


Lake Merritt Station Area Plan

Final
Environmental Impact Report

SCH # 2012032012

July 2014

Prepared for the **City of Oakland** by

DYETT & BHATIA
Urban and Regional Planners

Kittelson & Associates, Inc.

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CITY OF OAKLAND

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NOTICE OF AVAILABILITY (NOA) OF FINAL ENVIRONMENTAL IMPACT REPORT (FEIR) ON THE LAKE MERRITT STATION AREA PLAN (LMSAP) AND NOTICE OF PUBLIC HEARINGS ON FEIR, LMSAP AND RELATED ACTIONS

TO: All Interested Parties

SUBJECT: Notice of Availability of Final Environmental Impact Report for the Lake Merritt Station Area Plan, and Notice of Public Hearing on the FEIR, Station Area Plan and Related Actions.

CASE NOS.: ZS11225, ER110017, GP13287, ZT13288, RZ13289, (CEQA State Clearing House Number 2012033012)

PROJECT SPONSOR: City of Oakland

PROJECT LOCATION: The Lake Merritt Station Area ("Plan Area") encompasses approximately 315 acres generally bound by 14th Street to the north, I-880 to the south, Broadway to the west, and 5th Avenue to the east. The Plan Area includes the Lake Merritt BART Station, Oakland Chinatown business and residential districts, Laney College and Peralta facilities, the Oakland Public Library, the Oakland Museum of California, the Alameda County Courthouse and other County offices, the building currently occupied by the Association of Bay Area Governments (ABAG) and the Metropolitan Transportation Commission (MTC), the Lake Merritt Channel, and a portion of the East Lake district.

PROJECT DESCRIPTION: With a planning horizon to 2035, the Plan builds on extensive community feedback to articulate a roadmap for future development, continued revitalization and economic growth, and community enhancement in the Station Area. The Plan seeks to achieve the vision and goals established by the community and key stakeholders. The Plan includes land use changes that will reduce the barriers to increased transit use from both the immediate area and surrounding neighborhoods. The Plan seeks to create an activity core around a rejuvenated transit station. Simultaneously, the Plan seeks to reinforce and integrate the cultural and recreational resources that make this transit station unique. The Plan identifies ways in which streets, open spaces, and other infrastructure in the area can be improved, and establishes regulations for development projects that further the area's vitality and safety.

The Plan does not propose specific private developments, but for the purposes of environmental review, establishes *a reasonably foreseeable maximum development* that the City has projected can reasonably be expected to occur in the Plan Area over a 25-year planning period. The Plan establishes a long-range vision for a high-intensity neighborhood, including the addition of 4,900 new housing units expected to accommodate 4,700 households, 4,100 new jobs, 404,000 square feet of additional retail, and about 1,230,000 square feet of office uses.

Concurrent, but separately, the project also includes adoption of associated General Plan amendments, Municipal Code and Planning Code amendments, Zoning Maps, Height Maps and Design Guidelines (collectively called "Related Actions"). For more information on the project, including draft documents, please visit the project website at: http://www.business2oakland.com/lakemerrittsap.

ENVIRONMENTAL REVIEW: A Notice of Preparation of an EIR was issued by the City of Oakland's Department of Planning and Building on March 1, 2012. A Draft Environmental Impact Report was prepared for the project under the requirements of the California Environmental Quality Act (CEQA) pursuant to Public Resources Code Section 21000 et seq. On November 1, 2013, the City of Oakland released for public review the DEIR. The public review and comment period was extended through 4:00 p.m. December 16, 2013, during which time, three public hearings on the DEIR were held including a Landmarks Preservation Advisory Board hearing on November 18, 2013, and two Planning Commission hearings on November 20, 2013 and December 4, 2013. The DEIR was also presented and discussed at the November 13, 2013 meeting of the Parks and Recreation Advisory Commission.

All comments that were received during the DEIR public comment period have been compiled and responded to in the Response to Comments Document (RTC), along with changes and clarifications to the DEIR. The RTC Document, together with the DEIR, constitutes the Final EIR (FEIR) for the Station Area Plan. The preparation of the FEIR 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.

The City of Oakland's Planning and Building Department is hereby releasing this RTC/FEIR, finding it to be accurate and complete and ready for public review. Starting on July 28, 2014, copies of the RTC/FEIR will be available for review or distribution to interested parties at no charge at the Planning and Building Department, 250 Frank H. Ogawa Plaza, Suite 3315, Oakland, CA 94612, Monday through Friday, 8:30 a.m. to 5:00 p.m. Additional copies are available for review at the Oakland Public Library, Social Science and Documents, 125 14th Street, Oakland CA 94612 and at the Oakland Asian Cultural Center, 388 9th Street #290, Oakland, CA 94607. The FEIR may also be reviewed on the City's website: http://www2.oaklandnet.com/Government/o/PBN/OurServices/Application/DOWD009157.

PUBLIC HEARINGS

The of Oakland Landmarks Preservation Advisory Board will conduct a public hearing to provide cultural-resource related comments on the FEIR, Final Station Area Plan, and Related Actions on **August 11, 2014, at 6:00 pm in Hearing Room 1, City Hall, 1 Frank H. Ogawa Plaza, Oakland CA 94612.**

The City of Oakland Planning Commission will conduct a public hearing to consider certifying the FEIR, and recommending to the City Council adoption of the Final Station Area Plan and Related Actions on **September 3, 2014, at 6:00 pm in Hearing Room 1, City Hall, 1 Frank H. Ogawa Plaza, Oakland CA 94612.**

Members of the public are welcome to attend these hearings and provide comments. If you challenge the EIR or other actions pertaining to this Project in court, you may be limited to raising only those issues raised at the public hearings described above or in written correspondence directed to Christina Ferracane, Planning and Building Department, 250 Frank H. Ogawa Plaza, Suite 3315, Oakland, CA 94612, and received by 4:00pm on September 3, 2014. For further information please contact Christina Ferracane at (510) 238-3903 or via email to cferracane@oaklandnet.com.

Date 7/21/14

Darin Ranelletti
Deputy Director, Environmental Review Officer
Planning and Building Department

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1 Introduction

An Environmental Impact Report (EIR) is an informational document prepared by the City of Oakland (Lead Agency) in accordance with the California Environmental Quality Act (CEQA) that contains environmental analysis for public review and for agency decision-makers to use in their consideration of various discretionary projects, including planning-related policies and plans.

A Notice of Preparation for an EIR associated with the Lake Merritt Station Area Plan and its associated implementation measures (referred to collectively as the Project) was published on March 1, 2012, and a public scoping meeting was held on March 12, 2012. A Draft EIR was published on October 31, 2013, and the formal review period for the Draft EIR was from November 1, 2013 through December 16, 2013. The City held two public hearings on the DEIR during the review period: Landmarks Preservation Advisory Board hearing on November 18, 2013, and a Planning Commission hearing on November 20, 2013. Discussion of the DEIR was continued to the December 4, 2013 Planning Commission meeting. The DEIR was also presented and discussed at the November 13, 2013 meeting of the Parks and Recreation Advisory Commission.

The Final EIR consists of the Draft EIR (State Clearinghouse No. 2012032012), and responses to comments received on the Draft EIR during the 45-day public review period, and minor changes to Specific Plan policies in response to comments.

1.1 Purpose

This EIR is intended to disclose to City decision makers, responsible agencies, organizations, and the general public the potential environmental impacts of implementing the proposed Plan. This analysis addresses potential environmental impacts of activities associated with approval and implementation of the Plan, which is described in Chapter 2: Project Summary.

The Response to Comments document, together with the Draft EIR and the Draft EIR Appendices, constitute the Final EIR for the Project. Due to its length, the text of the Draft EIR is not included with this Response to Comments document, but it is included by reference as part of the Final EIR.

1.2 CEQA Process

The City of Oakland, as Lead Agency, will make decisions on certification of this EIR, consider approval of a Standard Conditions of Approval / Mitigation Monitoring and Reporting Plan (SCAMMRP), and consider approval of the Station Area Plan and related legislation (e.g. General Plan amendments, Planning Code amendments and Design Guidelines). Before the City may approve the various

discretionary actions needed on the proposed Project, it must independently review and consider the information contained in the Final EIR, certifying that the Final EIR adequately discloses the environmental effects of the Station Area Plan, that the Final EIR 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 EIR. Certification of the Final EIR would indicate the City's determination that the Final EIR adequately evaluates the environmental impacts that could be associated with the Station Area Plan.

The City of Oakland has prepared this document pursuant to CEQA Guidelines Section 15132 which specifies that the Final EIR shall consist of:

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

This FEIR incorporates comments from public agencies and the general public. It also contains the Lead Agency's responses to those comments.

1.3 New Information in the Final EIR

If *significant new information* is added to an EIR after notice of public review has been given, but before final certification of the EIR, the Lead Agency must issue a new notice and recirculate the EIR for further comments and consultation. None of the corrections or clarifications to the Draft EIR identified in this document constitutes *significant new information* pursuant to Section 15088.5 of the CEQA Guidelines.

The new information added to this EIR merely clarifies and makes insignificant changes to an adequate EIR. Specifically, the new information, corrections, or clarifications presented in this document do not disclose that:

- A new significant environmental impact would result from the project or from a new mitigation measure [or standard condition] proposed to be implemented;
- A substantial increase in the severity of an environmental impact would result unless mitigation measures [or standard conditions] are adopted that reduce the impact to a level of insignificance;
- A feasible project alternative or mitigation measure [or standard condition] 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.

As a result, a recirculation of the Draft EIR is not required. Information presented in the Draft EIR and this document support this determination.

1.4 Organization of the Final EIR

This Final EIR contains information about the proposed Project, supplemental environmental information, and responses to comments that were raised during the public review and comment period on the Draft EIR. Following this Introduction chapter, the document is organized as described below:

- *Chapter 2: Project Summary and Revisions*, summarizes the proposed Project as presented in the Draft EIR. Minor Project revisions initiated by the City of Oakland since publication of the DEIR are also presented, in addition to discussion of the environmental effects of those revisions.
- *Chapter 3: Changes to the Draft EIR*, contains text, table, and map changes and corrections to the Draft EIR initiated by the Lead Agency or resulting from comments raised.
- *Chapter 4: List of Commenters on the Draft EIR*, lists all agencies, organizations, and individuals that submitted written comments on the DEIR during the public review comments period, and/or that commented at the Planning Commission public hearing.
- *Chapter 5: Comments and Responses on the Draft EIR*, contains each of the comment letters received on the Draft EIR and summaries of the comments made at public hearings, and presents individual responses to the specific comments raised.

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2 Project Summary and Revisions

The project analyzed in this EIR is the proposed Lake Merritt Station Area Plan. The proposed Plan encompasses the neighborhood around the Lake Merritt BART Station, including Chinatown, Laney College, the Oakland Museum of California, and the Alameda County Courthouse and offices. The proposed Plan seeks to connect these and other assets in a livable, vibrant, pedestrian-oriented, safe, healthy, and economically diverse neighborhood. The proposed Plan has been developed through a partnership between the City of Oakland, San Francisco Bay Area Rapid Transit (BART), the Peralta Community College District, and a wide range of community members. Over the next 25 years, the proposed Plan would accommodate 4,900 new housing units, 4,100 new jobs, 404,000 square feet of additional retail, and 1,230,000 square feet of office uses. It is currently anticipated that the proposed Plan will be adopted concurrently with General Plan and Planning Code amendments, Design Guidelines for the Lake Merritt Station Area Plan, and any identified revisions to the City's Standard Conditions of Approval (SCA).

2.1 Regional Location and Planning Boundaries

The Planning Area encompasses 315 acres in the heart of Oakland, a major urban center within the San Francisco Bay Area. Adjacent neighborhoods and destinations include Downtown Oakland, Lake Merritt, the Jack London District, Old Oakland, and Uptown. The Planning Area includes a diverse range of urban land uses and building types, and features important community resources. Key features include the Lake Merritt BART Station, Oakland Chinatown, Laney College, the Oakland Museum of California, Oakland Public Library, Lincoln Square Park and Recreation Center, Lincoln Elementary School, the Kaiser Auditorium, Lake Merritt and Lake Merritt Channel, and the park land along both.

The Planning Area is home to approximately 6,100 people and 17,800 jobs; there are about 12,000 residents and 30,000 jobs in the larger half-mile radius around the Lake Merritt BART Station. It is one of the oldest areas of Oakland and includes seven designated historic districts (either portions or complete districts).

2.2 Proposed Plan Description

This section provides a brief overview of key plan components which include direction for land use, height and massing of new development, circulation, open space, community facilities, and infrastructure and utilities improvements. Proposed Plan strategies, policies, and actions are considered throughout the EIR both in terms of their environmental impacts and, where relevant, of how proposed Plan policies may reduce or avoid potential impacts. However, it is noted that where implementation is not certain, proposed Plan policies and improvements cannot be relied upon to mitigate environmental impacts.

LAND USE

This section describes the proposed Plan's direction regarding the land use character envisioned for each part of the Planning Area Desired land use character will ultimately be achieved through a range of mechanisms, including zoning and General Plan amendments, and design guidelines.

Area Character

The proposed Plan includes land use character zones or districts, which promote a diversity of uses within the Planning Area, seek to promote economic development, and ensure an active urban neighborhood and vibrant pedestrian-oriented corridors. These districts consist of high-density housing, office and retail uses, institutional uses, and new public spaces.

Active Ground Floor Uses

The proposed Plan also seeks to promote active ground floor uses – those that attract walk-in traffic, such as retail stores, restaurants, galleries, health clinics, and personal services. These types of uses add vibrancy to the street by increasing pedestrian traffic, which results in safer streets and more customers for local businesses. The proposed Plan's strategy for active ground floor uses builds on and complements the existing success of the Chinatown Commercial Center, expanding Chinatown businesses, diversifying retail options as an expansion of Oakland's Central Business District, and connecting the cultural and institutional assets that differentiate the Planning Area from the surrounding city.

Height and Massing Concepts

Height and massing concepts in the proposed Plan would be implemented through zoning amendments and design guidelines. Key themes related to height and massing proposals include enhancing community character, maintaining compatibility with historic and natural resources, and accommodating high-density Transit-Oriented Development. Massing concepts are meant to respond historic buildings and patterns of lot size and scale; be sensitive to existing buildings, and existing and new parks; and incorporate transitions between developments of differing scales.

CIRCULATION IMPROVEMENT STRATEGIES

The proposed Plan circulation improvement strategies focus on establishing interconnected and safe travel for people walking, riding bicycles, taking transit, or driving. Streets are identified for improvements to promote non-motorized and transit access between activity hubs within and beyond the Planning Area. Important elements of this strategy include pedestrian safety and comfort, clearly marked bicycle access, and an improved transit access plan. In addition, strategies for improved connectivity under the I-880 Freeway would remove an existing barrier to access in the Planning Area. Proposed circulation

improvements are described in Chapter 6 of the proposed Station Area Plan, and discussed in the EIR impacts sections where relevant.

OPEN SPACE

As new development takes place and the residential population increases, improved access, maintenance, and usability of existing parks, as well as development of new open spaces, will be essential to ensure a high quality of life in this increasingly dense urban setting. The proposed Station Area Plan aims to: enhance existing open spaces, partner with the Oakland Unified School District and other schools, and expand the amount of new park and open space acreage and recreation facilities.

COMMUNITY RESOURCES

Community resources, including cultural and historic resources, schools, and other community facilities, are key components of a vibrant and complete neighborhood. The Planning Area includes a diverse range of community resources, including (among others) the Chinatown neighborhood, Oakland Asian Cultural Center, Oakland Museum of California, Lincoln Elementary School, and Laney College. The Lake Merritt Station Area Plan builds upon the existing community resources in the Planning Area, while highlighting its historical, cultural, and educational assets.

ECONOMIC DEVELOPMENT

The proposed Plan includes an economic development strategy to foster investment and growth in the Planning Area and provide support for existing and future businesses in the Planning Area. The economic development strategy works in tandem with new building construction and improvements to streets, parks, and safety to improve quality of life to the benefit of existing and new businesses and residents.

2.3 Summary of Revisions to the Lake Merritt Station Area Plan and Concurrent Plan Components Since Publication of the DEIR

The City has considered modifications to the Station Area Plan and its concurrent components (Design Guidelines, Planning Code and General Plan Amendments), since publication of the DEIR. These modifications are summarized in this chapter and presented as the *July 2014 Final Lake Merritt Station Area Plan* (Final Station Area Plan), which the City will consider for approval alongside the alternatives assessed in the DEIR. Some of the common themes of these modifications include an emphasis on protecting historic resources, clarifying additional desired open space and transportation improvements, and changes to height areas.

The modifications to the Draft Station Area Plan and its concurrent components as they appear in the Final Station Area Plan are summarized below. This general presentation of the Station Area Plan modifications is relevant to this Response to Comments document as these are modifications to portions of the Draft Station Area Plan that informed the development of the CEQA project analyzed in the DEIR. The purpose of this general presentation and analysis is to establish that none of the changes would render unreasonable the assumption for the *maximum feasible development* under the Station Area Plan and for the basis of the DEIR analysis; and that none of these modifications would result in a new significant

impact or peculiar environmental impact or an impact of substantially greater severity than was already analyzed and disclosed in the DEIR.

In addition to the summarized modifications to the Draft Station Area Plan below, Chapter 3 of this Response to Comments document includes updates, where necessary, to the text and figures describing the Station Area Plan within the DEIR.

CHAPTER 1: INTRODUCTION

Modifications to this Chapter were limited to updating maps and figures that may have contained data that was updated in other Chapters.

CHAPTER 2: EXISTING CONDITIONS

Modifications to this Chapter were limited to updating maps and figures that may have contained data that was updated in other Chapters.

CHAPTER 3: VISION

The figures representing the vision for each of the Station Area's districts were updated to better reflect the goals and policies described in later chapters of the Plan.

CHAPTER 4: LAND USE

The *July 2014 Final Lake Merritt Station Area Plan* includes modifications to the height limit proposals, introducing new Height Areas, as described further in Chapter 3 of this FEIR. This Chapter also contains updated language related to in-lieu fees for parking and open space requirements. Updates were made to the descriptions of Land Use Characters to reflect land use maps.

CHAPTER 5: OPEN SPACE

The *July 2014 Final Lake Merritt Station Area Plan* includes clarifications to the proposed open space map, updating open spaces that have been completed since the Draft Plan (such as the new Lakeside Park) and clarifying additional desired improvements to existing parks, such as Harrison Square Park (Chinese Garden).

CHAPTER 6: STREETSCAPE AND CIRCULATION

The modifications within this Chapter are related to clarifying transportation improvements, when they occur, including various option for Phase II lane conversion (3-lane with center turn lane option), adding locations listed in the text on to maps.

CHAPTER 7: COMMUNITY RESOURCES

This Chapter was modified to update the historic status of buildings in the Station Area Plan, based on a detailed review performed during the environmental phase of the planning process (following publication of the Draft EIR). As reflected in the DEIR, the Alameda County parking lot (ALCO), and two Oakland Unified School District buildings have been identified as CEQA historic resources.

CHAPTER 8: ECONOMIC DEVELOPMENT

This Chapter has been updated to include more discussion of job training and local hire programs, as well as the desire to have a Small Business Assistance Center with Asian languages capacity.

CHAPTER 9: INFRASTRUCTURE AND UTILITIES

Modifications to this Chapter were limited to updating maps and figures that may have contained data that was updated in other Chapters.

CHAPTER 10: IMPLEMENTATION

Modifications were made to this Chapter to reflect recent citywide implementation measures that are moving forward, including a study of potential Impact Fees for transportation improvements, capital improvements and affordable housing. Adjustments were also made to the language describing the potential costs of some of the proposed improvements.

APPENDIX A: LAKE MERRITT STATION AREA PLAN DEVELOPMENT POTENTIAL

Inadvertent omissions in Development Potential Table A-2 were corrected as follows to be consistent with the development program studied in the EIR:

- Site 18: 20,000 square feet of net new retail square feet is shown, thus matching the development program studied in the EIR;
- Site 48: Fire Alarm Building, with an existing 5,236 square feet of Institutional/Community Facilities space is identified as a site for adaptive reuse; and
- Two pipeline projects, at 1331 Harrison Street and 630 Webster Street, are assigned site numbers (29 and 35, respectively).

CONCURRENT PLAN COMPONENT – DESIGN GUIDELINES

A number of modifications and minor adjustments have been made to the Design Guidelines. A new Historic Character section (Section 3) has been inserted to provide context for the historic resources design guidelines, and further describe character-defining features of various building typologies considered historic resources. Streetscape design guideline content was revised to include guidelines for Green Streets, Festival Streets, and Freeway Undercrossings. Modest changes were made to the language of several design guidelines for clarity and to eliminate redundancies. Several photographs have been added or replaced and figures edited to more effectively illustrate relevant design guidelines. Other minor corrections and clarifications were made throughout the chapter.

CONCURRENT PLAN COMPONENT – PLANNING CODE AMENDMENTS

Adjustments have been made to the proposed Planning Code, including zoning and height area maps, to reflected changes in Station Area Plan. Height areas and boundaries have been modified as shown in DEIR Figure 2.4-5, and are still within the Development Program studied in the EIR. Additionally refinements have been made to parking and open space requirements for residential units to incentivize affordable housing development and reuse of historic resources.

2.4 Environmental Effects of Station Area Plan Revisions

As introduced in DEIR Chapter 2, for purposes of environmental review, the City has established the Lake Merritt Station Area Development Program, which represents the *maximum feasible development* that the City has projected can reasonably be expected to occur in the Plan Area over the next 25 years. This is the level of development envisioned by the Station Area Plan and analyzed in the DEIR. In total, the Development Program includes approximately 4,900 new housing units, 4,100 new jobs, 404,000 square feet of additional retail, and 1,230,000 square feet of office uses.

This *maximum development* that is the basis of the DEIR analysis is distinctly different from the *theoretical maximum development potential* that could ultimately occur in the Plan Area. The *reasonably foreseeable maximum development* assumed for the DEIR analysis attempts to project what might be feasible based on a number of market factors, including: market demand for various uses; broader regional economic and market conditions; backlog of approved or planned projects in the vicinity; recent development and business investment in the area; landowner intentions for their properties; and properties susceptible to change due to vacancy, dereliction, or absence of existing development. As detailed, in Appendix B of the DEIR, the Development Program is the result of the potential redevelopment of over three dozen opportunity sites, in accordance with the factors listed above. Note that the heights assumed for new development on opportunity sites differ from the maximum building heights in the proposed rezoning from the Draft Station Area Plan (DEIR Figures 2.3-2 and 2.4-5). The Development Program shows heights that are more reasonably foreseeable than the height maximums in the proposed rezoning and most of the Plan Area is expected to be built out to 8 stories (85-90 feet), with some taller buildings up to 25 stories (about 275 feet).

As discussed below, none of the modifications to the Draft Station Area Plan—including revision, addition or deletion of policies; or modifications to proposed zoning controls, height areas, or land use designations —would render the Development Program an unreasonable assumption for the *maximum feasible development* under the Station Area Plan and for the basis of the DEIR analysis. As such, none of the modifications to the Draft Station Area Plan, as published in the Final Station Area Plan, would alter the basis of the DEIR analysis; and none of these modifications would result in a new or significant impact or a peculiar environmental impact or an impact of substantially greater severity than was already analyzed and disclosed in the DEIR.

Aesthetics, Shadow and Wind

Modifications to the proposed Height Areas would not alter the assumptions used in the DEIR analysis. In addition, adherence to the modified Design Guidelines for particular projects and the required consistency of those projects with the policies articulated in the Final Station Plan still would result in new development that is cohesive in architectural style and form. Overall, the Final Station Area Plan would result in the same significant and unavoidable, and less than significant aesthetics impacts identified in the DEIR for the Draft Station Area Plan.

Air Quality

The Lake Merritt Station Area Plan Development Program forms the basis of the DEIR analysis for Air Quality and the level of development and related construction activity assumed for this analysis would not change as a result of modifications to the Station Area Plan. Therefore, the conservative SU air quality

impacts identified with the Draft Station Area Plan (Impact AQ-3, TACs, Impact AQ-4, odors, and Impact AQ-5, cumulative operational TACs) would continue to be conservatively SU.

The Final Station Area Plan would be subject to the same air quality Recommended Measures, Mitigation Measures, and SCAs that would apply to the Draft Station Area Plan. Overall, the Final Station Area Plan would result in the same conservative SU and less-than-significant air quality impacts identified with the Draft Station Area Plan.

Biological Resources

Under the Final Station Area Plan, development still would occur in the Plan Area and the construction activities and operation of development could impact biological resources. Individual projects would be required to conform to all of the City's SCAs. Overall, the Final Station Area Plan would maintain the same less-than-significant impacts on biological resources.

Cultural Resources

Despite strengthened policy language and zoning regulations regarding the preservation of historic resources within the Plan Area, the SU historic resources impacts identified with the Draft Station Area Plan (Impacts CUL-1 and CUL-5, impacts to historic resources – project and cumulative), would continue to be SU, although such impacts may be reduced. Overall impacts to cultural resources under the Final Station Area Plan would result in the same SU and less-than-significant impacts as the Draft Station Area Plan.

Geology, Soils and Geohazards

Under the Final Station Area Plan, development still would occur in the Plan Area and the construction activities and operation of development could expose residents to geologic hazards including strong ground shaking during a seismic event. Individual projects would be required to incorporate all applicable SCAs. Thus, the Final Station Area Plan would result the same less-than-significant impacts to geology, soils and geohazards.

Greenhouse Gases and Climate Change

The Lake Merritt Station Area Plan Development Program forms the basis of the DEIR analysis for Greenhouse Gases and Climate Change and thus the assumptions for generation of annual greenhouse gas emissions would not change as a result of modifications to the Draft Station Area Plan. All applicable SCAs, including SCA F, *GHG Reduction Plan*, still would be incorporated in future developments, as applicable. Thus, the Final Station Area Plan would result in the same less-than-significant impacts to greenhouse gases and climate change.

Hazardous Materials

Under the Final Station Area Plan, development still would occur in the Plan Area and the construction activities involving demolition, soil disturbance and excavation could continue to potentially expose construction workers and residents to potential hazards and hazardous materials. Any new construction would incorporate applicable City SCAs, and therefore would result in the same less-than-significant impacts associated with hazardous materials and hazards. Overall, the Final Station Area Plan would result in the same less-than-significant impacts identified in the DEIR for the Draft Station Area Plan.

Hydrology and Water Quality

Under the Final Station Area Plan, development still would occur in the Plan Area, construction activities could lead to increased contaminants being washed into San Francisco Bay, altered drainage patterns could result in susceptibility to flooding hazards or inundation. However, any development would incorporate the City's applicable SCAs and implement best management practices. Therefore, impacts to water quality under the Final Station Area Plan would continue to be less than significant.

Land Use, Planning, Population, and Housing

Under the Final Station Area Plan, development still would occur in the Plan Area, and, as discussed above, the development assumptions established in the Lake Merritt Station Area Plan Development Program would not change as a result of modifications to the Draft Station Area Plan. All new development would be required to be consistent with the General Plan and zoning regulations. Therefore, the Final Station Area Plan would result in the same less-than-significant land use impacts as identified in the DEIR for the Draft Station Area Plan. The Final Station Area Plan would also have the same less-than-significant impacts regarding the displacement of substantial housing, people, businesses, or jobs, as identified for the Draft Station Area Plan.

Noise

The Lake Merritt Station Area Plan Development Program forms the basis of the DEIR analysis for Noise. The estimated number of new peak hour trips would not change as a result of modifications to the Station Area Plan and therefore, the Final Station Area Plan would result in the same less-than-significant noise impacts as identified in the DEIR for the Draft Station Area Plan. Furthermore, any development would still be required to incorporate the City's applicable SCAs related to noise.

Parks and Recreation and Public Services

The Lake Merritt Station Area Plan Development Program forms the basis of the DEIR analysis for Parks and Recreation and thus the demand for public services and recreation facilities under the Final Station Area Plan, and the use of such facilities, would not change as a result of modifications to the Draft Station Area Plan. Thus, it is not anticipated that new physical facilities would be required, the construction of which could result in adverse environmental effects. Therefore, impacts related to parks and recreation under the Final Station Area Plan would continue to be less than significant.

Transportation and Circulation

To present a more conservative analysis of potential Station Area Plan impacts on the surrounding street network, the traffic impact analysis presented in the DEIR does not account for the effectiveness of the policies included in the Draft or Final Station Area Plan in reducing the overall automobile trip generation. Therefore, modification to policies in the Final Station Area Plan or zoning regulations, such as reduced parking requirements for new development, would not alter the basis of the DEIR analysis and thus would not result in new or peculiar environmental impacts or impacts of greater severity than was already analyzed and disclosed in the DEIR.

In addition, the Station Area Plan modifications do not modify the Lake Merritt Station Area Plan Development Program or the roadway modifications included in the Draft Station Area Plan, which formed the basis of the DEIR analysis. Therefore, the analysis presented in the DEIR continues to remain

valid and Station Area Plan modifications related to Transportation and Circulation would not result in new or more severe significant impacts not already disclosed in the DEIR.

Utilities and Service Systems

The Lake Merritt Station Area Plan Development Program forms the basis of the DEIR analysis for Utilities and Service Systems and thus the demand for water, wastewater, energy, and solid waste disposal services under the Final Station Area Plan would not change as a result of modifications to the Draft Station Area Plan. Therefore, impacts related to utilities and service systems under the Final Station Area Plan would continue to be less than significant.

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3 Changes to the Draft EIR

3.1 Introduction

The changes presented in this section are initiated by the City of Oakland (Lead Agency) staff or by comments received on the DEIR. Changes include corrections, revisions or clarifications to information presented in the DEIR. Throughout this section, newly added text is shown in single underline format, and deleted text is shown in ~~strikeout~~ format. Changes specifically initiated by comments received on the DEIR are referred to in the responses to comments in Chapter 5.

Changes are listed in the order in which they would appear in the DEIR document, except that revised EIR maps are placed in Section 3.3. In some cases, revised tables and paragraphs are shown in summary form; in these cases, the ellipses - … - is used to indicate that portions of the text or table are not included for the sake of brevity.

As indicated in Chapter 1: Introduction, the entirety of the Final EIR consists of the DEIR and its Appendices and this document. Thus, the DEIR changes presented in this section incorporate and supersede original text in the DEIR.

3.2 Revisions to the Draft EIR Chapters

CHAPTER 2: PROJECT DESCRIPTION

Page 2-4

Figure 2.1-2: Planning Boundary is revised, removing the numbers from the map.

Page 2-8

Height and Massing Concepts

Height and massing concepts in the proposed Plan would be implemented through zoning amendments and design guidelines (see Section 2.4: Concurrent Plan Components). Key themes related to height and massing proposals include enhancing community character, maintaining compatibility with historic and natural resources, and accommodating high-density Transit-Oriented Development. Massing concepts are meant to respond historic buildings and patterns of lot size and scale; be sensitive to existing buildings, and existing and new parks; and incorporate transitions between developments of differing scales. The proposed Station Area Plan recommends two regulate height and massing levels:

- **Base heights** should complement the existing context, and ensure that a consistent character is maintained from the pedestrian perspective. These heights should be consistent with breaking points in cost of construction for different construction types.
- **Total tower height** would be an additional amount of height above the base height ~~and would be the maximum height allowed~~. In order to ensure slender towers, tower portions of a building would be subject to massing regulations, such as setbacks, percent lot coverage above the base, and tower length limits.

- **Additional tower height** could be conditionally permitted for a limited number of buildings in distinct geographic areas within the Station Area up to a specific maximum height. The Conditional Use Permit process would include findings for design compatibility and consistency with the policies and goals of the Station Area Plan.

Pages 2-9, 2-10

Figure 2.3-1: Draft Area Character is revised to extend the Open Space district further from the Channel between I-880 and 7th Street.

Figure 2.3-2: Draft Proposed Height Areas is revised to reflect the Plan changes described in Chapter 2 of this FEIR.

Page 2-11

Height Areas

The Draft Height Map is shown in **Figure 2.3-2**. The Plan's proposed Height Areas are conceptual. They will be implemented through specific revisions to zoning. Current zoning proposals are described in more detail in Section 2.4 Concurrent Plan Components. Proposed base heights, which are important for establishing the way people experience the urban environment are 45 feet to reflect the existing neighborhood scale. ~~vary depending on the proximity to downtown and the existing context. Higher 85- and 120-foot base heights are proposed for areas closer to downtown, along Broadway, and along the southern edge of 14th Street. Height Area 2, along the north side of 14th Street, provides an 85-foot base height with no additional height allowed for towers, reinforcing the existing pattern. The lower 45-foot base height would be located in the remaining area. Height Area 6, which encompasses educational and institutional uses, is the only area that would allow towers and does not have a base height limitation.~~

~~The Plan's proposed Height Areas are conceptual. They will be implemented through specific revisions to zoning. Current zoning proposals are described in more detail in Section 2.4 Concurrent Plan Components.~~

Heights shown in Figure 2.3-2 (and described in Section 2.4) represent the maximum heights allowed in specific geographic areas of the Station Area. However, additional tower heights could be conditionally permitted for a limited number of buildings in each Height Area up to a specific maximum height, as described in more detail on Page 2-23. The additional increments of height allowable with the granting of a conditional use permit are all within the development envelope studied in the DEIR. ~~However, any development above 275 feet would be required to provide community benefits in order to achieve those maximum heights~~. Future Plan Area development would also be subject to the Lake Merritt Station Area Plan Development Potential which consists of the reasonably foreseeable maximum development

assumed for the EIR. Therefore, as discussed in greater detail below in Section 2.5: Reasonably Foreseeable Maximum Development, and in Section 2.6: Adherence to Allowable Development Program, individual development projects would be required to undergo monitoring by the City to ensure that the overall development program is not exceeded.

Page 2-13

Figure 2.3-3: Phase I Circulation Improvement is revised to add a proposed bulbout to the intersection of 7th and Jackson Streets, and make the Planning Area boundary symbol consistent with other maps.

Page 2-17

Figure 2.4-1: General Plan and Estuary Policy Plan (Amendments) is revised to remove the opportunity sites from the map.

Pages 2-21, 2-22

Figure 2.4-2: Existing Zoning Districts is revised to remove Chinese street names and opportunity sites.

Figure 2.4-3: Proposed Zoning Districts is revised to extend the Open Space district to the street between Lincoln Park and Lincoln Elementary School; extend the Pedestrian Commercial district from the BART blocks to the Madison Street centerline; and correct the label/symbology match for the Commercial Corridor and Transitional Commercial Corridor.

Page 2-23

Height Areas

The proposed zoning amendments also include amendments to the Height Areas, to implement the proposed Station Area Plan's concepts for base and tower height limits. Existing Areas would be replaced by a new set of height areas reflecting the Draft Height Map in the proposed Station Area Plan. Existing and proposed height areas are shown in **Figures 2.4-4** and **2.4-5**, respectively. The Height Areas described here and illustrated in **Figure 2.4-5** represent the maximum heights allowed in specific geographic areas of the Station Area. However, additional tower heights could be conditionally permitted for a limited number of buildings in each Height Area up to a specific maximum height. The additional increments of height allowable with the granting of a conditional use permit are all within the development envelope studied in the DEIR. Proposed base heights, which are important for establishing the way people experience the urban environment are 45 feet to reflect the existing neighborhood scale. ~~However, any development above 275 feet would be required to provide community benefits in order to achieve those maximum heights~~. Future Plan Area development would also be subject to the Lake Merritt Station Area Plan Development Potential which consists of the reasonably foreseeable maximum development assumed for the EIR. Therefore, as discussed in greater detail below in Section 2.6: Adherence to Allowable Development Program, individual development projects would be required to undergo monitoring by the City to ensure that the overall development program is not exceeded. Proposed new height areas are as follows:

- ~~**Height Area 1.** This Height Area would be consistent with the heights of existing buildings, with a total height limit of 45 feet. It is proposed along 7th Street in order to preserve the most intact portions of the historic 7th Street/Harrison Square Residential District Area of Primary Importance. Pitched roofs are typical of the historic district, and would be encouraged but not~~

~~required for new development. New buildings would also be subject to design guidelines related to historic resources and that ensure compatible design.~~

~~This Height Area is also proposed for the Fire Alarm Building site given its historic status, waterfront setting on Lake Merritt, and proximity to the County Courthouse.~~

- ~~**Height Area 2.** This Height Area would have a total height limit of 85 feet and would be located along the northern edge of 14th Street. It is consistent with the existing Central Business District height map, which reflects the 2009 proposal vetted by the Gold Coast neighborhood to the north. This Height Area is also proposed for the Historic King block (bound by Harrison, Webster, 13th, and 12th Streets) to maintain heights consistent with the historic character of this block.~~
- ~~**Height Area 3.** This Height Area would have a base height of 45 feet to reflect the existing neighborhood scale, and a total height limit of 175 feet. The Area would step down from Height Area 4 to transition to the smaller scaled Eastlake neighborhood to the east.~~
- ~~**Height Area 4 and 4A.** This Height Area would have a base height of 45 feet to reflect the existing neighborhood scale, and a total height limit of 275 feet to accommodate high density and TOD. Height Area 4 would be located throughout much of the Planning Area, including the Chinatown core, the Lake Merritt BART Blocks, the area under the freeway, and the area just east of the Lake Merritt Channel which is envisioned as a gateway to the Eastlake neighborhood. The Lake Merritt BART blocks are identified as 4A, which indicates that development would be required to provide community benefits in order for it to achieve the maximum height limit of 400 feet.~~
- ~~**Height Area 5.** This Height Area would have a base height of 85 feet and a total height limit of 175 feet. These limits reflect the existing neighborhood scale and the transition to taller building base heights along 14th Street and leading to Downtown. The total height would step down from Height Areas to the west that link to Downtown Oakland.~~
- ~~**Height Area 6.** This Height Area would encompass the large educational/institutional areas with a total height limit of 275 feet, with no base height limitation. Note that this height limit on institutional areas would represent a change from unlimited heights, but height limitations were determined to be desirable near the Lake Merritt channel.~~
- ~~**Height Area 7.** This Height Area would have a base height of 85 feet and a total height limit of 275 feet. It is envisioned as a transitional area between the Chinatown Core and Broadway and I-880 Freeway, and along 14th Street between Area 5 and Area 8, which transitions into the Downtown core.~~
- ~~**Height Area 8.** This Height Area would have a base height of 85 feet and a total height limit of 400 feet. For development over 275 feet, community benefits are required. It is proposed for the area bound by 11th, Webster, 13th, and Madison Streets (with the exclusion of the historic King block). This area transitions to the Downtown core and has substantial opportunity for high-density TOD.~~
- ~~**Height Area 9.** This Height Area would accommodate the tallest buildings as the area nears the core of Downtown Oakland. The base height in this area is 125 feet, with no total height limit. For development over 275 feet, community benefits are required.~~

- **Height Area 1.** This Height Area would have a total height limit of 275 feet to accommodate the highest density, transit-oriented development closest to the Lake Merritt BART Station and along

the Broadway corridor near the core of Downtown Oakland. This Height Area would also be located along portions of the I-880 Freeway in order to provide a buffer to reduce noise and air quality impacts.

- **Height Area 2.** This Height Area would have a total height limit of 175 feet to accommodate high density, transit-oriented development closest to the 12th Street BART Station (on Broadway between 12th and 14th Streets), and along the civic/office corridors of 11th, 12th and 13th Street. This height limit reflects the existing context of larger buildings and larger parcel sizes that exist on the northern end of the Planning Area. A maximum of three (3) buildings could be conditionally permitted for additional tower height (up to 275 feet).
- **Height Area 3.** This Height Area would have a total height limit of 85 feet to accommodate high-density, transit-oriented development in the largest portion of the Planning Area, including the core of Chinatown, and many historic landmark buildings or districts that occupy a full block area—such as the Historic King block (bound by Harrison, Webster, 13th, and 12th Streets), the Hotel Oakland and the County Courthouse—to maintain heights consistent with the historic character. A maximum of three (3) buildings could be conditionally permitted for additional tower height (two buildings could go up to 175 feet and one building could go up to 275 feet).
- **Height Area 4.** This Height Area would have a total height limit of 85 feet to accommodate high-density, transit-oriented development in the Eastlake area. A maximum of three (3) buildings could be conditionally permitted for additional tower height (two buildings could go up to 175 feet and one building could go up to 275 feet).
- **Height Area 5.** This Height Area would be consistent with the heights of existing historic buildings, with a total height limit of 45 feet. It is proposed along 7th Street in the most intact portions of the 7th Street/Harrison Square Residential Historic District Area of Primary Importance, where height is a character-defining feature. This Height Area is also proposed for the Fire Alarm Building site given its height as a character-defining feature.

Pages 2-25, 2-26

Figure 2.4-4: Existing Height Limits is revised to clarify opportunity sites.

Figure 2.4-5: Proposed Height Limits is revised to reflect zoning changes described in Chapter 2 of this FEIR.

Page 2-29

Figure 2.5-1 Opportunity Sites (Sites Most Likely to Redevelop) is revised to identify Fire Alarm Building site as Opportunity Site #48; to identify the Fire Alarm Building and Kaiser Auditorium as "Opportunity Sites for Adaptive Reuse"; and to add numbers to the opportunity sites at 630 Webster Street and 1331 Harrison Street..

Page 2-33

IMPLEMENTATION STRATEGIES

The proposed Plan's Implementation Strategy has some mechanisms that can be undertaken directly, such as developer incentives, which are described as Phase I Implementation strategies. The timing of Phase I

Implementation strategy mechanisms is dependent only upon securing funds or the timing of related development activities that are associated with their completion.

Phase I Implementation strategies include the following:

- Developer Incentive Program
  - The proposed Plan recommends the creation of a Developer Incentive Program, which would ~~set a lower threshold for the requirement of developer provision of community benefits (lower than the 275 foot building height threshold included in the Draft Plan); or~~ allow the relaxation of development requirements, such as parking or open space in exchange for provision of certain public amenities, such as affordable housing, preservation of historic resources or public open space, ~~or childcare centers~~.
  - A developer incentive program would stay within the height, density and FAR envelope of the maximum development potential analyzed in this EIR.
  - The incentive program must be entirely voluntary. Otherwise, the program would trigger a legal requirement for a nexus study prior to implementation, and thus could not be implemented immediately.

CHAPTER 3.1: LAND USE, PLANNING, POPULATION AND HOUSING

Page 3.1-7

The Planning Area has around 3,000 housing units and 2,900 households. The relatively low number of residents per household (1.96) results in a Planning Area population of around 6,000. Compared to the rest of Oakland, the area's population is more Asian (especially Chinese), older, has smaller-sized households, is lower income, and is more likely to rent its housing. As of 2009, 64 percent of the Study Area population was Asian. Only 15 percent of households include someone under the age of 18, compared to 33.5 percent citywide. Approximately 30 percent of the Planning Area population is age 60 or older, compared to 16 percent citywide.

Page 3.1-33

Central District Urban Renewal Plan

This plan covers the Central District Redevelopment Project Area and is generally bounded by the Embarcadero to the south, Fallon Street and Lake Merritt to the east, 28th Street and Bay Place to the north, and I-980 to the west. Much of the Planning Area falls within the Central District, excepting the BART blocks and areas east of Fallon Street including Laney College. The Central District plan defers to the land use designated in the General Plan, but does include policies related to affordable housing, housing replacement, and relocation of displaced persons that apply within the project area boundaries. This plan lists the following major goals pertaining to land use, plans, and policies:

- ***Goal A*:** A strengthening of the Project Area's existing role as an important office center for administrative, financial, business service and governmental activities.
- ***Goal B*:** Revitalization and strengthening of the Oakland Central District's historical role as the major regional retail center for the Metropolitan Oakland Area.
- ***Goal C*:** Establishment of the Project Area as an important cultural entertainment center.

Pages 3.1-42 – 3.1-43

Impact LU-4

New development under the proposed Station Area Plan would not displace substantial numbers of housing units or people, necessitating the construction of replacement housing elsewhere in excess of that contained in the City's Housing Element. ***(Less than Significant)***

...

The Station Area Plan identifies "opportunity sites" where future development is anticipated to occur in the Planning Area. These sites, shown on **Figure 2.5-1** in Chapter 2, are identified because of their vacant status; their use as surface parking; the relatively low value of the buildings compared to the underlying land value; or their historic status. There are six existing housing units on the identified opportunity sites that could be lost, based on a best estimate of where future development will take place. This number of units and people is not substantial and would not require construction of new housing elsewhere. The lost units would be far outnumbered by new housing development under the proposed Plan, and less than housing expected to be developed to meet Housing Element obligations.

Existing Regulations

The Housing Element ~~also~~ includes policies that support the preservation of existing housing. Oakland's Regional Housing Needs Allocation (RHNA) for the Housing Element planning periods for 2007-2014 and 2015-2022 total 14,629 units and 14,765, respectively. The Housing Element is a strategy document outlining City policies to facilitate the development of those housing units, with specific benchmarks for housing available to households at each income level. Policy 4.3 in the 2010 Housing Element calls for the city to support the preservation and rehabilitation of existing housing stock; encourage the relocation of structurally sound housing; and help citizens remain in their homes. Policies 5.1 and 5.5 recommit the City to seeking to preserve housing that may be at-risk of converting to market rate units or to non-residential uses. With existing regulations and development patterns facilitated by the proposed Station Area Plan, this potential impact is less than significant.

Existing regulations summarized in the Regulatory Setting could have the effect of protecting existing housing units that could be lost. Under the City's Ellis Act Ordinance, lower-income households in projects where owners withdraw the units from the rental market are entitled to relocation assistance. New development associated with the Central District Urban Renewal Plan or the Central City East Redevelopment Project may still be required to provide relocation assistance and replacement housing at appropriate affordability levels. The status of Redevelopment requirements is not clear. If relocation assistance is used, rents for some tenants could be higher or the housing could be less desirable at a new location. Others may find it beneficial to relocate, if they find preferable or improved housing that better meets their needs, in terms of location, unit size or quality, or rent. In either case, existing households could benefit from existing protections.

~~The Housing Element also provides assurance that existing housing will be preserved. In particular, Policy 4.3 in the 2010 Housing Element calls for the city to support the preservation and rehabilitation of existing housing stock; encourage the relocation of structurally sound housing; and help citizens remain in their homes. Policies 5.1 and 5.5 recommit the City to seeking to preserve housing that may be at-risk of~~

~~converting to market rate units or to non-residential uses. With existing regulations and development patterns facilitated by the proposed Station Area Plan, this potential impact is less than significant.~~

CHAPTER 3.2: TRANSPORTATION AND TRAFFIC

Page 3.2-3

Embarcadero West is an east-west arterial roadway that is located at the southern end of the Planning Area. In the project area, Embarcadero is a bi-directional, two-lane roadway and provides access to Jack London Square and the Oakland/Alameda Ferry. East of Oak Street, a Class II bike lane is provided. Embarcadero parallels I-880 to the south and connects the Port of Oakland to the west and 23rd Avenue to the east.

Oak Street is a north-south arterial roadway that provides access to the Lake Merritt BART Station just north of 8th Street. Oak Street is a one-way roadway with four northbound lanes north of I-880. South of I-880, Oak Street is a bi-directional, two-lane undivided roadway. Oak Street provides a connection from 14th Street to the north and Embarcadero to the south. At 14th Street Oak becomes Lakeside Drive, which continues north along the edge of Lake Merritt.

Pp. 3.2-26 – 3.2-27

Existing Collision Data

Collision data within the Planning Area was evaluated to determine the effect the project might have on the existing transportation network. The collision information was obtained from the City of Oakland Traffic Engineering Department for the five years from July 1, 2005, to ~~June 30, 2010~~February 28, 2012. This data is included in Appendix D. The collision data was separated by study intersection and was only queried for intersection related collisions. The collisions were reviewed and study area related collisions were summarized for each intersection. **Table 3.2-1** summarizes the total number of collisions, the number of fatal collisions, the number of pedestrian related collisions, and the number of bicycle related collisions by intersection.

Table 3.2-1: Existing Collision Data Summary

No.	*Street #1*	*Street #2*	*Accidents (July 2005 – ~~June 2010~~February 2012)*			
			Total	*Fatality*	*Ped*	*Bike*
1	Grand Ave	Broadway	~~32~~36	0	~~0~~1	~~5~~6
2	20th St.	Harrison St	~~17~~22	0	1	1
3	19th St	Madison St	~~6~~7	0	2	0
4	17th St	Madison St	~~8~~10	0	~~0~~1	0
5	Madison St.	14th St.	~~30~~36	0	~~3~~4	~~0~~1
6	Oak St.	14th St.	~~18~~22	0	0	~~1~~3
7	Madison St.	13th St	9	0	2	0
8	Oak St.	13th St	~~16~~18	0	0	0
9	Lake Merritt Blvd	13th St	Future Intersection			

Table 3.2-1: Existing Collision Data Summary

No.	*Street #1*	*Street #2*	*Accidents (July 2005 – ~~June 2010~~February 2012)*			
			Total	*Fatality*	*Ped*	*Bike*
10	Brush St	12th St.	~~16~~31	0	~~5~~8	0
11	Broadway	12th St.	~~26~~28	0	~~4~~6	1
12	Madison St.	12th St.	~~13~~15	0	~~2~~3	0
13	Oak St.	12th St.	~~43~~48	0	4	0
14	Lake Merritt Blvd	11th St.	Future Intersection			
15	1st Ave.	International Blvd.	0	0	0	0
16	Lakeshore Ave	18th St	14	0	0	1
17	Castro St	11th St.	~~49~~54	0	1	1
18	Broadway	11th St.	~~20~~23	0	~~3~~5	0
19	Madison St.	11th St.	~~14~~15	0	1	0
20	Madison St.	10th St.	~~14~~19	0	1	1
21	Oak St.	10th St.	~~20~~22	0	~~0~~1	1
22	Webster St.	9th St.	~~29~~30	0	3	1
23	Madison St.	9th St.	~~11~~17	~~0~~1	~~1~~3	0
24	Oak St.	9th St.	7	0	0	0
25	Webster St.	8th St.	~~76~~87	0	~~0~~1	0
26	Harrison St.	8th St.	~~20~~25	1	1	0
27	Jackson St.	8th St.	~~26~~31	0	~~2~~3	~~0~~1
28	Madison St.	8th St.	~~24~~31	0	~~2~~4	0
29	Oak St.	8th St.	~~23~~26	0	~~0~~1	2
30	Fallon St.	8th St.	~~1~~2	0	~~0~~1	0
31	Harrison St.	7th St.	~~54~~61	0	3	0
32	Jackson St.	7th St.	~~27~~34	0	~~4~~5	~~0~~1
33	Madison St.	7th St.	~~34~~48	0	~~0~~1	0
34	Oak St.	7th St.	~~25~~28	0	3	0
35	5th Ave.	7th St./8th St.	26	0	0	1
36	Jackson St.	6th St.	~~31~~38	0	0	0
37	Madison St.	6th St.	~~16~~22	0	0	0
38	Oak St.	6th St.	~~16~~22	0	~~0~~2	0
39	Jackson St.	5th St.	~~20~~28	0	~~2~~3	0
40	Madison St.	5th St.	~~10~~13	0	1	0
41	Oak St.	5th St.	~~18~~23	0	0	0
42	Oak St.	Embarcadero	10	0	1	0
Total			**~~869~~1,027**	**~~1~~2**	**~~5~~277**	**~~16~~22**

Source: Kimley-Horn and Associates, Inc.

As shown in **Table 3.2-1**, there were a total of ~~869~~ 1,027 incidents at the study intersections from July 2005 to ~~June 2010~~February 2012. Of the ~~869~~ 1,027 incidents at the study intersections, ~~52~~ 77 incidents were pedestrian related and ~~16~~22 were bicycle related. Each of ~~At~~ the intersections of Harrison Street ~~and~~ at 8th Street and Madison Street at 9th Street had~~,~~ one pedestrian related incident resulting~~ed~~ in a fatality. The intersection of Webster Street and 8th Street incurred the highest number of incidents within this ~~five~~seven-year period with ~~76~~ 87 incidents.

Page 3.2-31

AC Transit Bus Travel Time

Existing Travel Times on AC Transit Bus Routes

Traffic operations were evaluated on 7th Street, 8th Street, Oak Street, and Madison Street to assess the effect of the Lake Merritt Station Area Plan on the AC Transit bus travel times. Travel times were calculated in the Existing condition and are presented in **Table 3.2-5**. As shown in **Table 3.2-5**, the maximum travel time in the AM Peak is ~~197~~ 222 seconds going westbound on 8th Street. In the PM peak, the maximum travel time is ~~193~~ 218 seconds along 8th Street.

Table 3.2-5: Existing AC Transit Bus Travel Times

Arterial	*From*	*To*	*Direction*	*Existing*	
				AM Peak	*PM Peak*
				Travel Time (secs)	
7th Street	~~Harrison Street~~ Broadway	Oak Street	EB	~~88~~172	~~89~~172
8th Street*	Fallon Street	~~Webster Street~~ Broadway	WB	~~197~~222	~~193~~218
Madison Street	11th Street	7th Street	SB	94	94
Oak Street	7th Street	12th Street	NB	99	108

Source: Kimley-Horn and Associates, Inc.
* Travel time does not include traffic signal delay at the Franklin Street intersection.

Page 3.2-35

City of Oakland Bicycle Master Plan

The City of Oakland Bicycle Master Plan[1] discusses goals and objectives related to the Lake Merritt Station Area Plan. These include:

- Goal 1 – Infrastructure: Develop the physical accommodations, including a network of bikeways and support facilities, to provide for safe and convenient access by bicycle.
  - BMP Policy 1A – Bikeway Network: Develop and improve Oakland's bikeway network.
  - BMP Policy 1B – Routine accommodation: Address bicycle safety and access in the design and maintenance of all streets.

[1] *City of Oakland Bicycle Master Plan*, City of Oakland, December 2007.

  - BMP Policy 1C – Safe Routes to Transit: Improve bicycle access to transit, bicycle parking at transit facilities, and bicycle access on transit vehicles.

  - BMP Policy ID – Parking and Support Facilities: Promote secure and conveniently located bicycle parking at destinations throughout Oakland.

- Goal 3 – Coordination: Provide a policy framework and implementation plan for the routine accommodation of bicyclists in Oakland's projects and programs.

Page 3.2-36

City of Oakland Pedestrian Master Plan

The City of Oakland Pedestrian Master Plan[2] discusses goals and objectives related to the Lake Merritt Station Area Plan. These include:

- Goal 1 – Pedestrian Safety: Create a street environment that strives to ensure pedestrian safety.
  - PMP Policy 1.1 Crossing Safety: Improve pedestrian crossings in areas of high pedestrian activity where safety is an issue.
  - PMP Policy 1.2 Traffic Signals: Use traffic signals and their associated features to improve pedestrian safety at dangerous intersections.
  - PMP Policy 1.3 Sidewalk Safety: Strive to maintain a complete sidewalk network free of broken or missing sidewalks or curb ramps.

- Goal 2 – Pedestrian Access: Develop an environment throughout the City – prioritizing routes to school and transit – that enables pedestrians to travel safely and freely.
  - PMP Policy 2.1 Route Network: Create and maintain a pedestrian route network that provides direct connections between activity centers.
  - PMP Policy 2.2 Safe Routes to School: Develop projects and programs to improve pedestrian safety around schools.
  - PMP Policy 2.3 Safe Routes to Transit: Implement pedestrian improvements along major AC Transit lines and at BART stations to strengthen connections to transit.

- Goal 3 – Streetscaping and Land Use: Provide pedestrian amenities and promote land uses that enhance public spaces and neighborhood commercial districts.
  - PMP Policy 3.1 Streetscaping: Encourage the inclusion of street furniture, landscaping, and arts in pedestrian improvement projects.

Pages 3.2-71, 3.2-82, 3.2-95, 3.2-106 – 3.2-107, and 3.2-123.

Traffic operations were evaluated on 7th Street, 8th Street, Oak Street, and Madison Street to assess the effect of the Project on AC Transit bus travel times. Travel times were calculated in the Existing Plus Project condition and compared with the Existing No Project condition. The comparison is presented in

[2] *City of Oakland Pedestrian Master Plan*, City of Oakland, November 2002.

Table 3.2-12. The analysis indicates there will be an increase in AC Transit bus travel times. The greatest increase in travel time is ~~90~~ 45 seconds ~~(1.5 minutes)~~ in the PM peak hour on Madison Street.

Although not reflected in the quantitative travel time analysis in **Table 3.2-12**, various transit access improvement policies that are part of the Lake Merritt Station Area Plan, including policies C-33 and C-46 that call for transit signal priority, bus bulbs, and improved management of curb space— will contribute to offsetting any increase in travel time due to the Project. Therefore, this impact is considered less than significant and no mitigation is required.

Table 3.2-12: Existing Plus Project AC Transit Bus Travel Times

Arterial	*Limits*	*Dir*	*Existing*		*Existing + Project*			
			AM	*PM*	*AM*		*PM*	
			Travel Time (sec)		*Travel Time (sec)*	*Δ Travel Time (sec)*	*Travel Time (sec)*	*Δ Travel Time (sec)*
7th	~~Harrison~~Broadway to Oak	EB	~~87~~172	~~89~~172	~~88~~177	~~1~~5	~~93~~176	4
8th*	Fallon to ~~Webster~~ Broadway	WB	~~197~~222	~~193~~218	~~212~~238	16~~5~~	~~205~~230	12
Madison	11th to 7th	SB	94	94	~~106~~138	~~12~~44	~~184~~139	~~90~~45
Oak	7th to 12th	NB	99	108	114	15	113	5

Source: Kimley-Horn and Associates, Inc. (2013)
* Travel time does not include traffic signal delay at the Franklin Street intersection.

Interim 2020 No Project AC Transit Bus Travel Times

Travel times on 7th Street, 8th Street, Oak Street, and Madison Street were evaluated to establish a baseline condition used to assess the effect of the Project's lane reconfigurations and additional traffic on AC Transit vehicle mobility through the corridors. Baseline travel times for the Interim 2020 No Project condition are presented in **Table 3.2-17**. As shown in the table, the maximum travel time in the AM peak hour on any of the study segments is ~~244~~ 269 seconds (about 4 ½ -minutes) (westbound on 8th Street). This same segment also produces the greatest travel time in the PM peak hour—a maximum travel time of ~~207~~ 233 seconds (about ~~3 ½~~4-minutes).

Table 3.2-17: Interim 2020 No Project AC Transit Bus Travel Times

Arterial	*From*	*To*	*Direction*	*Arterial Class*	*Interim 2020*	
					AM Peak	*PM Peak*
					Travel Time (secs)	
7th Street	~~Harrison Street~~Broadway	Oak Street	EB	IV	~~100~~177	~~125~~181
8th Street*	Fallon Street	~~Webster Street~~Broadway	WB	IV	~~244~~269	~~207~~233
Madison Street	11th Street	7th Street	SB	IV	85	147
Oak Street	7th Street	12th Street	NB	IV	~~97~~98	104

Source: Kimley-Horn and Associates, Inc. (2013)
* Travel time does not include traffic signal delay at the Franklin Street intersection.

Interim 2020 Plus Project AC Transit Bus Travel Times

...
Traffic operations were evaluated on 7th Street, 8th Street, Oak Street, and Madison Street to assess the effect of the Project on AC Transit bus travel times on these corridors. Estimated travel times in the Interim 2020 Plus Project conditions are presented in **Table 3.2-21**. In general, there is an increase in travel times, although the segment of 7th Street between Harrison and Oak Street experiences a reduction. The greatest increase in estimated travel time was ~~86~~ 84 seconds on the segment of 8th Street between Fallon and ~~Webster Streets~~Broadway.

Although not reflected in the quantitative travel time analysis in **Table 3.2-21**, various transit access improvement policies that are part of the Lake Merritt Station Area Plan, including policies C-33 and C-46 that call for transit signal priority, bus bulbs, and improved management of curb space— will contribute to offsetting any increase in travel time due to the Project. Therefore, this impact is considered less than significant and no mitigation is required.

Table 3.2-21: Interim 2020 Plus Project AC Transit Bus Travel Times

Arterial	*Limits*	*Dir*	*Interim 2020 No Project*		*Interim 2020 + Project*			
			AM	*PM*	*AM*		*PM*	
			Travel Time (sec)		*Travel Time (sec)*	*Δ Travel Time (sec)*	*Travel Time (sec)*	*Δ Travel Time (sec)*
7th	~~Harrison~~Broadway to Oak	EB	~~100~~177	~~125~~181	~~103~~175	~~-3~~2	~~135~~182	~~0~~1
8th *	Fallon to ~~Webster~~ Broadway	WB	~~244~~269	~~207~~233	35~~330~~	~~86~~84	~~216~~242	9
Madison	11th to 7th	SB	85	~~102~~147	~~87~~95	~~2~~10	~~104~~227	~~2~~
Oak	7th to 12th	NB	9~~87~~	104	10~~53~~	~~6~~7	~~108~~110	4~~6~~

Source: Kimley-Horn and Associates, Inc. (2013)
* Travel time does not include traffic signal delay at the Franklin Street intersection.

