Project construction are not included in this Final SEIR.

MM2: The comment requests clarification regarding proposed improvements to mitigate Project impacts along I-580.

The SEIR adequately discloses Project impacts along the following mainline locations, as described in Impact TRANS-7 starting on Page 4.13-70 and Impact TRANS-16 starting on Page 4.13-86:

- I-580 Eastbound/SR 13 Southbound On-Ramp Junction (segment #2)
- I-580 Eastbound/Edwards Avenue Off-Ramp Junction (segment #4)
- I-580 Eastbound between Edwards Avenue and Keller Avenue (segment #5)
- I-580 Eastbound/Keller Avenue Off-Ramp Junction (segment #6)
- I-580 Westbound/Seminary Avenue Off-Ramp Junction (segment #23)
- I-580 Westbound/Seminary Avenue Off-Ramp Junction (segment #24)

Mitigation measures for freeway capacity improvements along I-580 are not proposed since widening I-580 to provide an additional travel lane in both directions is not feasible within the study area.

MM3: The comment states that Project impacts to freeway and intersection operations near the Oakland Zoo will be worsened on weekends. Refer to Master Response to Comment F.

MM4: The comment contends that because the City may extend the allowed duration of noisy construction activities, noisy construction is likely to occur often. See response to Comment O57 for a summary of the mitigation measures aimed to minimize construction noise impacts.

MM5: The comment asserts that the Draft SEIR did not adequately analyze the potential for the Project to increase crime and require additional police. See response HH1 regarding potential increase in crime; see response to Comment O63 regarding the need for additional police.

From: [Yelena](#)
To: [Klein, Heather](#); sgregory@lamphier-gregory.com
Subject: Case number ER15-004 -- Oak Knoll Project
Date: Monday, October 10, 2016 6:16:47 PM

On 10/10/2016 6:14 PM, Yelena wrote:

Dear Ms. Heather Klein and Mr. Scott Gregory,

Please take a moment and read my email below. We are family of refugees, emigrated from Ukraine in year 2000 and became US citizens in 2005. We bought first in our life house in 2013. Our house located on Phaeton Dr. in Oakland that belongs to Sequoyah Hills Homeowners Association. Please see map of our Homeowners Association below.



In real estate important three things location, location, location. We love our house. One of the most important things is its location. Quiet and friendly neighborhood makes living here pleasant.

Currently there is no much noise happens with few buses around driving children to and from school.

Freeway traffic in the morning to work and back home is already overloaded. We took a decision to drive an hour earlier to work

in order spending from Keller to Lakeshore 3-4 times less time.

There are criminal activities happening here frequently enough without having stores and services. Being united in our neighborhood we help and warn each other in different suspicious situations.

Here are concerns our family has about the project.

1. Traffic during construction
2. Traffic during new residential/commercial development
3. Noise during construction
4. Safety and security

1. Construction of this project goes from **2017 to 2024**. Which means that there is likely to be impact on our commutes in one form or another for many years. The report addresses this in ONE sentence:

"There may be short-term temporary, adverse effects on the circulation system during construction of each project phase but these would not rise to the level of a significant impact due to their temporary nature."

We will have to deal with huge, slow construction vehicles, stoppages in the flow of traffic, rerouting, etc... And all of this up and down hills. Without this situation we had a few collision just because of the steep hill. No analyzing and consequences of the construction was done including post-project impact on traffic, which is huge impact on our lives.

2. The SEIR seems very clear that the project would introduce many serious traffic congestion issues without any clear plan for how to deal with them.

In some of the most important cases, there are supposedly no mitigation measures available, such as:

- I-580 Eastbound/SR 13 Southbound On-Ramp Junction (segment #2)
- I-580 Eastbound/Edwards Avenue Off-Ramp Junction (segment #4)
- I-580 Eastbound between Edwards Avenue and Keller Avenue (segment #5)
- I-580 Eastbound/Keller Avenue Off-Ramp Junction (segment #6)
- I-580 Eastbound/SR 13 Southbound On-Ramp Junction (segment #2)

NN2

NN3

NN3
cont.

- I-580 Eastbound between Edwards Avenue and Keller Avenue (segment #5)
- I-580 Eastbound/Keller Avenue Off-Ramp Junction (segment #6)
- I-580 Westbound/Seminary Avenue Off-Ramp Junction (segment #23)
- I-580 Westbound/Seminary Avenue Off-Ramp Junction (segment #24)

Not to mention that freeways themselves will become increasingly congested as well.

Currently we have peaceful drive in and out of our area by Keller with no much serious collisions, where most of them happened because of speed. New traffic lights and delays will completely change peaceful drive and create much more possibilities for collisions, injuries and deaths from them.

NN4

We already observe existing serious Zoo traffic, especially on weekends and difficulties to get in and out of freeway in some days.

NN5

3. Construction is allowed to take place **daily from 7 am - 7 pm**, and **weekends 9 am - 8 pm**. Living near the construction over 8 years, this will be very unfortunate. The noisiest phases of construction shall be limited to less than 7 days at a time, but exceptions may be allowed if the City determines an extension is necessary and all available noise reduction controls are implemented -- which means that the 7-day limit is likely to be exceeded often.

NN6

4. We already have enough burglaries and thefts in our neighborhood happened couple of times in a month. This project would add another 935 dwelling units in total. Sure many of them become rental, which is likely to increase the level of crime. **We didn't find that this subject was analyzed at all in the report.**

Also new units would mean that the police officers assigned to our area would now have to cover a significant number of new units. The report states that there would be no significant impact. Is it really possible? We don't believe so. Sure that building about thousand units, which is 3 times greater than our neighborhood will have significant impact on our safety and security.

We have a very special, peaceful community, and this project in its current form would most certainly end all that.

Thank you very much for listening to the concerns of our community. We hope you will take the time to consider how you would feel if you were in our shoes.

Sincerely,
Novik family

Letter NN Responses – Novick Family

- NN1: The commenter states that they have lived in the Sequoyah Hills Homeowners Association neighborhood since 2013, and that the quiet and friendly nature of the neighborhood is pleasant. The Comment is noted.
- NN2: The comment requests additional analysis of construction-related traffic impacts. Refer to response to Comment MM1.
- NN3: The comment requests clarification regarding proposed improvements to mitigate Project impacts along I-580. Refer to response to Comment MM2.
- NN4: The comment states that traffic operations on along I-580 freeway and intersections near the Oakland Zoo are worse on weekends. Refer to Master Response to Comment F.
- NN5: The comment is similar to comment MM5. See response to Comment MM5.
- NN6: The comment is similar to comment MM6. See response to Comment MM6.

10/11/2016

Joe Brown
3978 Sequoyah Rd
Oakland, Ca 94605

To: Planning Commission

Subject: Oak Knoll Mixed Use Community Project Plan – Public input to the Planning Commission on the draft SEIR. ER15-004

This letter supplements my letter of 09/26 to the Planning Commission, the body of which is included below:

Construction Duration

OO1 | One area that did not get any space in the draft SEIR and that was the **project's construction duration**. The current forecast according to the draft SEIR is from 5 to 10 years for full build out by 2024 if commenced in 2017.

Is the project duration a time certain with developer financial and performance guarantees or is the construction period allowed without mitigation to extend beyond 10 years? 15 years? 20 years?

Will this build out of 5-10 years decrease with either of the staff alternatives A, B or C and by how much?

OO2 | The environmental impacts did not address cumulative air quality issues. While arguably average daily air quality will rise the cumulative affects could be significant – that is 10 years of air quality concerns is more than 5 – by how much? Is it significant?.

Provide Housing for Oakland Teachers, Police and Fire personnel

OO3 | Request that some housing be set aside for teachers, police and fire personnel serving the city of Oakland. This would include personnel who can afford to purchase as well as those teachers, police or fire personnel who may need financial assistance. This would enhance the already preferred and environmentally superior staff alternative C.

09/26/2016 letter

- OO4 | 1) Request the developer to consider and present a design that would not include demolition of the Club Knoll in whole or in part.
- OO5 | 2) Use the Club Knoll facade and current site to house either a Police substation or Library branch.
- OO6 | 3) Reduce the proposed number of units and increase their lot sizes in keeping with the lot size and housing density of the adjacent neighborhood bordered by Sequoyah Rd. St. Andrews, Fairway, Turnley, Briarcliff, and Oakhill from Sequoyah Rd to St. Andrews
- OO7 | 4) Request the developer to provide a schedule and contingency planning as to when the

development will be completed with all units and amenities in place. This is to ensure the development is not delayed and let to languish for a variety of possible reasons such as lack of financing, labor, or materials.

The foregoing are discussed below:

OO8 | **Request the developer to present a design that would not include demolition of the Club Knoll in whole or in part.** Restoration of the facade at the current site would ensure the building Club Knoll retains key asymmetrical design components that are characteristic of the Spanish style retro homes (1929-1931) in the adjacent streets (Sequoyah Rd, Barcelona and Fairway). This is not to suggest that the building be restored completely but that the architectural features be retained at least as a facade in order to preserve this iconic feature in the neighborhood. While the current proposal suggests retaining part of the building by relocating and reassembling the building in the center of the development, the building will lose a main component of its appeal and that is its asymmetrical structure and architectural significance. Furthermore, attempting to take apart and relocate components of the building and then reassemble without further damage seems most challenging at best and hopeful at worst.

The building has been a magnet for criminal activity for several years under the developers watch prior to and after the recession. Complaints by neighbors fell on deaf ears about the lack of security and the developers apparent disregard for the property – this has also included falling trees and broken fences on Sequoyah Road. The increased criminal activity and damage to Club Knoll over the past two years has made it easier for the developer and some neighbors to argue that the site is not worth saving. Had the developer taken some interest in the building initially there would not be discussions on proposals to demolish the building in whole or in part but to design the development around this visible beautiful neighborhood landmark. Only within the past 7 months has the developer engaged a security firm that has actively sought to protect the area from vandals.

OO9 | **Use the Club Knoll facade and current site to house either a Police substation or Library branch.** Possible uses of a renovated facade at the current site could include an Oakland police substation facility and or public library branch. Both of these uses would be welcomed by residents of the new development and the adjacent neighborhood. Maintenance for both would have to be assured from public sources.

OO10 | **Reduce the proposed number of units and increase their lot sizes in keeping with the density and lot size of the adjacent neighborhood.** The current proposal of 900+ units is several times the housing density of the adjacent area. This higher density will invariably lead to pressure on already constrained road and freeway traffic especially during commute hours. Furthermore, the higher housing density and associated population increase will tend to exacerbate delayed response times by public safety personnel due to current levels of police patrol staffing (approx 25% understaffed).

OO11 | **Request the developer to provide a schedule and contingency planning as to when the development will be completed with all units completed and amenities in place.**

The developer will be subcontracting out the housing elements which may allow for increased delays to complete development of the project. Delays make it tough on the adjacent community that has to endure the construction in the first place. Uncompleted projects left to wallow are prime targets for vandalism which bring criminal activity into the adjacent neighborhood. There needs to be some plan in place and financial guarantee such as a cash reserve or letter of credit to take care of potential delays that can be readily and thoroughly mitigated, especially from a developer who is not going to be

OO11 cont.

the owner and builder of the entire project. This is prevent the Oak Knoll project from taking up to a decade or more to complete. (Some examples are Discovery Bay in the delta, Marina Bay in Richmond, Jade Vista at the Quarry and Campus Drive in Oakland)

page 2 of 2

Letter OO Responses – Laura Oseguera

- OO1: The comment seeks more information about what would occur if the construction period extended longer than planned and asks whether the anticipated build out time would decrease under Alternatives A, B, or C. Build out of the Project will occur based on market demand. Slower buildout as theorized by the commenter will not increase, but rather will decrease environmental impacts. The anticipated buildout time under Alternatives A, B, or C would be less than projected buildout time under the Project because Alternatives A, B, and C propose less construction than the Project.
- OO2: The comment expresses concern over cumulative Air Quality impacts. The BAAQMD and the City of Oakland has set cumulative thresholds for various criteria air pollutants for construction period and long-term operational conditions, including ROG, NO_x, PM₁₀, and PM_{2.5}; these are identified on page 4.2-19 of the Draft SEIR. The mass emissions thresholds used as the basis for Impacts Air-1 and Air-2 are the levels below which the Project contribution is not cumulatively significant. (See City of Oakland CEQA thresholds of significance: <http://www2.oaklandnet.com/oakca1/groups/ceda/documents/report/oak051200.pdf>.) The Draft SEIR addresses cumulative Air Quality impacts through discussion of these two impacts and Impact AIR-5, which evaluates cumulative risks and hazards.
- OO3: The commenter requests that some housing be set aside for teachers, police and fire personnel serving the City, and notes that such a requirement would enhance the environmentally superior alternative. This request is beyond the scope of CEQA review. See response to Comment DD4 regarding affordable housing.
- OO4: The commenter requests that the Project proponent consider and present a design that would not demolish any portion of Club Knoll. The rehabilitation of Club Knoll in its existing location is considered in Alternatives A, B, and C, as well as an additional alternative prepared as Master Response to Comment C. The information about these alternatives will be presented to the City decision makers for their consideration.
- OO5: The commenter asks that the Project use the Club Knoll facade and current site to house either a police substation or library branch. This comment does not raise a concern about a potential environmental impact, and will be conveyed to the City decision makers for their consideration.
- OO6: The commenter asks that the Project reduce the proposed number of units and increase lot sizes to be more in keeping with the lot sizes and housing density of the adjacent neighborhoods. See responses to Comments O53 and GG7.
- OO7: The commenter requests the City to ask the Project sponsor to provide a phasing schedule and contingency planning as to when the development will be completed with all units and amenities in place to ensure the development is not delayed and let to languish for a variety of possible reasons such as lack of financing, labor, or materials. This comment does not raise a concern about a potential environmental impact, and will be conveyed to the City decision makers for their consideration.
- OO8: The commenter requests that the developer present a design that does not include the demolition of Club Knoll in whole or in part. The commenter notes that restoration of the facade at the current site would ensure Club Knoll retains key asymmetrical design

components that are characteristic of the Spanish-style homes (1929-1931) on adjacent streets (Sequoyah Road, Barcelona and Fairway). The commenter also notes that although the current proposal would retain part of Club Knoll by relocating and reassembling the building in the center of the property, Club Knoll would lose a main component of its appeal—its asymmetrical structure and architectural significance. The commenter further notes that attempting to take apart and relocate components of Club Knoll and then reassemble them without further damage seems most challenging at best and hopeful at worst. Finally, the commenter states that Club Knoll has been a magnet for criminal activity for several years under the developers watch prior to and after the recession and the increased criminal activity and damage to Club Knoll over the past two years has made it easier for the developer and some neighbors to argue that the site is not worth saving. According to the commenter, had the developer taken some interest in the building initially there would not be discussions on proposals to demolish the building in whole or in part, but to design the development around Club Knoll.

Regarding alternatives to the Project that do not involve the demolition of any portion of Club Knoll, see response to Comment OO4.

Regarding asymmetry, the commenter's opinion regarding the importance of the asymmetrical design components to retain compatibility with neighboring homes and architectural significance is noted. As the commenter opines, moving Club Knoll would result in it no longer being near Spanish-style homes near its current location. The Draft SEIR and its appendices study the impact that these changes would have on Club Knoll's historic integrity and concludes that despite these changes, Club Knoll would retain its historic integrity after its relocation. The commenter has presented no new evidence that would require reevaluation of the Draft SEIR's conclusion. The design now includes an asymmetrical staircase.

Regarding relocation, the commenter's concern that relocation could damage Club Knoll is noted. The Draft SEIR includes several mitigation measures that reduce this possibility. Notably, relocation of historic and old buildings has been successfully completed for at least a hundred years. See response to Comment O31 and Master Response to Comment B.

Regarding Club Knoll's existing condition in terms of a consideration for alternatives, see response to Comment I5.

- OO9: The commenter requests that Club Knoll be rehabilitated at its existing site to be either a police substation or library branch, with maintenance assured from public sources. There is presently no identified source of funding to allow public ownership of Club Knoll. This comment does not raise a concern about a potential environmental impact, and will be conveyed to the City decision makers for their consideration.
- OO10: The commenter expresses support for a Project with fewer units and less density because it would have fewer environmental impacts. Alternatives A, B, and C in the Draft SEIR study reduced density alternatives to the Project. The commenter's preference is noted.
- OO11: The commenter asks for the Project sponsor to provide a schedule and contingency planning as to when the development will be completed with all units completed and amenities in place. The commenter states that the Project sponsor will be selling development ready residential pads, which may allow for increased delays to complete development. According to the commenter, delays make it tough on the adjacent

community that has to endure the construction in the first place because uncompleted projects left to wallow are prime targets for vandalism which bring criminal activity into the adjacent neighborhood. The commenter believes there needs to be some plan in place and financial guarantee such as a cash reserve or letter of credit to take care of potential delays that can be readily and thoroughly mitigated, especially from a developer who is not going to be the owner and builder of the entire Project. The commenter does not want Oak Knoll to take a decade or more to complete.

The commenter's concern that the Project will begin construction, and stop in mid-stream before the constructed buildings were occupied, and therefore create blight and targets for vandalism is speculative. Further, the Project is anticipated to take at least six years to complete, and could be developed in phases. By developing the Project in phases, there will not be empty buildings that would make an attractive place for vandalism. Instead as a phase is completed, it would be sold and occupied. The adjacent Leona Quarry project has been following this pattern and it is expected that Oak Knoll will as well. Further, the City has requirements in its City Code to prevent a property owner from allowing a property to create an attractive nuisance or cause blight. (See City Code, Chapter 8.24.)

LETTER PP

October 11, 2016

Case # ER 15-004

To whom it may concern,

I strongly object to the proposed Oak Knoll Development (Case number: ER 15-004) for the following reasons:

- PP1 | 1. The City of Oakland should do more to protect the interest of the residents of Oakland rather than rubber stamping any proposal submitted a developer.
- PP2 | 2. This developer appears to be seeking to simply make a huge profit off of Oakland without taking the impacts on the surrounding community into consideration.
- PP3 | 3. There are no traffic mitigation efforts planned for this project.
- PP4 | 4. There are no considerations or conditions preventing the future residents of the development from eventually making this entire development private since this is on private land and the housing developments will be in separate Home Owner Associations. This will prevent anyone else from accessing the property and commercial businesses.
- PP5 | 5. Currently, there have been many days when I cannot get onto the 580 freeway westbound and instead have to take local roads. In doing so, I am usually joining multiple other cars doing the same thing. Without traffic mitigation measures, this will only get worse.
- PP6 | 6. The developer was well aware that the required traffic mitigation measures would have to go through CalTrans, but chose not to do so.
- PP7 | 7. The proposed number of units is too much and should be reduced for the safety of the neighboring communities.
- PP7 | 8. Please make addressing these issues a condition of further and of approval for this development.

Thank you,

Elena Comrie

7848 Surrey Lane

Oakland, CA 94605

Letter PP Responses – Elena Comrie

PP1: The comment opines on motivations of the City and the Project sponsor and does not address CEQA or the adequacy of the Draft SEIR.

PP2: The comment states that traffic mitigation efforts are not planned for this Project.

The traffic operations analysis, impacts and proposed mitigation measures are described on pages 4.13-56 through 4.13-69 of the Draft SEIR for Existing Plus Project conditions, and on pages 4.13-73 through 4.13-83 for 2040 Plus Project conditions. Refer to response to Comment A2 regarding implementation responsibilities for proposed mitigation measures.

PP3: The commenter is concerned that future residents of the development could eventually making the entire development private and prevent anyone else from accessing the property and commercial businesses. Regarding the parks and trails, see response to Comment O56. The homeowners association would not control the commercial properties in the proposed Village Center. This property would be owned by another private entity, and the businesses that lease space in the buildings in the Village Center would be as public as any other commercial business. Regarding the commercial space in Club Knoll, this would be owned and operated by the homeowners association, and the homeowners association would act like any other private landlord when choosing whether and on what terms to lease commercial space.

PP4: The commenter states that there are many days when the commenter cannot get onto the 580 freeway westbound and instead has to take local roads and concludes that without traffic mitigation measures, this will only get worse. The Draft SEIR requires the Project to mitigate its transportation impacts. See Draft SEIR at pages 2-38 through 2-47 for a summary of the traffic mitigation measures. For more information about improvements related to traffic flow on the I-580 ramps, which are under Caltrans' jurisdiction, see response to Comment A2.

PP5: The comment states that the developer of the proposed Project chose not to coordinate with Caltrans to implement proposed mitigation measures. Refer to response to Comment A2 and A4.

PP6: The commenter states that the proposed number of units is too much and should be reduced for the safety of the neighboring communities. It is unclear what the commenter's safety concerns are that stem from the proposed number of units. The Draft SEIR analyzed whether the Project would cause environmental impacts that would adversely affect neighboring communities, concluding that with mitigation impacts other than air quality and transportation would be less than significant. For the impacts that would be significant, the City decision makers will need to determine whether the benefits of the Project are sufficient to justify approval despite these unavoidable impacts.

PP7: The commenter asks that the issues raised in its comment be studied further and made a condition of approval for the Project. See responses to Comments P1 through P6.

LETTER QQ

From: [Riley Doty](#)
To: [Klein, Heather](#); sgregory@lamphier-gregory.com; [Merkamp, Robert](#); [Oakland Heritage Alliance](#),
Subject: Oak Knoll Officers" Club
Date: Tuesday, October 11, 2016 9:58:09 PM

Friends,

This building is the link to history for the property at Oak Knoll. First a clubhouse for a golf course which sought to rival Sequoyah Country Club, then for much longer the Officers' Club for the Oak Knoll Naval Hospital complex. The important history of that Oak Knoll facility needs to be recognized in a meaningful way. This handsome building expresses the period of Spanish style architecture which was part of California's quest for a special identity, with Mission Revival prior to WWI and Spanish Colonial Revival in the 1920s.

I live in the Dimond District. I often pass Oak Knoll on the 580 freeway. I look forward to seeing a revitalization within this natural amphitheater on the western slope of the hills. Lots of housing, restoration of the creek and a commercial center (hopefully tastefully done!) will be wonderful. The old Officers' Club deserves a special place as a centerpiece, historically, aesthetically and emotionally. Please do not repeat the old "renewal" approach in which all signs of the past were bulldozed and erased. Creative reuse of such a building is the highest form of celebrating the links of past to present. Sure it's expensive and challenging but absolutely doable. I recall the wretched condition of the old University High School on MLK and of the Fox Theater - said by many to be damaged beyond repair. But look at them now! The key is the will and commitment and finding the budget to do the Class A rehab. This is too important to NOT do it the the right way.

**Sincerely,
Riley Doty**

**Doty Tile Co.
2179 E. 27th St.
Oakland 94606
<http://artisticlicense.org/?p=411>**

Letter QQ Responses – Riley Doty

QQ1: The commenter notes that Club Knoll is a link to the history of the property and asks that Club Knoll be creatively reused, similar to University High School on MLK and of the Fox Theater, after a “Class A” rehabilitation. The Project proposes to rehabilitate the majority of Club Knoll for reuse as community commercial and community administration uses. The architect retained by the Project sponsor to design and oversee the rehabilitation is the same architect who rehabilitated the Fox Theater.

LETTER RR

From: [Kevin Faughnan](#)
To: [Klein, Heather](#); sgregory@lamphier-gregory.com; [Merkamp, Robert](#)
Cc: [Oakland Heritage Alliance](#)
Subject: Oak Knoll Officers Club
Date: Tuesday, October 11, 2016 1:45:54 PM

RR1

My wife and I are 40 year residents of Oakland, and we are happy to see the city expanding and growing-but **NOT** at the expense of loosing our architectural treasures. Many good military personnel benefitted as they passed through those doors-don't forget them either please. **Find a way** to build and keep the Officers Club-those people, and Oakland residents deserve that effort

Kevin Faughnan

Agnes Faughnan
5806 Ross Street, Oakland 94618

Caldecott Properties
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Cell: 805-404-1993

Letter RR Responses – Kevin and Agnes Faughnan

RR1: The commenter asks the City to find a way to build and keep Club Knoll because it is an architectural treasure and many good military personnel benefitted as they passed through the naval hospital. The commenter’s preference will be conveyed to City decision makers. The proposed Project would retain, relocate, and rehabilitate the majority of Club Knoll, including all of its character-defining features. In addition, several alternatives study the rehabilitation of all of Club Knoll in its current location. The Draft SEIR thus provides the information City decision makers need to determine whether to approve the proposed Project or an alternative.

LETTER SS

From: [Nathan Landau](#)
To: [Klein, Heather](#)
Subject: Oak Knoll comments
Date: Tuesday, October 11, 2016 11:01:40 PM

SS1

Heather, it just struck me that tomorrow was the date for Oak Knoll comments. Unfortunately, I'm going to be out tomorrow for a Jewish holiday. I think we can get comments in to you within a couple of days. I'd expect that we'd talk about integrating new service into an existing line, and about a pass program for the site.

Nathan

Letter SS Responses – Nathan Landau

SS1: The commenter states that it will send the City comments regarding AC Transit bus service and bus passes a few days after the close of the public comment period on the Draft SEIR. The City received the subsequent letter, which is presented and addressed as Letter G in this chapter of this Final SEIR.

LETTER TT

From: maryanneurry@gmail.com
To: [Klein, Heather](#)
Subject: Oak Knoll
Date: Tuesday, October 11, 2016 1:56:39 PM

TT1

I'm really wondering if you are not at the end of this bubble of frantic housing building. 2 big ones are being constructed closer to downtown at the corner of Pleasant Valley and Broadway! The apt building they built at Pleasant Valley and Piedmont is pin ponging between renting and selling units. Oak Knoll is way out of downtown. How is that really strange development they built in Leona Quarry doing? Creepy units that look all the same perched on kind of a cliff.

TT2

As for Oak Knoll, I think you should knock yourselves out to preserve as much as possible of the old officers club and its grounds. Remember this development will be there in 150 years. Would you be proud to see it at that time? I bet everyone will still be cringing at Leona Quarry 150 years from now!

Sincerely, Mary Anne Urry
Resident Montclair 35 years

Sent from my iPad

Sent from my iPad

Letter TT Responses – Mary Anne Urry

- TT1: The commenter speaks to development trends in Oakland and the Leona Quarry project, and does not address CEQA or the adequacy of the Draft SEIR.
- TT2: The commenter states that the City should preserve as much as possible of Club Knoll. The Project proposes to relocate and rehabilitate most of Club Knoll, including all of parts of it that contribute to its historic integrity. See Table O31 (Status of Club Knoll Features) in response to Comment O31, as well as the Club Knoll FDP in Appendix H. Also see Master Response to Comment B.

From: [Elise Bernstein](#)
 To: [Klein, Heather](#); [Cappio, Claudia](#)
 Subject: My issues with the Traffic impact report on Oak Knoll development
 Date: Wednesday, October 12, 2016 12:27:35 PM

RE: traffic mitigation for Oak Knoll development

I attended the community meeting on 9/22/16 about the Oak Knoll EIR traffic impact, and was alarmed by various issues. I have included those issues that mostly concern me, and have highlighted my suggestions in yellow.

UU1

- Oak Knoll development will result in 11,750 vehicle trips daily. That is an enormous amount of traffic that will spill onto an already over-crowded 580. I cannot exit onto 580W from my home on Keller Ave between 7:30 and 9:30 am Monday through Friday because of heavy, stop 'n go commuter traffic. I cannot use 580E to return home anytime between 3:30 through 7:30 pm Monday through Friday due to commuter traffic. To avoid this traffic I go uphill through residential streets, including Campus Drive and Rte 13.
- the enormous majority of the Oak Knoll trips will spill onto Mountain Blvd.
- no changes will be made to Mountain Blvd to accommodate the heavy influx other than traffic lights at the commercial strip exit;
- the commercial strip (including a market like Whole Foods) will not be allowed to take a Left turn onto Mountain Blvd
- Another exit onto Mountain Blvd, closer to Sequoyah will be Left turn only, towards Golf Links. Traffic is generally rated A-F, F being the worst. Currently, Golf Links/580 and Golf Links/Mountain are both rated F. The additional impact of Oak Knoll traffic and their suggested mitigation (it sounds like only re-striping lanes on existing roads) will result in its still being rated F).

UU2

- The traffic study was done M-F, from 7-9am and 4-6pm whereas the Oakland Zoo hours are 10-4 Monday through Friday with longer weekend hours. Due to heavy audience comments about the current unsafe back-ups on weekends due to Zoo traffic, there may be an additional traffic study for weekends at Golf Links/580/Mountain Blvd. Note that the Zoo expansion which will open in 2017 will double the amount of traffic to the Zoo. Even before their expansion opens, and the current unsafe weekend congestion on 580/Golf Links. **These 2 intersections require major widening from 580W onto Golf Links Rd to reduce or eliminate back-up onto 580W.**
- The audience reported Zoo's refusal to acknowledge the traffic problem, & to avoid this congestion by charging admission fees only upon exit from the zoo.
 - Another exit higher on Keller Ave will handle only some of Oak Knoll residential traffic. More of the Oak Knoll residential traffic should be directed to this exit, to relieve Mountain Blvd.
 - Traffic lights will be installed at Keller & Mountain
 - Traffic lights will be installed at Keller & Fontaine. **I vigorously oppose this light.** This will result in traffic backed up on 580E at commuting afternoon/evening hours, and on traffic backed up on Keller Avenue past my home. **A right turn only lane should be created from 580W to Keller Avenue.**

UU3

Finally, the expansion of current inadequate bus service to and from the Coliseum BART for these neighborhoods can really relieve traffic. And a shuttle for Oak Knoll residents specifically would be an additional helpful mitigation.

Please consider the impact of these traffic issues on the quality of life for current residents of the King Estate neighborhood across the 580 from the proposed development.

Thank you,

Elise R. Bernstein

3801 Keller Avenue

Oakland 94605

[510-875-3992](tel:510-875-3992)

Letter UU Responses – Elise R. Bernstein

UU1: The comment summarizes traffic impact analysis results presented in the Draft SEIR. Refer to response to Comment O64, no changes to the analysis are necessary.

UU2: The commenter requests that a weekend analysis be conducted to address Oakland Zoo traffic. In addition, the comment states that I-580 off-ramps to Golf Link Roads should be widened to eliminate back-ups onto I-580; the comment also states that the intersection of Keller Avenue/Fontaine Street (#12) should not be signalized because it would cause I-580 eastbound off-ramp queue back-ups onto the mainline.

Refer to Master Response to Comment F in regards to the weekend analysis due to the Zoo expansion.

Also, refer to response to Comment T5 regarding proposed improvements to the I-580 off-ramps to Golf Links Road.

Refer to response to Comment O74 regarding proposed improvements at the I-580 Eastbound Off-Ramp/Fontaine Street/Keller Avenue intersection (#12). As shown in Appendix V-I, the 95th percentile queue lengths along the I-580 eastbound off-ramp to Keller Avenue are not expected to back up to the mainline as a result of implementing a traffic signal (Mitigation Measure TRANS-3 described on page 4.13-65 of the Draft SEIR) at the intersection.

UU3: The commenter states that the expansion of current inadequate bus service to and from the Coliseum BART for these neighborhoods could relieve traffic, and a shuttle for Oak Knoll residents specifically would be an additional helpful mitigation. It is beyond the ability of the Project to expand AC Transit's bus service. See response to Comment O68. Further, the draft TDM Program for the Project includes the option for the Project sponsor to provide a dedicated BART shuttle or work with AC Transit to provide expanded service in the Project area.

LETTER VV

From: [Laurie](#)
To: [Klein, Heather](#); sgregory@lamphier-gregory.com; [Merkamp, Robert](#); info@oaklandheritage.org
Subject: Oak Knoll Officers" Club
Date: Wednesday, October 12, 2016 5:17:08 PM

To Whom it May Concern:

I am an Oakland resident, and have some concerns with regard to the future of the Oak Knoll Officers' Club, that I have listed below:

- VV1 | 1. The Oak Knoll Officers' Club must be retained! It is a valuable and historic building of importance to residents of Oakland.
- VV2 | 2. The only SEIR alternative studied which keeps Oak Knoll Club on its present site drastically cuts the number of units to be built. The size of the Club does not require this huge reduction in the building program. An alternative should be presented that shows the Club on its original site along with the dense development scheme.
- VV3 | 3. If the building cannot be retained on site, I support proposed relocation of the club with the greatest possible reuse of the original structure, its interior decorative features, and its courtyard areas, and with the greatest possible sensitivity to the historic features of the building.
- VV4 | 4. Please require public review at landmarks board and planning commission for discussion of any relocation or reuse project, before approval of plans.
- VV5 | 5. I am grateful for the recent efforts to protect the building. However I firmly reject all SEIR comments that depend upon its dilapidated condition. Inattention and neglect by property owners are not an unavoidable condition.
- VV6 | 6. Landscaping around the in situ or relocated clubhouse should reflect historic conditions.
- VV7 | 7. Official designation of the clubhouse as an appropriate level of landmark should be pursued.

I hope you will consider these changes before proceeding with this project.

Sincerely,
Laurie Chait
lauriech8@yahoo.com

Letter VV Responses – Laurie Chait

VV1: This comment is the same as Comment Y1. See response to Comment Y1.

VV2: This comment is the same as Comment Y2. See response to Comment Y2.

VV3: This comment is the same as Comment Y3. See response to Comment Y3.

VV4: This comment is the same as Comment Y4. See response to Comment Y4.

VV5: This comment is the same as Comment Y5. See response to Comment Y5.

VV6: This comment is the same as Comment Y6. See response to Comment Y6.

VV7: This comment is the same as Comment Y7. See response to Comment Y7.

From: [George Dedekian](#)
 To: [Klein, Heather](#)
 Cc: [Udette Flesch](#)
 Subject: ER15-004
 Date: Wednesday, October 12, 2016 2:40:24 PM

Dear Ms. Klein:

My wife and I live on Hansom Drive. Our property looks down on the proposed development. We attended the last Planning Commission meeting and have been actively following the proposals for the site for some time.

Please note my concerns:

Traffic

- WW1 | • The SEIR is lacking in assessing the impact of the large development on the existing freeway and local road infrastructure.
- WW2 | • The increased traffic from the Oakland Zoo expansion has not been adequately considered.
- WW3 | • No mitigation is proposed for any of the exits on 580 that will serve the Project site. We find this unacceptable. The developer should be required to make all necessary improvements so that gridlock does not result. Otherwise, the City of Oakland will be on the hook to make and pay for those improvements once the inevitable problems/congestion arises.
- WW4 | • The existing pavement of the streets on our development are badly deteriorated. (Hansom, Surrey, Chariot, Phaeton, Pinecrest, and Coach). They are not on the current repaving schedule and we have been told by staff that no restorative work is scheduled into the future. Hansom and Surrey are unfortunately “shortcuts” between Keller and Skyline. The likely increase of construction-related and ultimately new-resident related traffic will degrade these streets further. The City will ultimately have to pay to resurface these streets (and install ADA mandated curb ramps).