Cumulative 2035 No Project AC Transit Bus Travel Times

Traffic operations were evaluated on 7th Street, 8th Street, Oak Street, and Madison Street to assess the effect of the development allowed by the Lake Merritt Station Area Plan on the AC Transit bus travel times. Estimated travel times under Cumulative 2035 No Project conditions are presented in **Table 3.2-27**.

As shown in **Table 3.2-27**, the maximum travel time in the AM Peak is ~~972seconds~~ 1,040 seconds (more than 17 minutes) going westbound on 8th Street. In the PM peak, the maximum travel time is ~~579~~ 645 seconds (more than 10 minutes) along 8th Street, as well. The majority of the high travel time is due to the high signal delay at the intersections within the roadway segment and in particular the intersection of 8th Street and Webster Street.

Table 3.2-27: Cumulative 2035 No Project AC Transit Bus Travel Times

Arterial	*From*	*To*	*Direction*	*Cumulative 2035 No Project*	
				AM Peak	*PM Peak*
				Travel Time (sec)	
7th Street	~~Harrison Street~~Broadway	Oak Street	EB	~~109~~181	~~231~~193
8th Street	Fallon Street	~~Webster Street~~Broadway	WB	~~972~~1040	~~579~~645
Madison Street	11th Street	7th Street	SB	~~112~~108	~~121~~378
Oak Street	7th Street	12th Street	NB	9~~8~~9	11~~9~~3

Source: Kimley-Horn and Associates, Inc.
* Travel time does not include traffic signal delay at the Franklin Street intersection.

Cumulative 2035 Plus Project AC Transit Bus Travel Times

….

Traffic operations were evaluated on 7th Street, 8th Street, Oak Street, and Madison Street to assess the effect of the Project on AC Transit bus travel times on these corridors. Estimated travel times in the Cumulative 2035 Plus Project conditions are presented in **Table 3.2-32**. In general, there is an increase in travel times, with the greatest – ~~576~~ 706 seconds (or ~~9.6~~more than 11 minutes) – on 8th Street between Fallon and ~~Webster Streets~~Broadway.

Although not reflected in the quantitative travel time analysis in **Table 3.2-32**, various transit access improvement policies that are part of the Lake Merritt Station Area Plan, including policies C-33 and C-46 that call for transit signal priority, bus bulbs, and improved management of curb space— will contribute to offsetting any increase in travel time due to the Project. Therefore, this impact is considered less than significant and no mitigation is required.

Table 3.2-32: Cumulative 2035 Plus Project AC Transit Bus Travel Times

Arterial	*Limits*	*Dir*	*Cumulative 2035 No Project*		*Cumulative 2035 + Project*			
			AM	*PM*	*AM*		*PM*	
			Travel Time (sec)		*Travel Time (sec)*	*Δ Travel Time (sec)*	*Travel Time (sec)*	*Δ Travel Time (sec)*
7th	~~Harrison~~ Broadway to Oak	EB	181~~109~~	193~~231~~	~~114~~183	~~52~~	~~265~~176	~~34~~ 17
8th*	Fallon to ~~Webster~~ Broadway	WB	1040~~972~~	645~~579~~	15481746	~~576~~706	~~970~~1186	~~391~~541
Madison	11th to 7th	SB	108~~112~~	378~~121~~	~~146~~255	~~34~~147	~~336~~599	~~215~~221
Oak	7th to 12th	NB	~~99~~98	119~~113~~	~~106~~113	~~8~~14	~~111~~176	~~-2~~57

Source: Kimley-Horn and Associates, Inc. (2013)
* Travel time does not include traffic signal delay at the Franklin Street intersection.

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Cumulative 2035 No Project Intersection Levels of Service

Evaluation of the study intersections under Cumulative 2035 No Project conditions are based on the projected traffic volumes shown in **Figure 3.2-17**, and result in levels of service shown in **Table 3.2-23**.

Table 3.2-23: Cumulative 2035 No Project Intersection Levels of Service

No.	*Intersection*	*Intersection Jurisdiction*	*LOS Threshold*	*Cumulative 2035 No Project*			
				AM Peak		*PM Peak*	
				LOS	*Delay[1]*	*LOS*	*Delay[1]*
1	Grand Ave and Broadway	Oakland	E	E	68.8	**F**	**346.0**
2	20th St. and Harrison St	Oakland	E	C	21.6	C	21.9
3	19th St and Madison St	Oakland	E	C	29.9	D	36.5
4	17th St and Madison St	Oakland	E	B	10.5	A	9.1
5	Madison St. and 14th St	Oakland	E	**F**	**121.3**	**F**	**148.6**
6	Oak St. and 14th St	Oakland	E	**F**	**175.1**	**F**	**276.7**
7	Madison St. and 13th St	Oakland	E	B	16.9	B	16.3
8	Oak St. and 13th St	Oakland	E	B	10.5	C	21.8
9	Lake Merritt Blvd and 13th St	Oakland	E	C	23.8	B	14.5
10	Brush St and 12th St	Oakland	E	**F**	**125.8**	E	57.0
11	Broadway and 12th St	Oakland	E	C	23.5	D	46.7
12	Madison St. and 12th St	Oakland	E	A	8.8	D	50.7
13	Oak St. and 12th St	Oakland	E	B	12.2	B	15.3
14	Lake Merritt Blvd and 11th St	Oakland	E	E	55.7	E	70.2
15	1st Ave. and International Blvd	Oakland	E	C	25.7	D	44.8
16	Lakeshore Ave and 18th St	Oakland	E	B	17.0	B	17.8
17	Castro St and 11th St	Oakland	E	**F**	**207.2**	**F**	**131.4**
18	Broadway and 11th St	Oakland	E	C	27.2	C	23.9
19	Madison St. and 11th St	Oakland	E	B	13.3	C	30.7
20	Madison St. and 10th St	Oakland	E	B	18.2	B	19.0
21	Oak St. and 10th St	Oakland	E	D	54.2	B	12.2
22	Webster St. and 9th St	Oakland	E	C	31.8	**F**	**110.6**
23	Madison St. and 9th St	Oakland	E	A	9.6	A	8.9
24	Oak St. and 9th St	Oakland	E	A	5.7	A	7.8
25	Webster St. and 8th St	Oakland	E	**F**	**240.6**	**F**	**201.1**
26	Harrison St. and 8th St	Oakland	E	**F**	**81.1**	B	17.6
27	Jackson St. and 8th St	Oakland	E	**F**	**99.2**	**F**	**86.2**
28	Madison St. and 8th St	Oakland	E	D	48.7	D	38.0
29	Oak St. and 8th St	Oakland	E	**F**	**102.0**	D	41.8
30	Fallon St. and 8th St	Oakland	E	A	0.0	A	0.0
31	Harrison St. and 7th St	Oakland	E	B	13.7	B	13.2
32	Jackson St. and 7th St	Oakland	E	C	~~21.0~~22.7	**F**	**~~263.5~~ 263.0**
33	Madison St. and 7th St	Oakland	E	C	24.6	**F**	**149.8**
34	Oak St. and 7th St	Oakland	E	B	16.1	D	52.8

Table 3.2-23: Cumulative 2035 No Project Intersection Levels of Service

No.	*Intersection*	*Intersection Jurisdiction*	*LOS Threshold*	*Cumulative 2035 No Project*			
				AM Peak		*PM Peak*	
				LOS	*Delay*[1]	*LOS*	*Delay*[1]
35	5th Ave. and 7th St/8th St	Oakland	E	**F**	**135.6**	**F**	**197.9**
36	Jackson St. and 6th St	Oakland	E	**F**	**381.7**	**F**	**155.8**
37	Madison St. and 6th St	Oakland	E	A	~~8.9~~8.8	B	17.4
38	Oak St. and 6th St	Oakland	E	D	51.8	E	66.8
39	Jackson St. and 5th St	Oakland	E	D	~~43.2~~42.8	**F**	**136.4**
40	Madison St. and 5th St	Oakland	E	B	12.3	D	51.9
41	Oak St. and 5th St	Oakland	E	**F**	**123.3**	**F**	**104.0**
42	NA (Segment analysis below)						
City of Alameda Intersections							
43	Constitution & Marina Village Pkwy	Alameda	D	D	45.2	E	59.8
44	Constitution Wy & Atlantic Av	Alameda	D	B	14.6	D	45.3
45	Webster St & Atlantic Av	Alameda	D	D	38.7	C	29.3

Note: Locations operating at unacceptable levels are shown in **BOLD**.

[1] Calculation of delay in over-capacity conditions (i.e. LOS F) is not reliable. Therefore, delay in excess of 80 seconds is only reported to allow a relative comparison of conditions without and with project traffic and should not be interpreted as an exact representation of actual delay.

Source: Kimley-Horn and Associates, Inc.

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Table 3.2-28: Cumulative 2035 Plus Project Intersection Levels of Service

No.	Intersection	*Cumulative 2035 No Project*								*Cumulative 2035 + Project*														*Impact1*
		AM Peak				*PM Peak*				*AM Peak*							*PM Peak*							
		LOS	*Delay2*	*V/C3*	*Critical V/C3*	*LOS*	*Delay2*	*V/C3*	*Critical V/C3*	*LOS*	*Delay2*	*Δ Delay2*	*V/C3*	*Δ V/C3*	*Critical V/C3*	*Δ Critical V/C3*	*LOS*	*Delay2*	*Δ Delay2*	*V/C3*	*Δ V/C3*	*Critical V/C3*	*Δ Critical V/C3*	
1	Grand Ave and Broadway	~~D~~**E**	~~39.3~~ **68.8**			**F**	~~**319.1**~~ **346.0**	~~3.18~~ **2.97**	**4.28**	~~D~~**E**	~~39.3~~ **68.6**	~~0.0~~ **-0.2**					**F**	~~**320.0**~~ **346.5**	~~**0.9**~~ **0.4**	~~**3.21**~~ **3.00**	**0.03**	**4.28**	**0.00**	**Y TRAN-13**
2	20th St. and Harrison St	C	21.6			C	~~21.1~~ 21.9			C	21.4	-0.2					C	21.~~0~~8	-0.1					N
3	19th St and Madison St	C	29.9			D	36.5			C	31.2	1.3					D	39.3	2.8					N
4	17th St and Madison St	B	10.5			A	9.1			B	11.4	0.9					B	11.9	2.8					N
5	Madison St. and 14th St	~~D~~**F**	~~49.1~~ **121.3**	**1.06**	**0.66**	~~C~~**F**	~~31.1~~ **148.6**	**0.92**	**0.6**	~~D~~**F**	~~45.7~~ **187.0**	~~-3.4~~ 65.7	**1.02**	**-0.04**	**0.68**	**0.02**	**F**	~~**92.6**~~ **321.7**	~~**61.5**~~ **173.1**					**Y TRAN-14**
6	Oak St. and 14th St	**F**	~~**176.9**~~ **175.1**	**1.06**	**1.94**	**F**	~~**275.2**~~ **276.7**	**1.02**	**2.24**	**F**	~~**176.1**~~ **174.2**	~~**-0.8**~~ **-0.9**	**1.07**	**0.01**	**1.94**	**0.00**	**F**	~~**275.4**~~ **276.5**	~~**-0.2**~~	**1.04**	**0.02**	**2.26**	**0.02**	N
7	Madison St. and 13th St	B	~~13.0~~ 16.9			B	~~13.3~~ 16.3			B	~~13.8~~ 17.1	~~0.8~~ 0.2					C	~~21.0~~ 23.8	~~7.7~~ 7.5					N
8	Oak St. and 13th St	B	~~13.4~~ 10.5			~~B~~C	~~17.1~~ 21.8			B	~~11.5~~ 10.4	~~-1.9~~ -0.1					B	19.~~7~~8	~~2.6~~ -2.0					N
9	Lake Merritt Blvd / 13th St	C	23.8			B	14.5			C	24.6	0.8					B	14.7	0.2					N
10	Brush St and 12th St	**F**	~~**124.0**~~ **125.8**	**1.13**	**1.24**	~~D~~**E**	~~45.4~~ **57.0**	**0.88**	**0.47**	**F**	~~**123.4**~~ **125.2**	**-0.6**	**1.13**	**0.00**	~~**1.24**~~ **1.26**	~~**0.00**~~ **0.02**	~~D~~**E**	~~47.2~~ **59.5**	~~1.8~~ **2.5**					N
11	Broadway and 12th St	~~B~~C	~~18.8~~ 23.5			~~C~~D	~~31.1~~ 46.7			~~B~~C	~~18.9~~ 20.0	~~0.1~~ -3.5					C	28.7	~~-2.4~~ -18.0					N
12	Madison St. and 12th St	~~B~~A	~~10.8~~ 8.8			~~B~~D	~~11.7~~ 50.7			~~B~~A	~~11.4~~ 9.7	~~0.6~~ 0.9					~~B~~**E**	~~13.9~~ **57.5**	~~2.2~~ **6.8**					N
13	Oak St. and 12th St	B	~~11.7~~ 12.2			B	~~14.8~~ 15.3			B	~~14.1~~ 17.4	~~2.4~~ 5.2					~~B~~D	~~17.5~~ 42.3	~~2.7~~ 27.0					N
14	Lake Merritt Blvd / 11th St	E	55.7			E	70.2			E	~~57.0~~ 55.1	~~1.3~~ -0.6					E	74.6	4.4					N
15	1st Ave. / International Blvd	C	25.7			D	44.8			C	27.2	1.5					E	57.9	13.1					N
16	Lakeshore Ave / 18th St	B	~~15.3~~ 17			B	17.8			B	~~15.2~~ 16.9	-0.1					B	17.7	-0.1					N
17	Castro St and 11th St	~~C~~**F**	~~32.9~~ **207.2**	**0.66**	**1.68**	~~D~~**F**	~~44.4~~ **131.4**	**0.85**	**1.34**	~~C~~**F**	~~32.9~~ **207.5**	~~0.0~~ **0.3**	**0.66**	**0**	**1.68**	**0**	~~D~~**F**	~~44.4~~ **130.9**	~~0.0~~ **-0.5**	**0.85**	**0**	**1.34**	**0**	N
18	Broadway and 11th St	C	27.2			C	23.9			C	31.6	4.4					C	24.6	0.7					N
19	Madison St. and 11th St	B	~~13.9~~ 13.3			C	~~28.1~~ 30.7			B	~~18.0~~ 17.8	~~4.1~~ 4.5					**F**	~~**134.1**~~ **134.5**	~~**106.0**~~ **103.8**					**Y TRAN-15**
20	Madison St. and 10th St	B	~~15.5~~ 18.2			B	~~19.5~~ 19.0			**F**	~~**84.0**~~ **265.9**	~~**68.5**~~ **247.7**					**F**	~~**156.2**~~ **148.2**	~~**136.7**~~ **129.2**					**Y TRAN-16**
21	Oak St. and 10th St	D	~~53.7~~ 54.2			B	12.2			**F**	~~**334.2**~~ **335.0**	~~**280.5**~~ **280.8**					**F**	**235.8~~7~~**	**223.6~~5~~**					**Y TRAN-17**
22	Webster St. and 9th St	C	31.8			**F**	**110.6**	**0.81**	**1.21**	C	30.7	-1.1					**F**	**88.0**	**-22.6**	**0.76**	**-0.05**	**1.15**	**-0.06**	N

Table 3.2-28: Cumulative 2035 Plus Project Intersection Levels of Service

No.	Intersection	*Cumulative 2035 No Project*								*Cumulative 2035 + Project*														*Impact1*
		AM Peak				*PM Peak*				*AM Peak*							*PM Peak*							
		LOS	*Delay2*	*V/C3*	*Critical V/C3*	*LOS*	*Delay2*	*V/C3*	*Critical V/C3*	*LOS*	*Delay2*	*Δ Delay2*	*V/C3*	*Δ V/C3*	*Critical V/C3*	*Δ Critical V/C3*	*LOS*	*Delay2*	*Δ Delay2*	*V/C3*	*Δ V/C3*	*Critical V/C3*	*Δ Critical V/C3*	
23	Madison St. and 9th St	A	~~9.0~~ 9.6			A	~~8.4~~ 8.9			B	10.6	~~1.6~~ 1.0					B	12.~~3~~2	3.~~9~~3					N
24	Oak St. and 9th St	A	~~5.8~~ 5.7			A	~~8.3~~ 7.8			A	5.~~9~~8	0.1					A	8.2	-~~0.1~~0.4					N
25	Webster St. and 8th St	**F**	**240.6**	**1.24**	**1.83**	**F**	**201.1**	**1.49**	**1.68**	**F**	**246.7**	**6.1**	**1.24**	**0.00**	**1.83**	**0.00**	**F**	**219.2**	**18.1**	**1.50**	**0.01**	**1.71**	**0.03**	N
26	Harrison St. and 8th St	**F**	**81.1**	**1.01**	**1.26**	B	17.6			**F**	**168.1**	**87.0**	**1.14**	**0.13**	**1.62**	**0.36**	E	57.3	39.7					**Y TRAN-18**
27	Jackson St. and 8th St	**F**	**~~103.9~~ 99.2**	**0.76**	**1.25**	**F**	**~~85.9~~ 86.2**	**1.24**	**1.70**	**F**	**~~229.1~~ 225.4**	**~~125.2~~ 126.2**	**0.92**	**0.16**	**~~1.64~~ 1.47**	**~~0.40~~ 0.22**	**F**	**~~112.4~~ 112.6**	**26.~~54~~**	**1.43**	**0.19**	**1.78**	**0.08**	**Y TRAN-19**
28	Madison St. and 8th St	~~B~~D	~~17.2~~ 48.7			~~B~~D	~~15.5~~ 38.0			D	~~51.3~~ 51.1	~~34.1~~ 2.4					E	74.~~6~~8	~~59.1~~ 36.8					N
29	Oak St. and 8th St	**F**	**102.0**	**0.76**	**1.28**	D	41.~~7~~8			**F**	**234.3**	**132.3**	**1.03**	**0.27**	**1.71**	**0.43**	**F**	**159.6**	**117.~~9~~8**					**Y TRAN-20**
30	Fallon St. and 8th St	A	0.0	0.00		A	0.0	0		A	0.0	0.0					A	0.0	0.0					N
31	Harrison St. and 7th St	B	13.7			B	13.2			B	13.4	-0.3					B	13.1	-0.1					N
32	Jackson St. and 7th St	C	~~22.6~~ 22.7			**F**	**~~101.7~~ 263.0**	**~~1.20~~ 2.00**	**1.22**	~~C~~**E**	**~~24.8~~ 63.0**	**~~2.2~~ 40.3**					**F**	**~~147.4~~ 402.6**	**~~45.7~~ 139.6**	**~~1.47~~ 2.51**	**~~0.27~~ 0.51**	**1.68**	**0.46**	**Y TRAN-21**
33	Madison St. and 7th St	~~B~~C	~~16.5~~ 24.6			~~C~~**F**	~~31.4~~ **149.8**	**1.00**	**0.68**	B	~~16.8~~ 12.0	~~0.3~~ -12.6					~~E~~D	60.~~0~~48.8	~~28.6~~ 101.0					N
34	Oak St. and 7th St	B	~~15.9~~ 16.1			~~E~~D	~~55.0~~ 52.8			C	~~33.1~~ 34.2	~~17.2~~ 18.1					**F**	**~~96.4~~ 93.7**	**~~41.4~~ 40.9**					**Y TRAN-22**
35	5th Ave. and 7th St/8th St	**F**	**135.6**	**1.56**	**1.62**	**F**	**197.9**	**2.34**	**2.49**	**F**	**143.2**	**7.6**	**1.65**	**0.09**	**1.68**	**0.06**	**F**	**211.6**	**13.7**	**2.46**	**0.12**	**2.70**	**0.21**	**Y TRAN-23**
36	Jackson St. and 6th St	**F**	**~~382.5~~ 381.7**	**1.24**	**2.68**	**F**	**~~157.4~~ 155.8**	**1.39**	**1.92**	**F**	**412.8**	**~~30.3~~ 31.1**	**1.28**	**0.04**	**2.82**	**0.14**	**F**	**~~187.1~~ 186.8**	**~~29.7~~ 31.0**	**1.34**	**-0.05**	**2.12**	**0.20**	**Y TRAN-24**
37	Madison St. and 6th St	~~B~~A	~~10.4~~ 8.8			~~A~~B	~~8.3~~ 17.4			D	~~39.9~~ 35.8	~~29.5~~ 27.0					~~E~~D	~~72.8~~ 43.0	~~64.5~~ 25.6					N
38	Oak St. and 6th St	D	51.8			E	66.8			**F**	**395.3**	**343.5**					**F**	**451.6**	**384.8**					**Y TRAN-25**
39	Jackson St. and 5th St	D	42.8			**F**	**136.4**	**1.65**	**2.10**	E	58.4	15.6					**F**	**113.2**	**-23.2**	**1.21**	**-0.44**	**1.23**	**-0.87**	N
40	Madison St. and 5th St	B	~~11.1~~ 12.3			~~B~~D	~~19.7~~ 51.9			B	~~16.9~~ 13.5	~~5.8~~ 1.2					E	~~71.6~~ 62.0	~~51.9~~ 10.1					N
41	Oak St. and 5th St	**F**	**123.3**	**1.01**	**1.66**	**F**	**104.0**	**1.19**	**1.68**	**F**	**148.4**	**25.1**	**1.10**	**0.09**	**1.81**	**0.15**	**F**	**129.0**	**25.0**	**1.30**	**0.11**	**1.84**	**0.16**	**Y TRAN-26**
42	NA (Segment analysis below)																							
	City of Alameda Intersections																							
43	Constitution & Marina Village Pkwy	D	45.2			E	59.8			D	44.6	-0.6					E	59.5	-0.3					N
44	Constitution Wy & Atlantic Av	B	14.6			D	45.3			B	14.5	-0.1					D	39.1	-6.2					N
45	Webster St & Atlantic Av	D	38.7			C	29.3			D	38.0	-0.7					C	28.8	-0.5					N

Table 3.2-28: Cumulative 2035 Plus Project Intersection Levels of Service

No.	Intersection	*Cumulative 2035 No Project*								*Cumulative 2035 + Project*													*Impact1*
		AM Peak				*PM Peak*				*AM Peak*							*PM Peak*						
		LOS	*Delay2*	*V/C3*	*Critical V/C3*	*LOS*	*Delay2*	*V/C3*	*Critical V/C3*	*LOS*	*Delay2*	*Δ Delay2*	*V/C3*	*Δ V/C3*	*Critical V/C3*	*Δ Critical V/C3*	*LOS*	*Delay2*	*Δ Delay2*	*V/C3*	*Δ V/C3*	*Critical V/C3*	*Δ Critical V/C3*	

Notes:

Locations operating at unacceptable levels are shown in **BOLD**, and impacted intersections are highlighted.

[1] This column identifies intersections that have been impacted based on the City of Oakland's CEQA significance thresholds (or the City of Alameda's Level of Service criteria) and, if there is a significant impact, the impact number (TRAN-XX) is shown in this column.

[2] Delay is presented in seconds per vehicle. ΔDelay represents the change in delay (seconds per vehicle) between the with and without Project scenarios. Calculation of delay in over-capacity conditions (i.e. LOS F) is not reliable. Therefore, delay in excess of 80 seconds is only reported to allow a relative comparison of conditions without and with project traffic and should not be interpreted as an exact representation of actual delay.

[3] V/C = the ratio of the volume of traffic passing through an intersection to the capacity of the intersection's lane groups. The V/C ratio is the average V/C ratio for the entire intersection, and is an indicator of the utilization of intersection's overall capacity. The critical V/C ratio is the highest ratio of all of the intersection's approaches and lane groups. The critical V/C will control the amount of a traffic signal's green time that can be shared between all of the approaches. Δ V/C and Δ Critical V/C represent the change in V/C ratio between the with and without Project scenarios.

Source: Kimley-Horn and Associates, Inc. (2013)

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Pages 3.2-171 and 3.2-172

Transit Ridership

Table 3.2-36: 2020 Transit Ridership Comparison between No-Project and Project Scenarios

Route	*2020 Ridership - Daily*				*2020 Ridership - PM Peak Hour*				*Significant Impact?*
	2020 No Project	*2020 Project*	*Difference*	*% Diff.*	*2020 No Project*	*2020 Project*	*Difference*	*% Diff.*	
BART									
Daly City-Dublin/Pleasanton	22,893	23,262	369	2%	5,723	5,816	92	2%	N
Pleasanton/Daly City-Dublin	48,393	47,851	(542)	-1%	12,098	11,963	(136)	-1%	N
Daly City-Berryessa/San Jose	23,744	24,023	279	1%	5,936	6,006	70	1%	N
Berryessa/San Jose-Daly City	37,842	37,712	(130)	0%	9,461	9,428	(33)	0%	N
Berryessa-Richmond	24,781	24,685	(96)	0%	6,195	6,171	(24)	0%	N
Richmond-Berryessa	17,971	17,559	(412)	-2%	4,493	4,390	(103)	-2%	N
Daly City-Fremont	2,175	2,202	27	1%	544	551	7	1%	N
Fremont-Daly City	3,036	2,890	(146)	-5%	759	723	(37)	-5%	N
Richmond-Millbrae	68,269	66,248	(2,021)	-3%	17,067	16,562	(505)	-3%	N
Millbrae-Richmond	46,697	47,263	566	1%	11,674	11,816	142	1%	N
Baypoint-SFO	86,562	84,218	(2,344)	-3%	21,641	21,055	(586)	-3%	N
SFO-Baypoint	38,147	38,403	256	1%	9,537	9,601	64	1%	N
Total - BART	420,510~~180,835~~	416,316~~180,184~~	(4194) ~~(651)~~	-1.0%~~-0.4%~~	105,128~~45,209~~	104,079~~45,046~~	(1,049) ~~(163)~~	-1.0%~~-0.4%~~	N
AC Transit									
AC BRT	41,676	41,210	(466)	-1%	10,419	10,303	(117)	-1%	N
Route 11	2,131	2,102	(29)	-1%	533	526	(7)	-1%	N
Route 13	2,152	2,116	(36)	-2%	538	529	(9)	-2%	N
Route 14	1,796	1,771	(25)	-1%	449	443	(6)	-1%	N
Route 15	1,549	1,509	(40)	-3%	387	377	(10)	-3%	N
Route 18	7,485	7,330	(155)	-2%	1,871	1,833	(39)	-2%	N
Route 19	8,852	8,704	(148)	-2%	2,213	2,176	(37)	-2%	N
Route 40	4,330	4,288	(42)	-1%	1,083	1,072	(11)	-1%	N

Pages 3.2-171 and 3.2-172

Transit Ridership

Table 3.2-36: 2020 Transit Ridership Comparison between No-Project and Project Scenarios

Route	*2020 Ridership - Daily*				*2020 Ridership - PM Peak Hour*				*Significant Impact?*
	2020 No Project	*2020 Project*	*Difference*	*% Diff.*	*2020 No Project*	*2020 Project*	*Difference*	*% Diff.*	
Route 51	12,830	12,577	(253)	-2%	3,208	3,144	(63)	-2%	N
Route 62	5,433	5,381	(52)	-1%	1,358	1,345	(13)	-1%	N
Route 63	4,905	4,806	(99)	-2%	1,226	1,202	(25)	-2%	N
Route 72	26,058	25,295	(763)	-3%	6,515	6,324	(191)	-3%	N
Route 88	1,549	1,546	(3)	0%	387	387	(1)	0%	N
Total - AC Transit	120,746	118,635	(2,111)	-2%	30,187	29,659	(528)	-2%	N
Grand Total	**541,256** ~~**301,581**~~	**534,951** ~~**298,819**~~	**(6,305)**~~**(2,762)**~~	**1.2%**~~**-0.9%**~~	**135,314** ~~**75,395**~~	**133,738** ~~**74,705**~~	**(1,576)**~~**(691)**~~	**1.2%**~~**-0.9%**~~	N

Source: Alameda CTC P09 Countywide Model, Kittelson & Associates, Inc. 2012, updated 2014.

Table 3.2-37: 2035 Transit Ridership Comparison between No-Project and Project Scenarios

	2035 Ridership - Daily				*2035 Ridership - PM Peak Hour*				*Significant Impact?*
Route	*2035 No Project*	*2035 Project*	*Difference*	*% Diff.*	*2035 No Project*	*2035 Project*	*Difference*	*% Diff.*	
BART									
Daly City-Dublin/Pleasanton	23,085	23,093	8	0%	5,771	5,773	2	0%	N
Pleasanton/Daly City-Dublin	81,545	80,136	(1,409)	-2%	20,386	20,034	(352)	-2%	N
Daly City-Berryessa/San Jose	45,835	41,781	(4,054)	-9%	11,459	10,445	(1,014)	-9%	N
Berryessa/San Jose-Daly City	71,845	70,605	(1,240)	-2%	17,961	17,651	(310)	-2%	N
Berryessa-Richmond	62,009	59,396	(2,613)	-4%	15,502	14,849	(653)	-4%	N
Richmond-Berryessa	46,339	41,369	(4,970)	-11%	11,585	10,342	(1,243)	-11%	N
Daly City-Fremont	1,955	1,969	14	1%	489	492	4	1%	N
Fremont-Daly City	3,031	2,912	(119)	-4%	758	728	(30)	-4%	N
Richmond-Millbrae	123,802	119,405	(4,397)	-4%	30,951	29,851	(1,099)	-4%	N
Millbrae-Richmond	98,930	99,846	916	1%	24,733	24,962	229	1%	N
Baypoint-SFO	122,125	117,595	(4,530)	-4%	30,531	29,399	(1,133)	-4%	N
SFO-Baypoint	27,711	27,779	68	0%	6,928	6,945	17	0%	N
Total - BART	**708,212** ~~335,644~~	**685,886** ~~321,261~~	**(22,326)** ~~(14,383)~~	**-3.2%** ~~4.3%~~	**177,053** ~~83,911~~	**171,472** ~~80,315~~	**(5,582)** ~~(3,596)~~	**-3.2%** ~~4.3%~~	N
AC Transit									
AC BRT	47,329	47,145	(184)	0%	11,832	11,786	(46)	0%	N
Route 11	2,902	2,849	(53)	-2%	726	712	(13)	-2%	N
Route 13	2,911	2,847	(64)	-2%	728	712	(16)	-2%	N
Route 14	2,403	2,355	(48)	-2%	601	589	(12)	-2%	N
Route 15	1,416	1,360	(56)	-4%	354	340	(14)	-4%	N
Route 18	9,818	9,554	(264)	-3%	2,455	2,389	(66)	-3%	N
Route 19	14,042	13,783	(259)	-2%	3,511	3,446	(65)	-2%	N
Route 40	4,700	4,587	(113)	-2%	1,175	1,147	(28)	-2%	N
Route 51	18,010	17,557	(453)	-3%	4,503	4,389	(113)	-3%	N
Route 62	6,850	6,794	(56)	-1%	1,713	1,699	(14)	-1%	N
Route 63	6,488	6,309	(179)	-3%	1,622	1,577	(45)	-3%	N

Table 3.2-37: 2035 Transit Ridership Comparison between No-Project and Project Scenarios

	2035 Ridership - Daily				*2035 Ridership - PM Peak Hour*				*Significant Impact?*
Route	*2035 No Project*	*2035 Project*	*Difference*	*% Diff.*	*2035 No Project*	*2035 Project*	*Difference*	*% Diff.*	
Route 72	36,615	35,056	(1,559)	-4%	9,154	8,764	(390)	-4%	N
Route 88	2,265	2,232	(33)	-1%	566	558	(8)	-1%	N
Total - AC Transit	155,749	152,428	(3,321)	-2%	38,937	38,107	(830)	-2%	N
Grand Total	**863,961** ~~491,393~~	**838,314** ~~473,689~~	**(25,647)** ~~(17,704)~~	**-3.0%** ~~3.6%~~	**215,990** ~~122,848~~	**209,579** ~~118,422~~	**(6,412)** ~~(4,426)~~	**-3.0%** ~~3.6%~~	**N**

Source: Alameda CTC P09 Countywide Model, Kittelson & Associates, Inc., 2012, updated 2014, ~~*based on AC Transit planning department data.*~~

Pages 3.2-173 and 3.2-177

BART Passenger Loadings

Table 3.2-39 shows that the current lines serving Lake Merritt Station and 12th Street Oakland City Center Station are just below the standard; therefore, even a small additional ridership tips the lines above the 90-passenger/car standard. While these results show that the additional ridership would exceed the standard, this would not be considered a CEQA impact. As described above under the Non-CEQA Planning Issues (on page 3.2-47), since transit load is not part of the permanent physical environment as transit service changes over time, the effect of the Station Area Plan on transit ridership is evaluated as a non-CEQA topic for informational purposes.

Table 3.2-39: BART Maximum Passenger Loadings – AM Peak Hour

Line[1]	*Max. Load Occurs (AM)*	*1-hour Pass. Volume*	*Car Flow (total all trains in peak hour)*	*Pass. Per Car*	*Meet Std?*	*Project Added Pass. Per Car*	*Total Pass./ Car*	*Meet Std w/ Project?*
Richmond-Fremont	Fruitvale > Lake Merritt	2,284	26	88	Y	7	95	N
Fremont-Daly City	W. Oakland > Embarcadero	4,110	46	89	Y	~~15~~8	97~~104~~	N
Dublin/ Pleasanton-Daly City	W. Oakland > Embarcadero	3,202	36	89	Y	~~15~~8	97~~104~~	N
Richmond-Millbrae	W. Oakland > Embarcadero	3,201	36	89	Y	7	96	N
Pittsburg-SFO	W. Oakland > Embarcadero	8,606	99	87	Y	7	94	N

Source: BART Revenue Fleet Management Plan, FY12 to FY31, July 27, 2012

Note:

1. Lines are sometimes referred to by color: orange (Richmond-Fremont); green (Fremont-Daly City); blue (Dublin/Pleasanton-Daly City); red (Richmond-Millbrae; yellow (Baypoint-SFO).

BART Fare Gates

Based on the estimated added passengers per car during the AM peak hour due to the project, the project is expected to add 855 passengers to the 12th Street and Lake Merritt stations during the AM peak hour. The preliminary analysis of station capacity completed in 2009 by BART indicates that the "Lake Merritt station has sufficient platform size, vertical circulation, and fare gate capacity to accommodate its 2030 projected peak boardings and alightings and for emergency evacuation." This BART study found that the 2030 projected peak boardings and alightings to be 2,970 riders in the AM peak and 2,930 riders in the PM peak at Lake Merritt station and 6,231 riders in the AM peak and 6,563 riders in the PM peak at the 12th Street station. Assuming about half use each station, the estimated added passengers during the peak hours is about 425 riders. The estimated added passengers due to the project during the peak hours at these two stations amounts to about 14% at Lake Merritt and 7% at 12th Street of the projected peak in 2030.

CHAPTER 3.3: AIR QUALITY

Pages 3.3-18, 19

City of Oakland's Standard and Uniformly Applied Conditions of Approval

The City of Oakland's Standard and Uniformly Applied Conditions of Approval (Standard Conditions of Approval) would apply to development under the proposed Plan.

SCA-A. Construction-Related Air Pollution Controls (Dust and Equipment Emissions)10

Ongoing throughout demolition, grading, and/or construction

During construction, the project applicant shall require the construction contractor to implement all of the following applicable measures recommended by the Bay Area Air Quality Management District (BAAQMD):

BASIC

a-i [remain] …

j. Portable equipment shall be powered by electricity if available. If electricity is not available, propane or natural gas shall be used if feasible. Diesel engines shall only be used if electricity is not available and it is not feasible to use propane or natural gas.

CHAPTER 3.4: CLIMATE CHANGE AND GREENHOUSE GASES

Page 3.4-15

City of Oakland Local Plan and Policies Relevant to GHG Emissions and Climate Change

~~Draft~~ Energy and Climate Action Plan

In July 2009, the Oakland City Council approved a preliminary year 2020 GHG reduction target and directed staff to develop the draft Oakland Energy and Climate Action Plan. Staff used a preliminary planning GHG reduction target equivalent to 36 percent below 2005 GHG emissions by 2020 and 80 percent below 2005 levels by 2050, as well as annual benchmarks for meeting the target.

The City of Oakland Energy and Climate Action Plan (ECAP), adopted December 4, 2012, outlines a ten-year plan including more than 150 actions that will enable Oakland to achieve the desired 36-percent reduction in GHG emissions, including:

- 20% reduction in vehicle miles traveled annually as residents, workers and visitors meet daily needs by walking, bicycling, and using transit;
- 24 million gallons of oil saved annually due to less driving and more fuel efficient vehicles on local roads;
- 32% decrease in electricity consumption through renewable generation, conservation and energy efficiency;

- 14% decrease in natural gas consumption through building retrofits, solar hot water projects and conservation;
- 62 million kWh and 2.7 million therms annually of new renewable energy used to meet local needs; and
- 375,000 tons of waste diverted away from local landfills through waste reduction, reuse, recycling, and composting.

~~This document has not yet been adopted and CEQA review is underway.~~ The ECAP includes a Three Year Priority Implementation Plan, a prioritized subset of actions recommended for immediate implementation. These priority actions will capitalize on near term opportunities and lay the groundwork for long-term progress. Some of the recommended priority actions can be implemented with existing and anticipated resources. Others will require the identification of new, in some cases significant, resources to move forward. The following Priority Actions of the ECAP apply to the Plan Area/and or proposed Specific Plan:

- PA1: Identify and Adopt Priority Development Area (PDA). The Plan area is designated by the City and in the Sustainable Communities Strategy pursuant to SB375 as an identified PDA.
- PA7: Adopt a Green Building Ordinance for Private Development. This was adopted in 2011 as discussed later in this section.
- PA31: Improve Transportation and land Use Planning Integration in Every Land Use Effort. The proposed Specific Plan area is located in a transit corridor with both active AC Transit Service and BART service within the Plan area.
- PA37: Plan for Electric Vehicle Infrastructure.
- PA46: Consider Energy Benchmarking for Commercial Buildings.
- PA50: Facilitate Community Solar Programs.

CHAPTER 3.5: PARKS AND RECREATION

Page 3.5-3

Figure 3.5-1 Existing Parks and Future Open Space Opportunities revised to extend the Proposed Open Space district further from the Channel between I-880 and 7th Street and remove park land designation from a portion of Laney College north of 7th Street; remove the Festival Street designation from Alice Street between 13th and 14th Streets; show the park land on both sides of Lake Merritt Boulevard as "existing"; add the "Existing Park Enhancement" label to Chinese Garden Park; identify park land on the east side Lake Merritt Channel south of Embarcadero as "approved"; remove proposed park land along the basin in the Oak to 9th Avenue area; and make corrections to the legend.

Page 3.5-7

Park Land Standards

The Planning Area's two special use parks and one neighborhood park together provide 4.1 acres of park land, translating to 0.7 acres per 1,000 residents, falling short of the City's standard (four acres per 1,000).

Lincoln Square Park, the one neighborhood park, is 1.4 acres in size, about half of what the Planning Area should have based on the service goal for neighborhood parks. ~~If the two special use parks are also counted, the Planning Area has adequate neighborhood park acreage. However, it lacks a single park meeting the General Plan's size standard for a neighborhood park.~~

Page 3.5-11

Policy REC-~~7.3~~7.5: Multi-Culturalism. Design recreational services which respond to the many cultures, ethnic groups, and language groups represented in Oakland. Design recreational programs to reflect the specific needs of Oakland neighborhoods and the values and priorities of local residents.

Page 3.5-17

Equally important, existing and new regional parkland in the area can be expected to become more accessible to the neighborhood. The recently completed 12th Street reconstruction project will have the effect of making the entirety of Lake Merritt Park more accessible from the Planning Area. What was before~~is today~~ a limited-access highway ~~will become~~is now a boulevard with signalized crossings. Residents ~~will~~ now have access not only to new park land within the Planning Area but also to the trails and amenities all around Lake Merritt. The Station Area Plan also comes with access improvements to the park land along Lake Merritt Channel as part of existing projects funded partly by Measure DD, under construction as of April 2014. Pathways along the Channel ~~will~~ are being improved, including enhanced pedestrian bridges below 10th Street and a new traffic signal and crosswalk across 7th Street that would be part of Phase I improvements. The Estuary Policy Plan envisions new crossings between Lake Merritt Channel Park and Estuary Park, which would link the Lake Merritt and waterfront park systems.

CHAPTER 3.6: PUBLIC SERVICES

Pages 3.6-1 – 3.6-2

The Oakland Police Department (OPD) is headquartered at 455 7th Street, adjacent to the Planning Area. As of December 2009, the OPD ~~is~~ was authorized for 787 sworn police officers. ~~Currently~~As of December 2009, not all authorized positions ~~are~~ were filled, and there ~~are~~ were 613 sworn police officers.[3] The ~~current~~ ratio of sworn police officers per 1,000 residents is approximately 1.6, based on the city's population of 390,724 as of 2010. For a city the size of Oakland, the national police service standard is one officer per 1,000 residents. As of 2006, the average response time for Priority 1 emergency calls was 6.25 minutes. Priority 2 calls represent the greatest volume of calls and consist of offenses such as domestic disputes and stolen vehicles and average response time was approximately one hour. Priority 3 and 4 calls are non-emergency and average response times exceeded two hours.[4]

The City of Oakland is divided into two Bureaus of Field Operations (BFOs), each of which is commanded by a Deputy Chief. The Study Area is located within BFO 1. The BFOs are further divided into ~~six~~ five ~~geographical areas called~~ Police Service Areas (PSA), each of which is commanded by a ~~Lieutenant of Police~~captain. The Planning Area located within PSAs 1 and ~~2~~3, to the west and east of Lake Merritt Channel, respectively. As of ~~October 2009~~2013, PSA 1 and PSA ~~2~~ 3 each had seven

[3] Foster, Jennifer, City of Oakland Police Department. Personal correspondence, December 18, 2009.

[4] Poirier, Michael and LSA Associates, for Measure DD Implementation Project EIR. Personal correspondence, July 2007.

problem-solving officers. Problem-solving officers do not respond to service calls but are responsible for conducting projects in the community that patrol police officers frequently are unable to handle. Each PSA contains a Crime Reduction Unit that is responsible for violence reduction and narcotics enforcement efforts.

Page 3.6-11

Hall of Pioneers and Sun Yat Sen Memorial Hall in Chinese Garden Park

Chinese Garden Park (formerly Harrison Square) features a Hall of Pioneers, ~~and~~ Sun Yat Sen Memorial Hall, ~~along with~~ a pagoda, and ~~.~~the Lake Merritt Childcare Center. The hall serves as the Hong Lok Senior Center, a drop-in center for seniors ages 55 years and older, and as a general social center. The Park and community spaces are located adjacent to the I-880 freeway.

Oakland Museum of California

Established in 1969 as a "museum for the people," the Oakland Museum of California (OMCA) tells the story of California through its collections of art, history and natural science. The Museum has three levels of galleries integrated with landscaped terraces and roof gardens. From 2009 to 2013, the museum underwent a major renovation and expansion, adding ~~It is currently undergoing renovation and expansion. Modifications encompass~~ new exhibition and programming space, a 90-foot canopy over the Oak Street entrance, seating, and modernized lighting for better viewing of the collections. ~~A new 90-foot canopy over the Oak Street entrance enhances the Museum's street presence.~~ Galleries for art, ~~and~~ history, and a gallery of California Natural Science have been completed, as part of the renovation. ~~while the Natural Sciences Gallery and classroom and education facilities will be completed in 2012.~~[5]

Pages 3.6-13

Asian Health Services

Asian Health Services (AHS) is a community health center that offers primary health care services with 36 exam rooms and a dental clinic with seven chairs. It serves over 20,000 patients and over 90,000 patient visits annually. AHS' main clinic is located at 818 Webster Street. A satellite clinic located at the Hotel Oakland, at 275 14th Street, specializes in elderly patients. A new clinic opened at 835 Webster, on the corner of Webster and 9th St. AHS' mission is to serve and advocate for the Asian and Pacific Islander (API) community by ensuring access to health care services regardless of income, insurance status, immigration status, language, or culture. Its staff is fluent in English and nine Asian languages including Cantonese, Vietnamese, Mandarin, Korean, Khmer (Cambodian), Mien, Mongolian, Tagalog, and Lao.

Page 3.6-14

East Bay Asian Local Development Corporation

The East Bay Asian Local Development Corporation (EBALDC) ~~is located at 310 8th Street, home of the Asian Resource Center which is a multi-service center housing social services and businesses. EBALDC~~ is a community development corporation that develops affordable housing and community facilities with integrated services focused on tenants and neighborhood residents, with emphasis on Asian and Pacific Islander communities and the diverse low income populations of the East Bay. EBALDC maintains an

[5] ~~Oakland Museum of California website, http://museumca.org/our-building, accessed June 18, 2012.~~

office at 310 8th Street, which is also home to the Asian Resource Center, a multi-service center housing social services and businesses. EBALDC also owns approximately 215 apartment units and 25 homeownership units in the Planning Area, along with nearly 70,000 square feet of commercial space.

National Council on Crime and Delinquency ~~(NCCD)~~

The National Council on Crime and Delinquency (NCCD) is located at 1970 Broadway in Oakland, and is currently spearheading a community effort to explore the potential creation of a youth center in Oakland Chinatown. NCCD has partnered with AHS to create the Spot, a youth center in Chinatown at 13th and Harrison.

Pages 3.6-24 – 3.6-25

Impact PUB-2

Future development under the proposed Plan would not result in substantial adverse physical impacts associated with the provision of new or physically altered governmental facilities, 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 police protection. (*Less than Significant)*

…

In the absence of any change to police staffing, the population increase of 9,870 residents resulting from reasonably foreseeable maximum development under the proposed Plan would result in a slight decrease in the existing service ratio. As with fire services, the impact of development in the Planning Area on police services must be seen in the context of citywide growth over the next 25 years. ABAG's most recent analysis projects Oakland to grow by approximately 141,100 by 2035. The Planning Area is well-served by police, from the Chinatown Substation as well as Police Headquarters nearby. While staffing levels may need to be increased, no construction of new facilities is anticipated. Policy N2.2 in the LUTE calls for the City to continue to coordinate service provision with the needs of the population. Development in the Station Area will occur over an extended period and in the context of citywide growth, and the Police Department will adjust its services as needed as growth occurs Given these policies and conditions, additional demands on police services resulting from Station Area Plan development would be reduced to less than significant.

The increase in population and increased use of the Lake Merritt and City Center/12th Street BART stations will also have service standard implications for the BART police. BART is currently planning upgrades to the Operations Center co-located with the Lake Merritt BART Station. As with the City's police department, BART police resources will be planned at a systemwide scale and adjusted to serve the changing needs at BART facilities.

…

CHAPTER 3.8: CULTURAL AND HISTORIC RESOURCES

Page 3.8-17

Table 3.8-1 Historic Resources in the Planning Area

No.	*Address*	*Name*	*Year Built*	*National Register*	*California Register*	*California Historic Resources Code*[1]	*Oakland Designated Historic Properties*[2]	*Oakland Survey Rating*[3]	*Potential Designated Historic Property in API*[4]
…	…	…	…	…	…	…	…	…	…
129	1225 Fallon St.	Rene C. Davidson Alameda County Courthouse	1935-36			3S	Designated	A	Designated
…	…	…	…	…	…	…	…	…	…
142	640 Harrison St.	Chinese Garden Park (Harrison Square Park)	1853				Designated	A	Designated
…	…	…	…	…	…	…	…	…	…
167	0 Oak St.	Fire Alarm Building	1911-12					B	Yes

Notes:

1 Only properties with ratings in categories 1 through 5 are considered potentially significant for CEQA purposes and included in this table. See Table 3.8-2 for code definitions.

2 Designated historic properties include but are not limited to Landmarks, Heritage Properties, Study List Properties, Preservation Districts, and S-7 and S-20 Preservation Combining Zone Properties.

3 Only properties rated "A" or "B" are considered significant and included in this table, unless they also meet other criteria. See Table 3.8-~~1~~ 2 for code definitions.

4 Potential Designated Historic Properties as identified by the City of Oakland are considered significant where they are within an Area of Primary Importance (API).

5 These two OUSD properties are potentially "B"-rated and should be treated as Local Register, according to the City of Oakland.

6 The Oakland Cultural Heritage Survey has determined that the preponderance of evidence shows that these are not CEQA historic resources.

7 The ALCO Parking Garage (165, 13th Street) will be rated B by the OCHS, according to the City of Oakland.

Sources: City of Oakland, 2009, 2013; Office of Historic Preservation, Northwest Information Center, Sonoma State University, 2012; Dyett & Bhatia, ~~2013~~2014.

Page 3.8-9

Figure 3.8-1 Historic Resources is revised, using a more distinct symbology for sites listed on the State and/or National Register.

Pages 3.8-53, 3.8-54

Figure 3.8-2 Historic Resources & Opportunity Sites is revised, using a more distinct symbology for sites listed on the State and/or National Register, and to identify Fire Alarm Building site.

Figure 3.8-3: Height Areas and Historic Areas of Primary Importance is revised to reflect the Plan changes to Height Areas described in Chapter 2 of this FEIR.

CHAPTER 3.9: AESTHETICS

Pages 3.9-8 to 3.9-9

SCA-21. Improvements in the Public Right-of Way (Specific)

Approved prior to the issuance of a grading or building permit

Final building and public improvement plans submitted to the Building Services Division shall include the following components:

a. Install additional standard City of Oakland streetlights.

b. Remove and replace any existing driveway that will not be used for access to the property with new concrete sidewalk, curb and gutter.

c. Reconstruct drainage facility to current City standard.

d. Provide separation between sanitary sewer and water lines to comply with current City of Oakland and Alameda Health Department standards.

e. Construct wheelchair ramps that comply with Americans with Disability Act requirements and current City Standards.

f. Remove and replace deficient concrete sidewalk, curb and gutter within property frontage.

g. Provide adequate fire department access and water supply, including, but not limited to currently adopted fire codes and standards.

h. ~~Insert as applicable~~

CHAPTER 3.11: BIOLOGICAL RESOURCES

Page 3.11-20

~~Safety Element Policies~~ Land Use and Transportation Element Policies

Policy W3.2: The function, design and appearance, and supplementary characteristics of all uses, activities, and facilities should enhance, and should not detract from or damage the quality of, the overall natural and built environment along the waterfront.

CHAPTER 3.13: HAZARDS AND HAZARDOUS MATERIALS

Page 3.13-33

Figure 3.13-2 Contaminated Sites, Opportunity Sites, and Schools, is revised to identify Fire Alarm Building site as Opportunity Site #48.

3.3 Revised EIR Maps

The following maps are revised to reflect the following changes:

- Figure 2.1-2: Planning Boundary is revised, removing the numbers from the map. These numbers refer to "Key Assets" shown as symbols on the map. The map key identifying those "key assets" is not included in the EIR map, so the numbers should be removed.
- Figure 2.3-1: Draft Area Character is revised to extend the Open Space district further from the Channel between I-880 and 7th Street.
- Figure 2.3-2: Draft Proposed Height Areas is revised to reflect the Plan changes described in Chapter 2 of this FEIR.
- Figure 2.3-3: Phase I Circulation Improvement is revised to add proposed improvements to the intersection of 7th and Jackson Streets, and make the Planning Area boundary symbol consistent with other maps.
- Figure 2.4-1: General Plan and Estuary Policy Plan Amendments is revised to clean up formatting by removing the opportunity sites from the map.
- Figure 2.4-2: Existing Zoning Districts is revised to clean up formatting by removing Chinese street names and opportunity sites.
- Figure 2.4-3: Proposed Zoning Districts is revised to clean up formatting by extending the Open Space district to the existing open space on the public right of way between Lincoln Park and Lincoln Elementary School; extending the Pedestrian Commercial district from the edge of the BART blocks to the Madison Street centerline; and correct the label/symbology match for the Commercial Corridor and Transitional Commercial Corridor
- Figure 2.4-4: Existing Height Limits is revised to clarify opportunity sites.
- Figure 2.4-5: Proposed Height Limits is revised to reflect zoning changes described in Chapter 2 of this FEIR.
- Figure 2.5-1 Opportunity Sites (Sites Most Likely to Redevelop) is revised to identify Fire Alarm Building site as Opportunity Site #48; to identify the Fire Alarm Building and Kaiser Auditorium as "Opportunity Sites for Adaptive Reuse"; and to add numbers to the opportunity sites at 630 Webster Street and 1331 Harrison Street.
- Figure 3.5-1 Existing Parks and Future Open Space Opportunities revised to clean up formatting by extending the Proposed Open Space district further from the Channel between I-880 and 7th Street and removing park land designation from a portion of Laney College north of 7th Street (where there are existing buildings); removing the Festival Street designation from Alice Street

between 13th and 14th Streets; showing the park land on both sides of Lake Merritt Boulevard as "existing"; adding the "Existing Park Enhancement" label to Chinese Garden Park; identifying park land on the east side Lake Merritt Channel south of Embarcadero as "approved"; and making corrections to the legend.

- Figure 3.8-1 Historic Resources is revised, using a more distinct symbology for sites listed on the State and/or National Register.
- Figure 3.8-2 Historic Resources & Opportunity Sites is revised, using a more distinct symbology for sites listed on the State and/or National Register, and to identify Fire Alarm Building site.
- Figure 3.8-3: Height Areas and Historic Areas of Primary Importance is revised to reflect the Plan changes to Height Areas described in Chapter 2 of this FEIR.
- Figure 3.13-2 Contaminated Sites, Opportunity Sites, and Schools, is revised to identify Fire Alarm Building site as adaptive reuse Opportunity Site #48.

3.4 Revised Appendix Tables

Appendix tables are revised to reflect the following changes:

Inadvertent omissions in Appendix B: Development Potential are corrected as follows, in order to accurately reflect what was analyzed in the DEIR:

- Site 18: 20,000 square feet of net new retail square feet is shown instead of 4,000 square feet, thus matching the development program studied in the EIR;
- Site 48: Fire Alarm Building is added, with an existing 5,236 square feet of Institutional/Community Facilities space which would be adaptively reused;
- Two pipeline projects at 1331 Harrison Street and 630 Webster Street, are assigned site numbers (29 and 35, respectively).
- The right-most two columns, "Less Industrial" and "Less Auto Services" are removed because they are redundant.

Appendix D: Transportation and Traffic is with updated Synchro reports. These changes are also reflected in updated Tables 3.2-23 and 3.2-28, above. In addition, when the results were reviewed for all intersections additional discrepancies were corrected.

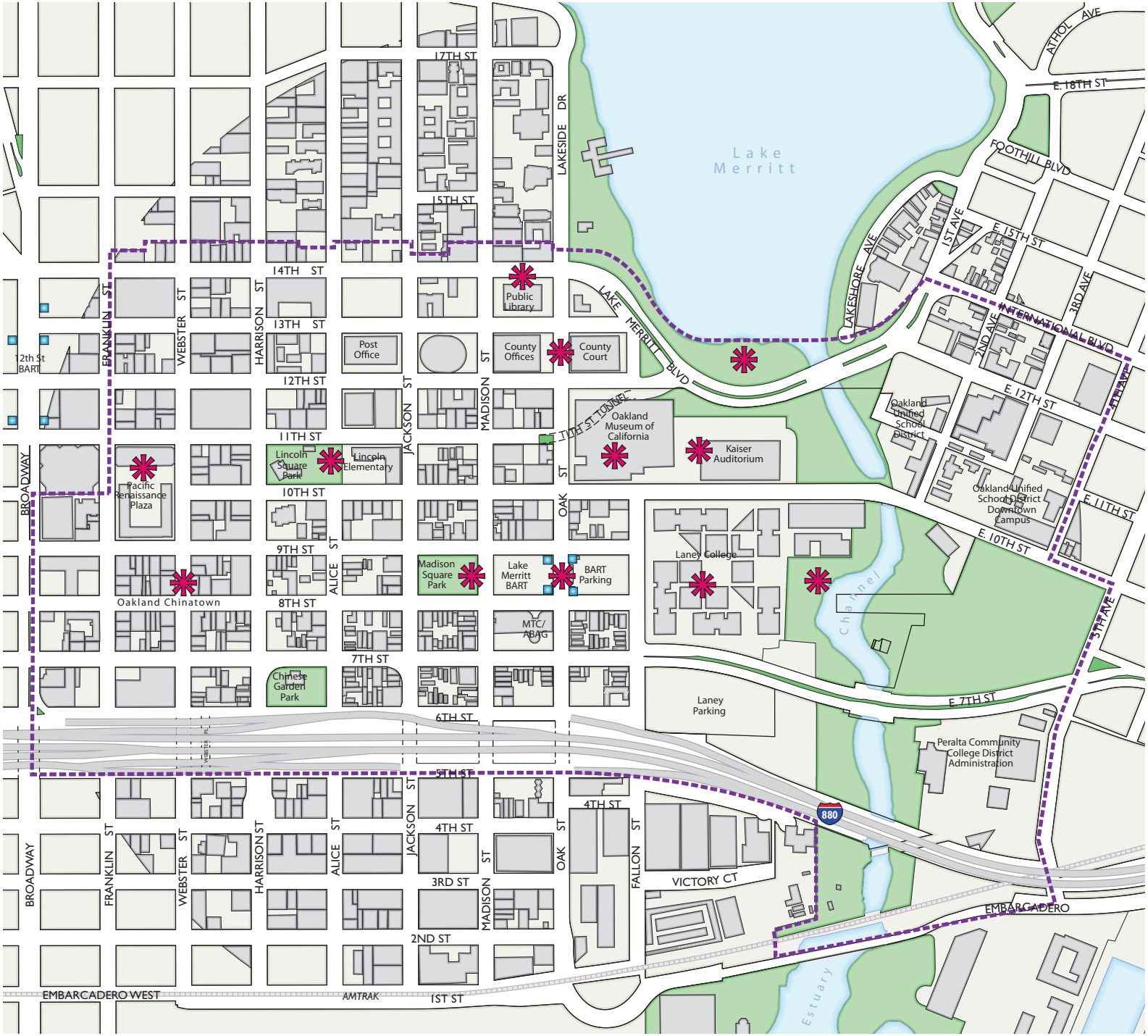


Figure 2.1-2
Planning Boundary

Planning Area

Key Assets

0 100 500 1000
FEET

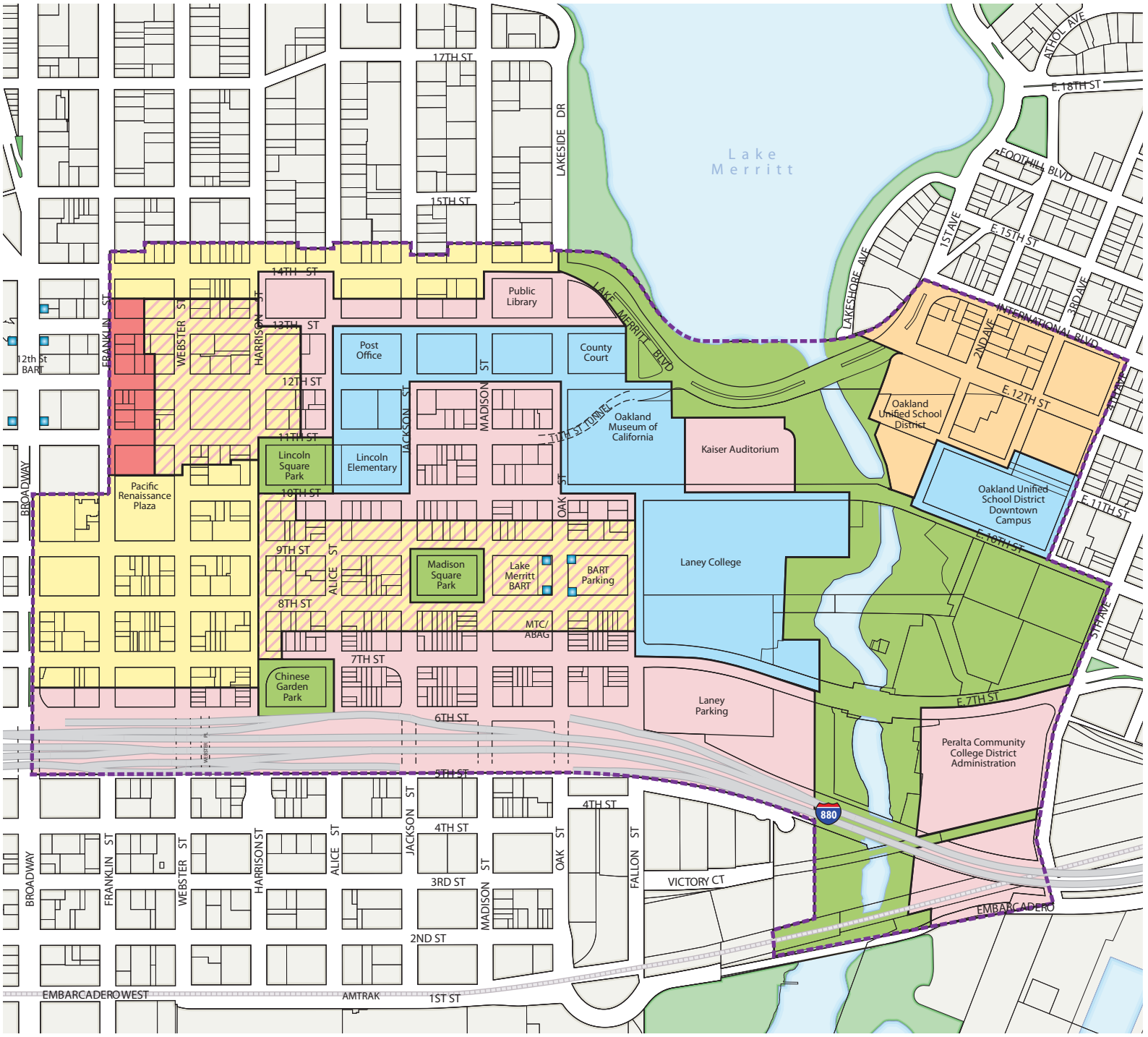


Figure 2.3-1
Draft Area Character

- Pedestrian District
- Pedestrian Transition District
- Flex District
- Commercial District
- Institutional District
- Open Space District
- Urban Residential District
- Open Space outside the Planning Area
- Planning Area

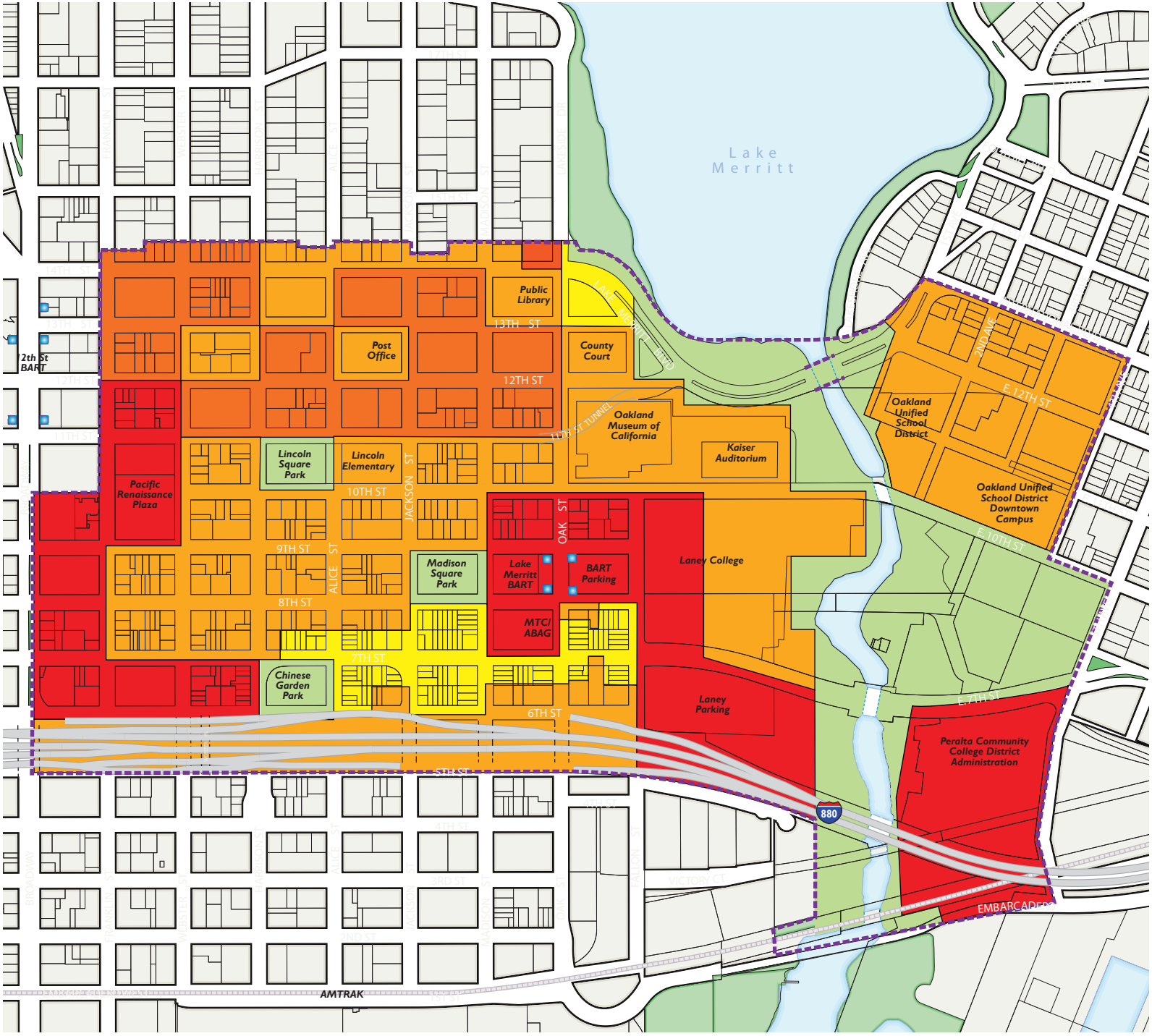


Figure 2.3-2
Draft Proposed Height Areas

Zone	Height Limit*
High	275 ft
Mid-High	175 ft
Mid-Low	85 ft
Low	45 ft

Open Space

Planning Area

* Additional height (up to 275 feet) could be allowed for a limited number of buildings upon the granting of a Conditional Use Permit

The final height areas adopted in zoning may be different, and supercede height areas on this map.