Construction Concerns

- WW5 | • Construction of this project goes from 2017 to 2024. As such, there is likely to be impact on our commutes in one form or another for many years. It appears that the SEIR only addresses this in ONE sentence: "There may be short-term temporary, adverse effects on the circulation system during construction of each project phase but these would not rise to the level of a significant impact due to their temporary nature." Eight years is hardly “temporary.” The EIR should analyze the consequences of construction in the same way it has analyzed the post-project impact on traffic.
- WW6 | • Given the unpredictability of the “housing bubble” that we are currently in, the project may well stretch out over more than 8 years. What provisions are there for this eventuality?
- WW7 | • Construction Noise: Construction is allowed to take place daily from 7 am - 7 pm, and weekends 9 am - 8 pm. This is asking a lot of people living near the construction over the 8 year project duration. We understand that "the noisiest phases of construction shall

WW7
cont.

be limited to less than 10 days at a time, but exceptions may be allowed if the City determines an extension is necessary and all available noise reduction controls are implemented." Having lived through the reconstruction of my former neighborhood after the 1991 Oakland Hills Firestorm, I know from personal experience that 7 days of construction noise (and traffic) is untenable and adequate monitoring to insure compliance with noise reduction controls is likely un-realistic. Perhaps weekend construction can be limited to interior work if limiting construction to weekdays is not possible for some reason.

Public Safety

WW8

- As it is we have enough burglaries and thefts in our neighborhood. This project would add another 935 dwelling units (many rental units) and 82,000 SF of commercial development which in turn is likely to increase the level of crime. I don't believe this aspect was analyzed at all in the report. In addition, the new units would mean that the police officers assigned to our area would now have to cover a significant number of new units. The report says that there would be no significant impact, but adding another 935 units (much larger than our whole neighborhood at ~320 homes) will clearly have some impact.

Alternative Development Plans

WW9

- We would prefer that the option of 349 largely detached single family homes on lots that are similar in size to those in our and surrounding neighborhoods (\pm 8,000-10,000 SF) be the only one permitted.

WW10

- It needs to be determined if a commercial development is feasible. Can an HOA also act as a "landlord?" If it can, we request more specificity on the actual uses and businesses that will be tenants (and our neighbors).

Thank you for your kind attention. I would appreciate any follow up, either directly or on a list serve.

Best regards,

George Dedekian
Architect CASp
P 510.878.7886
C 510.384.4369
7595 Hansom Drive
Oakland, CA 94605-3822
gdedekian@mac.com

Letter WW Responses – George Dedekian

WW1: The commenter states that the transportation analysis presented in the Draft SEIR is inadequate, however no specifics are provided. Refer to response to Comment O64.

WW2: The commenter states that the increase in traffic associated with the Oakland Zoo expansion has not been adequately considered.

As stated on page 4.13-24 of the Draft SEIR, the Cumulative (Year 2040) weekday AM and PM peak hour traffic forecasts account for the Oakland Zoo expansion in the study area. As documented in the *Amendment to Oakland Zoo Master Plan: Subsequent Mitigated Negative Declaration/Addendum* prepared for the City of Oakland in February 2011, the Oakland Zoo expansion is expected to generate higher trips on Saturdays than weekdays. However, as described in Master Response to Comment F, a weekend traffic operations analysis is not evaluated in this Final SEIR.

WW3: The commenter states that mitigation measures for the I-580 off-ramps in the study area are not proposed. The statement is not correct, Mitigation Measures TRANS- 1, 2, 3, 5, 8, 9, 10, 12, 14 and 15 (described in pages 4.13-60 through 4.13-83 of the Draft SEIR) propose improvements to I-580 ramp-terminal intersections within the study area. As stated on page 4.13-37, the City of Oakland established a SCA (SCA TRA-3) that requires the project applicant to “implement the recommended on- and off-site transportation-related improvements contained within the Transportation Impact Study for the project.”

WW4: The commenter states that construction-related activities will degrade the pavement quality of local streets surrounding the Project site.

As described on page 4.13-36 of the Draft SEIR, the City of Oakland established a Standard Condition of Approval (SCA TRA-1) that requires the Project applicant to repair any damage to the public right-of-way caused by Project construction.

WW5: The commenter requests additional analysis of construction-related traffic impacts. Refer to response to Comment MM1.

WW6: The commenter asks what provisions there are for the Project given marketing unpredictability. The comment does not address CEQA or the inadequacy of the Draft SEIR. The comment is noted.

WW7: The comment is the same as comment MM4. See response to Comment MM4 above.

WW8: The comment is the same as comment MM5. See response to Comment MM5 above.

WW9: The commenter suggests consideration of an option that includes 349 largely detached single family homes only, developed on lots that are similar in size to those in the surrounding neighborhoods ($\pm 8,000$ - $10,000$ SF). The alternatives selected for the CEQA analysis in the Draft SEIR represent a reasonable range of alternatives to the proposed Project. In particular, Alternative C considers a substantially reduced number of residential units (349 compared to 935), the majority (249) of which would be single family detached units on at least 8,000 square-foot lots. The suggested option would not

substantially reduce Project impacts further than Alternative C. The comment is noted and will be provided to City decision makers for consideration.

WW10: The commenter requests more specificity on the actual uses and businesses that will be tenants (and our neighbors) in the relocated Club Knoll. The proposed Oak Knoll Zoning describes the type of uses that could go in the relocated structure. See response to Comment O33.

From: [Steve Glanville](#)
To: [Klein, Heather](#); sgregory@lamphier-gregory.com
Subject: Re: Oak Knoll Development (Case ER15-004)
Date: Wednesday, October 12, 2016 4:00:10 PM

From: Steve Glanville <stglanville@yahoo.com>
To: "hklein@oaklandnet.com" <hklein@oaklandnet.com>; "sgregory@lamphier-gregory.com" <sgregory@lamphier-gregory.com>
Sent: Wednesday, October 12, 2016 3:57 PM
Subject: Oak Knoll Development (Case ER15-004)

These are my comments and objections to the proposed Oak Knoll Development (Case ER15-004

- XX1 | 1) This project is much too big for an area without public transportation.
- XX1 | 2) Areas better suited to projects of this size are along the 880 and Bart corridors.
- XX2 | 3) This project is not only a traffic concern, but a safety concern,
- XX3 | 4) The construction of this project will hinder the local property values, so it is not advantageous to any homeowners currently in the area.

Regards,
Steve Glanville
Sequoyah Hills Resident

Letter XX Responses – Steve Glanville

XX1: The commenter states that the Project is too big for an area without public transportation.

As described on pages 4.13-6 through 4.13-9 of the Draft SEIR, AC Transit currently operates Routes 46, 46L along Mountain Boulevard and School Routes 646, 650 along Keller Avenue with existing bus stops adjacent to the Project site.

XX2: The commenter states that the Project is a safety concern. See response to Comment PP6.

XX3: The commenter states that construction of this Project will hinder the local property values, which does not pertain to CEQA or adequacy of the Draft SEIR.

From: [Karen Haddan](#)
To: [Klein, Heather](#)
Cc: [Mike Haddan](#)
Subject: Case number ER15-004/Oak Knoll project
Date: Wednesday, October 12, 2016 9:02:24 AM

Hi Heather,

I am writing on behalf of myself and my husband (CC'd) to express concerns regarding the Oak Knoll Project.

Our main concerns are centered around three areas:

1. Traffic caused by construction
2. Traffic caused by new residential/commercial development
3. Safety (due to increased density of project)

1. TRAFFIC CAUSED BY CONSTRUCTION

Construction of this project goes from **2017 to 2024** and there will be a significant traffic impact on our community. As far as I can tell, the report only addresses this in ONE sentence:

YY1

"There may be short-term temporary, adverse effects on the circulation system during construction of each project phase but these would not rise to the level of a significant impact due to their temporary nature."

This statement is inadequate in quantifying the level of impact and minimizes the inconveniences our community will inevitably experience. Further, there is no mitigation strategy into how to handle the influx of traffic. I recommend additional (thorough) analysis on the consequences of construction by observing and testing several dates, commute times, and weekend traffic. After appropriate level of research, I would like to see a strategy of how to minimize the inconveniences of this construction in this 7 year period.

2. TRAFFIC CAUSED BY NEW RESIDENTIAL/COMMERCIAL DEVELOPMENT

The SEIR seems very clear that the project would introduce many serious traffic congestion issues without any clear plan for how to deal with them.

In some of the most important cases, there are supposedly no mitigation measures available, such as:

YY2

- I-580 Eastbound/SR 13 Southbound On-Ramp Junction (segment #2)
- I-580 Eastbound/Edwards Avenue Off-Ramp Junction (segment #4)
- I-580 Eastbound between Edwards Avenue and Keller Avenue (segment #5)
- I-580 Eastbound/Keller Avenue Off-Ramp Junction (segment #6)
- I-580 Eastbound/SR 13 Southbound On-Ramp Junction (segment #2)
- I-580 Eastbound between Edwards Avenue and Keller Avenue (segment #5)
- I-580 Eastbound/Keller Avenue Off-Ramp Junction (segment #6)
- I-580 Westbound/Seminary Avenue Off-Ramp Junction (segment #23)
- I-580 Westbound/Seminary Avenue Off-Ramp Junction (segment #24)

And of course the freeways themselves will become increasingly congested as well.

YY3

These changes will be worsened by the already existing serious Zoo traffic, especially on weekends.

3. SAFETY / Density

YY4

As it is we have enough burglaries and thefts in our neighborhood (about one burglary every 2 weeks). This project would add another 935 dwelling units in total, with many rental units... which in turn is likely to increase the level of crime. **I don't believe this**

aspect was analyzed at all in the report.

YY4
cont. | In addition, the new units would mean that the police officers assigned to our area would now have to cover a significant number of new units. The report says that there would be no significant impact, but of course adding another 935 units (much larger than our whole neighborhood's 320+ lots) will have some impact.

YY5 | Recommend considering adding LESS units or doing significant safety study to understand the impact on safety and available resources to protect our community.

We appreciate your consideration.

Thanks,
Mike & Karen Haddan

Letter YY Responses – Mike and Karen Haddan

- YY1: The commenter requests additional analysis of construction-related traffic impacts. Refer to response to Comment MM1.
- YY2: The commenter requests clarification regarding proposed improvements to mitigate Project impacts along I-580. Refer to response to Comment MM2.
- YY3: The comment states that traffic operations on along I-580 freeway and intersections near the Oakland Zoo are worse on weekends. Refer to Master Response to Comment F.
- YY4: The commenter expresses an opinion that the Project would increase crime in the area in part because it would have rental apartments and also says that the Project's potential to increase crime was not studied in the EIR. The commenter does not present any evidence to support the view that the Project would increase crime. In addition, the comment is based on a false pretense. The Project does not include any apartments or any rental units. Further, the Project would restore and reuse Club Knoll, which would eliminate one crime attractor (the now vacant Club Knoll) and add residents who could keep watch for crime in the area. In addition, the Draft SEIR analyzed whether the Project would increase the need for police services, as required by CEQA. See Draft SEIR pages 4.12-11 through 4.12-12.
- YY5: The commenter recommends considering adding fewer units or doing a safety study to understand the impact on safety and available resources to protect our community. See response to Comment PP6 and OO10.

LETTER ZZ

From: [Saundria Jennings](#)
To: sequoyah-homeowners@yahogroups.com; sgregory@lamphier-gregory.com; [Klein, Heather](#)
Subject: Project ER15-004
Date: Wednesday, October 12, 2016 2:19:05 PM

Dear Ms. Klein, Recently you received an email from Randy Fernando regarding the above-named project. I echo Randy's concerns about safety, noise, obstructions due to the long-lasting project development.

ZZ1

As it stands now, I have to wait several minutes to merge into the traffic flow if I leave at 8 or 8:30 for work. I have watched this traffic flow become heavier and heavier since I moved here in 2005 without any major housing construction in this area. I shudder to think what the traffic flow will be when 900+ units will be built on the old Oaknoll site. I suspect that traffic problems will increase incrementally.

ZZ2

Additionally, with slow moving construction vehicles obstructing the road for seven years is just a bit much!

ZZ3

Noise that starts at 7 in the morning and ends at 7 each night and 9 to 8 on weekends with no breaks is more than I can fathom. I wonder who would elect to live in this kind of environment for 7 years without making some kind of "fuss" about it, to say the least.

ZZ4

Since I moved here I have experienced a peaceful, safe, and quiet neighborhood. With the construction of these units, I am very concerned with the quality of life in my neighborhood. More people means more crime, more noise, more congestion and more problems in general.

ZZ5

Can anyone assure me that these problems will not arise? Would any of those he are in favor of the project elect to live HERE knowing that 900+ units will be built on their doorsteps? Please put yourselves in our situations and consider some viable alternatives so that we all can win.

Thank you for your time

S. Jennings

Letter ZZ Responses – Saundria Jennings

ZZ1: The commenter raises concerns regarding the increase in traffic congestion within the study area.

The traffic operations analysis, impacts and proposed mitigation measures are described on pages 4.13-56 through 4.13-73 of the Draft SEIR for Existing Plus Project conditions, and on pages 4.13-73 through 4.13-87 for 2040 Plus Project conditions.

ZZ2: The commenter raises concerns regarding construction duration. Construction-Period Impacts are described on pages 4.13-96 and 4.13-97 of the Draft SEIR.

ZZ3: The commenter says that she cannot fathom not “making a fuss” about a Project that would have noise that “starts at 7 in the morning and ends at 7 each night and 9 to 8 on weekends with no breaks.” The construction would comply with the City’s Noise Ordinance. See response to Comment O57 for a summary of the mitigation measures aimed to minimize construction noise impacts.

ZZ4: The commenter expresses concern that additional people in the neighborhood could lead to more crime, noise, congestion, and other problems. The commenter does not raise an issue with the sufficiency of the analysis in the Draft SEIR. These issues are analyzed in Draft SEIR Section 4.10 Noise, Section 4.12 Public Services and Recreation, and Section 4.13 Transportation and Circulation, and this comment will be conveyed to the City decision makers. See responses to Comments HH1 and O63 regarding crime.

ZZ5: The commenter seeks assurance that adverse effects regarding “crime, more noise, more congestion and more problems in general” will not occur. The issues raised are addressed in responses to Comments O63, HH1, and ZZ1 through ZZ4. To the extent that adverse environmental effects regarding noise and traffic congestion occur with the Project, these impacts are adequately disclosed and mitigation measures identified in the Draft SEIR and this Final SEIR.

From: [Arnell Kilian](#)
To: [Klein, Heather](#)
Subject: RE: ER15-004
Date: Wednesday, October 12, 2016 3:55:05 PM

Dear Ms. Klein:

AAA1 | I am writing to express my concern about the lack of a plan to address traffic issues which will occur during and after the construction of housing on the Oak Knoll site.

AAA2 | The city of Oakland needs more housing and will reap tax benefits from the construction of housing and retail. However, traffic will increase to the point where it will be difficult to get in and out of the neighborhood. Already, people trying to exit the freeway are backed up in a stand-still on the slow lane of the freeway, causing other drivers to slam on the brakes. Further, the 4 way stop at Keller and Mountain is a nightmare in that half the drivers do not appear to know how to negotiate it safely and legally. The more cars, there are (such as during the commute), the more aggressive they become. I have lived just below Skyline, off Keller for nine years. I frequently avoid the freeway during busy hours and drive Skyline to my destination, or at least closer to it. Expect to see more residents using Skyline for this purpose in the years to come if traffic mitigation does not occur.

AAA3 | Finally, this neighborhood is surrounded by park lands with a heavy fuel load. I remember being stuck on my street just East of College Ave. as cars poured down Chabot Road during the Oakland Hills fire. This is something to consider as I would hate to see residents trapped with no quick and easy way out. In the end, good traffic planning is a health and safety issue and I hope that all those who will profit from this development spend the necessary funds.

Sincerely,

Arnell Kilian

Letter AAA Responses – Arnell Kilian

AAA1: The commenter raises concern that the transportation analysis presented in the Draft SEIR is inadequate for conditions during and after construction of housing on the Project site.

The Transportation and Circulation section of the SEIR is adequate as it was developed according to the City of Oakland Transportation Impact Study Guidelines and is consistent with the format and analysis approach of other recent certified EIR's completed in the City of Oakland. The traffic operations analysis, impacts and proposed mitigation measures are described on pages 4.13-56 through 4.13-73 of the Draft SEIR for Existing Plus Project conditions, and on pages 4.13-73 through 4.13-87 for 2040 Plus Project conditions. Construction period Impacts are described on pages 4.13-96 and 4.13-97 of the Draft SEIR.

AAA2: The commenter raises concerns regarding the increase in traffic congestion within the study area and the impacts to the Mountain Boulevard/Keller Avenue intersection (#13).

Refer to response to Comment AAA1 regarding concerns about Project impacts to traffic congestion in the study area. Refer to Mitigation Measure TRANS-4 for the Mountain Boulevard/Keller Avenue intersection (#13) on page 4.13-66 of the Draft SEIR, which proposes the following improvements to mitigate the Project impact at the intersection:

- Restripe eastbound Keller Avenue approach to provide one shared left-turn/through lane and one shared through/right-turn lane,
- Restripe westbound Keller Avenue approach to provide one shared left-turn/through lane and one right-turn lane,
- Restripe southbound Mountain Boulevard Avenue approach to provide one left-turn lane and one right-turn lane,
- Signalize intersection providing actuated operations, with split phasing on the east-west approaches (Keller Avenue) and permitted phasing on north-south (Mountain Boulevard) approaches, and
- Coordinate the signal timing at this intersection with the adjacent intersections at I-580 Eastbound Off-Ramp/Fontaine Street/Keller Avenue (intersection #12, signalization proposed as part of Mitigation Measure TRANS-3) and I-580 Westbound Off-Ramp/Mountain Boulevard/Shone Avenue (intersection #16, signalization proposed as part of Mitigation Measure TRANS-5).

The improvements described above are expected to be implemented during the first phase of Project construction.

AAA3: This commenter expresses a concern that in the event of a major fire, there could be problems with local residents attempting to evacuate by automobile due to congestion on the surrounding street network and in the event of fire could restrict potential escape routes. This comment also suggests that good traffic planning is essential during such circumstances.

As discussed on pages 4.7-40 to 4.7-41 of the Draft SEIR, the proposed Project would not interfere with any emergency evacuation or response plans or any designated emergency

evacuation routes, which, in this area, include Mountain Boulevard and Keller Avenue. It is impossible to predict any particular set of emergency circumstances that might arise or of the type and intensity of traffic flows that would need to be managed. If there should be a wildland fire emergency in this area after Oak Knoll develops, the City and County authorities normally responsible for planning, administering, and coordinating emergency response and for managing traffic flows along emergency evacuation routes will continue to operate as they do today. It is also noted that the proposed development of the Oak Knoll Mixed Use Community Plan will eliminate the existing wildland fire hazards in the development footprint area, substantially improve access for fire trucks, and provide a modern water infrastructure, with water pressures that achieve the Fire Department standards for fire flows. As a result, this Project would reduce the potential for ignitions of flammable brush stands on the Project site, and improve fire response capabilities as well.

From: [Lolita Morelli](#)
To: [Klein, Heather](#); sgregory@lamphier-gregory.com
Subject: Oak Knoll Comments for Case Number ER15-004
Date: Wednesday, October 12, 2016 10:05:32 AM

To The Committee involved with Oak Knoll Development,

I'm very concerned about the Oak Knoll Development.

I've lived on Surrey Lane for over 50 years and many years ago my husband and I spent countless hours, actually weeks/years, meeting with the Mayor and City Council, our attorneys, City Planners, and the developers of homes that were eventually built above our property.

Despite tremendous opposition the project was approved! Considerable money went into the pockets of influential people from those wanting the development.

The City prepared a very complete Environmental Report to prevent the project from affecting the homes below.

BBB1

BUT CITY INSPECTIONS DID NOT TAKE PLACE.

I am still suffering environmentally and financially from that project.

That project was very small compared to the Oak Knoll Development, and the increase in traffic on Keller due to many new housing units terrifies me!

BBB2

I am also very concerned about tearing down the magnificent Officers Club! I realize that it has been vandalized, but I truly feel that in this present time, society tends to demolish rather than repair. It is a large majestic structure with a history and should be restored. It could be a venue for the arts, receptions, banquets, home owners activities, and could be rented to help cover the costs. Years ago I arranged to rent it many times for teacher retirement parties and for wedding receptions. I sincerely hope that the City of Oakland will listen carefully to the concerns of residents this time, and insist that the rules in the Environmental Report be followed.

Thank you for reading my letter and following through on my concerns,

Sincerely yours,

Lolita Morelli
8130 Surrey Lane
Oakland, CA 94605

Letter BBB Responses – Lolita Morelli

BBB1: This commenter expresses concerns over unspecified environmental impacts from a different project that has been constructed above the commenter's home (at a higher elevation) and also expresses a concern about additional traffic impacts on Keller Avenue that could result from the proposed Project. Concerns over effects of a built development are not within the scope of the Oak Knoll EIR and will not be responded to. Section 4.13 of the Draft SEIR contains an extensive analysis of traffic impacts on the surrounding streets and highways network.

BBB2: The commenter is concerned about tearing down Club Knoll. The Project does not proposed demolition of Club Knoll, but instead proposes to relocate and rehabilitate it. See Master Response to Comment B.

From: [Leslie Piskitel](#)
To: [Klein, Heather](#); sgregory@lamphier-gregory.com; [Merkamp, Robert](#); [Oakland Heritage Alliance](#)
Subject: Re: Oak Knoll Officers" Club
Date: Wednesday, October 12, 2016 3:27:59 PM

On Oct 11, 2016, at 1:38 PM, Oakland Heritage Alliance
<info@oaklandheritage.org> wrote:

CCC1

1. The Oak Knoll Officers' Club must be retained!
It is a valuable and historic building of importance to residents of Oakland.

CCC2

.
2. The only SEIR alternative studied which keeps Oak Knoll Club on its present site drastically cuts the number of units to be built. The size of the Club does not require this huge reduction in the building program. An alternative should be presented that shows the Club on

its original site along with the dense development scheme.

CCC3

3. If the building cannot be retained on site, we support proposed relocation of the club with the greatest possible reuse of the original structure, its interior decorative features, and its courtyard areas, and with the greatest possible sensitivity to the historic features of the building.

CCC4

4. Please require public review at landmarks board and planning commission for discussion of any relocation or reuse project, before

approval of plans.

CCC5

5. We are grateful for the recent efforts to protect the building. However we firmly reject all SEIR comments that depend upon its dilapidated condition. Inattention and neglect by property owners are not an unavoidable condition.

CCC6

6. Landscaping around the in situ or relocated clubhouse should reflect historic conditions.

CCC7

7. Official designation of the clubhouse as an appropriate level of landmark should be pursued.

Signed: Leslie F. Piskitel

Letter CCC Responses – Leslie Piskitel

CCC1: This comment is the same as Comment Y1. See response to Comment Y1.

CCC2: This comment is the same as Comment Y2. See response to Comment Y2.

CCC3: This comment is the same as Comment Y3. See response to Comment Y3.

CCC4: This comment is the same as Comment Y4. See response to Comment Y4.

CCC5: This comment is the same as Comment Y5. See response to Comment Y5.

CCC6: This comment is the same as Comment Y6. See response to Comment Y6.

CCC7: This comment is the same as Comment Y7. See response to Comment Y7.

From: [Geetika Sengupta](#)
To: [Geetika Sengupta](#)
Cc: [Scott Gregory](#); [Klein, Heather](#)
Subject: Oak Knoll Development - Comments [Case number ER15-004]
Date: Wednesday, October 12, 2016 2:40:51 PM

Hello,

DDD1

My name is Geetika Sengupta and I am writing to express my concerns regarding the proposed Oak Knoll Development. I live off of Keller and we enjoy a peaceful lifestyle that we have considered worth the distance and inconvenience of not having a strong walk score. I am worried about the tremendous traffic and congestion issues that this development will cause and that have not been truly well considered so far in the proposal. I understand the desire to have funds come in from this project but I hope you will consider a much smaller footprint than what is currently planned.

DDD2

Thank you very much,
Geetika

Letter DDD Responses – Geetika Sengupta

DDD1: The commenter raises concern that the transportation analysis presented in the Draft SEIR is inadequate, however no specifics are provided.

The Transportation and Circulation section of the Draft SEIR is adequate as it was developed according to the City of Oakland Transportation Impact Study Guidelines and is consistent with the format and analysis approach of other recent certified EIR's completed in the City of Oakland. The traffic operations analysis, impacts and proposed mitigation measures are described on pages 4.13-56 through 4.13-73 of the Draft SEIR for Existing Plus Project conditions, and on pages 4.13-73 through 4.13-87 for 2040 Plus Project conditions. Construction period Impacts are described on pages 4.13-96 and 4.13-97 of the Draft SEIR.

DDD2: The commenter understands asks the City to consider a much smaller Project than what is currently planned. The Draft SEIR includes several reduced footprint alternatives that the City decision makers will consider when deciding whether to approve the Project.

Oak Knoll Mixed Use Community Plan SEIR, August 2016

EEE1 | Watch for Noise, air quality/pollution (grading and grinding),
Playground??

4.6 Greenhouse gas emissions and climate change

The project exceeds both of the BAAQMD thresholds of significance and is defined as a “very large project”. Therefore SCA GHG-1 applies.

Carbon offsets appear to be the primary way to meet the reduction requirements. Green building standards are already in place. Operational features are yet to be determined, but we can suggest that as much solar generation as is possible should be built into the project. Not just reliance on connecting to PGE grid. Operational features...? No mention of fees to fund GHG-reducing programs.

EEE2 | Where is baseline emissions?

Given population growth in Alameda County, and the City of Oakland specifically, suggesting that the Project might merely shift the location of GHG-emitting activities shifts the burden from the Project. Reduction in vehicle trips are not likely to occur unless the City of Oakland made significant enhancements to bus services in the area, even with a commercial corridor on Mountain Road; one cannot bike, walk or hike to work or needed commercial or government locations. Even tossing out the idea that there could be “potential net reduction in GHG emissions” in 4.6-28 Discussion of Impacts, *Net Change in Emissions and Local/Global Context*, seems naïve and self-serving.

GHG emissions is a complex topic given the global nature of the impact, and the effects of shifting local weather patterns- however, it does not recuse the SEIR from doing detailed analysis of the impact to the local geography from the Project. The highest density in housing, along with the commercial corridor, are in the lowest spot of the Project, and the Project is nestled in a bowl. Locally impact of continuous emissions for the life of the project need to be calculated, otherwise the SEIR fails and the Project denied.

EEE3 | We request that a cumulative analysis with regard to GHG emissions is done, and that it demonstrates consistency with related plans.

EEE4 | Under Impacts and Mitigation Measures (4.6-29), and the discussion of Construction-related GHG Emissions, we prefer that the concrete and asphalt recycling take place offsite due to the quiet, residential neighborhood where onsite recycling would have a significant detrimental impact with regards to noise and air pollution at a minimum. Aside from living and raising our families in our homes, many more people work out of their homes and air-quality and noise impacts from this Project would be significant; doing the material recycling offsite would reduce this impact to people’s livelihoods. The SEIR fails to make any comments on how home-based businesses would be compensated for these impacts, and should address this issue for us to understand whether there are additional impacts that need to be mitigated.

Is the dedicated shuttle mentioned in the Transpo section? Appendix BB Who read this?? Also Appendix W.

EEE5

On page 4.6-13, *Emissions by Phase*, the SEIR discusses that the first year of operation will have the highest emissions “due to the planned improvement to the on-road vehicle fleet.” Two points need to be made here: if there is such an improvement by Year 2, why not have the improved on-road vehicles available in Year 1? And how did you come to this conclusion- this is an unsubstantiated claim that needs to be backed up by facts, or the SEIR fails to demonstrate that its calculations in Table 4.6-5 are accurate.

EEE6

The SEIR jumps between discussions of the construction phase GHG impacts, the operational GHG impacts and the full 40-year project impacts in such a way that it is difficult to ensure that the SEIR actually meets its carbon-offset requirements. The impacts and the offsetting solutions for each impact (and related phases) should be spelled out in a clear manner so that it can be determined if this SEIR fails or succeeds in its GHG compliance.

4.9 Land Use and Planning

Goals from the Oak Knoll Redevelopment Plan that pertain:

- Correction of environmental deficiencies in the OK Project Area.
- Subdivision of land into parcels suitable for modern, integrated development with improved pedestrian and vehicular circulation in the Project Area
- Provision of adequate land for open space

Stated that the Project satisfies existing LUTE land use designations, and that 2006 Oak Knoll Plan was in substantial compliance with the General Plan (Oakland, 2006a and 2006b).

We applaud the Project’s balance of open spaces, creek restoration, and rezoning to create a new neighborhood with a vibrant commercial area. There are a few areas where the SEIR fails to provide enough details to be sure that the land use impacts are less than significant, or might need revision to be in compliance.

EEE7

4.9-7 states that for LU Policy N.7.3 Hillside area properties should be at least 8,000 s.f. of lot area/dwelling unit, or less as long as this ratio is maintained for parcel begin divided. HR-3 12,000 sf+; HR-4 6500-8000 sf.

4.9-16 “The above zoning provides for a general similarity of zoning categories at both the Project site, and surrounding neighborhoods.” As stated in the SEIR, HR-3 and HR-4 zoning are not expansive enough for the Project, and site specific zoning is required. However, as stated in 4.9-21 and elsewhere, the proposed hillside lots are only 3780-6000 sf, which is significantly below even the HR-4 zoning requirement. While this may not be in conflict with the neighborhood on the Project’s eastern border, it is in conflict with neighborhoods to the southeast and southwest, specifically on the south side of the Hardestein parcel. Additionally, when discussing potential conflicts to the south of the Project, the SEIR fails to note the size of the single family home parcels in the neighboring areas as it does when discussing “fit” with areas to the east and north, and thus does not demonstrate a lack of conflict with its potential neighbors. Until these issues can be addressed, it is premature to state that the Project

“would not result in a fundamental conflict between adjacent or nearby land uses” and that the impact is “less than significant.”

Has new Pedestrian Master Plan been released? Due in April 2016, and SEIR should comply.

EEE8

In 4.9-10, *Policy OS-1.3, Development of Hillside Sites* states that to have no conflict with the OSCAR element of the General Plan, when there is hillside development creative site planning should “minimize grading”. The Uplands portion of Phase 2 seems to be out of compliance with this policy. Since the SEIR fails to demonstrate how the grading on this highly visible hillside is being minimized, it needs to be addressed to show that there are not significant impacts from the Project.

4.9-24 Second bullet- do we feel like grading is minimized in the hillside???

EEE9

4.9-24, 25: The SEIR is not consistent with the removal of invasive, fire-prone vegetation unless it changes course, and completes remove of invasive and fire-prone vegetation maps he hillsides of the Hardestein parcel. Currently, the SEIR states that NO work will be done in these areas, even though the tree maps identify non-native plants in this area. There are significant amounts of broom, acacia and eucalyptus in this area. **(Find map in volume 1)**

EEE10

4.9-25 D-OK-1 zoning seems to be too small, and the largest only applied to three lots bordering St. Andrews in the southern portion of the Project.

EEE11

4.9-27 In section 3 of the PUD permit satisfaction discussion (*Open Space Preservation* topic), the SEIR fails to make clear whether open space will be dedicated as public open space and/or permanently reserved as common open space by the owners and residents of the Project. The impacts to surrounding, impacted neighborhoods could be significant if only the second criteria is met. It would mean that the owners and residents of the Project could close off open space to anyone but themselves and then the Project would contribute no public good; no credit for satisfying OSCAR with all the acres of the restored Rifle Creek nor maintenance of Oak Knoll as a public good can be accrued, and all of the related impacts and mitigation measures will need to be revised before the Project can be considered for approval. The SEIR need to clearly define which areas of open spaces are being put forth as public, and which are being held for residence-only common open space. Because of this, it is unclear whether the proposed Project would conflict with OSCAR or LUTE. Section 4.12-19 has a parallel discussion of Parks and Recreation Facilities, and that the proposed Project would add 5.6 acres of new “local-serving” parks as well as the 62 acres of “open space, hillsides and grasslands that would be accessed by parts of the proposed trail network through the site and *connecting to adjacent existing neighborhoods and regional trail system and open spaces.*” (Italic added) This still does not say that the 62 acres are public space.

4.10 Noise and Vibration

EEE12

4.10-15 SCA NOI-1: Construction Days/Hours. A) The hours of operation are too broad, and should be revised to 8:00 am and 6 pm. B) The distance is too close, especially given the hillside nature of the Project and neighboring areas where noise carries and reverberates. Again, the distance for any construction activities that need to occur outside these windows, and needing special approval and

EEE12 | noticing, is too close. Neighborhood advisory groups should have say in how many of these occur, and
cont. | whether they truly cannot be done during Construction Days/Hours.

EEE13 | 4.10-16 SCA NOI-2, section e. the SEIR fails to say what kind of break should be observed between the
noisiest phases of construction. A single day break between extended peak noise phases, for example,
would be circumventing this requirement. Neighborhood advisory groups should have say as to whether
the extension should be granted.

None of the SCA's address how noise and vibration will be measured, and how quickly this information
will be available. "logbooks" should be available online for verification, not just in written form.

The SEIR fails to discuss the impact of noise protection measures on other impacts (soil retention and
erosion control). This is particularly critical for hillside operations, and abutting non-construction areas
or permanent or seasonal waterways.

4.12 Public Services and Recreation

EEE14 | 4.12-12 Recommendation PSR-1, Police Services Impact. In the 1998 EIS/EIR Mitigation 1 (impact of
increased demand for one additional police officer) was approved to mitigate PSR impact to less than
significant. The SEIR states that due to modified City of Oakland thresholds of significance for CEQA
impacts, Mitigation 1 is no longer applicable. However, the SEIR fails to give proper reference and
documentation to determine this this is in fact true. A quote is provided on 4.12-18 but it is out of
context, and there is no document reference to see what the surrounding text is and determine if new
thresholds do in fact negate Mitigation 1. Without addressing this satisfactorily, Mitigation 1 will still be
in effect.

4.15 Energy

EEE15 | 4.15-17 SCA AIR-1 a. For more mitigation of construction-related air pollution, the diesel-fueled
commercial vehicle threshold should be reduced to capture smaller diesel-powered vehicles. There is no
reason that any vehicle should be idling excessively, applicability to Title 13, Section 2485 not
withstanding.

5.7 Non-CEQA Planning Alternatives- Club Knoll

EEE16 | We applaud the relocation of the locally-designated historic resource, Club Knoll, but wonder if the
proposed project is too large for the wholly residential area in which it will be located. The commercial
areas will need to be very tied to the Oak Knoll community as people outside the Project area and
immediate areas are unlikely to ever frequent this area. There is concern as to whether this commercial
space will be well-enough supported by the community. However, neither alternative plan appears to
satisfy the requirements of preserving local historic resources as spelled out in 5.41-44, and thus would
make the Project out of compliance.

Notes:

EEE17 | There is no mention of requiring solar-generated power for either commercial or residential buildings. We have an opportunity for this Project to be the first to meet the Net Zero requirements that will be coming into effect by 2020, and every avenue to meet this goal should be explored to bring additional environmental and financial benefits to the Project.

EEE18 | No mention of being able to extend infrastructure such as fiber-optic cables through the Project to service hard-to-reach neighborhoods to the south of the Project area.