0 100 500 1000
FEET

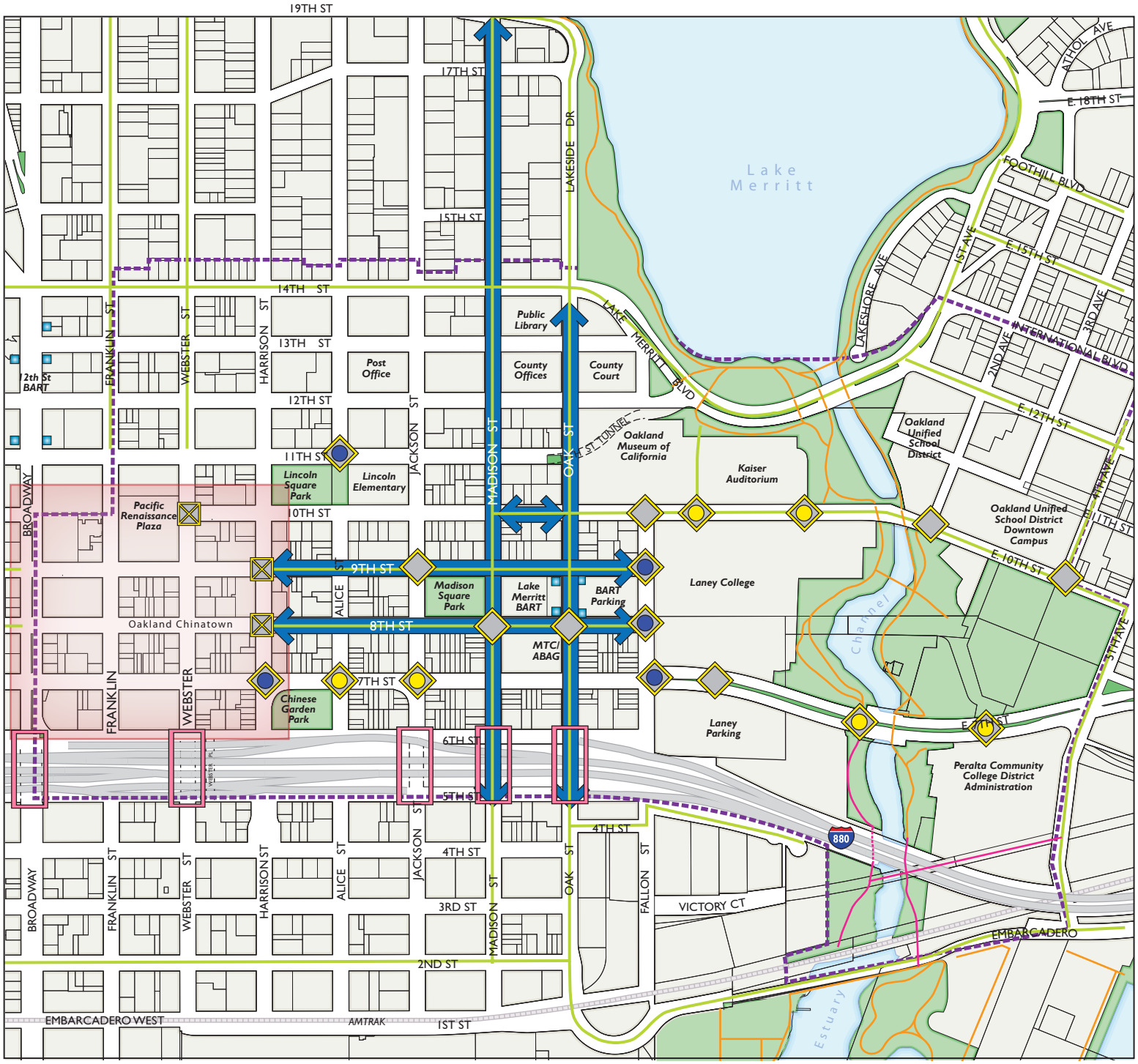


Figure 2.3-3
Phase I
Circulation Improvement

Planned Lane Reduction/ Bike Lanes

Existing or Planned On-Street Bicycle Connection

Priority Pedestrian Crossing Improvements

Bulbouts

Bulbouts, Flashing Pedestrian Signs

Bulbouts, Lane Changes, or Sidewalk Widening

Phase I Bulbouts, Phase II Pedestrian Scrambles

Improved Freeway Undercrossing

Existing and Under Construction Paths

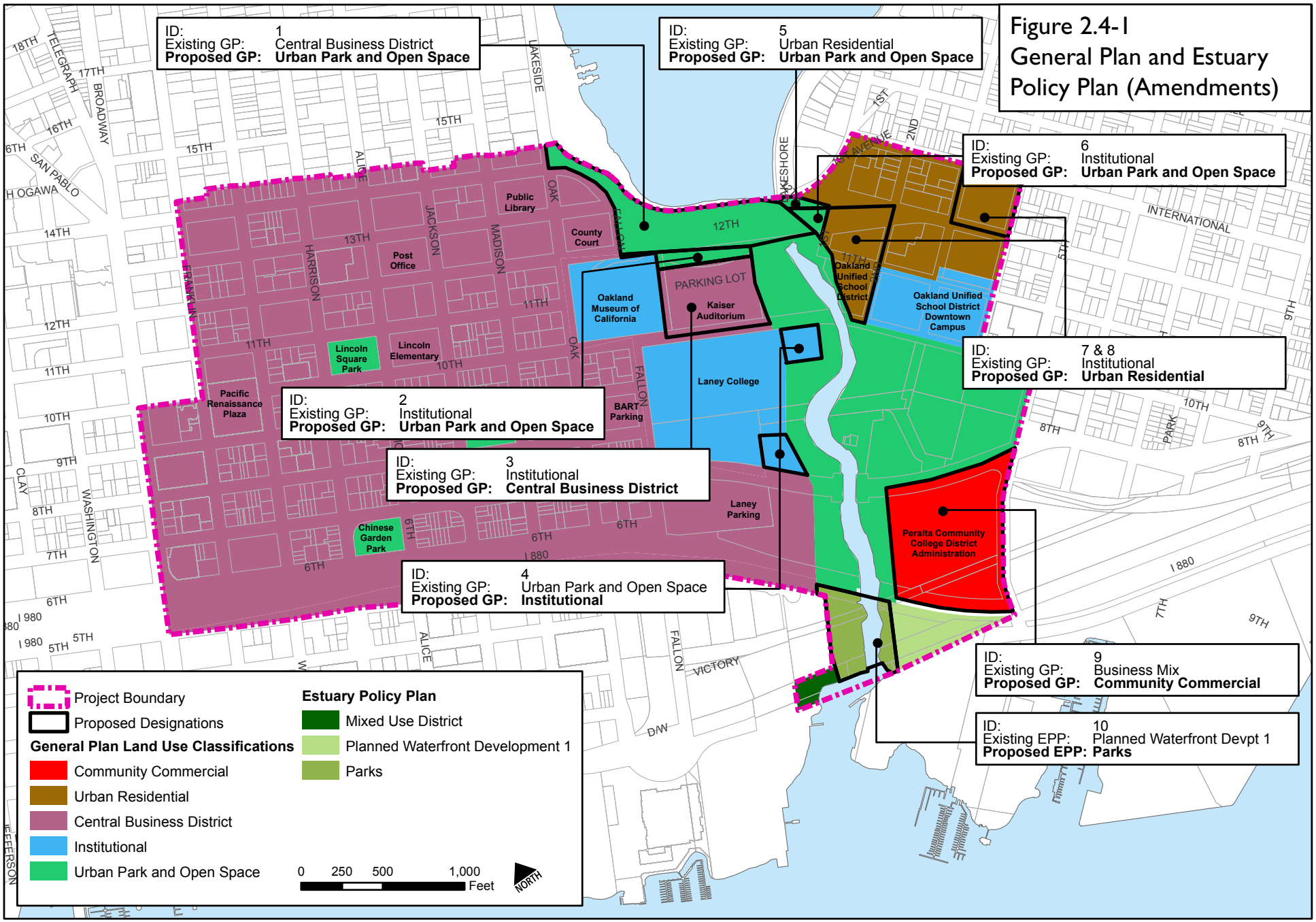
Potential Additional Paths

Chinatown Commercial Core Area

BART Station Entrance

Planning Area

0 100 500 1000
FEET

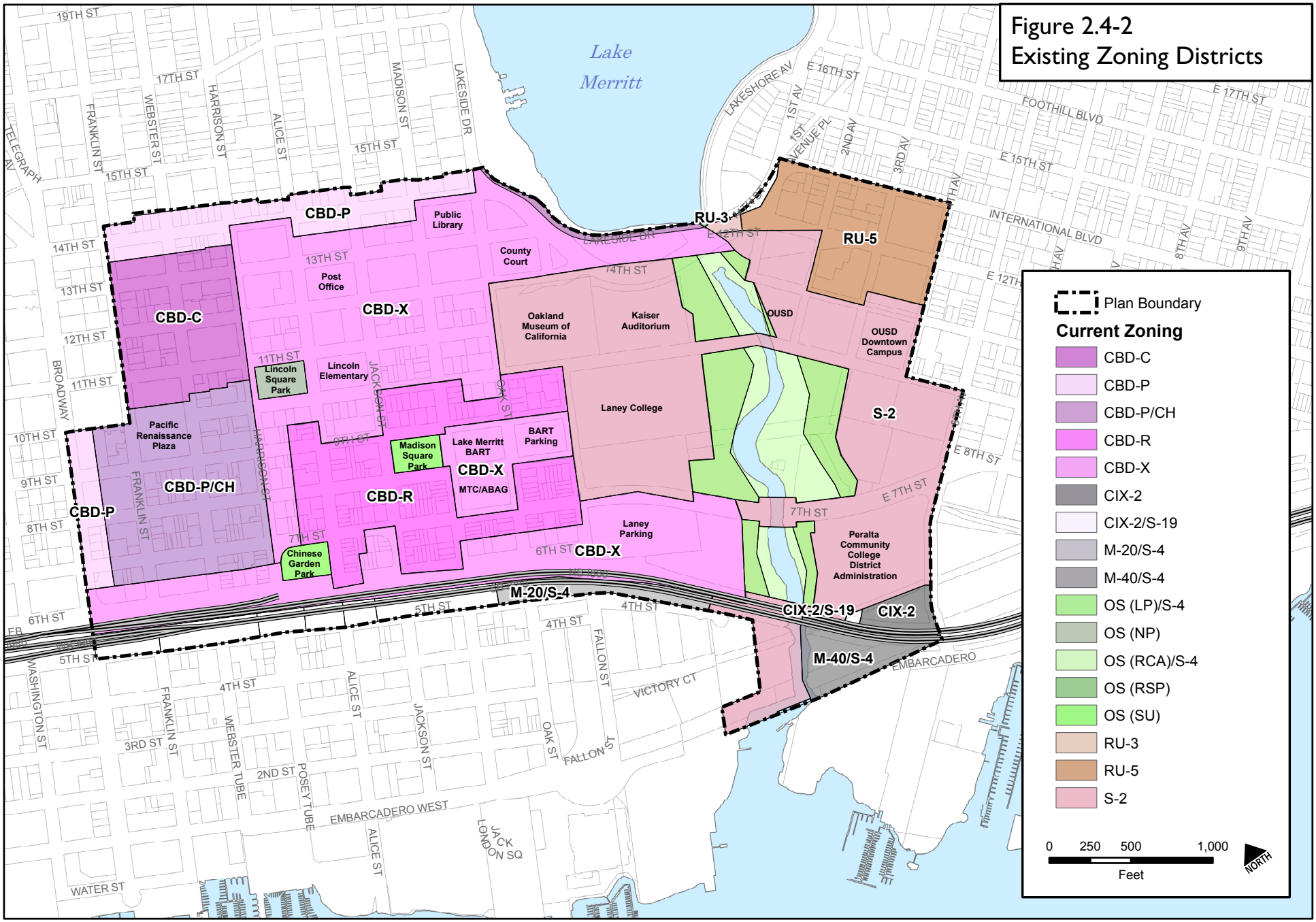


CITY OF OAKLAND

LAKE MERRITT BART STATION AREA PLAN

Proposed General Plan and Estuary Policy Plan Amendments

City of Oakland, Department of Planning and Building
July 3, 2014

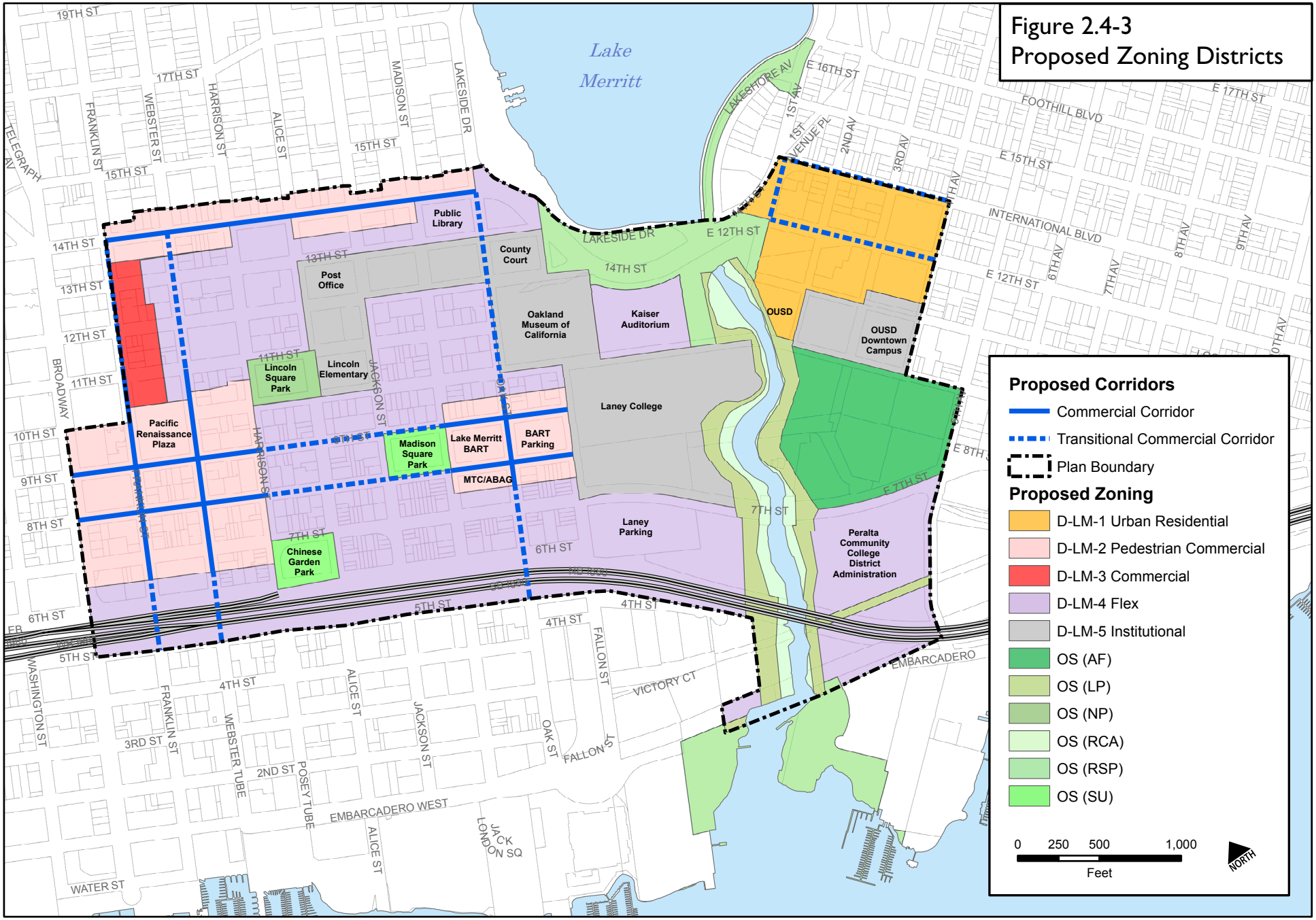


CITY OF OAKLAND

LAKE MERRITT BART STATION AREA PLAN

Current Zoning Districts

City of Oakland, Department of Planning and Building
July 3, 2014

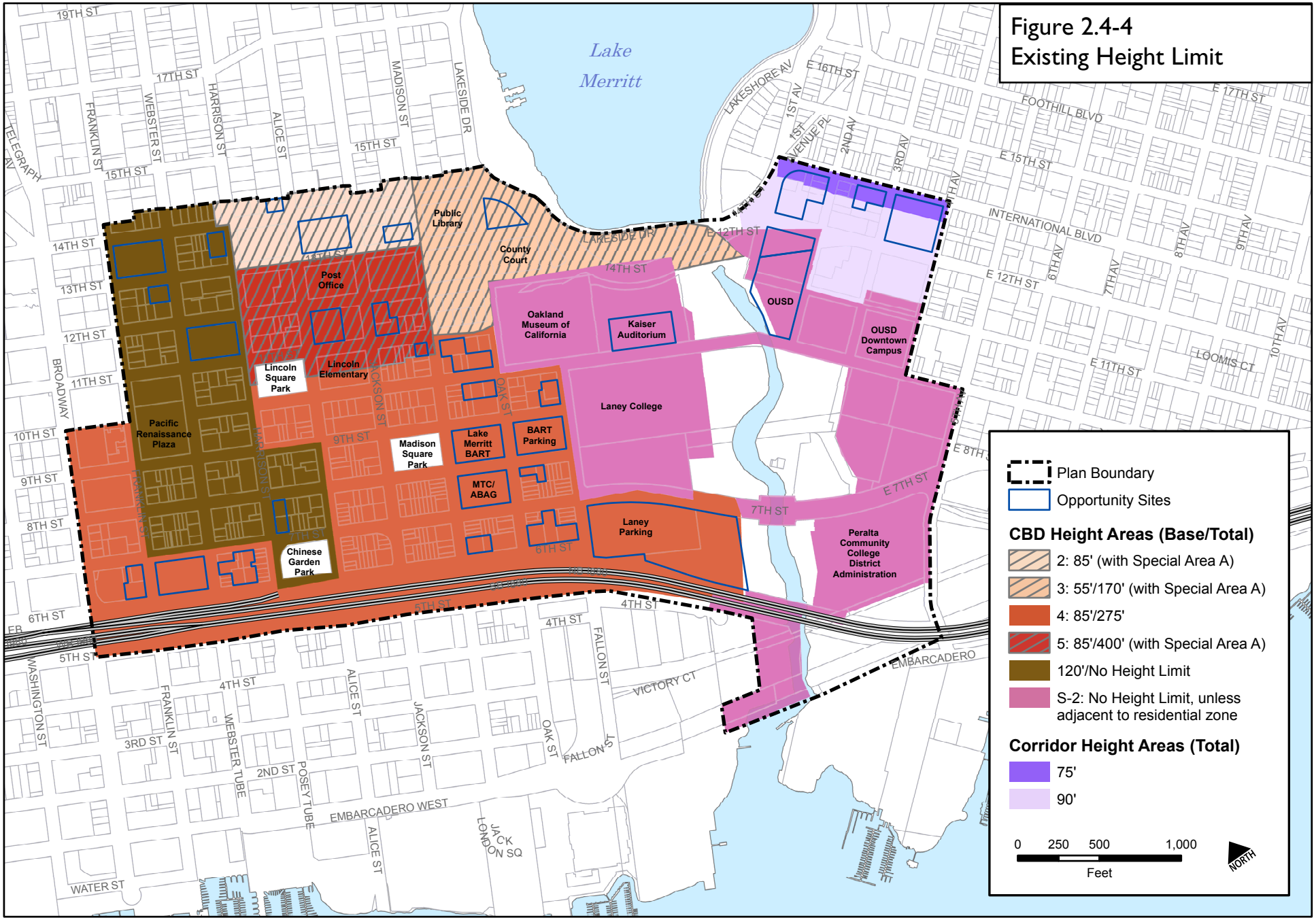


CITY OF OAKLAND

LAKE MERRITT BART STATION AREA PLAN

Proposed Zoning Districts and Corridors

City of Oakland, Department of Planning and Building
July 3, 2014

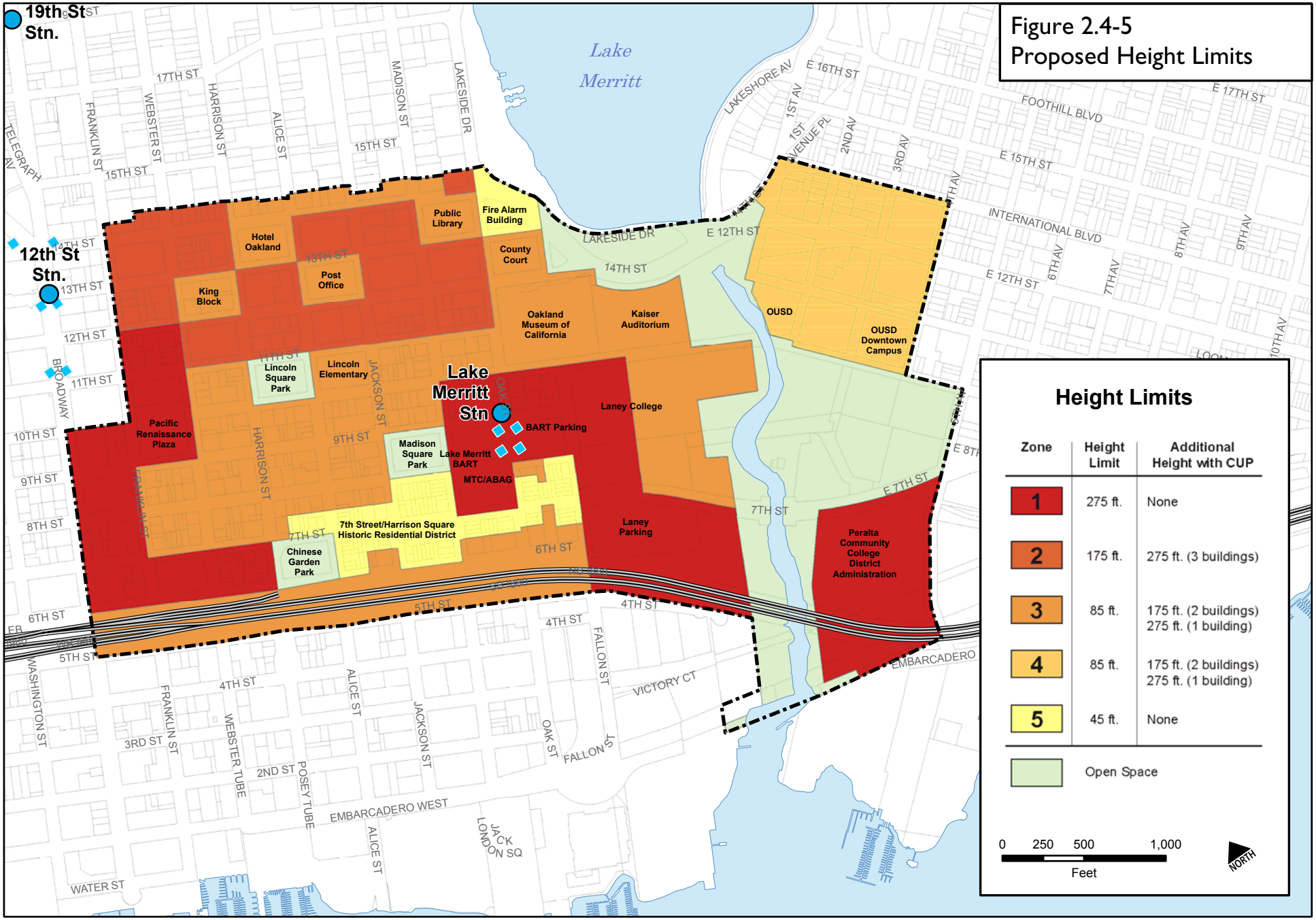


CITY OF OAKLAND

LAKE MERRITT BART STATION AREA PLAN

Existing Height Limits

City of Oakland, Department of Planning and Building
July 7, 2014



LAKE MERRITT BART STATION AREA PLAN
Proposed Height Zones

City of Oakland, Department of Planning and Building, June 2014

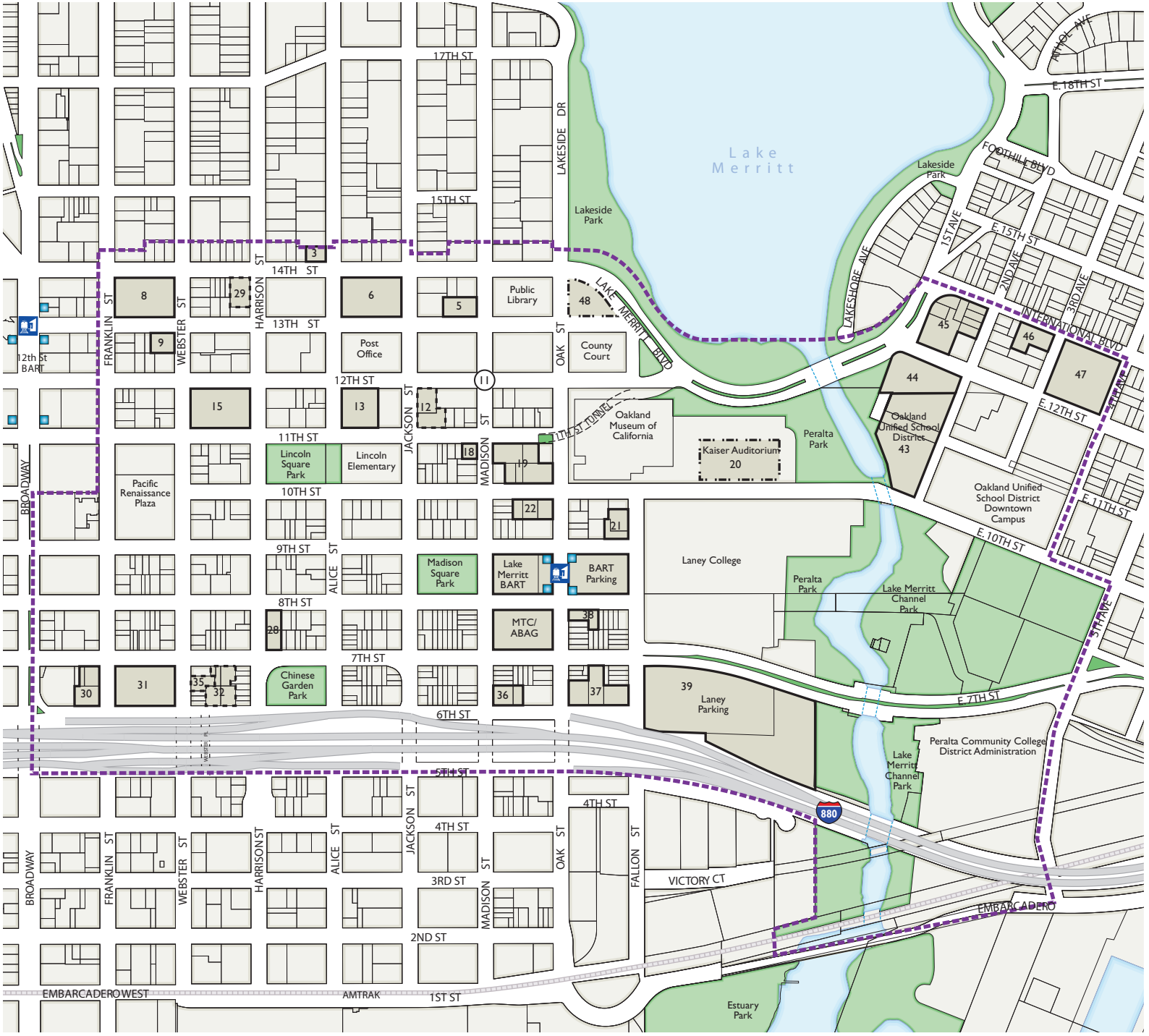
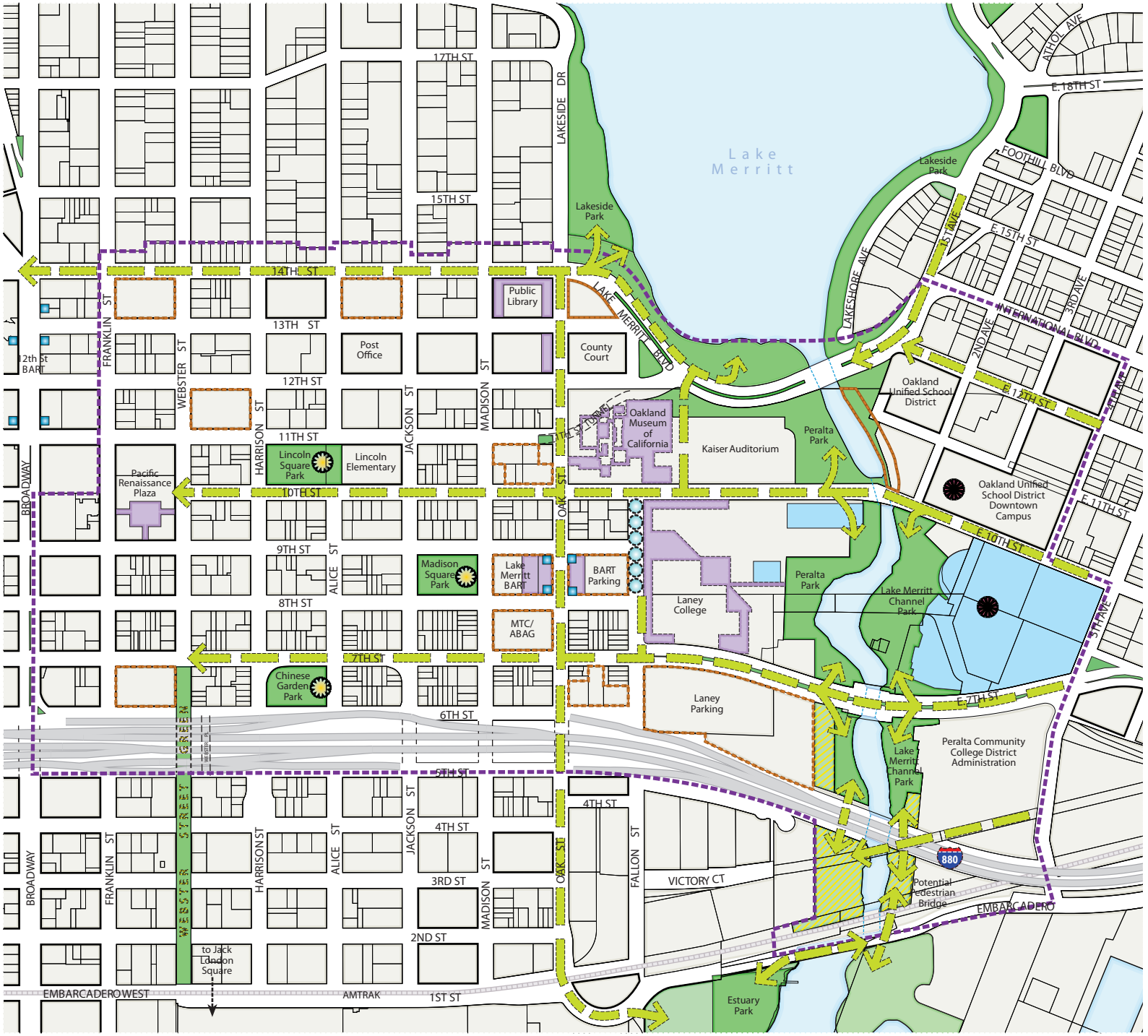


Figure 2.5-1
Opportunity Sites
(Sites Most Likely to Redevelop)

- Opportunity Sites with Community Agreement or Vacant Sites
- Opportunity Sites for Adaptive Reuse
- Approved Development (not yet under construction)
- Existing and Planned Parks
- BART Station Entrance
- Planning Area


Lake Merritt
17TH ST
15TH ST
14TH ST
13TH ST
12TH ST
11TH ST
10TH ST
9TH ST
8TH ST
7TH ST
6TH ST
5TH ST
4TH ST
3RD ST
2ND ST
1ST ST
LAKESIDE DR
LAKE MERRITT BLVD
FRANKLIN ST
WEBSTER ST
HARRISON ST
JACKSON ST
MADISON ST
OAK ST
ALICE ST
BROADWAY
FALLON ST
12th St BART
Public Library
Post Office
County Court
Oakland Museum of California
Kaiser Auditorium
Peralta Park
Oakland Unified School District
Oakland Unified School District Downtown Campus
Lincoln Square Park
Lincoln Elementary
Pacific Renaissance Plaza
Madison Square Park
Lake Merritt BART
BART Parking
Laney College
Lake Merritt Channel Park
MTC/ ABAG
Chinese Garden Park
Laney Parking
Peralta Community College District Administration
Potential Pedestrian Bridge
VICTORY CT
EMBARCADERO
EMBARCADERO WEST
AMTRAK
to Jack London Square
Estuary Park
WEBSTER STREET GREEN
Lakeside Park
FOOTHILL BLVD
E.18TH ST
E.15TH ST
E.12TH ST
E.11TH ST
E.10TH ST
E.7TH ST
1ST AVE
2ND AVE
3RD AVE
LAKESHORE AVE
ATHOL AVE
INTERNATIONAL BLVD
880
Figure 3.5-1
Existing Parks and Future Open Space Opportunities
Existing
Existing
Laney Recreational Area
Other Publicly Accessible Open Space
Future
New Approved
New Planned/Proposed
Potential Site for Open Space Contribution (site over 1/2 block or 0.7 acres)
Connections to Open Space
Festival Street
Webster Street Green
Enhancement of Existing Park
Future Potential Joint Use
Planning Area
0 100 500 1000
FEET

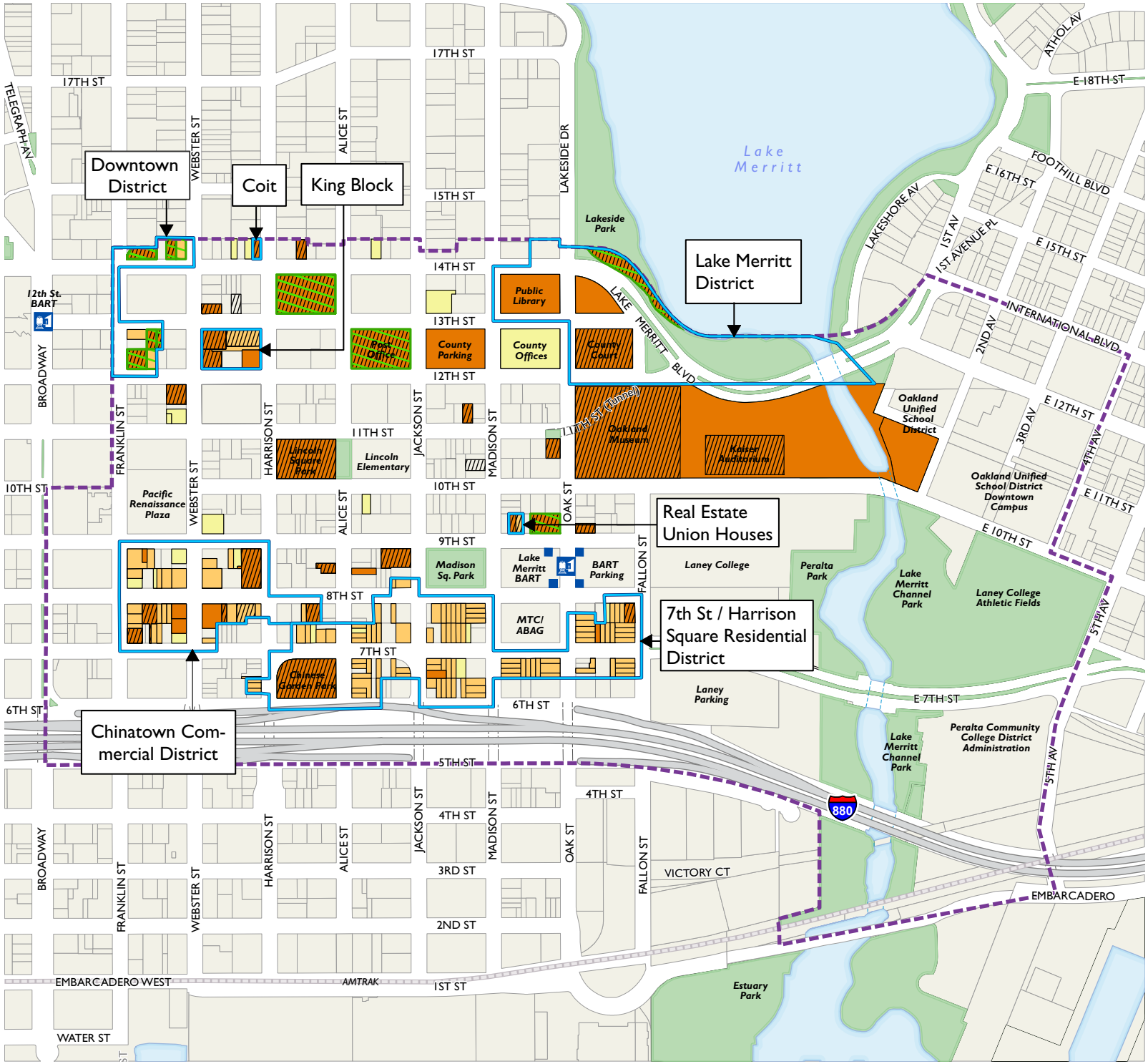


Fig. 3.8-1
Historic Resources

- BART Station Entrance
- BART Station
- Areas of Primary Importance
- Listed on State and/or National Register
- City of Oakland Designated Historic Property
- Rated "A" or "B" on Oakland Cultural Heritage Survey
- Other Potential Designated Historic Property within Area of Primary Importance
- Other Potential Historic Resources (mostly properties rated 1-5 in the California Historic Property Directory)
- Existing and Planned Parks
- Planning Area

There are no City-designated Heritage Properties, Study List Properties, Preservation Districts, or S-7 or S-20 Preservation Combining Zone properties in the Planning Area.

0 100 300 500 750 1,000
FEET

Source: City of Oakland and Dyett and Bhatia, 2009.

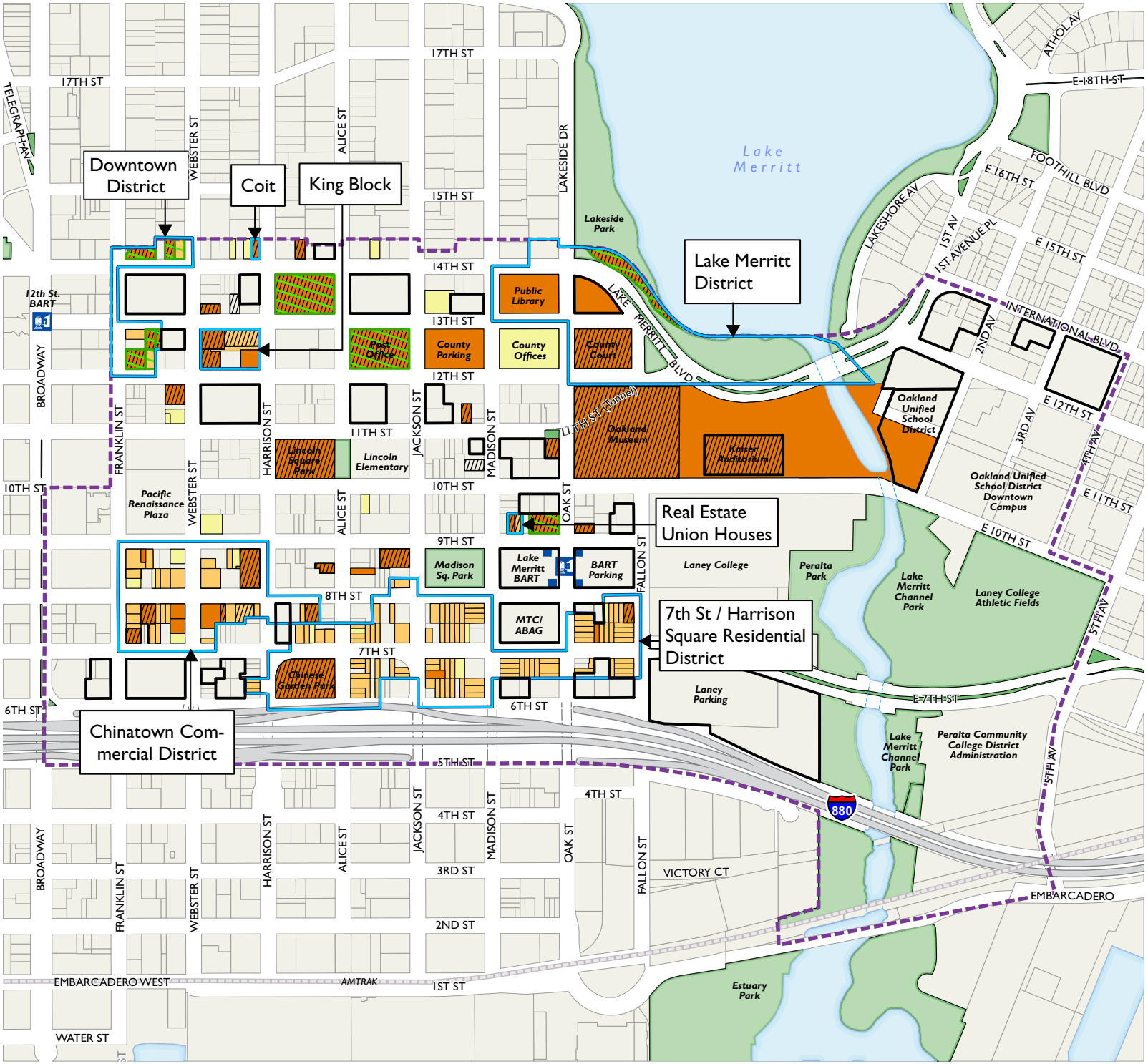


Fig. 3.8-2
Historic Resources & Opportuniy Sites

- BART Station Entrance
- BART Station
- Opportunity Sites
- Areas of Primary Importance
- Listed on State and/or National Register
- City of Oakland Designated Historic Property
- Rated "A" or "B" on Oakland Cultural Heritage Survey
- Other Potential Designated Historic Property within Area of Primary Importance
- Other Potential Historic Resources (mostly properties rated 1-5 in the California Historic Property Directory)
- Existing and Planned Parks
- Planning Area

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0 100 300 500 750 1,000
FEET

Source: City of Oakland and Dyett and Bhatia, 2009.

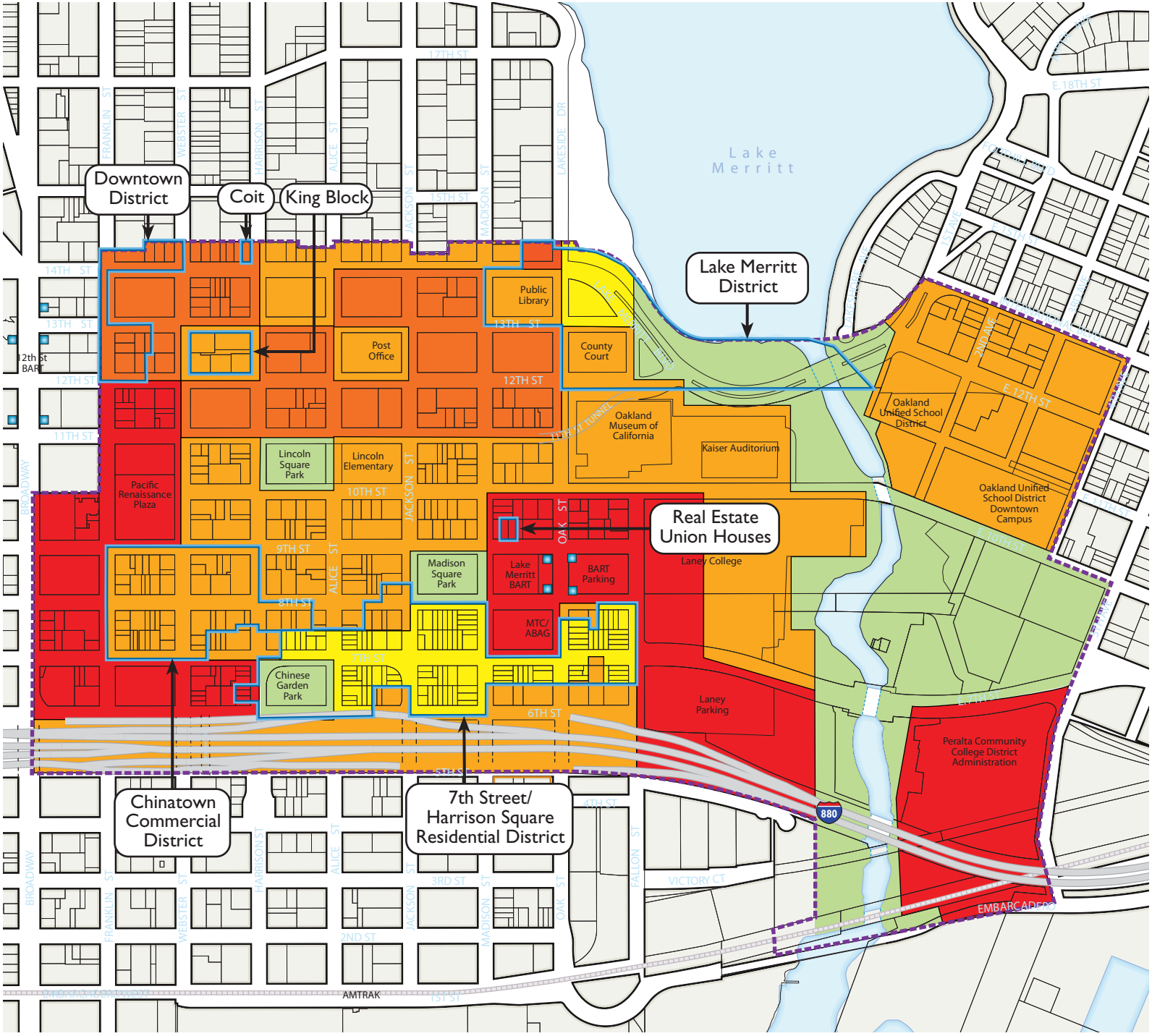

Figure 3.8-3
Height Areas and Historic Areas of Primary Importance

Zone	Height Limit*
High	275 ft
Mid-High	175 ft
Mid-Low	85 ft
Low	45 ft

Open Space

Historic District of Primary Importance

Planning Area

* Additional height (up to 275 feet) could be allowed for a limited number of buildings upon the granting of a Conditional Use Permit

The final height areas adopted in zoning may be different, and supercede height areas on this map.

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FEET

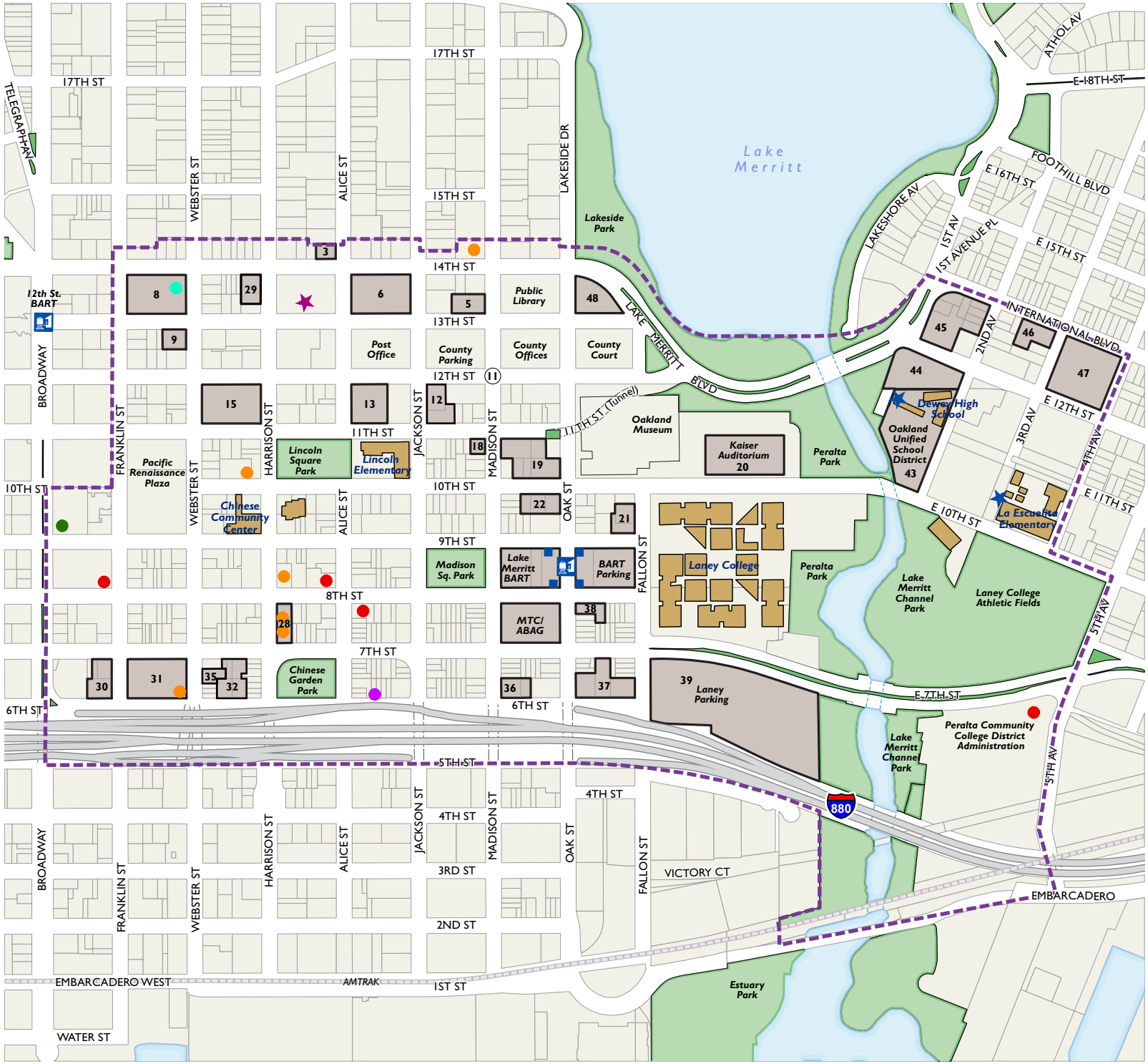

Figure 3.13-2
Contaminated Sites, Opportunity Sites, and Schools

- BART Station Entrance
- BART Station

Department of Toxic Substance Control Clean Up Sites

- School Investigation Site
- State Response

California State Waterboard Open Sites

- (LUST) Cleanup Sites, Open - Remediation
- (LUST) Cleanup Sites, Open - Site Assessment
- (LUST) Cleanup Sites, Open-Verification Monitoring
- Other Cleanup Sites, Open - Inactive
- Other Cleanup Sites, Open - Remediation
- Other Cleanup Sites, Open - Site Assessment

- Opportunity Sites
- Schools/College
- Existing & Planned Parks
- Planning Area

0 100 300 500 750 1,000
FEET

Source: City of Oakland and Dyett and Bhatia, 2009.