From: [Sandy Sherwin](#)
To: [Klein, Heather](#)
Subject: Fwd: Oak Knoll DSEIR response
Date: Wednesday, October 12, 2016 4:02:52 PM
Attachments: [Oak Knoll Mixed Use Community Plan SEIR \(SS\).docx](#)
[ATT00001.htm](#)

Please find attached public comments

Respectfully,
Sandy Sherwin

Sent from my spelling-challenged iPhone.

Begin forwarded message:

From: "Sherwin, Sandy" <Sandy.Sherwin@irco.com>
Date: October 12, 2016 at 17:58:13 CDT
To: "'mssherwin@aol.com'" <mssherwin@aol.com>
Subject: Oak Knoll DSEIR response

The information contained in this message is privileged and intended only for the recipients named. If the reader is not a representative of the intended recipient, any review, dissemination or copying of this message or the information it contains is prohibited. If you have received this message in error, please immediately notify the sender, and delete the original message and attachments.

Letter EEE Responses – Sandy Sherwin

EEE1: This commenter does not fully express a specific concern related to Project impacts in a manner that can be responded to, and does not address the adequacy or accuracy of the Draft SEIR. For specific issues regarding air quality, refer to discussions in the response to Comments EEE4 and EEE15.

EEE2: The commenter expresses concern over Project operational GHG impacts and requests as much solar generation as possible be built into the Project. The commenter asks why there is no analysis of baseline GHG emissions. At the time of the Notice of Preparation the site was not in use and therefore the conservative assumption was made in the Draft SEIR that there are zero GHG emissions from the existing conditions.

The Draft SEIR includes a rigorous analysis of GHG emissions from the Project, as well as a Greenhouse Gas Reduction Plan to demonstrate compliance with the City's GHG reduction goals. A TDM Plan has been developed for the Project which will reduce vehicle trips, as will the mixed-use design of the Project. While GHG emissions may in fact be relocated from other parts of Oakland, they are treated as net new emissions in the Draft SEIR, for the evaluation of CEQA significance. The Draft SEIR performs a rigorous Project-specific analysis of GHG emissions over the lifetime of the Project. Over the lifetime of the Project, GHG emissions related to the Project may decrease, due to State programs such as the Renewables Portfolio Standards, vehicle electrification, and developments in building energy efficiency.

The impacts of GHG emissions, such as climate change, are by nature cumulative. The BAAQMD does not distinguish between a Project-level and cumulative GHG impact threshold, although by showing consistency with applicable plans, policies, or regulations of appropriate regulatory agencies adopted for the purpose of reducing greenhouse gas emissions, in impact GHG-2, the Project's contribution to measures to cumulatively reduce GHG emissions is considered in the Draft SEIR.

The GGRP presents use of solar panels as an option to reduce GHG emissions.

EEE3: The commenter states cumulative GHG emissions should be analyzed. Please refer to discussions in the responses to response to Comments O45 and EEE2.

EEE4: The commenter expresses concern about air quality impacts from concrete and asphalt recycling and compensation for home-businesses. Please refer to discussions in the response to Comment O20.

EEE5: The commenter expresses concern over Project operational GHG impacts from mobile sources and the changes in the mobile source inventory over time. Please refer to response to Comment O46.

EEE6: The commenter states the construction, operational, and 40-year Project GHG impacts should be presented clearly. Please refer to response to Comment O46.

EEE7: The commenter expresses concern about the Project's consistency with certain LUTE policies and the residential neighborhood south of the Project. See response to Comment O53.

- EEE8: The Project has taken measures to reduce the amount of grading in the Uplands portion of Phase 2, including setting the roadway slopes near the maximum allowed by City Fire Department and Public Works design standards, tiering lots near the top of the Admiral's Knoll, using retaining walls in portions of the site, and choosing to limit construction on the steepest portions of the site. See response to Comment O54. To better understand why the Project requires grading, see Draft SEIR at pages 3-30 through 3-37, which explains where grading is required for corrective purposes and to meet City requirements.
- EEE9: This commenter expresses a concern about fire hazards within the undeveloped, vegetation covered slopes of the Hardenstine Parcel. Please refer to response to Comment O55, by the Oak Knoll Coalition, which addresses this same concern.
- EEE10: The commenter requests clarification of whether the open space proposed by the Project will be dedicated as public open space and/or permanently reserved as common open space by the owners and residents of the Project, thereby allegedly being in conflict with OSCAR and LUTE policies. As stated previously in response to Comment O56, the Project's parks and trails/walkways/ and bicycle pathways would be open to the public. These areas will be dedicated by the developer to a public entity known as a GHAD, or else to the homeowners association, under a covenant that the parks and trails will be publicly accessible. This information does not alter the analysis in the Draft SEIR.
- EEE11: The commenter requests that allowable construction hours be reduced for construction of Oak Knoll, and that a neighborhood advisory group should have input on requests for extended hours of construction. This comment is addressed in response to Comment O60.
- EEE12: The commenter asks that the analysis specify the minimum duration allowed between noisy construction phases, and suggests that a neighborhood advisory group should have input to requests for extended construction periods. This comment is addressed in response to Comment O60.
- EEE13: The commenter states that the Draft SEIR fails to discuss the impact of noise protection measures on other impacts (soil retention and erosion control). This comment is addressed in response to Comment O61. The commenter also asks how will noise and vibration be measures. Construction noise SCAs require the preparation, review, approval and implementation of a Construction Noise Management Plan (SCA NOI-1 and SCA NOI-4) and Vibration Reduction Plan (SCA NOI-8) to detail tailored reduction measures and protocols for measurements and compliance. Standard accepted professional methods and best management practices will be used for measuring, as described in the environmental setting of the Draft SEIR. Methods to quantify vibration are discussed on page 4.10- of the Draft SEIR.
- EEE14: The comment requests documentation to support the Draft SEIR conclusion that no police will be needed with the Project. See response to Comments O63 and HH3.
- EEE15: The commenter argues the diesel vehicle threshold in SCA AIR-1 should be reduced to capture smaller vehicles.

The CARB Commercial Vehicle Idling Regulation¹⁵ has no maximum idling limit for diesel vehicles with a Gross Vehicle Weight Rating (GVWR) smaller than 10,000 lbs. Because there is no established idling standard for these vehicles, imposing an idling limit as a mitigation measure would be unsupported by regulations. To the extent that smaller diesel vehicles will limit their idling to less than five minutes, the Draft SEIR conservatively does not take any credit for such reductions in reaching the less than significant conclusions in Impacts AIR-1 and AIR-4.

EEE16: The commenter wonders if the proposed relocated Club Knoll is too large for the wholly residential area in which it will be located, expressing concern that the commercial areas will not be sufficiently supported by the community. The commenter also states that the alternatives on pages 5.41 to 5.44 do not appear to satisfy the requirement to preserve Club Knoll and thus do not offer valid alternatives to the Project. The Project sponsor believes the commercial space in Club Knoll will be successful, and the City has no evidence indicating that the community would be unable to support the uses proposed for the relocated Club Knoll. Regarding alternatives, there are three alternatives in the Draft SEIR that propose the preservation of Club Knoll in its current location. In addition, Master to Response C in this Final SEIR presents an alternative that also would preserve Club Knoll in place.

EEE17: The commenter expresses concern that there is no mention of requiring solar-generated power for the new buildings and encourages zero net energy (ZNE) buildings. There is no BAAQMD or City of Oakland guidance requiring the use of solar-generated power for newly constructed buildings. However, the revised GGRP contains use of roof top solar as one means to reduce GHG emissions.

The California Public Utilities Commission has set a goal for ZNE residential buildings by 2020. The Project will fully comply with the Title 24 building energy requirements, which become periodically more stringent. To the extent that updates to Title 24 will require ZNE residential buildings at the time of construction, the Project will comply with State requirements.

EEE18: The commenter seeks information about extending infrastructure such as fiber optic cables through the Project to service areas south of the Project. The Project does not propose to extend fiber optic infrastructure beyond what is required for the Project.

¹⁵ California Air Resources Board Facts About Changes to California's Commercial Vehicle Idling Regulation, available at: <https://www.arb.ca.gov/msprog/truck-idling/factsheet.pdf>

LETTER FFF

Lyman Young
8109 Coach Dr.
Oakland, CA 94605

October 12, 2016

Heather Klein, Planner IV (hklein@oaklandnet.gov)

City of Oakland, Department of Planning

250 Frank H. Ogawa Plaza, Suite 2214

Oakland, CA 94612

RE: Oak Knoll DSEIR SCH No. 1995103035 dated August, 2016

City File No. ER-15-004

Dear Ms. Klein,

My wife and I own our home on the west side of Coach Drive in the Sequoyah Hills development overlooking the Oak Knoll Development area. This house is intended as our long-term residence, and as such, we are following the proposed redevelopment plans quite closely since they will affect us for many years into the future.

Because of the prevailing winds and our location immediately across Keller Ave from the Oak Knoll property, we have concerns about construction traffic, noise, and air pollution, as well as continuing traffic, noise, light, and other impacts due to the placement of 935 homes and an additional 2500+ residents in the area.

FFF1

We are not opposed to the redevelopment of the Oak Knoll property, but we are deeply concerned that the existing Supplementary Environmental Impact Report (DSEIR SCH No. 1995103035 dated August, 2016, "draft SEIR") is a flawed document that fails to address a number of concerns of importance to us.

We recommend that the City of Oakland require the revision of the draft SEIR to address not only the concerns addressed here in our comments to you, but also support and request the City to address the comments filed by the Sequoyah Hills Homeowners Association (SHHA), and the Oak Knoll Coalition (OKC) as well.

Traffic mitigation

FFF2

- 1) Relegation of many traffic impacts to future negotiations with CalTrans
 - a. Many of the traffic flow mitigations are relegated to dependence on future negotiations with CalTrans about improvements to I-580 on- and off-ramps. This is not appropriate for such a large and complex project. We recommend that the City require discussions and planning with CalTrans as part of the draft SEIR so that the overall development plan can be adjusted if obstacles in the needed improvements are found.

- 2) Inadequate Traffic Surveys con

FFF3

- a. The traffic survey (singular) consisted of a single day (April 14, 2015) for the largest mixed use development in Oakland in the recent past. We are extremely disappointed in the complete lack of thoroughness for these studies. Even the relatively minor Oakland Zoo Master Plan SEIR (Ref: Amendment To Oakland Zoo Master Plan: Subsequent Mitigated Negative; Declaration/Addendum; Draft; Volume 1; Prepared for City of Oakland; February 2011) which contained only increases in traffic due to increased Zoo attendance performed not only multiple single day surveys, but also used pneumatic hose surveys to address day-to-day variations. The Oak Knoll draft SEIR is basing very significant conclusions about traffic flows on a single day with no understanding of variation and no attempt to quantify weekend traffic despite known issues with long backups for entry to the Oakland Zoo via Golf Links Rd..
- b. Further, intersections that will be significantly impacted were not addressed (e.g. Keller/Hansom). No comparison with data collected for or predictions for previous SEIRs covering many of the same intersections (e.g Oakland Zoo). Uplands

The limited traffic data, and apparent lack of analysis of the resulting traffic flow maps, is evident in the comparison of two key Figures (Appendix V- Fig. 4.13A-3 and Appendix V- Fig. 4.13A-8). These Figures purport to show the Existing traffic volumes at the selected intersections and freeway segments (Fig 4.13A-3) and the Existing Plus Project traffic volumes (Fig. 4.13A-8).

A comparison of the current (Existing) and estimated future (Existing Plus Project) traffic volumes around the key I-580/arterial intersections of Keller Ave and Golf Links Rd are shown in the following Table. These two sets of intersections were selected for this comparison because most of the traffic from the new development will flow through them whether headed on to I-580 or via surface streets to other areas of Oakland.

FFF3
cont.

Table 1 – Increased traffic through I-580 on- and off-ramps due to the Project

Intersection #	Description	Existing	Existing Plus Project	Increase in vehicle traffic due to Project	
		AM/PM, vehicles at peak	AM/PM, vehicles at peak	AM Peak hour, vehicles	PM Peak hour, vehicles
	Keller Ave to I-580W	590/334	773/498	183	164
	I-580E to Keller	381/436	435/619	54	183
	Keller to I-580W	298/359	337/377	39	18
	I-580W to Mountain/Keller	152/403	176/487	24	84
	Golf Links to I-580W	649/610	652/614	3	4
	I580E to Golf Links Rd	880/654	895/670	15	16
	Golf Links Rd to I-580E	710/663	770/708	60	45
	I-580W to Golf Links Rd	678/620	688/647	10	27

FFF3
cont.

No such evaluation of the comparative traffic volumes is found in the current draft SEIR.

From the Table above, one would conclude that the **peak** Existing Plus Project traffic through the eight major intersections shown result in less than 50 additional vehicles (about one per minute) from a development with over 935 residences, about 2500 individuals, and an estimated 12,000+ vehicle trips per day.

It is also surprising that such a large development, that is by even the SEIR's evaluation, heavily dependent on the use of personal vehicles would generate such small increases in traffic at these key intersections.

Proposed Upland Primary / Keller Ave intersection

The proposed Upland Primary exit (right turn only) onto Keller Ave should not be allowed. This should be an emergency Vehicles Access (EVA) point only. This is important for two reasons:

FFF4

- 1) An exit from Uplands Primary onto Keller will encourage drivers to quickly leave the development, drive up Keller Ave, and make a u-turn to go down Keller to reach Campus Dr, and I-580. Alternatively drivers can make a right on to Sequoyah Dr go down to Mountain Blvd. Both routes increase traffic through intersections that were not considered as part of the traffic study for this draft SEIR
- 2) An exit from Uplands Primary onto Keller Ave will encourage drivers from Mountain Blvd, or at community events in the development ,or using the new retail area, to use Creekside Parkway /Creekside Loop and Uplands Primary as a preferred route to the upper sections of Keller Ave and Skyline Blvd. This will increase traffic through the new residential areas, through the proposed Uplands Primary/Keller exit, and through the (unaddressed) Keller/Hansom intersections. Again this traffic flow was not addressed as part of the SEIR.

Air pollution from completed Project

The analysis for air pollution impacts from criteria and air toxic pollutants under both Federal laws is listed as "Significant but Unavoidable" in the analysis of Impact AIR-2. We are directly downwind of a significant portion of the development and would be directly affected by the increased levels of pollution. The draft SEIR simply states that these ROG and other emissions from space heating, domestic hot water heating, landscaping etc as well as mobile sources are unavoidable.

FFF5

We maintain that these emissions are not unavoidable. We recommend that the revised draft SEIR should examine options such as improving overall energy use in each new residence (townhomes and single-family residences by the use of improved insulation, air recirculation, heat recovery, stsolar thermal water heating and many other methods to reduce emissions resulting from on-site consumption of natural gas and other hydrocarbon fuels. These methods are commonly employed and are cost effective as demonstrated by their incorporation into various initiatives including Net-Zero and Passive House construction.

Construction Noise

FFF6

Due to line-of-sight view at the majority of the proposed construction area as well as predominant wind direction, we are extremely concerned about noise resulting from construction site. The City of Oakland Standard Conditions of Approval (SCA) limits the operating hours but these limits are not suitable for such a large project that will extend for so many years.

We endorse the more limited construction hours noted by the SHHA comments as well as in the OKC comments. There should be no Sunday construction operations, and weekday/Saturday hours of construction should be more limited than the SCA currently allows.

Conclusions

FFF7

We support the development of the Oak Knoll property in a sound manner that benefits the City of Oakland, the current residents of the area, and the future residents. It is in all of our best interests that the draft SEIR be revised as noted.

Sincerely

Lyman Young

From: [Lyman Young](#)
To: [Lyman Young](#); [Klein, Heather](#)
Subject: Re: City File No. ER-15-004 [Oak Knoll DSEIR SCH No. 1995103035]
Date: Wednesday, October 12, 2016 5:34:37 PM
Attachments: [SEIR comments from Lyman Young 2016 1012.pdf](#)

Dear Ms. Klein,

My comments bounced back undeliverable as the email domain I used was ".gov", not ".com".

If you can accept the comments late, I would greatly appreciate it. If not, then I understand the deadline rules and will understand if they cannot be addressed.

Thank you for your consideration.

Lyman Young

On Wed, Oct 12, 2016 at 3:54 PM, Lyman Young <lyoungconsulting@gmail.com> wrote:

Dear Ms. Klein,

Enclosed are our comments re City File No. ER-15-004 [Oak Knoll DSEIR SCH No. 1995103035]. I would be happy to answer any further questions you have regarding our comments.

--

-Lyman Young
lyoungconsulting@gmail.com

--

-Lyman Young
lyoungconsulting@gmail.com

Letter FFF Responses – Lyman Young

FFF1: The commenter states that because of the prevailing winds and the commenter’s location immediately across Keller Ave from the Property, the commenter has concerns about construction traffic, noise, and air pollution, as well as continuing traffic, noise, light, and other Project impacts. The Draft SEIR is designed to inform the commenter, as well as other members of the public, about the Project. In addition, the City has had and will have public hearings at which members of the public can express their concerns.

FFF2: The commenter raises concerns regarding the dependence on Caltrans to implement proposed mitigation measures. Refer to response to Comment A2 and Comment A4.

FFF3: The comment raises concern about the traffic impact analysis being based on a single day of traffic count data.

Transportation impacts for the study area were evaluated according to the methodologies presented in the City of Oakland Transportation Impact Study Guidelines; the use of single day traffic counts is consistent with the analysis approach of other recent certified EIR’s completed in the City of Oakland.

The commenter raises a concern that that the intersection of Keller and Hansom was not studied and the data collected for the Project was not compared to data collected in previous environmental documents that studied some of the same intersections.

According to the City of Oakland Transportation Impact Study Guidelines, an all-way stop controlled intersection should be added to the transportation impact study only if the Project adds 50 or more peak hour trips to the intersection. The Oak Knoll Project is estimated to add less than 50 peak hour trips to the all-way stop controlled intersection of Keller Avenue/Hansom Drive and that intersection is therefore not included in the Project’s traffic impact study.

Consistent with the CEQA guidelines, the Existing Baseline condition is set to coincide with the date of the NOP release. As a result, the existing count data was collected in April 2015, shortly after the release of the NOP. The most recent environmental document completed in the vicinity of the Project site is the Amendment to Oakland Zoo Master Plan: Subsequent Mitigated Negative Declaration/Addendum prepared for the City of Oakland in February 2011. The traffic data for this study was collected at the following intersections that were also part of the Project’s traffic analysis:

- Golf Links Road/I-580 Eastbound Off-Ramp/98th Avenue (intersection #38)
- Golf Links Road/I-580 Westbound Ramps (intersection #39)
- Mountain Boulevard/Golf Links Road (intersection #40)

Because the Project traffic counts were taken after the Oakland Zoo project was completed, the Project traffic counts capture traffic attributable to the Zoo. Stated differently, for the purposes of the Project traffic study, traffic attributable to the Zoo is part of the baseline conditions. Furthermore, the City of Oakland Transportation Impact Study Guidelines do not require comparisons of existing traffic count data to older data collected for previous environmental documents that studied the same intersections. See also Master Response to Comment F.

FFF4: The commenter states that the Upland Primary exit (right turn only) onto Keller Ave should not be allowed and should be an emergency Vehicles Access (EVA) point only. See response to Comments P9 and PC38.

FFF5: The commenter states that emissions from space heating, domestic hot water heating, landscaping, mobile sources, etc., are not unavoidable.

Choices made by individual homeowners concerning energy use for space heating, domestic hot water heating, and landscaping are not within the Project's control. By classifying space heating, hot water heating, landscaping, and mobile source emissions as unavoidable, the analysis takes a conservative approach without extrapolating information unsubstantiated by evidence to compare to the CEQA significance thresholds. The Project includes design features such as compliance with California Title 24 building energy efficiency standards to reduce area emissions associated with building energy consumption, plus a TDM Plan that would reduce mobile emissions. Building energy efficiency standards in particular are expected to evolve and become more stringent over time, to address increasingly higher performance standards for statewide reductions in air pollution and greenhouse gas emissions. To the extent that future standards that may be enacted to implement the statewide ZNE goal for 2020 are applicable to new homes built within Oak Knoll, there would likely be additional design features that would reduce area source emissions, particularly related to building energy consumption.

FFF6: The commenter states concern about construction noise and the suitability of the construction noise SCA regarding limiting the hours of operation for a large project. This comment is addressed in response to Comment O60.

FFF7: The commenter states support of Oak Knoll if designed and constructed in a sound manner and encourages the revisions to the Draft SEIR suggested by the commenter be done. See responses to Comments FFF1 through FFF6. The comment is noted and will be made available to decision makers of the Project.

Crescentia Brown

From: Dark, Joan <Joan.Dark@pacunion.com>
Sent: Friday, October 14, 2016 5:57 PM
To: Klein, Heather
Cc: sgregory@lamphier-gregory.com; Merkamp, Robert; info@oaklandheritage.org
Subject: Oak Knoll Club

I am writing in support of keeping and restoring this building for three reasons:

- GGG1 | 1) It is a gorgeous building and worthy of retention and restoration on its own merits.
- 2) As a real estate professional for over 25 years, I know that the value of property (and developments) increases when there is a historic context anchoring it. Oakland has a colorful and vibrant history. Without the Oak Knoll Club, this development could be just another suburban collection of homes plunked into the middle of our city. With the Club, with historic preservation experts assisting in its rehabilitation, it could be the glamorous focus of the whole development. It's an elegant building and could house the sales office, later a community center and gathering place for everyone in the neighborhood. There is no such place now.
- 3) If this company plans any future development in Oakland, it would behoove it to be known as 'the restoration company' rather than the 'demolition of historic sites' company. This approach goes a long way toward encouraging community support for future projects.

GGG2 | I urge in the strongest terms that the Oak Knoll Club be maintained in its present site.

Best regards,

Joan Dark
Senior Sales Consultant

PACIFIC UNION INTERNATIONAL
1900 Mountain Boulevard Oakland California 94611
d. 510.338.1316 | c. 510.339.6460 | jdark@pacunion.com
DRE#00968337
Your referrals are always welcome.

Letter GGG Responses – Joan Dark

GGG1: The commenter supports keeping and restoring Club Knoll in its existing location because it is a beautiful building, it will make the proposed development more successful, and would benefit the Project sponsor's reputation in the City. The commenter's opinions will be conveyed to the City decision makers. The commenter does not raise CEQA concerns.

GGG2: The commenter urges that Club Knoll be maintained in its present site. The commenter's opinion will be conveyed to the City decision makers.

From: [midori tabata](#)
To: [Klein, Heather](#)
Cc: [Philip Dow](#)
Subject: Comments to Oak Knoll DEIR
Date: Thursday, October 06, 2016 7:00:46 PM

Heather,

After last evening's Planning Commission meeting where Oak Knoll was the agenda, here are my remaining comments.

- HHH1 | • The DEIR is woefully inadequate about the traffic impact this development will have on the area and communities and does little to provide adequate mitigation measures.
- HHH2 | • Most of the suggested mitigation measures involve signaling surrounding streets, mostly Mountain Blvd.
- HHH2 | • The DEIR did not consider the traffic effects of the Oakland Zoo and its expansion plans. The traffic study conducted by the developer only considered weekday traffic, not weekends when the Zoo is especially busy.
 - 98th Ave. at 580 and Mountain need to be studied further and a full mitigation measure developed along with specific plans for how it will be funded.
- HHH3 | • The current TDM in Appendix BB does nothing to address the issue of traffic resulting from this development.
 - The suggestions of providing free parking for car share does nothing to reduce auto traffic.
 - Providing transit vouchers to a virtually non existing transit system helps no one. There is one transbay service and one local line running about every hour.
 - Walking to a destination is miles of walking
 - Biking to destinations takes an experienced and hearty cyclist. The ascent on 98th is not as bad as 73rd, but the traffic volume and speed is difficult to manage.
- HHH3 | • This development is not a TOD. There is very little alternative transportation options in the area. Assuming that 96.7% of the people will drive, creating over 11,000 daily auto trips is unacceptable.
- HHH3 | • Creative solutions are needed such as guaranteed enhanced bus service or a community shuttle. Vouchers for ride hailing services do not meet this need. That is just another auto on the road.
- HHH4 | • I also recommend this development adopt the new development parking guidelines adopted by the City and limit parking to one auto per unit. That would limit the number of autos at this development. Then car share might be useful.

Midori Tabata

Letter HHH Responses – Midori Tabata

HHH1: See response to Comment LL1.

HHH2: See response to Comment LL2.

HHH3: See response to Comment LL3.

HHH4: See response to Comment LL4.

6.4 Comments Received After Close of Comment Period

Crescentia Brown

From: Lolita Morelli <lmorelli8130@sbcglobal.net>
Sent: Friday, October 21, 2016 6:46 PM
To: Klein, Heather
Subject: Re: October 26th Design Review Committee for Oak Knoll

Dear Heather Klein,

I was not able to open the link below. The message said "Server Not Available".

I am very concerned about the EXIT from the Oak Knoll Development onto Keller Ave.

There is a GREAT DEAL OF TRAFFIC ON KELLER.

Has the possibility of THREE entrances to the new development on Mountain Blvd.

been considered - studied? There is VERY LITTLE traffic on Mountain. Only

those who live in the apartments across from Oak Knoll would travel regularly

on Mountain Blvd. Cars westbound on the freeway that exit on 98th, will

go north on Golf Links or Sequoyah to their homes. There are only five

very short streets, with few dwellings, between Keller and Oak Knoll and only

people going west bound on 580 who live on those streets would be on Mountain

Bldv.. I've driven Mountain Blvd. several times in the past few days and there are

VERY FEW CARS. The freeway is full but not Mountain Blvd.

Thank you for reading my letter and considering my concern about the added traffic on Keller.

Sincerely yours,

Lolita Morelli
50 year resident of Sequoyah Hills.

III1

On Oct 21, 2016, at 4:30 PM, Klein, Heather <HKlein@oaklandnet.com> wrote:

Dear Interested Parties,
I wanted to let you know that the staff report and attachments for the Oak Knoll Design Review Committee meeting on October 26th are available via the following link.
<http://oaklandnet/oak/groups/ceda/documents/agenda/oak061189.pdf>

Best,

Heather Klein, Planner IV | City of Oakland | Bureau of Planning | 250 Frank H. Ogawa, Suite 2114 | Oakland, CA 94612 | Phone: (510)238-3659 | Fax: (510) 238-6538 | Email: hklein@oaklandnet.com | Website: www.oaklandnet.com/planning

Letter III Responses – Lolita Morelli

III1: The commenter states concern with traffic on Keller Avenue, and suggests that more Project traffic be focused on Mountain Boulevard, and asks if the Project has considered three entrances onto Mountain Boulevard.

As described on page 3-13 of the Draft SEIR, from Mountain Boulevard, the Project site would be accessed two major Project Gateways: (1) Mountain Boulevard and Creekside Parkway, and (2) Mountain Boulevard and Loop, with a secondary entry at Mountain Boulevard and Main Street, serving the Village Center.

The amount of traffic estimated to access the Project site via Mountain Boulevard and Keller Avenue during the AM and PM peak hours is summarized in Figure 4.13A-6 in Appendix V-B of the Draft SEIR. According to Figure 4.13A-6 in Appendix V-B, about 70 percent of all trips are expected to access the Project site via Mountain Boulevard during the AM peak hour and about 75 percent of all trips are expected to access the Project site via Mountain Boulevard during the PM peak hour, confirming that the majority of Project traffic will use Mountain Boulevard instead of Keller Avenue to access the Project site.

Project impacts along Keller Avenue also were analyzed. As described on pages 4.13-64 through 4.13-67 of the Draft SEIR, the Project is expected to cause significant impacts to the following intersections on Keller Avenue:

- I-580 Eastbound Off-Ramp/Fontaine Street/Keller Avenue (Impact TRANS-3)
- Mountain Boulevard/Keller Avenue (Impact TRANS-4)

The following mitigation measures are proposed and would reduce impacts at both intersections listed above to less-than-significant levels:

- Mitigation Measure TRANS-3: Implement the following measures at the I-580 Eastbound Off-Ramp/Fontaine Street/Keller Avenue intersection:
 - Restripe westbound Keller Avenue approach to provide one left-turn lane and one shared through/right-turn lane,
 - Signalize intersection providing actuated operations, with protected left-turn phasing on the westbound Keller Avenue approach, and
 - Coordinate the signal timing at this intersection with the adjacent intersection at Mountain Boulevard/Keller Avenue (intersection #13, signalization proposed as part of Mitigation Measure TRANS-4) and I-580 Westbound Off-Ramp/Mountain Boulevard/Shone Avenue (intersection #16, signalization proposed as part of Mitigation Measure TRANS-5).
- Mitigation Measure TRANS-4: Implement the following measures at the Mountain Boulevard/Keller Avenue intersection:
 - Restripe eastbound Keller Avenue approach to provide one shared left-turn/through lane and one shared through/right-turn lane,

- Restripe westbound Keller Avenue approach to provide one shared left-turn/through lane and one right-turn lane,
- Restripe southbound Mountain Boulevard Avenue approach to provide one left-turn lane and one right-turn lane,
- Signalize intersection providing actuated operations, with split phasing on the east-west approaches (Keller Avenue) and permitted phasing on north-south (Mountain Boulevard) approaches, and
- Coordinate the signal timing at this intersection with the adjacent intersections at I-580 Eastbound Off-Ramp/Fontaine Street/Keller Avenue (intersection #12, signalization proposed as part of Mitigation Measure TRANS-3) and I-580 Westbound Off-Ramp/Mountain Boulevard/Shone Avenue (intersection #16, signalization proposed as part of Mitigation Measure TRANS-5).

As described on pages 4.13-64 through 4.13-81 of the Draft SEIR, Mitigation Measures TRANS-3 and TRANS-4 will improve intersection operations to LOS D or better under Existing Plus Project and 2040 Plus Project conditions. Implementation of the proposed mitigation measures would result in intersection operations that are similar to or better than intersection operations under No Project conditions.

Crescentia Brown

From: Tim Little <threeoars@me.com>
Sent: Sunday, October 23, 2016 6:38 PM
To: Klein, Heather; sgregory@lamphier-gregory.com; Merkamp, Robert; info@oaklandheritage.org
Cc: info@oaklandheritage.org
Subject: Oaknoll officers club preservation

JJJ1 Dear Consultants, planners and Oakland planning commission members. Although I am a little late with this plea, I did send you in August, a plea when this came before you the first time. Im writing to you as a person that has been involved in preservation for over 30 years, traveled a great deal of the country and some of Europe and north Africa. I have been involved in the construction trade for over 35 years and have worked on many high profile jobs in San Francisco and Palm Beach Florida where preservation was tantamount to the scope of the project. I am also a resident of the Sequoyah Hills subdivision on Upper Oak Hill Road, living in a architect designed mid century home from 1953, that I have been working on to preserve it's architecture style.

JJJ2 However, this is not about me, this is about a most graceful and beautiful building that was a part of Oakland in the roaring 20's and once again as the original hospital for the Navy during World War II time up to the early 90', Oak Knoll Offices club, as it is called today. I am concerned that this building will meet a wrecking ball if it is not protected by you in some capacity. I was involved in the early 1990's with the Peralta Hacienda house and park and that community as a resident in the Fruitvale, I consulted on some of the early work to the house done with the lowest bidder through the city of Oakland. I saw first hand, a low budget project that when the house was moved and a contractor was chosen with dubious restoration skills, mistakes and guessing takes over.

I am a proponent to leaving the Oak knoll Officers Club in its original architect sited place. I have worked on projects that i mentioned above, that required sensitive restoration that were really in such a deferred maintenance position that it took a great deal of imagination on what could be done to make this viable again. There is a plan in place to bring much needed retail to the new Oak Knoll development and the surrounding areas. I saw the maquette of the new artists conception. Yes, they want to build it all new in a country barn style and not have that beautiful building change their vision of this development. I suggest that they use the OKOC as a viable commercial space such as Market hall in Rockridge(this is a thriving multi source market of small Oakland vendors selling a plethora of every day and specialty items)both a destination and a community hub.

JJJ3 Often when a historic building is moved it is no longer protected by grandfather clauses causing it to be stripped and updated in todays building codes taking away from it's charm. Moving it would strip it of its patina, of being what it is and how long it has stood guard to both the neighborhoods, the Naval officers, the hospital patients and the roaring 20's ladies and gents golf club. The roof tiles when moved, would be removed and most likely replaced with new, the removal of that building will cause, never to be replaced, the stone courtyard in Monterey stone, with it's massive stone outdoor fireplace to not be replaced as it once was.

The interiors are actually very simple with high ceilings and large original, first growth, fir beams. Yes, the plaster will need to be stripped and replaced, spaces re imagined and planned, honoring the massive hall qualities. Earthquake and seismic upgrades as well as new electrical and plumbing will need to be replaced to bring it into the 21st century. Moving this building would be at great cost due to its massive size, 22,000 sq ft, will not only cost un-necessary funds while denuding it of its character and siting derived by the original architects including the trees in that area, albeit Eucalyptus (an arts and crafts icon,). If you have taken a tour of the area, and I hope that you have, you will see that many of the surrounding homes built at the same time as the original golf club are in the same Mediterranean Mission style. It has roots and shouldn't be uprooted to satisfy dollars for a developer that has not or will not rethink their artist conception and vendor choices. One of the Shokona leaders, Mr. Donald Mitchell would like to see it be torn down so that everything can be built new. He is quite vocal on this and perhaps this is the group of neighbors that are calling for the razing of that beautiful building. Mr Mitchell to his credit has been the driving force to keep SunCal's feet to the fire in regard to the complete development of the area.

JJJ4 I worked on a 56,000 sq ft restoration of Il Palmetto, Maurice Fatio(a celebrated architect in the 1930's in Palm Beach) designed this mansion in the 30's in Palm Beach Florida. I traveled from my home to Florida to work on this project for 3 months. This project, a 4 year complete restoration and remodel, was landmarked but many things were still allowed as long as they didn't change the aesthetic of the original building. I remember that one of the contractors said it was a 200 million dollar redo, it was 2003. It was also a derelict of a building having suffered sea salt and hurricane damage plus a great deal of neglect over its 70 years. I know that complex restorations can be done and done well. That building sold for \$350K to its now owner and they have put it up for 137 million. And in that area they will get their money. Google "Il Palmetto, Palm Beach florida" its a 7 acre estate.

JJJ5 As a past president of Keep Oakland Beautiful we were always trying to develop sustainability in our projects. I ask you to preserve this landmark and practice sustainability and conservation to keep a part of Oakland for future generations. Give OKOC a new life but keep its amazing character. Europe is much like this with 3 and 4 hundred old buildings that are preserved each 100 years. Europe is a history lesson in its architecture. If we tear down something of merit, to put up some farm house country schlock that will become dated in 15 years due to cheaper building materials (and you know it will be cheaper building materials) as the developers will want to do this as being more cost effective. Remember the saying "they sure don't build houses like this any more"?

Preserve this building for your children and your children's children, preserve this building honoring all of the Naval, Marines and Army that were treated or passed from us there. Preserve this knowing that you have helped to save a historic piece of Oakland architecture of which so little survives today.

I thank you deeply for your time and consideration to read this, I submit it respectfully.