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Appendix B:
Development Potential

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Draft Plan Development Potential

SITE #	SIZE	ACRES	EXISTING USE	ASSUMED HEIGHT	% LOT BUILT	BUILT ACRES	PLANNED USES	NEW UNITS	SQUARE FEET OFFICE	SQUARE FEET RETAIL	PUBLIC SPACE (acres)	COMMUNITY FACILITIES/ INSTITUTIONAL	EXISTING UNITS/SF*	NET NEW UNITS	NET NEW OFFICE	NET NEW RETAIL	LESS HOTEL ROOMS	NET NEW INSTITUTIONAL	LESS INDUSTRIAL/AUTO SERVICES
CENTRAL BART BLOCKS																			
BART Station	Full Block	1.40	BART Admin	Mid-rise: 6-8 stories; Assume 8 stories over 65% of the site	70%	0.98	Housing	142					-	142		-			
					65%	0.92	Retail/ Entertainment (minus BART Operations)			72,000			-			72,000			
					n/a		BART Operations					8,000						8,000	
					15%	0.21	Plaza				0.21		-						
BART Parking	Full Block	1.40	BART Parking	High-rise: 9+ stories; Assume one 23 story tower on 40% of the site, with an 8-story base over 65% of the site	70%	0.98	Housing	384					-	384					
					50%	0.70	Retail/ Entertainment			30,000			-			30,000			
					15%	0.21	Plaza				0.21		-						
MTC/ABAG	Full Block	1.40	MTC/ABAG Offices	High-rise: 9+ stories; Assume one 20 story tower on 40% of site, with 5 story base over 65%. Assume 7 stories office above one story retail; with 12 story residential tower.	40%	0.56	Housing	220					-	220					
					59%	0.83	Office		250,000				106,000		144,000				
					50%	0.70	Retail			30,000			-			30,000			
					10%	0.14	Plaza				0.14		-						
Subtotal Central BART Blocks								***746***	***250,000***	***132,000***	***0.56***	***8,000***		***746***	***144,000***	***132,000***	-	***8,000***	
OTHER SITES WITH COMMUNITY FEEDBACK AGREEMENT OR VACANT SITES																			
3	Small Site	0.17	Parking Lot	Mid-rise: 6-8 stories	70%	0.12	Housing	17					-	17					
					35%	0.06	Retail			3,000			-			3,000			
5	1/4 Block +	0.38	Parking Lot	Mid-rise (est): Potential Development Based on Application	70%	0.27	Housing	72					-	72					
6	Full Block	1.40	Parking lot	High-rise: 9+ stories; Assume 25 stories	70%	0.98	Housing	441					-	441					
					35%	0.49	Retail			21,000			-			21,000			
					15%	0.21	Open Space				0.21		-						
							Parking						-						
8	Full Block	1.40	Structured parking lot	High-rise: 9+ stories; Assume 6 stories office above one story retail; 17 stories residential tower	70%	0.98	Housing	384					-	384					
					70%	0.98	Office		256,000						256,000				
					35%	0.49	Retail			21,000			-			21,000			
					15%	0.21	Open Space				0.21		-						
							Public parking						-						
9	1/4 Block	0.28	Parking Lot	Mid-rise: 6-8 stories	70%	0.20	Housing	28					-	28					
					20%	0.06	Retail			2,000			-			2,000			

SITE #	SIZE	ACRES	EXISTING USE	ASSUMED HEIGHT	% LOT BUILT	BUILT ACRES	PLANNED USES	NEW UNITS	SQUARE FEET OFFICE	SQUARE FEET RETAIL	PUBLIC SPACE (acres)	COMMUNITY FACILITIES/ INSTITUTIONAL	EXISTING UNITS/SF*	NET NEW UNITS	NET NEW OFFICE	NET NEW RETAIL	LESS HOTEL ROOMS	NET NEW INSTITUTIONAL	LESS INDUSTRIAL/AUTO SERVICES
13	Half Block	0.80	Developed one story parking	High-rise: 9+ stories; Assume Alameda County Master Plan	60%	0.48	Office		250,000				-		250,000				
					20%	0.16	Retail			7,000			-			7,000			
					10%	0.08	Open Space				0.08		-						
					10%		Public parking (400 spaces)												
11		1.40	Alameda County properties	High-rise: 9+ stories	47%	0.66	Office		290,000				-		290,000				
					22%	0.31	Retail			13,000			-			13,000			
					10%	0.14	Open Space				0.14		-						
					23%		Public parking (304 spaces)						-						
15	Full Block	1.40	Developed one story: charter school and parking	High-rise: 9+ stories; Assume one 25 story tower above mid-rise base	70%	0.98	Housing	441					-	441					
					35%	0.49	Retail			21,000			-			21,000		-	
					15%	0.21	Open Space				0.21		-						
18	Half Block	0.13	Parking + developed one story	Mid-rise: 6-8 stories	70%	0.09	Housing	13						13					
					65%	0.08	Retail			20,000			-			20,000			(4,000)
					10%	0.01	Open Space						-						
19	Half Block +	1.10	Developed one story	High-rise: 9+ stories; Assume 12 stories	70%	0.77	Housing	302					4	298					
					50%	0.55	Retail			24,000			-			24,000			(24,000)
					10%	0.11	Open Space				0.11		-						
20		1.84	Kaiser Convention Center	Reuse of existing space (four levels including a basement)	n/a	n/a	Reuse of existing space					228,000	228,000	-	-	-	-	-	
21	1/2 Block	0.41	Parking + developed one story	High-rise: 9+ stories; Assume 12 stories	70%	0.29	Housing	114						114					
					35%	0.14	Retail			6,000			-		(2,723)	6,000			
22	Half Block	0.50	Developed one story	High-rise: 9+ stories; Assume 12 stories	70%	0.35	Housing	137					-	137					
					35%	0.18	Retail			8,000			-			8,000			(14,500)
28	1/4 Block (just along Harrison)	0.34	Parking	Mid-rise: 6-8 stories; Assume 3 stories office above one story retail; residential 4 stories above base	60%	0.20	Housing	30					-	30					
					70%	0.24	Office		30,000				-		30,000				
					35%	0.12	Retail			5,000			-			5,000			
30	Half Block	0.52	Vacant	High-rise: 9+ stories; Assume 12 stories	60%	0.31	Housing	122					-	122					
					35%	0.18	Retail			8,000			-			8,000			
					50%	0.26	Parking						-						
31	Full Block	1.40	Developed two story building	High-rise: 9+ stories; Assume two high rise 25 stories	60%	0.84	Housing	329					-	329					
					35%	0.49	Retail			21,000			-			21,000		(83,725)	
					10%	0.14	Open Space				0.14		-						
36	Quarter Block	0.45	Vacant +one story	High-rise: 9+ stories; Assume 12 stories	60%	0.27	Office		140,000				-		140,000				(15,040)
37	Half Block	0.93	BART Maintenance, Auto Services, motel	Low and Mid-rise: 3 stories facing 7th and 6 -8 stories facing 6th	40%	0.37	Office (8 stories facing 6th Street)		130,000				-		130,000		(33)		(1,019)
					20%	0.19	Housing (4 stories facing 7th Street)	27					-	27	-				
					10%	0.09	Open Space				0.09		-						
38	1/4 Block	0.30	Developed 1-2 stories	Mid-rise: 6-8 stories	70%	0.21	Housing	30					-	30					
					35%	0.11	Retail			5,000			10,555		(8,000)	2,445			
39	Multiple	8.60	Parking lot	High-rise: 9+ stories; park (assumes all the parkland for the Laney site 39 along the channel)	40%	3.44	Instructional/Community/Insti					300,000	-		-	-		300,000	
					3%	0.23	Retail/Community Apparatus			10,000			-			10,000			
					33%	2.84	Structured Parking - 1,800 spaces						-						
					30%	2.58	Open Space				2.6		-						
43	2 Blocks	3.00	Developed 4 story and 1 story	High-rise: 9+ stories; Assume 12 stories; park space along channel	30%	0.90	Housing	353					-	353				(86,295)	
					4%	0.12	Retail			5,000			-			5,000			
					30%	0.90	Open Space				0.9		-						

SITE #	SIZE	ACRES	EXISTING USE	ASSUMED HEIGHT	% LOT BUILT	BUILT ACRES	PLANNED USES	NEW UNITS	SQUARE FEET OFFICE	SQUARE FEET RETAIL	PUBLIC SPACE (acres)	COMMUNITY FACILITIES/ INSTITUTIONAL	EXISTING UNITS/SF*	NET NEW UNITS	NET NEW OFFICE	NET NEW RETAIL	LESS HOTEL ROOMS	NET NEW INSTITUTIONAL	LESS INDUSTRIAL/AUTO SERVICES
44	1/2 Block	1.30	Vacant	High-rise: 9+ stories; Assume 20 stories	70%	0.91	Housing	357					-	357					
					35%	0.46	Retail			20,000			-			20,000			
					10%	0.13	Open Space				0.13		-						
45	1 Acre Block	1.50	Developed 1-3 stories	Mid-rise: 6-8 stories	70%	1.05	Housing - mid rise	152					2	150					
					35%	0.53	Retail			23,000			8,765			14,235	(75)		
					10%	0.15	Open Space				0.15		-						
46	1/3 Block	0.50	Parking and 1 story	Mid-rise: 6-8 stories	70%	0.35	Housing	51					-	51				(3,878)	
					25%	0.13	Retail			5,000			-			5,000			
47	Full Block	2.00	Parking and 1 story	Mid-rise: 6-8 stories	70%	1.40	Housing	203					-	203				(26,202)	
					12%	0.24	Retail			10,000			-			10,000			
					10%	0.20	Open Space				0.20		-						
48	Full Block	0.71	Fire Alarm Building	Reuse of existing space (four levels including a	n/a	n/a	Reuse of existing space				0.71	5,236	5,236					-	
n/a	Multiple along Channel	9.07	Channel Parks South of I-880, NE of I-880; 4 acre DD Park	n/a	9.07	9.07	Open Space				9.07		-			-			
Subtotal								***3,604***	***1,096,000***	***258,000***	***14.9***	***533,236***		***3,598***	***1,085,277***	***246,680***	***(108)***	***99,900***	***(58,559)***
PIPELINE AND UNDER CONSTRUCTION																			
12	Half Block	0.50	Vacant (planned housing)	Mid-rise: APPROVED AFFORDABLE HOUSING PROJECT	n/a	0.50	Approved Affordable Housing Project	68		5,000				68	-	5,000			
32		0.81		High-rise: 325 7th Street: APPROVED PROJECT		0.81		380		9,110				380		9,110			
29		0.34		High-rise: 1331 Harrison Street: APPROVED PROJECT		0.34		98		9,000				98		9,000			
35		0.18		Mid-rise: 630 Webster Street: APPROVED PROJECT (note ground floor is an estimate)		0.18		27		2,000				27		2,000			
Subtotal								***573***	-	***25,110***	-	-	-	***573***	-	***25,110***	-	-	
TOTAL Future Development								**4,922**	**1,346,000**	**415,110**	**15.49**	**541,236**		**4,916**	**1,229,277**	**403,790**	**(108)**	**107,900**	**(58,559)**
												With 5% vacancy for households		**4,671**				**Total Future Jobs**	**4,134**
Jobs															*3,073*	*1,154*	*(54)*	*108*	*(146)*
													%ACTC	*100%*					

Note: Madison Lofts (76 units) and Jackson Courtyard (45 units) were also developed in the Planning Area since 2005, but are outside of the TAZs analyzed for the project, and so are not included here.

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Appendix D:
Transportation and Traffic

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Lane Group	EBR	WBL	WBT	SBT	SWL
Lane Group Flow (vph)	8	93	459	748	2298
v/c Ratio	0.04	0.39	0.64	1.10	1.26
Control Delay	30.5	45.9	49.6	106.8	149.1
Queue Delay	0.0	0.0	0.0	0.0	0.0
Total Delay	30.5	45.9	49.6	106.8	149.1
Queue Length 50th (ft)	3	59	115	~219	~1127
Queue Length 95th (ft)	3	102	141	#232	#1276
Internal Link Dist (ft)			433	464	295
Turn Bay Length (ft)		285			
Base Capacity (vph)	284	315	955	682	1817
Starvation Cap Reductn	0	0	0	0	0
Spillback Cap Reductn	0	0	0	0	0
Storage Cap Reductn	0	0	0	0	0
Reduced v/c Ratio	0.03	0.30	0.48	1.10	1.26

Intersection Summary

~ Volume exceeds capacity, queue is theoretically infinite.
Queue shown is maximum after two cycles.

95th percentile volume exceeds capacity, queue may be longer.
Queue shown is maximum after two cycles.

Movement	EBR	WBL	WBT	SBT	SBR	SWL	SWR
Lane Configurations							
Volume (vph)	2	79	390	461	115	2033	150
Ideal Flow (vphpl)	1900	1900	1900	1900	1900	1900	1900
Total Lost time (s)	4.5	4.5	4.5	4.5		5.0	
Lane Util. Factor	1.00	1.00	0.91	0.91		0.97	
Frpb, ped/bikes	0.93	1.00	1.00	1.00		1.00	
Flpb, ped/bikes	1.00	0.94	1.00	1.00		1.00	
Frt	0.86	1.00	1.00	0.97		0.99	
Flt Protected	1.00	0.95	1.00	1.00		0.96	
Satd. Flow (prot)	1345	1496	4577	4236		3185	
Flt Permitted	1.00	0.95	1.00	1.00		0.96	
Satd. Flow (perm)	1345	1496	4577	4236		3185	
Peak-hour factor, PHF	0.25	0.85	0.85	0.77	0.77	0.95	0.95
Adj. Flow (vph)	8	93	459	599	149	2140	158
RTOR Reduction (vph)	3	3	0	37	0	0	0
Lane Group Flow (vph)	5	90	459	711	0	2298	0
Confl. Peds. (#/hr)	35	35			4	35	4
Confl. Bikes (#/hr)	1				1		
Parking (#/hr)				5	5		
Turn Type	custom	Perm					
Protected Phases			4	5		6	
Permitted Phases	4	4					
Actuated Green, G (s)	17.9	17.9	17.9	17.5		65.6	
Effective Green, g (s)	17.9	17.9	17.9	17.5		65.6	
Actuated g/C Ratio	0.16	0.16	0.16	0.15		0.57	
Clearance Time (s)	4.5	4.5	4.5	4.5		5.0	
Vehicle Extension (s)	3.0	3.0	3.0	3.0		3.0	
Lane Grp Cap (vph)	209	233	712	645		1817	
v/s Ratio Prot			c0.10	c0.17		c0.72	
v/s Ratio Perm	0.00	0.06					
v/c Ratio	0.02	0.38	0.64	1.10		1.26	
Uniform Delay, d1	41.1	43.6	45.6	48.8		24.7	
Progression Factor	1.00	1.00	1.00	1.00		1.00	
Incremental Delay, d2	0.0	1.1	2.0	66.6		123.7	
Delay (s)	41.2	44.7	47.6	115.4		148.4	
Level of Service	D	D	D	F		F	
Approach Delay (s)			47.1	115.4		148.4	
Approach LOS			D	F		F	

Intersection Summary			
HCM Average Control Delay	125.8	HCM Level of Service	F
HCM Volume to Capacity ratio	1.13		
Actuated Cycle Length (s)	115.0	Sum of lost time (s)	14.0
Intersection Capacity Utilization	102.6%	ICU Level of Service	G
Analysis Period (min)	15		

c Critical Lane Group

Movement	EBL	EBT	EBR	WBL	WBT	WBR	NBL	NBT	NBR	SBL	SBT	SBR
Lane Configurations												
Volume (vph)	38	744	407	0	0	0	0	261	76	44	239	0
Ideal Flow (vphpl)	1900	1900	1900	1900	1900	1900	1900	1900	1900	1900	1900	1900
Total Lost time (s)		4.0	4.0					4.0			4.0	
Lane Util. Factor		0.86	0.86					1.00			1.00	
Frpb, ped/bikes		0.98	0.91					0.98			1.00	
Flpb, ped/bikes		1.00	1.00					1.00			0.99	
Frt		0.97	0.85					0.97			1.00	
Flt Protected		1.00	1.00					1.00			0.99	
Satd. Flow (prot)		3868	937					1393			1447	
Flt Permitted		1.00	1.00					1.00			0.77	
Satd. Flow (perm)		3868	937					1393			1129	
Peak-hour factor, PHF	0.77	0.77	0.77	0.92	0.92	0.92	0.91	0.91	0.91	0.88	0.88	0.88
Adj. Flow (vph)	49	966	529	0	0	0	0	287	84	50	272	0
RTOR Reduction (vph)	0	69	114	0	0	0	0	18	0	0	0	0
Lane Group Flow (vph)	0	1211	150	0	0	0	0	354	0	0	322	0
Confl. Peds. (#/hr)	51		75						79	79		
Bus Blockages (#/hr)	0	10	10	0	0	0	0	0	0	0	0	0
Parking (#/hr)		5	5					5	5	5	5	
Turn Type	Perm		Perm							Perm		
Protected Phases		2						4			4	
Permitted Phases	2		2							4		
Actuated Green, G (s)		33.0	33.0					18.0			18.0	
Effective Green, g (s)		34.0	34.0					18.0			18.0	
Actuated g/C Ratio		0.57	0.57					0.30			0.30	
Clearance Time (s)		5.0	5.0					4.0			4.0	
Lane Grp Cap (vph)		2192	531					418			339	
v/s Ratio Prot								0.25				
v/s Ratio Perm		0.31	0.16								c0.29	
v/c Ratio		0.55	0.28					0.85			0.95	
Uniform Delay, d1		8.2	6.7					19.7			20.6	
Progression Factor		0.97	1.13					1.55			1.29	
Incremental Delay, d2		0.9	1.1					18.6			32.7	
Delay (s)		8.8	8.7					49.0			59.2	
Level of Service		A	A					D			E	
Approach Delay (s)		8.8			0.0			49.0			59.2	
Approach LOS		A			A			D			E	

Intersection Summary			
HCM Average Control Delay	22.7	HCM Level of Service	C
HCM Volume to Capacity ratio	0.69		
Actuated Cycle Length (s)	60.0	Sum of lost time (s)	8.0
Intersection Capacity Utilization	69.2%	ICU Level of Service	C
Analysis Period (min)	15		
c Critical Lane Group			

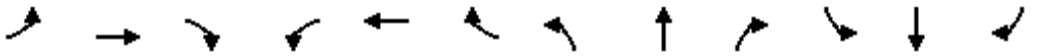
Lane Group	WBL	WBT	NBL	NBT	SBT	SBR
Lane Group Flow (vph)	17	1197	263	212	442	346
v/c Ratio	0.04	2.68	0.60	0.24	0.51	0.44
Control Delay	15.6	777.1	14.7	6.5	8.0	7.2
Queue Delay	0.0	0.0	0.1	0.0	0.5	0.3
Total Delay	15.6	777.1	14.8	6.5	8.5	7.5
Queue Length 50th (ft)	4	~776	51	31	75	52
Queue Length 95th (ft)	m7	#993	126	59	m93	m68
Internal Link Dist (ft)		72		191	60	
Turn Bay Length (ft)						
Base Capacity (vph)	423	447	439	880	861	781
Starvation Cap Reductn	0	0	9	0	133	117
Spillback Cap Reductn	0	0	0	0	0	0
Storage Cap Reductn	0	0	0	0	0	0
Reduced v/c Ratio	0.04	2.68	0.61	0.24	0.61	0.52

Intersection Summary

~ Volume exceeds capacity, queue is theoretically infinite.
Queue shown is maximum after two cycles.

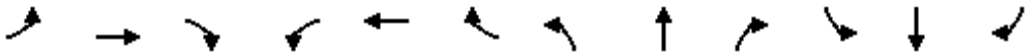
95th percentile volume exceeds capacity, queue may be longer.
Queue shown is maximum after two cycles.

m Volume for 95th percentile queue is metered by upstream signal.



Movement	EBL	EBT	EBR	WBL	WBT	WBR	NBL	NBT	NBR	SBL	SBT	SBR
Lane Configurations												
Volume (vph)	0	0	0	15	1077	0	237	191	0	0	121	525
Ideal Flow (vphpl)	1900	1900	1900	1900	1900	1900	1900	1900	1900	1900	1900	1900
Total Lost time (s)				4.0	4.0		4.0	4.0			4.0	4.0
Lane Util. Factor				1.00	1.00		1.00	1.00			0.95	0.95
Frpb, ped/bikes				1.00	1.00		1.00	1.00			1.00	1.00
Flpb, ped/bikes				1.00	1.00		1.00	1.00			1.00	1.00
Frt				1.00	1.00		1.00	1.00			0.90	0.85
Flt Protected				0.95	1.00		0.95	1.00			1.00	1.00
Satd. Flow (prot)				1586	1676		1593	1467			1434	1300
Flt Permitted				0.95	1.00		0.44	1.00			1.00	1.00
Satd. Flow (perm)				1586	1676		730	1467			1434	1300
Peak-hour factor, PHF	0.92	0.92	0.92	0.90	0.90	0.90	0.90	0.90	0.90	0.82	0.82	0.82
Adj. Flow (vph)	0	0	0	17	1197	0	263	212	0	0	148	640
RTOR Reduction (vph)	0	0	0	0	0	0	0	0	0	0	1	1
Lane Group Flow (vph)	0	0	0	17	1197	0	263	212	0	0	441	345
Confl. Peds. (#/hr)				2		2						
Bus Blockages (#/hr)	0	0	0	0	0	0	0	0	0	0	0	10
Parking (#/hr)								5				
Turn Type				Perm			Perm					Perm
Protected Phases					1			2			2	
Permitted Phases				1			2					2
Actuated Green, G (s)				14.5	14.5		34.5	34.5			34.5	34.5
Effective Green, g (s)				16.0	16.0		36.0	36.0			36.0	36.0
Actuated g/C Ratio				0.27	0.27		0.60	0.60			0.60	0.60
Clearance Time (s)				5.5	5.5		5.5	5.5			5.5	5.5
Lane Grp Cap (vph)				423	447		438	880			860	780
v/s Ratio Prot					c0.71			0.14			0.31	
v/s Ratio Perm				0.01			c0.36					0.27
v/c Ratio				0.04	2.68		0.60	0.24			0.51	0.44
Uniform Delay, d1				16.3	22.0		7.5	5.6			6.9	6.5
Progression Factor				0.93	0.93		1.00	1.00			0.84	0.82
Incremental Delay, d2				0.1	760.2		6.0	0.6			1.8	1.5
Delay (s)				15.4	780.8		13.5	6.3			7.7	6.9
Level of Service				B	F		B	A			A	A
Approach Delay (s)		0.0			770.0			10.3			7.3	
Approach LOS		A			F			B			A	

Intersection Summary			
HCM Average Control Delay	381.7	HCM Level of Service	F
HCM Volume to Capacity ratio	1.24		
Actuated Cycle Length (s)	60.0	Sum of lost time (s)	8.0
Intersection Capacity Utilization	111.7%	ICU Level of Service	H
Analysis Period (min)	15		
c Critical Lane Group			

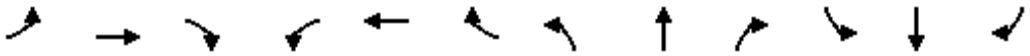


Movement	EBL	EBT	EBR	WBL	WBT	WBR	NBL	NBT	NBR	SBL	SBT	SBR
Lane Configurations												
Volume (vph)	0	0	0	26	446	0	0	0	0	0	732	774
Ideal Flow (vphpl)	1900	1900	1900	1900	1900	1900	1900	1900	1900	1900	1900	1900
Total Lost time (s)					4.0						4.0	
Lane Util. Factor					0.91						0.91	
Frpb, ped/bikes					1.00						0.97	
Flpb, ped/bikes					1.00						1.00	
Frt					1.00						0.92	
Flt Protected					1.00						1.00	
Satd. Flow (prot)					4373						3941	
Flt Permitted					1.00						1.00	
Satd. Flow (perm)					4373						3941	
Peak-hour factor, PHF	0.92	0.92	0.92	0.88	0.88	0.88	0.92	0.92	0.92	0.92	0.92	0.92
Adj. Flow (vph)	0	0	0	30	507	0	0	0	0	0	796	841
RTOR Reduction (vph)	0	0	0	0	11	0	0	0	0	0	54	0
Lane Group Flow (vph)	0	0	0	0	526	0	0	0	0	0	1583	0
Confl. Peds. (#/hr)				2		11						45
Confl. Bikes (#/hr)												9
Parking (#/hr)					5						5	5
Turn Type				Perm								
Protected Phases					4						2	
Permitted Phases				4								
Actuated Green, G (s)					19.0						33.0	
Effective Green, g (s)					19.0						33.0	
Actuated g/C Ratio					0.32						0.55	
Clearance Time (s)					4.0						4.0	
Lane Grp Cap (vph)					1385						2168	
v/s Ratio Prot											c0.40	
v/s Ratio Perm					0.12							
v/c Ratio					0.38						1.15dr	
Uniform Delay, d1					15.9						10.2	
Progression Factor					1.00						0.50	
Incremental Delay, d2					0.8						1.1	
Delay (s)					16.7						6.3	
Level of Service					B						A	
Approach Delay (s)		0.0			16.7			0.0			6.3	
Approach LOS		A			B			A			A	

Intersection Summary			
HCM Average Control Delay	8.8	HCM Level of Service	A
HCM Volume to Capacity ratio	0.60		
Actuated Cycle Length (s)	60.0	Sum of lost time (s)	8.0
Intersection Capacity Utilization	56.1%	ICU Level of Service	B
Analysis Period (min)	15		

dr Defacto Right Lane. Recode with 1 though lane as a right lane.

c Critical Lane Group



Movement	EBL	EBT	EBR	WBL	WBT	WBR	NBL	NBT	NBR	SBL	SBT	SBR
Lane Configurations												
Volume (vph)	261	655	345	0	0	0	0	156	48	90	46	0
Ideal Flow (vphpl)	1900	1900	1900	1900	1900	1900	1900	1900	1900	1900	1900	1900
Total Lost time (s)		4.0						4.0			4.0	
Lane Util. Factor		0.91						1.00			1.00	
Frpb, ped/bikes		1.00						0.99			1.00	
Flpb, ped/bikes		1.00						1.00			1.00	
Frt		0.96						0.97			1.00	
Flt Protected		0.99						1.00			0.97	
Satd. Flow (prot)		4159						1412			1420	
Flt Permitted		0.99						1.00			0.72	
Satd. Flow (perm)		4159						1412			1057	
Peak-hour factor, PHF	0.90	0.90	0.90	0.92	0.92	0.92	0.82	0.82	0.82	0.84	0.84	0.84
Adj. Flow (vph)	290	728	383	0	0	0	0	190	59	107	55	0
RTOR Reduction (vph)	0	151	0	0	0	0	0	17	0	0	0	0
Lane Group Flow (vph)	0	1250	0	0	0	0	0	232	0	0	162	0
Confl. Peds. (#/hr)	4								21			
Parking (#/hr)		5	5					5	5	5	5	
Turn Type	Perm									Perm		
Protected Phases		1						2			2	
Permitted Phases	1									2		
Actuated Green, G (s)		12.5						23.5			23.5	
Effective Green, g (s)		13.0						24.0			24.0	
Actuated g/C Ratio		0.29						0.53			0.53	
Clearance Time (s)		4.5						4.5			4.5	
Lane Grp Cap (vph)		1201						753			564	
v/s Ratio Prot								c0.16				
v/s Ratio Perm		0.30									0.15	
v/c Ratio		1.04						0.31			0.29	
Uniform Delay, d1		16.0						5.9			5.8	
Progression Factor		1.00						1.00			1.00	
Incremental Delay, d2		37.3						1.1			1.3	
Delay (s)		53.3						6.9			7.1	
Level of Service		D						A			A	
Approach Delay (s)		53.3			0.0			6.9			7.1	
Approach LOS		D			A			A			A	

Intersection Summary			
HCM Average Control Delay	42.8	HCM Level of Service	D
HCM Volume to Capacity ratio	0.57		
Actuated Cycle Length (s)	45.0	Sum of lost time (s)	8.0
Intersection Capacity Utilization	66.3%	ICU Level of Service	C
Analysis Period (min)	15		

c Critical Lane Group

Lane Group	EBR	WBL	WBT	SBT	SWL
Lane Group Flow (vph)	12	184	652	542	1519
v/c Ratio	0.04	0.49	0.64	0.67	1.10
Control Delay	0.3	23.2	32.5	31.5	82.1
Queue Delay	0.0	0.0	0.0	0.0	0.0
Total Delay	0.3	23.2	32.5	31.5	82.1
Queue Length 50th (ft)	0	56	113	85	~487
Queue Length 95th (ft)	0	101	132	113	#713
Internal Link Dist (ft)			433	464	295
Turn Bay Length (ft)		285			
Base Capacity (vph)	440	494	1400	1121	1384
Starvation Cap Reductn	0	0	0	0	0
Spillback Cap Reductn	0	0	0	0	0
Storage Cap Reductn	0	0	0	0	0
Reduced v/c Ratio	0.03	0.37	0.47	0.48	1.10

Intersection Summary

~ Volume exceeds capacity, queue is theoretically infinite.
Queue shown is maximum after two cycles.

95th percentile volume exceeds capacity, queue may be longer.
Queue shown is maximum after two cycles.

Movement	EBR	WBL	WBT	SBT	SBR	SWL	SWR
Lane Configurations							
Volume (vph)	3	156	554	385	108	1260	199
Ideal Flow (vphpl)	1900	1900	1900	1900	1900	1900	1900
Total Lost time (s)	4.5	4.5	4.5	4.5		5.0	
Lane Util. Factor	1.00	1.00	0.91	0.91		0.97	
Frpb, ped/bikes	0.92	1.00	1.00	0.99		1.00	
Flpb, ped/bikes	1.00	0.93	1.00	1.00		1.00	
Frt	0.86	1.00	1.00	0.97		0.98	
Flt Protected	1.00	0.95	1.00	1.00		0.96	
Satd. Flow (prot)	1337	1485	4577	4195		3185	
Flt Permitted	1.00	0.95	1.00	1.00		0.96	
Satd. Flow (perm)	1337	1485	4577	4195		3185	
Peak-hour factor, PHF	0.25	0.85	0.85	0.91	0.91	0.96	0.96
Adj. Flow (vph)	12	184	652	423	119	1312	207
RTOR Reduction (vph)	9	45	0	66	0	0	0
Lane Group Flow (vph)	3	139	652	476	0	1519	0
Confl. Peds. (#/hr)	53	53			23	53	23
Parking (#/hr)				5	5		
Turn Type	custom	Perm					
Protected Phases			4	5		6	
Permitted Phases	4	4					
Actuated Green, G (s)	19.0	19.0	19.0	15.1		36.9	
Effective Green, g (s)	19.0	19.0	19.0	15.1		36.9	
Actuated g/C Ratio	0.22	0.22	0.22	0.18		0.43	
Clearance Time (s)	4.5	4.5	4.5	4.5		5.0	
Vehicle Extension (s)	3.0	3.0	3.0	3.0		3.0	
Lane Grp Cap (vph)	299	332	1023	745		1383	
v/s Ratio Prot			c0.14	c0.11		c0.48	
v/s Ratio Perm	0.00	0.09					
v/c Ratio	0.01	0.42	0.64	0.64		1.10	
Uniform Delay, d1	25.7	28.3	29.9	32.4		24.1	
Progression Factor	1.00	1.00	1.00	1.00		1.00	
Incremental Delay, d2	0.0	0.9	1.3	1.8		55.8	
Delay (s)	25.7	29.1	31.2	34.2		79.8	
Level of Service	C	C	C	C		E	
Approach Delay (s)			30.7	34.2		79.8	
Approach LOS			C	C		E	

Intersection Summary			
HCM Average Control Delay	57.0	HCM Level of Service	E
HCM Volume to Capacity ratio	0.88		
Actuated Cycle Length (s)	85.0	Sum of lost time (s)	14.0
Intersection Capacity Utilization	82.7%	ICU Level of Service	E
Analysis Period (min)	15		
c Critical Lane Group			

Lane Group	EBR	WBL	WBT	SBT	SWL
Lane Group Flow (vph)	8	93	459	748	2294
v/c Ratio	0.04	0.39	0.64	1.10	1.26
Control Delay	30.5	45.9	49.6	106.8	148.2
Queue Delay	0.0	0.0	0.0	0.0	0.0
Total Delay	30.5	45.9	49.6	106.8	148.2
Queue Length 50th (ft)	3	59	115	~219	~1124
Queue Length 95th (ft)	3	102	141	#232	#1273
Internal Link Dist (ft)			433	464	295
Turn Bay Length (ft)		285			
Base Capacity (vph)	284	315	955	682	1817
Starvation Cap Reductn	0	0	0	0	0
Spillback Cap Reductn	0	0	0	0	0
Storage Cap Reductn	0	0	0	0	0
Reduced v/c Ratio	0.03	0.30	0.48	1.10	1.26

Intersection Summary

~ Volume exceeds capacity, queue is theoretically infinite.
Queue shown is maximum after two cycles.

95th percentile volume exceeds capacity, queue may be longer.
Queue shown is maximum after two cycles.

Movement	EBR	WBL	WBT	SBT	SBR	SWL	SWR
Lane Configurations							
Volume (vph)	2	79	390	461	115	2029	150
Ideal Flow (vphpl)	1900	1900	1900	1900	1900	1900	1900
Total Lost time (s)	4.5	4.5	4.5	4.5		5.0	
Lane Util. Factor	1.00	1.00	0.91	0.91		0.97	
Frpb, ped/bikes	0.93	1.00	1.00	1.00		1.00	
Flpb, ped/bikes	1.00	0.94	1.00	1.00		1.00	
Frt	0.86	1.00	1.00	0.97		0.99	
Flt Protected	1.00	0.95	1.00	1.00		0.96	
Satd. Flow (prot)	1345	1496	4577	4236		3185	
Flt Permitted	1.00	0.95	1.00	1.00		0.96	
Satd. Flow (perm)	1345	1496	4577	4236		3185	
Peak-hour factor, PHF	0.25	0.85	0.85	0.77	0.77	0.95	0.95
Adj. Flow (vph)	8	93	459	599	149	2136	158
RTOR Reduction (vph)	3	3	0	37	0	0	0
Lane Group Flow (vph)	5	90	459	711	0	2294	0
Confl. Peds. (#/hr)	35	35			4	35	4
Confl. Bikes (#/hr)	1				1		
Parking (#/hr)				5	5		
Turn Type	custom	Perm					
Protected Phases			4	5		6	
Permitted Phases	4	4					
Actuated Green, G (s)	17.9	17.9	17.9	17.5		65.6	
Effective Green, g (s)	17.9	17.9	17.9	17.5		65.6	
Actuated g/C Ratio	0.16	0.16	0.16	0.15		0.57	
Clearance Time (s)	4.5	4.5	4.5	4.5		5.0	
Vehicle Extension (s)	3.0	3.0	3.0	3.0		3.0	
Lane Grp Cap (vph)	209	233	712	645		1817	
v/s Ratio Prot			c0.10	c0.17		c0.72	
v/s Ratio Perm	0.00	0.06					
v/c Ratio	0.02	0.38	0.64	1.10		1.26	
Uniform Delay, d1	41.1	43.6	45.6	48.8		24.7	
Progression Factor	1.00	1.00	1.00	1.00		1.00	
Incremental Delay, d2	0.0	1.1	2.0	66.6		122.7	
Delay (s)	41.2	44.7	47.6	115.4		147.4	
Level of Service	D	D	D	F		F	
Approach Delay (s)			47.1	115.4		147.4	
Approach LOS			D	F		F	

Intersection Summary			
HCM Average Control Delay	125.2	HCM Level of Service	F
HCM Volume to Capacity ratio	1.13		
Actuated Cycle Length (s)	115.0	Sum of lost time (s)	14.0
Intersection Capacity Utilization	102.4%	ICU Level of Service	G
Analysis Period (min)	15		

c Critical Lane Group

Lane Group	WBT	SBT
Lane Group Flow (vph)	2552	1115
v/c Ratio	1.09	0.83
Control Delay	65.8	25.7
Queue Delay	12.5	0.4
Total Delay	78.3	26.1
Queue Length 50th (ft)	~395	108
Queue Length 95th (ft)	#491	#157
Internal Link Dist (ft)	309	196
Turn Bay Length (ft)		
Base Capacity (vph)	2336	1336
Starvation Cap Reductn	60	31
Spillback Cap Reductn	0	0
Storage Cap Reductn	0	0
Reduced v/c Ratio	1.12	0.85

Intersection Summary

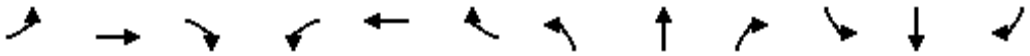
~ Volume exceeds capacity, queue is theoretically infinite.
Queue shown is maximum after two cycles.

95th percentile volume exceeds capacity, queue may be longer.
Queue shown is maximum after two cycles.

Movement	EBL	EBT	EBR	WBL	WBT	WBR	NBL	NBT	NBR	SBL	SBT	SBR
Lane Configurations												
Volume (vph)	0	0	0	698	1624	0	0	0	0	0	938	110
Ideal Flow (vphpl)	1900	1900	1900	1900	1900	1900	1900	1900	1900	1900	1900	1900
Total Lost time (s)					4.0						4.0	
Lane Util. Factor					0.91						0.91	
Frpb, ped/bikes					1.00						0.99	
Flpb, ped/bikes					0.99						1.00	
Frt					1.00						0.98	
Flt Protected					0.99						1.00	
Satd. Flow (prot)					4212						4237	
Flt Permitted					0.99						1.00	
Satd. Flow (perm)					4212						4237	
Peak-hour factor, PHF	0.92	0.92	0.92	0.91	0.91	0.91	0.92	0.92	0.92	0.94	0.94	0.94
Adj. Flow (vph)	0	0	0	767	1785	0	0	0	0	0	998	117
RTOR Reduction (vph)	0	0	0	0	6	0	0	0	0	0	9	0
Lane Group Flow (vph)	0	0	0	0	2546	0	0	0	0	0	1106	0
Confl. Peds. (#/hr)				36								34
Confl. Bikes (#/hr)												7
Bus Blockages (#/hr)	0	0	0	0	10	0	0	0	0	0	10	10
Parking (#/hr)				5	5						5	5
Turn Type				Perm								
Protected Phases					8						2	
Permitted Phases				8								
Actuated Green, G (s)					32.7						18.3	
Effective Green, g (s)					33.2						18.8	
Actuated g/C Ratio					0.55						0.31	
Clearance Time (s)					4.5						4.5	
Lane Grp Cap (vph)					2331						1328	
v/s Ratio Prot											c0.26	
v/s Ratio Perm					0.60							
v/c Ratio					1.09						0.83	
Uniform Delay, d1					13.4						19.1	
Progression Factor					1.00						1.05	
Incremental Delay, d2					49.2						4.9	
Delay (s)					62.6						25.0	
Level of Service					E						C	
Approach Delay (s)		0.0			62.6			0.0			25.0	
Approach LOS		A			E			A			C	

Intersection Summary			
HCM Average Control Delay	51.1	HCM Level of Service	D
HCM Volume to Capacity ratio	1.00		
Actuated Cycle Length (s)	60.0	Sum of lost time (s)	8.0
Intersection Capacity Utilization	90.7%	ICU Level of Service	E
Analysis Period (min)	15		

c Critical Lane Group



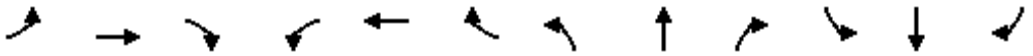
Movement	EBL	EBT	EBR	WBL	WBT	WBR	NBL	NBT	NBR	SBL	SBT	SBR
Lane Configurations												
Volume (vph)	36	836	386	0	0	0	0	302	129	44	282	0
Ideal Flow (vphpl)	1900	1900	1900	1900	1900	1900	1900	1900	1900	1900	1900	1900
Total Lost time (s)		4.0	4.0					4.0			4.0	
Lane Util. Factor		0.86	0.86					1.00			1.00	
Frpb, ped/bikes		0.98	0.91					0.97			1.00	
Flpb, ped/bikes		1.00	1.00					1.00			1.00	
Frt		0.97	0.85					0.96			1.00	
Flt Protected		1.00	1.00					1.00			0.99	
Satd. Flow (prot)		3895	937					1370			1451	
Flt Permitted		1.00	1.00					1.00			0.57	
Satd. Flow (perm)		3895	937					1370			840	
Peak-hour factor, PHF	0.77	0.77	0.77	0.92	0.92	0.92	0.91	0.91	0.91	0.88	0.88	0.88
Adj. Flow (vph)	47	1086	501	0	0	0	0	332	142	50	320	0
RTOR Reduction (vph)	0	53	108	0	0	0	0	26	0	0	0	0
Lane Group Flow (vph)	0	1331	142	0	0	0	0	448	0	0	370	0
Confl. Peds. (#/hr)	51		75						79	79		
Bus Blockages (#/hr)	0	10	10	0	0	0	0	0	0	0	0	0
Parking (#/hr)		5	5					5	5	5	5	
Turn Type	Perm		Perm							Perm		
Protected Phases		2						4			4	
Permitted Phases	2		2							4		
Actuated Green, G (s)		33.0	33.0					18.0			18.0	
Effective Green, g (s)		34.0	34.0					18.0			18.0	
Actuated g/C Ratio		0.57	0.57					0.30			0.30	
Clearance Time (s)		5.0	5.0					4.0			4.0	
Lane Grp Cap (vph)		2207	531					411			252	
v/s Ratio Prot								0.33				
v/s Ratio Perm		0.34	0.15								c0.44	
v/c Ratio		0.60	0.27					1.09			1.47	
Uniform Delay, d1		8.6	6.6					21.0			21.0	
Progression Factor		0.97	1.17					1.51			1.22	
Incremental Delay, d2		1.0	1.0					70.8			223.9	
Delay (s)		9.4	8.8					102.6			249.4	
Level of Service		A	A					F			F	
Approach Delay (s)		9.3			0.0			102.6			249.4	
Approach LOS		A			A			F			F	

Intersection Summary			
HCM Average Control Delay	63.0	HCM Level of Service	E
HCM Volume to Capacity ratio	0.90		
Actuated Cycle Length (s)	60.0	Sum of lost time (s)	8.0
Intersection Capacity Utilization	79.8%	ICU Level of Service	D
Analysis Period (min)	15		
c Critical Lane Group			

Lane Group	EBT	SBL	SBT
Lane Group Flow (vph)	1285	344	1363
v/c Ratio	1.09dr	0.44	0.82
Control Delay	18.0	5.1	8.5
Queue Delay	0.2	0.6	0.8
Total Delay	18.3	5.7	9.2
Queue Length 50th (ft)	79	38	111
Queue Length 95th (ft)	m69	m42	m125
Internal Link Dist (ft)	296		190
Turn Bay Length (ft)			
Base Capacity (vph)	1582	776	1658
Starvation Cap Reductn	0	170	92
Spillback Cap Reductn	38	0	32
Storage Cap Reductn	0	0	0
Reduced v/c Ratio	0.83	0.57	0.87

Intersection Summary

m Volume for 95th percentile queue is metered by upstream signal.
dr Defacto Right Lane. Recode with 1 though lane as a right lane.



Movement	EBL	EBT	EBR	WBL	WBT	WBR	NBL	NBT	NBR	SBL	SBT	SBR
Lane Configurations												
Volume (vph)	0	723	356	0	0	0	0	0	0	327	1295	0
Ideal Flow (vphpl)	1900	1900	1900	1900	1900	1900	1900	1900	1900	1900	1900	1900
Total Lost time (s)		4.0								4.0	4.0	
Lane Util. Factor		0.86								1.00	0.95	
Frpb, ped/bikes		0.98								1.00	1.00	
Flpb, ped/bikes		1.00								0.97	1.00	
Frt		0.95								1.00	1.00	
Flt Protected		1.00								0.95	1.00	
Satd. Flow (prot)		5171								1353	2926	
Flt Permitted		1.00								0.95	1.00	
Satd. Flow (perm)		5171								1353	2926	
Peak-hour factor, PHF	0.84	0.84	0.84	0.92	0.92	0.92	0.92	0.92	0.92	0.95	0.95	0.95
Adj. Flow (vph)	0	861	424	0	0	0	0	0	0	344	1363	0
RTOR Reduction (vph)	0	30	0	0	0	0	0	0	0	10	0	0
Lane Group Flow (vph)	0	1255	0	0	0	0	0	0	0	334	1363	0
Confl. Peds. (#/hr)			33							31		
Confl. Bikes (#/hr)			2									
Bus Blockages (#/hr)	0	10	10	0	0	0	0	0	0	0	10	0
Parking (#/hr)		5	5							5	5	
Turn Type										Perm		
Protected Phases		4									6	
Permitted Phases										6		
Actuated Green, G (s)		18.0								35.0	35.0	
Effective Green, g (s)		18.0								34.0	34.0	
Actuated g/C Ratio		0.30								0.57	0.57	
Clearance Time (s)		4.0								3.0	3.0	
Lane Grp Cap (vph)		1551								767	1658	
v/s Ratio Prot		c0.24									c0.47	
v/s Ratio Perm										0.25		
v/c Ratio		1.09dr								0.44	0.82	
Uniform Delay, d1		19.4								7.5	10.5	
Progression Factor		0.78								0.60	0.57	
Incremental Delay, d2		3.3								0.6	1.6	
Delay (s)		18.4								5.1	7.7	
Level of Service		B								A	A	
Approach Delay (s)		18.4			0.0			0.0			7.2	
Approach LOS		B			A			A			A	

Intersection Summary			
HCM Average Control Delay	12.0	HCM Level of Service	B
HCM Volume to Capacity ratio	0.82		
Actuated Cycle Length (s)	60.0	Sum of lost time (s)	8.0
Intersection Capacity Utilization	103.0%	ICU Level of Service	G
Analysis Period (min)	15		

dr Defacto Right Lane. Recode with 1 though lane as a right lane.
c Critical Lane Group

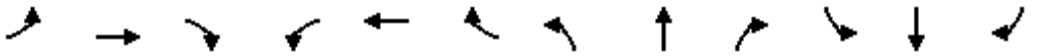
Lane Group	WBL	WBT	NBL	NBT	SBT	SBR
Lane Group Flow (vph)	17	1262	263	257	439	375
v/c Ratio	0.04	2.82	0.60	0.29	0.52	0.48
Control Delay	16.5	839.1	14.6	6.9	7.2	6.9
Queue Delay	0.0	0.0	0.2	0.8	0.6	0.4
Total Delay	16.5	839.1	14.8	7.7	7.8	7.4
Queue Length 50th (ft)	4	~829	51	39	70	56
Queue Length 95th (ft)	m5	m#842	125	73	m71	m61
Internal Link Dist (ft)		72		191	60	
Turn Bay Length (ft)						
Base Capacity (vph)	423	447	440	880	852	780
Starvation Cap Reductn	0	0	12	362	147	120
Spillback Cap Reductn	0	0	0	0	0	0
Storage Cap Reductn	0	0	0	0	0	0
Reduced v/c Ratio	0.04	2.82	0.61	0.50	0.62	0.57

Intersection Summary

~ Volume exceeds capacity, queue is theoretically infinite.
Queue shown is maximum after two cycles.

95th percentile volume exceeds capacity, queue may be longer.
Queue shown is maximum after two cycles.

m Volume for 95th percentile queue is metered by upstream signal.



Movement	EBL	EBT	EBR	WBL	WBT	WBR	NBL	NBT	NBR	SBL	SBT	SBR
Lane Configurations												
Volume (vph)	0	0	0	15	1136	0	237	231	0	0	98	569
Ideal Flow (vphpl)	1900	1900	1900	1900	1900	1900	1900	1900	1900	1900	1900	1900
Total Lost time (s)				4.0	4.0		4.0	4.0			4.0	4.0
Lane Util. Factor				1.00	1.00		1.00	1.00			0.95	0.95
Frpb, ped/bikes				1.00	1.00		1.00	1.00			1.00	1.00
Flpb, ped/bikes				1.00	1.00		1.00	1.00			1.00	1.00
Frt				1.00	1.00		1.00	1.00			0.89	0.85
Flt Protected				0.95	1.00		0.95	1.00			1.00	1.00
Satd. Flow (prot)				1586	1676		1593	1467			1419	1300
Flt Permitted				0.95	1.00		0.44	1.00			1.00	1.00
Satd. Flow (perm)				1586	1676		734	1467			1419	1300
Peak-hour factor, PHF	0.92	0.92	0.92	0.90	0.90	0.90	0.90	0.90	0.90	0.82	0.82	0.82
Adj. Flow (vph)	0	0	0	17	1262	0	263	257	0	0	120	694
RTOR Reduction (vph)	0	0	0	0	0	0	0	0	0	0	0	0
Lane Group Flow (vph)	0	0	0	17	1262	0	263	257	0	0	439	375
Confl. Peds. (#/hr)				2		2						
Bus Blockages (#/hr)	0	0	0	0	0	0	0	0	0	0	0	10
Parking (#/hr)								5				
Turn Type				Perm			Perm					Perm
Protected Phases					1			2			2	
Permitted Phases				1			2					2
Actuated Green, G (s)				14.5	14.5		34.5	34.5			34.5	34.5
Effective Green, g (s)				16.0	16.0		36.0	36.0			36.0	36.0
Actuated g/C Ratio				0.27	0.27		0.60	0.60			0.60	0.60
Clearance Time (s)				5.5	5.5		5.5	5.5			5.5	5.5
Lane Grp Cap (vph)				423	447		440	880			851	780
v/s Ratio Prot					c0.75			0.18			0.31	
v/s Ratio Perm				0.01			c0.36					0.29
v/c Ratio				0.04	2.82		0.60	0.29			0.52	0.48
Uniform Delay, d1				16.3	22.0		7.5	5.8			6.9	6.7
Progression Factor				0.99	1.00		1.00	1.00			0.80	0.79
Incremental Delay, d2				0.1	822.7		5.9	0.8			1.3	1.3
Delay (s)				16.3	844.6		13.4	6.7			6.9	6.6
Level of Service				B	F		B	A			A	A
Approach Delay (s)		0.0			833.6			10.1			6.7	
Approach LOS		A			F			B			A	

Intersection Summary			
HCM Average Control Delay	412.1	HCM Level of Service	F
HCM Volume to Capacity ratio	1.28		
Actuated Cycle Length (s)	60.0	Sum of lost time (s)	8.0
Intersection Capacity Utilization	117.1%	ICU Level of Service	H
Analysis Period (min)	15		
c Critical Lane Group			

Lane Group	WBT	SBT
Lane Group Flow (vph)	623	1756
v/c Ratio	0.83	1.13dr
Control Delay	32.9	40.2
Queue Delay	1.4	149.3
Total Delay	34.3	189.5
Queue Length 50th (ft)	110	~392
Queue Length 95th (ft)	#185	#542
Internal Link Dist (ft)	300	222
Turn Bay Length (ft)		
Base Capacity (vph)	751	1675
Starvation Cap Reductn	0	2
Spillback Cap Reductn	37	411
Storage Cap Reductn	0	0
Reduced v/c Ratio	0.87	1.39

Intersection Summary

~ Volume exceeds capacity, queue is theoretically infinite.
Queue shown is maximum after two cycles.

95th percentile volume exceeds capacity, queue may be longer.
Queue shown is maximum after two cycles.

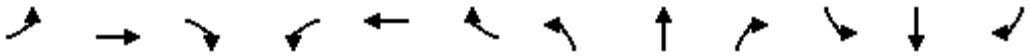
dr Defacto Right Lane. Recode with 1 though lane as a right lane.

Movement	EBL	EBT	EBR	WBL	WBT	WBR	NBL	NBT	NBR	SBL	SBT	SBR
Lane Configurations												
Volume (vph)	0	0	0	26	522	0	0	0	0	0	804	811
Ideal Flow (vphpl)	1900	1900	1900	1900	1900	1900	1900	1900	1900	1900	1900	1900
Total Lost time (s)					4.0						4.0	
Lane Util. Factor					0.95						0.95	
Frpb, ped/bikes					1.00						0.97	
Flpb, ped/bikes					1.00						1.00	
Frt					1.00						0.92	
Flt Protected					1.00						1.00	
Satd. Flow (prot)					2979						2690	
Flt Permitted					1.00						1.00	
Satd. Flow (perm)					2979						2690	
Peak-hour factor, PHF	0.92	0.92	0.92	0.88	0.88	0.88	0.92	0.92	0.92	0.92	0.92	0.92
Adj. Flow (vph)	0	0	0	30	593	0	0	0	0	0	874	882
RTOR Reduction (vph)	0	0	0	0	6	0	0	0	0	0	15	0
Lane Group Flow (vph)	0	0	0	0	617	0	0	0	0	0	1741	0
Confl. Peds. (#/hr)				2		11						45
Confl. Bikes (#/hr)												9
Parking (#/hr)					5						5	5
Turn Type				Perm								
Protected Phases					4						2	
Permitted Phases				4								
Actuated Green, G (s)					15.0						37.0	
Effective Green, g (s)					15.0						37.0	
Actuated g/C Ratio					0.25						0.62	
Clearance Time (s)					4.0						4.0	
Lane Grp Cap (vph)					745						1659	
v/s Ratio Prot											c0.65	
v/s Ratio Perm					0.21							
v/c Ratio					0.83						1.13dr	
Uniform Delay, d1					21.3						11.5	
Progression Factor					1.00						0.54	
Incremental Delay, d2					10.3						31.1	
Delay (s)					31.6						37.3	
Level of Service					C						D	
Approach Delay (s)		0.0			31.6			0.0			37.3	
Approach LOS		A			C			A			D	

Intersection Summary			
HCM Average Control Delay	35.8	HCM Level of Service	D
HCM Volume to Capacity ratio	0.99		
Actuated Cycle Length (s)	60.0	Sum of lost time (s)	8.0
Intersection Capacity Utilization	79.0%	ICU Level of Service	D
Analysis Period (min)	15		

dr Defacto Right Lane. Recode with 1 though lane as a right lane.

c Critical Lane Group



Movement	EBL	EBT	EBR	WBL	WBT	WBR	NBL	NBT	NBR	SBL	SBT	SBR
Lane Configurations												
Volume (vph)	261	713	345	0	0	0	0	196	48	67	46	0
Ideal Flow (vphpl)	1900	1900	1900	1900	1900	1900	1900	1900	1900	1900	1900	1900
Total Lost time (s)		4.0						4.0			4.0	
Lane Util. Factor		0.91						1.00			1.00	
Frpb, ped/bikes		1.00						1.00			1.00	
Flpb, ped/bikes		1.00						1.00			1.00	
Frt		0.96						0.97			1.00	
Flt Protected		0.99						1.00			0.97	
Satd. Flow (prot)		4169						1421			1425	
Flt Permitted		0.99						1.00			0.74	
Satd. Flow (perm)		4169						1421			1089	
Peak-hour factor, PHF	0.90	0.90	0.90	0.92	0.92	0.92	0.82	0.82	0.82	0.84	0.84	0.84
Adj. Flow (vph)	290	792	383	0	0	0	0	239	59	80	55	0
RTOR Reduction (vph)	0	142	0	0	0	0	0	13	0	0	0	0
Lane Group Flow (vph)	0	1323	0	0	0	0	0	285	0	0	135	0
Confl. Peds. (#/hr)	4								21			
Parking (#/hr)		5	5					5	5	5	5	
Turn Type	Perm									Perm		
Protected Phases		1						2			2	
Permitted Phases	1									2		
Actuated Green, G (s)		12.5						23.5			23.5	
Effective Green, g (s)		13.0						24.0			24.0	
Actuated g/C Ratio		0.29						0.53			0.53	
Clearance Time (s)		4.5						4.5			4.5	
Lane Grp Cap (vph)		1204						758			581	
v/s Ratio Prot								c0.20				
v/s Ratio Perm		0.32									0.12	
v/c Ratio		1.10						0.38			0.23	
Uniform Delay, d1		16.0						6.1			5.6	
Progression Factor		1.00						1.00			1.00	
Incremental Delay, d2		57.5						1.4			0.9	
Delay (s)		73.5						7.6			6.5	
Level of Service		E						A			A	
Approach Delay (s)		73.5			0.0			7.6			6.5	
Approach LOS		E			A			A			A	

Intersection Summary			
HCM Average Control Delay	58.4	HCM Level of Service	E
HCM Volume to Capacity ratio	0.63		
Actuated Cycle Length (s)	45.0	Sum of lost time (s)	8.0
Intersection Capacity Utilization	66.2%	ICU Level of Service	C
Analysis Period (min)	15		

c Critical Lane Group

Lane Group	EBR	WBL	WBT	SBT	SWL
Lane Group Flow (vph)	12	184	652	542	1535
v/c Ratio	0.04	0.49	0.64	0.67	1.11
Control Delay	0.3	23.4	32.5	31.5	86.4
Queue Delay	0.0	0.0	0.0	0.0	0.0
Total Delay	0.3	23.4	32.5	31.5	86.4
Queue Length 50th (ft)	0	57	113	85	~497
Queue Length 95th (ft)	0	102	132	113	#723
Internal Link Dist (ft)			433	464	295
Turn Bay Length (ft)		285			
Base Capacity (vph)	440	494	1400	1121	1384
Starvation Cap Reductn	0	0	0	0	0
Spillback Cap Reductn	0	0	0	0	0
Storage Cap Reductn	0	0	0	0	0
Reduced v/c Ratio	0.03	0.37	0.47	0.48	1.11

Intersection Summary

~ Volume exceeds capacity, queue is theoretically infinite.
Queue shown is maximum after two cycles.

95th percentile volume exceeds capacity, queue may be longer.
Queue shown is maximum after two cycles.

Movement	EBR	WBL	WBT	SBT	SBR	SWL	SWR
Lane Configurations							
Volume (vph)	3	156	554	385	108	1275	199
Ideal Flow (vphpl)	1900	1900	1900	1900	1900	1900	1900
Total Lost time (s)	4.5	4.5	4.5	4.5		5.0	
Lane Util. Factor	1.00	1.00	0.91	0.91		0.97	
Frpb, ped/bikes	0.92	1.00	1.00	0.99		1.00	
Flpb, ped/bikes	1.00	0.93	1.00	1.00		1.00	
Frt	0.86	1.00	1.00	0.97		0.98	
Flt Protected	1.00	0.95	1.00	1.00		0.96	
Satd. Flow (prot)	1337	1485	4577	4195		3185	
Flt Permitted	1.00	0.95	1.00	1.00		0.96	
Satd. Flow (perm)	1337	1485	4577	4195		3185	
Peak-hour factor, PHF	0.25	0.85	0.85	0.91	0.91	0.96	0.96
Adj. Flow (vph)	12	184	652	423	119	1328	207
RTOR Reduction (vph)	9	44	0	66	0	0	0
Lane Group Flow (vph)	3	140	652	476	0	1535	0
Confl. Peds. (#/hr)	53	53			23	53	23
Parking (#/hr)				5	5		
Turn Type	custom	Perm					
Protected Phases			4	5		6	
Permitted Phases	4	4					
Actuated Green, G (s)	19.0	19.0	19.0	15.1		36.9	
Effective Green, g (s)	19.0	19.0	19.0	15.1		36.9	
Actuated g/C Ratio	0.22	0.22	0.22	0.18		0.43	
Clearance Time (s)	4.5	4.5	4.5	4.5		5.0	
Vehicle Extension (s)	3.0	3.0	3.0	3.0		3.0	
Lane Grp Cap (vph)	299	332	1023	745		1383	
v/s Ratio Prot			c0.14	c0.11		c0.48	
v/s Ratio Perm	0.00	0.09					
v/c Ratio	0.01	0.42	0.64	0.64		1.11	
Uniform Delay, d1	25.7	28.3	29.9	32.4		24.1	
Progression Factor	1.00	1.00	1.00	1.00		1.00	
Incremental Delay, d2	0.0	0.9	1.3	1.8		60.2	
Delay (s)	25.7	29.1	31.2	34.2		84.3	
Level of Service	C	C	C	C		F	
Approach Delay (s)			30.7	34.2		84.3	
Approach LOS			C	C		F	

Intersection Summary			
HCM Average Control Delay	59.5	HCM Level of Service	E
HCM Volume to Capacity ratio	0.88		
Actuated Cycle Length (s)	85.0	Sum of lost time (s)	14.0
Intersection Capacity Utilization	83.2%	ICU Level of Service	E
Analysis Period (min)	15		
c Critical Lane Group			

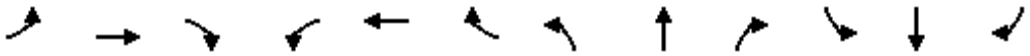
Lane Group	WBT	SBT
Lane Group Flow (vph)	2361	1749
v/c Ratio	1.16	1.03
Control Delay	98.7	47.4
Queue Delay	54.8	74.6
Total Delay	153.5	121.9
Queue Length 50th (ft)	~454	~264
Queue Length 95th (ft)	#551	m#370
Internal Link Dist (ft)	309	196
Turn Bay Length (ft)		
Base Capacity (vph)	2035	1703
Starvation Cap Reductn	71	251
Spillback Cap Reductn	195	124
Storage Cap Reductn	0	0
Reduced v/c Ratio	1.28	1.20

Intersection Summary

~ Volume exceeds capacity, queue is theoretically infinite.
Queue shown is maximum after two cycles.

95th percentile volume exceeds capacity, queue may be longer.
Queue shown is maximum after two cycles.

m Volume for 95th percentile queue is metered by upstream signal.



Movement	EBL	EBT	EBR	WBL	WBT	WBR	NBL	NBT	NBR	SBL	SBT	SBR
Lane Configurations												
Volume (vph)	0	0	0	684	1489	0	0	0	0	0	1387	152
Ideal Flow (vphpl)	1900	1900	1900	1900	1900	1900	1900	1900	1900	1900	1900	1900
Total Lost time (s)					4.0						4.0	
Lane Util. Factor					0.91						0.91	
Frpb, ped/bikes					1.00						1.00	
Flpb, ped/bikes					0.98						1.00	
Frt					1.00						0.99	
Flt Protected					0.98						1.00	
Satd. Flow (prot)					4183						4242	
Flt Permitted					0.98						1.00	
Satd. Flow (perm)					4183						4242	
Peak-hour factor, PHF	0.92	0.92	0.92	0.92	0.92	0.92	0.92	0.92	0.92	0.88	0.88	0.88
Adj. Flow (vph)	0	0	0	743	1618	0	0	0	0	0	1576	173
RTOR Reduction (vph)	0	0	0	0	3	0	0	0	0	0	7	0
Lane Group Flow (vph)	0	0	0	0	2358	0	0	0	0	0	1742	0
Confl. Peds. (#/hr)				44								30
Confl. Bikes (#/hr)												7
Bus Blockages (#/hr)	0	0	0	0	10	0	0	0	0	0	10	10
Parking (#/hr)				5	5						5	5
Turn Type				Perm								
Protected Phases					8						2	
Permitted Phases				8								
Actuated Green, G (s)					33.5						27.5	
Effective Green, g (s)					34.0						28.0	
Actuated g/C Ratio					0.49						0.40	
Clearance Time (s)					4.5						4.5	
Lane Grp Cap (vph)					2032						1697	
v/s Ratio Prot											c0.41	
v/s Ratio Perm					0.56							
v/c Ratio					1.16						1.03	
Uniform Delay, d1					18.0						21.0	
Progression Factor					1.00						1.12	
Incremental Delay, d2					78.2						22.4	
Delay (s)					96.2						46.0	
Level of Service					F						D	
Approach Delay (s)		0.0			96.2			0.0			46.0	
Approach LOS		A			F			A			D	

Intersection Summary			
HCM Average Control Delay	74.8	HCM Level of Service	E
HCM Volume to Capacity ratio	1.10		
Actuated Cycle Length (s)	70.0	Sum of lost time (s)	8.0
Intersection Capacity Utilization	112.4%	ICU Level of Service	H
Analysis Period (min)	15		

c Critical Lane Group

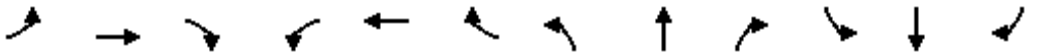
Lane Group	EBT	SBL	SBT
Lane Group Flow (vph)	2130	724	1578
v/c Ratio	1.07	1.08	1.05
Control Delay	63.7	53.3	35.4
Queue Delay	4.7	11.3	25.4
Total Delay	68.4	64.7	60.8
Queue Length 50th (ft)	~300	~345	~150
Queue Length 95th (ft)	#362	m#112	m122
Internal Link Dist (ft)	296		190
Turn Bay Length (ft)			
Base Capacity (vph)	1999	669	1505
Starvation Cap Reductn	0	17	84
Spillback Cap Reductn	21	0	0
Storage Cap Reductn	0	0	0
Reduced v/c Ratio	1.08	1.11	1.11

Intersection Summary

~ Volume exceeds capacity, queue is theoretically infinite.
Queue shown is maximum after two cycles.

95th percentile volume exceeds capacity, queue may be longer.
Queue shown is maximum after two cycles.

m Volume for 95th percentile queue is metered by upstream signal.



Movement	EBL	EBT	EBR	WBL	WBT	WBR	NBL	NBT	NBR	SBL	SBT	SBR
Lane Configurations												
Volume (vph)	0	1574	300	0	0	0	0	0	0	659	1436	0
Ideal Flow (vphpl)	1900	1900	1900	1900	1900	1900	1900	1900	1900	1900	1900	1900
Total Lost time (s)		4.0								4.0	4.0	
Lane Util. Factor		0.86								1.00	0.95	
Frpb, ped/bikes		0.99								1.00	1.00	
Flpb, ped/bikes		1.00								0.93	1.00	
Frt		0.98								1.00	1.00	
Flt Protected		1.00								0.95	1.00	
Satd. Flow (prot)		5353								1300	2926	
Flt Permitted		1.00								0.95	1.00	
Satd. Flow (perm)		5353								1300	2926	
Peak-hour factor, PHF	0.88	0.88	0.88	0.92	0.92	0.92	0.92	0.92	0.92	0.91	0.91	0.91
Adj. Flow (vph)	0	1789	341	0	0	0	0	0	0	724	1578	0
RTOR Reduction (vph)	0	11	0	0	0	0	0	0	0	0	0	0
Lane Group Flow (vph)	0	2119	0	0	0	0	0	0	0	724	1578	0
Confl. Peds. (#/hr)			30							61		
Confl. Bikes (#/hr)			2									
Bus Blockages (#/hr)	0	10	10	0	0	0	0	0	0	0	10	0
Parking (#/hr)		5	5							5	5	
Turn Type										Perm		
Protected Phases		4									6	
Permitted Phases										6		
Actuated Green, G (s)		26.0								37.0	37.0	
Effective Green, g (s)		26.0								36.0	36.0	
Actuated g/C Ratio		0.37								0.51	0.51	
Clearance Time (s)		4.0								3.0	3.0	
Lane Grp Cap (vph)		1988								669	1505	
v/s Ratio Prot		c0.40									0.54	
v/s Ratio Perm										c0.56		
v/c Ratio		1.07								1.08	1.05	
Uniform Delay, d1		22.0								17.0	17.0	
Progression Factor		1.00								0.43	0.43	
Incremental Delay, d2		40.5								39.6	23.9	
Delay (s)		62.5								47.0	31.3	
Level of Service		E								D	C	
Approach Delay (s)		62.5			0.0			0.0			36.2	
Approach LOS		E			A			A			D	

Intersection Summary			
HCM Average Control Delay	48.8	HCM Level of Service	D
HCM Volume to Capacity ratio	1.08		
Actuated Cycle Length (s)	70.0	Sum of lost time (s)	8.0
Intersection Capacity Utilization	122.5%	ICU Level of Service	H
Analysis Period (min)	15		

c Critical Lane Group

Lane Group	WBT	SBT
Lane Group Flow (vph)	341	2044
v/c Ratio	0.53	1.08
Control Delay	27.4	49.1
Queue Delay	0.0	18.7
Total Delay	27.4	67.8
Queue Length 50th (ft)	67	~505
Queue Length 95th (ft)	106	m#145
Internal Link Dist (ft)	300	222
Turn Bay Length (ft)		
Base Capacity (vph)	643	1889
Starvation Cap Reductn	0	4
Spillback Cap Reductn	0	73
Storage Cap Reductn	0	0
Reduced v/c Ratio	0.53	1.13

Intersection Summary

~ Volume exceeds capacity, queue is theoretically infinite.
Queue shown is maximum after two cycles.

95th percentile volume exceeds capacity, queue may be longer.
Queue shown is maximum after two cycles.

m Volume for 95th percentile queue is metered by upstream signal.

Movement	EBL	EBT	EBR	WBL	WBT	WBR	NBL	NBT	NBR	SBL	SBT	SBR
Lane Configurations												
Volume (vph)	0	0	0	14	310	0	0	0	0	0	1114	685
Ideal Flow (vphpl)	1900	1900	1900	1900	1900	1900	1900	1900	1900	1900	1900	1900
Total Lost time (s)					4.0						4.0	
Lane Util. Factor					0.95						0.95	
Frpb, ped/bikes					1.00						0.97	
Flpb, ped/bikes					1.00						1.00	
Frt					1.00						0.94	
Flt Protected					1.00						1.00	
Satd. Flow (prot)					2979						2745	
Flt Permitted					1.00						1.00	
Satd. Flow (perm)					2979						2745	
Peak-hour factor, PHF	0.92	0.92	0.92	0.95	0.95	0.95	0.92	0.92	0.92	0.88	0.88	0.88
Adj. Flow (vph)	0	0	0	15	326	0	0	0	0	0	1266	778
RTOR Reduction (vph)	0	0	0	0	5	0	0	0	0	0	46	0
Lane Group Flow (vph)	0	0	0	0	336	0	0	0	0	0	1998	0
Confl. Peds. (#/hr)				3		4				25		54
Confl. Bikes (#/hr)												12
Parking (#/hr)					5						5	5
Turn Type				Perm								
Protected Phases					4						2	
Permitted Phases				4								
Actuated Green, G (s)					15.0						47.0	
Effective Green, g (s)					15.0						47.0	
Actuated g/C Ratio					0.21						0.67	
Clearance Time (s)					4.0						4.0	
Lane Grp Cap (vph)					638						1843	
v/s Ratio Prot											c0.73	
v/s Ratio Perm					0.11							
v/c Ratio					0.53						1.08	
Uniform Delay, d1					24.4						11.5	
Progression Factor					1.00						0.42	
Incremental Delay, d2					3.1						40.8	
Delay (s)					27.5						45.6	
Level of Service					C						D	
Approach Delay (s)		0.0			27.5			0.0			45.6	
Approach LOS		A			C			A			D	

Intersection Summary			
HCM Average Control Delay	43.0	HCM Level of Service	D
HCM Volume to Capacity ratio	0.95		
Actuated Cycle Length (s)	70.0	Sum of lost time (s)	8.0
Intersection Capacity Utilization	79.4%	ICU Level of Service	D
Analysis Period (min)	15		
c Critical Lane Group			

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4 List of Commenters on the Draft EIR

4.1 Agencies, Organizations, and Individuals Commenting in Writing

The following is a list of written correspondence received by the City of Oakland from various public agencies, organizations, and individuals providing comments on the Lake Merritt Station Area Plan Draft EIR:

Letter #	*Date*	*Agency/Organization/Individual*
Agencies		
A1	December 30, 2013	AC Transit
A2	December 18, 2013	Alameda County General Services
A3	December 20, 2013	Alameda County Public Health Department
A4	December 18, 2013	Alameda County Transportation Commission
A5	December 20, 2013	BART
A6	December 18, 2013	California Department of Transportation
A7	December 19, 2013	California Office of Planning and Research
A8	December 19, 2013	City of Alameda
A9	December 8, 2013	East Bay Municipal Utility District
Organizations		
B1	December 1, 2013	East Bay Bicycle Coalition
B2	December 20, 2013	Oakland Chinatown Chamber
B3	December 20, 2013	Oakland Chinatown Coalition
B4	November 20, 2013	Oakland Heritage Alliance
B5	December 20, 2013	Oakland Heritage Alliance
B6	December 4, 2013	Walk Oakland Bike Oakland
Individuals		
C1	December 4, 2013	Chris Pattillo, Planning Commissioner

4.2 Oral Commenters at Public Hearings

In addition to the comments received in writing, a number of individuals spoke at the public hearings held on November 13, 2013, November 18, 2013, November 20, 2013, and December 4, 2013. These individuals include the following:

Commenter #	*Hearing Body*	*Date*	*Commenter*
D01	Parks and Recreation Advisory Commission	November 13, 2013	Commissioners
D02	Landmarks Preservation Advisory Board (LPAB)	November 18, 2013	Naomi Schiff
D03	LPAB	November 18, 2013	Mary MacDonald, Board Member
D04	LPAB	November 18, 2013	Peter Birkholz, Board Member
D05	LPAB	November 18, 2013	John Goins, Board Member
D06	LPAB	November 18, 2013	Daniel Shulman, Board Member
D07	LPAB	November 18, 2013	Chris Andrews, Board Member
D08	LPAB	November 18, 2013	Peter Birkholz, Board Member
D09	LPAB	November 18, 2013	Mary MacDonald, Board Member
D10	LPAB	November 18, 2013	Landmarks Preservation Advisory Board
D11	Planning Commission	November 20, 2013	Naomi Schiff
D12	Planning Commission	November 20, 2013	Vivian Huang
D13	Planning Commission	November 20, 2013	John Klein
D14	Planning Commission	November 20, 2013	Ulysses Saitowitz
D15	Planning Commission	November 20, 2013	Chinese Independent Baptist Church representative
D16	Planning Commission	November 20, 2013	Adhi Nagraj, Commissioner
D17	Planning Commission	November 20, 2013	Emily Weinstein, Commissioner
D18	Planning Commission	November 20, 2013	Jim Moore, Commissioner
D19	Planning Commission	December 4, 2013	Li Hui Zen
D20	Planning Commission	December 4, 2013	Pan Hai Bo
D21	Planning Commission	December 4, 2013	Xu Da Ning
D22	Planning Commission	December 4, 2013	Alvina Wong
D23	Planning Commission	December 4, 2013	Ty Hudson
D24	Planning Commission	December 4, 2013	Darren Yee
D25	Planning Commission	December 4, 2013	Rachel Bryan
D26	Planning Commission	December 4, 2013	Julia Liao
D27	Planning Commission	December 4, 2013	Adhi Nagraj, Commissioner
D28	Planning Commission	December 4, 2013	Emily Weinstein, Commissioner

Commenter #	*Hearing Body*	*Date*	*Commenter*
D29	Planning Commission	December 4, 2013	Jim Moore, Commissioner
D30	Planning Commission	December 4, 2013	Jahaziel Bonilla, Commissioner
D31	Planning Commission	December 4, 2013	Chris Pattillo, Commissioner

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5 Comments and Responses on the Draft EIR

This section includes copies of the written comments received during the public review period on the DEIR, and transcripts of oral testimony received at public meetings. A response to each of these comments is provided. The first section of the chapter features master responses to address recurring topics from comments received on the Draft EIR (DEIR), presenting a comprehensive response to each of the individual comments made on the particular topic. Specific responses to the individual comments in each correspondence follow each letter or meeting transcription. Letters received from public agencies is presented first, followed by those received from organizations and individuals. Oral comments are presented last.

Each letter is identified by a designator (e.g., "Letter A1"). Specific comments within each letter are identified by a designator that reflects the sequence of the specific comment within the correspondence (e.g. "A1-1" for the first comment in Letter A1). The set of responses immediately follows the letter.

Responses focus on comments that pertain to the adequacy of the analysis in the DEIR or to other aspects pertinent to the potential effects of the Lake Merritt Station Area Plan on the environment pursuant to CEQA. Comments that address topics beyond the purview of the DEIR or CEQA are noted as such for the public record. Where comments and/or responses have triggered changes to the text of the DEIR, these changes appear as part of the specific response and are repeated in Chapter 3 of this FEIR, where they are listed in order of where the revision would appear in the DEIR document.

5.1 Master Responses

Although not required by CEQA, this section presents "Master Responses" to address eight recurring topics from comments received on the DEIR, presenting a comprehensive response to each of the individual comments made on the particular topic. The intent of the master responses is to avoid repetition within this document and give a single, comprehensive response to the recurring comments to improve readability of the document by avoiding repetition and multiple cross-references. The topics addressed in the master responses, identified as MR-1 through MR-8, are shown in Table 5-1 below.

Table 5-1: Master Response List

MR-1 STATION AREA PLAN MERITS AND RELATED NON-CEQA TOPICS

Many comments received in response to the DEIR speak to the merits of the Station Area Plan. These Plan-related comments relate to height limits, community benefits that could be included in a future Developer Incentive Program, affordable housing, potential future two-way street conversions, historic resource preservation, and other issues. Recognizing that most of these topics and their respective goals and policies sometimes can affect the physical environment within the purview of CEQA, appropriate responses to comments addressing those instances are provided in this chapter. This Master Response specifically addresses Plan-related comments that concern aspects of the Plan's land use and development program, goals and policies that clearly do not pertain to the adequacy of the analysis in the EIR that addresses the Station Area Plan's physical impacts on the environment pursuant to CEQA.

The EIR analyzes the effects of the project on the physical environment against the significance criteria provided by the City of Oakland's CEQA Thresholds of Significance Guidelines. Many comments on the EIR address economic and social considerations. Section 15131(b) of the CEQA Guidelines provides that the economic or social impacts of a project shall be evaluated in an EIR if there is evidence that the economic or social effects of the project will produce significant physical environmental impacts. To the extent that the economic and social effects of the Plan could result in physical changes to the environment, such potential environmental impacts have been identified and fully analyzed in the relevant topical sections of the DEIR.

Each of the Plan-related comments and comments that address topics beyond the purview of the EIR or CEQA is noted in this document for the public record of this process. The City has considered and in some cases addressed (through Plan revisions) these Plan-related comments as it prepared its *July 2014 Final Lake Merritt Station Area Plan*. Many of the concerns will be specifically addressed in an Attachment to the staff report to the City Planning Commission on the Plan, and will be considered by City decision-makers prior to taking action on the Station Area Plan. Additionally, certain Plan-related comments may be specifically addressed further during the City's discretionary and design review processes for the individual development projects under the Plan.

MR-2 DISPLACEMENT AND AFFORDABLE HOUSING

Many comments expressed concern about the larger social and economic impacts of development in the Planning Area, including potential indirect displacement of existing residents and local businesses. This response will first consider the EIR's analysis of potential displacement, followed by a discussion of affordable housing in the Station Area Plan.

Displacement

CEQA only requires analysis and mitigation of potentially substantial adverse changes in the physical environment. (Pub. Resources Code §§ 21151, 21060.5, 21068; emphasis added) "Economic and social changes resulting from a project are not treated as significant environmental effects..." (*San Franciscans for Reasonable Growth v. City and County of San Francisco* (1984) 209 Cal.App.3d 1502, 1516.)

As noted in DEIR, the City of Oakland's CEQA Thresholds of Significance Guidelines, May 22, 2013 guide the analysis of displacement, and state (emphasis added) that the project would have a significant impact on the environment if it would:

- Displace substantial numbers of existing housing, necessitating the construction of replacement housing elsewhere in excess of that contained in the City's Housing Element; or
- Displace substantial numbers of people, necessitating the construction of replacement housing elsewhere in excess of that contained in the City's Housing Element.

The actual number of units that would be demolished, and the associated number of residents that would be displaced, as a result of adoption and development under the Station Area Plan cannot be known at this time. For the EIR analysis, new development is assumed to take place on the vacant and under-utilized "opportunity sites" described in section 2.5 and shown on Figure 2.5-1 of the DEIR. As noted in the DEIR (page 3.1-42), a very small number of housing units is expected to be replaced by new development under the Station Area Plan. Four units are present on Site 19, along 10th Street between Madison and Oak Streets, and two units are present on Site 45, on 2nd Avenue between East 12th Street and International Boulevard. As such, a total of six residential units exist in areas identified by the Station Area Plan as opportunity sites.

Displacement of up to six housing units would not be considered "a *substantial* adverse impact to the environment," in part because it represents such a small fraction of the approximate 170,000 units currently existing citywide, and of Oakland's Regional Housing Needs Assessment Allocation (RHNA) for the Housing Element current and future planning periods for 2007-2014 and 2015-2022 of total of 14,629 units and 14,765, respectively.[1] From the perspective of the City's housing stock, the loss of an estimated six housing units as a result of adoption and development under the Station Area Plan would be offset by the production of a large amount of new housing within the Plan Area (approximately 4,700 additional housing units) as well as elsewhere in Oakland as has been occurring and is expected to occur in the future, consistent with the City's Housing Element. The DEIR is revised to clarify the primary relevance of the Housing Element to the displacement discussion – see page 3-7 of this FEIR.

[1] City of Oakland, 2010. *City of Oakland Housing Element 2007-2014* and Association of Bay Area Governments (ABAG).

Some commenters suggest that potential indirect displacement of poorer, existing residents with higher-income new residents in the Planning Area could result in substantial adverse changes in the physical environment. CEQA Guidelines §§ 15131, 15064(e), note that, "Physical changes in the environment caused by economic or social effects of a project may constitute significant environmental effects…"and economic and social effects of a project may be factors in determining the significance of physical changes in the environment. However, the potential for socioeconomic displacement to have physical effects on the environment as a result of different consumption or activity patterns of new residents compared to existing residents is speculative. Thus the analysis of the environmental effects of displacement in the EIR holds to an analysis of the potential for new development to directly displace existing housing or people**.**

The Plan's potential for displacement may also reflect the fact that the Plan seeks to bring resources to a historically neglected community. The Plan seeks to increase housing near transit, creating more opportunities for workers to live where they have transit access to major regional job centers. The Plan seeks to support the City in meeting commitments to create more affordable housing. The Plan also seeks to support the existing business community, with policies to strengthen and pursue relationships with the diverse business communities in the Planning Area; establish local hiring goals; continue to provide job training and readiness services; and evaluate a Small Business Innovation and Incubator Fund, among others.

Affordable Housing

Commenters stated that the DEIR does not adequately account for indirect displacement resulting from rising rents and land values, and that the Plan does not contain adequate provisions for affordable housing development.

Comments regarding housing affordability do not address the Station Area Plan's physical impacts on the environment nor other aspects pertinent to the potential effects of the Station Area Plan on the environment, and thus are beyond the purview of the EIR. While not a CEQA issue, affordable housing is a policy issue that is addressed in the Station Area Plan and proposed Planning Code amendments, as well as in the processes to update the City's Housing Element and to develop a Housing Equity Roadmap, which are currently underway.

The Housing Element, a state-mandated element of the City's General Plan, includes data and a systematic analysis of that data that provide the basis for policies and actions to meet Oakland's housing needs for the future. The Housing Equity Roadmap is intended to provide a concrete set of policy and program recommendations for City implementation in the next 5 to 10 years, and will address housing issues such as housing habitability, new affordable housing production, preservation of existing non-subsidized affordable housing stock, and transforming abandoned properties into new affordable housing.

The provision of affordable housing choices is a concern and goal for the City of Oakland as a whole and must be addressed comprehensively, on a citywide basis.[2] Existing incentives in the Planning Code, including reduced parking and open space requirements for senior and affordable housing, aim to facilitate the production of housing for a range of incomes and ages. The City is exploring the feasibility of

[2] A more detailed discussion of this issue is provided in an Attachment to the staff report to the Planning Commission about the Lake Merritt BART Station Final EIR.

additional mechanisms for achieving affordable housing, including an Impact Fee[3], which would require new development to make financial contributions toward a fund that could help pay for new affordable housing units, and a Housing Overlay Zone (HOZ), which would provide incentives or bonuses for development that included affordable housing units in target areas throughout the city with the greatest development potential, such as the Station Area.

The Station Area Plan facilitates development of new housing at a range of densities and for a range of incomes, in a neighborhood that is very well-served by transit and is proximate to major employment centers. Furthermore, proposed zoning changes for the Station Area include augmenting existing incentives in the Planning Code for the production of housing for a range of incomes and for seniors. Specifically, the proposed zoning:

- No longer requires a Conditional Use Permit (CUP) to have reduced parking for senior housing;
- Reduces parking requirements for the provision of affordable housing;
- Reduces open space requirements for both senior and affordable housing.

MR-3: HISTORIC RESOURCES

Several comments expressed concern about potential adverse impacts to historic resources. The Planning Area contains 187 properties that are considered significant cultural resources for purposes of environmental review under CEQA (see Table 3.8-1 and Figure 3.8-1 in the DEIR). Public comments were focused on four of these properties: the Fire Alarm Building; the Kaiser Auditorium; and two Oakland Unified School District (OUSD) properties: the Paul Robeson Administration Building and the Ethel Moore Building.

Oakland Unified School District (OUSD) Buildings

As stated on page 3.8-50 of the DEIR, the Paul Robeson Administration Building (1025 2nd Avenue), built in 1928, and the Ethel Moore Building (121 East 11th Street), dating to 1922, are rated "B" by the Oakland Cultural Heritage Survey (OCHS) and are considered Local Register buildings, according to the City of Oakland. The Station Area Plan does not mandate the physical demolition, destruction, relocation, or alteration of any properties, historic or otherwise. However, these two historic resources are assumed to have a high potential for redevelopment and are therefore identified as opportunity sites, triggering a finding of "Significant and Unavoidable" impacts to historic resources. These are the only historic resources within opportunity sites for redevelopment within the entire Station Area.

Several comments call for creating a new EIR alternative that assumes adaptive reuse of the two historic OUSD buildings, resulting in no significant impacts to historic resources in the Planning Area. Although measures are available that could help reduce the potential impact to these CEQA historic resources (see Mitigation Measure CUL-1 in Chapter 3.8 of the DEIR), they would still not reduce impacts to a less-than-significant level. These two historic resources are not owned by the City of Oakland, nor are they under City of Oakland jurisdiction, so the preservation of these resources cannot be guaranteed. In fact, as

[3] The City of Oakland has just issued a Request for Proposal for consultant help preparing an Impact Fees Nexus Study and Implementation Strategy to study and possibly adopt a Nexus Study for various Impact Fees: 1) Transportation, 2) Capital Improvements, and 3) Affordable Housing.

noted on page 4-103 of the DEIR, the No Project alternative still shows significant and unavoidable" impacts to historic resources.

However, in response to comments received on the DEIR, City staff developed a more robust set of zoning incentives to preserve and enhance existing CEQA historic resources, including the OUSD buildings. An overview of these changes is provided below:

- CEQA Historic Resources will not be required to provide new parking when converting from a commercial to residential use; and
- CEQA Historic Resources will have reduced open space requirement when converting from a commercial to residential use and would able to remove the requirement altogether with payment of an in-lieu fee; and
- If CEQA Historic Resource is incorporated as part of a larger project, the square footage that is incorporated will be exempt from open space requirements.

The intent of these new incentives is to reduce the Significant and Unavoidable impacts to historic resources. The changes noted above have been made to the *July 2014 Final Draft Lake Merritt Station Area Plan.* Nevertheless, due to the ownership/jurisdiction issues stated above, the Plan would still result in a significant and unavoidable impact with respect to historic resources and requires a statement of overriding consideration prior to certification of the EIR and Plan adoption.

Kaiser Auditorium and Fire Alarm Building Site

Several comments relate to the Station Area Plan's provisions for the Kaiser Auditorium and the Fire Alarm Building Site. Comments about Kaiser Auditorium and the Fire Alarm Building Site address the Plan's approach, and not the EIR's analysis of potential impacts on these buildings as historic resources, and thus are beyond the purview of the EIR and CEQA. Nevertheless, the Plan's approach to these sites is clarified briefly.

The EIR concludes that the Kaiser (Oakland) Auditorium would be adaptively reused under the Station Area Plan, and thus that there would not be a significant impact to this historic resource. The Fire Alarm Building site is not identified as an "opportunity site" in the Station Area Plan or in the DEIR, and the Plan does not contemplate the building's demolition. Consistent with Plan guidance, and with the Plan's treatment of the Kaiser Auditorium, the Station Area Plan and EIR are revised to identify the Fire Alarm Building site as an opportunity site for adaptive reuse. The revised EIR maps and table are included in Chapter 3 of this FEIR. The revised Plan and EIR project that the existing building will be adapted for a new use.

As described in the DEIR (pages 3.8-35 to 3.8-36), existing regulations and incentives strongly favor the adaptive reuse of historic structures such as the Kaiser Auditorium and the Fire Alarm Building site. Furthermore, the proposed Planning Code regulations for these buildings are meant to provide more flexibility in future uses than what would be allowed today. And the Station Area Plan's policies (specifically LU-15 and LU-16) specifically call for the re-use of both of these buildings.

MR-4: ENHANCED TDM ALTERNATIVE AS THE PREFERRED PLAN

The Enhanced Transportation Demand Management (TDM) Alternative is presented on pages 4-7 through 4-8 of the DEIR, and includes policies such as reduced off-street residential parking standards, required bicycle parking, along with support of parking management and employer-based transit pass. The policies in this alternative are in addition to improved pedestrian, bicycle, transit access, and TDM policies identified in the Station Area Plan. As a policy-focused alternative, it assumes the same amount of overall growth as the proposed Plan.

The additional TDM programs in the Enhanced TDM alternative are estimated to have modest auto trip-reduction implications as compared to the Station Area Plan. Table 4.3-1 of the DEIR compares the PM peak hour auto trips generated by Station Area Plan relative to the Enhanced TDM Alternative. The TDM policies of the Enhanced TDM alternative could potentially reduce PM peak hour trips by four percent. This modest reduction in peak hour trips is due in part to the difficulty in quantifying the effects of some TDM strategies and accounting of the interaction among TDM strategies. However, as noted in Table 4.4-1 of the DEIR, which compares the potential impacts of the Station Plan relative to the potential impacts of the Alternatives, this auto trip reduction is not sufficient enough to substantially lessen or avoid potential impacts identified for the Station Area Plan.

The lower increase in vehicle trips generated in the Enhanced TDM alternative would primarily have the effect of reducing impacts to greenhouse gases and climate change. However, as noted in Table 4.4-1 of the DEIR, both these impacts are determined to be less than significant for both the Station Area Plan and the Enhanced TDM Alternative.

In order to further strengthen the non-auto mode share inherent in the Planning Area, the Station Area Plan incorporates TDM policies such as reduced off-street residential parking standards, bicycle parking, and supports others, such as parking management and employer-based transit pass programs. As noted above, these TDM strategies would reduce auto trips and thus, lessen some of the impacts with respect to traffic and greenhouse gases, but would still result in the same impact determination (less than significant) as the Station Area Plan. Other TDM strategies, such as employer-based programs or deed restrictions cannot be legally mandated on private projects, however, they are supported by the Station Area Plan and are among options that a project sponsor may voluntarily pursue as part of a TDM Plan.

MR-5: PRESERVING THE CULTURE OF CHINATOWN

Some comments stated that the EIR should identify reasonable and necessary mitigation measures to address potential displacement of the long-standing culture of the Chinatown community as a whole. In these cases, potential displacement is seen in the context of the cultural resources analysis rather than the land use analysis in the EIR. Potential displacement of individual people is discussed in Master Response MR-1.

CEQA only requires analysis and mitigation of potentially substantial adverse changes in the physical environment. The City of Oakland's CEQA Thresholds of Significance Guidelines, May 22, 2013 detail specific potential physical impacts on cultural resources, including historical, archaeological, or paleontological resources or human remains that could be impacted from development under the Station Area Plan. Comments on the desire to preserve the Chinatown community as a cultural resource do not

address the Station Area Plan's potential physical impacts on the environment, and thus are beyond the purview of the EIR.

While not a CEQA issue, retaining and enhancing the community is an important concern of the Station Area Plan itself. The Station Area Plan seeks to support the success of cultural events, identifies a multi-generational community center as a future improvement, and calls for an integral relationship between Laney College and the Chinatown community, among other things. The Plan also seeks to support the existing business community, with policies to strengthen and pursue relationships with the diverse business communities in the Planning Area; establish local hiring goals; continue to provide job training and readiness services; and evaluate a Small Business Innovation and Incubator Fund, among others. For more detail, see Section 4.5: Affordable Housing, Chapter 7: Community Resources, and Chapter 8: Economic Development of the Station Area Plan.

MR-6: PEDESTRIAN SAFETY

Many commenters were concerned about pedestrian safety. However, the Station Area Plan was found to have no significant impacts to pedestrian safety. Potential impacts to pedestrian safety were analyzed by applying the City of Oakland's Thresholds of Significance Guidelines (May 22, 2013) Criteria #11. The City of Oakland's Threshold of Significance Guidelines assesses the safety impacts to pedestrians primarily based on design features that could change exposure of pedestrians to vehicle conflicts or change traffic speeds associated with a project. Since the Station Area Plan would not increase street crossing distances for pedestrians, remove pedestrian refuge islands, increase the number of travel lanes, reduce sidewalk widths or otherwise increase pedestrian to hazardous conditions, the DEIR found there would be no impacts to pedestrian safety.

Furthermore, when considering mitigation measures to address motor vehicle delay impacts, possible mitigation measures that could have secondary impacts on pedestrian safety or accessibility were rejected. For example, additional travel lanes for vehicles would reduce the impacts on motor vehicle delay, but that would also increase crossing distances for pedestrians and increase pedestrian exposure to potential conflicts with motor vehicles, and therefore, this potential mitigation measure and others like it were rejected.

Many comments were concerned about potential impacts to pedestrian safety attributable to new vehicular traffic associated with the Station Area Plan. The City of Oakland's Thresholds of Significance Guidelines criteria for pedestrian safety is not based on traffic volumes. The City's thresholds reflect the fact that a direct link between traffic volumes and pedestrian safety is difficult to establish given the many other factors, such as roadway design and signal timing, can have a greater effect on traffic speeds and exposure to hazards for pedestrians. As a result, the City's transportation staff have determined that there is not a reasonable basis to establish a numeric threshold to reliably evaluate the impact of increased traffic on pedestrian safety. It should also be noted that the City of Oakland's Thresholds of Significance Guidelines criteria do not utilize pedestrian level of service methodologies, since studies have shown mixed results on the effectiveness and reliability of this tool in evaluating pedestrian experience.

While there are no CEQA impacts to pedestrian safety, the Station Area Plan includes recommendations for Phase I (short-term) improvements to roadways that would enhance pedestrian comfort and accessibility. Specifically, as described on pages 3.2-155 through 3.2-162 of the DEIR , improvements include additional pedestrian-scaled lighting, improved pedestrian crossings, and upgraded traffic signals to add advanced pedestrian 'walk' phases and pedestrian 'scramble' phase.

Additionally, the safety, access, and comfort of all users of the roadway, including pedestrians, is a key concern and goal for the City of Oakland, as evidenced in existing City policies regarding Complete Streets and in the City's pursuit of funding to study and implement additional transportation improvements. Specifically, the City has recently received a grant to refine designs for pedestrian access improvements to the area adjacent to the Lake Merritt BART Station and another grant to comprehensively study the circulation patterns in Downtown. These upcoming processes will provide the opportunity to move towards construction of Phase I improvements, such as improved pedestrian-scaled lighting, and complete the necessary feasibility studies to implement Phase II improvements, such as conversion of streets from one-way travel to two-way travel and sidewalk widening.

MR-7: CONVERSION OF STREETS TO TWO-WAY TRAVEL

Many commenters were interested in converting one-way streets to two-way travel. In addition, some commenters recommended including conversion of one-way traffic to two-way travel as a mitigation measure in the EIR.

The conversion of one-way to two-way travel was not studied as a *mitigation measure*, primarily because of the potential adverse physical impacts associated with two-way travel including a potential increase in vehicle delay, decrease in roadway capacity, as well as potential impacts to pedestrian safety resulting from the introduction of additional points of conflict between vehicles and pedestrians. The Station Area Plan includes the possibility of converting one-way streets to two-way travel as a potential Phase II transportation improvement, which would require further technical and feasibility studies due to the broad-ranging effects of two-way street conversion on the downtown circulation system that extends well beyond the Planning Area. In addition, such a systematic change in circulation patterns and traffic operations as well as local access to businesses and residences would require further assessment of potential environmental impacts, including impacts to pedestrians, buses and motor vehicle drivers. This detailed feasibility and environmental analysis of was beyond the scope of the Station Area Plan and EIR. Two-way street conversions are thus not studied as part of the Project in this EIR.

As noted in MR-6 above, circulation patterns and the safety, access, and comfort of all users of the roadway, is a key concern and goal for the City of Oakland. Although not evaluated in this EIR, the overall circulation patterns in Downtown and the potential conversion of one-way streets to two-way travel will be addressed in the upcoming Downtown Circulation Plan.

MR-8: HEIGHT LIMITS

Many comments received in response to the DEIR speak to the merits of the height limits proposal included in the Station Area Plan.

The DEIR's analysis of building heights is based on the Lake Merritt Station Area Development Program, which projects the amount and type of development that is likely to occur in the Station Area over the next 25 years. As detailed in Appendix B of the DEIR, the Development Program is the result of the potential redevelopment of over three dozen opportunity sites, in accordance with a number of market factors, including: market demand for various uses; broader regional economic and market conditions; backlog of approved or planned projects in the vicinity; recent development and business investment in the area; landowner intentions for their properties; and properties susceptible to change due to vacancy, dereliction, or absence of existing development.

As described in Chapter 2 and 3 of this FEIR, the height limit proposals in the Plan and accompanying Planning Code amendments have changed. Height limits have been reduced (compared to the previous proposal) throughout the Station Area. The projected building heights described in the Development Program are what is reasonably foreseeable based on the market factors listed above, and may be lower than the height limits described in the Draft Station Area Plan (DEIR Figures 2.3-2 and 2.4-5). None of the modifications to the height limits reflected in the *July 2014 Lake Merritt Station Area Plan* would exceed the building envelopes described in the Development Program that formed the basis for the analysis in the DEIR. Therefore, none of these modifications would result in a new significant impact or an impact of substantially greater severity than was already analyzed and disclosed in the DEIR.

Some comments also stated that the maximum height limits for new development should only be allowed with the provision of community benefits. These comments do not address the Station Area Plan's physical impacts on the environment nor other aspects pertinent to the potential effects of the Station Area Plan on the environment, and thus are beyond the purview of the EIR.

While not a CEQA issue, mechanisms for achieving community benefits is a policy issue that are addressed in the Station Area Plan and in the Planning Code Amendments, as well as in citywide processes underway to update of the City's Housing Element and to study potential Citywide Impact Fees for transportation, capital improvements, and affordable housing.

Agency Comments and Responses

This section provides each letter received from public agencies in response to the DEIR, with specific comments identified with a comment code in the margin. Following each letter, responses to each comment are provided.

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December 30, 2013

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Subject: Draft Lake Merritt Station Area Environmental Impact Report (EIR)

A1-1 Thank you for the opportunity to comment on the Lake Merritt Station Area Plan. AC Transit operates some 1,400 bus trips per weekday to and through the Lake Merritt area, providing service to thousands of passengers. The Lake Merritt plan area is a critical area for transit and for maintaining reliable operations with reasonable travel times.

The Plan Overall: As depicted on EIR Figure 2.4-1,the Lake Merritt Station Area Plan covers the portion of Oakland roughly bounded by 5th St., 14th St./International Blvd., Broadway, and 5th Ave. AC Transit has participated in this planning process for a number of years. Over that time, the recognition and understanding of surface transit in the plan has improved considerably. The Plan acknowledges the importance of the 11th /12th Street Bus Rapid Transit and trunk transit corridor. These streets are designated as Transit Preferential Streets. The draft Plan calls for the design of bulbs on transit corridors to not interfere with bus service.

A1-2 Procedurally, this Draft EIR is not accompanied by a draft Plan, as would typically be the case. The EIR will be completed and finalized concurrently with the Draft Plan. The City sees this process as viable, so long as the final Plan does not vary too greatly from the parameters used in the Draft EIR. It would be unfortunate if late changes resulted in further delay for the Plan.

As the EIR and Plan are being completed, AC Transit continues to have concerns on certain elements of the EIR. Our comments and requests for changes are set forth below:

A1-3 Conversions of Streets to Two Way and Lane Reductions—The EIR does not analyze the potential impact of conversion of streets to two way operations. Conversions to two way streets can improve access to destinations, but conversions can also increase congestion and unreliability of operations. These changes are not part of the "Planned Transportation Improvements" section of the Project Description on pp. 3.2-52 & 53. These potential conversions are considered to be part of Phase II, as mapped on p. 6-8 of the December, 2012 Public Review Draft of the Plan.

As we have stated previously, two way conversions on different streets are likely to affect AC Transit differently. We are very concerned about 7th St. and 8th St., which together form a key transit corridor between Oak St. and Broadway, with particularly heavy service between Harrison St. and Broadway. High volumes of traffic, parking, and double parking along 7th and 8th Street mean that service is already slowed. A two way conversion, which almost certainly would reduce the number of travel lanes, could easily exacerbate this situation. AC Transit is working with the City to improve bus travel times—and reliability--on line 51A on 7th and 8th Streets as part of the Metropolitan Transportation Commission's Transit Performance Initiative (TPI). *AC Transit has no recommendation for action at this time concerning these conversions.*

At the same time, two way conversions of Oak St. and Madison St. would allow more direct, less circuitous service to Lake Merritt BART station—the focal point for this plan. Given the less congested traffic flow on these streets, these conversions could be achieved without causing undue traffic delays.

A1-4 The EIR and Plan contemplate lane reductions on these streets (listed under Bicycle Lane projects on p. 3.2-53)If these bicycle lane projects nonetheless proceed while these streets remain one way, bike lanes should be installed in a manner which minimizes conflicts with bus travel. The width of these streets provides opportunities for bike lane designs which may not exist elsewhere. Protected bike lanes, on the roadway between the sidewalk and island bus stops, are one possibility. Left side bike lanes are also possible.

AC Transit recommends that two way conversions rather than lane reductions proceed now on Oak and Madison Streets. If bicycle lane projects proceed while these streets are still one way, the bike lane projects should be implemented in a manner to minimize conflicts with buses.

A1-5 Transit Travel Times: The EIR provides model-based estimates of transit travel times on four roadway segments used by AC Transit bus routes. These estimates are provided for existing plus project conditions, 2020 No Project and 2020 With Project conditions, along 7th, 8th, Oak, and Madison. Transit travel time on 11th and 12th St. is not modeled, presumably because preferential transit treatments with the Bus Rapid Transit line are expected on those streets in the EIR.

A1-5 The 7th and 8th St. segments are not properly specified to measure delay. The 7th St. segment covers Harrison to Oak, but the greatest congestion and potential for further delay is west from Harrison to Broadway. Similarly, the 8th St. segment covers to Fallon to Webster, missing the congested Webster to Broadway blocks. *AC Transit requests that the 7th and 8th Street bus travel time segments be re-specified and re-analyzed to include all blocks between Harrison and Broadway.*

A1-6 The segments specified for analysis along Madison and Oak Streets are satisfactory. The changes in travel time are difficult to understand, however. Adding the project (plan development) in Existing plus Project adds a completely unacceptable 90 seconds to travel time on Madison between 11th and 7th. Yet on Oak Street, which forms a couplet with Madison one block away, the projected travel time increase (for a slightly longer segment) is only 5 seconds. Madison Street also shows an enormous increase in travel time in 2035—215 seconds (or 3.5 minutes) above the 2035 No Project Condition, while Oak St. is shown as operating 2 seconds faster. These calculations and differences require further explanation. Are the increased travel times on Madison a result of the lane reduction? Please specify the source of delay.

A1-7 The EIR argues (for example, p. 3.2-123) that Plan policies C-33 and C-46—which call for measures such as improved curb management—will mitigate transit travel time impacts. While we appreciate and support these policies, we cannot accept them as mitigations for travel time impacts, in the absence of knowing how and where they will be applied.

AC Transit requests further analysis and explanation of Oak and Madison Street transit travel time estimates. If either segment is projected to have a travel time increase of more than 20 seconds, effective mitigation measures to reduce this impact should be identified.

A1-8 Lake Merritt BART Station Access—AC Transit has been working with the City and BART to improve bus access at Lake Merritt BART. However, to date there have been no improvements to bus stops. We wish to reiterate the importance of improving bus circulation and loading at this multimodal transit hub. This location will become all the more important as the Brooklyn Basin project builds out, and transit service connects from there to Lake Merritt BART. The bus stops concept suggested as an example in the Plan is a good one.
AC Transit urges the City to make bus improvements at Lake Merritt Station a priority implementation item.

A1-9 Transit as a Community Benefit—The Plan sets two levels of maximum heights—a base level and a level which can be achieved if community benefits are provided (EIR pp. 2-23 & 24). The City is in the process of development a program of community benefits. Transit-related provisions should be considered as community benefits. These can include capital improvements, such as improvements to stops at or close to a new development. They could also include transit discounts, such as provision of AC Transit EasyPasses to residents or employees in a new development. Distribution of information about AC Transit service could also count towards a community benefit. *AC Transit proposes the inclusion of transit improvements and discounts as a community benefit item.*

A1-10

Land Use and Development: The Plan anticipates an addition of 4,900 housing units by 2035, more than doubling the existing number, as "Reasonably Foreseeable Maximum Development" It also anticipates a 50% increase in retail space and a doubling of office space. As a longtime champion of transit-oriented development, AC Transit applauds these increases, particularly the increase in housing. These units will allow thousands of people to live car-free or car-light, walking/biking-based lifestyles. The zoning code changes which will implement this plan should be structured to make this development likely to actually occur. We look forward to continuing to working with the City to improve this key area.

Yours Sincerely,

Jim Cunradi
Manager of Long Range Planning

Cc: David Armijo, Dennis Butler, Robert Del Rosario, Sean DiestLorgion, Wil Buller, Linda Morris, Nathan Landau, Becca Homa

RESPONSES TO A1: AC TRANSIT (12/20/13)

A1-1: The comment notes an appreciation for the way the Station Area Plan's treatment of existing and planned surface transit has improved over the course of the planning process.

A1-2: The Station Area Plan was published in December 2012, followed by release of the DEIR in November 2013. As the comment notes, the EIR will be completed and finalized concurrently with changes to the Station Area Plan.

A1-3: The comment describes concerns on 7th and 8th Streets and support on Oak and Madison Streets regarding conversion of one-way streets to two-way traffic. Possible conversion of one-way streets, such as 7th, 8th, Oak and Madison Streets, is a Phase II transportation improvement that will require further study, and is outside the scope of this EIR. Future studies of the one-way to two-way street conversion would consider the effect on bus operations, as more generally stated in Policy C-15 of the Station Area Plan. Also see Master Response MR-7 Conversion of Streets to Two-Way Travel.

A1-4: AC Transit's recommendation that two-way conversions proceed now on Oak and Madison Streets is noted. However, as noted in Response A1-3 further studies would be needed that are outside the scope of this Station Area Plan and EIR. Also see Master Response MR-7 Conversion of Streets to Two-Way Travel.

The comment also recommends that bicycle lane projects should be implemented in a manner to minimize conflicts with buses. Policy C-15 calls on the City to "study the impacts of any traffic lane changes—lane reductions, lane removals, or two-way conversions on bus operations, and work to reduce any identified impacts" (Station Area Plan, page 6-60). In particular, the analysis in the DEIR of potential impacts on bus travel times (and the resulting finding of a less than significant impact) due to the Project, included proposed bicycle lanes on Oak and Madison Streets.

A1-5: The comment is requesting revised analysis of the transit travel times, specifically redefining the segments on 7th and 8th Streets to cover the blocks with the greatest congestion and potential for further delays between Harrison and Broadway on 7th and Webster to Broadway on 8th. The DEIR text has been updated to reflect this change in the segments defined for 7th and 8th Streets. (See pages 3-10 and 3-12 to 3-15 of Chapter 3 of this FEIR.)

A1-6: Transit travel times on Madison and Oak were calculated and difference in time with the project are shown for Existing, 2020 and 2035 conditions with and without the project in Table 3.2-12, Table 3.2-21, and Table 3.2-32 of the DEIR. (See pages 3-9 to 3-13 of Chapter 3 of this FEIR.) Transit travel time was calculated using the Highway Capacity Manual Arterial Level of Service methodology in the Synchro software program. The analysis assumes an arterial Class IV and speed of 25 mph. This approach captures the change in vehicle travel times on the specified segment capturing the change in delays at the signalized intersection due to changes in the traffic volumes. This approach does not capture the time associated with bus

operations, such as dwell time at bus stops or delays to buses re-entering the travel lane from the bus stops.

The increased travel times on Madison are primarily from the increased signal delay on Madison at 7th Street due to the lane reduction on Madison, the effects of which are greater in the PM peak. When compared to the travel times on Oak from 8th Street to 12th Street, this signal on Madison at 7th Street due to the lane reduction results in a much greater delay on Madison.

A1-7: As noted on pages 3.2-123 and 124 of the DEIR, Station Area Plan policies that can reduce impacts are presented, but if it cannot be demonstrated quantitatively that the policies reduce the impact to less than significant, then the policies are not considered in determining the significance of the impact. While the Station Area Plan includes policies such as C-33 and C-46 that call for transit signal priority, bus bulbs, and improved management of the curb space, which would improve bus operation and potentially reduce transit travel time increases due to the project, these are not considered in determining the significance of impacts nor are they considered mitigation measures.

The comment request further analysis of the transit travel time estimates on Oak and Madison Streets, Documentation of how the transit travel times are calculated for Oak and Madison Streets is explained in the response to Comment A1-6.

The comment suggests setting a significance threshold of a 20-second increase in transit travel time. Per the City of Oakland Thresholds of Significance, as explained on pages 3.2-70 and 3.2-71 of the DEIR, the City has no basis to establish a numerical threshold for "substantially increased travel times." While there is potential for the project to generate traffic that may result in increased bus travel times, the City has not determined that such delay would be substantial or adverse. In fact, the project would result in additional population and density in the study area, which could have beneficial effects, such as increased ridership and reduced GhG emissions. In addition, a single threshold for transit travel time is not appropriate for application across all bus lines, which vary in frequency of service and nature of the service (e.g., trunk, Transbay,or local). Since service frequencies are likely to change over the timeframe of the Station Area Plan, a detailed analysis of travel time on all transit preferential streets with the implementation of the Station Area Plan was not conducted. Rather the analysis covered those roadways with transit that are most likely to be impacted by the Station Area Plan.

A1-8: This comment relates to the Station Area Plan and not the EIR. See Master Response MR-2.

A1-9: This comment relates to the Station Area Plan and not the EIR. See Master Response MR-2.

A1-10: The comment related to zoning and the commenters support for the Station Area Plan's transit-oriented development program are acknowledged.

AKI K. NAKAO, Director

1401 LAKESIDE DRIVE, OAKLAND, CALIFORNIA 94612 510 208 9700 FAX 510 208 9711 www.acgov.org/gsa/

December 18, 2013

Christina Ferracane
Strategic Planning
City of Oakland
Planning and Building Department
250 Frank Ogawa Plaza, Suite 3315
Oakland, CA 94612

Dear Ms. Ferracane:

SUBJECT: DRAFT ENVIRONMENTAL IMPACT REPORT, DRAFT LAKE MERRITT STATION AREA PLAN

We appreciate the opportunity to review and comment on the Draft Environmental Impact Report (DEIR) associated with the Draft Lake Merritt Station Area Plan. The report appears to be a thorough evaluation of the impact of the Draft Lake Merritt Station Area Plan on the area of Oakland included in the planning area. The following are a few comments regarding aspects of the DEIR.

In reviewing the various exhibits and references to Opportunity Sites, there are several inconsistencies regarding sites that are identified as Opportunity Sites:

A2-1

- Figure 2.5-1, Opportunity Sites (Sites Most Likely to Redevelop), is accurate and should be matched by the other related Figures and references throughout the DEIR.

A2-2

- The DEIR Table 2.5-1: Reasonable Foreseeable Maximum Development Under the Proposed Plan, shows projections in a number of categories including Office Square Feet and Institutional Square Feet. We would like to confirm that even though much of the Alameda County owned property is included within the Institutional designation (Figure 2.4-3: Proposed Zoning Districts), the potential increase in County space is reflected in the Office Square Feet category. As described in the County's Real Estate Master Plan, future development could occur on sites currently owned by the County or on sites acquired at a later date, and will reflect the County's unique status that allows the County to provide safe essential services to City and County residents and employees.

A2-3

- On Table 3.8-1: Historic Resources in the Planning Area, Number 129 on page 3.8-17 recognizes 1225 Fallon Street which is known as the René C. Davidson Alameda County Courthouse.

We look forward to continuing to work with you on the development of the final Plan, EIR, and associated planning documents.

Sincerely,

Aki K. Nakao
Director, General Services Agency

AKN:KK:sd i:\AgencyAdministration\AssistantDirector\Letters&Memos\C Farracane ltr Draft Environmental....

cc: Caroline Judy, Assistant Director, GSA
Kathleen Kennedy, GSA-Portfolio Management

RESPONSES TO A2: ALAMEDA COUNTY GENERAL SERVICES (12/18/13)

A2-1: As the comment suggests, opportunity sites are shown on multiple maps in the DEIR. These figures have been revised to be consistent with one another as needed. Revised figures are included in Chapter 3 of this FEIR.

A2-2: The comment requests confirmation that future development anticipated by the Alameda County Master Plan is accurately reflected in the development projections used by the Station Area Plan. The Station Area Plan and EIR indeed use the Alameda County Master Plan as the source for future development assumptions on County-owned land in the Planning Area. Development is projected in the Office, Retail, Parking, and Open Space categories, with the greatest amount in the Office category. Development is assumed to occur on certain specific sites as well as in the general vicinity of existing County land.

A2-3: The comment identifies the name of the historic resource #129 in Table 3.8-1 of the DEIR (Rene C. Davidson Alameda County Courthouse.) The table is revised to include this name; see Chapter 3 of this FEIR.

ALAMEDA COUNTY HEALTH CARE SERVICES AGENCY
PUBLIC HEALTH DEPARTMENT

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

1000 Broadway, 5th Floor
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December 20, 2013

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250 Frank H. Ogawa Plaza, Suite 3315
Oakland, CA 94612
Email: cferracane@oaklandnet.com
ATTN: Case Number ER110017

Re: Lake Merritt Specific Plan Draft Environmental Impact Report and Public Health

Dear Ms. Ferracane:

A3-1

I am writing to share my comments on behalf of the Alameda County Public Health Department (ACPHD) regarding addressing the public health and environmental impacts of the Lake Merritt Specific Plan Draft Environmental Impact Report (DEIR). As the Director and Health Officer for the agency responsible for monitoring and advising on the development of policies and practices that protect and promote health and well-being, I recommend that you reduce the potential negative public health impacts of the Lake Merritt Specific Plan (Plan) by minimizing impacts to pedestrians, strengthening the construction control measures, requiring health impact analysis plus health risk reduction measures for all projects and using some revenue to retrofit and upgrade existing stationary diesel sources in the Plan Area.

Current conditions in the Plan Area put existing and new sensitive receptors at risk of poor health outcomes because of the proximity to sources of air pollution, particularly diesel particulate matter. Sensitive receptors are people and places vulnerable to the health effects of a toxic air contaminant, such as children under 5, the elderly and people with illnesses and include sites such as schools, playgrounds, residences, churches, daycare centers, senior centers and hospitals. As stated in the EIR, the area is impacted by existing elevated health risks from air toxics, in particular diesel particulate matter. Residents living in the Plan Area some of the highest rates of asthma hospitalizations in Alameda County – two times the rate of the county as a whole and children less than five years of age are hospitalized for asthma at a rate 2.4 times the rate of the county – and disproportionately high mortality rates.[1] Additionally, this area of Oakland is identified by the Bay Area Air Quality Management District as suffering some of the highest health risks from toxic air contaminants.

[1] ACPHD Community Assessment, Planning, Education and Evaluation Unit (CAPE) analysis of zip codes 94606, 94607 and 94612 with data from the Office of Statewide Health Planning and Development, 2009-2011. Residents from this area die from cancer, chronic lower respiratory disease (CLRD), stroke, and unintentional injuries at higher rates than Alameda County. The cancer mortality rate is 1.5 times that of the county; the CLRD rate is 1.3 times the county rate; the stroke rate is 1.6 times the county rate, and their unintentional injury mortality rate is 2.1 times the county rate. The all-cause mortality rate is 1.2 times the county rate (Mortality data sources: CAPE, with data from Census 2010 and Vital Statistics 2008-12 (for the Lake-specific region) and Alameda County Vital Statistics 2009-11 (for the Alameda County comparison rates).

A3-2 Given that the Plan Area already has high health risks, the DEIR should exhaust opportunities to mitigate impacts of air pollution. The Plan allows for increased residential density near the 880 freeway and existing sources of diesel pollution and after applying the Standard Conditions of Approvals, policies and mitigations, the DEIR finds Significant and Unavoidable Impacts. Furthermore, there is a high potential for multiple new sources to exacerbate air quality and odors. These impacts -- Impacts AQ- 3, 4 and 5 -- include: exposure of sensitive receptors to substantial health risks from toxic air contaminants (TACs) from sources of diesel particulate matter and gaseous emissions; exposure of sensitive receptors to substantial odors and cumulative air quality impacts. The DEIR should include stronger mitigations to prevent increasing pollution and exposures to air toxics rather than succumbing or further contributing to the problem.

A3-3 The DEIR can be more health-protective of sensitive receptors, new and existing, to diesel particulate matter with improvements made to the existing Standard Conditions of Approvals (SCA), policies and mitigations. For instance, construction for projects should comply with both lists for Standard Conditions of Approval for construction, SCA - A, "Basic and Enhanced Construction-related air pollution controls". The threshold for using the Enhanced list is too high considering the existing health disparities. To be more health-protective, I recommend combining the lists of Basic and Enhanced construction measures and requiring both of them for all development projects within the Plan Area.

A3-4 I recommend requiring both a health risk analysis and incorporation of the risk reduction measures in SCA – B for all projects. As currently written, SCA – B Exposure to Air Pollution (Toxic Air Contaminants), allows project proponents to choose between conducting a health risk assessment and incorporating the health risk reduction measures. Project-specific risk reduction measures will only be developed if the assessment shows the project will exceed an acceptable level of risk. Health risk analyses allow the City and the public to gain an understanding of the relative risk of a project and to develop appropriate mitigations based on the severity of risk and to give assurances that health risks are appropriately mitigated. Without a health analysis, the health risk reduction measures may be insufficient to mitigate the health risk from a project or a new pollution source and there will be no information to provide certainty that risks are appropriately mitigated. In practice, conducting an analysis as a first step prevents the drawbacks of having unmitigated risks later on. Requiring both a health risk analysis and incorporating the risk reduction measures for all projects is more health-protective.

A3-5 To further address the significant impacts of exposure of sensitive receptors to toxic air contaminants, I recommend utilizing the Developer Incentive Program Fund and other readily available funding mechanisms at the time of implementation to fund retrofits and upgrades or replacements of stationary diesel sources within the Plan Area to the best available control technology, including non-diesel engines. Please refer to the comment letter from the Bay Area Air Quality Management District regarding engine replacements and retrofits and other mitigation recommendations.

A3-6 Pedestrian safety is a major public health concern in the Plan Area. The DEIR finds a number of Significant and Unavoidable transportation impacts on pedestrians. I recommend identifying more mitigation measures to further reduce the impacts on pedestrians and the conflict between transportation and pedestrians.

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

Sincerely,

MD, MPH

Muntu Davis, MD, MPH
Director and Health Officer

RESPONSES TO A3: ALAMEDA COUNTY PUBLIC HEALTH DEPARTMENT (12/20/13)

A3-1: Comments regarding health risks of toxic air contaminants (TAC), and diesel particular matter in particular, on sensitive receptors are noted; Chapter 3.3 of the DEIR (Air Quality) describes adverse health risks from air pollutants.

A3-2: The DEIR provides all feasible and available mitigation measures to reduce air quality impacts. Impact AQ-3 of the DEIR describes how City of Oakland Standard Conditions of Approval (SCA) B would reduce health risk from exposure to TACs generated during construction or from locating new residences or other sensitive receptors near existing mobile and stationary TAC sources to an acceptable level. However, for TACs originating from gaseous sources, SCA B cannot with certainty reduce risk to an acceptable level; there are no known feasible technologies or site planning considerations that have been shown to reduce risks of gaseous TACs. As described in Impact AQ-4, there are no available mitigation measures to reduce exposure to existing odor sources (other than the distance between sources and sensitive receptors, which is not feasible given the odor sources), which would result in a significant and unavoidable impact. For the cumulative air quality impacts addressed in Impact AQ-5, because impacts related to siting new sensitive receptors near sources of gaseous TACs are significant and unavoidable at a project level, it would also result in a significant and unavoidable cumulative impact.

A3-3: The City of Oakland SCA thresholds and pollution controls were developed based on analysis by the Bay Area Air Quality Management District (BAAQMD). The thresholds set for the "Enhanced" list of air quality controls of SCA A are based on the criteria described on page 3.3-19, footnote 12 in the DEIR. BAAQMD's analysis determined that construction-related emissions from projects not meeting these criteria do not warrant implementation of the "Enhanced" list of controls. In addition, the City's "Basic" list of controls now includes a new measure addressing the use of portable equipment, to address diesel emissions from smaller projects not meeting the "Enhanced" criteria: (j) Portable equipment shall be powered by electricity if available. If electricity is not available, propane or natural gas shall be used if feasible. Diesel engines shall only be used if electricity is not available and it is not feasible to use propane or natural gas.

A3-4: SCA B addresses exposure to TACs, and requires that project applicants either prepare a Health Risk Assessment (HRA) or incorporate health risk reduction measures into the project. If the HRA concludes that health risks exceed acceptable levels, health risk measures shall be identified to reduce to the health risk to acceptable levels. The comment suggests changing SCA B to require both a HRA and health risk reduction measures. However, if a HRA concludes that the health risk is at or below acceptable levels, a project would not need to provide mitigations, and would not be required to incorporate health risk reduction measures into the project.

The comment also argues that a HRA might identify new mitigation measures that are beyond the tools included in the list of mandatory measures, and that without an HRA those technologies might be overlooked. However, the City updates its

mandatory measures on a regular basis, allowing for flexibility to incorporate new strategies and technologies in the mandatory measures. For example, since the publication of the DEIR, SCA A has been updated to include letter (j), to further reduce construction-related equipment emissions (as described in added text on page 3-28 of this FEIR).

A3-5: See response to A3-2. The comment refers to another comment letter from the BAAQMD regarding engine replacements and retrofits and other mitigation recommendations, which was not received.

A3-6: Consideration of hazards to pedestrians and bicyclist is covered in discussion of Traffic Safety Threshold Impacts (Criteria #10 thorough #14) on pages 3.2-155 to 3.2-161. As the discussion notes, the Plan would not increase street crossing distance, remove refuge islands, or otherwise result in reduced safety. The DEIR finds no impacts to pedestrian safety. However, the Station Area Plan contains many policies that will lead to enhancement of the pedestrian realm and includes Phase I improvements, such as bulbouts to reduce crossing distances and exposure to conflict between vehicles and pedestrians. Impacts TRAN-28 and TRAN-29 are significant and unavoidable due to the potential to cause increases in pedestrian delay, not impacts to pedestrian safety; therefore no mitigation measures related to pedestrian safety are required.

ALAMEDA
County Transportation Commission

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December 19, 2013

Christina Ferracane
Strategic Planning
City of Oakland
Planning and Building Department
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Oakland, CA 94612
cferracane@oaklandnet.com

SUBJECT: Comments on the Draft Environmental Impact Report (DEIR) for the Lake Merritt Station Area Plan

Dear Ms. Ferracane:

Thank you for the opportunity to comment on the Notice of Preparation of a Draft Environmental Impact Report (DEIR) on the Lake Merritt Station Area Plan in the City of Oakland. The project is on a 315 acre site bound by 14th Street to the north, I-880 to the south, Broadway and Franklin Street to the west, and 4th and 5th Avenue to the east. The Planning Area is an area within one-half mile radius of the Lake Merritt BART Station. In addition to the Lake Merritt BART Station, it includes Oakland Chinatown business and residential districts, Laney College and Peralta Community College District Administration facilities, the Oakland Public Library, the Oakland Museum of California, the Alameda County Courthouse and other County offices, the building currently occupied by ABAG and the MTC, the Lake Merritt Channel and a portion of the East Lake District.

The Lake Merritt Station Area Plan will be a 25-year plan, which addresses land use, buildings, design, circulation, BART and AC Transit improvements, streetscape improvements, parks and public spaces. It will look to add between 3,700 and 5,600 new housing units, up to 5,755 new jobs, and up to 412,000 square feet of additional retail. It will identify actions, regulations and policy for development projects on private property. The Plan will be a basis for development project review and other decision-making.

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

A4-1

- The DEIR examines impacts to AC Transit bus travel times under existing conditions (p. 3.2-71), interim conditions (p. 3.2-95), and cumulative conditions (p. 3.2-123). In these sections, the DEIR looks at impacts to bus operations on 7th Street, 8th Street, Oak Street, and Madison Street. The DEIR neglects to look at impacts to operations on several streets with significant bus transit operations within or immediately adjacent to the Planning Area (e.g. Broadway, 11th Street, 12th Street, 14th Street, International Boulevard). Several of these streets are identified as Transit Priority Streets or Transit Preferential Streets in the Station Area Plan document itself. Presumably, bus operations on some streets do not need to be studied because bus operations

A4-1

will be improved by the East Bay BRT project or because the project will add minimal vehicle volumes. The DEIR should be explicit as to why transit operations are studied on some streets but not others.

A4-2

- The DEIR presents quantitative analysis indicating that several roadways will see significant increases in bus travel times under existing, interim, and cumulative conditions, but concludes that the impact will be less than significant due to the implementation of policies such as transit signal priority, bus bulbs, and improved management of curb space that are not reflected in the quantitative results. To the extent that the DEIR relies upon the implementation of these measures to prevent significant impacts to bus travel times, the DEIR and the Station Area Plan should be explicit about how these policies will be implemented.