Sincerely: Tim Little

Tim Little
 4524 Oak Hill Road
 Oakland CA 94605

510 872 7513 cell
 510 628 4524 Home

threeoars@mac.com

info@timlittle.net

Letter JJJ Responses – Tim Little

- JJJ1: The commenter offers his experience working with preservation issues. The comment is noted.
- JJJ2: The commenter states support for retaining Club Knoll in place. The comment is noted.
- JJJ3: The commenter states potential adverse effects of relocating Club Knoll and encourages that the building not be relocated for monetary motivations. The comment is noted.
- JJJ4: The commenter continues citing his experience working on complex relocation projects and shares the relative costs of a past project. The comment is noted.
- JJJ5: The commenter restates support for retaining Club Knoll. The comment is noted.

[RECEIVED OCTOBER 23, 2016]

Dear Sirs

My wife and I are long term residents of Oakland, and have lived on Sequoyah Road for 10 years. We love the rural nature of our neighborhood, and want to keep that to the extent we can..

KKK1 Let me commend the City and Suncal on what seems to be a sensible plan for development at Oak Knoll. The layout, size, and mixture of housing, retail, and open space seems very good. The developers have listened to neighborhood concerns, and this area is fairly well organized thru the Sequoyah Hills Oak Knoll Neighborhood Association (SHOKNA).

However, the traffic mitigation plans are woefully inadequate. My wife and I attended the meeting at Holy Redeemer and the folks explaining the plan made it clear that they missed a number of critical issues.

KKK2 First off, looking at traffic on two weekdays only during the height of morning and evening rush does NOT take into account traffic generated by Oakland Zoo. On weekends, there are regular backups on 580 Westbound at the Golf Links/98th Ave. exit. They are dangerous. This spills over onto Mountain Blvd, and adding 935 units of housing will have a massive impact on this interchange on weekends, and this was NOT addressed in the traffic plan.

Second, measuring traffic on Mountain and Keller does not take into account the traffic issues at the Keller Eastbound off ramp, and it's impact on Fontaine Ave. That will affect traffic in front of the school on Fontaine, as well as the bridge over 580 to Mountain-where traffic will flow in order to avoid Mountain's proposed multiple stoplights.

KKK3 The 580 Westbound Keller off ramp is DANGEROUS now, and with overflow from 98th, will become even more so. The stop sign onto Mountain at that off ramp is precarious now, and anyone unfamiliar with the layout is at risk. It will become worse. It MUST be rebuilt and Caltrans MUST fix it.

And the review didn't include Edwards and 580, but did include Seminary. This makes ZERO sense. Both directions of 580 are impacted by this limited interchange,. Mountain regularly backs up at Edwards with traffic trying to avoid 580 congestion. Coupled with the Monte Vista development, traffic coming from 73rd avenue is a problem at all times-especially with events at the Coliseum.

The engineers propose to control much of this with signals, but the impact of this will be for folks to use Sequoyah Road as a cut through. The engineers didn't review Sequoyah Road, "the city didn't require them to do so."

KKK3 | Essentially, the engineers did the absolute bare minimum. The City MUST require that they do more extensive review of traffic impact in our neighborhood.

KKK4 | We support the Oak Knoll development. However, it should NOT move forward until a realistic traffic plan in place. 4 new signals on Mountain, coupled with signals at off ramps, will NOT fix this problem.

Robert F. Wright
4401 Sequoyah Road
Oakland, CA 94605

Rfwright16@gmail.com

Letter KKK Responses – Robert Wright

- KKK1: The commenter introduces his support for aspects of the Oak Knoll Project – layout, size, housing mix, retail, and open space. The comment is noted.
- KKK2: The commenter states the traffic mitigation plans are inadequate, first, because it considered traffic on two weekdays at rush hour and did not consider weekend Oakland Zoo traffic. See Master Response to Comment F.
- KKK3: The commenter also is concerned that the traffic study did not account for “traffic issues” on the Keller Eastbound off-ramp or Fontaine Avenue, which the commenter claims would adversely affect traffic in front of the school on Fontaine and the bridge over I-580 to Mountain Boulevard. The commenter also is concerned with the Westbound I-580 off-ramp at Keller, and questions why counts did not include Edwards Avenue at I-580. In addition, the commenter suggests that traffic-signal mitigations that will not be adequate and would encourage cut-through at Sequoyah Avenue.

Transportation impacts for the study area were evaluated according to the methodologies presented in the City of Oakland Transportation Impact Study Guidelines; additional operational analysis, additional study intersections or mitigation measures related thereto are not warranted by those Guidelines and will not be included in this Final SEIR. For a discussion regarding the adequacy of the analysis of the intersection formed by the I-580 Eastbound Off-Ramp/Fontaine Street/Keller Avenue, see responses to Comments O74 and O75. For an explanation regarding how traffic counts were collected, see response to Comment PC54. Counts for Edwards Avenue at Westbound I-580 were collected and are included in Appendix V-A of the Draft SEIR.

Regarding neighborhood cut-through traffic along Sequoyah Avenue, the Project trip distribution and assignment are described on page 4.13-50 of the Draft SEIR. Figure 4.13-5 of the Draft SEIR presents the trip distribution of Project traffic for surrounding neighborhoods, and Figure 4.13A-6 in Appendix V-B of the Draft SEIR presents the AM and PM peak hour trip assignment estimate for all study intersections. The AM and PM trip assignment accounts for vehicle trips generated at study intersections, including neighboring local streets such as Sequoyah Road. Therefore, the Project impact analysis presented in Section 4.13.7 of the Draft SEIR adequately accounts for Project trips that would use study intersections and neighboring local streets, such as Sequoyah Road. As described on pages 4.13-56 through 4.13-83 of the Draft SEIR, Project impacts to the study intersection of Mountain Boulevard/Sequoyah Road (#25) are considered less than significant. Thus additional study intersections along Sequoyah Road are not warranted by the City of Oakland Transportation Impact Study Guidelines.

- KKK4: The comment restates concern with the proposed traffic mitigations previously mentioned in Comment KKK3, and restates its overall support for the Project. The comment is noted.

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CHAPTER 7

Responses to Comments Received at the Planning Commission Hearing on the Draft SEIR

This chapter includes the transcript of the Oakland Planning Commission public hearing on the Draft SEIR, held October 5, 2016. The responses to all comment received are presented following the transcript, starting on page 7-49 to 7-61, in the order that the comments were made during the hearing, as shown in Chapter 4 (Commenters on the Draft SEIR). Comments and question posed by the Planning Commission after the formal close of the public comment period during the hearing are also included. Each comment and its corresponding response is identified by a letter designator (“PC”).

Where comments have triggered changes to the Draft SEIR, these changes appear as part of the specific response and are also consolidated in Chapter 3 (Changes and Errata to the Draft SEIR), where they are listed in the order that the revisions would appear in the Draft SEIR document.

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**OAKLAND PLANNING COMMISSION
OAKLAND, CALIFORNIA**

**TRANSCRIPT OF
EXCERPT OF VIDEO RECORDING
OF MEETING HELD
OCTOBER 5, 2016**

TRANSCRIBED BY:

KATHRYN S. SWANK, CSR NO. 13061, RPR

**JAN BROWN & ASSOCIATES
WORLDWIDE DEPOSITION & VIDEOGRAPHY SERVICES
701 Battery Street, 3rd Floor, San Francisco, CA 94111
(415) 981-3498 or (800) 522-7096**

1 MR. GREGORY: So in conclusion, our staff
2 recommendation for tonight is fairly easy: We would ask
3 that the commission take public testimony and provide
4 comments to staff on the adequacy of the analysis that's
5 included in the environmental impact report. We're not
6 asking for, nor do we expect to have any kind of
7 decisions on the project tonight. Tonight is a public
8 comment opportunity.

9 I would also like to remind you that this
10 meeting is really not intended for public comments or
11 your comments on the merits of the project or any of the
12 specific design details of the project though, we're
13 happy to hear them. There will be many other
14 opportunities for those types of comments and those
15 types of public hearings.

16 Just -- we had said in the staff report that we
17 didn't have dates set for those. We have preliminary
18 dates. So I will put those out there with the proviso
19 that they may change. So we're looking at a 10/26, or
20 an October 26th, Design Review Committee meeting to come
21 back and address some of the concerns that were voiced
22 at our last time we were at the design review.

23 We have a November 9th Park and Rec Advisory
24 Commission Meeting; and November 14th Landmarks Board
25 meeting; and a November 16th Zoning Update Committee

1 hearing.

2 So in the next month or two, we'll be very
3 busy. We'll continue to be very busy for this project
4 and its public process.

5 We've already received a number of letters on
6 the draft environmental impact report. The majority of
7 those, I think, have to do with issues surrounding the
8 Club Knoll and its proposed relocation versus
9 demolition, versus keeping the building where it sits
10 today.

11 The date for final comments on the draft
12 environmental impact report, written comments, is
13 October 12th. That's one week from today. So that's an
14 important date for those who still have yet to submit
15 comments or anticipate submitting comments.

16 October 12th is that -- is that final comment period
17 date, after which, we will begin compiling all those
18 comments and preparing responses to those comments in
19 written form.

20 As a -- kind of as a -- as a protocol for
21 tonight's meeting, if you have questions or
22 clarifications of information, I'm happy to try to
23 respond to those specific comments about the draft
24 environmental impact report. The process is intended to
25 allow us to provide thoughtful and, you know,

1 well-researched responses to comments. So comments that
2 are received tonight orally, we'll take notes, we have
3 tapes. We'll make sure that we record all these -- all
4 the comments tonight as well as all written comments
5 that we receive. And responses will be prepared in a
6 final environmental impact report. And that will be
7 presented to you before we ask you to make any decisions
8 on the project.

9 So with that, I hope I've provided at least
10 enough, kind of, context, for your consideration of the
11 environmental impact report and public comments this
12 evening.

13 And that concludes my staff report.

14 UNIDENTIFIED SPEAKER: Do any of the
15 commissioners have questions?

16 Commissioner Myres?

17 COMMISSIONER MYRES: I did. I just had one
18 about the city-owned parcels.

19 MR. GREGORY: I'm sorry?

20 COMMISSIONER MYRES: The city-owned parcels.

21 MR. GREGORY: Yes.

22 COMMISSIONER MYRES: I'm on 3-5 of Volume I.
23 And I -- 3-5 lists out the parcels, and then three --
24 and their ownership structure. And 3-3 -- Figure 3-3
25 was the map. But there was one parcel that I couldn't

1 find on the map, which was the second -- sorry. The
2 third one on the list.

3 MR. GREGORY: The third one on the list is
4 the -- so let's go to figure 3-3. Make sure we're
5 looking at the same thing.

6 So the city-owned parcels are these along
7 the -- from Saint Andrews in the very southwestern
8 corner of the project site. And then the third parcel
9 that we're talking about is -- is this teal parcel,
10 which is the -- it's known as the Hardenstine property.

11 COMMISSIONER MYRES: Yeah.

12 MR. GREGORY: So this was an additional project
13 that was added to the project since the 2006 proposal,
14 with the intention of just providing additional buffer
15 and space between it and the neighbors to the south.

16 Is that getting to your question?

17 COMMISSIONER MYRES: Maybe. So it looks like
18 there was one, two, three, four, five, six, parcels on
19 page 3-5. Am I reading that right, under the bullets?

20 MR. GREGORY: Page 3-5. One, two, three, four,
21 five, six. Correct.

22 COMMISSIONER MYRES: Okay. And then --

23 MR. GREGORY: Oh, I see. There's four City of
24 Oakland parcels.

25 COMMISSIONER MYRES: Right. And I can only

PC1
cont.

PC1
cont.

1 find three on the --

2 MR. GREGORY: -- and then the map shows three.

3 COMMISSIONER MYRES: So that's why -- there's
4 one which is -- it's actually the third bullet, is a
5 missing -- missing label on the map or something is
6 missing there.

7 MR. GREGORY: That's a good comment.

8 COMMISSIONER MYRES: Thank you.

9 MR. GREGORY: We'll address that. I think
10 that -- I think with this clarification --

11 COMMISSIONER MYRES: Do you think it is in this
12 quadrant?

13 MR. GREGORY: I think the shape of the -- of
14 the parcels in the color is correct.

15 COMMISSIONER MYRES: Uh-huh.

16 MR. GREGORY: And then we just need to figure
17 out if there's a missing number on that map.

18 COMMISSIONER MYRES: Okay. Thank you. That's
19 helpful. I was wracking my brain, looking up this, over
20 and over --

21 MR. GREGORY: Trying to find it.

22 COMMISSIONER MYRES: -- trying to find it.

23 Okay. And is this -- is there any reason why
24 this project, once it does come to planning commission,
25 in its proposal form, is not -- is not subject to impact

PC1
cont.

1 fees?

2 MR. GREGORY: No.

3 COMMISSIONER MYRES: Okay.

4 MR. GREGORY: Not that I'm aware of.

5 COMMISSIONER MYRES: Okay. Great. Thank you.

Vice Chair Weinstein ~~UNIDENTIFIED SPEAKER:~~ I have a -- I have a
7 question. Given that most of the significant impacts
8 revolve around traffic at the -- at certain
9 intersections -- and I know, last commission meeting, we
10 passed the resolution to change from levels of service
PC2 11 to vehicle miles traveled. I would be curious to
12 know -- not necessarily for tonight, but maybe in the
13 next presentation -- just whether -- whether the
14 mitigations would be -- look different, given the new
15 standards for vehicle miles traveled.

16 MR. GREGORY: Yes. That -- I think that's a
17 good question. And again, I would like to answer in
18 writing, in response to that. I think it's kind of
19 complex.

20 Whether these are mitigation measures or
21 general plan policy follow-throughs, addressing overall
22 traffic will likely still be of a concern. The draft
23 environmental market report does have a VMT analysis.
24 It was not -- it was prepared before the city adopted
25 its new thresholds or knew how to measure those

1 thresholds, but there is a VMT analysis that's included
2 in the draft.

Vice-Chair Weinstein ~~UNIDENTIFIED SPEAKER~~: Great. Thank you.

4 All right. So I guess we'll open it up for
5 public comment. And just as a reminder, each speaker at
6 two minutes and one minute per cede.

7 UNIDENTIFIED SPEAKER: Okay. Excuse me.
8 Please come up in any order and state your name. I have
9 Midori Tabata, Elena Comrie, Tom Haw, Steve Glanville
10 (phonetic), Pemith Fernando (phonetic), Roland Peterson
11 (phonetic), Daniel Levy, Naomi Schiff, Tamara Thompson,
12 Lyman Young (phonetic), Angie Tam (phonetic), Karen
13 Whitestone, Phillip Dow (phonetic), and Sandra Marburg,
14 and Claire Castell.

15 UNIDENTIFIED SPEAKER: And please make sure to
16 state your name before beginning. Thank you.

17 MS. TABATA: Good evening. I'm Midori Tabata,
18 and I'm a resident of the community. I'm also on the
19 BPAC and so we heard this last month. And so they got a
20 good deal of comments on that.

PC3

21 Unfortunately, since the city has yet to have a
22 transportation commission, I think that we all are going
23 to have to step in. But from a transportation aspect,
24 this draft EIR is really inadequate. It's not
25 acceptable as it stands. This is the largest

1 development in East Oakland, and, fortunately, it's in a
2 suburban setting. It's not a transit oriented
3 development, like next to the Coliseum BART.

4 It's difficult to get to places by walking.
5 You can get around on a bicycle, but you have to be a
6 really good cyclist and you have to be really fit. I
7 only know three people that have come up, like, 73rd.
8 The transit options are really minimal. There's one
9 trans bay service and then the local service runs every
10 hour.

11 So the project says that they estimate
12 96.7 percent of the people will be using autos. We
13 discovered last month that their DEIR did not -- well,
14 it doesn't factor in the zoo expansion that's going to
15 happen fairly soon, and in their traffic study -- it was
16 done on a Tuesday. It wasn't done on the weekends, when
17 the traffic to the zoo becomes really long. I know, as
18 a cyclist, that going through the area on a Saturday can
19 be really treacherous, and also, as an auto driver, it
20 backs up a couple exits. So it becomes very difficult.

21 Their -- Transportation Development Management
22 that they referred me to, which is why I am here,
23 because that was at our meeting. But they offer only
24 really basics: Car sharing, transit vouchers, and a
25 virtually nonexistent -- for virtually nonexistent

PC3
cont.

PC4

PC5

1 transit system.

2 UNIDENTIFIED SPEAKER: Okay.

3 MS. TABATA: We need to be more creative.

4 UNIDENTIFIED SPEAKER: Thank you.

5 MS. TABATA: We need to be more creative.

6 Thank you.

7 UNIDENTIFIED SPEAKER: Next speaker, please.

8 MS. CASTELL: Hi. My name is Claire Castell.

9 I am an Oakland resident. I live kind of on the eastern
10 edges of Oakland, not quite as east as this new
11 development.

12 I did want to thank the SunCal folks for the
13 tremendous amount of work and their spirit of compromise
14 from -- we started talking about total demolition of Oak
15 Knoll, the officers' club, and now we're talking about
16 moving it. So I am very, very thrilled at that.

PC6

17 I also waded through your two-tome document and
18 I appreciate the work that went into that.

19 The additional work I would like to see done is
20 a little more explanation and analysis on what it would
21 take to leave the officers' club in place. It was very
22 vague. It kind of went from demolition to moving it.
23 So we would like more development on that idea.

PC7

24 Secondly, the other point I would like to make
25 is, if we do move it, the section on monitoring is --

PC8

PC8
cont.

1 you know, says things like, insuring these measures will
2 be carried out meticulously. I would just like a little
3 more specificity there and maybe suggest that somebody
4 on the commission or additional oversight -- maybe OHA
5 put somebody, or an architect. Additional oversight.
6 Because the worry is -- and I know, you guys have
7 excellent architects. But we would like to ensure that
8 it is preserved in the best way possible.

9 Thank you.

10 UNIDENTIFIED SPEAKER: Thank you.

11 Next speaker, please.

12 MR. HAW: Hello. I am Tom Haw, and I am on the
13 board of Oakland Heritage Alliance.

14 And I appreciate Claire's comments, in
15 particular, about the concept of not demolishing this
16 building, this historic building. We unequivocally
17 don't think it's a good idea and we also want to be
18 collaborative in trying to solve a way to develop this
19 property so it's good for both the Oak Knoll folks and
20 all the residents of Oakland. It's a great historic
21 fabric involved here, not only in the building but in
22 its history.

PC9

23 So I am thinking that the space is so large,
24 there's a lot of real estate out there. There ought to
25 be a way to meet the building objectives of SunCal, 936

1 unit, whatever the number is, and still keep that
2 building in situ. It ought to be able to be done, and
3 requires more and more time, and more energy, but I
4 think a solution should be readily available to us.

5 I -- I think that one of the issues about this
6 whole issue as a planning commission, trying to
7 mitigate -- take a look at the mitigations, which I
8 don't think were really well-developed in the context of
9 what I've been talking about and, will talk about
10 further. And I know I'm pleased to hear that you
11 thought you need to work on mitigations and we want to
12 know a lot more about what they are as you go forward.

13 The other thing that I wanted to speak to is --
14 is monitoring, which, as it relates to what I just said,
15 it's very important, the city of Oakland be able to
16 monitor these whole mitigations. They may show that we
17 are there in compliance. This is a very complicated
18 project and monitoring will require some special skill
19 and energy on the part of our city. So I hope the
20 planning commission takes this particular charge very
21 seriously.

22 I do appreciate SunCal's efforts. I was part
23 of a group that visited that early on. It was very
24 clear to me that, in their heart, they are interested in
25 trying to preserve that building. I respect that. We

1 have to sit there and be advocates for that,
2 unequivocally, at this stage in the game.

3 I think that the idea that SunCal did a good
4 job in this preserving the building itself, while they
5 owned it, is probably not accurate. I would like to
6 maybe -- since Naomi is not -- Naomi is not here --

7 UNIDENTIFIED SPEAKER: Naomi is here.

8 MR. HAW: (Inaudible). You are here.

9 (Inaudible). okay. I basically -- I just want to
10 mention this issue of the failure, I think, that I'm not
11 casting stones. They were tried damn hard. Don't get
12 me wrong. But I don't think they really -- I think they
13 did fail in securing the building. We had roofs that
14 got worse and a whole lot of things happened to that
15 building while they were the owners and that's
16 complicated, this whole idea. Where do we go from here.

17 So I think that -- I guess, in summary, the
18 main thing I want to say is that the -- the neighborhood
19 needs to be more aggressively involved with regard to
20 mitigations and ways to maintain the position that's
21 there right now for that building, as they go forward.

22 And I want to add that we tend to neglect the
23 issue of historic connections. And I am a naval
24 officer. I was -- I'm a Vietnam veteran. I'm a combat
25 veteran. I have friends who have stayed in that

PC11
cont.

PC12

PC12
cont.

1 hospital. I know how important it is to our city and
2 our history. So I want to make sure we preserve that
3 building for our children and our children's children.

4 UNIDENTIFIED SPEAKER: Thank you.

5 Next speaker, please. Hi.

PC13

6 MR. LEVY: My name is Daniel Levy. I'm a
7 resident, also on the board of Oakland Heritage
8 Alliance. Just wanted to make a few comments about the
9 alternatives presented in SEIR.

10 Yeah. I would love to see another alternative
11 that explores keeping the 935 units and also maintaining
12 the officers' club. Maybe also an alternative that
13 could even increase the density of the development to,
14 maybe, use some of that money to build a community
15 center in the middle of the development and also
16 maintain the officers' club. So there's definitely some
17 creative options that we should explore and consider.

18 Yeah. Thank you.

19 UNIDENTIFIED SPEAKER: Thank you.

20 Next speaker.

PC14

21 MS. THOMPSON: Hi. I'm Tamara Thompson, and
22 I'm with the Oak Knoll Coalition. We represent six
23 homeowner's associations and some 6,000 residents in
24 surrounding neighborhoods around the Oak Knoll project.

25 Members of the coalition have spent an

PC14
cont.

1 estimated -- actually, more than 200 hours reviewing and
2 evaluating this -- the SEIR. And while the coalition
3 supports the project in general, we find this critical
4 document to be inconsistent, unclear, and incomplete in
5 myriad ways, so much so, that it's impossible for the
6 public to reasonably evaluate many key project impacts
7 and proposed mitigations. We, therefore, believe that
8 CEQA requires the document be redrafted and
9 recirculated. The coalition will be submitting detailed
10 comment letters enumerating the EIR's essential
11 deficiencies by the close of the comment -- comment
12 period on the 12th.

13 So thank you.

14 UNIDENTIFIED SPEAKER: Thank you.

15 Next speaker.

16 MR. GLANVILLE: Hello. My name is Steven
17 Glanville. I am a resident of Surrey Lane. I am at the
18 top of Keller avenue.

19 This development will be affecting not only my
20 property values but it will be affecting my commute and
21 this overall quality of life in the neighborhood, unlike
22 the previous gentleman that spoke, I would like to see
23 the density of this development go down. We could get
24 rid of the townhouses. I've heard SunCal said it was a
25 concession to try to do low income, but let's be honest.

PC15

PC15
cont.

1 Those houses will be selling for a lot more than what a
2 low income person can live there for.

3 The traffic is already bad on 580. My neighbor
4 next to me is actually leaving. They are trying to get
5 their house -- the money for their house before this
6 development and the construction starts, because they
7 are worried about the effects that it will have, and I'm
8 worried as well.

9 Thank you.

10 MS. COMRIE: My name is Elena Comrie. I am a
11 resident of Sequoia Hills, and I just have a couple of
12 questions and points to make.

13 When the developer made a presentation to a
14 couple of our homeowner's groups, they brought in a
15 traffic study under the pretense that the information in
16 the traffic study were mitigations that they would
17 actually enforce. Only at the end, we found out, they
18 are not obligated to do anything.

19 Now, the developers knew, going in, the impact
20 that this project would have on our neighborhood. And
21 so if the impact to Oakland citizens is significant and
22 unavoidable, that should mean that the project, in its
23 current state, is not feasible. It should be revised.
24 The density should be looked at.

25 If they -- if they didn't put together an

PC 16

PC16
cont.

1 agreement with Caltrans or with the City of Oakland,
2 it's because they didn't feel they needed to. They felt
3 they were going to get this approved. They were going
4 to build it the way they wanted to build it, and we
5 didn't count. All right?

6 The residents here haven't given up on Oakland.
7 I don't want Oakland to give up on us.

8 Thank you.

9 MR. FERNANDO: Hi. My name is Randy Fernando
10 (phonetic). And I just wanted to add a few points to
11 what's already been said.

12 I think in -- in Scott's summary, he covered a
13 lot of the traffic. The traffic part is the part of key
14 concern here. I think it's going to affect a lot of us
15 in a -- in a -- in a serious way. And this development,
16 when you look at it on the map, you look at our -- our
17 little Sequoia Hills area. This is, like, more than
18 double the area. It's huge. And we have something
19 like, I think it's, 260 units in -- in our strip. This
20 is 390 -- 936 units. It's huge. And so the impact on
21 traffic is going to be substantial and that's --
22 that's -- that's our main concern.

PC17

23 The report doesn't talk a lot about the traffic
24 during construction. All right? Those of you who have
25 lived through -- I've lived through this before, when

PC18

1 construction is happening, life sucks. Life sucks
2 afterwards too.

3 But it's -- that part is really rough. And
4 to -- to understand that these are, like, two-lane
5 roads, where half will be closed. Some places, they are
6 trying to take a turn lane out of something where
7 there's only two lanes already. There's a lot of
8 consequences to that.

9 And of course in the report, it only says
10 short-term temporary adverse effects may be there, and
11 it's hard to know. That's just -- there's only one
12 sentence about it in the whole report. So I think
13 that's really important. I would like to understand
14 what those consequences are for us.

15 The other thing, of course, I guess people have
16 said, all the intersections -- I mean, everything there.
17 Right? There's no -- there's no plan. And I'm not sure
18 it's feasible. There's just not a -- it doesn't sound
19 like there's a good solution to that. You can't widen
20 the freeways. You can't -- changing the traffic lights
21 is not the solution. If you come back on 580, for
22 example, 580 west, try to take the Keller exit at rush
23 hour, there's already eight to ten cars. This -- we're
24 talking about, like, 20 or 30 cars, right? Deep.
25 That's miles down the freeway.

PC18
cont.

PC19

1 And then the last two things are just noise
2 from construction, which I think is an issue for
3 nearby --

4 UNIDENTIFIED SPEAKER: Sorry. Your time is up,
5 sir.

6 MR. FERNANDO: -- and safety.

7 Thank you. Sorry.

8 UNIDENTIFIED SPEAKER: Thank you.

9 Next speaker.

10 MR. DOW: My name is Phillip Dow. I'm chair of
11 the Oak Knoll Neighborhood Improvement Association.

12 We held a meeting 22nd of September with Fehr &
13 Peers, SunCal representatives. And the whole subject
14 was about traffic.

15 I will bet that a vast majority of people who
16 left that meeting had zero confidence that any of the --
17 the impact mitigations would be implemented. But what
18 we know is that there is a traffic impact fund, and
19 there are certain intersections in that, and the EIR
20 indicate that is there's about \$4.9 million worth of
21 improvements needed for those intersections.

22 The problem is, Golf Links 9580, Golf Links 98,
23 Golf Links Mountain isn't in the fund. How is that
24 getting paid for?

25 The EIR indicates that the traffic impact fees

1 that SunCal will pay is around \$3 million. Kind of a
2 shortfall there.

3 So what we need to know, and it needs to be in
4 this EIR, is how much funding is there going to be for
5 mitigation. We need a cost benefit analysis to
6 determine what those funds will achieve. We need a
7 feasibility study that determines, of the -- almost all
8 the mitigations that require Caltrans approval, which of
9 those mitigations, in fact, can get Caltrans approval.
10 And once we've gotten all through that, we want to know
11 which of these mitigations, in fact, will be implemented
12 with commonly understood benchmarks, like phase of
13 completion or percent of completion. We don't want to
14 hear about more studies. We know these intersections
15 are already screwed up. We don't want to hear about the
16 year 2040. That doesn't make any sense to anybody. We
17 know the development will be finished and fully occupied
18 for at least a decade before 2040.

19 So we need, you know, three, you know,
20 mitigations. Three, four, five, six, 14, and 15 are
21 basically between Keller and Golf Links. And they need
22 to be the focus of this. Seminary's in the TIF. It's
23 mentioned in the EIR. You know, that should have been
24 taken care of during the Leona Quarry. I'm sorry.
25 We've got our problems now downstream.

PC21
cont.

PC22

PC23

1 Finally, the Oakland Zoo. We heard about this
2 already. This is a public safety nightmare on weekends
3 during weekend events. It wasn't studied in this EIR.
4 There needs to be a study on the weekends when they are
5 having an event. Are they will find that the traffic --
6 spillover traffic is going all the way to San Leandro
7 and west -- west as well. This -- this is city
8 negligence, by the way. This is not a SunCal problem.
9 This has been going on for a long time. So the city
10 needs to study it and the city needs to come up with a
11 mitigation that, in fact, the city funds themselves.
12 This is -- you know, a lot of people in the city think
13 we have a goose that laid the golden egg, now that
14 SunCal is here. But, you know, the city has to step up
15 and take its responsibility too.

16 Thank you.

17 MS. WHITESTONE: Hello. My name is Karen
18 Whitestone. I'm from the East Bay California Native
19 Plant Society. We represent about a thousand members in
20 Alameda and Contra Costa counties.

21 I would like to focus my comments today on
22 Oakland star-tulip, calochortus umbellatus, and the plan
23 to transplant most of this population. It's stated in
24 the draft supplemental EIR that the loss of Oakland
25 star-tulip is not considered a significant -- is not

PC24

PC25

1 considered significant here, given the regional
2 prevalence of the species. And my main assertion is
3 that the records that, perhaps, were examined to
4 determine prevalence of the species don't seem to be the
5 same records that we're looking at, because the 723
6 plants that are in this area is possibly the largest
7 population in the East Bay.

8 To say that there is regional prevalence seems
9 to be -- it might be an overstatement but it just needs
10 to be explained a little bit more.

11 I'm also referencing CEQA sections 15380 and
12 15125 for determining the environmental setting and for
13 determining the definition of rarity for this plant.
14 This plant is ranked as a CNPS 4.2 and East Bay CNPS A2,
15 which is one of our highest rankings. And I would like
16 to point out that although there's been some discussion
17 that because it's not a CNPS rank 1 or 2, it may not
18 deserve legal protection. It does deserve legal
19 protection under those CEQA sections.

20 And also, not all native plants receive these
21 rankings, so it is significant that it has a rank.

22 So as I said, we're currently unaware of a
23 population larger than the 723 plants. We would support
24 an assessment of the available records for the Oakland
25 star-tulip. This is due diligence that should have

PC25
cont.

PC25
cont.

1 already been a part and is probably already available,
2 from records accessed by the consultants, not a new
3 mapping effort, to determine area prevalence. Because
4 supposed prevalence, regional prevalence is the primary
5 justification for giving a conclusion of no significant
6 impact, we would appreciate a summary report.

7 Thank you.

8 UNIDENTIFIED SPEAKER: Thank you. Next
9 speaker.

10 MS. TAM: Hello. My name is Angie Tam. I'm
11 from the Toler Heights neighborhood, which is just below
12 the project.

13 We are concerned about the negative regional
14 impact of the commercial area of the project on McArthur
15 Boulevard development, and the EIR only reflect the
16 positive of the commercial development, not the
17 positive/negative impact on McArthur Corridor. So I
18 would write that in.

PC26

19 The second issue I want to bring up is that I
20 spoke here one and a half year ago at the scoping
21 session. And then afterward, the SunCal representative
22 told me that I'm not a neighbor because I live below
23 580.

PC27

24 Now, my neighborhood believe that we are
25 stakeholder of this projects. Up till then, it's just

1 words. Now that the EIR is out, we have facts to open
2 dialogue with.

3 Here's the information I got from the EIR. The
4 worst traffic intersection, Mountain and zoo entrance,
5 is at the mouth of the Toler Heights. Golf Link exit
6 entrance, half is in Toler Heights. If you want to go
7 to Silicon Valley, 98th Avenue eastbound onramp to 580
8 is in Toler Heights. The most heavily studied local
9 street, 98th Avenue, wraps around and cuts into Toler
10 Heights. Sandy Avenue, the small street with the worst
11 a.m. traffic rating than Golf Link exit, which people
12 use as a shortcut to get to 580 to go to Silicon Valley
13 is in Toler Heights.

14 The closest high school, Bishop O'Dowd, most
15 likely for the people to go to, is in the Toler Heights.
16 The closest fire station is in Toler Heights. The
17 commercial corridor approximately from 90th to
18 99th Avenue, McArthur is in Toler Heights. So this
19 project has significant impact on the neighborhood south
20 of -- south. And we have not been brought up to
21 discussion.

22 My neighborhood leaders from Toler Heights has
23 gone to -- has signed up for the Oak Knoll newsletter.
24 Never got any.

25 So when my neighbor told -- when I told my

PC27
cont.

1 neighbor what SunCal said, image of burning crosses on
2 Toler Heights lawns were, you know, they remember back
3 in 1950. So this -- if this -- I will --

4 UNIDENTIFIED SPEAKER: Ma'am?

5 MS. TAM: If this lack of requisition persists,
6 it will become equity issue.

7 Now, I want to invite SunCal management to my
8 neighborhood barbecue if they recognize us a
9 stakeholder.

10 Thank you.

11 I will e-mail them.

12 UNIDENTIFIED SPEAKER: Thank you.

13 Next speaker, please.

14 MR. YOUNG: Need to adjust this up a bit, here.

15 Good evening. My name is Lyman Young. I'm a
16 resident, Coach Drive, in the Sequoia Hills Homeowner's
17 Association. I'm directly looking over Keller Avenue
18 and the proposed development area.

19 I'm also a 30-year career engineer. I've been
20 used to evaluating and looking through EIRs and EISs
21 over much of that career. And this one, truly, is
22 appalling in its lack of depth and failure to address
23 things and its superficial nature in addressing the
24 things that it does address.

25 I want to address four or five major

PC27
cont.

PC28

1 categories, very briefly. I will be providing written
2 comments.

3 The esthetics of the development itself are of
4 great concern, particularly those of us that have direct
5 views from many of the other developments around there.
6 We're also, because of those direct views into the basin
7 that Oak Knoll sits in, concerned about the light
8 pollution from this during the nighttime.

9 The traffic, everybody else -- many have
10 addressed. It is -- it is appalling that for a
11 development this large, they would take one day's worth
12 of data and extrapolate that for this large of a
13 project. That simply cannot fly. Many people have
14 pointed out the issue of weekend versus weekdays. But
15 even weekdays, one day is nowhere near sufficient.

16 We -- I'm also extremely concerned, from a
17 personal viewpoint, about the Keller Uplands Primary
18 nexus there, the intersection that they are proposing,
19 which would be a right turn from Uplands Primary on to
20 Keller and allow people to, then, go up to Hanson and
21 make a U-turn and come back down Keller as a way of
22 exiting the subdivision. That's unacceptable. That
23 should be -- that's a -- that's -- it's a -- it's a huge
24 traffic hazard, and it should be emergency vehicle
25 access in any case.