A4-3

- On page 3.2-151, the DEIR claims that there is no feasible mitigation measure available to improve conditions at the intersection of Jackson Street and 7th Street. The City of Oakland, City of Berkeley, and City of Alameda are jointly responsible for a Congestion Management Program Deficiency Plan for the State Route 260 eastbound (Posey Tube) to Interstate 880 Northbound connector which encompasses this intersection. Implementation of this Deficiency Plan would likely improve operations at the Jackson Street and 7th Street intersection.

A4-4

- The DEIR proposes optimization of signal timing and corridor signal coordination to improve intersection level of service at a number of intersections along Oak Street and Madison Street (e.g. Mitigation Measure TRAN-17). In light of the Plan's priority on improving pedestrian conditions and implementation of bicycle facilities along these corridors, consideration could be given to coordinating signals such that traffic operates at a speed that is conducive to a comfortable, multimodal environment. Such an improvement would also support implementation of the Countywide Bicycle and Pedestrian Plans.

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

Sincerely,

Tess Lengyel
Deputy Director of Planning and Policy

cc: Matthew Bomberg, Assistant Transportation Planner

file: CMP/Environmental Review Opinions/2013

RESPONSES TO A4: ALAMEDA COUNTY TRANSPORTATION COMMISSION (12/19/13)

A4-1: Transit travel time analysis studied segments of 7th Street, 8th Street, Oak Street, and Madison Street. Several other transit priority streets or transit preferential streets are identified in the Station Area Plan, such as Broadway, 11th, 12th, 14th Street, and International Boulevard, as noted in the comment. The DEIR included an analysis of critical transit corridors, based on guidance from AC Transit rather than cover all transit corridors.

With the proposed BRT on Broadway, 11th and 12th Streets, and International Boulevard, the methodology used to calculate the bus travel time would not capture the bus travel time for exclusive lane operations. However, the reduction of travel lane due to the BRT is reflected in the 2020 and 2035 traffic analysis. In addition to BRT, the ITS project to interconnect existing signals from 5th to 27th Streets on Broadway would not be accounted for in this analysis. See Response to Comment A1-5 regarding the bus travel times for extended segments of 7th Street and 8th Street and Response to Comment A1-7 regarding the calculation of bus travel time.

A4-2: The comment requests explanation on how the transit policies will be implemented to address the transit travel time impact. The Station Area Plan identifies short-term and long-term actions for implementation of transit policies as well as costs and funding mechanisms in Table 10.1 of the Station Area Plan. Also, see Response to Comment A1-7.

A4-3: The comment notes that the intersection of 7th and Jackson Streets is included in the Deficiency Plan for the State Route 260 eastbound (Posey Tube) to Interstate 880 Northbound connector, and that implementation of the Deficiency Plan would likely improve operations at this intersection. However, there is no specific proposal yet, so it cannot be quantitatively determined whether it would reduce the potential impact. Therefore, although it is expected that the Deficiency Plan would improve conditions at the intersection, it cannot be considered in determining the significance of the impact and cannot be considered a mitigation measure.

A4-4: As noted in the comment, optimization of signal timing and corridor signal coordination are proposed as mitigation measures to improve operations along Oak Street and Madison Street (Mitigation Measures TRAN-14,15,16,17, 20, 22, 25, 26). The commenter's recommendation to consider signal coordination that is conducive to a comfortable, multimodal environment is consistent with City policy regarding pedestrian and bicyclist safety as well as the priorities of the Station Area Plan. The corridor signal coordination allows for an interconnected system of signalized intersections, such that in the future as traffic volumes change along these streets, traffic signals can continue to provide for a smooth progression of traffic, while controlling traffic speeds such that it is more conducive to a comfortable and safe multimodal environment. As noted in the DEIR, certain signal timing changes that could have reduced potential impacts to traffic operations, such as increasing the signal cycle length (the time needed to repeat a series of green/yellow/red signals)

were rejected because it would cause greater wait time for pedestrians to cross intersections, which is in conflict with City policy concerning pedestrian safety and comfort.

SAN FRANCISCO BAY AREA RAPID TRANSIT DISTRICT
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December 20, 2013

Christina Ferracane
Strategic Planning
City of Oakland
Planning and Building Department
250 Frank H. Ogawa Plaza, Suite 3315
Oakland, CA 94612

Re: Lake Merritt Station Area Plan-City of Oakland Case No.ZS11225, ER110017, GP13287, ZT13288, RZ13289
Comments on Draft Environmental Impact Report
State Clearinghouse No. 2012033012

Dear Ms. Ferracane:

On behalf of the San Francisco Bay Area Rapid Transit District, I would like to thank the City for its invitation to provide comments on the Draft Environmental Impact Report for the Lake Merritt BART Station Area Plan. BART has been an active participant in the planning process and appreciates this opportunity to continue to provide feedback.

In July 2005, the BART Board of Directors adopted a Transit-Oriented Development (TOD) Policy, which promotes high quality, more intensive development at or near BART stations. Station area development in turn will generate increased ridership and new revenues for transit. As described in the DEIR, the Plan allows for an estimated 4,900 new housing units and 4,100 new jobs in the Plan Area, for a total of 7,900 housing units and 21,900 jobs at plan build out, with proposed infrastructure improvements to support pedestrian and bicycle activity as well as transit use. BART supports this vision for growth and investment, which aligns with BART's TOD Policy.

BART further seeks to expand the share of riders walking, biking, and taking transit to the BART stations, which many elements of the Plan support. This is a sustainable way to accommodate growing demand for access to the BART system.

We look forward to continuing our work with the City of Oakland on this important project, and thank you for your thoughtful review and consideration of the comments below. If you have any questions, please contact me at 510.287.4794 or at VMenott@bart.gov.

Sincerely,

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

Project Description

A5-1 **Comment 1.** Overall, BART is strongly supportive of the land use changes and circulation improvements proposed in the Plan. In particular BART supports the attention paid to area character, and emphasis of the Plan on pedestrian, bicycle and transit circulation. The Plan will help the City and BART achieve the shared vision of transit-oriented development for the area.

Transportation and Traffic

A5-2 **Comment 2.** Pages 3.2-1 to 3.2-4 identify the classification of the Roadway Network, which relates to the prioritization of modes listed on 3.2-44 and 3.2-45. Please include Oak Street's classification in the Roadway Network list.

A5-3 **Comment 3.** Mitigation Measure TRAN-14 on Page 3.2-147 proposes coordinating signal timing on an interconnected corridor along Madison from 5th to 14th Streets. Given that this corridor is immediately adjacent to the Lake Merritt BART Station, please explain the potential impact of this mitigation measure on pedestrian and bicycle activity, especially to/from the BART station.

A5-4 **Comment 4.** Mitigation Measure TRAN-17 on Page 3.2-149 proposes coordinating signal timing along the Oak Street interconnected corridor from 5th to 14th Streets. Given that this corridor is immediately adjacent to the Lake Merritt BART Station entrances, please explain the potential impact of this mitigation measure on pedestrian and bicycle activity, especially to/from the BART station.

A5-5 **Comment 5.** BART understands that the conversion of one-way streets to two-way is an item identified for further study as a Phase II improvement (Page 2-12). Nonetheless, BART supports further study of this improvement as a priority.

A5-6 **Comment 6.** Please consider including the Broadway Transit Urban Circulator Study in the list of other relevant plans (1-5), and include some discussion of potential alignments for streetcar or bus circulator in Chapter 3.2 (and the Plan), as several of the alignments could operate within the Plan area.

A5-7 **Comment 7.** On page 3.2-47, the DEIR identifies the following potential impacts on "Transit Ridership" as a "non-CEQA topic:"

- Increase in the peak hour average ridership on BART by three (3) percent where the passenger volume would exceed the standing capacity of BART trains;
- Increase the peak hour average ridership at a BART station by three (3) percent where the average waiting time at fare gates would exceed one minute.

BART requests that the impacts on transit ridership be considered CEQA impacts. This was not done in previous DEIRs performed by the City of Oakland. Under the list of identified CEQA "thresholds of significance" for Transportation and Circulation, previous DEIRs have recognized that a significant impact can occur where a project might "[f]undamentally conflict with adopted

A5-7 policies, plans, or programs regarding public transit, bicycle, or pedestrian facilities, or otherwise decrease the performance or safety of such facilities." The inclusion of this threshold of significance is consistent with recent amendments to Appendix G of the CEQA Guidelines, which became effective July 16, 2010. Despite this acknowledgment of transit impacts as CEQA impacts, those DEIR have treated increases in both BART train and station capacity as non-CEQA issues even though the identified potential impacts in train and station capacity might "decrease the performance or safety of such facilities." An increase in peak hour ridership or lines for stations could well result in a decrease in the performance or safety of BART facilities. Thus, it is absolutely appropriate to treat impacts to transit ridership as CEQA impacts, and we would like to see this reflected in the EIR.

A5-8 **Comment 8.** Because the DEIR treats impacts to transit service as non-CEQA impacts, the analysis of impacts to BART service does not identify or, where necessary, mitigate potentially significant impacts to BART. This omission should be rectified and impacts to transit service should be analyzed as CEQA impacts.

A5-9 **Comment 9.** Page 3.2-16 states that "the 12th Street Oakland City Center BART Station…serves as a major transfer point and is a more attractive station for BART patrons destined for Richmond or Pittsburgh Bay Point." Additionally, more frequent peak hour service from these stations to San Francisco destinations may augment the attraction of the 12th Street Oakland City Center Station over the Lake Merritt Station. However, the DEIR does not evaluate potential impacts of the plan on the 12th Street Oakland City Center BART Station, which is a station with greater capacity constraints than the Lake Merritt BART Station but may be the preferable station choice for existing and future residents and workers in the Plan area.

This is particularly true given the increase in jobs near the 12th Street station within the plan versus the ACTC No Project Alternative, as jobs have the potential to generate a greater number of transit trips than housing, and the increase in housing in the Eastlake Gateway Plan area which is adjacent to the AC Transit BRT corridor with a transfer point at the 12th Street station.

A5-10 **Comment 10.** BART requests that a DEIR evaluation of 12th Street include:

- Increases in the peak hour average ridership on BART where the passenger volume would exceed the standing capacity of BART trains;
- Increases in the peak hour boardings and alightings at a BART station where the average waiting time at fare gates would exceed one minute;
- Increases in the peak hour boardings and alightings at a BART station where platforms exceed capacity;
- Increases in the peak hour average ridership at a BART station where station emergency evacuation may be affected (please refer to **Comment 11**);

A5-11 **Comment 11.** Pursuant to Section VII(g) of Appendix G of the CEQA Guidelines, a potentially significant impact may occur if a project would "impair implementation of or physically interfere

A5-11 with an adopted emergency response plan or emergency evacuation plan." BART has adopted emergency evacuation plans for both the 12th Street Oakland City Center Station and the Lake Merritt Station. We request that this issue be analyzed, in particular the Plan's impacts on the performance of station vertical circulation (elevators, stairways, and escalators) and platform capacity.

In 2009, BART completed a preliminary analysis of station capacity needs for the system. This analysis evaluates cumulative forecasted ridership growth for 2030 on the BART system using pre-Plan Bay Area growth estimates, which may have assumed less growth in the Lake Merritt Station Area Plan than reported in this DEIR. The study was not intended to provide a project-specific, micro-level analysis for the stations. However, this analysis does indicate that the Lake Merritt station has sufficient platform size, vertical circulation, and fare gate capacity to accommodate its 2030 projected peak boardings and alightings,[1] and for emergency evacuation. The study recommended two new sets of stairs at the Lake Merritt station to facilitate future vertical circulation, with a total estimated cost of $3 million.

Further, the study found that the 12th Street Oakland City Center station would not achieve 2030 performance targets[2] including upper platform and vertical circulation capacity for emergency evacuation of trains, lower platform overall capacity, and lower platform vertical circulation capacity for emergency evacuation of trains, and overall fare gate capacity needs. Recommended improvements in the study included expansion of both the upper and lower platforms, adding two emergency stairs on the upper and lower platforms and concourse, and adding 8 fare gates.

The impact on safety from increasing the number of passengers within the station complex, particularly during peak periods, must be analyzed in order to determine whether any significant impacts will result from the Plan and whether additional mitigation measures such as those described above might be necessary to ensure safety during emergency situations. Typically, it would be appropriate for a project contributing to such conditions to pay a "fair share" of the projected $45 million cost of mitigation improvements to the 12th Street station. This is particularly critical for the already-constrained 12th Street Oakland City Center station.

A5-12 **Comment 12.** Page 3.2-47 states that the DEIR will evaluate whether the Plan will increase peak hour average ridership where average waiting time at fare gates would exceed one minute. However no evaluation of waiting time at fare gates has been included. Please add evaluation of waiting time at fare gates. Per Comment 6, this comment applies to both the Lake Merritt and 12th Street Oakland City Center BART Stations.

A5-13 **Comment 13.** Page 3.2-156 to 3.2-162 (Criteria 10-14) describe specific changes to BART Access from the Station Area Plan including establishing clear connections with BART through the following improvements, among others:

- Providing 115 additional bike spaces to meet existing demand and 25 additional spaces by 2035;
- Moving BART police vehicle parking areas closer to the stairwells/elevator headhouse;

[1] 2,970 riders in AM Peak; 2,930 riders in PM Peak.
[2] For 6,231 riders in AM Peak; 6,563 riders in PM Peak.

A5-13

- Improving lighting for pedestrians particularly at bus waiting areas on Oak Street, 8th Street, and 9th Street;
- Enhancing AC Transit bus and shuttle access to BART through bus stop and waiting area improvements;
- Providing a NextBus arrival screen, transit kiosk, and language translation: *please refer to the respective transit agency translation requirements to accurately reflect BART and AC Transit's guidelines for number and types of languages to be translated.*

BART is supportive of all of these changes – with the modification suggested above – and is already working with the City and AC Transit to implement some of these items in the short-term, particularly modifications to the bus stops, parking, and bus waiting areas. BART recently installed 40 new bicycle lockers and additional bicycle parking in the paid area. BART looks forward to continuing to work with the City and AC Transit on these changes.

Parks and Recreation

A5-14 **Comment 14.** BART supports investments called for in the Plan to improve community access to nearby parks, expand Lake Merritt and Peralta Parks, and enhance the quality of park infrastructure and services available to residents. Quality, publicly accessible civic spaces are key to ensuring the success of transit-oriented development.

A5-15 **Comment 15.** BART acknowledges that the BART-owned plaza above Lake Merritt station serves a community role as a public gathering space, while also supporting the vision that future development adjacent to the BART station will play a key role in increasing transit ridership and achieving Plan, citywide, and regional goals. BART looks forward to working with the City and community to successfully achieve these goals without compromising neighborhood amenities.

A5-16 **Comment 16.** It is worth noting that BART is planning upgrades to its Operations Control Center located above the Lake Merritt station, which may change the plaza configuration.

A5-17 **Comment 17.** P. 3.5-7, "Park Land Standards" states that "The Planning Area's two special use parks and one neighborhood park together provide 4.1 acres of park land, translating to 0.7 acres per 1,000 residents…." The same paragraph also states that "If the two special use parks are also counted, the Planning Area has adequate neighborhood park acreage." Should this sentence refer to regional parks instead of special use parks, given that the special use parks were already included?

Public Services

A5-18 **Comment 18.** Pursuant to Section VII(g) of Appendix G of the CEQA Guidelines, a potentially significant impact may occur if a project would "impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan." BART maintains emergency evacuation plans for its stations. As stated above in **Comment 11,** 2030 ridership levels at 12th street (using projections that did not account for additional growth in Plan Bay Area) will require improvements to both the lower and upper platforms, as well as vertical circulation, in order to maintain emergency evacuation standards. The addition of riders from the

A5-18 Plan passing through both the 12th Street and Lake Merritt stations should be considered, to determine whether the Plan would have further effects on emergency evacuation.

A5-19 **Comment 19.** While the DEIR analyzes the Plan's potential impacts on the City's Police, Fire and Emergency Services (3.6), and describes the BART Police headquarters as part of public safety services, it does not take into account the Plan's potential impacts on BART's police force.

Analysis of Alternatives

A5-20 **Comment 20.** Given BART's position stated in **Comment 7** that impacts on transit ridership should be considered CEQA impacts, BART requests that impacts on transit ridership be evaluated as part of the alternatives in Chapter 4.

A5-21 **Comment 21.** BART endorses the implementation of strategies described in the Enhanced TDM Alternative (Table 4.2-2 on Page 4-9), and in particular would support the creation of a Transportation Management Association for the entire Plan area, to manage both residential and employer based transportation management programming.

A5-22 **Comment 22.** As stated on Page 4-89, the reduced scope alternative would not be as successful at achieving a high-density transit-oriented vision for the station area. This may also have negative environmental impacts at the regional scale. Therefore BART does not support the reduced scope alternative.

RESPONSES TO A5: BART (12/20/13)

A5-1: The comment's support for the Station Area Plan and its approach to land use and circulation is noted.

A5-2: The roadways listed on pages 3.2-1 to 3.2-4 of the DEIR are key local roadways in the Planning Area based on City of Oakland classifications. Oak Street is described as an arterial roadway on page 3.2-3, but is mistakenly combined with the description of Embarcadero West. The text in the DEIR has been edited to separate the Oak Street description as its own paragraph. (See page 3-7 of Chapter 3 of this FEIR.) However, the reference to modal priorities listed on pages 3.2-44 and 3.2-45 refer to the City of Alameda classifications and would not apply to Oak Street.

A5-3: See Response to Comment A4-4.

A5-4: See Response to Comment A4-4.

A5-5: The support of BART for further study of the conversion of one-way streets to two-way streets is noted. Also see Master Response MR-7 Conversion of Streets to Two-Way Travel.

A5-6: This comment regarding the Broadway Transit Urban Circulator Study pertains exclusively to the merits of the Station Area Plan and does not pertain to the adequacy of the analysis in the DEIR. The BTUC Study is in progress with a tentative completion date of October 2014, and no particular project has been approved by the City. Please see Master Response MR-1: Station Area Plan Merits and Related Non-CEQA Topics in this chapter of the FEIR.

A5-7: The comment is requesting that the impacts on transit ridership be considered as a CEQA issue.

The Station Area Plan's effects on BART service are not CEQA impacts, because transit load is not part of the permanent physical environment and because of the transitory nature of both transit ridership and service in general. Transit ridership changes over time in response to changes in transit service as well as external factors, such as gas prices, parking availability, and economic conditions that affect unemployment levels. However, since the City of Oakland wants to understand the project's potential effect on transit ridership, such analysis is included in the DEIR as a non-CEQA topic for informational purposes.

The commenter also states that the increase in transit ridership should be considered a CEQA impact because it may "fundamentally conflict with adopted policies, plans, or programs, regarding public transit, bicycle, or pedestrian facilities, or otherwise decrease the performance or safety of such facilities."

The City recognizes that adoption and development under the Station Area Plan is projected to increase BART ridership, increased ridership attributable to the Station

Area Plan would not directly constitute a decrease in the "performance or safety" of public transit facilities such that major infrastructure such as stations and tracks would require improvements to operate effectively or safely. Transit riders will adapt their travel behavior depending upon the availability and performance of the transit service and their access to the transit service.

The City welcomes a joint effort with BART and other local and regional partners in developing a regional approach to ensuring that development projects make contributions to transit improvements commensurate with their effect on transit service. However, any such approach should be a comprehensive, logical, and fair process that assesses contributions reasonably accurately and across all development projects. An "ad hoc" approach that targets specific developments such as the proposed Project without a set of well-defined criteria or methodologies is neither logical nor fair.

A5-8: See Response to Comment A5-7.

A5-9: The comment notes that the informational analysis of impacts of the Station Area Plan at the 12th Street Oakland City Center BART station are not included in the DEIR. The 12th Street City Center BART station while not within the Station Area, may be the preferred station for many future Planning Area workers and residents. The BART ridership shown in Table 3.2-36 and Table 3.2-37 reflects system-wide totals for those routes that serve the Lake Merritt BART station. These ridership numbers have been updated to include those routes that serve the 12th Street BART station. (See Chapter 3 of this FEIR.)

A5-10: The comment requests that an evaluation of the 12th Street BART station include increase in peak hour average ridership, boardings and alightings, which affect standing capacity, wait time at fare gates, platform capacity, and station emergency evacuation.

Ridership projections (Tables 3.2-36 and 3.2-37) and passenger loading (Table 3.2-39) have been updated to include the additional lines that serve the 12th Street BART station. (See revised tables in Chapter 3 of this FEIR.) The additional ridership on trains at the 12th Street and Lake Merritt station during the peak hour is estimated at about 855 riders with 695 boardings and 160 alightings during the AM peak hour based on an average 40% transit mode share reduction. With about 31 trains during the peak hour serving both stations, the Station Area Plan would result in average of about 28 riders per train. An increase at this scale would not be sufficient in and of itself to require new station infrastructure.

The analysis in the DEIR included the daily and PM peak hour ridership and AM passenger load, detailed transit station access analysis was not included in the DEIR as part of the non-CEQA analysis. Station emergency evacuation is addressed in response to comment A5-11.

A5-11: The comment requests evaluation of impacts to the emergency response plan and emergency evacuation plan, specifically the Station Area Plan's impact on the performance of station vertical circulation and platform capacity.

The City appreciates and acknowledges the information provided by BART regarding the station capacity needs for the 12th Street and Lake Merritt stations. However, increased transit ridership would not alone require the recommended improvements to the Lake Merritt and 12th Street stations as noted in the comment. The increased ridership from the Station Area Plan would not "impair implementation or physically interfere with" BART's adopted emergency evacuation plan. Rather the improvements to access at the Lake Merritt station identified in the Station Area Plan would support the evacuation plans. The Station Area Plan would not physically alter the layout of the station or its vertical circulation systems. As a result, the Specific Plan would not be considered to result in a hazard impact under Section VII(g) due solely to generating additional ridership at these stations.

As noted in the comment, BART's preliminary analysis in 2009 found the Lake Merritt station had "sufficient platform size, vertical circulation, and fare gate capacity to accommodate its 2030 project peak boardings and alightings (of 2,070 riders in AM peak and 2,930 in PM peak), and for emergency evacuation. Based on the 2035 ridership forecasts comparing No Project (based on the ABAG Projections 2009) to the Project, the systemwide ridership shows a 3 percent decrease in daily and PM peak hour ridership with the Project.

A5-12: The comment is requesting evaluation of wait time at fare gates. A discussion of BART station capacity has been added to the DEIR (see Chapter 3, pages 3-27 to 3-28 of this FEIR) and is included below.

Based on the estimated added passengers per car during the AM peak hour due to the project, the project is expected to add 855 passengers to the 12th Street and Lake Merritt stations during the AM peak hour. As indicated in comment A5-11, the preliminary analysis of station capacity completed in 2009 by BART indicates that the "Lake Merritt station has sufficient platform size, vertical circulation, and fare gate capacity to accommodate its 2030 projected peak boardings and alightings and for emergency evacuation." This BART study found that the 2030 projected peak boardings and alightings to be 2,970 riders in the AM peak and 2,930 riders in the PM peak at Lake Merritt station and 6,231 riders in the AM peak and 6,563 riders in the PM peak at the 12th Street station. Assuming about half use each station, the estimated added passengers during the peak hours is about 425 riders. The estimated added passengers due to the project during the peak hours at these two stations amounts to about 14% at Lake Merritt and 7% at 12th Street of the projected peak in 2030.

The City welcomes a joint effort with BART and other local and regional partners in developing a regional approach to ensuring that development projects make contributions to transit improvements commensurate with their effect on transit service. However, any such approach should be a comprehensive, logical, and fair

process that assesses contributions reasonably accurately and across all development projects. An "ad hoc" approach that targets specific developments such as the proposed Project without a set of well-defined criteria or methodologies is neither logical nor fair.

A5-13: BART's support of the Station Area Plan's recommendations to establish clear connections with BART is noted. The requested modification to the recommendations regarding language translation pertains to the merits of the Station Area Plan; see Master Response MR-1.

A5-14: The comment's support for the investments in parks and access to parks included in the Station Area Plan is noted.

A5-15: The comment's acknowledgment of the value of the BART plaza as a community gathering space, support for the vision for future development adjacent to the BART station, and commitment to working with the City and the community to achieve Station Area Plan goals, is noted.

A5-16: BART's plan to upgrade the Operations Control Center located above the Lake Merritt Station is noted.

A5-17: The two statements from the DEIR identified in the comment are intended to refer to two different park land standards: the first case cites the City's standard for park acreage, while the second case concerns the City's standard size for a neighborhood park. See Chapter 3 of this FEIR and below, for a revision to this paragraph that removes this confusion:

Park Land Standards

The Planning Area's two special use parks and one neighborhood park together provide 4.1 acres of park land, translating to 0.7 acres per 1,000 residents, falling short of the City's standard (four acres per 1,000). Lincoln Square Park, the one neighborhood park, is 1.4 acres in size, about half of what the Planning Area should have based on the service goal for neighborhood parks. ~~If the two special use parks are also counted, the Planning Area has adequate neighborhood park acreage. However, it lacks a single park meeting the General Plan's size standard for a neighborhood park.~~

See response to comment B3-15 below for a detailed description of impacts to park lands.

A5-18: See Response to Comment A5-11.

As noted by the comment, while the DEIR describes existing BART police services and facilities, it does not consider potential impacts related to BART police service as a result of the Station Area Plan. New analysis is added to the discussion of Impact PUB-2 in response to this comment. The impact conclusion for PUB-2 remains less than significant. See Chapter 3 of this FEIR.

A5-19: The comment request transit ridership be included in the Analysis of Alternatives in the DEIR. However, since transit ridership is not a CEQA topic as described in Response to Comment A5-7, this is not discussed in the Alternatives Analysis.

A5-20: BART's support for the Enhanced TDM Alternative is noted. Please refer to Master Response MR-4 for discussion of why this alternative was not selected.

A5-21: The comment's agreement with the DEIR's statement regarding the Reduced Scope Alternative is noted, as is BART's lack of support for the Reduced Scope Alternative.

STATE OF CALIFORNIA—CALIFORNIA STATE TRANSPORTATION AGENCY EDMUND G. BROWN Jr., Governor

DEPARTMENT OF TRANSPORTATION
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OAKLAND, CA 94623-0660
PHONE (510) 286-5541
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December 18, 2013

ALA880701
ALA-880- 31.3
SCH#2012032012

Ms. Christine Ferracane
City of Oakland
250 Frank H. Ogawa Plaza, Suite 3315
Oakland, CA 94612

Dear Ms. Ferracane:

Lake Merritt Station Area Plan – Draft Environmental Impact Report

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

A6-1

Traffic Study
Under Project Trip Generation on page 3.2-53, it references Appendix D for detailed trip generation information. However, we were not able to locate Trip Generation information in Appendix D. Please include a table within the Transportation and Traffic section of the DEIR that compares trip generation for project and no project scenarios for 2020 and 2030.

A6-2

Impacts to State Facilities
As stated in our Notice of Preparation letter, to fully analyze impacts to the State Highway System, the DEIR should include analysis of all State facilities including on and off-ramps within the Plan's vicinity. However, the DEIR only includes analysis of local intersections and freeway segments. Please provide freeway on and off-ramp analysis for our review.

A6-3

Mitigation Measures
The proposed project will generate approximately 26,837 daily, 2,095 AM and 2,395 PM trips in which a large percentage of these trips will use Interstates (I-) 880 and 980. These additional trips will further exacerbate existing poor levels of service and increase delays on these freeways. Since the DEIR did not include any mitigation measures to mitigate impacts to the State Highway System (SHS) from the Plan, we would like to coordinate with the City to develop mitigation measures that would benefit the traveling public. One of these measures could be support of the I-880 Integrated Corridor Management North Alameda Segment project. The goal of the project is implement intelligent transportation infrastructure to facilitate the active management of traffic that naturally diverts onto local streets caused by major incidents that occur on I-880. To adequately fund traffic improvements on the (SHS) within the vicinity, Caltrans recommends the City develop a fair share contribution program within this Plan.

A6-4

Transportation Demand Management

The DEIR mentions Transportation Demand Management (TDM) measures under the City of Oakland's Standard and Uniformity Applied Conditions of Approval (SCAs) to reduce vehicular impacts. Please discuss how these TDM measures are enforced and monitored. Further, it appears that these SCAs only apply to projects that are 50 or more new residential units or 50,000 sq.ft or more of new non-residential space. For projects that do not meet this threshold, please discuss other strategies the City has to reduce vehicular impacts on local and State roadways.

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

Sincerely,

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

c: State Clearinghouse

RESPONSES TO A6: CALIFORNIA DEPARTMENT OF TRANSPORTATION (12/18/13)

A6-1: Detailed project trip generation is provided in Appendix D of the DEIR, on pages 533 to 631. Trip generation includes calculation of internal trip capture for mixed use developments as well as mode split reductions for daily, AM and PM peak hours per ITE for each potential development site.

A6-2: The comment requests the analysis of freeway on- and off-ramps ramps to fully analyze impacts to the State Highway System. The DEIR analyzes the impacts to local intersections and freeway segments. The freeway analysis shows no impact, except on the segment of I-880 between Fifth Avenue and Oak Street under Existing Plus Project conditions. This segment of I-880 failed to meet Caltrans LOS standard without the addition of project traffic. Given the limited effects of the increased volumes from the proposed project on freeway segments, the analysis of key intersections that function as ramps, such as at 5th and 6th Streets at Oak Street,12th at Brush/I-980 off-ramp, and 6th at Jackson, captures the effects of the project at the interface between the ramps and the local roadways.

A6-3: Caltrans requests coordination with the City to develop measures to mitigate the significant and unavoidable impacts to the State Highway System, including supporting and contributing fair share to the I-880 Integrated Corridor Management North Alameda Segment project. The City welcomes a joint effort with Caltrans and other local and regional partners in developing a regional approach to ensuring improvements to State Highways. However, any such approach should be a comprehensive, logical, and fair process that assesses contributions reasonably accurately and across all jurisdictions and projects.

A6-4: The Transportation Demand Measures (TDMs) within the City of Oakland's Standard and Uniformity Applied Conditions of Approval (SCAs) are enforced and monitored through the development review process for specific development projects, which would occur outside of the CEQA document. While TDMs and other such strategies to reduce auto trips have been shown to be effective based on available research, the actual reduction for a specific TDM plan is difficult to quantify due the varying effects of some TDM strategies and accounting of the interaction among TDM strategies. Therefore, TDMs were considered in the analysis resulting in a modest reduction to auto trips, but the specific effect of the reduction on intersection LOS or other CEQA impacts was not quantified and TDMs were not applied as mitigation measures to address CEQA impacts.

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

EDMUND G. BROWN JR.
GOVERNOR

KEN ALEX
DIRECTOR

December 19, 2013

Christina Ferracane
City of Oakland
250 Frank H. Ogawa Plaza, Suite 3315
Oakland, CA 94612

Subject: Lake Merritt Station Area Plan
SCH#: 2012032012

Dear Christina Ferracane:

The State Clearinghouse submitted the above named Draft 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 December 18, 2013, 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:

> "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# 2012032012
Project Title Lake Merritt Station Area Plan
Lead Agency Oakland, City of

Type EIR Draft EIR

Description The Lake Merritt Station Area Plan will be a 25-year planning document for the area around the Lake Merritt BART Station, generally bounded by 14th Street to the north, I-880 to the south, Broadway to the west and 5th Avenue to the east. The Plan will include recommendations for Improvements to streets, open spaces and new development.

Lead Agency Contact

Name Christina Ferracane
Agency City of Oakland
Phone 510 238 3903 **Fax** 510 238-6538
email emanasse@oaklandnet.com
Address 250 Frank H. Ogawa Plaza, Suite 3315
City Oakland **State** CA **Zip** 94612

Project Location

County Alameda
City Oakland
Region
Lat / Long 37° 7.9' N / 122° 2.65' W
Cross Streets Bounded generally by Broadway, 14th Street, 5th Avenue, and I-880
Parcel No. Various
Township **Range** **Section** **Base**

Proximity to:

Highways I 880
Airports No
Railways UPRR / Amtrak
Waterways L. Merritt Channel, L. Merritt, Oakland Estuary, SF Bay
Schools Lincoln ES, DEC, others
Land Use Central Business District, Community Commercial, Mixed Use, Urban Residential, Institutional, Office, Industrial, Open Space

Project Issues Aesthetic/Visual; Air Quality; Archaeologic-Historic; Biological Resources; Drainage/Absorption; Economics/Jobs; Flood Plain/Flooding; Forest Land/Fire Hazard; Geologic/Seismic; 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

Reviewing Agencies Resources Agency; Department of Fish and Wildlife, Region 3; Department of Parks and Recreation; Department of Water Resources; California Highway Patrol; Caltrans, District 4; Air Resources Board; Air Resources Board, Transportation Projects; Regional Water Quality Control Board, Region 2; Native American Heritage Commission; Public Utilities Commission

Date Received 11/04/2013 **Start of Review** 11/04/2013 **End of Review** 12/18/2013

STATE OF CALIFORNIA—CALIFORNIA STATE TRANSPORTATION AGENCY EDMUND G. BROWN Jr., Governor

DEPARTMENT OF TRANSPORTATION
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Clear
12/18/13
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Flex your power!
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December 18, 2013

ALA880701
ALA-880-31.3
SCH#2012032012

Ms. Christine Ferracane
City of Oakland
250 Frank H. Ogawa Plaza, Suite 3315
Oakland, CA 94612

Dear Ms. Ferracane:

Lake Merritt Station Area Plan – Draft Environmental Impact Report

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

A7-1 ***Traffic Study***
Under Project Trip Generation on page 3.2-53, it references Appendix D for detailed trip generation information. However, we were not able to locate Trip Generation information in Appendix D. Please include a table within the Transportation and Traffic section of the DEIR that compares trip generation for project and no project scenarios for 2020 and 2030.

A7-2 ***Impacts to State Facilities***
As stated in our Notice of Preparation letter, to fully analyze impacts to the State Highway System, the DEIR should include analysis of all State facilities including on and off-ramps within the Plan's vicinity. However, the DEIR only includes analysis of local intersections and freeway segments. Please provide freeway on and off-ramp analysis for our review.

A7-3 ***Mitigation Measures***
The proposed project will generate approximately 26,837 daily, 2,095 AM and 2,395 PM trips in which a large percentage of these trips will use Interstates (I-) 880 and 980. These additional trips will further exacerbate existing poor levels of service and increase delays on these freeways. Since the DEIR did not include any mitigation measures to mitigate impacts to the State Highway System (SHS) from the Plan, we would like to coordinate with the City to develop mitigation measures that would benefit the traveling public. One of these measures could be support of the I-880 Integrated Corridor Management North Alameda Segment project. The goal of the project is implement intelligent transportation infrastructure to facilitate the active management of traffic that naturally diverts onto local streets caused by major incidents that occur on I-880. To adequately fund traffic improvements on the (SHS) within the vicinity, Caltrans recommends the City develop a fair share contribution program within this Plan.

A7-4

Transportation Demand Management

The DEIR mentions Transportation Demand Management (TDM) measures under the City of Oakland's Standard and Uniformity Applied Conditions of Approval (SCAs) to reduce vehicular impacts. Please discuss how these TDM measures are enforced and monitored. Further, it appears that these SCAs only apply to projects that are 50 or more new residential units or 50,000 sq.ft or more of new non-residential space. For projects that do not meet this threshold, please discuss other strategies the City has to reduce vehicular impacts on local and State roadways.

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

Sincerely,

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

c: State Clearinghouse

RESPONSES TO A7: CALIFORNIA OFFICE OF PLANNING AND RESEARCH (12/19/13)

A7-1: See response to A6-1.

A7-2: See response to A6-2.

A7-3: See response to A6-3.

A7-4: See response to A6-4.

City of Alameda • California

December 19, 2013,

Christina Ferracane,
Strategic Planning, City of Oakland, Planning and Building Department,
250 Frank H. Ogawa Plaza, Suite 3315,
Oakland, CA 94612

Subject: Comments on Draft Environmental Impact Report for Lake Merritt Station Area Plan. (State Clearinghouse No. 2012033012)

Dear Ms. Ferracane:

The City of Alameda ("Alameda") appreciates the opportunity to comment on the Draft Environmental Impact Report ("DEIR") for the Lake Merritt Station Area Plan ("Plan"). As Oakland's neighbor, Alameda is particularly interested in Oakland's plans for developing the Lake Merritt Station Area, Chinatown, and the lands adjacent to the I-880 and Broadway and Jackson access ramps to I-880. These regional roadways and the access to the freeway are essential to the economic health of the region and the City of Alameda.

A8-1 Inadequate Standards: The City of Alameda is concerned that the City of Oakland does not utilize consistent, adequate, or understandable standards and thresholds for evaluating environmental impacts. In fact we are concerned that the City of Oakland changes its standards on a regular basis to accommodate its planning or political agenda, irrespective of its obligations under CEQA to objectively evaluate the effect of its projects on the environment. On October 21, 2013, the City of Alameda received a letter from the City of Oakland Environmental Review Officer, Ms. Rachael Flynn, Director of Planning and Building commenting on Alameda's draft EIR for the Alameda Point Project. (See Exhibit A.) Ms. Flynn's letter establishes expectations, standards, and requirements for CEQA compliance by the City of Alameda that the Lake Merritt Plan EIR seems to ignore.

A8-2 For example, Alameda is concerned that the Lake Merritt Plan DEIR understates the potential impacts to pedestrian safety and traffic, especially in the Chinatown neighborhood. Ms. Flynn characterized the traffic from the Alameda Point project with 1,425 residential units on Chinatown as "severe" and demanded mitigation for pedestrian safety impacts. The Lake Merritt Plan allows for ***32,600 housing units***, and the Lake Merritt EIR finds that there would be no impact to pedestrian safety in Chinatown. This conclusion must be revisited, and mitigation measures reconsidered.

Sea Level Rise

A8-3 Ms. Flynn's letter expresses Oakland's concerns that Alameda's plan to address sea level rise with an 18 inch berm will flood the Port of Oakland and the waterfront areas of Oakland. Based upon Ms. Flynn's logic, the Port of Oakland, Jack London Square and the entire Lake Merritt basin

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A8-3 and the surrounding roadways (Lakeshore Boulevard, etc.) in the heart of the Lake Merritt plan area will be completely inundated by sea level rise (and Alameda Point's 18 inch berm). In contrast, the Lake Merritt EIR does not identify any significant sea level rise impacts in the project area. Please explain how an improvement by Alameda to protect a portion of Alameda will cause sea level rise impacts on Oakland that Oakland apparently believes do not exist without the Alameda Point project?

The DEIR Does Not Adequately Analyze Potential New Development Permitted by the Plan.

The Plan is a "Specific Plan" for the area within approximately 1/2 mile of Lake Merritt BART station. DEIR at 2-1; Plan at 1-2. This area encompasses Chinatown, Laney College, the Oakland Museum of California, and the Alameda County Courthouse and offices. *Id.* The policies and
A8-4 programs contained in the Plan set out the roadmap for development in this area. According to the DEIR, these policies and programs could permit as many as 32,600 new residential units; 31,000 additional households; 7,596,000 additional square feet of retail; 23,109,000 additional square feet of office space; 2,031,000 additional square feet of institutional space; and 81,500 new jobs in this area. *See* ES-11 (Table ES-2).

Although the Plan would permit this amount of new development, the "project" analyzed in the Plan DEIR is much smaller in scope: 4,900 new residential units; 7,600 additional households; 1,247,000 additional square feet of retail; 2,251,000 additional square feet of office space; 3,575,000 additional square feet of institutional space; and 21,900 new jobs. *See id.* According to the DEIR, this dramatically reduced development is what "can be reasonably expected to occur in the Planning Area over the next 25 years . . . . The reasonably foreseeable maximum development that is the basis of this EIR analysis is different from the theoretical ultimate development potentially in the Planning Area that would be permitted by full build out under the revised General Plan and Planning Code regulations."DEIR at 2-27.

The DEIR attempts to justify its more limited environmental review by stating that it is "highly unlikely" that all of the development permitted by the Plan will actually occur. *See* DEIR at 4-14. Thus, the DEIR suggests, it need only analyze the impacts associated with some lesser amount of development believed to be "reasonable" by the City,[1] even though the Plan actually allows much more development to occur.

The DEIR's methodology—analyzing impacts caused by development the City believes will occur instead of development permitted by the City's action—does not provide an accurate project description, dramatically understates the potential environmental impacts of the proposed project, and is not permitted under CEQA.

Courts have held that, when analyzing the environmental impacts of a general plan or other planning document, the lead agency must analyze"the future development *permitted* by the [plan]. . . . Only then can the ultimate effect of the [plan] upon the physical environment be addressed."*Christward Ministry v. Superior Court of San Diego County*, 184 Cal.App.3d 180,

[1] Throughout this letter, "City" refers to the City of Oakland and "Alameda" refers to the City of Alameda.

A8-4

194 (1986): (emphasis added); *see also City of Redlands v. County of San Bernardino*, 96 Cal.App.4th 398, 409 (2002) (quoting same).

Following these cases, at least one Superior Court has rejected the approach used in Oakland's DEIR. *SeeSierra Watch v. Placer County*, Case No. SCV 16652 (Decision Granting Writ of Mandamus) (May 3, 2005), attached hereto as Exhibit B. In that case, the petitioners challenged the environmental review conducted for a community plan that was to govern development in the Martis Valley, just north of the Tahoe Basin. Like the DEIR for this project, the EIR prepared for the Martis Valley Community Plan analyzed the impacts of developing only a fraction of residential units and commercial space actually permitted by the community plan. So, while the community plan allowed 19,000 residential units and up to 5 million square feet of commercial space, the EIR only evaluated the environmental impacts of the project based on estimates of approximately 9,000 residential units and 1.1 million square feet of commercial space. *Id.* at 3. The County attempted to support these reduced numbers by pointing to a study suggesting that, on average, only 80% of permitted development was likely to actually occur. *Id.* at 7.

The court found this analysis inadequate, holding "the time to study the likely [e]ffects of specific and cumulative impacts [caused by the community plan] is at the time that the potential for development is known, whether or not that development actually occurs."*Id.* at 13. The court then described the result of the EIR's failure to analyze full build-out:

> Petitioners are correct in their assertion that the EIR failed to study the full scope of *permissible development and construction* under the [community plan]. This failure resulted in artificially limited studies of environmental impacts. . . . Flowing from this inadequacy are the mitigation measures proposed in the [community plan] which naturally fail to study and address the true nature and scope of the environmental consequences of the plan as adopted. Because of these combined failures, the Board of Supervisors was not provided with the real and potential magnitude of the environmental impacts of the proposed Community Plan. Accordingly, the County has not proceeded in a manner required by law . . . .

Id. at 15 (emphasis added).

Accordingly, the Plan DEIR errs in failing to analyze the environmental impacts of full build-out. If the City does not wish to have to analyze the decidedly more significant impacts of full build-out, it should adopt different policies and programs or otherwise cap development at the amount analyzed in the DEIR. As it is, however, the DEIR is inadequate because it is not a study of the "project" that is actually proposed by the City.

Analyzing full build-out as an *alternative* to the "project" does not solve the DEIR's problem. It is a clever, but transparent dodge. An alternatives analysis, by its nature, is far less detailed than the project impact analysis. Table 4.4-1 indicates that full build-out would have many more significant and unavoidable environmental impacts than the "project" analyzed in the DEIR. Yet the "theoretical maximum build out alternative" is given only two paragraphs of impact analysis

A8-4 discussion. 4-87. That is simply not sufficient to convey to the public and decision makers the potentially significant impacts associated with this Plan.

This impermissibly limited analysis becomes even more problematic when one considers that the City intends to tier off of the Plan EIR "to the maximum feasible extent, so those future environmental reviews of specific projects are expeditiously undertaken without the need for repetition and redundancy."DEIR at 1-5. At the very least, the City may not tier off of this environmental document if actual development in the Plan area exceeds development analyzed in the Plan EIR.

In sum, by analyzing the environmental impacts of a mere fraction of the development permitted by the Plan, the DEIR dramatically understates the Plan's impacts in all impact areas. Accordingly, the DEIR must be revised and recirculated.

A8-5 <u>DEIR Understates Pedestrian Safety Impacts on Chinatown</u>

The entire Project planning area is designated as a part of Oakland's Downtown Pedestrian District, where every street is designated as a "pedestrian route" and is therefore subject to conformance with Oakland's Pedestrian Master Plan. DEIR at 3.2-17. The Pedestrian Master Plan's first stated goal is pedestrian safety. Oakland pedestrian fatalities are three times higher than the national average and most pedestrian/vehicle collisions occur in downtown and Chinatown. Pedestrian Master Plan at 20 and 52. For the period between 2005 and 2010 there were ***68 pedestrian or bicycle collisions*** at study area intersections. DEIR at 3.2-27. These data directly indicate that a considerable safety problem exists in the study area today.

In addition, the DEIR discloses that the proposed Plan would dramatically increase traffic volumes in the Plan area, resulting in significant unavoidable adverse impacts to at more than 20 intersections. DEIR at ES 17-32. According to the City's own planning documents, this increase in traffic volumes translates to increased risks to pedestrian safety. City of Oakland Pedestrian Master Plan at 9. As explained in the Pedestrian Master Plan "[H]igh speeds and volumes of motor vehicles can create safety concerns for pedestrians and residents. *Id.*

Given the existence of this existing public safety risk, the DEIR must thoroughly examine the Project's potential to increase this risk. Instead, the DEIR uses inadequate thresholds of significance to conclude that the Plan will have less-than-significant impacts on pedestrian safety. For example, the thresholds used in the DEIR do not include "substantial increase in traffic volume" DEIR at 3.2-41 and 3.2-42. Such a threshold is critical because of the direct link between traffic volume and pedestrian safety.

Inasmuch as the DEIR clearly acknowledges that the Project will substantially increase traffic and pedestrian volumes in communities like Chinatown that are already plagued with high pedestrian collision rates, there is no logical explanation as to why the document does not analyze these impacts. It appears that Chinatown has been ignored by Oakland's planning department.

A8-6 The DEIR's conclusion that there will be no impacts to pedestrian safety is in direct conflict with Ms. Flynn's letter to Alameda, indicating that that Alameda Point Project will have "severe" impacts on Chinatown and that pedestrian safety impacts must be mitigated. *See* Flynn Ltr. at 2

A8-6 (Point 3). Please explain how between October 21 and November 5th, the City of Oakland Environmental Review Officer can decide that pedestrian safety is not a problem in Chinatown? Conditions in Chinatown did not change during this period. ***How is it that the City of Oakland EIR finds that the residents of Chinatown will not be subject to a greater likelihood of being involved in a potentially injury-causing collision as a result of implementation of the proposed project?*** The DEIR must be revised to include a detailed analysis of project related safety impacts and to identify needed mitigation measures.

A8-7 <u>The DEIR Fails to Identify Feasible Mitigation Measures for the Project's Public Safety Impacts</u>

Consistent with the DEIR's flawed approach to analyzing the Project's public safety impacts, the DEIR also fails to identify feasible mitigation for these impacts. Had the DEIR analyzed and disclosed all of the public safety impacts and compared those to reasonable thresholds of significance, it would have found that the Project will have a significant effect on pedestrians and bicyclists. With this significance determination comes CEQA's mandate to adopt feasible mitigation measures that would reduce or avoid the impact. CEQA Guidelines § 15126.3(a)(l); *see also Woodward Park Homeowners Ass'n, Inc. v. City of Fresno* (2007) 150 Cal. App. 4th 683,724 ("The EIR also must describe feasible measures that could minimize significant impacts."). Under CEQA, "public agencies should not approve projects as proposed if there are feasible alternatives or feasible mitigation measures available which would substantially lessen the significant environmental effects of such projects."*Berkeley Keep Jets Over the Bay Comm. v. Bd. of Port Comm'rs* (2001) 91 Cal.App.4th 1344,1354 (quoting Pub. Res. Code § 21002). Accordingly, CEQA requires lead agencies to identify and analyze all feasible mitigation, even if this mitigation will not reduce the impact to a level of insignificance. CEQA Guidelines §15126.4(a) (1)(A) (discussion of mitigation "shall identify mitigation measures for each significant environmental effect identified in the EIR"); *see alsoWoodward Park Homeowners Ass'n, Inc. v. City of Fresno* (2007) 150 Cal.App.4th at 724 ("The EIR also must describe feasible measures that could minimize significant impacts.").

Here, the DEIR fails to comply with this mandate in at least four ways.

A8-8 *First*, and most importantly, the DEIR fails to consider feasible measures that would reduce impacts to pedestrian safety. Specifically, the DEIR refuses to consider converting one-way streets to two-way, among other possible measures, and instead defers consideration of such measures to an unspecified future date because they would require technical and/or feasibility studies. DEIR at 2-12. However, the DEIR fails to disclose the extensive body of research and numerous recommendations prepared by the Alameda County Transportation Commission ("ACTC") and the Oakland Chinatown community related to public safety issues in the planning area. For more than a decade the community and ACTC have worked to identify specific improvements to mitigate, reroute, and improve pedestrian circulation and safety in Chinatown. The Draft EIR fails to disclose that despite repeated plans and recommendations by the Chinatown community dating back to the 2002 Chinatown Pedestrian Plan to convert the existing one way street network into a two way, pedestrian friendly street network to improve pedestrian safety, the City of Oakland has failed to accept Chinatown's recommended mitigation. As explained in the attached article by the National Main Street Center[2], where pedestrians are

[2] A subsidiary of the National Trust for Historic Preservation.

A8-8 present, operating speeds should be low -- 15 to 20 miles per hour. http://www.preservationnation.org/main-street/main-street-news/2002/06/converting-one-way-to-two-way.html . One-way streets, especially one-way road pairs of 10 to 15 blocks in length, tend to encourage higher operating speeds, usually in the range of 35 to 40 mph. *Id.* These higher speeds add to public safety risks. *Id.* ***The EIR must disclose why the City of Oakland rejects these feasible and appropriate mitigations to mitigate pedestrian safety impacts.***

A8-9 *Second*, the DEIR identifies proposed policies that will supposedly reduce the Plan's traffic impacts, but in fact are vague and unenforceable. *See* DEIR at 3.2-155 – 3.2-163. Mitigation measures must be "fully enforceable" and the lead agency must provide assurance that the measures will actually be implemented. Pub. Res. Code $ 21081.6(b); CEQA Guidelines § 15126.4(a)(2); *Anderson First Coalition v. City of Anderson* (2005)130 Cal.App.4th 1173,1186-87 ; *Fed'n of Hillside & Canyon Ass'ns v. City of Los Angeles* (2000) 83 Cal.App.4th 1252,1261. The DEIR even admits that "the effects of these policies on traffic level of service cannot be ascertained" and so they are listed for informational purposes only. DEIR at 3.2-155. Thus, the DEIR provides no evidence to support its conclusion that the Plan policies will effectively reduce impacts to public safety.

A8-10 *Third*, the DEIR in several places concludes that the Project will result in significant impacts but fails to identify feasible mitigation. Specifically, the DEIR concludes that impacts to Alameda pedestrians at the intersections of Constitution Way and Marina Village Parkway and Constitution Way and Atlantic Avenue would be significant and unavoidable. DEIR at 3.2-165 and 3.2-166. The DEIR fails to provide support for its statement that no mitigation is feasible to reduce these impacts. In fact, a review of the Alameda Point draft EIR reveals a number of mitigations that are available to minimize impacts to pedestrians from additional traffic.

A8-11 *Fourth*, the Lake Merritt DEIR seems to be ignoring or hiding mitigations that are known to Ms. Flynn. According to Ms. Flynn's letter on the Alameda Point EIR(page 4), one feasible mitigation measure is that "signalized intersections with significant and unavoidable impacts shall be brought up to current signal standards to aid the signal in handling the impacts caused by the project traffic and bring a nominal improvement to the LOS at the intersection. Please note that this applies to all signalized intersections with significant and unavoidable impacts." Ms. Flynn specifically identifies the intersection of 6th and Jackson and Brush and 11th. Yet, in the Lake Merritt Plan EIR this mitigation measure is found to be infeasible at these same locations. *See, e.g.*, ES-31 (finding no mitigation feasible for traffic impacts to Jackson and 6th Streets). Oakland can not have it both ways; the approach taken by Oakland is patently disingenuous.

Ms. Flynn's letter demands payment for mitigation at the intersection of 6th and Jackson. Then one week later, the Lake Merritt DEIR is released and finds that there is no feasible mitigation for the impacts at 6th and Jackson. Please explain how Oakland's proposed mitigation for 6th and Jackson mysteriously disappeared.

DEIR Understates and Hides Transportation Impacts to Bicycles, Pedestrians, and Transit in Alameda.

A8-12 Ms. Flynn's letter claims that the Alameda Point DEIR "did not adequately address" the impact of Alameda Point's 1,425 units on Oakland despite inclusion of 25 Oakland intersections in the

A8-12 Alameda Point EIR, some of which were over six miles from Alameda Point. In contrast, the Lake Merritt Plan EIR (with 32,600 housing units) included an analysis of three (3) Alameda intersections. The Lake Merritt DEIR analysis of impacts in Alameda is seriously flawed and inadequate.

A8-13 The DEIR evaluates potential traffic impacts at just three intersections in Alameda, labeling them "the closest" to the Webster and Posey Tubes: Constitution Way and Marina Village Parkway; Constitution Way and Atlantic Avenue; Webster Street and Atlantic Avenue. DEIR at 3.2-7. In fact, the intersection of Stargell and Webster is closer to the Tubes than any of these intersections, yet the DEIR did not analyze impacts there. A revised and recirculated DEIR must include analysis of this intersection.

A8-14 In addition, as documented in the Alameda Point EIR, several City of Oakland EIRs, Caltrans, and the Alameda County Transportation Commission, the Webster and Posey Tubes are currently operating at capacity, as well as the Broadway and Jackson access points to the I-880 freeway. As a result, traffic from Alameda Point and Oakland development will be diverted to the other crossings at the Park Street Bridge, Fruitvale Bridge, and High Street Bridge. Because the Plan will add traffic to and from Alameda (*see* DEIR at 3.2-61), the DEIR must also analyze traffic impacts resulting from this diversion to other crossings.

A8-15 Based upon the analysis included in the Alameda Point EIR (including the 25 intersections analyzed in Oakland) and the traffic data provided in the Lake Merritt Draft EIR, it is clear that ***the following significant environmental impacts in Alameda and Oakland were not disclosed in the Lake Merritt DEIR***:

The Lake Merritt Plan will have significant project and/or cumulative transportation impacts at:

- Park and Clement in Alameda
- Park Street and Blanding in Alameda
- Tilden Way and Blanding in Alameda
- High Street and Fernside in Alameda
- Brush and 12th in Oakland
- High and Oakport Street in Oakland
- High Street and Coliseum Way in Oakland
- 29th and Ford Street in Oakland
- 23rd and Seventh in Oakland

Alameda also has the following specific questions about the traffic analysis described in the DEIR:

A8-16
- While the Plan DEIR describes Alameda's significance thresholds for impacts to its intersection, it is not clear that the DEIR considered these thresholds when analyzing the significance of the Plans impacts at these intersections. Compare DEIR at 3.2-43 (listing thresholds, which include both quantitative and qualitative measures) with 3.2-68 (table showing LOS levels and concluding impact at Alameda intersections to be less than significant).

A8-17 The DEIR did not consider the Plan's impacts to transit and bicycle transportation under Alameda's multimodal analysis, which is described on page 3.2-44 – 46.

A8-18 The DEIR indicates that the City is planning bulb outs or sidewalk widening at 7th and Harrison. DEIR at Figure 2.3-3. This intersection lies at the mouth of the Tubes. The DEIR fails to analyze the transportation impacts of this improvement on traffic exiting the tubes.

All Significant Traffic Impacts Must be Mitigated.

A8-19 As discussed above, CEQA's substantive mandate prohibits a lead agency from approving a project with significant environmental impacts unless the agency first adopts all feasible mitigation to reduce those impacts. CEQA Guidelines § 15126.3(a)(l); *see also Woodward Park Homeowners Ass'n, Inc. v. City of Fresno* (2007) 150 Cal. App. 4th 683,724 ("The EIR also must describe feasible measures that could minimize significant impacts."). Here, Oakland has identified numerous traffic-related, significant impacts associated with the Plan. Yet the DEIR fails to consider or require all feasible mitigation for these impacts. Moreover, for some of these traffic related impacts, the Plan DEIR appears to make conclusions that are diametrically opposed to standards advocated by Oakland in Ms. Flynn's letter to Alameda regarding the Alameda Point Project.

A8-20 Likewise, Ms. Flynn's comment letter suggests that Alameda should develop a "Transportation Network Monitoring and Improvement Program" now, at the planning stage, rather than requiring preparation of this plan prior to issuing building permits for the project. *See* Flynn Letter at 4 (point 10). Given this suggestion, we were surprised to see that the Plan DEIR does not itself contain a similar program but defers its preparation until individual projects are proposed. Please explain why Oakland demands that Alameda must prepare its plan now but Oakland intends to defer its own plan.

Thank you for the opportunity to comment on the Plan EIR. Please feel free to contact me with any questions.

Sincerely,

Andrew Thomas
City Planner
510-747-6881

Cc: Rachel Flynn, Planning and Building Director, City of Oakland

Dianna Santana, City Administrator, City of Oakland

John Russo, City Manager, City of Alameda

RESPONSES TO A8: CITY OF ALAMEDA (12/19/13)

A8-1: The Station Area Plan EIR bases its impact analysis on the City of Oakland's *Thresholds of Significance Guidelines (May 22, 2013)*. The City's Thresholds implement and supplement provisions in the CEQA Guidelines for determining the significance of environmental effects. See page 3.0-3 of the DEIR.

A8-2: The comment is concerned about the impact of the Station Area Plan on pedestrian safety and traffic, but it cites an incorrect number of projected housing units the Station Area Plan is expected to gain (the correct amount is 4,900 and *not 32,000)*.. As described on page 3.2-159 of the DEIR under City of Oakland's Threshold #11, there is no significant impact to pedestrian safety attributable to the Station Area Plan. Furthermore, as described on pages 3.2-160 to 3.2-162 of the DEIR, the Station Area Plan emphasizes walk bike and transit access within the Planning Area, and includes policies and programs to support pedestrian safety. (Also see Master Response MR-6: Pedestrian Safety.)

A8-3: While CEQA does not require analysis of potential effects of the environment on the project, Section 3.14: Hydrology and Water Quality of the DEIR nevertheless provides an analysis of the effect of sea level rise on the project to provide information to the public and decision-makers. As described in the chapter, very little of the Planning Area is likely to be subject to potential sea level rise, and no sites where future development is anticipated are likely to be affected. By 2100—much beyond the horizon of the EIR analysis—the Peralta Community College District Administration site could be substantially affected, but the Station Area Plan does not project new development here. Furthermore, the current Bay Conservation and Development Commission (BCDC) model for potential sea level rise does not take into account shoreline protective structures, which may have the effect of shielding Planning Area sites from flooding even under higher water level conditions. The Station Area Plan requires a buffer between any new development and Lake Merritt Channel, which could help to ensure that new development on the OUSD site and the City-owned remainder site (opportunity sites 43 and 44, shown on Figure 2.5-1 of the DEIR) would not be at risk. It is reasonable to anticipate that sea level rise modeling will be integrated into flood hazard planning, including the FEMA flood zone maps. As this occurs, General Plan policies in the Safety Element, SCAs related to construction within 100-year flood zones, and adaptive management measures to sea level rise would reduce these potential impacts.

A8-4: The comment is related to the amount of new development analyzed in the DEIR. As described in Chapter 2 of the DEIR (Project Description), and on pages ES-4 – 5 in the Executive Summary of the DEIR, the development program that is the basis of the analysis of the proposed project in this DEIR is distinctly different from the theoretical maximum development potential that could occur in the Planning Area. The theoretical maximum development potential is also analyzed in the DEIR's alternative chapter.

The amount of reasonably foreseeable development and growth associated with adoption of the Station Area Plan is based on a close analysis of available opportunity sites, including the estimated market demand for new development and historic turnover rates in the Planning Area. This reasonably foreseeable amount assumes that development and growth will occur on the subset of parcels that are mostly vacant or underutilized, and forms the basis of the EIR analysis. Whereas, the likelihood of the "maximum buildout" occurring (that is, every parcel redeveloping to the maximum allowed) is considered so highly unlikely as to be theoretical.

The CEQA analysis is based on the development quantities set forth in the reasonably foreseeable maximum development, and covers development that stays within the buildout "impact envelope" analyzed here. As long as the actual buildout stays within the impact envelope, there can be a mix-and-match between various land uses – for instance, there can be more retail if less office is built, or vice-versa. Through established planning and environmental review and permitting processes required of each individual development in the City and under the Specific Plan, the City would monitor actual development, associated generation of new automobile trips, and other traffic characteristics within the Plan Area as the Specific Plan is implemented. See DEIR pages 2-29 to 2-32 for more detail.