1 The other thing we'll address in written
2 comments. But air pollution and the mitigations around
3 the intersection at Keller and Mountain are --

4 UNIDENTIFIED SPEAKER: Thank you.

5 MR. YOUNG: -- poorly thought out.

6 Thank you.

7 UNIDENTIFIED SPEAKER: Thank you.

8 Next speaker.

9 MS. MARBURG: Hello. My name is Sandra
10 Marburg, and I believe I have two extra minutes from Lee
11 Ann Smith.

12 I wanted to make a few comments about the Club
13 Knoll idea.

14 UNIDENTIFIED SPEAKER: I'm sorry. It's one
15 minute per cede. So you have a total of three minutes.

16 MS. MARBURG: Okay. Thank you.

17 I wanted to make a few comments about Club
18 Knoll and the various alternatives presented.

19 I would like to acknowledge the fact that
20 there's an important issue and concern regarding
21 historic preservation, but I also want to put it in the
22 context of this particular project. Both the Navy and
23 the state, in 1994, concluded that Club Knoll -- and I
24 will read from the -- from the letter.

25 The design Spanish Colonial is representative

1 of the period in which it's built, but there are better
2 examples of clubhouses in this style at other golf and
3 country clubs in the Bay Area. And that was by the Navy
4 in its decision not to list Club Knoll.

5 The California State Office of Historic
6 Preservation came to a similar conclusion, saying that
7 the clubhouse was not an outstanding example of the
8 time, given that there were several Spanish Colonial
9 Revival-style clubhouses elsewhere in the Bay Area.

10 I wish to point out that within 2 miles, maybe
11 a mile and a half, there are two existent clubhouses of
12 the Spanish Revival style that were built at about the
13 same time. The Sequoia Country Club and Golf Course was
14 built in about 1915 and the period thereafter, and the
15 Chabot Golf Course, which is a Depression era, and they
16 are all in the same kind of architecture. But the other
17 two are still within the prior golf course; they are
18 still functioning.

19 So while Club Knoll is a very interesting
20 building, I think this particular case is not a good
21 example of the class of saving a Spanish Revival
22 clubhouse golf course building from the 1920s.

23 I also want to point out, during the 1990s --
24 and I was part of that process -- the city was offered
25 Club Knoll for no money from the Navy in a public

PC34
cont.

PC34
cont.

1 benefit application along with 20 acres at Oak Knoll.
2 The city withdrew that application at the end of the
3 process because of extremely high operating and ongoing
4 maintenance costs. This was devastating to the
5 community. We were hoping this would be an Oakland
6 community center. But now that particular building will
7 be passed on to a homeowner association.

8 And in the SEIR, it's not made clear that the
9 intended use and ownership will be for the new HOA.
10 That means that all of those operating and maintenance
11 costs, which couldn't be borne by the city, will now be
12 transferred to a homeowner association. Because the
13 excess space of both relocation alternatives and
14 restoration alternatives clubhouse results in a
15 clubhouse that is either 14,000 square feet or almost
16 10,000 square feet, the idea is to devote the excess
17 space to commercial.

PC35

18 De facto, you are forcing a homeowner
19 association to become a commercial landlord. I don't
20 know if there's another precedent of this in Oakland,
21 but it really raises questions about whether this
22 particular idea fits the total project design and, in
23 the long term, will allow for the economic
24 sustainability of this particular building. Personally,
25 I think it's very unusual -- do I get one more?

1 The one more? Or is that -- okay.

2 So when you review the whole project, and I
3 want you to keep remembering that the homeowner
4 association is now --

5 UNIDENTIFIED SPEAKER: Ma'am.

6 MS. MARBURG: -- substituting --

7 UNIDENTIFIED SPEAKER: Ma'am.

PC35
cont.

8 MS. MARBURG: -- on what was originally
9 perceived to be --

10 UNIDENTIFIED SPEAKER: Actually your time was
11 up.

12 MS. MARBURG: Okay.

13 -- a city project.

14 So I think you should consider that.

15 Thank you very much.

16 UNIDENTIFIED SPEAKER: Thank you.

17 Next speaker, please.

18 MR. PETERSON: Good evening, Commissioners. My
19 name is Roland Peterson. I live on St. Andrews Road,
20 adjacent to the property and adjacent to the proposed
21 development.

PC36

22 I've written a letter to this commission and to
23 the members of the city council, advocating for the
24 demolition of Club Knoll and I would like to bring a
25 couple things pertaining to the EIR to your attention

1 about this.

2 Throughout the EIR, there are inconsistencies,
3 and the inconsistencies include the 10,000 square feet
4 of commercial -- community commercial that are cited in
5 here. Depending on what page you look at -- and I bet
6 there's at least 15 or 20 throughout the document, times
7 where it says there's 72,000 square feet of commercial
8 and, other times, 80,000 square feet of commercial. You
9 can't have an inconsistency like this and have a good
10 document.

11 Secondly, the -- on page 5-38 of the draft
12 SEIR, it refers to this as a non-CEQA planning
13 alternative. If this is, indeed, a historic resource
14 and the agenda seems to go -- try and go on both sides
15 of the argument, although it does say it has a rating of
16 "B plus 3," but it wants to also say it has potentially
17 an A rating -- if it does -- if it is a historic
18 resource, then it's not a non-CEQA planning alternative.
19 It's a mandatory CEQA planning alternative. Historic
20 resources must be considered under CEQA.

21 And then lastly, there's all this talk about
22 whether it's a homeowner's association office or
23 whatever. I would point, on page 538 as well, to note D
24 and all the very specific types of uses that they've put
25 in there, like recreation center, a daycare, an athletic

PC39
cont.

1 center, small office, specialty retail. This is a
2 little bit more detail than you necessarily want in an
3 SEIR. And it kind of ties everybody's hands.

PC40

4 So I think that you've got a little bit of a --
5 bit of sloppiness and inconsistency, and I think this
6 needs to be cleaned up. And I would still advocate for
7 its demolition.

8 UNIDENTIFIED SPEAKER: Thank you. Are there
9 any more speakers?

10 UNIDENTIFIED SPEAKER: No. All speakers have
11 been called.

12 UNIDENTIFIED SPEAKER: All right. We'll close
13 the public comment period and open it up to the planning
14 commissioners for comments or questions.

15 COMMISSIONER MYRES: Okay. Let's see. This is
16 probably a question for staff. Is it okay to ask a
17 question now? Again, sorry.

PC41

18 Based on one of the comments I heard, I was
19 wondering if there's been -- and I'm sorry if I missed
20 this in the report -- any conversation with AC Trans --
21 Transit about expanding routes or service frequency,
22 given the difficulty of biking and other forms of
23 transportation?

24 There you are.

25 MR. GREGORY: Sorry. I'm running around.

1 Yes. There has been ongoing dialogue with AC
2 Transit and we're continuing to have that dialogue.
3 Sara Fine from the Transportation Services Department
4 has been talking to them about the potential for
5 expanding transit availability within the neighborhood,
6 including increased headways or more routes or more
7 buses.

8 So that dialogue is continuing and we're
9 continuing to explore that option.

10 COMMISSIONER MYRES: And what's sort of the
11 timeline of any potential changes or expansion as
12 related to that dialogue?

13 MR. GREGORY: Well, I guess the timing for a
14 plan could or should be as part of what we're doing now.
15 The timing of when it would be implemented, I'm sure,
16 would be dependent on increased ridership demand. So it
17 would probably stage or gear up as development
18 increases.

19 COMMISSIONER MYRES: Great. Next time that
20 this comes to us, if you could update on the status of
21 those conversations with AC Transit, that would be
22 incredibly useful, at least to me.

23 Commissioner Limon ~~UNIDENTIFIED SPEAKER~~: I have a question. You
24 know, the congestion, which, you know, at Golf Links
25 Road, in the mornings, and also on weekends, that's

PC41
cont.

PC41
cont.

PC42

PC42
cont.

1 nothing new. What -- what sort of mitigations or
2 conversations have occurred with Caltrans thus far,
3 related to the -- to that congestion?

4 MR. GREGORY: So historically, or as it relates
5 to the project?

6 Commissioner Limon ~~UNIDENTIFIED SPEAKER~~: Well, it -- it's
7 currently bad. But, yeah, as it relates to the project.
8 Well, no, I guess --

9 MR. GREGORY: Yeah. So I will say -- I don't
10 know -- I don't know what may -- what conversations may
11 have happened with Caltrans in the past about
12 improvements to that -- to that intersection.

13 I know that that intersection was actually not
14 included in the Southeast Oakland Traffic Impact Fee
15 Program, for whatever reason -- that it was developed a
16 long time ago.

17 Commissioner Limon ~~UNIDENTIFIED SPEAKER~~: And with regards to the
18 Oakland Zoo, I mean, with their expansion, was -- was
19 traffic looked at a -- were there mitigation measures
20 proposed as part of that expansion?

21 MR. GREGORY: So I don't know specifically
22 about what the zoo mitigation obligations are at that
23 location, and we'll follow up on that. We have also
24 talked about the need to consider an analysis of weekend
25 traffic, as it relates to the traffic and other

PC43

1 cumulative, inclusive of this zoo.

2 COMMISSIONER MYRES: A couple more questions
3 from me. Are there -- some folks, during public
4 comment, mentioned monitoring enforcement and concerns
5 or lack of trust in the monitoring enforcement process.

6 Are there any additional or special monitoring
7 enforcement measures being considered, that would
8 involve the neighborhood? Or are we kind of doing, at
9 this point, our standard monitoring enforcement through
10 the city?

11 MR. GREGORY: Well, so I think we would be open
12 to how mitigation measures should be monitored or
13 enforced. I think, as it pertains specifically to the
14 Club Knoll, that was my sense, that many of those
15 comments pertain to the relocation and monitoring of how
16 that would occur.

17 We do have a fairly extensive suggestion from
18 the environmental consultants, ESA, about how and who
19 should be the monitors that would, you know, ensure that
20 Secretary of Interior Standards are met, that
21 appropriate decisions are made, based on a variety of
22 factors, not just including cost.

23 So there -- there is an extensive -- within the
24 mitigation measures that I talked about, they do include
25 a -- kind of a rigorous monitoring effort of that.

PC44

1 COMMISSIONER MYRES: And if there's interest
2 from neighbors in being --

3 MR. GREGORY: Part of that?

4 COMMISSIONER MYRES: -- participants in the
5 monitoring, should they contact you?

6 MR. GREGORY: Sure.

7 COMMISSIONER MYRES: Not to say that -- I'm not
8 saying you are obligating to --

9 MR. GREGORY: Right. No. That's what I
10 mean --

11 COMMISSIONER MYRES: -- include them in
12 monitoring.

13 MR. GREGORY: I would be glad to --

14 COMMISSIONER MYRES: I am just saying they have
15 ideas about --

16 MR. GREGORY: I would be glad to hear about,
17 you know, how we might consider working that into a
18 process.

19 I know that we've talked about having qualified
20 historic professionals who can, you know, professionally
21 evaluate the resource. But certainly, the neighbors
22 have been interested and involved for a long time and we
23 would welcome that participation.

24 COMMISSIONER MYRES: Okay. Great.

25 And I will ask you to give your e-mail, in a

1 second, for people watching.

2 MR. GREGORY: Sure.

3 COMMISSIONER MYRES: But there was a neighbor
4 that had mentioned that the Toler Heights neighborhood
5 has not been engaged as much as they like.

6 Can you talk about -- a little bit about if
7 that engagement has happened, and how; and if not, how
8 it can in the future?

9 MR. GREGORY: Sure. So I think there was an
10 invitation here tonight to come to the -- to the
11 barbecue. That sounds like a good choice for me. I
12 would -- and I think staff would be glad to -- so staff
13 would be glad to do that. I'm sure we would be glad to
14 work with SunCal to have further outreach with the Toler
15 Heights neighborhood. So if there has been a lack --
16 and I don't doubt that there may have been -- we will do
17 our best to make up for that and work to better engage
18 that neighborhood.

19 COMMISSIONER MYRES: Great.

20 And can you just -- yay.

21 And can you just share your e-mail, spell it
22 out for folks in case --

23 MR. GREGORY: Sure.

24 COMMISSIONER MYRES: -- they want to contact
25 you?

PC45

1 MR. GREGORY: My e-mail is SGregory --
2 G-R-E-G-O-R-Y. And my -- and that's at Lamphier --
3 L-A-M-P-H-I-E-R -Gregory.com.

4 And in the staff report, there's also Heather
5 Klein's e-mail and phone number and address. So she's
6 the -- kind of the official staff person with the city,
7 who would also be more than happy to receive any
8 comments or phone calls or e-mails.

9 Thank you.

10 COMMISSIONER MYRES: I just have one more
11 question.

12 Okay. I was looking at the mitigations, the
13 summary table in Volume "one to dash 36". And this is
14 under the public services and recreation mitigation
15 measures or standard conditions of approval.

16 And I was looking specifically at impact PSR-3,
17 which is about schools. It seems, if I am reading this
18 correctly, there was a previous mitigation, as it
19 related to schools, impact on schools. And it says that
20 that mitigation is no longer applicable.

21 Can you say what that mitigation was?

22 MR. GREGORY: I don't. But I can follow up for
23 you on that.

24 COMMISSIONER MYRES: Okay. I will put that --
25 I mean, all of this is part of the official comments.

1 But I would like to, officially like to, know what that
2 was.

3 MR. GREGORY: Yeah. I don't know what the
4 previous mitigation was. I do know that the city's
5 standard conditions of approval and the current school
6 impact fee mitigation strategy, under state law, is
7 considered full and complete mitigation for impacts to
8 school systems.

9 COMMISSIONER MYRES: Okay. Okay. Thank you.
10 That's helpful.

11 MR. GREGORY: Okay.

12 Commissioner Patillo ~~UNIDENTIFIED SPEAKER~~: I converted all my
13 questions to comments so I will just cover this in one
14 fell swoop.

15 Most of the -- or many comments I made
16 previously, as part of the design review, those still --
17 still apply. So these are in addition to the comments
18 previously made.

19 MR. GREGORY: We will come back to you with
20 information on those comments.

21 UNIDENTIFIED SPEAKER: Excellent.

22 I would like the document to clearly explain
23 how moving Club Knoll will impact its historic
24 designation.

25 On page -- or section 4.3, page 2-16, you talk

PC47

PC48

1 about removing of trees, trying to save some of the
2 trees that will be removed as a result of the site
3 grading. And I would just like to have a little bit
4 more discussion about how are you going to make
5 decisions about what trees you might want to try to
6 save, and what is the methodology for doing so? And if
7 you are able to save any of the existing, better quality
8 specimens, whether they will be retained on site or go
9 somewhere else.

PC48
cont.

10 The creek mitigations that are proposed are
11 really quite significant. It's called a rehabilitation,
12 but, in fact, for a good portion of the creek, it's --
13 it's a wholesale reconstruction. And on its surface,
14 that would seem to conflict with the creek protection
15 ordinance. So if you could have a discussion that just
16 sort of clarifies how it is that the work being done
17 does not conflict with the creek protection ordinance.
18 That's 217.

PC49

19 One of the things that we've seen before --
20 this is 2-19, it's talking about the HABS documentation
21 that will be done. And it specifically states that the
22 documentation will not be sent to the Library of
23 Congress. I'm not a hundred percent positive with HABS,
24 but I do know, with the companion program, HALS, which
25 is the Historic American Landscape Survey, according to

PC50

1 the national park service, you may not even refer to
2 this documentation as HALS unless it is submitted to NPS
3 and the Library of Congress.

4 So I would actually like to see that changed
5 for all documents, that if you are going to do the HABS,
6 put a Post-it stamp on and send it to the National Park
7 Service. Get it in the Library of Congress so it will
8 be accessible to the world. And I'm actually talking to
9 staff, because this is not just this project. It keeps
10 coming up. There's no reason not to send it to the
11 Library of Congress. And there's great benefit in doing
12 so.

13 On Exhibit 3-15A, in areas where there will be
14 no grading, not that there's very many of them, I'm
15 presuming that the existing trees in those areas will be
16 retained. I just want to get confirmation of that.

17 I didn't find -- maybe it's there -- I would
18 like graphics that clearly depict what portions of Club
19 Knoll are going to be retained and which will be
20 demolished. This could possibly be an overlay on the
21 HABS documentation. I think there's a narrative that
22 describes this, but I'm -- I'm a picture gal. So I
23 would like to see drawings that actually show that.

24 I would also like -- and I think OHA touched on
25 this -- to include documentation of the remnant cultural

PC53
cont.

1 landscape features. I think, for the drawings, it can
2 just be added to the HABS drawings. You don't
3 necessarily have to have stand alone HALS drawings, but
4 you probably want your historian to actually do a
5 written -- include a written component that includes the
6 cultural landscape features; that would be that
7 courtyard and the fountain. And there are -- there are
8 some remnant plants that appear to be original.

PC54

9 On 2-21, I too got hung up on the monitoring.
10 And one specific thing I think you could add is, clearly
11 state the frequency of monitoring at a minimum. So they
12 have to monitor, say, once a week or whatever, during
13 that period or more frequently, whatever would be
14 appropriate.

PC55

15 Also, 2-21. This seems like a no-brainer, but
16 if you could put it in writing that the building will be
17 moved only one time -- I know that is the intent but
18 let's just put it in writing.

PC56

19 3-17. I might have mentioned this previously,
20 but don't -- don't put tree grates on the street trees.
21 The city doesn't allow them.

PC57

22 4.3-33, policy OS-12.1. Please direct your
23 landscape architects to utilize the expanded list of
24 approved city street trees.

25 And finally, the Chair asked me to make a

1 comment about the star-tulip. I was on site with the
2 developer and I personally witnessed little flags in the
3 ground where they have marked the locations of those
4 existing plants. So this gives me some hope that the
5 intent is to try to avoid impacting that habitat or if
6 it has to be impacted by grading, that the plants will
7 be removed -- collected, removed, and replanted.

PC58

Vice-Chair Weinstein ~~UNIDENTIFIED SPEAKER~~: Thank you.

9 I think my fellow commissioners have hit upon
10 almost all of my comments. But I -- I do want to
11 reiterate the importance of getting more detail on the
12 three alternatives for the -- the Oak Knoll center,
13 leaving it in place. It's not clear to me why the
14 density has to decrease so significantly, leaving it in
15 place.

PC59

16 I'm curious, you know, more detail about when
17 moving it. I think Commissioner Pattillo's comments
18 about how that will impact the designation is really
19 important, and also clarity about what elements of the
20 center will be -- will be moved and which ones will not.

PC60

21 I also am very curious about the long term
22 governance and maintenance of the building. One of the
23 speakers spoke to the -- if there is retail included,
24 then that basically turns the HOA into a commercial
25 landlord. And I don't know if there's precedent for

PC61

1 that in Oakland, but I think it's an important thing to
2 consider if it is moved and if the uses are changed, we
3 want to make sure that it's successful, long term. And
4 so considering -- I think that needs to be considered as
5 part of the overall consideration in the different
6 alternatives.

7 Also, if we could get some clarity with the
8 transportation study, I understand that a time was
9 chosen on a Tuesday. It seems to be of controversial
10 time. I know that oftentimes, a time is chosen during
11 peak hours so that it's the maximum impact that is
12 studied. And I just want to make sure that's the case.
13 And, if so, that that's clarified in the document.

14 Given the comments about the zoo, I don't know
15 if that was taken into consideration with cumulative
16 impacts, but it's something that should be taken into
17 consideration.

18 And I think that's it. I think everybody
19 else -- what? Yeah.

20 Oh, do you have more comments?

21 Commissioner Limon ~~UNIDENTIFIED SPEAKER:~~ The only other thing
22 would be, you know, what a lot of the commenters said
23 about looking at an analysis of Saturday traffic or
24 weekend traffic.

25 MR. GREGORY: Right.

PC64
cont.

Commissioner Limon ~~UNIDENTIFIED SPEAKER:~~ So I think that should
2 be investigated more.

PC65

3 COMMISSIONER MYRES: I support that too.

4 MR. GREGORY: Got that.

5 UNIDENTIFIED SPEAKER: Great.

6 Any other comments or questions from the
7 commissioners?

8 Then I think that's it. I think we can close
9 this -- this item.

10 UNIDENTIFIED SPEAKER: Thank you very much, for
11 both the commission and the members of the public who
12 came and spoke today. We are accepting comments via
13 writing, via e-mail, until the close of business next
14 Wednesday, October 12th, 2016.

15 MR. GREGORY: Thank you.

16 (End of item.)

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CERTIFICATE

I, Kathryn S. Swank, certify that the foregoing transcript of a video recording of a statement was prepared using standard electronic transcript equipment and is a true and accurate record of the proceedings to the best of my knowledge and ability.

DATED: November 10, 2016



Kathryn S. Swank, CSR 13061

Planning Commission

PC1: The commenter requests clarification of the City ownership information, as listed on Draft SEIR page 3-5 and delineated in Figure 3-3 in the Draft SEIR. The following correction and update (shown in underline/strike-out format) is made to page 3-5 of the Draft SEIR.

The Project site, as defined for purposes of this environmental analysis, consists of the following Alameda County Assessor's Parcels Numbers, owned as indicated in parentheses, as also illustrated in **Figure 3-1**:

- 043A-4675-003-21 (Oak Knoll Venture Acquisition, LLC)
- 048-6865-002-03 (City of Oakland; portion by Oak Knoll Venture Acquisition, LLC)
- ~~043A-4712-001 (City of Oakland; portion owned by Oak Knoll Venture Acquisition, LLC)~~
- 048-6870-001 (City of Oakland; portion owned by Oak Knoll Venture Acquisition, LLC)
- 048-6870-002 (City of Oakland; portion owned by Oak Knoll Venture Acquisition, LLC)
- 043A-4675-074-01 (Hardenstine parcel) (Oak Knoll Acquisition Ventures, LLC)
- Portion of Existing Mountain Boulevard Right-of-Way (No Assessor's Parcel Number) (City of Oakland)
- 037A-3152-008 (City of Oakland)
- 037A-3152-009 (East Bay Municipal Utility District)

PC2: The commenter requests clarification of how the City's change from level of Service (LOS) to vehicle miles traveled (VMT) will affect the proposed mitigation measures described in the Draft SEIR.

On September 21, 2016, the Oakland City Planning Commission approved the removal of automobile delay measurements, LOS, as a significance threshold for an impact to the environmental, pursuant to CEQA. LOS is replaced with a VMT criterion. Since the NOP of the Draft SEIR was released prior to the September 2016, adoption of the new transportation impact guidelines, the change from LOS to VMT will not impact the traffic analysis or proposed mitigation measures presented in the Draft SEIR. Note that a VMT analysis was also performed for the Project and is summarized on pages 4.13-109 and 4.13-110 of the Draft SEIR, and updated in **Appendix N** to this Final SEIR. Also see response to Comment M22.

PC3: The commenter describes characteristics of the Project area and does not address the adequacy of the Draft SEIR. The comment is noted.

The commenter also notes that, according to the Draft SEIR, most Project residents will be using automobiles, but the Draft SEIR did not consider the addition of this Project

- traffic to weekend zoo traffic. See Master Response to Comment F in Chapter 5 (Master Responses).
- PC4: The commenter states that the traffic analysis in the Draft SEIR did not consider zoo or weekend hours. See Master Response to Comment F.
- PC5: The commenter states that the transportation demand management (TDM) is basic; no specifics are provided. As described on page 5 of the TDM Plan, TDM strategies that are applicable for the proposed Project were based on strategies compiled in *Quantifying Greenhouse Gas Mitigation Measures* (CAPCOA, August 2010), and are tailored for the unique locational and land use characteristics of the Oak Knoll Project.
- PC6: The commenter states appreciate to various parties and does not address the adequacy of the Draft SEIR. The comment is noted.
- PC7: The commenter urges that Club Knoll be maintained at its present site. The Draft SEIR presents a reasonable range of alternatives to the proposed Project, including the No Project Alternative, Alternative A, Alternative B, and Alternative C, which all would keep Club Knoll in its current location and rehabilitate it for residential uses. While not legally required, in response to this request, an alternative has been added to this Final SEIR as Master Response to Comment C that would keep Club Knoll in its existing location, rehabilitate it for residential use, and construct an approximately 5,000 square foot community center in the location the Project proposes for Club Knoll.
- PC8: The commenter asks for more specificity about oversight to ensure Club Knoll is preserved in the best way possible. The City has enforcement authority to ensure that the moving of Club Knoll complies with the Draft SEIR mitigation measures, including Mitigation Measures CUL-1.4 and CUL-1.5, which have detailed requirements for the relocation and rehabilitation of Club Knoll. The Draft SEIR includes several mitigation measures designed to protect Club Knoll before, during, and after relocation, and they are presented in Master Response to Comment B in Chapter 5 of this Final SEIR. The City has determined that adherence to these mitigation measures, including implementation of the Club Knoll Final Development Plan (FDP), will result in a less than significant impact to the historic resource.

To ensure the measures in CUL-1.4 are carried out, the City will not issue a construction-related permit until it approves a Building Features Inventory and Plan, which will include how Club Knoll's character-defining features will be treated and relocated, and ensure materials will be consistent with the existing materials.

To ensure the measures in CUL-1.5 are carried out, the City requires the Project proponent to incorporate them into a final relocation work plan that would be reviewed and approved by the City before relocation work may commence. It also requires a preservation architect and structural engineer monitor the disassembly and reassembly of Club Knoll. More generally, under CEQA, the Project sponsor must comply with its Standard Condition of Approval / Mitigation Measure Monitoring and Reporting Program (SCA/MMRP) by preparing periodic compliance reports showing the status of compliance with mitigation measures and submit the reports to the City for its review and approval. The City also requires periodic reporting of compliance with its conditions of approval. The lead planner assigned to the Project, with help from experts in other departments as may be needed, would review the compliance reports and follow up on

any issues that the City believes are not in compliance with its mitigation measures and conditions of approval. In addition, as with all construction projects, the City will send inspectors to the site to periodically check that work is proceeding according to approved plans and required mitigation measures, and consistent with standard City practice, the City will require bonding for the relocation of Club Knoll, as discussed in Master Response to Comment B.

See Master Response to Comment B and response to Comment C3.

- PC9: The commenter urges that Club Knoll be maintained in its present site. The No Project Alternative, Alternative A, Alternative B, and Alternative C all would keep Club Knoll in its current location. See Master Response to Comment C introducing an additional alternative that would keep Club Knoll on its present site, while also maintaining the total number of dwelling units proposed by the Oak Knoll Project (935). The comment also encourages further work on the mitigations for its relocation. See Master Response to Comment B and response to Comment C2.
- PC10: The commenter restates the need for close monitoring during relocation of the Club. See Master Response to Comment B, and responses to Comments C2 and C3.
- PC11: The commenter opines on SunCal's efforts to preserve the building. The commenter's opinion will be conveyed to the City decision makers. See Master Response to Comment B which detailed the preservation efforts.
- PC12: The commenter discusses historical conditions associated with the Project site. The comment is not relevant to CEQA considerations and is noted.
- PC13: The commenter urges that an additional alternative be considered in which Club Knoll would be maintained in its present site with the proposed or increased density. See Master Response to Comment C which introduces an additional alternative that would keep Club Knoll on its present site, while also maintaining the total number of dwelling units proposed by the Oak Knoll Project (935).
- PC14: The commenter requests that the Draft SEIR be redrafted and recirculated. Although perhaps imperfect, the Draft SEIR fully satisfies CEQA's requirements. It is well organized and contains the information required under CEQA, and is adequate to allow informed decisions about the Project. The Draft SEIR includes a description of the Project and its setting (pages 3-1 through 3-55), analysis of its potentially significant environmental impacts (pages 4.0-1 through 4.15-26, and 6-1 through 6-6), feasible and enforceable mitigation measures (see summary on pages 2-4-2-50), and alternatives (pages 5-1 through 5-49). Its conclusions are supported by substantial evidence. It represents a good faith effort by the City to comply with CEQA. The changes made to the Draft SEIR in response to comments constitute information that clarifies or amplifies, or makes insignificant modifications, to the adequate Draft SEIR. (See CEQA Guidelines § 15088.5(b).) As such, these clarifications do not require recirculation of the Draft SEIR. Absent more detail, this general response is adequate to address this general comment. (See *City of Irvine v. County of Orange* (2015) 238 Cal.App.4th 526, 550.)
- PC15: The comment states that the Project would have adverse effects to commute times, however no specifics are provided. The comment does suggest that the density of development go down and get rid of townhouses. The commenter's suggestion is noted.

The Transportation and Circulation section of the Draft SEIR (Section 4.13) is adequate as it was developed according to the City of Oakland Transportation Impact Study Guidelines and is consistent with the format and analysis approach of other recent certified EIR's completed in the City of Oakland. The traffic operations analysis, impacts and proposed mitigation measures are described on pages 4.13-56 through 4.13-73 of the Draft SEIR for Existing Plus Project conditions, and on pages 4.13-73 through 4.13-87 for 2040 Plus Project conditions. Construction period Impacts are described on pages 4.13-96 and 4.13-97 of the Draft SEIR.

PC16: The commenter states that an agreement to implement proposed mitigation measures described in the Draft SEIR should be required between the developer and Caltrans. The commenter states that if the Project applicant has not come to an agreement with Caltrans about implementing mitigation measures requiring Caltrans' approval, it means the Project applicant is unwilling to implement the mitigation measures. That is not the case. First, it would be premature for the Project applicant to approach Caltrans about permits until a decision is made on the Project, one of the alternatives, or any variant of it. The required traffic mitigation measures depend on that decision. Second, in the City's experience, Caltrans will not consider a permit application until the applicant has a certified EIR because Caltrans also will be relying on the EIR, and needs to know if the lead agency has found it satisfies CEQA. Once a decision is made on the Project and the SEIR, the Project applicant can work with Caltrans and the City to obtain the permits it needs to construct the traffic mitigation measures for which it is responsible. Finally, the City notes that Caltrans' comment letter on the Project suggests that it is willing to coordinate with the City on the proposed improvements to intersections and ramps under Caltrans' jurisdiction.

Also refer to response to Comment A2 and Comment A4.

PC17: The commenter mentions concerns regarding the infeasibility of improving/mitigating traffic impacts. Refer to response to Comment A2 and Comment A4.

PC18: The commenter requests additional information regarding potential traffic impacts during construction of the Project. See response to Comment MM1.

PC19: The commenter requests clarification on potential impacts of the Project to peak hour intersection and freeway operations, as well as the feasibility of implementing the proposed mitigation measures. The Transportation and Circulation section of the Draft SEIR (Section 4.13) is adequate. It was developed according to the City of Oakland Transportation Impact Study Guidelines, addresses each of the City's thresholds, and includes feasible mitigation where appropriate. The intersection and freeway traffic operations analysis, impacts, and proposed mitigation measures are described on pages 4.13-56 through 4.13-73 of the Draft SEIR for Existing Plus Project conditions, and on pages 4.13-73 through 4.13-87 for 2040 Plus Project conditions. See responses to Comments A2, A4, and PC 21 and PC 22.

PC20: The commenter mentions concern with construction noise, but does not specify an issue. See general response regarding construction noise in response to Comments O57 through O62, and Comments EEE11 through EEE13.

PC21: The commenter requests clarification on implementation responsibilities, funding responsibilities, and timing to construct proposed mitigation measures described in the

Draft SEIR. Specifically, the comment requests clarification on what improvements has Caltrans identified at the I-580 ramp-terminal intersections with Golf Links Road.

Caltrans staff reviewed the Draft SEIR and provided a comment letter dated October 12, 2016, as summarized in Comments A1 through A13. Please refer to the earlier responses to those comments. Caltrans did not identify any additional improvements at the I-580 ramp-terminal intersections with Golf Links Road. However, Mitigation Measure TRANS-14 described on page 4.13-82 of the Draft SEIR proposes the following improvements to the Golf Links Road/I-580 Eastbound Off-Ramp/98th intersection (#38):

- Extend the shared through/right-turn lane on the I-580 eastbound off-ramp to provide a minimum 450 feet of storage length, and
- Reconfigure Golf Links Road between the I-580 eastbound off-ramp and the I-580 westbound ramps to provide two left-turn lanes and one through lane along eastbound Golf Links Road and one left-turn lane and one shared left-turn/ through lane along westbound Golf Links Road.

Mitigation Measure TRANS-15 described on page 4.13-83 of the Draft SEIR also proposes the following improvements to the Golf Links Road/I-580 Westbound Ramps intersection (#39):

- Widen I-580 westbound off-ramp to provide one shared left-turn/through lane and two right-turn lanes (minimum 300 feet of storage length) approaching the intersection.

Also see response to Comment A2 and Comment A4.

- PC22: The comment summarizes specific mitigation measures that it suggests are needed to address the I-580 ramp intersections. See response to Comment PC21.
- PC23: The commenter notes that some of the intersections around the Project should have been improved when Leona Quarry was approved, but that did not occur. The comment is not relevant to the adequacy of the analysis in the Draft SEIR or the proposed Project. The comment is noted.
- PC24: The commenter notes that the Oakland Zoo is near the Project site and creates weekend traffic that was not studied in the Draft SEIR. See Master Response to Comment F.
- PC25: The commenter questions the records used in the impact analysis of the Oakland star tulip. See response to Comment N2.
- PC26: The commenter expresses concern that the Project's commercial uses may negatively impact the commercial uses on McArthur Boulevard. The City has long planned commercial uses to be part of the redevelopment of the Property. None of the uses would be a big-box store like Wal-Mart, which may draw customers away from local businesses on McArthur. Instead, the City believes that the commercial uses likely to locate in the Project would be very local in nature and would cater primarily to Oak Knoll and nearby residents, which would not compete with the businesses along McArthur Avenue. It would be speculative to estimate any particular set of indirect economic impacts associated with the proposed commercial center or of any possible indirect environmental

effects that might result from that. This comment has offered no evidence or any analysis to indicate that there might be any such economic or environmental effects.

PC27: The commenter states that the Project applicant has refused to engage the Toler Heights neighborhood during the planning process and requests more outreach from the Project applicant. The City advises Project applicants to meet with neighbors to hear their concerns, but such meetings are not required under CEQA. The City is encouraged that the commenter attended and spoke at a Planning Commission hearing about the Project and encourages the commenter to stay engaged by attending upcoming hearings about the Project.

Specifically, the comment states that Toler Heights will be impacted by the Project in terms of traffic, however no specifics are provided. The traffic operations analysis, impacts and proposed mitigation measures are described on pages 4.13-56 through 4.13-73 of the Draft SEIR for Existing Plus Project conditions, and on pages 4.13-73 through 4.13-87 for 2040 Plus Project conditions. Construction period Impacts are described on pages 4.13-96 and 4.13-97 of the Draft SEIR.

PC28: The commenter states that the overall analysis in the Draft SEIR is inadequate, however no specifics are provided. Specific issues are raised below through comment PC33. Also see response to Comment PC14.

PC29: This commenter expresses a concern about impacts to views from surrounding private residential areas and roadways. See responses to Comments O5 through O8, O11, as well as comment P2.

PC30: The commenter raises concern with nighttime light pollution or glare. See response to Comment O12.

PC31: The comment states concern that the traffic analysis was based on a single day of count data. Refer to response to Comment FFF3.

PC32: The commenter states concern regarding the proposed right-in/right-out traffic control at the Keller Avenue/Uplands Primary intersection (#44) and recommends that intersection should be for emergency use only.

The Project is not expected to cause a significant impact at the Keller Avenue/Uplands Primary intersection (#44) based on the City of Oakland's thresholds of significance for intersections described on pages 4.13-52 and 4.13-53 in the Draft SEIR. Therefore, the project will continue to propose a right-in/right-out access intersection at Keller Avenue via Uplands Primary; this intersection will also provide emergency vehicle access.

PC33: The commenter mentions air quality and traffic mitigations for the intersection of Keller and Mountain Boulevard, but offers no specifics.

PC34: The commenter discusses aspects of historic resources, but does not address adequacy of the Draft SEIR. The comment is noted.

PC35: The commenter discusses the approach that the intended use and ownership will be for the new homeowners association, which does not address adequacy of the Draft SEIR or CEQA. The comment is noted.

- PC36: The commenter would like to see Club Knoll demolished. The Draft SEIR examined a Demolition alternative, which the City decision makers can consider when deciding whether and under what conditions to approve the Project.
- PC37: The commenter states that the Draft SEIR includes numerous inconsistencies but does not specify what they are. Any inconsistencies in the Draft SEIR that pertain to clarity or accuracy of the analysis are corrected or clarified in Chapter 3 (Changes and Errata to the Draft SEIR) of this document.
- PC38: The commenter states the Draft SEIR description of the alternative of a project where Club Knoll is demolished as a “Non-CEQA Planning Alternative” is incorrect because this alternative would have a significant impact on Club Knoll that was not analyzed. See response to Comment O30.
- PC39: The commenter states that the Draft SEIR includes more detail about possible commercial uses in the relocated Club Knoll than necessary. As stated in response to Comment O37, the Draft SEIR describes the general types of Community Commercial uses that would be allowed in Club Knoll, and that the uses that may ultimately be included are not known nor need to be for adequate environmental review. The potential uses identified in the Draft SEIR are intended to provide the reader examples and are not intended to be a restrictive list.
- PC40: The commenter repeats its comment PC43, which is responded to above.

This marks the end of public comments provided at the Planning Commission Hearing. Following are comments and questions from the Planning Commission.

- PC41: Commissioner Myres requests clarification if discussions with AC Transit have taken place to investigate the possibility of expanding transit service in the study area. The City has been discussing these issues with AC Transit, including the possibility of expanding transit availability in the Project area by decreasing headways on existing lines and adding more routes that serve the area. Further, AC Transit staff is aware of the proposed project and reviewed the Draft SEIR. However, as of November 11, 2016, meetings or discussions between the project applicant and AC Transit have not yet taken place but are planned in the near future.
- PC42: Commissioner Limon asks about any mitigations or conversations about congestion have occurred with Caltrans thus far. See response to Comment PC27 above.
- PC43: Commissioner Limon requests clarification on the Oakland Zoo’s obligations to improve the Golf Links Road intersections with Mountain Boulevard and the I-580 ramps.

The Amendment to Oakland Zoo Master Plan: Subsequent Mitigated Negative Declaration/Addendum prepared for the City of Oakland in February 2011 evaluated traffic operational impacts at the I-580/Golf Links Road ramp-terminal intersections and the adjacent Mountain Boulevard/Oakland Zoo Driveway intersection. The Oakland Zoo Mitigated Negative Declaration did not identify any significant impacts at the study intersections along Golf Links Road and therefore did not propose any mitigation measures based on analysis of weekday AM and PM, and Saturday peak hour conditions.

Therefore, the Oakland Zoo has no obligations to improve the Golf Links Road intersections with Mountain Boulevard and the I-580 ramps.

PC44: Commission Myres asks if the City is considering monitoring enforcement measures that involve the relocation of Club Knoll, including a minimum frequency of monitoring. Mitigation Measure CUL-1.5 requires continuous monitoring of relocation and rehabilitation by a preservation architect or qualified structural engineer. See responses to Comments C2 and C3, and Master Response to Comment B, which specifically address this topic.

PC45: Commission Myres requests for information about public engagement conducted for this Project. Initiated by the City of Oakland, public outreach occurred during the CEQA process to invite public review and comment on the scope of the Draft SEIR and the analysis of the Draft SEIR. The public CEQA process to date is detailed in Chapter 1 (Introduction) of this Final SEIR.

Because this comment is asked in response to previous comments by representative of the Toler Heights Neighborhood Council (see response to Comment Q1 and PC27), this response acknowledges that the Toler Heights Neighborhood Council is included on the City's distribution list to receive public notices regarding the Oak Knoll Project. The City issued CEQA and other public notices to the organization via email.

In addition, public engagement focused on opportunities for input and comment on the propose Project was initiated by the City in addition to the Project sponsor.

PC46: Commission Myres asks why was the previous school mitigation measure identified in the 1998 EIS/EIR removed from the Draft SEIR. As described starting on page 4.12-12 of the Draft SEIR, the mitigation identified to address school impacts in the 1998 EIS/EIR is no longer consistent with State law.

As described on Draft SEIR, currently, potential impacts to schools are fully mitigated by payment of mandatory state fees. The impact is less than significant and no mitigation is required. As discussed on Draft SEIR page 4.12-5, Senate Bill 50 (SB 50) authorizes school districts to levy developer fees - payments to offset capital cost impacts associated with new school development. As such, agencies cannot require additional mitigation for any physical school impacts. The Project would comply with SB 50, which fully mitigates the potential effect of new student population that may be generated by the Project on public school facilities. No new school facilities would be necessary to serve the Project. The analysis in the Draft SEIR adequately discusses the anticipated Oak Knoll school-aged population and existing area school enrollment, trends and patterns.

PC47: Commission Patillo asks how relocation will affect Club Knoll's historic designation. Relocation and rehabilitation are designed so that there will be a less than significant effect on Club Knoll's historic integrity. For more information about the relocation process see Master Response to Comment B.

PC48: Commission Patillo asks about trees where no grading is to occur and whether, where possible in areas with no grading, native trees will be retained. Figure 3-18 of the Draft SEIR identifies that area of impacts, in regards to trees, and shows trees to be preserved and protected. All tree removal activities will be conducted in accordance with a Tree Removal Permit from the City of Oakland. Also see response to O40.

- PC49: Commission Patillo requests clarification for how the reconstruction of the creek does not conflict with the creek protection ordinance. The Rifle Range Creek restoration plan has been designed to address permit approval criteria outlined in the Creek Protection Ordinance by stabilizing the creek channel and banks, replacing numerous culverted road crossings with a free-span bridge and a free-span pedestrian crossing, and planting native plant species that will enhance both the habitat value and visual quality of the creek corridor. Also see response to Comments B3 and B4.
- PC50: Commission Patillo states that the documentation of Club Knoll should be sent to the Library of Congress. There is no legal requirement to send the documentation of Club Knoll to the Library of Congress. But, pursuant to Mitigation Measure CUL-1.1, Club Knoll will be documented according to the Historic American Building Survey (HABS) standards. In accordance with those standards, the documentation will be submitted to the Prints and Photographs Division of the Library of Congress.
- PC51: Commission Patillo asks if trees not within grading areas will be retained. See response to Comment PC48.
- PC52: Commission Patillo asks for graphics that depict the portions of Club Knoll that would be retained and demolished. See the Club Knoll FDP in **Appendix H** to this Final SEIR, which provides this information. Before the City would issue permits for the relocation and rehabilitation, the project sponsor needs City approval of a relocation work plan that would include these graphics. See Master Response to Comment B and response to Comment O31 for more detail about the documentation requirements and approvals associated with the proposed relocation and rehabilitation of Club Knoll.
- PC53: Commission Patillo asks that Club Knoll's remnant cultural landscape features be documented through the HABS drawings and written documentation. See response to Comment C4.
- PC54: Commission Patillo requests clarification on how existing traffic count data was collected and requests that project impacts to weekend traffic be evaluated.

As described on page 4.13-13 of the Draft SEIR provides, intersection automobile and bicycle turning movement counts, as well as pedestrian counts, were collected at the study intersections on Tuesday, April 14, 2015. SR 13 freeway counts were also collected at the pedestrian overcrossing just south of the Carson Street interchange on the same day as the intersection counts. I-580 counts were obtained from the Caltrans Performance Measurement System (PeMS) database; eastbound and westbound I-580 counts were collected along the segment just north of the Keller Avenue interchange in April 2015. The count data was collected on a clear day while area schools were in normal session.

The traffic data collection was conducted during the morning (7:00 to 9:00 a.m.) and evening (4:00 to 6:00 p.m.). Appendix V-A of the Draft SEIR presents the traffic counts at the study intersections. These time periods were selected because trips generated by the proposed project, in combination with background traffic, are expected to represent typical worst traffic conditions at these times. Within the peak periods, the peak hours (i.e., the hour with the highest traffic volumes observed in the study area) are from 7:45 to 8:45 a.m. (AM peak hour) and from 5:00 to 6:00 p.m. (PM peak hour).

Field reconnaissance was also performed in which intersection lane configurations and signal operations data were collected. Intersection operations were also observed at the study intersections. In addition, the City of Oakland provided signal timing data for the signalized study intersections. The signal timing data was then compared against the actual conditions at each study intersection to verify accuracy.

Appendix V-B of the Draft SEIR presents the existing AM and PM peak hour traffic volumes, pedestrian and bicycle volumes, intersection lane configurations and traffic control devices at all study intersections, in addition to the existing AM and PM peak hour freeway and ramp volumes along I-580 and SR 13.

- PC55: Commission Patillo asks for a condition that states Club Knoll will be moved only one time. The Project proposes moving the Club Knoll only once, and therefore such a condition would not be related to a potential impact of the Project. It also is not reasonably foreseeable that Club Knoll would ever be subject to a second relocation. If, in the future, such a proposal comes forward, the City would need to evaluate it under CEQA and hold additional public hearings regarding that proposal.
- PC56: Commission Patillo requests that the project not incorporate tree grates on street trees. The comment does not address considerations of CEQA and is noted.
- PC57: Commission Patillo requests that the project utilize the expanded list of approved City street trees. The project will comply with all City codes and regulations. The comment does not address considerations of CEQA and is noted.
- PC58: Commission Patillo encourages that the project will avoid impacting the Oakland star tulip habitat. See response to Comment M12 that describes that the applicant has voluntarily agreed to implement measures to collect, remove, and replant the plant.
- PC59: Vice-Chair Weinstein asks for more detail about the three alternatives that would preserve Club Knoll in place and study of an additional alternative that would preserve Club Knoll in place and maintain the Project's proposed density. Regarding the three alternatives presented in the Draft SEIR that would preserve Club Knoll in place, the details can be found on pages 5-6 through 5-35 of the Draft SEIR. Regarding a new alternative that maintains the current proposed number of dwelling units, see Master Response to Comment C.
- PC60: Vice-Chair Weinstein asks for more detail regarding the relocation plan. See Master Response to Comment B.
- PC61: Vice-Chair Weinstein expresses concern that the homeowners association will be unable to "act as a landlord" for Club Knoll or properly maintain Club Knoll. The homeowners association would set fees at an adequate rate to support the maintenance of Club Knoll, and like many commercial building owners, may seek a management company to act as landlord if it feels unable to do so. See response to Comment O35.
- PC62: Vice-Chair Weinstein requests clarification regarding the timing for the transportation study analysis. See Master Response to Comment F.
- PC63: Vice-Chair Weinstein requests clarification regarding the inclusion of zoo traffic in the analysis. See Master Response to Comment F.

PC64: Commissioner Limon requests that the analysis look at weekend/Saturday traffic. See Master Response to Comment F.

PC65: Commission Myres echoes Comment PC64. See response to Comment PC64.

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CHAPTER 8

Responses to Comments Received at the Landmarks Preservation Advisory Board Hearing on the Draft SEIR

This chapter includes the transcript of the Oakland Landmarks Preservation Advisory Board public hearing on the Draft SEIR, held September 12, 2016. The responses to all comment received are presented following the transcript, starting on page 8-29 to 8-33, in the order that the comments were made during the hearing, as shown in Chapter 4 (Commenters on the Draft SEIR). Comments and question posed by the Landmarks Board members after the formal close of the public comment period during the hearing are also included. Each comment and its corresponding response is identified by a letter designator (“LB”).

Where comments have triggered changes to the Draft SEIR, these changes appear as part of the specific response and are also consolidated in Chapter 3 (Changes and Errata to the Draft SEIR), where they are listed in the order that the revisions would appear in the Draft SEIR document.

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**LANDMARKS PRESERVATION ADVISORY BOARD
OAKLAND, CALIFORNIA**

**TRANSCRIPT OF
EXCERPT OF VIDEO RECORDING
OF MEETING HELD
SEPTEMBER 12, 2016**

TRANSCRIBED BY:

KATHRYN S. SWANK, CSR NO. 13061, RPR

**JAN BROWN & ASSOCIATES
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1 MR. GREGORY: As we had mentioned at the
2 beginning, the real purpose of tonight's hearing is to
3 take public testimony on the adequacy of the draft
4 environmental impact report, to hear your comments on
5 the environmental impact report. We know that when we
6 were here with our -- the informational briefing on the
7 relocation strategy you had asked for more details.

8 I know that the project applicant and his
9 architectural historian are here tonight. They would
10 like to come back at a different time to talk about some
11 of those specific details that pertain more to the
12 project's design and -- than is, perhaps related to the
13 environmental impact report.

14 So we'll look to schedule a -- again, another
15 meeting with you to talk specifics about -- about how
16 that relocation strategy may work and they will benefit
17 from hearing any comments that you may have or the
18 public may have during this hearing.

19 With that, I will conclude my presentation,
20 answer any questions you may have, and look forward to
21 your comments and those of the public.

22 CHAIRPERSON ANDERSON: Questions? Comments.

23 So I guess, what we typically do is we have
24 questions and then public comment, and then our
25 comments. Does that make sense?

1 Okay. So questions first. No? I'm sure Peter
2 has some questions?

3 UNIDENTIFIED SPEAKER: Yes, sir.

Board member Birkholz ~~UNIDENTIFIED SPEAKER:~~ It is not clear on --
4 I'm looking at the figure, like three -- 3 point --
5 3-14B. Is that rendering with the arch and the stairs,
6 is that considered the entry or is the courtyard the
7 entry and the sort of -- the stairs is just more
8 ceremonial? Because I am just -- I am trying to figure
9 out, like, the -- the issue of access to this building
10 and how that's all going to be dealt with. You've got
11 internal grades, changing, and I think something's got
12 to -- somehow it's going to impact the building and
13 maybe that's just not a detail that's worked out yet.

LB1
14 MR. GREGORY: Well, so there -- there's a
15 couple things to say about that, is that there has been
16 some conversation about well, which is the -- which had
17 access? The building was a golf course clubhouse so it
18 had, essentially, two points of access; there was a --
19 there was a access from the road, through the courtyard.
20 So the proposed orientation places the courtyard portion
21 of the building to the new road. It essentially
22 represents a pivot of the current -- the current design,
23 but is intended to better replicate what the original
24 intent of that access was, so that primary access, to
25

1 the building from the parking and from the road is
2 through the courtyard.

3 The historic use had access to the golf course
4 through that -- from the open space, through this arched
5 entry here where the staircase is. So this, now,
6 arrangement is oriented towards the restoration Rifle
7 Range Creek, as an open space connection. And this
8 pathway, across the front, represents a pedestrian
9 access to that.

10 The other part of the response to your question
11 is, there's a basement of the existing building that is
12 not proposed to be relocated. So this portion doesn't
13 include the basement; it includes only the front portion
14 of the steps --

15 Board member Birkholz ~~UNIDENTIFIED SPEAKER~~: As I'm looking at it
16 now, I just see that rendering does show some sort of a
17 ramp that's coming from the --

18 MR. GREGORY: Right.

19 UNIDENTIFIED SPEAKER: -- south or something
20 that's dealing with things.

21 MR. GREGORY: Right.

22 Board member Birkholz ~~UNIDENTIFIED SPEAKER~~: Yeah.

23 And has -- that has -- I mean, one of the
24 things that's obvious, after we did the tour out there
25 is it is -- the walls are deteriorated. There's

LB1
cont.

LB2

1 probably a lot of dry rot.

2 Has any, sort of, more further conditions
3 analysis been done to really understand how much of that
4 building is going to be rebuilt, versus, sort of -- my
5 concern is salvaging of the roof tile and we sort of
6 rebuild it and it's not really the original building.
7 It's just some salvaged pieces. Do we understand that,
8 at this point?

9 MR. GREGORY: Well, I would say that we -- we,
10 staff, understand that not much more than what we
11 presented to you in May of 9th (verbatim), when we had
12 that informational briefing and gave you that overall
13 strategy.

14 I know that the applicant, their architectural
15 consultants, are continuing to work towards more
16 details, and that would be the information that we would
17 like to bring forward to you as they -- as they become
18 available.

19 UNIDENTIFIED SPEAKER: Thanks.

20 CHAIRPERSON ANDERSON: Okay. So I -- so Scott,
21 I had had a question about -- you said that -- that the
22 EIR does actually look at a demolition alternative. And
23 I mean, obviously the impact on that as historic
24 resource is clear. You also said it has effects on
25 transportation and land use. Can you just summarize --

LB2
cont.

LB3

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LB3
cont.

Chairperson Anderson

MR. GREGORY: I can.

~~UNIDENTIFIED SPEAKER:~~ -- so I understand those without looking at that in the report? Because I didn't get to that part.

MR. GREGORY: Sure. I went through that pretty quickly.

So the building itself that would be -- the portion of the building that is proposed to be relocated is about 14,000 square feet in size. The original intent of the -- I will call it the -- clubhouse, back in -- when we held the original EIR scoping session and they proposed to demo that Club Knoll, they did want to build a new clubhouse within the central portion of the project.

That new clubhouse, which would include a homeowner's association and community meeting, was about 5,000 square feet in size. So they were looking at the need or interest in having about 5,000 square feet of space to serve that purpose.

Now we're relocating a 14,000-square-foot building to serve about 5,000 square feet of use. So the remainder of that building would need to be programmed for something.

And what we have assumed, without knowing what the ultimate tenant of the building might be, is that it

1 would include some sort of retail or commercial use
2 inside the building. And we applied very generic
3 transportation rates to that kind of use to come up with
4 additional trips associated with the net increment
5 beyond 5,000 square feet to the 14,000 square feet of
6 space that would be available.

7 CHAIRPERSON ANDERSON: So actually, the
8 relocation has heavier transportation and land use
9 impacts.

10 MR. GREGORY: The relocation would include
11 about 14 minus 5. So 8,000 square feet of additional --

12 CHAIRPERSON ANDERSON: Okay.

13 MR. GREGORY: -- commercial space than what
14 was --

15 CHAIRPERSON ANDERSON: Okay.

16 MR. GREGORY: -- originally anticipated.

17 CHAIRPERSON ANDERSON: Okay. Great.

18 Yeah. Go ahead.

Boardmember Casson ~~UNIDENTIFIED SPEAKER~~: You are talking about
19 trips generated after the project has been completed,
20 not during the process of relocation or during the
21 process of demolition.
22

23 MR. GREGORY: Project operation trips --

Boardmember Birkholz ~~UNIDENTIFIED SPEAKER~~: Okay. Thank you.

24 MR. GREGORY: -- after construction.
25

LB3
cont.

LB4

1 CHAIRPERSON ANDERSON: If there are no more
2 questions, we can hear from the public if there's a
3 comment or question.

Boardmember Casson ~~UNIDENTIFIED SPEAKER~~: I have one additional
5 question. I'm sorry. I don't have the EIR in front of
6 me. Do any of the alternatives look at the removal of
7 the courtyard and the -- when we took our tour, we
8 talked about how the building originally had a driveway,
9 a circular, or half circle driveway. Do any of the
10 alternatives look at replacing the courtyard with that
11 driveway that was in the original building?

LB5

12 MR. GREGORY: No. But that's an excellent
13 comment we'll take note of, and see if we can address as
14 part of the final.

Boardmember Casson ~~UNIDENTIFIED SPEAKER~~: I mean, I didn't see any
16 other documentation of that original driveway other than
17 it comes up in conversation.

LB5
cont.

18 MR. GREGORY: Right.

Boardmember Casson ~~UNIDENTIFIED SPEAKER~~: But -- thanks.

20 CHAIRPERSON ANDERSON: Okay.

21 MR. GREGORY: Okay.

22 CHAIRPERSON ANDERSON: Do we have public
23 comments, Tisha?

24 MS. RUSSELL: Yes. Any order?

25 CHAIRPERSON ANDERSON: Any order.

1 MS. RUSSELL: Naomi Schiff. Peter Vince.

2 CHAIRPERSON ANDERSON: (Indiscernible.)

3 MS. RUSSELL: Nocito. Did I pronounce that
4 right? N-O-C-I-T-O. And Sandra Marburg wants to give
5 time to Mr. Peter Madsen, if he runs out.

6 CHAIRPERSON ANDERSON: Okay.

7 MS. RUSSELL: Okay.

8 CHAIRPERSON ANDERSON: All right. We can speak
9 in any order.

10 MR. MADSEN: Good evening. My name is Peter
11 Madsen. I'm a homeowner in the Oak Knoll neighborhood,
12 have been for about nine years now. I also serve as
13 president on the board of directors for the Shadow Woods
14 Homeowner's Association, which is a condominium complex
15 of 299 condominiums along Keller Avenue, directly
16 adjacent to the Oak Knoll property and right across from
17 one of the proposed main entrances. And I'm also a
18 member of the Oak Knoll Coalition representing
19 approximately 2500 homes around the entire Oak Knoll
20 property.

21 A few comments I wanted to make. First, I
22 wanted to mention that there seems to be some
23 discrepancy in the documentation around the actual
24 designation, landmark designation, for the Club Knoll.

25 In '95, it was designated as a "B." And also

LB6

1 in the 2007 SEIR, in the notice that was sent out, by
2 your board, it's designated as a B3. And in the current
3 SEIR, it is designated as an "A" in several locations.
4 So there's not clarity about that piece, at least in
5 terms of the documentation. So I think that might need
6 to be addressed, in terms of where that's coming from
7 and what the designation actually is.

8 The other thing that I think that I wanted to
9 comment specifically about is just, in reference to the
10 proposals that are being put forward in the SEIR. The
11 proposed project in terms of relocating the existing
12 14,000 square foot building, the demolition alternative,
13 and the reduced Club Knoll relocation alternative, which
14 was all just mentioned.

15 I think, just -- I wanted to point out some
16 major concerns from both the homeowner's association
17 that I represent, as well as the coalition that I'm a
18 member of.

19 The existing building, even if relocated or
20 rehabilitated and reduced in size has no reasonable use
21 for the proposed purpose. It can't generate a
22 reasonable economic return. However, replaced, it would
23 provide -- wouldn't provide such use and generate such
24 return.

25 The existing structure constitutes a hazard as

1 economically unfeasible to rehabilitate on its present
2 site, which, of course, has been discussed also.

LB7
cont.

3 And I think that economically, functionally,
4 architecturally, structurally, it's infeasible to
5 incorporate the historic structure into the proposed
6 development. The demolition option would result in less
7 commercial, therefore, as has already been mentioned,
8 less traffic and fewer emissions.

LB8

9 In terms of the demolition alternative, the
10 proposed relocation is a large structure. It's out of
11 context and not compatible with a planned neighborhood.
12 The relocated structure is too large to be consistent
13 with its new intended civic purpose. The relocated Club
14 Knoll would place an unreasonable financial burden on
15 the new homeowner's association. I want to underscore
16 that piece there. It's been discussed already or
17 mentioned that the original proposal or currently, in
18 terms of a new building, is around 5,000 square feet for
19 the homeowner's association. That is a functional size
20 for a homeowner's association the size that is being
21 proposed for this development.

LB9

22 I also wanted to say that the public benefits
23 of the proposed project, including the general open
24 project of the development, including open space,
25 restored creek, parks, and trails, they far outweigh any

LB10

LB10
cont.

1 benefit of retaining and moving an original Club Knoll
2 structure and 14,000 square feet. A smaller and more
3 appropriate building that retains the character and feel
4 of Club Knoll could be constructed to serve as the
5 community center for the neighborhood as well.

6 And that's pretty much what I wanted to say.

7 Thank you.

8 CHAIRPERSON ANDERSON: Thank you.

9 MS. SCHIFF: Naomi Schiff for Oakland Heritage
10 Alliance.

11 We will be commenting in greater detail, but we
12 haven't read all the appendices yet.

13 I'm sorry to hear that the neighbors or some of
14 the neighbors, because I know it's not all of the
15 neighbors, feel that the way that was just described, I
16 think it represents a misperception about historic
17 buildings and their value. But I respect their concern
18 and I certainly hope that there will be a viable and
19 economically sensible use and reuse for the officers'
20 club which is valuable in -- as a building in terms of
21 its architecture, in terms of its former function in the
22 golf club period, as well as in its honorable history as
23 an officers' club.

LB11

24 I would like to note that there's a missing
25 alternative, which is the one that keeps it on its site

LB12

LB12
cont.

1 and doesn't cut the number of dwelling units by
 2 60 percent or whatever it is. I feel like the
 3 alternatives study left out one important option, not
 4 that one would necessarily go for that option, or even
 5 that we would necessarily support it. But what is the
 6 rationale for moving the building is not actually
 7 clearly stated in the materials that I have read.

LB13

8 And so I think it would be important, in the
 9 same way that it's important to define the historic
 10 value of the building, it is also important to explain
 11 why there's not an alternative that keeps the
 12 900-some-odd units and the building on site, because the
 13 building doesn't occupy so much space that it would
 14 reduce the number of residences by half or whatever.

LB14

15 We're really grateful to SunCal for backing off
 16 from that original demolition. And if it can be done in
 17 a sensitive way, we can imagine relocating the club, and
 18 concur with what appears to be the staff's view that the
 19 wings and courtyard should be retained.

LB15

20 We're wondering about those fireplaces. I
 21 think there's one exterior and two interior. We're
 22 wondering how they would be rebuilt and whether there's
 23 some way that they would be a little bit functional.

LB16

24 And we're also curious about how the intact
 25 move of the structure would be guaranteed, whether that

1 is a sort of a bonding situation: Who has the
2 oversight? How do we know this is going to happen and
3 come out all right?

LB16
cont.

4 We would recommend and maybe they are already
5 planning to do this, but we would recommend that it does
6 come back to the Landmarks Board, because, as you can
7 see, many options are on the table, and we would
8 appreciate a public forum and a clear discussion of
9 whatever the next phases are.

LB17

10 We really appreciate that SunCal has protected
11 the building against further dilapidation, but we very
12 much object to using its dilapidated condition as a
13 rationale for anything, because it was a long time of
14 inattention by property owners, that is actually against
15 the Oakland general codes, that put it in that
16 condition. And so it is -- it was an avoidable
17 situation.

LB18

18 We hope that the landscaping will also be
19 addressed in looking at either reuse of the building in
20 situ or in moving it, so that it could reflect some of
21 the historic landscape that we hope that is getting
22 documented in some way.

LB19

23 And lastly, we think that a clear -- you know,
24 we agree with the neighbors. A clear designation of the
25 clubhouse and, perhaps, even a landmark designation of

LB19
cont.

1 the clubhouse should be required to help keep us from
2 having confusion in the future.

3 We really are grateful to this board, to the
4 staff, to the consultants, to the developer, and to the
5 neighbors, for participating and for considering the
6 effort to retain the building.

7 Thank you.

8 CHAIRPERSON ANDERSON: Thanks, Tammy [sic].

LB20

9 Betty, could you just summarize this confusion
10 about the designation.

11 MS. MARVIN: Sure. The actual designation that
12 it has is, it's on the preservation study list and was
13 put on many years ago, when the -- the naval base was
14 first leaving. So that's a designation which is done by
15 the Landmarks Board. The As and Bs are ratings and are
16 applied by -- under various systems, there's a field
17 survey that picks out -- what's the most obviously
18 interesting just on a visual survey. There are
19 researched and evaluated ratings, and the landmarks
20 board rating system is a little different from the
21 planning department's surveys ratings systems.

22 But in any case, A and B are the two highest
23 ratings that say, appears eligible for the national
24 register landmark quality, and both those ratings, A or
25 B ratings, as well as primary districts, which we're not

1 discussing here, because there's nothing left of the
 2 district.

3 But A and B ratings, as well as any form of
 4 designation by the Landmarks Board, which includes
 5 preservation study list, which is a sort of pre-landmark
 6 status that's now been superceded by heritage property,
 7 just to make it more confusing. But all of those things
 8 indicate that we have a resource that's in the top 2 or
 9 3 percent, citywide, in significance and/or visual
 10 interest, and those statuses all qualify it, put it on
 11 Oakland's local register of historic resources, which is
 12 the umbrella category of national register, California
 13 register, and landmark quality resources, whether
 14 they've been designated or not. Whether anybody's
 15 actually done the paperwork to make it a landmark or a
 16 heritage property or on the study list, that umbrella
 17 category of local register are the historic resources
 18 that are respected under CEQA.

19 So it's really four different ways of saying
 20 the same thing. The three on the B3 is a B that's not
 21 in a district. There are -- the numbers indicate
 22 district status. We don't need to go there because the
 23 district has potential district -- has all been
 24 demolished, but they are really all ways of saying, this
 25 is a major historic resource.

LB20
cont.

1 CHAIRPERSON ANDERSON: Yeah. And this --
2 this -- thank you, Betty, for clarifying that. So
3 basically this is a building that is -- is very high up
4 on the consideration of it being preserved and
5 considered a landmark. This comes up again and again,
6 when people look at these ratings, and I guess it's just
7 the occupational hazard that we look at, when we rate
8 buildings.

9 MS. MARVIN: I personally think you should look
10 at the building and forget the ratings. But hey.

11 CHAIRPERSON ANDERSON: Okay. This is the
12 second time in a meeting that we've heard a member of
13 the public say that the folks who are living around
14 there want this building gone from their sight forever.

LB21

15 And I just -- Scott, can you address just the
16 public outreach and maybe some other perspectives as
17 we've heard this now twice in meetings about how this
18 is -- this is not economically viable to preserve this
19 building and it's getting in the way of other things
20 which would be better for the community, and -- can you
21 just give us some perspective on that?

22 MR. GREGORY: Well, let's see. Some
23 perspective on public outreach. So I know that SunCal,
24 the applicants, have done a number of public outreach
25 efforts with the community to -- for the past, you know,

1 since the 1990s, probably, when it was the
2 (indiscernible) was being considered; through 2006, that
3 whole phase of this process, and then picked it up again
4 with the -- with this recurrent proposal.

5 So there are a number of people who have
6 been -- a number of people from SunCal and many people
7 in the neighborhood who have been engaged and involved
8 in this process for 20, 30 years.

9 So the public outreach process -- and it goes
10 back that far. And many of the people who are speaking
11 and who are commenting and representing neighborhood
12 associations, etc., have been involved in that process
13 for that long, much longer than current staff and many
14 of the board members and planning commissioners have
15 themselves. So there's -- there's a long history.

16 In current times, I know that SunCal has held a
17 number of current meetings to explain, describe, and,
18 you know, go through their overall project. There have
19 been large community meetings and I think they do small
20 group meetings, etc.

21 Other than public meetings, like before boards
22 and commissions, etc., staff has not done a citywide
23 public outreach meeting. We've been presenting our
24 public documentation, public efforts, at numerous public
25 venues and will continue to do that. I think, you

1 know -- your comments about, should we be outreaching to
2 better understanding these concerns is a good one.

3 I do think we generally understand the concern,
4 which has to do with over and above the baseline of
5 number of traffic trips that were assumed as part of the
6 project, in which there had been years and years of
7 negotiation to arrive at a decision point about how big
8 this overall project was going to be.

9 The decision to save and relocate Club Knoll
10 adds more. And I think that that's a point of friction
11 and contention that is inherent in the -- in the
12 proposal.

13 CHAIRPERSON ANDERSON: And is there -- is there
14 also a concern? I mean, now the building has been
15 vacant for, what, 20 years, more or less?

16 And has obviously been used for extralegal uses
17 by many folks, and if we look at the context of it, how
18 it will sit in the new plan, it won't sit at the edge of
19 the project. It will be at the center of a -- a medium
20 to -- to low density residential use but it will be
21 surrounded by folks who will be paying attention to
22 what's going on there and will be seeing people come in
23 and out. It will not be on the edge of a place which is
24 basically deserted.

25 So I mean, it could -- parts of it could be

LB22
cont.

1 vacant but it's not going to be -- it's not going --

2 MR. GREGORY: It's not going to be next door to
3 anybody other than new residents.

4 CHAIRPERSON ANDERSON: Right. Who are going to
5 be -- who will be paying attention to that.

6 MR. GREGORY: No. And I think we've tried to
7 explain in the environmental impact report both, kind
8 of, the land use implications of that move, as well as
9 the esthetic implications that that existing structure,
10 as beautiful as this original structure is and could,
11 again, become, is in different condition today, and that
12 by moving it and allowing for development of the overall
13 community, it would probably be more -- that portion of
14 the site would be more -- developed more in context with
15 the surrounding neighbors and community, and that the
16 big building would be, then relocated to the center.

17 So this was kind of planning staff's
18 perspective, aside from adhering to general plan
19 policies, historic preservation element policies, other
20 ordinances and requirements that we're required to
21 consider, just the overall nature of the relocation
22 proposal seemed, to us, to be a good win for the
23 project.

24 And we continue to listen and consider the
25 opinions of -- certainly of others, and we -- we have

1 not been short of getting opinions on it.

2 CHAIRPERSON ANDERSON: Great. Thank you.

3 Are there other questions from --

Boardmember Casson ~~UNIDENTIFIED SPEAKER~~: I have a question.

5 CHAIRPERSON ANDERSON: -- staff? Or comment
6 from the board?

Boardmember Casson ~~UNIDENTIFIED SPEAKER~~: You mentioned -- you
8 actually kind of referenced it in your question. Can
9 you speak to the public's concern about the economic
10 viability of the larger clubhouse, that it's not -- does
11 the EIR -- and I'm sorry. I didn't read this portion of
12 it. Does the EIR explore the economic viability of
13 this -- the proposed use and the larger building?

LB23

14 MR. GREGORY: No, it doesn't. Generally, the
15 EIR's perspective is to consider environmental
16 implications, rather than economic implications. We
17 have considered the relocation proposal reasonable -- we
18 have considered the proposal to be feasible, because the
19 applicant has put it forward. I know that the
20 applicants feel that the proposal is stretching their
21 economic feasibility to do this. But it is part of
22 their project and as proposed.

23 So we're --

Boardmember Casson ~~UNIDENTIFIED SPEAKER~~: Right.

25 MR. GREGORY: -- going with that level of

1 feasibility.

2 Boardmember Casson ~~UNIDENTIFIED SPEAKER~~: I got the impression
3 that the public's comments were about, once the homes
4 have been built, the upkeep of -- that their concern was
5 about the economic viability of maintaining the
6 clubhouse in the long term.

LB23
cont.

7 MR. GREGORY: And the burden placed on the --
8 essentially, the future HOA to --

9 Boardmember Casson ~~UNIDENTIFIED SPEAKER~~: And has staff looked at
10 all of that? Or is that up to the homeowners who
11 purchase the homes on the -- you know, on the future
12 site?