A8-5: The City of Oakland's Threshold of Significance Guidelines assesses the safety impacts to pedestrians primarily based on the design features to reduce exposure of pedestrians to vehicle conflicts or reduce traffic speeds associated with the increase in traffic volumes due to a project, but as noted, by the comment, the City threshold is not based on traffic volumes. The City's thresholds reflect the fact that a direct link between traffic volumes and pedestrian safety is difficult to establish given the many other factors, such as design, signal timing, and other factors, that can affect traffic speeds and exposure. As a result, there is not a reasonable basis to establish a reliable numeric threshold to evaluate these impacts. (Also see Response to Comment A8-2 and Master Response MR-6: Pedestrian Safety).

As noted, the Planning Area is designated as a part of Oakland's Downtown Pedestrian District.

A8-6: The comment is related to the DEIR's finding of no significant impact on pedestrian safety at Oakland intersections attributable to adoption of the Station Area Plan. The analysis was conducted following the City of Oakland's Threshold of Significance Guidelines. Lead agencies are allowed under CEQA to set their own standards of significance, which in this case did not result in a finding of significant impact. See also Response to Comments A8-2 and A8-5 and Master Response MR-6: Pedestrian Safety.

A8-7: As described in pages 3.2-155 to 162 of the DEIR, adoption of the Station Area Plan will not result in significant impacts to *safety* based on the City's significance criteria, and therefore, no mitigation measures were proposed. However, when considering mitigation measures for traffic impacts at local intersections under City's criteria #1 through #6, mitigation measures that would conflict with the City's policies

concerning pedestrian safety or comfort or result in secondary impacts to another safety threshold were rejected.

For example, TRAN-26 for the intersection of Oak at 5th Street in 2035, the traffic operations at the intersection can be further improved by providing additional automobile travel lanes. However, these modifications cannot be accommodated without requiring additional right-of-way, and/or loss of on-street parking, and are considered to be infeasible not just due to the physical constraint, but also the potential secondary impacts to pedestrian safety attributed to widening the roadway and increasing crossing distances and thus exposure of pedestrians to potential conflicts with traffic. The Level of Service can also be improved by increasing the signal cycle length. However, extending the cycle length would require longer wait times for pedestrians to cross intersections, and therefore be in conflict with City policy concerning pedestrian safety and comfort.

A8-8: As described in pages 3.2-155 to 162 of the DEIR, adoption of the Station Area Plan will not adversely affect the *safety* of any roadway users, including transit users, pedestrians, and bicyclists. Therefore, no mitigation measures were proposed. (See Master Response MR-6: Pedestrian Safety.)

Maintaining pedestrian safety and enhancing pedestrian experience was an important consideration and goal in drafting the Station Area Plan. Previous plans and studies were carefully reviewed and presented, and input was sought through extensive community involvement process. The Plan establishes a phased approach to circulation and streetscape improvements, whereby improvements *that would not preclude two-way conversion* in the future and would not require further study, could be implemented in the short term. These include pedestrian-oriented lighting and bulbouts; travel lane reductions and space reallocation to bike lanes and parking; and traffic signal and pedestrian-oriented lighting improvements. All of these measures are Plan policies. Two-way street conversions would require additional transportation studies, outside the scope of the Lake Merritt Station Area Plan. As a result, they are identified as potential Phase II improvements. Two-way street conversions would require additional transportation studies, outside the scope of the Lake Merritt Station Area Plan. As a result, they are identified as potential Phase II improvements. This allows the Plan to move forward—including the pedestrian enhancements noted above—while setting the course for future two-way conversions. Also see Master Response MR-7 Conversion of Streets to Two-Way Travel.

A8-9: Station Area Plan policies that can reduce impacts to the safety of all roadway users are presented on pages 3.2-156 through 3.2-162 of the DEIR; however, since there is funding or other mechanism in place to ensure they are implemented in the early stages of development, the effects of these policies cannot be ascertained, and they are listed for informational purposes only and are not considered in the findings of significance.

A8-10: The comment notes that a number of mitigation measures are identified in the Alameda Point EIR for potential impacts to the intersections of Constitution Way at Marina Village Parkway and Constitution Way at Atlantic Avenue in the City of Alameda. These mitigation measures are described on pages 3.2-165 to 166 of the DEIR. However, as noted, because the City of Oakland has no jurisdiction over the area of mitigation and therefore cannot guarantee the mitigation measures would be implemented, this impact is conservatively considered to be significant and unavoidable.

A8-11: While both the Alameda Point DEIR and this DEIR include analysis of the intersections, such as 6th and Jackson, comprising the Broadway-Jackson Interchange project, neither EIR would be able solve the complex issues related to the interchange project. As referred to in TRAN-10, the City required a signal upgrade for 6th and Jackson.

The City has a standard condition of approval that identifies a minimum level of equipment upgrades to signalized intersections that are identified as significantly impacted. Along with making the intersection more accessible and pedestrian-friendly with features such as pedestrian countdowns, the equipment upgrades also allow the City to integrate the intersection into an area-wide and/or corridor-wide signal coordination system. This mitigation measure is applied to most of the impacted intersections in the Lake Merritt Station Area Plan EIR including Jackson / 6th Street in Mitigation TRAN-10.

A8-12: The Station Area Plan DEIR covered analysis of intersections that would most likely be impacted by the project trips, which included the three 'gateway' intersections in Alameda closest to the project. The nature of access to and from the Alameda Point development to the regional roadway system via the Posey-Webster Tubes is such that several local roadways in Oakland, specifically between the entrances to and exits from the tubes to the I-880 and I-980 freeways, would be impacted by future growth in Alameda. Traffic generated by the proposed growth in Oakland would be dispersed throughout the local and regional roadway system, which is reflected in the selection of study intersections, roadways, and freeways for the DEIR.

A8-13: The comment requests analysis of the intersection of Stargell and Webster in Alameda, which is closer to the Tubes than the other intersections in Alameda that were analyzed. Based on the intersection analysis in the Alameda Point DEIR, this intersection of Stargell and Webster was shown in operate at LOS B under existing and cumulative conditions with and without the Alameda Point project. Given that the than those anticipated to be generated by the Alameda Point project and the LOS B conditions, this intersection would not be significantly impacted by adoption of the Station Area Plan.

A8-14: The comment acknowledges the capacity constraints at the Tubes and connections to the I-880 freeway, which is the most direct and closest route for traffic to and from the west end of Alameda. However, most traffic generated by adoption of the Station Area Plan is not expected to travel to nor from Alameda. The volume of traffic to and

from Alameda that would be generated by the project is forecast to be 93 entering/99 leaving and 203 entering/83 leaving Alameda during the AM and PM peak hours. Furthermore, with the regional transportation system serving the planning area, the proposed project has many more travel options and connections to the regional network.

A8-15: The comment is concerned about potential impacts to additional intersections in Oakland and Alameda. See response to comment A8-14 for an explanation regarding why intersections in Alameda or those in Oakland that access crossings to/from Alameda are not expected to be impacted. For the intersection of Brush and 12th Street, the analysis in the DEIR resulted in a finding of significant and unavoidable. As described on pages 3.2-134 and 3.2-135 of the DEIR, possible mitigations, such as extending the cycle length, were deemed to be infeasible due to potential secondary impacts to pedestrians. The signal at this intersection had recently been upgraded with all the specifications in the standard PS&E.

A8-16: City of Alameda's significance thresholds were utilized when evaluating intersections located within Alameda. The City of Alameda automobile LOS threshold, as described on page 3.2-44 of the DEIR, was applied to identify the traffic *capacity* impacts shown on page 3.2-68 for the intersections in Alameda. The traffic *safety* impacts of the project to pedestrians at the Alameda intersections are described in pages 3.2-164 to 3.2-166.

A8-17: The comment states that the DEIR did not consider the Station Area Plan's impact to transit and bicycle transportation under the Alameda multi-modal analysis. As noted in response A8-14, only a very small amount of traffic generated by adoption of the Station Area Plan is expected to travel to and through Alameda. Based on the analysis done as port of the Alameda Point DEIR, which found no significant impacts to transit and bicycle modes at the gateway intersections in Alameda, it is expected that the small amount of traffic generated by the Station Area Plan would not have any environmental impacts on those transportation modes.

A8-18: As shown in Figure 2.3-3 of the DEIR, bulb outs at 7th and Harrison are being considered as a Phase I action to reduce crossing distances for pedestrians at this location. Phase I transportation improvements are not expected to have any significant adverse impact on the environment, since they do not involve changes to lane configurations, thus causing no adverse changes to circulation for any mode of travel.

On the contrary, bulbouts could improve signal timing, by reducing the green time needed for pedestrian crossing, therefore potentially reducing the overall traffic signal cycle length and/or wait times for all modes, including drivers in the area. However, since funding for the bulbouts is not identified and their implementation is not certain, the bulbouts and accompanying improvements to signal timing that would improve conditions for all modes were conservatively not considered when evaluating potential impacts to vehicle Level of Service.

A8-19: See response to A8-7.

A8-20: The comment suggests the development of a Transportation Network Mitigation and Improvement Program at this stage of the plan development rather than prior to issuance of building permits for specific projects. Approval of a Standard Conditions of Approval / Mitigation Monitoring and Reporting Program (SCAMMRP) will the considered as part of the approval of the FEIR. Per requirements of CEQA, the standard conditions of approval and mitigation measures in the SCAMMRP will be specific and enforceable. The SCAMMRP will adequately describe implementation procedures and monitoring responsibility in order to ensure that the Project complies with the adopted standard conditions of approval and mitigation measures.

EAST BAY
MUNICIPAL UTILITY DISTRICT

December 5, 2013

Christina Ferracane
Strategic Planning
City of Oakland, Planning and Building Department
250 Frank G. Ogawa Plaza, Suite 3315
Oakland, CA 94612

Re: Notice of Availability of a Draft Environmental Impact Report for the Lake Merritt Station Area Plan, Oakland

Dear Ms. Ferracane:

East Bay Municipal Utility District (EBMUD) appreciates the opportunity to comment on the Draft Environmental Impact Report (EIR) for the Lake Merritt Station Area Plan (Project), in the City of Oakland. On March 26, 2012, EBMUD provided a written response to the Notice of Preparation of a Draft EIR (enclosed), and these comments still apply. In addition EBMUD has the following comments.

GENERAL

A9-1 On page 3.7-7, Figure 3.7-1 indicates a 12-inch water main in Harrison Street between 11th Street and 6th Street. This figure should be revised to show a 4-inch main in Harrison Street between 11th Street and 6th Street.

A9-2 EBMUD completed a Water Supply Assessment for the Lake Merritt Station Area Plan and provided the response to the City of Oakland on January 22, 2013.

If you have any questions concerning this response, please contact David J. Rehnstrom, Senior Civil Engineer, Water Service Planning, at (510) 287-1365.

Sincerely,

for William R. Kirkpatrick
Manager of Water Distribution Planning

WRK:KSG:sb
sb13_258
Enclosure

EAST BAY
MUNICIPAL UTILITY DISTRICT

March 26, 2012

Ed Manasse, Strategic Planning Manager
City of Oakland
Community and Economic Development Agency
250 Frank H. Ogawa Plaza, Suite 3315
Oakland, CA 94612

Re: Notice of Preparation of a Draft Environmental Impact Report on the Lake Merritt Station Area Plan (Case Numbers: ZS11225, ER110017)

Dear Mr. Manasse:

East Bay Municipal Utility District (EBMUD) appreciates the opportunity to comment on the Notice of Preparation of a Draft Environmental Impact Report (EIR) for the Lake Merritt Station Area Plan located in the City of Oakland (City). EBMUD has the following comments.

WATER SERVICE

Any development project associated with the City's Lake Merritt Station Area Plan will be subject to the following general requirements:

Depending on the size and/or square footage, the lead agency for future individual projects within the Lake Merritt Station planning area should contact EBMUD to request a Water Supply Assessment (WSA) that meets the threshold of a WSA pursuant to Section 15155 of the California Environmental Quality Act Guidelines, and Section 10910-10915 of the California Water Code. EBMUD requires project sponsors to provide future water demand data and estimates for individual project sites for analysis of the WSA. Please be aware that the WSA can take up to 90 days to complete from the day on which the request is received.

Main extensions that may be required to serve any specific development projects to provide adequate domestic water supply, fire flows, and system redundancy will be at the project sponsor's expense. Pipeline and fire hydrant relocations and replacements due to modifications of existing streets, and off-site pipeline improvements, also at the project sponsor's expense, may be required depending on EBMUD metering requirements and fire flow requirements set by the local fire department. When the development plans are finalized, all project sponsors should contact EBMUD's New Business Office and request a water service estimate to determine costs and conditions of providing water

service to the development. Engineering and installation of new and relocated pipeline and services requires substantial lead-time, which should be provided for in the project sponsor's development schedule.

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

In addition, the project sponsor must provide a legally sufficient, complete and specific written remedial plan establishing the methodology, planning and design of all necessary systems for the removal, treatment, and disposal of all identified contaminated soil and/or groundwater. EBMUD will not design the installation of pipelines until such time as soil and groundwater quality data and remediation plans are received and reviewed and will not install pipelines until remediation has been carried out and documentation of the effectiveness of the remediation has been received and reviewed. If no soil or groundwater quality data exists or the information supplied by the project sponsor is insufficient EBMUD may require the applicant to perform sampling and analysis to characterize the soil being excavated and groundwater that may be encountered during excavation or perform such sampling and analysis itself at the project sponsor's expense.

WASTEWATER SERVICE

EBMUD's Main Wastewater Treatment Plant (MWWTP) and interceptor system are anticipated to have adequate dry weather capacity to treat the proposed wastewater flows from projects within the Lake Merritt Station planning area, provided that these projects and the wastewater generated by these projects meet the requirements of the current EBMUD Wastewater Control Ordinance. However, wet weather flows are a concern. EBMUD has historically operated three Wet Weather Facilities to provide treatment for high wet weather flows that exceed the treatment capacity of the MWWTP. On January 14, 2009, due to Environmental Protection Agency's (EPA) and the State Water Resources Control Board's (SWRCB) re-interpretation of applicable law, the Regional Water Quality Control Board (RWQCB) issued an order prohibiting further discharges from EBMUD's Wet Weather Facilities. Additionally, on July 22, 2009 a Stipulated Order for Preliminary Relief issued by EPA, the SWRCB, and RWQCB became effective. This order requires EBMUD to begin work that will identify problem infiltration/inflow areas, begin to reduce infiltration/inflow through private sewer lateral

improvements, and lay the groundwork for future efforts to eliminate discharges from the Wet Weather Facilities.

Currently, there is insufficient information to forecast how these changes will impact allowable wet weather flows in the individual collection system subbasins contributing to the EBMUD wastewater system, including the subbasin in which the proposed project is located. As required by the Stipulated Order, EBMUD is conducting extensive flow monitoring and hydraulic modeling to determine the level of flow reductions that will be needed in order to comply with the new zero-discharge requirement at the Wet Weather Facilities. It is reasonable to assume that a new regional wet weather flow allocation process may occur in the East Bay, but the schedule for implementation of any new flow allocations has not yet been determined. In the meantime, it would be prudent for the lead agency to require the project applicants to incorporate the following measures into any proposed projects within the Lake Merritt Station planning area: (1) replace or rehabilitate any existing sanitary sewer collection systems, including sewer lateral lines, to reduce infiltration/inflow and (2) ensure any new wastewater collection systems, including sewer lateral lines, for the project are constructed to prevent infiltration/inflow to the maximum extent feasible. Please include such provisions in the environmental documentation and other appropriate approvals for the Lake Merritt Station Area Plan.

WATER RECYCLING

EBMUD's Policy 9.05 requires that customers use non-potable water, including recycled water, for non-domestic purposes when it is of adequate quality and quantity, available at reasonable cost, not detrimental to public health and not injurious to plant, fish and wildlife to offset demand on EBMUD's limited potable water supply.

The Lake Merritt Station Area Plan is located within and around EBMUD's East Bayshore recycled water pipeline infrastructure with several facilities already utilizing recycled water for irrigation purposes. The Lake Merritt Station Area Plan presents several opportunities for recycled water uses ranging from landscape irrigation, toilet flushing and other non-potable commercial and industrial uses. EBMUD recommends that the City and project sponsors maintain continued coordination and consultation with EBMUD as they plan and implement the specific projects that may emerge within the Lake Merritt Station Area Plan regarding the feasibility of providing recycled water for appropriate non-potable uses.

WATER CONSERVATION

Individual projects within the Lake Merritt Station Area Plan may present opportunities to incorporate water conservation measures. EBMUD would request that the City include in its conditions of approval a requirement that the project sponsors comply with the Landscape Water Conservation Section, Article 10 of Chapter 7 of the Oakland

Municipal Code. Project sponsors should be aware that Section 31 of EBMUD's Water Service Regulations requires that water service shall not be furnished for new or expanded service unless all the applicable water-efficiency measures described in the regulation are installed at the project sponsor's expense.

If you have any questions concerning this response, please contact David J. Rehnstrom, Senior Civil Engineer, Water Service Planning at (510) 287-1365.

Sincerely,

David Rehnstrom

For William R. Kirkpatrick
Manager of Water Distribution Planning

WRK:AMW:sb
sb12_058.doc

RESPONSES TO A9: EAST BAY MUNICIPAL UTILITY DISTRICT (12/5/13)

A9-1: Figure 3.7-1: Potable Water System is revised to address this comment. See Chapter 3 of this document.

A9-2: The comment notes that EBMUD provided a Water Supply Assessment for the Station Area Plan to the City in January 2013. This is also stated in the DEIR (page 3.7-25).

5.2 Organization Comments and Responses

This section provides each letter received from organizations in response to the DEIR, with specific comments identified with a comment code in the margin. Following each letter, responses to each comment are provided.

EAST BAY BICYCLE COALITION

Working for safe, convenient and enjoyable bicycling for all people in the East Bay

December 2, 2013

Christina Ferracane,
Strategic Planning Division
City of Oakland, Planning, Building and Neighborhood Preservation
250 Frank H Ogawa Plaza, Ste 3315
Oakland, CA 94612

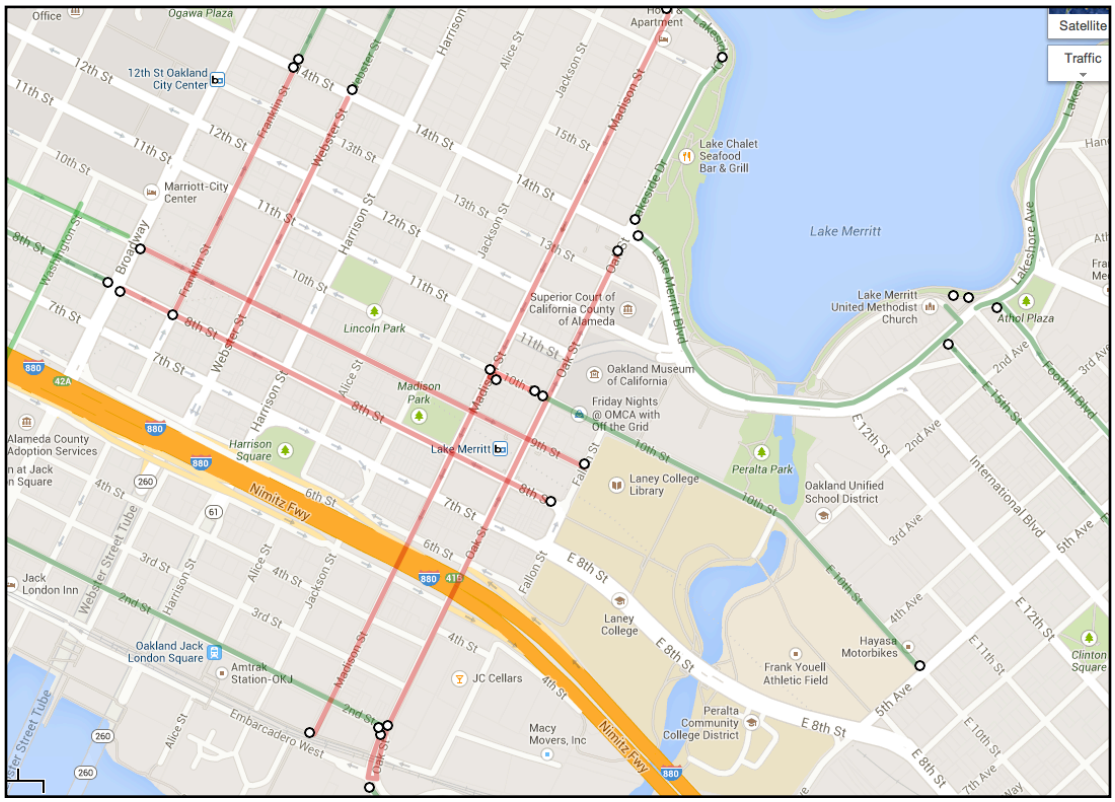
Re: Comments on EIR for Lake Merritt Station Area Plan

Dear Ms. Ferracane:

Thank you for this opportunity to comment on the Draft Environmental Impact Report for the Lake Merritt Station Area Plan, a Plan we very much support. We have reviewed the transportation section of the EIR and provide the following comments.

B1-1

1. The traffic lane reductions studied in the EIR in order to build safe bikeways are critically important to completing a network of safe bikeways in Oakland and for this reason we impress upon the Planning Commission, the City Council and all residents of Oakland who wish to encourage more active forms of transportation to evaluate the traffic impacts of the EIR by keeping in mind the critical importance of new bikeways on Oak St, Madison St, 8th St, 9th St and 10th St. From the map below, it is readily apparent why new bike lanes (shown in red) on these streets is going to create more of a network of safe bikeways, and in turn encourage thousands of more Oakland residents/workers to consider commuting by bike and use a bicycling for everyday trips. We include Franklin & Webster Streets as needed bikeways, but their traffic analysis will come later. The green lines are existing bikeways.



EAST BAY BICYCLE COALITION

Working for safe, convenient and enjoyable bicycling for all people in the East Bay

B1-2 2. The EIR correctly includes Oakland's Climate Action Plan as an approved policy of the City Council, and this CAP calls for Oakland reducing its greenhouse gases by 36% by the year 2020. In order to do this, Oakland needs to build a network of safe bikeways that will encourage people who are 'interested but concerned' about safety to start bicycling for some of their everyday trips, including commute trips to work and school. The Mineta Transportation Institute recently conducted a study of bicycle transportation[1] and concluded that the biggest barrier to encouraging more bicycling are gaps in bike networks that are perceived as dangerous parts of the roadway. These gaps discourage thousands of people from bicycling everyday and need to be filled in with safe bikeways;

B1-3 3. The proposed new bikeways in this Plan are fully funded, as Oakland recently received a One Bay Grant Program allocation of $422,000 to build these new bikeways. This money will have to be returned potentially if this Plan is not approved;

B1-4 4. SB 743 was recently signed by Governor Brown and it specifically precludes considering automobile LOS as an impact under CEQA, for projects within Priority Development Areas such as Lake Merritt BART. While this Plan's EIR predates SB 743, the requirement for excluding automobile LOS is now the law of the land. Oakland has no requirement to mitigate any perceived traffic impacts under CEQA, but rather can move forward as it deems best for making Oakland a more walkable, more bikeable city;

B1-5 5. The EIR is a conservative estimate of future traffic impacts, used for policy considerations. Your mileage may vary. With this Lake Merritt Station Area Plan, it is also important to note that drivers have numerous alternatives to driving on Oak St and Madison St, the two streets noted as having increased delays that also are planned for lane reductions in order to stripe bike lanes. There are freeway exits to Webster St, Market St, 11th St and 17th St to access downtown Oakland, as alternatives to Oak St. There is also a major BART line running right under the Plan Area, which provides several station stops in Oakland and frequent train service during commute hours. As such, many commuters have alternatives.

B1-6 6. Finally, it is our position that *traffic delay* is no impact at all when building bikeways. Not only is the safety of people choosing to bicycle more important than avoiding delay to drivers, but bike lanes can always be removed in the future if forecasted impacts materialize and are deemed significant. Our position on this point is consistent with a rapidly growing number of plans and policies of the City of Oakland, including its Complete Streets Policy, its Climate Action Plan, and its Transit First Policy. It is also consistent with the Alameda County Health Department's goal of encouraging more active forms of transportation and with the Metropolitan Transportation Commission's goal of creating rich, vibrant neighborhoods around high-quality transit. Traffic delay is an antiquated approach to preserving our wonderful environment and needs to be tossed into the Estuary and flushed to the sea.

With these points in mind, we hope you are supportive and comfortable with the traffic analysis and the need to move forward on new bikeways in the study area. Thank you for considering our comments.

Cordially yours,

Advocacy Director
East Bay Bicycle Coalition
(0) 510.845.7433 ext 4
dave@ebbc.org

[1] http://transweb.sjsu.edu/project/1005.html

RESPONSES TO B1: EAST BAY BICYCLE COALITION (12/2/13)

B1-1: The comment acknowledges critical importance of completing the bikeway network in Oakland, including the bikeways on portions of Oak, Madison, 8th, 9th, and 10th Streets, which were analyzed in the EIR.

B1-2: The importance of building a network of bikeways and filling gaps in the network to encourage people to bicycle every day is noted.

B1-3: The funding from One Bay Area Grant Program of $422,000 to build new bikeways in Oakland is noted.

B1-4: The requirements of SB743 would not take effect until January 2015, at which time automobile LOS will no longer be used to assess impacts under CEQA as noted by the comment. Regardless, the DEIR does not contain any mitigation measures as a result of an impact on automobile Level of Service that negatively affects existing pedestrian or bicycle facilities, nor does it preclude future pedestrian or bicycle improvements. In fact, several mitigation measures were rejected due to their secondary impacts on the existing pedestrian and bicycle environment.

B1-5: The DEIR assesses the project impacts based on the current City guidelines of CEQA analysis. The comments describing the alternatives to driving and the alternative routes to Oak Street are noted.

B1-6: The DEIR considers traffic delay per the current City guidelines, but it is not the only measure applied. As noted in the comment, the Station Area Plan is consistent with City plans and policies, such as the Bicycle Master Plan, the Pedestrian Plan, the Complete Streets Policy, Climate Action Plan, and Transit First Policy.

OAKLAND CHINATOWN CHAMBER OF COMMERCE

December 20, 2013

Dear Ms. Ferracane:

Re: Chamber Comments on the Financial Feasibility Study of a Downtown Development Incentive Program held on 10/14/2013 for the Draft EIR

B2-1

1. In the above meeting, the non-profits advocated putting a high limit on properties so to artificially stimulate sale and development. This is a biased position which unfairly impact existing land owners. Good public policy should not unfairly burden any one group in particular.

B2-2

2. The study indicated that the market is still not strong enough to support a public amenity contribution for high rise developments in all areas. The City must be careful to assess the feasibility impacts on individual projects rather than taking a one size fits all approach when it comes to public amenity contribution.

B2-3

3. Much of the public discussion has centered on the BART property. However, the study area expands much beyond the BART property. The community benefits discussion on public assets should be quite different than on private assets. Again, we need to be mindful of any measures that diminish the attractiveness of Oakland for developers.

Also, the Chamber wants to reiterate our comments made on March 1, 2013 as following:

B2-4

1. We strongly support the Transit Oriented Development (TOD) for the BART development – This City is in real need for investment as well as a health tax base for economic growth and **JOBS** (well-paying JOBS). We feel that a TOD type of development would be a great catalyst to jumpstart economic development in this area.

B2-5

2. Safety – this issue gets briefly mentioned throughout the document. However, we feel strongly that the concern for public safety has become one of the biggest obstacles for vibrant growth in this area. The concern for safety has driven away much needed business for the Chinatown merchants as witnessed by many of our members, and we urge the City to take aggressive, decisive action to address this core issue that is hampering our economic growth.

B2-6

3. We believe the issue of "Land Use" as well as the issues of "Height Limits" and "FAR" should be decoupled from the discussion on "Affordable Housing". The Chamber supports the concept of Affordable Housing; however, this particular topic needs to be discussed in a broader context at the regional level to figure out how to meet the needs. We oppose trying to achieve the Affordable Housing goal or any other community benefit goals by imposing special demands for a localized area. We should not price ourselves out of the market relative to our neighboring cities due to competition for limited investment capital (Catalyst vs. Deterrent)

Pacific Renaissance Plaza
388 Ninth Street, Suite 290, Oakland, CA 94607 (510) 893-8979 Fax (510) 893-8988 E-mail OaklandCTChamber@aol.com

OAKLAND CHINATOWN CHAMBER OF COMMERCE

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B2-7

B2-8

B2-9

B2-10

4. Chinatown Chamber agrees that this City's cultural resources provide the unique characteristics for our city. We now have a wonderful cultural scene with art and food. But consistent with our comments above, artists and restaurants need customers who can spend money to keep businesses afloat. Economic vitality is a critical element in sustaining our unique character.

5. We oppose two way traffic conversions and bike paths in core of Chinatown due to possible traffic congestion and safety issues. Unless the City is planning to actively enforce pedestrian violations, it is not advisable to convert any streets within the Chinatown core to two-way traffic. Two-way traffic introduces more turning movements that get further complicated by the high volume of pedestrians as well as pedestrians that do not necessarily follow traffic control signals.

6. While Chinatown Chamber supports community benefits such as improving the streetscapes and lighting, we would like to emphasize a balanced approach with economic development.

Finally, after reading the various elements of the plan, we would like to know if the City has done a comprehensive study on the total aggregate cost to developers if one adds up all the costs associated with any development based on the current proposed plan. (Accessible open space, maintenance of community benefits, historical and cultural preservation effort, affordable housing, etc.) Are we pricing ourselves out of the market for development opportunities which we so desperately need?

We understand the position from the non-profits that are advocating front-loading various special interest based requirements. But here is a simple business model for your reference:

High Cost ➔ No development

No development ➔ No business

No business ➔ No jobs

No jobs ➔ No tax revenue

Chinatown Chamber believes that we need tax revenue, we need jobs, we need businesses, and we need to encourage new developments in this area. Please ensure that these can happen by making the business case attractive to potential developers. We believe that many of the special interest based requirements can be met by inducing growth and development in our city.

Sincerely,

Jennie Ong
Executive Director
Oakland Chinatown Chamber of Commerce

Pacific Renaissance Plaza
388 Ninth Street, Suite 290, Oakland, CA 94607 (510) 893-8979 Fax (510) 893-8988 E-mail OaklandCTChamber@aol.com

RESPONSES TO B2: OAKLAND CHINATOWN CHAMBER (12/20/13)

B2-1: The comment about height limits is noted, though it pertains to the merits of the Station Area Plan and does not pertain to the adequacy of the analysis in the DEIR. Please see Master Response MR-1: Station Area Plan Merits and Related Non-CEQA Topics in this chapter of the FEIR and Master Response MR-8 Height Limits.

B2-2: The comment about market feasibility is noted, though it pertains to the merits of the Station Area Plan and does not pertain to the adequacy of the analysis in the DEIR. Please see Master Response MR-1.

B2-3: The comment about the structure of a future Developer Incentive program is noted, though it pertains to the merits of the Station Area Plan and does not pertain to the adequacy of the analysis in the DEIR. Please see Master Response MR-1.

B2-4: The comment's support for transit-oriented development on the BART blocks is noted, though it pertains to the merits of the Station Area Plan and does not pertain to the adequacy of the analysis in the DEIR. Please see Master Response MR-1.

B2-5: Potential environmental effects of increased demand for public safety services are considered in the EIR's Chapter 3.6: Public Services.

B2-6: The comment about affordable housing catalysts and deterrents is noted, though it pertains to the merits of the Station Area Plan and does not pertain to the adequacy of the analysis in the DEIR. Please see Master Response MR-1. See Master Response MR-3 for a discussion of the potential environmental impacts of the Station Area Plan on residential displacement and affordability.

B2-7: The comment about the importance of economic vitality is noted, though it pertains to the merits of the Station Area Plan and does not pertain to the adequacy of the analysis in the DEIR. Please see Master Response MR-1.

B2-8: The Oakland Chinatown Chamber of Commerce's position with regard to two-way street conversions in the Chinatown core is noted. Possible two-way street conversions are identified in the Station Area Plan as Phase II improvements that would require further traffic study. Also see Master Response MR-7 Conversion of Streets to Two-Way Travel.

B2-9: The comment about economic development and planned streetscape improvements is noted, though it does not address the Station Area Plan's potential physical impacts on the environment, and thus are beyond the purview of the EIR. See Master Response MR-1.

B2-10: The comment about analyzing development costs is noted, though it does not address the Station Area Plan's potential physical impacts on the environment, and thus are beyond the purview of the EIR. Please see Master Response MR-1.

OAKLAND CHINATOWN COALITION

December 20, 2013

TO: Christina Ferracane
Planning Division
City of Oakland
250 Frank H. Ogawa Plaza, Suite 3315
Oakland, CA 94612
Email: cferracane@oaklandnet.com

FROM: Oakland Chinatown Coalition

SUBJECT: Lake Merritt Station Area Plan Draft Environmental Impact Report

Dear Ms. Ferracane:

B3-1 Thank you for the opportunity to comment on the Lake Merritt BART Station Area Plan Draft EIR. It is critical that we think through all of the impacts of new development (some positive, some negative) on our community. Once this EIR is approved, a subsequent or supplemental EIR will not be required unless:

1) SUBSTANTIAL CHANGES in the project/plan have occurred,
2) SUBSTANTIAL CHANGES have occurred in the circumstances under which the project/plan is being undertaken, or
3) new information relating to the project/plan has become available since the prior EIR was approved.

If the City determines that none of these threshold conditions exists, it need not consider the matter further and may approve any project without taking further steps to comply with CEQA. We are therefore talking about a generational approval of the size and scope of new development in this community. The Chinatown Coalition's stance has always been that while we want certainty surrounding the development process so that the new development we need comes to this neighborhood, we want that development to benefit all residents and businesses and organizations who have been in this neighborhood and invested their lives here, not just current landowners and future residents. We also want new development to help this neighborhood become safer, more livable for families of all kinds, and to maintain its economic and cultural inclusiveness. These neighborhood qualities do not happen simply by the actions of market-oriented landowners and developers. They happen when a wide range of forces, including a strong regulatory framework, act in concert with one another. We hope the comments below help to illuminate potential impacts that the writers of this DEIR have not considered, and we hope that it furthers our conversation about how to create a strong regulatory framework that channels the unpredictable market and demographic forces into a smoother and healthier development process in service of a vibrant and inclusive neighborhood.

B3-2

Executive Summary

B3-3

1) Page ES-2 - The EIR should remove references to this being a community-generated plan. The Chinatown Coalition does not support the plan as presently written, particularly since pages ES-6 through ES-8 contains a partial listing of all the areas of controversy that still remain.

B3-4

2) Worst Case Analysis - EIRs typically analyze for plans such as this LM plan a worst case scenario that assumes maximum development permitted under the new zoning district. The EIR authors have instead used a "Reasonably Foreseeable Maximum Development" scenario. The report further goes on to state that the "reasonably foreseeable maximum development for the Planning Area is not intended as a development cap that would restrict development. Rather, the proposed Plan allows for flexibility in the quantity and profile of future development as long as it conforms to the general traffic generation parameters." This approach to regulating development is problematic. First, it unfairly rewards large developers such as BART because it encourages them to build early in the Plan horizon to use up the allotted vehicle trips. It is possible that toward the end of the Plan's horizon that smaller property owners who don't own development opportunity sites may want to develop their land but the traffic limits have already been reached.

3) The EIR authors have quantified somewhat the maximum development scenario, but instead of conducting the EIR analysis level required by CEQA within the body of the EIR, have relegated it to the Alternatives Section. This is not in compliance with the CEQA Guidelines Section 15126.6(a) which says that "(A)n EIR shall describe a range of reasonable alternative to the project, or to the location of the project, which would feasibly attain most of the basic objectives of the proposed project but would avoid or substantially lessen any of the significant effects of the project". The EIR authors have already claimed in essence that the Maximum Development Scenario is not reasonable, and this scenario surely does not avoid or substantially lessen significant effects. In this case, since information is available from the EIR authors to describe the Worst Case Development figures, this Draft EIR should have examined the Worst Case Scenario to give decision makers and the public a complete analysis.

B3-5

4) Conformance with General Plan - No where in the LUTE is there language that the Lake Merritt Transit Village will have high density development, or buildings up to 400 feet in height. Figure 6 Improvement Strategy does not designate Chinatown as an area of growth and change. So it would appear that the development proposed for the BART owned blocks do not comply with the LUTE.

B3-6

5) Building Heights - At the heart of CEQA is the charge to provide information to decision makers and the public to make an informed decision. It is doubtful that decision makers and most lay persons have any idea how tall a building proposed by this plan actually is. Therefore the EIR should identify any other buildings in Oakland that are as tall as the

275' and 400' towers proposed in the Lake Merritt Plan. This is especially important since the area (Bart blocks) shown for the tallest building in the Reduced Scope Alternative is presently consisting of 2-3 story buildings. The EIR should also evaluate solar impacts on residential uses and wind impacts on pedestrians of buildings this tall.

B3-7

B3-8

6) Outside of EIR Scope items - We disagree that the items listed in the Outside of EIR Scope are outside the scope of the DEIR. Rather, we assert that at least two of the listed items are potential mitigation measures to the impacts created by the Proposed Plan and the Plan Alternatives and should be analyzed in the DEIR. These are:

7) One-way to two-way street conversions as a mitigation measure to the increased vehicular traffic and the increased conflicts between pedestrian, bicycle, transit and vehicular modes of transportation.

B3-9

8) Community Benefits program as a mitigation measure to impacts to open space and quality of life issues in the community with increased density and population.

B3-10

9) Alternatives to the Proposed Plan

   a. Each of the No Project Alternatives to the Proposed Plan institutionalize the current zoning plan which up-zoned the entire planning area. That zoning plan was put in place as an interim plan while waiting for the Lake Merrit Specific Plan to be developed. A more appropriate No Project Alternative would be to use the zoning code prior to the increase in allowable heights that occurred in 2009 as a baseline of existing densities. The up-zoning that occurred is an ongoing deterrent to responsible development in the planning area.

B3-11

10) ES-9 - The Chinatown Coalition is not necessarily advocating for the Reduced Scope Alternative. We want to accommodate density, but only if value can be captured to support public amenities that keep our neighborhood livable, accessible, and affordable. We want elements of the TDM Alternative. We do not support the No Project Alternative or the Trends-Based No Project.

11) The "Environmentally Superior Alternative" is not necessarily a desirable outcome of this process. We need a development outcome that supports public amenities and affordability in our neighborhood.

B3-12

12) Please explain what makes Enhanced TDM scenario worse than the reduced scope scenario.

B3-13

13) ES-14 - Impact LU-3 - The conclusion that new development under the proposed plan would not fundamentally conflict with any of several plans is false. It would conflict with the housing element of the general plan, because the speculative environment created under such a plan would price out small scale market rate development and affordable housing. A mitigation should be required.

B3-14

14) ES-15 - Impact LU-4 and 5's conclusions are incorrect. The new plan as currently drafted, would likely result in long-term indirect displacement by encouraging boom and bust development. The plan anticipates the area more than doubling in population. How can additional infrastructure not be required to handle this projected growth?

B3-15

15) ES-37 - We disagree strongly with the conclusion in Impact PR-1. It would increase the strain on existing parks and recreation facilities, which does need to be mitigated. ES-38: We disagree with Impact PR-2 and Impact CUM PR-3 for the same reason. A projected doubling of population will certainly impact open space within the neighborhood.

B3-16

16) ES-40 - We disagree that a doubling of the population will not impact schools and other public facilities.

Section 2 - Project Description

B3-17

1) 2-5 - The description of the purpose and objectives of the proposed plan are fine. However, without an economic mechanism, the last bullet point will be impossible to achieve.

B3-18

2) 2-8 - For our comments about the Height and Massing Concepts, please refer to our previous letters. Most importantly, BART should not be given higher limits than anywhere else in the neighborhood, and a mechanism for capturing public value in buildings that exceed the density of the existing neighborhood needs to be put in place.

3) 2-23 - Requiring community benefits about 275 feet will result in no community benefits. The Chinatown Coalition supports high allowable heights, but not by-right. Achieving density beyond the existing scale of the neighborhood should be subject to a policy capturing value for public amenities.

B3-19

4) The proposed plan recommends that community benefits be captured if a building exceeds 275 feet in height. But the third bullet point under Developer Incentive Program (for buildings less than 275 feet in height) says that the DIP must be voluntary. Why must it be voluntary under 275 feet, but not over 275 feet? We want the Station Area Plan to change the Development Agreement framework, and put it at a lower density.

B3-20

5) Height Area Description - There are some inconsistencies in the report about the height levels that need to be corrected. The discussions are continuing about the Development Incentive Program and at what height or density would community benefits be required. On Page 2-11, Height Areas: there is a sentence that states "Heights shown in Figure 2.3-2 (and described in Section 2.4) represent the maximum heights allowed in specific geographic areas of the Station Area. However, any development above 275 feet would be required to provide community benefits in order to achieve those maximum heights." This statement is once again repeated on page 2-23, Height Areas. This is similar language that was included in the staff powerpoint presentation to the Planning Commission on November 20, 2013. We want to emphasize that later on page 2-33, Developer Incentive Program, the text points out there are current discussions to have community benefits be required for heights that are much lower than 275 feet. We want to reiterate that a 275-feet height trigger for public

B3-20 amenities is NOT realistic given the current and likely future market conditions that we saw in the AECOM and Strategic Economics Studies. These inconsistencies in describing the height levels need to be corrected.

Section 3.1 - Land Use, Planning, Population and Housing

B3-21 1) 3.1-2 - According to a structural engineer that toured the BART site, it would be nearly impossible for BART to tie to the remaining pilings and foundation on their site because structural engineering codes have changed since the original building was constructed.

B3-22 2) 3.1-7 - We would like to note in the Population and Housing section that 64% of the Planning area population as of 2009 was Asian.

B3-23 3) 3.1-10 - Please note that the General Plan is intended to "encourage, support and enhance" a number of uses, but does not list residential in the text. The Planning Area has a high proportion of residential, and we should make sure that use is emphasized.

4) 3.1-14 - Policies D10.3 and 4 state that "housing height and bulk should reflect existing and desired district character…" and that it should be "promoted for a range of incomes, ownership options, household types, household sizes, and needs." The Chinatown Coalition has been saying these things essentially for the last 4 years, and we have been trying to advocate for a mechanism that has a real chance of producing these outcomes, or at worst comes along with mitigations when super-high density market-rate development occurs. We also strongly support Policy N6.1.

5) 3.1-19 - We believe that Policy OS 2.2 should also apply to Laney making its open spaces more readily available to surrounding neighborhoods.

6) 3.1-20 - We disagree with the impetus towards more rooftop gardens. These tend to be open spaces that are not publicly accessible, and do not serve to improve the neighborhood they are in. As an example, please see the roof top open space at the Kaiser building on Lakeside. Most community members do not even know it exists.

7) 3.1-21 - Policy CO-12.1 should also include minimizing throughways and through-traffic and freeway off-ramps within the neighborhood to improve air quality.

8) 3.1-23 - Policy REC 6.1 recommends Joint Use Agreements between the City and OUSD and other public agencies. We agree with this policy, but the Agreements should include some payment to the City for maintenance of the space from these agencies that share use of the space. We would also like to understand why Policy REC 10.2 regarding a park impact fee has not yet been adopted.

B3-24 9) 3.1-33 - The general provisions of the Central District Urban Renewal Plan state that "at least 15% of all new or rehabilitated dwelling units developed by public or private entities…shall be available at affordable housing cost to person and families of low or moderate income."

B3-25 10) 3.1-37 - Impact LU-4 does not account for indirect displacement of housing or people due to gentrification.

B3-26 11) 3.1-39 - Under Impact LU-2, we disagree with the conclusion that the impact is Less than Significant. In fact, development at the proposed heights of 275 and 400 feet is out of character with the existing neighborhood, which is not what the third paragraph of this section claims. Mitigation measures should be required, and we have proposed some in previous letters.

Section 3.2 - Transportation & Traffic

B3-27 1) Despite comments in the DEIR that the document incorporates the Complete Streets approach to the transportation analysis, the result is a standard vehicular Level of Service (L.O.S.) set of impacts and mitigation measures. The standard approach to evaluating vehicular flow based on LOS at intersections during the AM and PM peak hours, does not address the impacts that will occur outside of the AM and PM peaks as more traffic is generated by greater population growth and increased densities as proposed in the Proposed Plan and other Alternative Plans in the analysis. Furthermore, there is no analysis of the impacts that result from conflicts between the Pedestrian peaks with the AM and PM vehicular peak spread that will occur as a result of the plan; and therefore no mitigation measures have been identified.

B3-28 2) The methodology for calculating the level of service with project conditions needs to be re-analyzed. Levels of service on 8th Street and Webster for example improve with the implementation of the project which does not intuitively make sense.

B3-29 3) Lack of Evaluation of other Mitigation Measures to Vehicular Impacts - There have been no alternatives presented to move traffic whose destination is not Chinatown to proposed alternative routes and associated management strategies to increase vehicular flow on those alternative routes, allowing through-traffic to reach their destinations without penetrating the core of Chinatown.

B3-30 4) Furthermore, the implementation of one-way to two-way street reconversions has been identified in past transportation studies that are referenced in the DEIR as a strategy to mitigate vehicular impacts. There has been no evaluation of this proposal within the DEIR to utilize this strategy as an important mitigation measure that could make a difference in changing an impact from Significant and Unavoidable (which occurs throughout the study area) to Less than Significant for vehicular traffic impacts and conflicts that exist between vehicles, pedestrians, bicyclists and transit.

B3-31 5) Inconsistency with Adopted Policies, Plans or Programs supporting Alternative Transportation - The Alameda Point draft EIR is a referenced document, but the methodologies to address pedestrian level of service is inconsistent between the Lake Merritt draft EIR and the Alameda Point draft EIR.

B3-32 6) 3.2-178 Collision History - The forecast of future possibilities in reducing pedestrian-auto collisions neglects the fact that the Proposed Plan and all the Alternatives, including the No Project alternatives increase the population in the study area and increase uses and housing units within the study area and therefore will lead to increased traffic generation and greater probabilities of vehicular/ pedestrian conflicts despite the urban design solutions that are proposed in the plan.

B3-33 7) There is a discrepancy for the following intersection level of service analyses between the two tables 3.2-98 and 3.2-28 regarding the following intersections that needs to be addressed: 8th/Webster, 8th/Harrison, 8th/Jackson, 6th/Jackson

B3-34 8) Pedestrian level of service - The draft EIR fails to consider the impact on pedestrian level of service in Oakland. It is studied for the impacted City of Alameda intersections, because Alameda requires it, but Oakland does not believe this to be important because CEQA does not require it. On the Oakland side, only level of service to vehicles is considered for mitigation. Given that the DEIR acknowledges that high pedestrian use in the study area, it should study the impact on pedestrian level of services for key intersections, especially in key Chinatown intersections and mitigation measures must be studied on these impacts.

B3-35 9) The impact on of the plan on pedestrian safety should also be studied and mitigations considered. Specifically, an analysis of the impact on the amount of pedestrian time for crossing the street should be included. This is especially important to the Coalition, as there have been two fatal pedestrian accidents within the last few months: last week, an elderly woman was struck and killed in a fatal accident on 8th and Jackson. A few months earlier, another elderly woman was hit on 9th and Alice. These fatalities emphasize the need for a bigger focus on pedestrian safety through a pedestrian level of service.

B3-36 10) Mitigation Measures - The DEIR fails to consider as a mitigation measure the re-conversion of one-way to two-way streets to improve the traffic flow in the study area. There are numerous intersections that are reduced to F level but the DEIR considers it an unavoidable.

B3-37 11) The collision data (page 3.2-27) is outdated, ending in June 2010, more than three years ago. It shows that the highest incident of collisions occur at 8th Street and Webster from July 2005 to June 2010).

B3-38 12) Vehicle Queuing - DEIR fails to consider the impact of vehicle queuing on the Chinatown community and the area. Vehicle queuing is already severely impacting pedestrian level of service and safety in the area. Pedestrians are unable to cross the street from 7th and Harrison to 7th and Jackson because of the queuing from the Jackson and 6th street on-ramp. If not for the scramble signals on Webster Street and 8th Street, the queuing on Webster Street into the Alameda tube would similarly prevent pedestrians from crossing Webster Street. Similar queuing problems will occur on Madison and Oak and mitigation measures must be adopted. The mitigation measures to be considered must include traffic plan which includes the reconversion of one-way streets to two-way streets.

B3-39 13) Vehicle queuing will also create unacceptable Toxic Air Contaminant (TAC) impacts on the community which must also be considered and mitigated.

B3-40 14) Decrease in public transit use – Please clarify why Table 3.2-36 on page 3.2-171 includes projected decreases in public transit use (both BART and AC Transit) if this plan is supposed to encourage public transit use.

B3-41 15) All mitigation measures to address the traffic issues are relegated to signalized timing. Additional traffic mitigation options need to be included and analyzed.

Section 3.3 - Air Quality

B3-42 1) Chinatown Coalition members and Chinatown residents conducted an air monitoring study this past summer on particulate matter 2.5 – black carbon, and found levels exceeding standards set by the Bay Area Air Quality Management District. The San Francisco Bay Area Air Quality Resource Management District (Air District) has adopted CEQA guidelines requiring "risks and hazards" thresholds for $PM_{2.5}$ (black carbon) of 0.3 $\mu g/m^3$ (microgram per cubic meter of air) when reviewing new development projects. Any levels greater than this will need to be lowered before the development is permitted.*

2) Our study showed that 10 out of the 12 monitored locations exceeded the Air District's threshold levels, as indicated in red in the table below. Black carbon levels right off the tunnel from Alameda at Harrison and 6th Street had 100 times beyond the threshold limit. This is concerning given its proximity to a day care center. 8th Street between Harrison and Webster showed the 2nd highest peak levels. This is where a major office building and community services are located along with several shops and hundreds of pedestrians walk every day. Vehicle congestion and idling are both major contributions to high black carbon levels. A health impact assessment needs to be included in the EIR analyses given the potential air quality impacts of the project.

   a. San Francisco is in compliance with this guideline and has adopted a threshold of 0.2 $\mu g/m^3$ for any new development.†
   b. San Jose has adopted a pilot project to mitigate black carbon levels from new development to be in compliance.

Locations Monitored	Black Carbon Peak Levels
Webster between 7th/8th	.85 $\mu g/m^3$
7th between Webster/Harrison	.78 $\mu g/m^3$
Harrison between 6th/7th	20.01 $\mu g/m^3$
Harrison between 7th/8th	1.39 $\mu g/m^3$
Harrison between 9th/10th	1.43 $\mu g/m^3$
10th between Harrison/Alice	.23 $\mu g/m^3$
9th between Harrison/Alice	1.72 $\mu g/m^3$
Jackson between 8th/9th	1.64 $\mu g/m^3$
9th between Jackson/Madison	1.13 $\mu g/m^3$
Madison between 8th/9th	.24 $\mu g/m^3$
8th between Jackson/Madison	2.46 $\mu g/m^3$

8th between Harrison/Webster	3.27 ug/m^3

*Source: May 2010 CEQA Thresholds, http://www.baaqmd.gov/
†Source: http://www.sfdph.org/dph/files/EHSdocs/AirQuality/Article38DevGuidance.pdf

B3-43

3) Current conditions in the Plan Area put existing and new sensitive receptors at risk of poor health outcomes because of the proximity to sources of air pollution, particularly diesel particulate matter. As stated in the EIR, the area is impacted by existing elevated health risks from air toxics, in particular diesel particulate matter. Additionally, this area of Oakland is identified by the Bay Area Air Quality Management District as suffering some of the highest health risks from toxic air contaminants.

4) Given that the Plan Area already has high health risks, the DEIR should exhaust opportunities to mitigate impacts of air pollution. The Plan allows for increased residential density near the 880 freeway and existing sources of diesel pollution and after applying the Standard Conditions of Approvals, policies and mitigations, the DEIR finds Significant and Unavoidable Impacts. Furthermore, there is a high potential for multiple new sources to exacerbate air quality and odors. These impacts -- Impacts AQ- 3, 4 and 5 -- include: exposure of sensitive receptors to substantial health risks from toxic air contaminants (TACs) from sources of diesel particulate matter and gaseous emissions; exposure of sensitive receptors to substantial odors and cumulative air quality impacts. The DEIR should include stronger mitigations to prevent increasing pollution and exposures to air toxics rather than succumbing or further contributing to the problem.

B3-44

5) The DEIR can be more health-protective of sensitive receptors, new and existing, to diesel particulate matter with improvements made to the existing Standard Conditions of Approvals (SCA), policies and mitigations. For instance, construction for projects should comply with both lists for Standard Conditions of Approval for construction, SCA - A, "Basic and Enhanced Construction-related air pollution controls". The threshold for using the Enhanced list is too high. To be more health-protective, we recommend combining the lists of Basic and Enhanced construction measures and requiring both of them for all development projects within the Plan Area.

B3-45

6) An additional measure to improve the DEIR includes requiring both a health risk analysis and incorporating the risk reduction measures for all projects rather than having the health analysis as an alternative to incorporating the measures. As currently written, SCA – B Exposure to Air Pollution (Toxic Air Contaminants), allows project proponents to choose between conducting a health risk assessment and incorporating the measures. Project-specific risk reduction measures will only be developed if the assessment shows the project will exceeds an acceptable level of risk. Health risk analysis allows the City and the public to gain an understanding of the relative risk of a project and to develop appropriate mitigations based on the severity of risk and to give assurances that health risks are appropriately mitigated. Allowing the alternative to conducting a health risk analysis creates a potential predicament when the project or a new pollution source contributes significantly to health risk or contributes to a cumulative increase in health risk even after incorporation of the health risk measures. In practice, conducting an analysis as a first step prevents the drawbacks of having

B3-45 unmitigated risks later on. We recommend requiring both a health risks analysis and incorporation of the risk reduction measures for all projects in SCA – B.

B3-46 7) To further address the significant impacts of exposure of sensitive receptors to toxic air contaminants, we recommend utilizing the Developer Incentive Program Fund and other readily available funding mechanisms at the time of implementation to fund retrofits and upgrades or replacements of stationary diesel sources within the Plan Area to the best available control technology, including non-diesel engines. Please refer to the comment letter from the Bay Area Air Quality Management District regarding engine replacements and retrofits and other mitigation recommendations.

Section 3.5 - Parks and Recreation

B3-47 1) In the attempt to rationalize no impact, the EIR recognizes spaces that do not meet any Definition of park or recreational standards established by the OSCAR. The majority of the parkland identified is regional and not within the residential areas of the planning area therefore not meeting local serving standards.

2) 3.5-2 Existing Park Land - Inclusion of the 18.8 acres of linear "parks" (Peralta and Lake Merritt Channel Park) in the existing parkland acreage is misleading as in the OSCAR linear parks are only for the purposes of "enhancing appearance" and play no role in meeting active recreational/park needs.

3) 3.5-5 Publicly Accessible Open Spaces - The 12.1acres of Laney College Playing Fields is accessible to students, and not publicly accessible. While the remaining 8.7 acres of hard-scaped public and private building plazas and landscaping may meet good urban design standards identified in the general plan, they are not recognized in the OSCAR as a strategy for meeting public open space needs.

B3-48 4) 3.5-7 Park Land Standards - Local serving parks include all parks that meet the active recreational needs of the community.

5) Hong Lok Senior Center did not and no longer serves as a **public** park as residents had to be a member of Family Bridges in order to access facility, and now the facility is a privately run childcare center. Deducting this 1.3 acres from the 4.1 total, leaves 2.8 acres of Neighborhood Park per 1,000 residents which is sorely below the four acres per 1,000 residents identified in Oakland's general plan.

6) The report clearly identifies that not one park in the lake merit planning area meets the criteria of local serving neighborhood park.

B3-49 7) 3.5-14 - Thresholds of significance - Increase use of the existing neighborhood park and recreational facilities has ALREADY resulted in substantial physical deterioration of the facility, should population increase by 4,000 the impact of increased use would be unsustainable in the existing facilities. The construction of New, or expanded

B3-49 Recreational facilities must occur if the project area is to move forward as proposed by the lake merit area plan.

B3-50 8) Mitigations – Please clarify whether the increased funding for operations and programming for existing local neighborhood recreation facility must occur based on population growth and projected development impacts, not facility size. Lincoln Square is too small.

B3-51 9) Table 3.5-5 - Linear parks do not meet the needs of active recreational open space.

10) Table 3.5-6 Park acreage ratios - If Chinese Garden/Harrison Park/Lake Merritt - Mei Mei Childcare is removed from the local serving park acreage since it has been privatized usage, the local serving park ratio drops to an unacceptable .3 to .12. **This is a significant impact for users.** 2.8 acres of local serving parks would result in .012 acres per resident.

B3-52 11) 3.5-18, Impact PR-2 – Impact is significant, total park acreage identified in table 3.5-5 are not accurate see above, mitigations measures should include and prioritize additional recreational facilities and increased operating funds based on LOS. This policy is not in application currently, and would require enforcement.

12) Cumulative Impact PR-3 - Consistently the plan attempts to rationalize that there will be no increased demand or recreational facilities this is internally inconsistent with the data which demonstrates that Chinatown is ALREADY underserved by recreational facilities and any increase in population will significantly impact the one facility that is currently operating at over capacity.

B3-53 a. Mitigation Measures - Developments must contribute to a Lincoln Park Recreation facility park fund for its expansion of programming and facilities to meet increasing demand.

Section 3.6 - Public Services

B3-54 1) 3.6-1 - Info is all out of date. Of importance is how the OPD is organized. They are now organized into five districts, each headed by a Captain with wide authority to determine utilization of his own resources.

2) 3.6-5 - Table 3.6-5 should be amended to delete Yu Ming Charter School, which has moved to North Oakland. Also, in the paragraph underneath the table, it should note that the physical improvements to Lincoln envisioned in the Facilities Master Plan have been completed.

3) 3.6-8 - Eliminate bullet point about Yu Ming, and Urban Montessori is in a location outside of the planning area.

B3-55

4) 3.6-9 - The OUSD report that was cited makes the same point that the Chinatown Coalition has been trying to make: "Typically, luxury high-rise condominium development generates very few students… Affordable or Below Market Rate Units often house a significant number of children." Thus the density or residents is much higher in family-sized affordable housing than in typical market-rate housing. If we want to build a neighborhood that is family friendly (a key goal of the Coalition), we must make affordable housing available in the planning area.

B3-56

5) 3.6-11 - The paragraph about Hall of Pioneers and Sun Yat Sen Memorial Hall in Chinese Garden Park is outdated. The Hong Lok Senior Center has moved (perhaps temporarily) to Pacific Renaissance, and the Lake Merritt Childcare Center has moved into the park. The Coalition believes that access to this park by any group is difficult and dangerous given the Alameda/880 traffic.

6) 3.6.12 - The Oakland Museum improvements have been completed.

7) 3.6-13 - Asian Health Services' new clinic at 9th and Webster should be noted.

8) 3.6-14 - East Bay Asian Local Development Corporation has moved its headquarters to Uptown. Nevertheless, they still own Asian Resource Center in Chinatown, and provide services out of the space. They also own approximately 215 apartment units and 25 homeownership units in the planning area, along with nearly 70,000 square feet of commercial space.

9) 3.6-15: National Council on Crime and Delinquency has partnered with Asian Health Services to create the Spot, a youth center in Chinatown at 13th and Harrison. For programmatic information, contact Sherilyn Tran at Sherilyn@thespotoakland.org.

B3-57

10) 3.6-16 - It would help to document what Impact Fees are already being charged: school fee and EBMUD service fee. Other fees need to be generated in order to maintain level of service.

B3-58

11) Policy N12.2 - In all honesty, OUSD will not be impacted by market-rate development, because almost no public school attending children live in urban new construction in Oakland or San Francisco. Rents are too high. That is exactly the point the Coalition has been trying to make. In order to create a family friendly neighborhood, affordable housing and family-sized housing are needed. The market is efficient at producing luxury one- and two-bedroom products, but not anything that most school-aged children would live in. More moderate density housing that is affordable to middle class families who want to send their children to the excellent schools in the neighborhood would be much better at creating a diverse and vital neighborhood for upper-income households as well as other family types.

B3-59

12) 3.6-19 - We request that SCA-21 be amended to the installation of additional standard City of Oakland pedestrian-scale streetlights.

B3-60 13) 3.6-22 - Schools will not be impacted unless we build more family friendly housing. We want schools to be thriving in our neighborhood. A doubling of the planning area's population with no impact on schools is an unacceptable scenario. Also, while the DEIR

B3-61 makes the case that our area is exceptionally well served by libraries, it does not mention that the Asian Branch Library also has the highest circulation per square foot in the Oakland system. Therefore, it would be highly impacted by new development. It is already overused (in a good way), and there is no more space for new patrons at this branch. Therefore, resources need to be set aside for its expansion.

B3-62 14) 3.6-23 - It is difficult to understand how doubling the population density of the neighborhood could have minimal effect on fire-safety. Chinatown has one of the least modern fire stations in the City, and its facilities would seem inadequate to service new high-rise development that is foreseen by the Station Area Plan. Serious augmentation of the station's capacity needs to be considered.