13 MR. GREGORY: Well, so generally, I think it's
14 up to the future purchasers.

15 But I think the concern is certainly something
16 that we want to continue to listen to and to consider
17 and to try to see if we can better address, as part of
18 this overall -- that's not part of the environmental
19 review because it's an economic consideration. That at
20 least to be considered as part of this relocation, start
21 to think through how that space could best be
22 programmed, what kind of revenue it might be able to
23 generate through rent or other -- other sources, and
24 could that help to sustain.

LB23
cont.

Boardmember Casson ~~UNIDENTIFIED SPEAKER~~: But technically,

LB23
cont.

1 through -- for tonight's purposes and our purposes,
2 that's not something we need to consider. That's
3 something that could be explored during the relocation
4 planning process.

5 MR. GREGORY: Technically, for tonight, we're
6 to consider the environmental implications of the
7 project as proposed.

Board member Casson ~~UNIDENTIFIED SPEAKER~~: Okay. Thank you.

9 CHAIRPERSON ANDERSON: Okay. So I guess that's
10 it for comments and questions?

11 And we'll be seeing this again?

Board member Casson ~~UNIDENTIFIED SPEAKER~~: Undoubtedly.

13 CHAIRPERSON ANDERSON: Undoubtedly. Great.
14 Go ahead, Peter.

Board member Birkholz ~~UNIDENTIFIED SPEAKER~~: I would like to
15 reiterate what Naomi Schiff had mentioned. That
16 something should be studied that -- an alternative
17 should be studied that looks at keeping the existing
18 building in place, and I think that -- because I do --
19 that doesn't reduce the density, because I think that is
20 a key component.

LB24

21 I wonder, also, if, as part of that, there
22 could be an alternate. There could be an A and a B to
23 that one that would show an entrance off of Mountain
24 Boulevard to the facility, such that it would sort of
25

LB25

LB25
cont.

1 minimize the traffic to the neighborhood. And then
 2 another one, I think it's -- I think it's Oak Knoll
 3 Boulevard, that little spur street that kind of comes
 4 around, that looks at the access being off of that Oak
 5 Knoll Boulevard, as an option.

LB26

6 And then, there was this other letter that we
 7 got from a Joe Brown (phonetic) today, that I thought
 8 was interesting, in that they suggested that -- what
 9 about the idea of using the facility or part of it as a
 10 public library or some other alternative use, which I --
 11 if I lived in the neighborhood, I would think that that
 12 would be pretty awesome, actually. But I don't -- I
 13 don't live there.

14 So I would -- just would think that that might
 15 be something that might be considered. And if you could
 16 do that and not have it go in on a street that's
 17 affecting the neighbors, that might be a potential, kind
 18 of a win-win.

LB27

19 And I would like -- Scott did mention that it
 20 is going to come back to us with more details as the
 21 project kind of gets -- I guess, fleshed out. So I
 22 would -- fleshed out. I would sort of like to see that
 23 it comes back to us and we see more details and --
 24 including the idea of what the -- the reality is of how
 25 much of that can be relocated.

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LB28

Boardmember Casson ~~UNIDENTIFIED SPEAKER~~: One last thing. Sorry.

When it does come back, if you could answer Ms. Schiff's question about the functionality of the fireplaces.

CHAIRPERSON ANDERSON: Okay. Great. Thank you, Scott, staff, members of the public. We're going to move on.

(End of item.)

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CERTIFICATE

I, Kathryn S. Swank, certify that the foregoing transcript of an video recording of a statement was prepared using standard electronic transcript equipment and is a true and accurate record of the proceedings to the best of my knowledge and ability.

DATED: November 10, 2016



Kathryn S. Swank, CSR 13061

Landmarks Preservation Advisory Board

LB1: Boardmember Birkholz seeks clarity regarding the historic building orientation of Club Knoll and the location of its historic primary entry/access (courtyard vs. arched entry/stairs). Club Knoll was designed to be the clubhouse to a golf course. When Club Knoll was constructed, golf course clubhouses typically had a motor court, which encircled a fountain, allowing members to arrive at the front door by automobile. The original sketches of Club Knoll show a motor court. As constructed, the clubhouse appears to have had an entry courtyard, although not a motor court.

Club members would enter through the courtyard, passed through the clubhouse, and exited to play golf through the west elevation. This sequence—entry through the courtyard by those dropped-off from a motor vehicle and views to landscape from the opposite side—would be retained by the Project. Because the open space around Club Knoll would be publicly accessible rather than a private golf course, there also would be pedestrian paths leading to the entryway on the former golf course side. See also Master Response to Comment B.

LB2: Boardmember Birkholz expresses an opinion that Club Knoll likely has a lot of dry rot and asks if any further conditions analysis been done to really understand how much of Club Knoll is going to be rebuilt, and expresses a concern that only bits and pieces of the original building will be incorporated into a rehabilitated Club Knoll. Mitigation Measure CUL-1.2 requires a further conditions study. Based on information known today, it is anticipated that Club Knoll will require a new steel structure, but that other components could be salvaged and rehabilitated. See Master Response to Comment B.

The commenter also asks if a conditions analysis has been completed and whether Club Knoll is “salvageable.” Club Knoll is salvageable and an assessment of the approximate percent of original components that can be salvaged and restored has been preliminarily determined. See response to Comment O31. A more detailed conditions analysis is required under Mitigation Measure CUL-1.2. To understand the process to relocate and rehabilitate Club Knoll, see Master Response to Comment B. See also response to Comment O31.

LB3: Boardmember Birkholz asks for a summary of the land use and operational transportation impacts of the Demolition alternative. Under the Demolition alternative, Club Knoll, which if retained and relocated would be 14,000 square feet and would include 10,000 square feet of commercial space and 4,000 square feet of community space, would be demolished. Instead a new 5,000 square foot community center would be constructed, and the Project would have 72,000 rather than 82,000 square feet of commercial space. The decrease in commercial space would result in a decrease in vehicle trips associated with Project operations. For a more detailed summary of the Demolition alternative and how it compares to the Project, see pages 5-38, 5-41–5-44, 5-45, and 5-47 in the Draft SEIR. Also see response to Comment O32.

LB4: Boardmember Casson request clarification of whether the vehicle trips referred to in response to Comment LB3 are post construction. Response to Comment LB3 pertains to operational vehicle trips after construction.

LB5: Boardmember Casson asks if the alternatives consider replacing a half-circle drive that was part of Club Knoll's original design. According to the 2016 Historic Resource Evaluation of Club Knoll, although motor courts were typical in golf clubhouses built in the 1920s, and Club Knoll had a semi-circular motor court in the original sketches, there is no evidence that the semi-circular drive was ever constructed. The Project does not propose a semi-circular drive in the courtyard.

The following are responses to the public comments received from speakers during the Landmarks Preservation Advisory Board public hearing.

LB6: The commenter asks about the landmark designation of Club Knoll. Club Knoll is not a designated landmark. Regarding the landmark process, see response to Comment C6.

LB7: The commenter expresses concern that there are no economically viable uses for Club Knoll and a homeowners association will not be able to maintain it. The City assumes a Project sponsor would not propose a Project that is economically infeasible. The City also has no evidence suggesting that a homeowners association would be unable to adequately maintain Club Knoll. The City notes that other homeowner associations, such as the one formed to maintain the former Saint Joseph's Hospital in San Francisco, have successfully maintained historic buildings.

LB8: The commenter states that the relocated Club Knoll structure is too large to be consistent with its new intended civic purpose. Club Knoll would be used for both homeowner association functions and commercial uses, and is sized appropriately for those functions.

LB9: The comment restates that constructing a new, smaller building would be more viability for a homeowners associate to maintain. See response to Comment LB7.

LB10: The commenter asks that the community center be a new building smaller than the proposed relocated Club Knoll. This comment is noted. See response to Comment O32b.

LB11: The commenter hopes that there will be a viable use for a rehabilitated Club Knoll. The Comment is noted.

LB12: The commenter asks for an alternative that would keep Club Knoll in place while maintaining the proposed number of units. See Master response to Comment C. The commenter also asks for the reason relocation is proposed. See response to Comment K1.

LB13: The commenter states that the Draft SEIR should analyze an alternative that keeps the number of dwelling units the same and does not require the relocation of Club Knoll. See Master Response to Comment C.

The commenter also states that the reason for proposing to move Club Knoll is not stated in the Draft SEIR. See response to Comment K1.

LB14: The commenter asks how the sensitive relocation of Club Knoll will be ensured. See response to Comment C3 and Master Response to Comment B.

- LB15: The commenter asks how the Club Knoll's fireplaces will be rebuilt. Please see response to Comment C3.
- LB16: The commenter asks how the intact move of Club Knoll would be guaranteed, asking for information about bonding and oversight. Consistent with standard City practice, the City will require bonding for the relocation of Club Knoll, as discussed in Master Response to Comment B, which also addresses the commenter's suggestion that Club Knoll options should return to the LPAB prior to the next phase.
- LB17: The commenter objects to using Club Knoll's dilapidated condition as a justification to relocate or not reuse in place. See responses to Comments C1, I5, and K1.
- LB18: The commenter asks for the Club Knoll's historical landscaping to be addressed and documented. See response to Comment C4.
- LB19: The commenter requests that Club Knoll be given a landmark designation. See response to Comment C6. The commenter also states appreciation to several parties and does not address issues pertinent to CEQA or the EIR. The comment is noted.

The following are comments and questions from the Landmarks Preservation Advisory Board members.

- LB20: Chairperson Anderson requests a summary of the current historic rating of Club Knoll. Club Knoll is not listed as a local landmark and is not on the California or National Register of Historic Places. In 1995, the City determined that Club Knoll was eligible for City landmark status, ranking Club Knoll as an "A," and placed the building on the City's Preservation Study List. Simultaneously, Club Knoll was added to the City's Local Register of Historic Resources. The City gives an "A" rating to structures of the "highest importance" for preservation. For more information regarding Club Knoll's historic status, see pages 4.4-11 through 4.4-17 of the Draft SEIR. Also see response to Comment O34.
- LB21: Chairperson Anderson asks for clarification regarding the economic viability of a relocated and rehabilitated Club Knoll and information about the Project's public outreach. For information about the economic viability of a relocated and rehabilitated Club Knoll, see response to Comment LB7 and LB8. The comment also requests for information about public outreach conducted for this Project. Regarding public outreach, the applicant held a number of community meetings, and the City has held several hearings regarding the Project, including before the Landmarks Preservation Advisory Board, the Bicycle and Pedestrian Advisory Committee, the Planning Commission, and the Zoning Update Committee.
- LB22: Chairperson Anderson notes that moving Club Knoll to the center of the Property likely would lower the risk of vandalism to the building. The comment is noted.
- LB23: Boardmember Casson asks whether the Draft SEIR explores the economic viability of a relocated and rehabilitated Club Knoll, including the burden it could put on a future homeowners association. See response to Comment LB7.

- LB24: Boardmember Birkholz states that the Draft SEIR should analyze an alternative that keeps the number of dwelling units the same and does not require the relocation of Club Knoll. See Master Response to Comment C.
- LB25: Boardmember Birkholz states that the Project could consider alternatives with changes to access to minimize traffic through neighborhoods, however no specifics are provided. The Project applicant does not currently propose substantial changes to access of the Project site compared to the proposed access described on pages 4.13-42 through 4.13-45 of the Draft SEIR (except for modifications to the Village Center access from Mountain Boulevard, shown in Figure 2-2 of this Final SEIR). See response to Comment O70.
- LB26: Boardmember Birkholz suggests an alternative use for all or part of Club Knoll as a public library. This comment does not raise a concern about a potential environmental impact, and will be conveyed to the City decision makers for their consideration.
- LB27: Boardmember Birkholz requests that the Club Knoll relocation and rehabilitation plan be fleshed out and brought back to the Landmarks Preservation Advisory Board. See Master Response to Comment B.
- LB28: Boardmember Casson asks for the Project to be returned to the LPAB to address the viability of relocation and functionality of the fireplaces once relocated. See Master Response to Comment B and response to Comment C3.

CHAPTER 9

Responses to Comments Received at the Bicycle and Pedestrian Advisory Committee Hearing on the Draft SEIR

This chapter includes the transcript of the Oakland Bicycle and Pedestrian Advisory Committee public hearing on the Draft SEIR, held September 15, 2016. The responses to all comment received are presented following the transcript, starting on page 9-45 to 9-51, in the order that the comments were made during the hearing, as shown in Chapter 4 (Commenters on the Draft SEIR). Comments and question posed by the Planning Commission after the formal close of the public comment period during the hearing are also included. Each comment and its corresponding response is identified by a letter designator (“BP”).

Where comments have triggered changes to the Draft SEIR, these changes appear as part of the specific response and are also consolidated in Chapter 3 (Changes and Errata to the Draft SEIR), where they are listed in the order that the revisions would appear in the Draft SEIR document.

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1 The BPAC and public comments on the Oak Knoll Draft SEIR begin on page 11 of this
transcription.

2
3 **CITY OF OAKLAND**
4 **CITY HALL, HEARING ROOM 3**
5 **OAKLAND, CALIFORNIA**

6
7 **PUBLIC HEARING BEFORE**
8 **THE BICYCLIST AND PEDESTRIAN ADVISORY COMMISSION**

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10
11 **SEPTEMBER 15, 2016**

12
13 **AGENDA ITEM #4**

14 **OAK KNOLL MIXED USE COMMUNITY PLAN PROJECT**
15 **(City Case Number PLN15378, PLN15378-PUDF01, ER15-004)**

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17
18
19 **Transcribed by:**

20 **CONNIE PARCHMAN, CRR, CSR 6137**

21 -----
22 **JAN BROWN & ASSOCIATES**

23 **WORLDWIDE DEPOSITION & VIDEOGRAPHY SERVICES**

24 **701 Battery Street, 3rd Floor, San Francisco, CA 94111**

25 **(415) 981-3498 or (800) 522-7096**

1 BICYCLIST AND PEDESTRIAN ADVISORY COMMISSION

2 SEPTEMBER 15, 2016

3 6:00 P.M.

4 ---000---

5 ...

6 (Agenda Items 1 through 3 were not reported.)

7 CHAIR VILLALOBOS: We'll go ahead and move to
8 Item 4 on the agenda. Public Hearing: Oak Knoll Mixed
9 use.

10 MR. GREGORY: I think that would be me.

11 So good evening. As I mentioned, my name is
12 Scott Gregory. I'm a planning consultant and I've been
13 retained to help the Planning Department with the
14 environmental review and processing the Oak Knoll
15 project.

16 We have been working for some time on the
17 project, but not as long as the project has been around.
18 The project has been around since about the 1990s with
19 the closure of the Oak Knoll Medical Center at Oak Knoll
20 and it was a reuse plan that was done for that -- for the
21 base closure at that time and it had a full environmental
22 impact report that was prepared back in the late 1990s.

23 And then in 2006, SunCal made an application
24 for development of that property. With the collapse of
25 the financial institutions, that application sort of came

1 and went and it is now back.

2 So we are now fully engaged in a planning
3 process for redevelopment of about 188 acres of the Oak
4 Knoll site, which is primarily comprised of the former
5 Oak Knoll Naval Medical Facility. Most of the previous
6 buildings that had been on that site, including the
7 hospital, are now gone. The one exception is existing
8 Club Knoll building, which is an historic structure that
9 remains on the site.

10 The planning for the process has gone on for
11 some time. We have been working with The Applicant to
12 develop a master plan that provides for the overall
13 development of the entire site. And would include about
14 935 residential units, 72,000 square feet of
15 neighborhood-serving retail commercial use, the retention
16 and relocation of the that Club Knoll building to serve
17 as a community center, about 85 acres of open space.

18 And as part of that planning process, we've
19 also engaged the Public Works Department and
20 Transportation Division folks with regards to design for
21 many of the public improvements, including the on-site
22 streets, trails and bikeways that are planned throughout
23 the project.

24 In -- way back in March of 2015, the City
25 issued what's called a Notice of Preparation to inform

1 people that we were about to prepare an environmental
2 impact report and we asked for comments on that -- what
3 the scope of that environmental impact report should be
4 and we took all of those comments that we received back
5 in 2015 into consideration when we prepared the draft
6 EIR --

7 And Cresentia introduced herself. Cresentia's
8 office is the primary author of this very large and
9 significant environmental report. Hope you've all had a
10 chance to read it. If you have not, it is very
11 informative, it's very thorough and complex as it would
12 be with that enough information.

13 Hopefully, of primary interest to the people
14 here tonight, is that the substantial traffic and
15 transportation chapter of this environmental impact
16 report. It alone is a couple hundred pages long.

17 It's very thorough and complex and it looks at
18 all of the traffic and both regional, local, traffic
19 issues. It looks at bicycle, pedestrians, transit, and
20 other transit-related issues.

21 The purpose of our meeting here tonight is to
22 collect comments from the public and from this committee
23 -- or commission -- on their thoughts and opinions with
24 regards to the draft environmental impact report.

25 The process includes getting comments from the

1 Landmarks Board, from this group, from the Planning
2 Commission, and from the public at large through the
3 broad notice of availability that was issued to address
4 whether or not the Environmental Impact Report adequately
5 analyzes the environmental impact of the project.

6 Those impacts include pedestrian safety,
7 bicycle safety, transit user safety, and a number of
8 other transit-related comments.

9 So, we hope that we hear comments tonight about
10 the environmental impact report specific to
11 transportation and public -- or pedestrian and bicycle
12 safety concerns and issues.

13 We are open to hearing comments on any number
14 of topics. What we would like to do is focus on kind of
15 the merits -- on the adequacy of the environmental impact
16 report. But we are here to essentially hear the thoughts
17 of this committee as it pertains to the project and its
18 environmental review.

19 We do have a number of attachments that were
20 included as part of your staff report. And I can kind of
21 walk you through briefly some of those attachments just
22 to give you a sense.

23 Does everybody have a copy of those? I have a
24 big stack here for those who do not. Everybody have all
25 those attachments?

1 All right. I think to start with, there's an
2 overall map of the project site. And within that map I
3 think it should lay out a -- an overall path, trails,
4 walkways and connectivity diagram. And A couple of
5 things I wanted to kind of point out that relate to both
6 the diagram itself that shows in the map and then the
7 cross sections that are internal to this. There's a
8 couple key parts of the pedestrian, bicycle component of
9 the project.

10 The first is that -- let me back up.

11 The geography of the Oak Knoll project site
12 itself is relatively steep. It kind of forms a bowl
13 that, through the center of that bowl flows Rifle Range
14 Creek. Rifle Range Creek is planned to be improved and
15 restored as part of the overall project. It's kind of
16 suffered from erosion, sedimentation, invasive plants.
17 So there's a major creek restoration planned as part of
18 this.

19 Adjacent to that creek, between the creek and
20 the project's main thoroughfare, Creekside Parkway, which
21 will run from Mountain to connect to Keller, there's an
22 off-site path. That off-site path would be a 14-foot
23 wide pedestrian and bicycle path that would parallel the
24 main street and parallel the creek. So it's envisioned
25 as a significant amenity and benefit to the overall

1 project, providing bicycle and pedestrian connections
2 from Mountain to Keller and through the -- and connecting
3 all the way through the project site itself.

4 Other components of the project along Mountain
5 Boulevard, so that's the main frontage of the project
6 sites along Mountain, there would be an improved class II
7 bicycle facility that would be built along the frontage
8 of Mountain Boulevard, along with new improved sidewalks
9 for the whole frontage of the project site itself.

10 Then along the Creekside Loop, so Creekside
11 Loop is the secondary road that kind of parallels
12 Creekside Parkway and provides additional access to the
13 more central portions of the project site.

14 And then Main Street. Main Street is one of
15 the other internal streets that is proposed to have class
16 III bicycle routes with sharrows.

17 And then along all of the streets throughout
18 the project, we have six-foot sidewalks that are all
19 separated by a landscaped planter to provide additional
20 public pedestrian connections that connect throughout the
21 project.

22 And then on figure L038, I don't know if you
23 all have that one, you can also see that the project does
24 include a number of hiking trails, some of which
25 currently exist and would be further improved as part of

1 the project. Those trails would connect, just kind of
2 start around the corner of the side starting on the
3 northeast corner. A preserved knoll at the very top of
4 Oak Knoll project side at the far north corner, there's a
5 trail that would connect to that area. That area would
6 be essentially a passive park that would be preserved as
7 open space as part of the project.

8 Then traveling to the south, adjacent to the
9 southern portion of the project, there's a trail that
10 would be connected through the -- it's called the
11 Hardenstein property, which is another major open space
12 portion of the project that would provide a pedestrian
13 connection to the residences to the south and into the
14 center of the project.

15 And then along the Rifle Range Creek, in
16 addition to the multiuse trail that would be adjacent to
17 the Creekside Parkway, there are a number of pedestrian
18 paths and trails that would connect through that open
19 space area providing connections from a park that would
20 be located near Mountain Boulevard through to the central
21 portion of the site. And then there's finally there's an
22 additional trail connection that would be provided across
23 the northwesterly corner of the site.

24 So there's a number of pedestrian and bicycle
25 amenities that are part of the project.

1 And finally, not the least of which is a
2 pedestrian-only bridge. So there's only two crossings of
3 the main creek that goes right through the middle of the
4 center of the project site. One is a full vehicular road
5 bridge that would provide vehicle access back and forth
6 across both sides of the creek and the other is a
7 pedestrian and bicycle-only bridge that would provide its
8 only other secondary connections across the creek.

9 Those are kind of the main portions of the
10 project. We have a full team of folks sitting behind you
11 that can kind of go into more detail or can help me out
12 if we need it. We would be happy to answer any further
13 questions about details of the project.

14 The environmental impact report starting on
15 page 4.13-90 goes through a litany of environmental
16 assessments and conclusions with regards to pedestrian
17 safety, bicycle safety, safety of transit users and
18 roadway and safety hazards, concluding that the project
19 does not result in significant environmental impacts
20 related to those issues.

21 It does include a full series of alternatives
22 for the project that represent modifications or changes
23 to the project as proposed. But all of those
24 alternatives would include street components, pedestrian
25 components, bicycle components that would be similar to

1 the project that is proposed.

2 So, our environmental impact report that was
3 issued on August 29th will be circulated -- has been
4 circulated and will be -- continue to be circulated
5 for public review for 45 days and during that time we are
6 asking and soliciting comments from the public about the
7 adequacy of that document.

8 So by October 12th of this year, the 45-day
9 comment period would end. We really are here to hear
10 your comments. We have a court reporter here tonight to
11 ensure that we get those comments carefully.

12 And I would also encourage anybody who is
13 interested to also submit written comments. Those can be
14 sent to Heather Klein at the Planning Department for the
15 information that is either in the notice of availability
16 that came with your draft EIR or she's on the second page
17 of the staff report, all of the contact information for
18 Heather is included.

19 So, we would welcome any comments that you have
20 and we would be glad to try to respond to questions that
21 you may have.

22 The process is really designed for us to listen
23 to those comments and to take the opportunity to respond
24 in writing to any comments that we receive. So, we would
25 be happy to have conversation tonight, but please note

1 that to the extent there are comments on the Draft
2 Environmental Impact Report, we're going to prefer and
3 would appreciate the opportunity to provide you with
4 well-thought through and reasoned responses in writing in
5 the Final Environmental Impact Report which will be
6 completed after the comment period is over.

7 That's kind of a overview of staff
8 presentation. And if you have questions or comments, we
9 would be glad to hear them.

10 CHAIR VILLALOBOS: Any comments? Thank you.

11 MR. GREGORY: Thank you.

12 COMMISSIONER TABATA: I have comments. I live
13 a mile from the project. And so I'll let other people go
14 first so I don't monopolize the entire time.

15 CHAIR VILLALOBOS: The chair recognizes Robert
16 Prinz.

17 COMMISSIONER PRINZ: I would like to thank you
18 for bringing this item to us for a public hearing.

19 I acknowledge that this is a very challenging
20 location in terms of bike-ability, walkability,
21 specifically because of the elevation in grade and the
22 freeway barrier. And I did read through parts of the
23 Environmental Impact Report, which included some
24 estimates of like 96 percent car trips --

25 COMMISSIONER TABATA: 96.9.

BP1

BP1
cont.

1 96.9 percent car trips. I see that as a
2 challenge, not as necessarily an impediment, but it does
3 mean that we do have to, you know, use our entire bag of
4 tricks in order to reduce that number as much as
5 significantly possible.

6 I do have a couple of questions about some of
7 the diagrams and cross sections that were brought to us.

8 In terms of the class I trail, I did read in
9 the impact report referencing a 14-foot path and the
10 cross-section that is given to us shows a 10-foot path.
11 I was just curious, does that include an additional
12 four-foot jogging path or something like that.

BP2

13 MR. GREGORY: No. I noticed that too when I
14 was putting together the package.

15 So hopefully you can appreciate we have been
16 working back and forth with the applicant team designing
17 and developing plans as we're going. And the set of
18 drawings that we had was not as current as the
19 information in the -- for the text of the EIR. So it is
20 intended to be a 14-foot.

21 COMMISSIONER PRINZ: Thank you for that
22 clarification.

BP3

23 I also want to acknowledge that there are some
24 older developments in the hills that were originally
25 developed as streetcar neighborhoods. And they're not

1 used that way anymore because the streetcars aren't out
2 anymore. But a lot of infrastructure that was built to
3 serve those neighborhoods still exists and is still well
4 used. And that often comes in the form of pedestrian
5 staircases and connections between wide blocks to enable
6 people to get around easier without having to take wide
7 detours around neighborhood streets.

8 And I appreciate the pedestrian connections
9 between neighborhoods that are included in this plan
10 already. I think that pedestrian connectivity really
11 improves the project and I would actually like to see
12 those facilities designed not to be just used by
13 pedestrians but also bike riders as well, because even if
14 the they're not designed that way, people are still going
15 to bike on them. So I think it is important to
16 anticipate that usage wherever possible.

17 But, I would also like to see some more
18 connectivity between the blocks especially in the upper
19 elevation, the additional staircases between the -- some
20 of the developments in order to not have the pedestrian
21 range be so wide to get from one part of the development
22 to another.

23 And there's a lot of really great examples in
24 the area of those old streetcar neighborhoods where
25 people are still using those staircases pretty

BP3
cont.

1 significantly.

BP4

2 And I do also appreciate the commercial center
3 development in this. And I would be interested to hear
4 more about what types of retail are intended to be
5 included in this development.

BP5

6 And in terms of the other streets, Mountain
7 Boulevard, for instance, the cross section shows a
8 five-foot bike way which is minimum standard for
9 something next to seven-foot parking.

BP6

10 And then also a four-foot raised median and I
11 was curious if that median has any structural purpose and
12 if not, if that space could be added to the bike lane
13 instead in order to create a safer facility.

BP7

14 One of the other big challenges in this project
15 as I see it is connectivity to local schools. Most of
16 the nearest ones of which are on the other side of the
17 freeway. So this is perhaps a challenge for the City to
18 take on, but finding safe connections to kids to use
19 between these neighborhoods, which I hope would be
20 family-oriented, the and neighborhood schools so that
21 kids can actually access them safely despite the freeway
22 barrier. It will take a really high-quality bike
23 infrastructure, but I know the City is up for that.

BP8

24 And then lastly, the internal streets, I'm also
25 curious to know about what type of traffic calming is

BP8
cont.

1 being included, especially on the Creekside Loop which is
2 identified as a class III bike facility and any shared
3 bike-car facility, a single lane like that, we would like
4 to see a good amount of traffic calming via speed humps
5 or traffic circles in order to keep the maximum speeds
6 down, especially in areas that have grade to them where
7 the difference between the bike and the car speeds is
8 going to be greater.

9 So yeah, with that, I will just hand it off to
10 the rest of the group.

11 MR. GREGORY: That was great, thank you.

12 COMMISSIONER TABATA: Basically the proposal
13 is, in and of itself, I think it's -- except for the
14 comments that Robert made, are generally pretty well
15 thought and if I lived on the site, worked on the site
16 and didn't leave, it would be perfect.

17 But I don't think that's going to be the case.

18 And I live between Keller and (inaudible) so
19 fairly close, just on the west side of 580.

20 I loved moving there. I moved there close to
21 30 years ago. The problem now as I see as I grow older,
22 is that there's no transit option for -- and because
23 there's been a major development, not as large as this,
24 but Leona got developed, so they put in about half as
25 many homes. The traffic going down Edwards is really

1 bad. So quite often it's faster for me to go down Keller
2 on my bicycle to the BART station than it is to drive.

3 But it's really a major hill. And I only know
4 three people that actually ride up that thing. And I
5 don't do it. I find ways around it. But, I do know
6 three people that I have met and two of them I have
7 regular relationships with. They're still alive.

8 So, I think that overall, you know, I mean the
9 community, I would say probably a good deal of the
10 surrounding community really supports this. Because they
11 don't really care about -- I mean I think a lot of them
12 don't care about the traffic. I mean, I don't know what
13 they're going to do about it, but I don't think -- and I
14 think they're more interested in the commercial
15 development because you have like 82,0 00 square feet?

16 MR. GREGORY: 72.

17 COMMISSIONER TABATA: Yeah, so they're looking
18 at the grocery stores and coffee shops and whatever
19 amenities they can get because there aren't any up there.

20 MR. GREGORY: Right.

21 COMMISSIONER TABATA: My concern is -- I
22 carpoled. I drove two other people. Picked them up on
23 the way to this meeting. And it was like interminable
24 getting here. And it gets worse. And I don't think it's
25 going to get any better and I just think at 96.9 percent

BP9

BP9
cont.

1 auto-road share is not sustainable. This is like one
2 sentence mentioned in the Environmental Impact Report or
3 Draft Environmental Impact Report, that talks about some
4 kind of shuttle service. The whole thing is explained
5 like: Yes, we did all this review and there's nothing
6 that can be done. Okay.

BP10

7 Plus I also have a concern that the traffic
8 study was done on a certain Tuesday. I think that you
9 also needed to look at Golf Links on a Saturday because
10 during the season when the zoo is open, the traffic is
11 backed up onto the freeway to the next off-ramp.

12 And it -- and so I -- and the reason why I know
13 is because my bicycle club goes through there, that
14 intersection regularly and there are times when we have
15 to make detours because we can't go through it because
16 it's so congested with autos.

17 MR. GREGORY: Are you going to pause for a
18 minute?

19 COMMISSIONER TABATA: Sure.

20 MR. GREGORY: So I appreciate all that you're
21 saying. What I would like to do is provide a little more
22 information maybe for your consideration. I hear all the
23 things you mentioned.

24 What we were charged to do in the Environmental
25 Impact Report is to look at the traffic that would be

1 generated by the project as proposed; right?

2 And that was the -- because there's such a
3 scarcity of transit in the area, that's why we had that
4 parking ratio -- I mean the trip ratio that we have for
5 alternative mode splits that is so small.

6 So together with other obligations for the
7 project, there are a number of city requirements that the
8 project will ultimately need to meet.

9 One of those requirements is to prepare a
10 Transportation Demand Management Plan or TDM program for
11 the overall project.

12 Now the City's goal is to increase that transit
13 mode shift to 20 percent. Recognizing that the area is
14 fairly sparsely served by transit today, the applicants
15 have put together a Transportation Demand Management
16 program that includes a transit shuttle that would
17 provide connections from the project site to the
18 Fruitvale BART station.

19 According to the projections that were done for
20 the EIR, that shuttle system could increase the
21 transportation mode split by about 10 percent.

22 So it's moving in that direction.

23 Now, staff is also working with AC Transit to
24 see if they would be capable and willing to increase
25 their -- the headways of the bus service that serves that

BP11

BP11
cont.

1 area so that we could get higher ridership on the --
2 higher ridership and greater frequency of public transit
3 opportunities that serve that --

4 COMMISSIONER TABATA: One hour is, like,
5 ridiculous.

6 MR. GREGORY: So we're trying to work with them
7 about what would it take to get greater frequencies and
8 greater headways within that area?

9 So, there are --

10 COMMISSIONER TABATA: There used to be another
11 line going through that area and it was one of the first
12 cuts in their budget.

13 MR. GREGORY: Yeah, so a lot of this goes back
14 to budget and to the extent that the project can help to
15 subsidize some of those offsets, we're going to be
16 talking with them about those opportunities to try to
17 increase that TDM program.

18 Right now, you know, I think we've acknowledged
19 that it is a difficult area to serve with the lack of
20 existing transit facilities that are there. And that
21 that 10 percent TDM increment due to that shuttle is a
22 substantial effort to try to make that work and to try to
23 improve that transit ratio.

BP12

24 COMMISSIONER TABATA: Yeah, if it was like next
25 to a major transit center, it would be great.

BP12
cont.

1 MR. GREGORY: Yes.

2 COMMISSIONER TABATA: It would be a great
3 development. But it's not.

4 MR. GREGORY: It is not. That is true.

5 With regards to the weekend counts, Francisco
6 is here and maybe he can help me.

7 Have we done a weekend analysis that would be
8 inclusive of zoo traffic?

9 MR. MARTIN: We have not.

10 MR. GREGORY: We have not. So that's a good
11 comment that we'll address as part of the plan.

12 Okay. I didn't mean to cut you off. But I
13 thought maybe if we paused for a minute, we could kind of
14 work through some of these.

15 COMMISSIONER TABATA: I think I covered the
16 major points. I'll give you written comments. Plus I
17 know there's a committee meeting next week.

18 MR. GREGORY: Right. Okay. That's great.

19 COMMISSIONER WHEELER: This is Kenya Wheeler,
20 BPAC commissioner.

21 Thank you for providing us this opportunity to
22 have a public hearing and for your time and effort on
23 this project.

BP13

24 I did have a couple comments regarding bicycle
25 circulation regarding adjacent roadways. I did see that

20

1 in relation to that, that there is a relatively low mode
2 split for non auto uses. And I -- it was noted in the
3 staff report that there are elements of the City Bike
4 Plan that call for enhancement of bicycle access on
5 Mountain Boulevard and the illustrative drawing, I think
6 it's page L11, does indicate, you know, class II bikeway
7 that would be put in as part of the development. Echoing
8 what Commissioner Prinz said, I would also encourage
9 looking at moving the raised median by providing a
10 narrower buffer between the two travel lanes and I also
11 would like to see -- and I know it's identified as being
12 provided by others on the south side of the roadway --
13 but to the extent that a buffer could be provided from --
14 if there is a -- if we have four-foot of -- the four-foot
15 median removed, using some of that roadway to provide a
16 buffer between the existing travel lanes and a proposed
17 passenger bikeway.

18 My recollection is that traffic route does
19 exceed the posted speed by a bit on Mountain Boulevard.
20 And to the extent we can provide -- and it's our intent
21 in Oakland to work to provide protective bikeways and
22 Telegraph Avenue right here is an example of that, to use
23 either safe hit posts or -- that's not exactly our
24 staff's favorite because of the maintenance
25 requirements -- but at the minimum, additional lane

BP13
cont.

BP13
cont.

1 striping and low lane buffering to give cyclists at least
2 a margin of safety and a feeling of some separation from
3 vehicle traffic if there's not an actual physical barrier
4 provided. So I would encourage that for both developer
5 by way of improvements and also improvements by others.

BP14

6 And then along Keller Avenue, I didn't see any
7 mention of additional access for cyclists on either
8 the -- I know there is an internal trail that would
9 provide co-access through the proposed development from
10 Mountain north to the Creekside Parkway, but is there --
11 can you expand on why there wasn't any off-site
12 improvements that were added there? And could that be
13 looked at as part of the perhaps the TDM plan to enhance
14 cycling access?

15 MR. GREGORY: I think that you're -- I don't
16 know that I can expand about why not, other than "not".
17 But your point about the TDM plan and its ability to, you
18 know -- staff's intent is to try to work with the
19 applicants to see how close we can get to push and that's
20 going to become more and more difficult, you know, with
21 each increment of additional load split, each will
22 probably become more and more expensive. But one of the
23 things that we can do is look to the potential for
24 bicycle improvements to work our way toward that load
25 split. And if we're looking off-site to types of

1 improvements that could do that, I think Keller is
2 perhaps one of our next places to look.

BP15 3 COMMISSIONER WHEELER: And would that be
4 prepared -- would those plans and recommendations be
5 available at the same time as the F-EIR publication?

6 MR. GREGORY: That is the intent to have a TDM
7 plan that is part of the Final Environmental Impact
8 Report.

9 COMMISSIONER TABATA: I have a follow-up to
10 Kenya's comments.

11 For the bicyclists, for the areas outside of
12 the project itself, some of it -- I was trying to figure
13 out exactly where, but you talk about expanding two lanes
14 and making configuration changes.

BP16 15 Some of it is wide enough to allow that. Some
16 of it's not. So I'm not exactly sure where -- I was
17 hoping I could see, like, maps, per se, to see exactly
18 where it's going to be expanded. Because there's a
19 section going north past Seminary to the 13 where -- it
20 gets at this point people use that as a bypass and so it
21 gets very congested just with automobiles and going
22 southbound it's -- you know, it's like about 11-foot lane
23 and there's always glass. So as a cyclist, you don't
24 want to be by the curb. Otherwise you will be by the
25 curb for a while.

BP16
cont.

1 So, anyway, there's a very large gutter that
2 serves as -- I think it's a six-foot gutter that serves
3 as a parking lane on the other side. But, if you're
4 going to expand any of that, I mean, it's like just be
5 careful what you do so that you don't make it anymore
6 difficult for cyclists, because there are more and more
7 cyclists in that area. I mean, surprisingly.

8 MR. GREGORY: So I can tell you we have been
9 working with Jason Patton, who I'm pretty sure is
10 probably a regular at your meetings. Jason has got some
11 very detailed mapping and thoughts about how the Mountain
12 Boulevard bike lanes are intended to work through that
13 whole section. And honestly, each segment becomes very
14 different depending on the characteristics of what's
15 fronting Mountain at that location, how much right of way
16 is available and what can be done. But he's got a pretty
17 thorough connected path that connects most of Mountain
18 Boulevard.

19 The -- you know, the challenge that we had with
20 the Environmental Impact Report as we got to the traffic
21 implications is that many of the proposed improvements to
22 intersections that could be done to accommodate more
23 traffic, many of those would conflict with the intent of
24 providing the bicyclists with a bicycle lane.

25 So I think you'll find that in most cases where

1 there would have been a potential conflict staff has
2 already indicated that it would be their preference that
3 the physical improvements that were identified to better
4 accommodate traffic not be implemented in favor of
5 priority over pedestrian and bicycles.

6 So we're already looking at how to ensure that
7 traffic improvements don't further jeopardize and hamper
8 the connections of those bicycle lanes.

9 MR. WILLIAMS: Just a quick question.

10 CHAIR VILLALOBOS: Could you state your name?

11 MR. WILLIAMS: I'm sorry. I'm Hal Williams,
12 with T.Y. Lin International. I live about four minutes
13 up Sequoyah from here.

14 I was curious. The cross-section on L11, how
15 you're going to handle it when you get to the pinch
16 point. There's an over crossing a little north up
17 Mountain. I was curious, this cross-section doesn't seem
18 like it would fit between the freeway and the abutment
19 underneath that over crossing. And I was curious what
20 the intention is to do right there.

21 MR. GREGORY: Yeah, like I mentioned, that
22 whole segment varies with all those characteristics and
23 that pinch point is a pinch. And so far there is no
24 proposal or recommendation to redesign or rebuild that
25 over crossing to try to widen the right of way under

BP17

BP18

1 there.

2 COMMISSIONER TABATA: So what's the proposal at
3 the pinch point?

4 MR. GREGORY: To best connect through as we can
5 using the available right of way and there won't be much.

6 MR. WILLIAMS: Realistically there's nothing
7 you can do, if it stays as existing. As someone who
8 drives through every day, there's nothing you can
9 actually do. There wouldn't be a bike path, there
10 wouldn't be a median.

11 MS. STANLEY: Hi. Jennifer Stanley. I have a
12 question again about L11. And that is -- I should know
13 the area better, but is parking needed on street? Since
14 you're going to have parking on site?

15 MR. GREGORY: So L11 is the Mountain Boulevard
16 cross-section?

17 MS. STANLEY: Yes.

18 MR. GREGORY: And you're looking at the parking
19 that is essentially on the other side of Mountain?

20 MS. STANLEY: Yes.

21 COMMISSIONER PRINZ: There's a development on
22 that side and they have their own parking, but I guess
23 they use the on-street curbside parking as well.

24 MS. STANLEY: Has there been any parking
25 occupancy to look at that? I mean, is it well occupied?

BP18
cont.

BP19

BP20

1 COMMISSIONER PRINZ: Yes.

2 MS. STANLEY: Okay. Thank you.

BP21

3 MS. LEVINE: Hi, Carol Levin. I had a quick
4 question on this pedestrian bridge on L12, in that
5 neighborhood. How wide would that be?

6 MR. GREGORY: Well, that's a good question. I
7 have both the designer and the transportation engineer
8 with me.

9 Do any of you know the answer to that? I don't
10 know that off the top of my head. Dan, do you know?

11 MR. BUCKO: I don't. I could guess.

12 MR. GREGORY: Okay.

13 MR. BUCKO: Eight to ten feet.

14 MS. LEVINE: Since it is a shared bike
15 pedestrian and you're not going to get the bikes to
16 dismount and walk.

BP22

17 MR. BUCKO: I'm not sure that's a bike path,
18 because those trails going down through the creek area
19 are really hiking trails.

20 MS. LEVINE: Okay.

21 MR. BUCKO: They're soil cement. I'm not sure
22 we have fully figured that out yet.

23 MS. LEVINE: Okay. So they may not, yeah. But
24 they are on that road.

25 It would be good if there was a -- there is a

1 road right -- I guess it's Creekside Parkway.

2 MR. BUCKO: Right.

BP22
cont.

3 MS. LEVINE: It would be really good if there
4 was a bicycle connection between Creekside Parkway and
5 Creekside Loop at that point because they're going to use
6 it anyway.

7 MR. GREGORY: Yeah, I mean, I think it's a good
8 comment.

9 MS. LEVINE: Yeah, because it's quite a ways
10 away from the vehicle --

11 MR. GREGORY: It would be fun.

BP23

12 MS. LEVINE: And it would also be good for the
13 vehicular bridge that there's some room for a bike lane.
14 Or shoulder-y type thing.

15 MR. BUCKO: Because if you don't design it
16 right they're going to do it anyway.

17 MS. LEVINE: Well, they're going to use it. I
18 know it's more expensive the wider you get, but let's do
19 it right.

BP24

20 COMMISSIONER WHEELER: I just wanted to make a
21 comment about Hal's comment about the over crossing from
22 Fontaine to Mountain Boulevard and looking at the Google
23 street view, it appears that on the west side of
24 Mountain, there is -- that the over crossing itself is
25 resting on piers. It is actually not -- there's an

1 abutment on the east side. But I think it would be very
2 useful in the -- between now and the final Environmental
3 Impact Report for the designers to look at would it be --
4 what potential there could be to work with Caltrans to
5 obtain a (inaudible) permit and there is a sidewalk on
6 the east side, but not on the west side. It's just a --
7 you know, appears to be within the City right of way,
8 dirt path and then there's a fence line, which I would
9 expect to be Caltrans right of way.

BP24
cont.

10 But that might provide it looks it might be
11 three or four feet in width. And there could be some
12 conceptual engineering done to see if it's possible to
13 look at reconstructing to section under the pinch point
14 to provide a bicycle lane. That would be very useful and
15 it should also helpful for the City, even if there's
16 not money to reconstruct that in this project, if it's
17 environmentally clear it's part of the project it could
18 be covered by other funds. Although I think it could
19 also be argued that it could be an element of the TDM
20 program as well.

21 CHAIR VILLALOBOS: Any further comments?

22 COMMISSIONER PRINZ: I will make one quick one.

23 In addition to signing and naming the streets,
24 I also recommending signing and naming all of the
25 pathways as well, just because it helps people know

BP25

BP25
cont.

1 they're there and identify them as they're walking
2 around. Most of the other city pathways that get high
3 use also have street signage to -- it makes it easy to
4 add them to maps.

BP26

5 COMMISSIONER HWANG: Chris Hwang. This is
6 actually an area that's fairly rich -- richly connected
7 to other regional parks and recreational areas. And I
8 actually think that it is kind of -- it would be wise to
9 think ahead of directional signage as to showing where
10 the connectivity is to the Leona park area, the other
11 parks. It's such an asset, it would be a shame to not
12 call that out.

13 MR. GREGORY: That's great. We've been doing
14 great. We have excellent comments. Any more?

15 MS. STARR: Scott, if you could kind of
16 summarize and kind of remind us or tell everybody what
17 the next steps are and when and whether there are other
18 opportunities to give further feedback.

19 MR. GREGORY: Yes, there are.

20 So, our next meeting that we have, it is a
21 public meeting, is October 5th before the Planning
22 Commission, which we're going to take comment on the
23 Draft Environmental Impact Report and comments on the
24 merits of the project. We hope and anticipate that will
25 be kind of a fully comprehensive presentation of the

1 project and comprehensive review of the environmental
2 impact report.

3 And then shortly thereafter on the 12th is the
4 end of the comment period.

5 So once we've gotten -- we've had a chance to
6 digest all the comments we've heard tonight, comments we
7 heard last night at the Landmarks Board, comments we hear
8 at the Planning Commission and all the comments received
9 in writing or in e-mail, we'll take all of those into
10 consideration and prepare what's called a Final
11 Environmental Impact Report. And each comment that is
12 received will get -- that is received as pertains to the
13 Environmental Impact Report itself will receive a
14 specific comment.

15 We may group some like comments so that we'll
16 do master responses, but each comment will be responded
17 to as part of that final.

18 And it's going to take some time to prepare. I
19 don't know yet because we don't know how many comments
20 we're going to get. So if we get a lot, it will take
21 perhaps a couple of months. If we don't get too many, it
22 will take somewhere in the neighborhood of less than a
23 couple of months.

24 So, we'll be working on preparing that
25 information. And before anybody makes decisions on the

1 project, they'll need to consider, so zoning
2 committees -- zoning update committees, design review
3 committees. And if staff would like us to come back and
4 talk about kind of final designs to this committee, we
5 would be glad to come back. We are going back to
6 Landmarks Board.

7 So we'll be going back to a number of
8 additional boards before final approval. And then the
9 Planning Commission would be the committee -- or
10 commission that would certify the Environmental Impact
11 Report and consider approval of the project.

12 And then ultimately, the project also includes
13 some zoning changes. And those zoning changes would be
14 taken up to the City Council.

15 So there's still a number of open public
16 meetings that we anticipate to hold. We haven't
17 scheduled those all yet. We need the kind of get a sense
18 of how much work is in front of us to respond to all of
19 the comments on the draft EIR, but they will be coming up
20 and we will be sure to include notice about those as they
21 do come up.

22 So it will be several months from now before we
23 are at the Planning Commission and considering approval
24 of the project and during that time there will be a
25 number of additional opportunities for comment.

1 CHAIR VILLALOBOS: So I think I heard you say
2 that the Transportation Demand Management Plan was going
3 to come out as part of the F-EIR?

4 MR. GREGORY: Yeah.

5 Cresentia, help me out. Is the draft -- is it
6 part of the appendix to the draft EIR?

7 MS. BROWN: It is. It is an appendix to the
8 draft EIR.

9 On the hard copy of the draft EIR, the
10 appendices are in a CD on the back cover. You can see
11 the hard copy of that at the Planning Department on the
12 second floor.

13 CHAIR VILLALOBOS: So those can be commented on
14 on the draft EIR?

15 MS. BROWN: Yes.

16 CHAIR VILLALOBOS: And it's online?

17 MS. BROWN: Yes, it is absolutely available
18 online.

19 I think in the packet here, there's the notice
20 of availability of the draft EIR. It has the link online
21 to where all of the documents are on the City's website
22 so that you would get the draft EIR there as well as the
23 appendices.

24 MR. GREGORY: Yeah, I was just looking at it
25 the other day, all the appendices, A through Q there's a

1 lot of technical information that is part of the record
2 for the environmental review that covers everything from
3 geology and biology to traffic circulation, TDM,
4 greenhouse gas, air quality monitoring. There's a lot of
5 thick and detailed technical information, but includes
6 that transportation demand management program.

7 MS. LEVINE: Carol Levine again.

8 I like your explanation of the process. But,
9 at some point there will be an opportunity for us to
10 review the actual design? Or further-along design where
11 we can then say: No, that needs to be wider or it should
12 be narrower. One thing I notice, the pedestrian bridge
13 doesn't have lighting on it. And I know these are very
14 kind of preliminary drawings, thinking or conceptual.

15 So --

16 MR. GREGORY: I would say they're more than
17 conceptual. They're pretty close to design.

18 MS. LEVINE: Okay.

19 MR. GREGORY: But we're not at the point of a
20 final design, so just to be -- I mean, just to be very
21 specific about this.

22 The intent for the project is to get a number
23 of entitlements. One of them is called a Planning and
24 Development Permit. And that Planning and Development
25 Permit is much more of a general, you know, it looks more

1 like this overall concept map diagram. It provides
2 design guidelines and strategies and a broader picture.

3 Together with that, we're also looking at final
4 development plans for a number of components of the
5 project that are -- we'll call them backbone
6 infrastructure elements which will include streets, right
7 of ways, bridges, grading. You know, a number of those
8 kinds of things. So we'll be working through what we now
9 have as a draft set of those detailed design drawings.

10 And I think most of that is also available
11 under the City's website that you can go to.

12 So if you go to the Planning Department's
13 website under "major projects" and the "Oak Knoll" link,
14 there's a long list of information that's available,
15 including the planning unit development permit and the
16 final development plan. And that FDP does include most
17 of the kind of where the designs stand for each of those
18 backbone improvements.

19 We're happy to take comments on those designs
20 now. And we will be happy to come back on a different
21 hearing or different meeting with this group and talk
22 about some of the details of kind of that project design
23 with you as well.

24 MS. LEVINE: That's really --

25 MR. GREGORY: Different than the IR.

BP28

1 MS. LEVINE: Different than the EIR and many of
2 the things I'm hearing people talk about are design
3 related and it's not talking about is there an impact,
4 and how is that impact been measured?

5 MR. GREGORY: Yeah, just so that we somehow set
6 some of these expectations, because I think you made a
7 good point, is that the Environmental Impact Report is
8 going to be just about the environmental impacts. So
9 many of the comments that you've raised tonight have been
10 really helpful to staff as we work with the applicant to
11 define and refine their project.

12 They may not all be responded to in the final
13 if they are not addressing an environmental issue.

14 MS. LEVINE: I understand.

15 MR. GREGORY: But they're certainly informative
16 and helpful.

17 MS. LEVINE: Can I make a comment that's design
18 related on this pedestrian bridge that there's no
19 lighting here?

20 MR. GREGORY: I did get that.

21 MS. LEVINE: And for other pedestrian
22 facilities that might also be something we want to think
23 about.

24 MS. STARR: Well, in these drawings we see
25 lighting down the road.

BP28
cont.

BP29

BP30

1 MS. LEVINE: I see that, but I specifically saw
2 the other bridge had lighting and that one did not and
3 that may be an oversight. But --

4 MR. GREGORY: Just a very careful reading it.

5 MS. LEVINE: They were on top of each other.
6 You made it easy.

7 COMMISSIONER TABATA: To follow up with this
8 process, once you get the comments, you said each of the
9 specific comments will be addressed. So at what point
10 will we know what your TDM plan looks like?

11 MR. GREGORY: So you can get a pretty good
12 sense of what the TDM plan looks like today by looking at
13 it on the City's website. It's there in the appendices.

14 As it gets final, we will post both the Final
15 Environmental Impact Report and all of its appendices
16 just as we have done with the draft and that will become
17 available before the Planning Commission Hearing on the
18 project.

19 MS. LEVINE: Does that TDM appendix become
20 certified and become adopted? Or is it treated like any
21 other appendix that, you know, it's just back up?

22 MR. GREGORY: So, no, the TDM plan itself is
23 actually required under the City's -- they call them
24 Standard Conditions of Approval. So the City has a long
25 list of things called "Standards Conditions of Approval."

1 If you read through the IR, you will see "SCA" about 700
2 times. And "SCA" stands for those Standard Conditions of
3 Approval. One of the conditions is to prepare a
4 Transportation Demand Program that will be reviewed and
5 approved by the City.

6 So rather than just being an appendix that will
7 be there, it would be an approved document by the City.
8 And whether that's approved by staff or approved by a
9 commission is -- I think an open question that we'll try
10 to seek to resolve between now and then.

11 MS. LEVINE: So typically -- I'm trying -- I'm
12 still trying understand the process. And maybe you guys
13 already do, but we have a design process going forward as
14 well as an environmental evaluation. And at some point,
15 the -- we're giving comments largely on the design part
16 of things.

BP33

17 MR. GREGORY: I think that's correct.

18 MS. LEVINE: How do those comments get
19 incorporated into the design development? Do community
20 comments get incorporated?

21 I know there's been staff comments, but do
22 community comments get incorporated and how does that
23 work?

24 MR. GREGORY: So I think that the best I can
25 say is that as part of the staff team working on the

1 project, we are certainly interested and want to hear
2 good ideas, recommendations and strategies that we can
3 use to go back and work with the developers to improve
4 their final design plans.

5 So we now have a pretty long list of things
6 that we have heard from this group about improvements.
7 And we will sit down with the applicants and work to see
8 if we can address and solve and come up with good
9 solutions for as many of these as we can.

10 So, I think the process will be informative to
11 staff and we will continue to work with the applicant to
12 push forward many of all of these ideas and whether they
13 all make it through or not, I couldn't say.

14 MS. LEVINE: We shall see.

15 MR. GREGORY: We shall see.

16 CHAIR VILLALOBOS: Any other comments?

17 COMMISSIONER WHEELER: Just briefly. Maybe I
18 missed this in the earlier presentation regarding -- in
19 the staff report on page 5, on bicycle parking, and
20 there's a mention of long-term and short-term bicycle
21 parking that would be provided throughout the site -- and
22 this is under the "Bicycle Access and Circulation"
23 heading -- of 8 long-term and 43 short-term bicycle
24 parking spaces. I didn't see a mention of the
25 requirement for bicycle parking in relation to the

BP34

1 residential developments that would meet the City's
2 current and also proposed changes to the bicycle parking
3 ordinance.

BP34
cont.

4 So I wanted to know if that's addressed. I
5 don't see that addressed here. Is that -- any attempt to
6 check -- review that part of the transportation section
7 in the EIR, but that's not addressed, it should be.

8 And I would also again the changes to the
9 bicycle parking ordinance has -- we as feedback those
10 changes earlier this year and that's scheduled to be
11 heard by the City Council later this year. Is that
12 correct, Iris? It's going to the Planning Commission
13 later this year.

BP35

14 So I think it's reasonably foreseeable that
15 it's a potential change that at least should be
16 considered by the project applicant.

17 MR. GREGORY: So I will work with these folks
18 to make sure we understand what those are. And figure
19 out how they either have been or have not been addressed
20 either in the Environmental Impact Report and in the
21 project.

22 MS. FINE: Sarah Fine. I will just quickly
23 respond with one comment that I believe most of the
24 residential units for this project are -- have a private
25 garage. And under the current bicycle parking ordinance,

1 a long-term bike parking space is not required of
2 residential units that have a private garage.

3 MS. LEVINE: And if you have two, you have room
4 for two bikes.

5 MR. GREGORY: At least.

6 MS. LEVINE: One that's electric for going
7 uphill.

8 MR. GREGORY: Okay. Other process questions?

9 CHAIR VILLALOBOS: Thank you very much for this
10 presentation and thank you to the teams that are working
11 on this. It was really helpful and great to have the
12 opportunity to review this hearing.

13 MR. GREGORY: Great. Thank you all very much
14 for your time tonight. We appreciate your comments and
15 hope that you will see changes, modifications to the
16 project as we move along and that reflect your comments.
17 And we'll certainly respond to all the environmental
18 impact related comments that we heard tonight in writing.

19 Thank you.

20 (Proceedings concluded.)

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STATE OF CALIFORNIA.)

I, CONNIE PARCHMAN, a Certified Shorthand Reporter in and for the State of California, do hereby certify;

That I transcribed verbatim in shorthand writing the foregoing proceedings from audiotape;

That I thereafter caused my shorthand writing to be reduced to typewriting, and that the foregoing transcript constitutes a full, true, and correct transcription of all proceedings had and given.

IN WITNESS HEREOF, I have hereunto set my hand and affixed my Official Seal this 26th day of September, 2016.



CONNIE PARCHMAN, CRR, CSR 6137
Certified Shorthand Reporter

BPAC

BP1: Commissioner Prinz expresses concern that 96.9 percent of the Project's trips would be by automobile and did not include other modes to reduce total automobile trips.

There is a misunderstanding regarding the 96.9 percent automobile trip percentage presented on page 4.13-47; this percentage does not represent the amount of people expected to drive to/from the Project site, it represents the adjustment factors applied to the *ITE Trip Generation Manual* trip generation estimates as suggested in the City of Oakland Transportation Impact Study Guidelines. As described on Table 4.13-11 on page 4.13-49 of the Draft SEIR, the Project is estimated to generate the following daily trips by mode:

- 12,360 automobile trips
- 765 transit trips
- 166 bicycling trips
- 1,607 walking trips

Therefore, automobile trips are estimated to be about 83 percent of the total trips generated by the proposed Project. Furthermore, the Project proposes to implement operational strategies described on Table 1 on page 7 of the Transportation Demand Management (TDM) Plan that would reduce automobile trips generated by the Project. The Project also must implement a TDM Program to reduce automobile trips. See Master Response to Comment A and the revised TDM Plan, included as Appendix G to the Final SEIR.

BP2: Commissioner Prinz requests a clarification of the dimensions of proposed Class I bike trail cross section shown in the Draft SEIR. This comment was responded to by Mr. Gregory, Contract Planner on behalf of the City, at that time, by indicating that the cross section in question will be 14-foot wide.

BP3: Commissioner Prinz requests that the pedestrian walkways be designed to accommodate cyclists and for stairs to be included that would better connect the upland homes to other areas of the Project. The Project has an extensive network of pedestrian paths and hiking trails that connect all neighborhoods, public parks, the Village Center and Community Center. Bikeway accommodations are provided within the Project. A dedicated Class I bikeway is proposed for Creekside Parkway to connect to the proposed Class II bikeway on Mountain Blvd. and proposed Class III bikeway on Keller Avenue. Within the Project, Class III bikeways are proposed for Creekside Loop and through the Village Center. The remaining Project streets will have low volume traffic and do not require formal bikeways. Cyclists should not be using pedestrian sidewalks. Public stairs are not included in the Project.

BP4: Commissioner Prinz poses a question about what types of retail businesses are anticipated in the proposed retail center. Since the retail center would not be completed until the first phase of development is completed, i.e., approximately by 2022, specific tenants or types of tenants cannot be identified. A range of potential neighborhood-serving uses, anchored by a grocery store is envisioned, as noted throughout the Draft SEIR (for example, page 3-53, where the proposed Commercial zone is described as "intended for neighborhood

- serving retail uses”). Also see Appendix B to this Final SEIR, which includes the proposed Oak Knoll District Zones Regulations and Zoning Districts map.
- BP5: Commissioner Prinz refers to the fact that a proposed five-foot bikeway along Mountain Boulevard would be adjacent to street parking that is approximately seven feet wide. Any bike lanes and roadway modifications proposed as part of the Project or required as mitigation would meet City width requirements.
- BP6: Commissioner Prinz raises a question as to whether the proposed raised median within Mountain Boulevard could be eliminated so that the proposed Class II bikeway could be expanded, and it makes a reference to an exhibit that is not included in the Draft SEIR. A raised median is necessary along Mountain Boulevard near the proposed Creekside Loop driveway to prevent left-turn access from southbound Mountain Boulevard and westbound Creekside Loop. Also, since publication of the Draft SEIR, the Project applicant, in coordination with the City, confirmed the available right-of-way along the Mountain Boulevard Project frontage to provide a buffer between the Class 2 bike lane and travel lanes, which is incorporated in Figure 2-2 in Chapter 2 (Modifications to the Project) of this Final SEIR.
- BP7: Commissioner Prinz expresses a concern about providing better “connectivity” from the Project site to schools on the other side of I-580, particularly through better bicycle infrastructure. This concern is acknowledged. The lack of bicycle connectivity between the Project site on the east side of I-580 and public schools to the west of I-580 is an existing condition that the Project would not change.
- BP8: Commissioner Prinz requests clarification on the traffic calming measures proposed by the Project. The proposed Complete Streets Plan is described on pages 4.13-42 through 4.13-45 of the Draft SEIR, which includes a summary of multimodal access and circulation proposed by the Project. As described on page 4.13-45 of the Draft SEIR, the Project proposes narrow travel lane widths (10-11 feet, one lane per direction) with a 25 MPH design speed, for all internal streets. In addition, curb extensions (also known as bulb-outs) would be implemented at intersection crossings along all streets that provide on-street parking. Narrow travel lane widths and curb extensions encourage lower automobile speeds, curb extensions also provide shorter crossing distances at pedestrian crossings. Traffic circles and speed humps are not currently proposed as part of the Project’s Complete Streets Plan.
- BP9: Commissioner Tabata expresses a concern that there is not enough attention being given to the dominance of automobile traffic versus alternative modes of travel and it mentions the proposed BART shuttle program included in the proposed TDM Plan as insufficient. This concern is noted; however, since it does not address the adequacy of the Draft SEIR, further response is not warranted. Please refer to the Master Response to Comment A for further discussion of the proposed TDM Plan and the various Project design features that are intended to reduce the Project’s automobile trips by 20 percent or more. The comment specifically mentions concern that a 96.9 percent auto mode share is not sustainable. Refer to response to Comment BP1.
- BP10: Commissioner Tabata expresses a concern about the weekday timing of the traffic count surveys conducted as part of the Draft SEIR traffic impact analysis and suggests that further investigations of traffic should be conducted on weekends. See Master Response to Comment F.

- BP11: Commissioner Tabata mentions concerns regarding the existing 60-minute headways of AC Transit service in the study area. As described on page 6 and page 9 of the TDM Plan, the Project applicant will implement a shuttle service between the Project site and the Coliseum BART station to reduce the number of vehicle trips generated by the Project. This shuttle service would initially operate with approximately 20-30 minute headways. In addition, the Project applicant will coordinate with AC Transit to investigate the potential for re-routing and expanding transit service through the Project site. See Master Response to Comment A.
- BP12: Commissioner Tabata mentions that the Project would be great if it were developed adjacent to a major transit center, but acknowledges that the Project site is not next to a major transit center. The Comment is noted.
- BP13: Commissioner Wheeler encourages protective barriers between cars and bike lanes. The proposed bike lanes and roads would be designed to meet the City's standards. Also, the Project applicant is currently investigating the feasibility of providing five-foot bicycle lanes with a two-foot horizontal buffer along the Mountain Boulevard project frontage. See response to Comment BP6.
- BP14: Commissioner Wheeler requests clarification on whether a dedicated on-street bicycle facility is proposed along Keller Avenue.

The Project does not propose implementing dedicated on-street bicycle lanes along Keller Avenue. As described on page 4.13-11 of the Draft SEIR, the *2007 Bicycle Master Plan* prepared by the City of Oakland proposes a Class 3 bicycle route along Keller Avenue between Mountain Boulevard and Skyline Boulevard. There are currently no plans by the Project applicant or the City of Oakland to implement dedicated bicycle lanes along Keller Avenue between Mountain Boulevard and Skyline Boulevard.

The commenter also asks whether expanding bike lanes there could be part of the TDM. Commenter's desire for more bike lanes is noted. The TDM already accounts for the proposed Complete Streets Plan, which includes provisions for bicycle facilities consistent with the *2007 Bicycle Master Plan*.

- BP15: Commissioner Wheeler asks when changes recommended for the Project's TDM Program would be prepared. The clarifications made in response to comments about the TDM Program are included in this Final SEIR. See Appendix G, revised TDM Program.
- BP16: Commissioner Tabata identifies concerns about right-of-way and existing street configuration constraints along Mountain Boulevard at locations northwest of the Project site that inhibit opportunities to install bicycle lanes that would attract regular riders. As described on page 4.13-22 of the Draft SEIR, the City of Oakland seeks to upgrade the roadway segments listed below with bike lanes as part of an effort to improve the Mountain Boulevard corridor and to connect it to the MacArthur Boulevard bikeway at Mills College and the Bancroft Avenue bikeway at 106th Avenue:

- Mountain Boulevard between the I-580 Westbound On-Ramp/Maynard Avenue and Golf Links Road,
- Golf Links Road/98th Avenue between Mountain Boulevard and Stanley Avenue
- Edwards Avenue between Mountain Boulevard and I-580 eastbound Off-Ramp

- Seminary Avenue/Kuhnle Avenue between Mountain Boulevard and Overdale Avenue

Although the improvements listed above are approved and funded, the City of Oakland has not yet finalized the design for the implementation of these bikeways. The constraints noted by the commenter are existing constraints that are not affected by the Project.

BP17: Commissioner Wheeler requests clarification on how bicycle lanes will be able to be accommodated within the available right-of-way underneath the Fontaine Street/I-580 overcrossing at Mountain Boulevard.

The available right-of-way along the Mountain Boulevard segment under the I-580 overcrossing is about 30 feet. The current plan is to provide one 10-foot travel lane and five-foot bicycle lane in each direction through the overcrossing on Mountain Boulevard. The Project applicant is currently in the process of developing the engineering design plans for the proposed bicycle lane improvements along the Mountain Boulevard project frontage.

BP18: Commissioner Tabata requests clarification on how bicycle lanes will be able to be accommodated within the available right-of-way underneath the I-580 overcrossing at Mountain Boulevard. See response to Comment BP17.

BP19: The commenter asks if street parking is necessary on Mountain Boulevard. Street parking is an existing condition that the Project would not affect and is not proposed to be changed by the Project. This comment does not raise an issue about the Draft SEIR or Project.

BP20: Commissioner Prinz asks if the Mountain Boulevard street parking is often used. This comment does not raise an issue about the Draft SEIR or Project. Since the plan to add bike lanes along the adjacent segment of Mountain Boulevard are conceptual at this point in time, Project designers will continue to work with City staff to evaluate design options to maintain a continuous set of bike lanes on both sides of Mountain Boulevard. This is a design issue that does not affect any of the Project's environmental effects or the analysis thereof within the Draft SEIR. See response to Comment BP 17.

BP21: The commenter asks how wide the pedestrian bridge leading to the creek area would be. It would be approximately 8 to 10 feet wide.

BP22: The commenter requests a bicycle connection between Creekside Parkway and Creekside Loop where the pedestrian bridge that leads to the creek area is. The comment does not address topics relevant to the adequacy of the CEQA analysis. The comment is noted.

BP23: The commenter says the pedestrian bridge to the creek area should be designed to accommodate bikes because cyclists will use it anyway. The comment does not address topics relevant to the adequacy of the CEQA analysis. The comment is noted.

BP24: Commissioner Wheeler asks for another look whether a bike lane could be accommodated under the pinch point on Mountain Boulevard and states this should be a TDM requirement. The TDM Program requires measures the City knows are feasible. The measure the commenter proposes would require working with Caltrans and would

not necessarily result in a large reduction in VMTs, and may not be feasible given the existing configuration of the road. See response to Comment BP17.

- BP25: Commissioner Prinz suggests having signs for and naming all the pathways in the Project. The comment does not address topics relevant to the adequacy of the CEQA analysis. The comment is noted.
- BP26: Commissioner Hawg requests directional signage for the Project paths. The comment does not address topics relevant to the adequacy of the CEQA analysis. The comment is noted.
- BP27: The commenter asks whether there would be an opportunity to review a more complete infrastructure design. The Project requires approval of a FDP for its streets, pathways, and other infrastructure that will have additional details. That document is available on the City's website.
- BP28: The commenter notes that many of the issues raised at the Bicyclist and Pedestrian Advisory Commission hearing on September 15, 2016, relate to the Project's design and not its potential to cause environmental impacts. The comment is noted.
- BP29: The commenter notes that the figures do not show lighting on the pedestrian bridge. At this time, no lighting is planned for any elements of the on-site trail system.
- BP30: The commenter suggests that lighting be added to all pedestrian facilities proposed by the Project. The comment does not address topics relevant to the adequacy of the CEQA analysis. The comment is noted.
- BP31: Commissioner Tabata asks at what point the City will know what the Project sponsor's final TDM Program is. See response to Comment BP15 and Master Response to Comment A.
- BP32: The commenter asks whether the TDM Program, which was Appendix B to the Draft SEIR, and updated as Appendix G to this Final SEIR, is certified or adopted. The TDM Program is required by the City's Standard Conditions of Approval. Therefore, in addition to being an appendix to the certified SEIR, the City will also have to review it and find that it meets the City's Standard Condition of Approval requiring a TDM Program.
- BP33: The commenter asks how design recommendations, particularly those given at the Bicyclist and Pedestrian Advisory Commission hearing on September 15, 2016, will be incorporated into the Project. City staff is working with the Project sponsor to refine the Project's design details based on City and community input. The final design will be reviewed by the Planning Commission as part of the FDP approval process. See response to Comment C2.
- BP34: Commissioner Wheeler requests clarification regarding the proposed bicycle parking supply and if it meets the City of Oakland requirements.

The City code bicycle parking requirement is described on page 4.13-100 of the Draft SEIR. As stated on page 4.13-100, bicycle parking requirements do not apply to single-family homes and townhomes in suburban areas, the requirements apply to non-residential

components of the Project. The City requires eight long-term bicycle parking spaces and 36 short-term spaces within the Village Commercial development, compared to two long-term and seven short-term spaces within the Community Center commercial site. Long-term bicycle parking includes lockers or locked enclosures and short-term bicycle parking includes bicycle racks. The Project proposes to meet the City's long-term and short-term bicycle parking Code requirements as they are currently written.

The commenter also requests that the Draft SEIR consider whether the Project would meet the City's planned, updated residential bicycle parking requirements. The Project is designed to meet the City's current bicycle parking requirements. Typically, a Project applicant must comply with the laws in place when the applicant obtains a building permit. Because there is a development agreement for this Project, the City and Project applicant will determine whether the Project's residential bicycle parking facilities would need to comply with any new City requirements enacted after the development agreement is adopted.

BP35: Commissioner Wheeler asks for clarifications regarding the proposed to the Oakland bicycle parking ordinance. The comment does not address topics relevant to the adequacy of the CEQA analysis. The comment is noted.