B3-63 15) 3.6-25 - The third paragraph mentions that one way the Plan seeks to enhance public safety is by redesigning Madison Park. The Coalition whole-heartedly agrees with this, but the Plan does not set aside resources for that improvement.

B3-64 16) 3.6-26 - The DEIR does not mention what has been widely reported – few high income students will attend public schools within the planning area. And many public school students from families with the means to do so will leave the public school system after elementary school. This is not a dynamic that is sustainable for OUSD or for our neighborhood. We need to bring in families to the neighborhood that will be public school families and stay through high school, and these families need to live in housing that they feel safe in and can afford.

B3-65 17) 3.6-28 - The Chinatown Coalition disagrees strongly that parks and libraries will not be impacted, regardless of the use (commercial or residential) or affordability of new development. We are not experts in fire service but are skeptical that will not be impacted either.

Section 3.8 - Cultural and Historic Resources

B3-66 1) Oakland's human resources are a critical part of its enormous cultural heritage resources. In addition to the built urban fabric, we must work to strengthen and support the existing Asian-American communities and other longtime residents in the area under discussion. Typically, commercial and residential rents in existing (often historic) buildings are much more affordable than those in newly-constructed buildings. What incentives can be included in the plan and in the mitigations, to ensure that property owners are supported and assisted as they pursue maintenance, blight reduction, improvements, and adaptive reuses? The DEIR mitigations are inadequate and insufficient in this area, and we encourage concrete steps to strengthen them. We have two primary areas of focus:

a. mechanisms that will help preserve opportunities for small locally-owned businesses and

B3-66

b. mechanisms that will help preserve existing market-rate affordable rentals, and promote the development of affordable and family-friendly housing. An example of this is EBALDC's pioneering work in multigenerational housing design.

B3-67

2) 3.8-48 - IMPAC CUL-1 - We believe that this impact can be entirely avoided. Please present a preservation alternative to accompany or overlay with each of the alternatives, that presents no unavoidable negative impacts to these three historic buildings. This would certainly strengthen at least the environmentally preferred alternative—if not all versions of the project.

B3-68

3) OUSD "opportunity area" This DEIR and plan presents an unusual opportunity for a version which would have **no significant and unavoidable negative impact upon historic properties.** We request that the alternatives be expanded to include a Historic Preservation alternative or sub-alternative, to show adaptive reuse of the two historic OUSD buildings—the Robeson and Moore buildings—or perhaps their incorporation into new development, rather than demolition. In planning this area, more attention should be given to the channel from Lake Merritt to the Estuary, and how to keep it not only accessible but usable by and welcoming to the public. In intensifying the opportunity area, what measures will preserve the public consciousness of this key link, part of Oakland's earliest municipal history? In conjunction with Measure DD improvements, a generous public area along each side of the channel should be planned, and any new construction should have the characteristic of clearly standing away from this precious public resource. Perhaps there is an opportunity here to do some education-linked housing in the historic buildings, for teachers or students or staff associated with OUSD or the Peralta Colleges?

B3-69

4) Oakland Auditorium (Henry J. Kaiser Convention Center). This prominent building, on fill lands, built with public bond monies, and with an early deed connection to the Peralta family, should remain accessible to the public, and any proposed re-use or transfer of operation should include measures for public use of the building in perpetuity. We support continued public use of this prominent public facility. Its reuse should not entail any damage at all to the cultural and historic resource, but rather its preservation. We would note a very large repository of information about the past history of the uses of the building in the collections of the Oakland Public Library's History Room. Perhaps at least half the living residents of Oakland have performed in or attended events in this facility. The Stirling Calder reliefs and the historic function of the building are key assets to the city, and not to be lightly de-acquisitioned.

B3-70

5) Environmental impacts of noise and traffic: We associate ourselves with the positions of the Chinatown Coalition in working to preserve a complete and healthier neighborhood that supports its residents, shoppers, visitors, pedestrians, bicyclists, and drivers by minimizing the negative impacts from street and freeway traffic, emphasizing pedestrian and bicycle safety, and considering how best to protect the area from ambient noise. The noise section should be revisited. The traffic mitigations seem insufficient. The TDM plan seems underpowered and hard to enforce.

B3-71

6) Views are inadequately considered. There are notable and much-seen views across this area

B3-71 from the freeway, into downtown Oakland, Chinatown, and the lake area. Please furnish additional analysis, including visualizations of views from 880, from Lake Merritt Boulevard, and from the Lake Merritt Channel.

B3-72 7) Fire Alarm Building. We support the lowered heights on this site, and feel strongly that the historic building should be identified for adaptive reuse, not demolition or replacement. Its parking lot area is potential open space and should perhaps be so designated and reused.

B3-73 8) To give an example of market-rate housing resources that exist in older buildings, we would cite the grouping of apartments across 10th Street from the Museum, at Oak St. Such buildings are relatively dense, already exist, and are comparatively affordable. We should seek to keep them well-maintained and useful in retaining a whole community of longtime residents. We are working right now to see if a state historic tax credit can be implemented through the legislature. This could be one avenue of obtaining additional financing for some of our historic resources in the Chinatown and Lake Merritt BART Station area.

B3-74 9) Under Design Guidelines in the cultural section, we strongly support mitigation 66 on page 3.8.57, regarding pitched roofs.

B3-75 10) Regarding design guidelines, we'd note that in its initial construction, the MTC building was built with a setback to respect the context of the neighborhood. In any future project, this setback should be maintained.

B3-76 11) In the alternatives discussion, under the reduced scope alternative:

a) Consider the above referenced alternative for reduced impact to cultural resources.
b) Study the relationship between this alternative and mitigating impacts to the cultural integrity of the Chinatown neighborhoods and to preserving mixed-income demographics.
c) Review the alternatives discussion in the light of a time frame: how many years to get to full build out? Might the reduced scope alternative be the more likely and more feasible in the nearer term? Should this overall project be looked at with a clearer notion of phasing? It could be unlikely that large towers will be constructed in the near term. How can we avoid overheating the land values while still encouraging growth and residential density?

B3-77 12) Is there an interim plan for the BART-controlled blocks, addressing how they look and function if development is somewhat delayed? How will these be maintained and improved in the interim, so that the whole area is not blighted by any stalled plans? The potential of delay to put the area at risk is enough that some interim options should be included.

B3-78 13) In the interests of creating and maintaining complete neighborhoods, family housing and a full range of economic levels should be a goal throughout both in historic buildings and in new ones. The city must not limit plans to building only units for people with large incomes and no families. That is a recipe for movement to the suburbs as soon as people change their lifestyles. Mixed income and mixed-family status housing, including families with children,

must be incorporated into the plans.

B3-79 14) When the analysis references "existing conditions" it is sometimes hard to tell what is meant: actual conditions, potential conditions under the 2009 CBD provisional upzoning, or "no project alternative?" Please review and clarify.

B3-80 1) The DEIR recognizes the Chinatown community as a cultural and historic resource of the City of Oakland, yet fails to consider all mitigation measures to protect the community from the impacts of the plan. Reasonable and necessary mitigation measures such as requiring low to moderate income housing contributions in future developments to avoid displacement of families or the requirement of a community benefits program to mitigate the impacts on existing community resources must not be dismissed as "outside of the EIR scope".

15) "Heritage" by legal definition tends to include property only. However, the biggest impacts will be on "intangible heritage," i.e., cultural values that can't be seen or touched. It would be useful for the EIR to include mitigations for externality impacts on things like language and trade through generations. This study could be added to the report's existing "Other Potential Resources" or "Asian Cultural Resources" section going forward. There is also a "social" requirement according to the State Office of Historic Preservation that could include this analysis. When intangible heritage is not measured, culture runs the risk of being commodified (like through development-driven tourist economies), or dissipating from a region altogether. Chinatowns are particularly vulnerable to this.

B3-81 16) The report acknowledges that pedestrian and bike traffic is "diverse and high." We suggest looking into two-way streets on Webster and Franklin as part of any future development in the Planned Area.

B3-82 17) The DEIR cultural section includes acknowledgement of language as a barrier to comfortable relocation. This is especially true of elderly folks who have been displaced by development in the past, and the report cites BART as a major displacement driver in an historical example (3.8-5) in which 16 of the 24 parcels acquired for 12th St station construction were owned by Chinese people. Based on these facts, the Coalition recommends an inclusive housing argument for future development to mitigate displacement fears.

Section 4 - Analysis of Alternatives

B3-83 1) 4-2-3 Alternatives Rejected From Further Study - Fine Grain Alternative - Members of the Chinatown Coalition spoke in opposition to the neighborhood being included in the CBD rezoning. This opposition was voiced at the City Council meeting after the LM study had commenced. It is clear that the city did this to have a higher baseline point to evaluate the LM plan's impact. This was improper action by the city and that is one reason why the

B3-84 Coalition objects to the LM plan being characterized as a community plan. It is clear that this is an EIR for BART wearing it's development hat, and this position is buttressed by the fact that the BART owned blocks retain the highest height while other properties' heights are lowered in the Reduced Scope Alternative.

B3-85

2) The EIR authors seem to be unclear on the types of alternative required by CEQA. The standard is not whether the alternatives reduce existing impacts, but rather does the alternative reduce the impacts of the project to insignificant levels or substantially reduces them. Rejecting the Coalition and Oakland Heritage Alliance-proposed alternatives on the basis that they will not necessarily reduce impacts below existing levels is therefore inappropriate.

3) It is also clear from Section 151126(a) that alternatives should be analyzed that obtain most of the basic objectives of the project, or conversely not all objectives must be met. Therefore it is reasonable to suggest that a medium-, or even a low-density Transit Village are appropriate alternative that meet the basic objective and allow for informed decision making. Again it is pertinent to the discussion that no where in the LUTE is there a proposal for a high density Transit Village at the lake Merritt Station. Alternative do not have to meet all project goals as is clearly stated in CEQA.

B3-86

4) No Project Alternative - The ACTC alternative should appropriately be folded in with the No Project Alternative because it neither prohibits or encourages development. It is not a development standard. Again, the Coalition urges that the former zoning designations be used to evaluate the no project alternative since the present zoning was mapped after this study commenced.

B3-87

5) Alternate Location - There should be a statement in the EIR why this alternative was dismissed.

B3-88

6) Reduced Scope Alternative - Fundamental to the CEQA requirement for a discussion of alternative is a mandate to analyze alternatives to the project that will reduce significant impacts to levels of insignificance, or to substantially lessen those impacts. Also, the discussion is intended to allow decision makers to make an informed decision, or "how can we revise the project to make it better?" The Coalition believes that it can be fairly argued that an alternative that significantly reduces height, especially on the BART owned blocks" would substantially reduce the traffic impacts of the proposed project, and the Coalition believes that the City Planning Commission, City Council, and the public cannot render an informed decision without such an alternative.

Other Comments to Note:

B3-89

1) Displacement Impacts the Environment and Needs to be Studied - The Asian American Legal Defense and Education Fund in New York just released a study about how Chinatowns on the East Coast are experiencing displacement of residents, small businesses, and immigrant services due to city policies that are promoting luxury development, the expansion of institutions, and liberal zoning. Housing values and rents have soared while the number of family households and immigrant residents have decreased.

In Oakland, we are now starting to see another cycle of high rents as the economy improves. Just a couple of weeks ago, the SF Chronicle came out with an article that shows the rapidly increasing rent costs in Oakland. The latest data show that the average rent increased by 15% in one year and an occupancy rate of almost 97%. The AECOM study also reflected

B3-89

this finding, with the rent assumptions increasing by 10% in just the 6 months it took to develop this study.

2) CEQA requires an analysis of the physical changes to the environment that are caused by the economic or social effects of a project. We are concerned that the draft EIR does not analyze the social and economic effects of displacement which do have an impact on the environment.

3) The DEIR says that it looked at potential resident displacement and finds that the proposed plan would not displace substantial numbers of existing people. The rationale is that the plan is producing 4900 additional housing units, which is greater than the number of units anticipated to be lost. Despite years of community testimony, comment letters, and public workshops where housing has been highlighted as a key concern, the plan lacks guarantees of housing affordability. The study needs to look at potential resident and business displacement in the likely situation where development will increase housing costs and displace people from the neighborhood.

B3-90

4) The economic impacts of development need to be studied because they have an impact on the environmental conditions, such as air quality and greenhouse gas emissions that are part of the EIR. Studies show that low-income households are more likely to engage in practices that promote sustainability – they are less likely to own a car, more likely to carpool, more likely to walk, and generally make shorter trips than households of medium- to high-income levels. For example, the California Department of Housing and Community Development found that low-income residents own fewer cars and drive fewer miles so that they make 40 percent fewer trips per household than other higher-income households.

5) Development that is targeted exclusively at high-income households in transit areas can have opposite the intended effect of sustainability - resulting in increased car ownership and traffic. Studies highlight that in the situation where core transit users, such as renters and low-income households are being displaced by higher income, car-owning residents who are less likely to use public transit, there is an impact on greenhouse gas emissions and air quality.

B3-91

6) The economic impact of displacement on small businesses also needs to be assessed. The study already illustrates that the planning area will have housing growth that is out of proportion to job growth. This highlights the need to look at strengthening support mechanisms that will both preserve housing affordability for workers and help preserve opportunities for small locally-owned businesses and job creation for local residents. If either workers or businesses are being displaced, there would be an impact on greenhouse gas emissions as people have to travel back and forth for job opportunities or needed community services and retail.

B3-92

7) Mitigation Measures - We believe the impacts of displacement in the neighborhood will have significant impacts on climate change & greenhouse gas emissions, air quality, transportation & traffic, and the health of working class communities. According to the Center for Community Innovation, 63% of the households in the planning area do not own a vehicle. If residents are displaced from the area due to the lack of housing affordability by higher-income, car-owning residents, there will be significant impacts. Mitigation measures to

B3-92

address these significant impacts should include more affordable housing opportunities for low-income residents. These mechanisms should include preserving existing market-rate affordable rentals, promoting the development of affordable and family-friendly housing, and requiring certain levels of affordable housing, especially on public sites.

The Lake Merritt Station Area Plan is important to all of us. We look forward to your response to our comments in the Final EIR. If you have any questions, please direct them to Kim Thai at kithai@ahschc.org or (510) 986-6830 ext. 773.

Sincerely,
Oakland Chinatown Coalition

Cc: Oakland Planning Commission

RESPONSES TO B3: OAKLAND CHINATOWN COALITION (12/20/13)

B3-1: The comment's acknowledgement of the importance of the analysis undertaken in the EIR and the requirements for a subsequent or supplemental EIR is noted.

As described in pages 1-4 to 1-5, the DEIR's analysis of potential physical environmental impacts is based on reasonable assumptions about future development that could occur in the Plan Area. The assumed future development is established within the Lake Merritt Station Area Plan Development Program. Pursuant to CEQA Guidelines Sections 15162-15164, 15168, 15183 and 15183.5, future program- and project-level environmental analyses may be tiered from the EIR.

The City intends to use the streamlining/tiering provisions of CEQA to the maximum feasible extent, so that future environmental review of specific projects are expeditiously undertaken without the need for repetition and redundancy, as provided in CEQA Guidelines section 15152 and elsewhere. Specifically, pursuant to CEQA Guidelines Section 15183, streamlined environmental review is allowed for projects that are consistent with the development density established by zoning, community plan, specific plan, or general plan policies for which an EIR was certified, unless such a project would have environmental impacts peculiar/unique to the project or the project site. Likewise, Public Resources Code section 21094.5 and CEQA Guidelines Section15183.3 also provides for streamlining of certain qualified, infill projects. In addition, CEQA Guidelines Sections 15162-15164 allow for the preparation of a Subsequent (Mitigated) Negative Declaration, Supplemental or Subsequent EIR, and/or Addendum, respectively, to a certified EIR when certain conditions are satisfied. Moreover, California Government Code section 65457 and CEQA Guidelines section 15182 provide that once an EIR is certified and a specific plan adopted, any residential development project, including any subdivision or zoning change that implements and is consistent with the specific plan is generally exempt from additional CEQA review under certain circumstances. These are merely examples of possible streamlining and tiering mechanisms that the City may pursue and in no way limits future environmental review of specific projects.

B3-2: The comment states a set of goals for the Planning Area that align with the stated goals of the Station Area Plan, as cited on page ES-2 of the DEIR. However, the comment does not address the Station Area Plan's potential physical impacts on the environment, and thus is beyond the purview of the EIR. Please see Master Response MR-1

B3-3: The comment about community involvement in the planning process does not address the Station Area Plan's potential physical impacts on the environment, and thus is beyond the purview of the EIR. Please see Master Response MR-1.

B3-4: The comment is concerned about the DEIR's analysis of a "Reasonably Foreseeable Maximum Development Program". See response to comment A8-4. The amount of reasonably foreseeable development and growth associated with adoption of the

Station Area Plan was based on a close analysis of available opportunity sites, including the estimated market demand for new development and historic turnover rates in the Station Area. See DEIR pages 2-29 to 2-32 for more detail.

The comment expressing concern about the timing of future development is noted. It pertains to the merits of the Station Area Plan and does not pertain to the adequacy of the analysis in the DEIR. Please see Master Response MR-1: Station Area Plan Merits and Related Non-CEQA Topics in this chapter of the FEIR.

B3-5: Several policies in the Land Use and Transportation Element (LUTE) of the City of Oakland's General Plan support the development of higher-density, transit-oriented development in the vicinity of downtown and around BART stations including the Lake Merritt BART station. The General Plan land use map, shown as Figure 2.4-1 in the DEIR, shows that most of the Plan Area is either Central Business District, Urban Residential or Institutional, designations that accommodate high-density development, as described in the LUTE (pages 148, 155). Policy D.10.3 of the LUTE indicates that residential development Downtown "should generally be within the Urban Residential and Central Business District density range..." Sites in the CBD would have maximum floor area ratios of 20.0 and Urban Residential sites would have a maximum residential density of 125 units per gross acre. The proposed height and intensity limits proposed in the Station Area Plan also support that vision. See pages 3.1-12 – 3.1-16 of the DEIR.

B3-6: The potential impacts of tall buildings on views, visual character, light or glare, and shadow on public or quasi-public spaces are evaluated in the DEIR's Chapter 3.9: Aesthetics. The chapter features photographs of key views toward and across the Planning Area, and key features within the Planning Area. Modeled views of potential new building forms within the existing built context are provided as Figure 4.6 in the Station Area Plan itself (pages 4-16 to 4-17). In these views, a cluster of taller new development can be seen in the context of the existing lower-rise blocks around the Lake Merritt BART station.

B3-7: Potential solar impacts on residential development are not included in the City of Oakland's CEQA Thresholds of Significance Guidelines, and were not evaluated in this EIR. Potential wind impacts were not evaluated because wind analysis requires more specific knowledge of building form. Wind analysis may be required for specific projects in the Planning Area.

B3-8: As stated on page 2-12 of the DEIR, "improvements that require future actions, such as technical or feasibility studies, are identified as Phase II, and include the possibility of converting one-way streets to two-way. Two-way street conversions are thus not studied as part of the Project. Due to the broad-ranging effects of two-way street conversion on the downtown circulation system that extends well beyond the planning area of the Station Area Plan, additional technical and feasibility studies would be required. In addition, such a systematic change in circulation patterns and traffic operations as well as local access to businesses and residences would require further assessment of potential environmental impacts. Also see Master Response

MR-6: Pedestrian Safety and Master Response MR-7 Conversion of Streets to Two-Way Travel.

Furthermore, the DEIR's analysis of transportation hazards, pedestrian, bicyclist, and bus rider safety (Traffic Safety Threshold Impacts, discussed on pages. 3.2-155 – 3.2-162) concludes that the Station Area Plan would not have adverse impacts, so no mitigation measures are required.

B3-9: The DEIR does not identify significant adverse impacts to parks or public services, therefore no mitigation measures are required. The comment about a potential future community benefits program pertains to the merits of the Station Area Plan and does not pertain to the adequacy of the analysis in the DEIR. Please see Master Response MR-1.

B3-10: The ACTC Defined No Project Alternative and the Planning Area Trends-Based No Project Alternative do assume the continuation of current zoning; this is appropriate for the purpose of understanding the potential effects of maintaining the existing regulatory structure. However, the two No Project Alternatives use substantially different growth scenarios. The Planning Area Trends-based No Project Alternative assumes a rate of growth based on current and historic trends, and a level of development far lower than anticipated would occur with adoption of the Station Area Plan and in the ACTC Defined No Project.

B3-11: The Chinatown Coalition's position with regard to each of the Alternatives is noted. The statement that the Environmentally Superior Alternative is not necessarily a desirable outcome is noted; this statement is similar to the EIR's discussion in Section 4.4 (pages 4-87 to 4-89 of the DEIR).

B3-12: See MR-4: Enhanced TDM as Preferred Alternative.

B3-13: The comment is concerned about the Station Area Plan conflicting with Oakland's Housing Element. The Housing Element includes policies that support the preservation of existing housing. Oakland's Regional Housing Needs Allocation (RHNA) for the Housing Element planning periods for 2007-2014 and 2015-2022 total 14,629 units and 14,765, respectively. The Housing Element is a strategy document outlining City policies to facilitate the development of those housing units, with specific benchmarks for housing available to households at each income level. The Station Area Plan supports, and is consistent with, Housing Element goals and policies to facilitate a variety of housing types in Oakland. See Master Response MR-2 for more discussion of affordable housing. Furthermore, as described in the DEIR (pages 3.1-40 to 3.1-41), to the extent that some individual General Plan policies may conflict with the Plan, such individual conflicts do not inherently result in a significant effect on the environment within the context of CEQA. As stated in Section 15358(b) of the CEQA Guidelines, "[e]ffects analyzed under CEQA must be related to a physical change." Appendix G of the CEQA Guidelines (Environmental Checklist Form) makes explicit the focus on environmental policies and plans, asking if the proposed Plan would "conflict with any applicable land use plan, policy, or

regulation . . . adopted for the purpose of avoiding or mitigating an environmental effect" (emphasis added).

Regarding a project's consistency with the General Plan in the context of CEQA, the Oakland General Plan states the following:

> The General Plan contains many policies which may in some cases address different goals, policies and objectives and thus some policies may compete with each other. The Planning Commission and City Council, in deciding whether to approve a proposed project, must decide whether, on balance, the project is consistent (i.e., in general harmony) with the General Plan. The fact that a specific project does not meet all General Plan goals, policies and objectives does not inherently result in a significant effect on the environment within the context of the California Environmental Quality Act (CEQA).[4]

With regard to Impact LU-4, see MR-2: Displacement and Affordable Housing for further discussion of the EIR's analysis of displacement. Concerning LU-5, development under the proposed Station Area Plan is consistent with ABAG's 2009 growth forecast for 2035, as described on page 3.1-43 of the DEIR.

B3-14: With regard to Impact LU-4, see MR-2: Displacement and Affordable Housing for further discussion of the EIR's analysis of displacement. Concerning LU-5, development under the proposed Station Area Plan is consistent with ABAG's 2009 growth forecast for 2035, as described on page 3.1-43 of the DEIR.

B3-15: Impacts to park lands are addressed in DEIR Chapter 3.5 (Parks and Recreation) in Impacts PR-1, PR-2, and PR-3. As discussed in Impact PR-1, new development under the proposed Plan would not increase the use of existing neighborhood and regional parks or other recreational facilities such that substantial physical deterioration would occur or be accelerated. The increase in population under the plan means that even with new planned park land the ratio of overall park acreage to population will decline, not counting the potential open space contribution with development. Access improvements in the proposed Plan will connect the Planning Area to existing and regional parkland in the area. Existing neighborhood and recreation facilities will also be improved, as detailed in on DEIR page 3.5-17. The General Plan includes policies to guide recreational investment priorities and strive to meet standards. The Station Area Plan would improve access to existing and new regional parkland in the area, through the 12 Street reconstruction project, access improvements to the park land along Lake Merritt Channel, in addition to other improvements identified in the DEIR. The Station Area Plan also calls for improving existing neighborhood parks and recreation facilities, such as improvements to Madison Square Parks and providing better access to existing neighborhood parks. Impact PR-2 describes that new development under the proposed Plan would not include recreational facilities or require the construction or expansion of recreational

[4] City Council Resolution N. 79312 C.M.S., adopted June 2005.

facilities which might have an adverse physical effect on the environment. The City's Open Space, Conservation, and Recreation (OSCAR) Element promotes efforts to make progress to the goal of four acres of locally-serving park per 1,000 resident through expanding existing parks, improving waterway and shoreline access, targeted acquisition of vacant parcels, and incorporation of new parks in major development projects. Open space and access improvement would involve redevelopment of already-urbanized land, and would not have adverse physical impacts on the environment. Cumulative Impact PR-3 describes that new development under the proposed Plan in combination with other past, present, or future reasonably foreseeable maximum development in and around the Planning Area would not result in a significant increase demand for recreational facilities. As the General Plan notes, the City is committed to proving park land to the greatest extent feasible. The investment in recreational facilities outlined in the proposed Plan would result in a less than significant cumulative impact to park lands.

B3-16: The potential impacts of projected population on schools and other public facilities are evaluated in Chapter 3.6: Public Services.

As described in more detail on pages 3.6-24 and 3.6-25 of the DEIR, new development in the Planning Area would account for about 9 percent of Oakland's population growth and 5 percent of its job growth. The proposed Station Area Plan is not anticipated to result in construction of new fire or police facilities or expansion of existing facilities. If such facilities are needed, they will be planned in the larger context of growth in Oakland. The Station Area Plan also seeks to enhance public safety, which should have the indirect effect of reducing the impact of new development on police services.

School facility capacity must be considered at the citywide level. OUSD enrollment peaked in 1999 at approximately 55,000 students, and declined steadily until 2007-08. Since then, enrollment has been stable, and stood at about 46,380 students in 2011-12, including charter schools, or 37,500 not including charter schools. The District's 2012 Facilities Master Plan projects that enrollment in traditional OUSD schools will remain quite steady in the coming years, rising slightly to about 38,200 by 2018-19. Existing facilities, meanwhile, are estimated to have the capacity to support between 43,520 and 69,630 students. See pages 3.6-25 to 3.6-28 of the DEIR for more detail.

B3-17: The comment on the need for an economic mechanism to achieve Station Area Plan goals as cited on page 2-5 of the DEIR does not address the Plan's potential physical impacts on the environment, and thus is beyond the purview of the EIR. See Master Response MR-1.

B3-18: Comments about appropriate height limits, and linking height bonuses with requirements for community benefits are matters of policy that are not related to the Station Area Plan's potential physical impacts on the environment, and thus are beyond the purview of the EIR. See Master Responses MR-1 and MR-8.

B3-19: See response to comment B3-18.

B3-20: For informational purposes, this response intends to clarify that the analysis in the DEIR does not change based on where that threshold is set, since the development program analyzed in the EIR is based on the "reasonably foreseeable development potential." Both the Station Area Plan and the EIR are revised to clarify this point. See Chapter 3 of this FEIR.

B3-21: The comment is noted, though a specific citation would be helpful. In any case, the EIR does not assume that new development would use existing pilings and foundation on the BART site.

B3-22: The DEIR is revised to note the ethnic composition of the Planning Area population. See Chapter 3 of this FEIR.

B3-23: These comments refer to the DEIR's description of General Plan land use designations and General Plan policies that are particularly relevant for the Planning Area. This part of the chapter is intended to present the "regulatory setting" within which the Station Area Plan would fit. Comments in support or opposition to existing General Plan policies do not address the Station Area Plan's potential physical impacts on the environment, and thus are beyond the purview of the EIR. See Master Response MR-1.

B3-24: The general provisions of the Central District Urban Renewal Plan that relate to affordable housing are cited in the DEIR (page 3.1-33). The comment is noted.

B3-25: Please see Master Response MR-2: Displacement and Affordable Housing.

B3-26: As described on page 3.1-39 of the DEIR, the proposed Plan's building height limits and form guidelines seek to ensure that new development is compatible with the existing environment. Also see Master Response MR-8 Height Limits.

B3-27: Analysis of transportation and traffic impacts follows City of Oakland's CEQA Thresholds of Significance Guidelines, which concern performance of the circulation system, taking into account all modes of transportation including mass transit and non-motorized travel. These thresholds are adopted measures that the City must study for all projects. (Additional analysis is done for certain Alameda intersections and segments of Congestion Management Program and Metropolitan Transportation System facilities)

Several of the thresholds concern vehicle level of service, as noted by commenters. Other thresholds cover exposure of all road users to hazards (Threshold 10), potential impacts on pedestrian and bicyclist safety (Thresholds 11 and 12); and on conflicts with adopted City policies, plans, or programs for public transit, bicycle or pedestrian facilities. The analysis considers pedestrian and bike safety comprehensively, in the context of these thresholds. Also, see Master Response MR-6: Pedestrian Safety.

Transportation analysis focuses on the peak conditions when the traffic volumes are highest and the conflicts between modes also tend to be greatest. CEQA thresholds are set based peak hour. Vehicle LOS-related impacts as well as impacts to all modes of travel at non-peak hours are not studied because the peak hours represents conditions of the greatest potential impact because the peak hours accommodate the greatest number of travelers by all modes and trip purposes and the highest probability of modal conflicts than any other time of day.

B3-28: Methodology for calculating level of service (LOS) is from the Highway Capacity Manual, which is based on average delay per vehicle, can sometimes result in non-intuitive delays, specifically, .as the comment notes, the improved conditions with the implementation of the project at the intersection of 8th Street and Webster. While the volumes may increase for a particular movement, if the increased traffic is for a movement with less delay, then the average delay per vehicle for the intersection would be less than without the additional traffic.

B3-29: The comment notes that the Station Area Plan includes strategies to slow traffic through Chinatown to discourage through traffic from penetrating the core of Chinatown, but lacks alternative routes and associated management strategies to increase flow on alternative routes to move traffic whose destination is not Chinatown. Any strategies to discourage through traffic needs to be balanced with the desire to encourage and support Chinatown as a destination. Wayfinding signs to direct through traffic away from the core and destination traffic towards available parking as well as gateway treatments to indicate to drivers that they have entered into Oakland Chinatown are possible strategies.

B3-30: See Response to Comment B3-8.

B3-31: The methodologies to address pedestrian level of service between the Station Area Plan DEIR and the Alameda Point DEIR are consistent with each City's different guidelines for CEQA analysis.

B3-32: See Response to Comment A8-5.

B3-33: The comment notes discrepancies between the data in Tables 3.2-23 and 3.2-28 comparing no project to project impacts in 2035 for the intersection of 8th/Webster, 8th/Harrison, 8th/Jackson, 6th/Jackson Streets. These discrepancies, specifically, the LOS, delay, v/c, and critical v/c columns have been corrected in Table 3.2-28 to be consistent with those in Table 3.2-28, and updated tables are provided in Chapter 3 of this FEIR. Additional discrepancies beyond those mentioned by the commenter were noted and are also corrected in updated tables provided in Chapter 3 of this FEIR. In all cases, the significance findings remain the same.

B3-34: The City applies its Thresholds of Significance when determining impacts of the project to pedestrians. While the City threshold is not Pedestrian LOS as applied per the Highway Capacity Manual for crossing delay, the City applies its pedestrian performance measure. (Also see Master Response MR-6: Pedestrian Safety.)

B3-35: While the City Thresholds of Significance for pedestrians is not based on impacts to pedestrian crossing time due to the project, the City sets signal timings to reflect the time needed for pedestrian to cross per the latest MUTCD and design guidelines, which allow for slower speed at which children and elderly walk, to address these pedestrian safety concerns. (Also see Master Response MR-6: Pedestrian Safety.)

B3-36: See Response to Comment A8-8 and Master Response MR-7 Conversion of Streets to Two-Way Travel.

B3-37: More recent collision data for June 2010 to February 2012 is available and has been updated. See Chapter 3 of this FEIR.

B3-38: The need to consider the impact of vehicle queuing on pedestrian crossings is raised by the comment. The current methodology is based on average delay, the analysis provides an estimate of queues length, which could be reported for with and without project conditions for informational purposes but queues and their secondary impact on pedestrian circulation and safety is not considered as a CEQA impact. The comment to consider a traffic plan, which includes the one-way to two-way streets as a mitigation measure is noted. Regarding the one-way to two-way as mitigation measure, see Response to Comment B3-8, Master Response MR-6: Pedestrian Safety and Master Response MR-7 Conversion of Streets to Two-Way Travel.

B3-39: Impact AQ-3 of the DEIR describes that TACs from gaseous sources, which include TACs from vehicle queuing, cannot be reduced with certainty by SCA B to an acceptable level. There are no known feasible technologies or site planning considerations that have been shown to reduce risks of gaseous TACs. See response to A3-2 regarding TACs.

B3-40: Table 3.2-36 on page 3.2-171 of the DEIR shows a decrease in ridership on BART and AC Transit buses in 2020 when comparing the No Project to the Proposed Project. These daily system-wide totals reflect the difference between the No Project, which assumes a level of growth within the Planning Area consistent with the current General Plan and zoning (rather than no growth), and the Proposed Project, which focuses development on specific opportunity sites. The 2020 No Project assumes current plans from ABAG *Projections '09* as assumed in the Countywide Model.

B3-41: Mitigation measures that would have increased capacity would also have required widening or additional right-of-way and were not considered to be feasible due to limited right-of-way and potential secondary impacts for pedestrian safety. Additional strategies, including the transit demand measures described in the Plan, such as reduced parking requirements for new development, could also potentially reduce the impacts, but because the effect of these measures cannot be quantified with certainty, they cannot be relied upon to mitigate impacts.

B3-42: The air quality $PM_{2.5}$ data collected and presented in the comment is noted and appreciated. These data represent site-specific information on existing air conditions. Data on existing conditions are most relevant to an assessment of the ambient air

quality, rather than a comparison to project thresholds. The ambient California Air Resources Board (CARB) standard for $PM_{2.5}$ is an annual average of 12 µg/m^3, and the ambient Federal EPA standard for $PM_{2.5}$ is an annual average of 15 µg/m^3, or 24-hour average of 35 µg/m^3. The air quality measurements provided in the comment represent peak levels of $PM_{2.5}$, not average levels, and are measured over an undefined time period. It is therefore not possible to directly compare these measurements to the CARB and Federal EPA annual average standards or Federal EPA 24-hour average standards. However, as an informative comparison, the peak levels measured in the comment are all below the Federal EPA 24-hour average $PM_{2.5}$ standard of 35 µg/m^3.

The comment's reference to the BAAQMD's threshold for $PM_{2.5}$ is also noted. BAAQMD's 2010 "Air Quality Guidelines" describe an *increase* of 0.3 µg/m^3 of $PM_{2.5}$ as a threshold of significance for project-level risks and hazards. Under the BAAQMD's Guidelines, individual projects exceeding this threshold would result in a significant impact. Exceeding the threshold, however, does not mean that an individual project would not be permitted, as the comment suggests.

The EIR's thresholds of significance for air quality differ from the BAAQMD's thresholds and methodology for assessments, as described on pages 3.3-22 to 3.3-24 of the DEIR. Impact AQ-3 describes the exposure of sensitive receptors to substantial health risks from TACs, including diesel particulate matter and gaseous emissions. Table 3.3-5 shows mobile source of $PM_{2.5}$ in the Planning Area, and identifies the health risk based on BAAQMD data. While compliance with the City SCAs would require the preparation of site-specific health risk assessments that would reduce DPM exposure to a less than significant level, SCA adherence would not with certainty reduce risk from gaseous TACs to a less-than-significant level. As a result, this impact is conservatively deemed to be significant and unavoidable.

B3-43: See response to A3-1.

B3-44: See response to A3-2.

B3-45: See response to A3-3.

B3-46: See response to A3-4.

B3-47: The comment suggests that the DEIR includes park acreages that do not meet the park and recreational standards established by OSCAR of the Oakland General Plan. Tables 3.5-1 shows existing park land as defined by OSCAR, which includes both the Peralta Park and Lake Merritt Channel Park linear parks. Table 3.5-2 shows other publically accessible open spaces, which includes the facilities at Laney College. These are not recognized as park land, but do provide valuable public space resources in the Planning Area.

B3-48: See response to B3-15. Hong Lok Senior Center is run by Family Bridge, a private non-profit. The center does not charge admission for use, and allows public use of its facilities.

B3-49: See response to B3-15.

B3-50: See response to B3-15.

B3-51: While some facilities may be used for childcare or other activities, the Chinese Garden Park is open to the public. See response to B3-15.

B3-52: See response to B3-15.

B3-53: The comment's suggestion to create a mitigation measure for a Lincoln Park recreation facility park fund is noted. However, Cumulative Impact PR-3 was found to be less than significant with no mitigation measures required. See response to B3-15.

B3-54: The DEIR's summary of City of Oakland Police Department has been updated. See Chapter 3 for the revised text.

B3-55: The patterns found in the Lapkoff & Gobalet study are the basis for the estimated student generation rate forecasts used in the Station Area Plan EIR. For a more detailed discussion of affordable and family housing, please see Master Response MR-2: Displacement and Affordable Housing.

B3-56: As recommended by the comment, the text on DEIR pages 3.6-8, 3.6-11, 3.6-12, 3.6-13, 3.6-14 and 3.6-15 has been updated to provide more recent information on community facilities and cultural gathering spaces. See pages 3-31 and 3-32 of this FEIR.

B3-57: The discussion of Impact Fees on page 3.6-16 of the DEIR is provided to describe the existing regulatory framework. Describing particular impact fees that the City may choose to impose as a condition of approving a development project is beyond the scope of the DEIR.

B3-58: The comment refers to the DEIR's description of General Plan policies relevant for the Planning Area. This part of the chapter is intended to present the "regulatory setting" within which the Station Area Plan would fit. The comment does not address the Station Area Plan's potential physical impacts on the environment, and thus is beyond the purview of the EIR. See Master Response MR-1. See Master Response MR-2 for a discussion of displacement and affordable housing.

B3-59: The comment about a change to SCA-21 to require development to install additional City of Oakland pedestrian-scale streetlights is noted, though it does not pertain to the adequacy of the analysis in the DEIR. Please see Master Response MR-1: Station Area Plan Merits and Related Non-CEQA Topics in this chapter of the FEIR.

B3-60: The comment regarding the potential impacts on schools is noted. Please see Master Response MR-2 for a discussion of displacement and affordable housing.

B3-61: The comment regarding the circulation per square foot of the Asian Branch Library is noted. The DEIR notes that the Planning Area is exceptionally well-served by libraries. LUTE policy N2.2 states that provision of services by civic and institutional uses (including libraries) should be distributed and coordinated to meet the needs of city residents. The Station Area Plan also calls for the City to consider a funding mechanism for library enhancements but actual implementation of such a funding mechanism is not assumed.

B3-62: Impact PUB-1 describes the effect of the Station Area Plan on provision of services by Oakland Fire Department (OFD). OFD's citywide plans for meeting the changing fire service needs of the City may result in changes to fire service in the Planning Area, but Planning Area development on its own represents a relatively small proportion of citywide growth. New development citywide will provide additional tax revenue and other development fees that will go toward paying for increased public services. The Station Area Plan would bring new high-rise development at a range of heights, which present unique challenges for firefighting. The Station Area Plan's recommended base heights are consistent with fire safety measures. OFD already provides fire protection services for a large number of high-rise buildings, and will continue to ensure code compliance and assure trained fire personnel and adequate equipment. The Station Area Plan is not anticipated to result in construction of new fire facilities or expansion of existing facilities. If such facilities are needed, they will be planned in the larger context of growth in Oakland. Future development, including high-rise buildings, will be subject to plan review by the OFD to ensure proper life safety standards and adequate emergency response access. The Fire Department would review the project, including provisions for onsite access, exits, and any necessary special equipment to assist firefighters on-site. The project applicant would be required to incorporate the Fire Department's recommendations into the final project.

B3-63: The comment about improvements to Madison Square Park does not address the Station Area Plan's potential physical impacts on the environment, and thus is beyond the purview of the EIR. Please see Master Response MR-1.

B3-64: The comment about the desire for the community to attract and retain families does not address the Station Area Plan's potential physical impacts on the environment, and thus is beyond the purview of the EIR. Please see Master Response MR-1. See Master Response MR-2 for a discussion of displacement and affordable housing.

B3-65: See response to B3-15.

B3-66: Please see Master Response MR-2 for a discussion of displacement and affordable housing, and MR-5: Preserving the Culture of Chinatown.

B3-67: See Master Response MR-3: Historic Resources.

B3-68: See Master Response MR-3: Historic Resources.

The comment about preserving land along Lake Merritt Channel pertains to the merits of the Station Area Plan and does not pertain to the adequacy of the analysis in the DEIR. See Master Response MR-1. For informational purposes, this response notes that the Station Area Plan reinforces Measure DD improvements and includes several policies to ensure that public access and public space is preserved along the Channel.

B3-69: The comment about public use of the Kaiser Auditorium pertains to the merits of the Station Area Plan and does not pertain to the adequacy of the analysis in the DEIR. Please see Master Response MR-1 and MR-3 Historic Resources.

B3-70: The comment's dissatisfaction with the noise and traffic sections in the EIR is noted. Chapter 3.10 of the DEIR describes potential noise impacts that would result from the implementation of the Station Area Plan, and finds all impacts less than significant, with compliance with the City's SCAs as described in the chapter. Chapter 3.2 of the DEIR describes traffic impacts, which are mitigated to the extent feasible. Without further specification, it isn't clear which traffic mitigations are referred or what are the concerns with the analysis of ambient noise. The comment on the TDM plan enforcement is noted. SCA 25 describes the required components of a TDM plan, which contains strategies to reduce on-site parking demand and single occupancy vehicle travel. All TDM plans will be submitted to the Planning and Zoning Division for approval.

B3-71: The analysis of potential impacts to public scenic vistas considered views over Lake Merritt outward the downtown skyline and the Oakland Hills; views from the 7th Street Bridge over Lake Merritt Channel and the parkland along it; and views to historic landmark buildings and sites. Long-range views across the Planning Area are considered, with a discussion of building heights and envelopes allowed under the proposed Plan. I-880 is not a designated scenic highway; while general long-range view consideration presented in the EIR is relevant to views from I-880, additional visual analysis of this viewshed is not necessary. Views from Lake Merritt Boulevard and from Lake Merritt Channel have been specifically considered.

B3-72: The comment about the Fire Alarm Building site pertains to the merits of the Station Area Plan and does not pertain to the adequacy of the analysis in the DEIR. See Master Response MR-1. For informational purposes, this response notes that the EIR anticipates that the Fire Alarm Building will be reused. See Master Response MR-3: Historic Resources.

B3-73: The comment about preservation of historic resources and affordable housing pertains to public policy questions and does not pertain to the adequacy of the analysis in the DEIR. Please see Master Response MR-1. For informational purposes, this response notes that the Station Area Plan supports strategies to promote preservation and adaptive reuse of historic buildings (see Chapter 7:

Community Resources in the Station Area Plan). See Master Response MR-2 for a discussion of displacement and affordable housing.

B3-74: The Chinatown Coalition's support for the proposed design guideline for pitched roofs in the 7th Street API is acknowledged.

B3-75: The comment's desire for new development to respect the context by maintaining a consistent street wall is noted, and is reflected in Design Guideline DG-60, cited on page 3.8-56 of the DEIR.

B3-76: See Master Response MR-3: Historic Resources for a discussion regarding the infeasibility of an alternative that has no cultural impacts. See Master Response MR-2 for a discussion of displacement and affordable housing.

The comment about phasing pertains to the merits of the Station Area Plan and does not pertain to the adequacy of the analysis in the DEIR. Please see Master Response MR-1. For informational purposes, this response notes that the Station Area Plan and EIR have an approximately 20-year horizon, to the year 2035. Phasing of regulatory actions and plan projects is a subject of Chapter 10: Implementation, in the Station Area Plan. Following the City of Oakland's CEQA Thresholds of Significance, the DEIR provides analysis of an interim year (2020) in the discussion of certain traffic and noise-related impacts.

B3-77: The comment suggesting an interim plan for the BART blocks does not address the Station Area Plan's potential physical impacts on the environment, and thus is beyond the purview of the EIR. See Master Response MR-1.

B3-78: See Master Response MR-2 for a discussion of displacement and affordable housing.

B3-79: "Existing conditions" refers to actual conditions of the physical environment and the regulatory environment at the time the EIR was prepared.

B3-80: See Master Response MR-2 for a discussion of displacement and affordable housing and MR-5: Preserving the Culture of Chinatown.

B3-81: The comment supporting two-way conversion for Franklin and Webster Streets is noted; the comment does not address the Station Area Plan's potential physical impacts on the environment, and thus is beyond the purview of the EIR. See Master Responses MR-1 and MR-7. For informational purposes, this response notes that the Station Area Plan identifies Webster and Franklin Streets as streets for potential two-way conversion as a Phase II action.

B3-82: The comment's support for inclusive housing as a mitigation for future development is acknowledged. See Master Response MR-2 for a discussion of displacement and affordable housing.

B3-83: The Chinatown Coalition's opposition to the 2009 CBD rezoning is acknowledged. The comment does not address the Station Area Plan's potential physical impacts on the environment, and thus is beyond the purview of the EIR. See MR-1: Station Area Plan Merits and Related Non-CEQA Topics.

B3-84: The comment does not address the Station Area Plan's potential physical impacts on the environment, and thus is beyond the purview of the EIR. See MR-1: Station Area Plan Merits and Related Non-CEQA Topics.

B3-85: According to CEQA Guidelines, the range of alternatives "shall include those that could feasibly accomplish most of the basic purposes of the proposed Station Area Plan and could avoid or substantially lessen one or more of the significant impacts" (Section 15126(d)(2)). Consistent with CEQA, the EIR evaluates a reasonable range of alternatives—the ACTC Defined No Project Alternative, the Trends-Based No Project Alternative, the Reduced Scope Alternative, the Enhanced TDM Alternative, and the Theoretical Maximum Buildout Alternative—that seek to reduce potential impacts of the proposed Plan. As stated in the comment, and described in the Alternatives chapter, the alternatives do not have to meet all the project goals. EIRs need not consider every feasible alternative to a project. The alternatives rejected from further study are described page 4-2 of the DEIR, and are either incorporated into alternatives that are considered in the chapter, or not evaluated further because they were not deemed to reduce any impacts (with respect to plan implementation, not existing conditions) to a less than significant level.

B3-86: See the response to comment B3-10.

B3-87: The comment refers to an "Alternate Location" alternative. However, this was not an alternative studied in the DEIR. While it is not entirely clear what proposal the comment refers to, we infer that it may refer to a location for high-density development that is an alternative to the BART blocks. The Station Area Plan studied in this EIR assumes mid-rise and high-rise development on the BART blocks, including an 8-story, a 23-story, and a 20-story tower. Similarly scaled mid- and high-rise buildings are also assumed to be developed on other opportunity sites throughout the Plan Area. A Reduced Scope Alternative was studied, with reduced heights on several sites, including the ABAG site in the Central BART Blocks. Page 4-2 of the DEIR describes alternatives that were either rejected from study or incorporated into the document's discussion of alternatives, with analysis regarding why they were incorporated or dismissed.

B3-88: An alternative that significantly reduces height on the BART blocks—the blocks most closely linked to regional transit—was not considered, because it would conflict with a primary goal of the Station Area Plan: to foster new, high-quality transit-oriented development (see page ES-2 of the DEIR). As described in section 4.2 of the DEIR, the analysis did assess an alternative that reduces the amount of overall development potential in the Plan Area.

B3-89: The comment points out a concern for displacement of lower income households who tend to be less likely to own a car and more likely to take transit when compared to higher income households. The transportation analysis would not directly capture the impact of the income levels of the new households, however, the trip generation reflects reductions to account for internal trips on-site due to the mixed use development as well as mode split based on current travel behavior in the planning area. The Countywide Model includes household income as an input to trip generation and mode split, but was used to establish the baseline (No Project) condition.

See Master Response MR-2 for a discussion of displacement and affordable housing.

B3-90: See Master Response MR-2 for a discussion of displacement and affordable housing.

B3-91: See Master Response MR-2 for a discussion of displacement and affordable housing.

B3-92: See Master Response MR-2 for a discussion of displacement and affordable housing.

OAKLAND HERITAGE ALLIANCE

November 20, 2013
City of Oakland Planning Commission
Christina Ferracane
Lake Merritt BART Station Area Plan Team
250 Frank Ogawa Plaza
Oakland, CA 94612

Dear Ms. Ferracane, Planning Commissioners, Consultants, and Oakland Planning Staff

These are preliminary comments. We will submit more detailed comments by December 20. We urge the Commission to hold the public hearing open through its next meeting to give people more time to digest this quite-lengthy DEIR and its appendices and to present useful comments.

First, we'd like to thank everyone for the careful attention to historic properties exhibited in the plan and in the DEIR. We do have some remaining concerns, but feel there has been a real understanding of the great value of Oakland's Chinatown and the surrounding areas.

B4-1

1) Oakland's human resources are a critical part of its enormous cultural resources. In addition to the built urban fabric, we must work to strengthen and support the existing Asian-American communities and other longtime residents in the area under discussion. Typically, commercial and residential rents in existing (often historic) buildings are much more affordable than those in newly-constructed buildings. What incentives can be included in the plan and in the mitigations, to ensure that property owners are supported and assisted as they pursue maintenance, blight reduction, improvements, and adaptive reuses? The DEIR mitigations are inadequate and insufficient in this area, and we encourage concrete steps to strengthen them. We have two primary areas of focus:
    a. mechanisms that will help preserve opportunities for small locally-owned businesses and
    b. mechanisms that will help preserve existing market-rate affordable rentals, and promote the development of affordable and family-friendly housing. (We'd cite as an example the pioneering work of EBALDC in multigenerational housing design.)

B4-2

2) OUSD "opportunity area." This DEIR and plan presents an unusual opportunity for a version which would have **no significant and unavoidable negative impact upon historic properties.** We request that the alternatives be expanded to include a Historic Preservation alternative or subalternative, to show adaptive reuse of the two historic OUSD buildings—the Robeson and Moore buildings—or perhaps their incorporation into new development, rather than demolition. In planning this area, more attention should be given to the channel from Lake Merritt to the Estuary, and how to keep it not only accessible but welcoming to the public. In intensifying the opportunity area, what measures will preserve the public consciousness of this key link, part of Oakland's earliest municipal history? We are

also studying with interest the "environmentally superior alternative" and will have more detailed comments about it.

B4-3

3) Oakland Auditorium (Henry J. Kaiser Convention Center). This building, on reclaimed fill lands, built with public bond monies, and with an early deed connection to the Peralta family, should remain accessible to the public, and any proposed re-use or transfer of operation should include measures for public use of the building in perpetuity. We support continued public use of a prominent public facility.

B4-4

4) Environmental impacts of noise and traffic: We associate ourselves with the positions of the Chinatown Coalition in working to preserve a complete and healthier neighborhood that supports its residents, shoppers, visitors, pedestrians, bicyclists, and drivers by minimizing the negative impacts from street and freeway traffic, and considering how best to protect the area from ambient noise. The noise section should be revisited.

B4-5

5) Views are inadequately considered. There are notable and much-seen views across this area from the freeway, into downtown Oakland, Chinatown, and the lake area. Please furnish additional analysis, including visualizations of views from 880 from Lake Merritt Boulevard, and from the Lake Merritt Channel.

B4-6

6) Fire Alarm Building. We support the lowered heights on this site, and feel strongly that the historic building should be identified for adaptive reuse, not demolition or replacement. Its parking lot area is potential open space and should perhaps be so designated and reused.

B4-7

7) To give an example of market-rate housing resources that exist in older buildings, we would cite the grouping of apartments across 10th Street from the Museum, at Oak St. Such buildings are relatively dense, already exist, and are comparatively affordable. We should seek to keep them well-maintained and useful in retaining a whole community of longtime residents.

Sincerely,

Alison Finlay

Alison Finlay, President

Naomi Schiff

Naomi Schiff, Preservation Committee

RESPONSES TO B4: OAKLAND HERITAGE ALLIANCE (11/20/13)

B4-1: Please see response to B3-66 and B3-67.

B4-2: Please see response to B3-68.

B4-3: Please see response to comment B3-69.

B4-4: The Station Area Plan seeks to produce a neighborhood with a high quality of life. The comment's dissatisfaction with the noise and traffic sections in the DEIR is noted. Without further specification, the concerns with the analysis of ambient noise cannot be addressed. See response to B3-70.

B4-5: See response to B3-71.

B4-6: See response to B3-72.

B4-7: See response to B3-73.

OAKLAND HERITAGE ALLIANCE

December 20, 2013
City of Oakland Planning Commission
Christina Ferracane
Lake Merritt BART Station Area Plan Team
250 Frank Ogawa Plaza
Oakland, CA 94612

Dear Ms. Ferracane, and Oakland Planning Staff

We appreciate the opportunity to comment on the DEIR. We recognize the large amount of work that has gone into this plan, and appreciate the staff's cooperation. We look forward to a thorough discussion of FAR and height designations before the next round of hearings, comments, activities, or zoning presentations.

B5-1

1) Oakland's human resources are a critical part of its enormous cultural heritage resources. In addition to the built urban fabric, we must work to strengthen and support the existing Asian-American communities and other longtime residents in the area under discussion. Typically, commercial and residential rents in existing (often historic) buildings are much more affordable than those in newly-constructed buildings. What incentives can be included in the plan and in the mitigations, to ensure that property owners are supported and assisted as they pursue maintenance, blight reduction, improvements, and adaptive reuses? The DEIR mitigations are inadequate and insufficient in this area, and we encourage concrete steps to strengthen them. We have two primary areas of focus:
    a. Strengthen mechanisms and mitigations to preserve opportunities for small locally-owned businesses and
    b. Strengthen mechanisms and mitigations to preserve existing market-rate affordable rentals, and promote the development of affordable and family-friendly housing. (We'd cite as an example the pioneering work of EBALDC in multigenerational housing design.)

B5-2

2) IMPAC CUL-1 page 3.8-48 and Alternatives section, Page 4-2. We believe that this impact can be entirely avoided. Please present a preservation alternative to accompany or overlay each of the alternatives, that presents no unavoidable negative impacts to these three historic buildings. This would certainly strengthen at least the environmentally preferred alternative—and more than likely, all versions of the project.

3) Under section 4.1, at page 4.3, the DEIR states: "As discussed below and in the Cultural Resources chapter, no feasible mitigation could be identified that would reduce potential impacts on historic buildings to less than significant, while also ensuring that properties may be put to use." We disagree. We urge that the alternatives and general analysis revisit the OUSD "opportunity area." This DEIR and plan presents an unusual opportunity for a plan that would have **no significant and unavoidable negative impact upon historic properties.** We urge that the alternatives be expanded to include a Historic Preservation alternative or subalternative, to include adaptive reuse of the two historic OUSD buildings—the Robeson and Moore buildings—and their incorporation into new development, rather than demolition. In planning this area, more attention should be given to the channel from Lake Merritt to the Estuary, and how to keep it not only accessible but usable by and welcoming to the public. In intensifying the opportunity area, what measures will preserve the public consciousness of this key link, part of Oakland's earliest municipal history? In conjunction with Measure DD improvements, a generous public area along

B5-2 each side of the channel should be planned, and any new construction should have the characteristic of clearly standing away from this precious public resource. Perhaps there is an opportunity here to do some education-linked housing in the historic buildings, for teachers or students or staff associated with OUSD or the Peralta Colleges.

B5-3 4) Oakland Auditorium (Henry J. Kaiser Convention Center). This prominent building, on fill lands, built with public bond monies, and with an early deed connection to the Peralta family, should remain accessible to the public, and any proposed re-use or transfer of operation should include measures for public use of the building in perpetuity. We support continued public use of this prominent public facility. Its reuse should not entail any damage at all to the cultural and historic resource, but rather its preservation. We would note a very large repository of information about the past history of the uses of the building in the collections of the Oakland Public Library's History Room. Probably more than half the living residents of Oakland have performed in or attended events in this facility. The Stirling Calder reliefs and the historic function of the building are key assets to the city, and not to be lightly deacquisitioned. With completion of the nearby Measure DD improvements, the facility is more reusable than previously.

B5-4 5) Environmental impacts of noise and traffic: We associate ourselves with the positions of the Chinatown Coalition in working to preserve a complete and healthier neighborhood that supports its residents, shoppers, visitors, pedestrians, bicyclists, and drivers by minimizing the negative impacts from street and freeway traffic, emphasizing pedestrian and bicycle safety, and considering how best to protect the area from ambient noise. The noise section should be revisited. The traffic mitigations seem insufficient. The TDM plan seems underpowered and hard to enforce.

B5-5 6) Views are inadequately considered. There are notable and much-seen views across this area from the freeway, into downtown Oakland, Chinatown, and the lake area. Please furnish additional analysis, including visualizations of views from 880, from Lake Merritt Boulevard, and from the Lake Merritt Channel.

B5-6 7) Fire Alarm Building. We support the lowered heights on this site, and feel strongly that the historic building should be identified for adaptive reuse, not demolition or replacement. Its parking lot area is potential open space and should perhaps be so designated and reused.

B5-7 8) To give an example of market-rate housing resources that exist in older buildings, we would cite the grouping of apartments across 10th Street from the Museum, at Oak St. Such buildings are relatively dense, already exist, and are comparatively affordable. We should seek to keep them well-maintained and useful in retaining a whole community of longtime residents. We are working right now to see if a state historic tax credit can be implemented through the legislature. This could be one avenue of obtaining additional financing for some of our historic resources in the Chinatown and Lake Merritt BART Station area.

B5-8 9) Under Design Guidelines in the cultural section, we strongly support mitigation 66 on page 3.8.57, regarding pitched roofs.

B5-9 10) Regarding design guidelines, we'd note that in its initial construction, the MTC building (perhaps soon to be called something else) was built with a setback along 8th Street to respect the context of the neighborhood. In any future project or development, this setback should be maintained.

B5-10

11) In the alternatives discussion, Section 4, under the reduced scope alternative:

- Consider the above referenced alternative for reduced impact to cultural resources
- Study the relationship between this alternative and mitigating impacts to the cultural integrity of the Chinatown neighborhoods and to preserving mixed-income demographics.
- Review the alternatives discussion in the light of a time frame: how many years to get to full build out? Might the reduced scope alternative be the more likely and more feasible in the nearer term? Should this overall project be looked at with a clearer notion of phasing? It could be unlikely that large towers will be constructed in the near term. How can we avoid overheating the land values while still encouraging growth and residential density?

B5-11

12) Include an interim plan for the BART-controlled blocks, addressing how they look and function if development is somewhat delayed. How will these be maintained and improved in the interim, so that the whole area is not blighted by any stalled plans? The potential of delay to create blight and safety issues, and to discourage commerce requires that interim plans be included.

B5-12

13) In the interest of creating and maintaining complete neighborhoods, family housing and a full range of economic levels should be a goal throughout both in historic buildings and in new ones. The plan must not be limited to building only units for people with large incomes and no families. That is a recipe for movement to the suburbs as soon as people change their lifestyles. Mixed income and mixed-family-status housing, including families with children, must be incorporated.

B5-13

14) When the analysis references “existing conditions” it is sometimes hard to tell what is meant: actual conditions, potential conditions under the 2009 cbd provisional upzoning, or “no project alternative?” Please review and clarify.

B5-14

We find that the rationales presented for not taking up community-suggested alternatives put forward by the Coalition and OHA are somewhat lopsided, favoring some project goals over others. How does stepping around local concerns comport with the statement on page ES-3?

> *COMMUNITY RESOURCES—Community resources, including cultural and historic resources, schools, and other community facilities, are key components to a vibrant and complete neighborhood. The Lake Merritt Station Area Plan builds upon the existing community resources in the Planning Area, while highlighting its historical, cultural and educational assets.*

The area’s key community resources include its people and its longstanding culture. In our efforts to quantify and project and prepare statistical profiles, we must not lose sight of an irreplaceable part of Oakland’s cultural fabric.

Again, we appreciate all the effort, and the opportunity to comment.

Sincerely,

Alison Finlay

Alison Finlay, President
Chris Buckley and Naomi Schiff, Preservation Committee

RESPONSES TO B5: OAKLAND HERITAGE ALLIANCE (12/20/13)

B5-1: See response to B3-66 and B3-67.

B5-2: See response to B3-68.

B5-3: See response to B3-69.

B5-4: See response to B3-70.

B5-5: See response to B3-71.

B5-6: See response to B3-72.

B5-7: See response to B3-73.

B5-8: Oakland Heritage Alliance's support for the proposed design guideline for pitched roofs in the 7th Street API is acknowledged.

B5-9: See response to B3-75.

B5-10: See response to B3-76.

B5-11: See response to B3-77.

B5-12: See response to B3-78.

B5-13: See response to B3-79.

B5-14: The comment suggests that community-suggested alternatives were all rejected. In fact, several of the "Alternatives Rejected from Further Study" (DEIR, pages 4-2 to 4-3) were incorporated into the Plan itself or into the Reduced Scope Alternative.

WOBO
WALK OAKLAND ↔ BIKE OAKLAND
www.wobo.org
436 14th Street, Suite 1001, Oakland, CA 94612

December 4, 2013

Christina Ferracane
Strategic Planning Division
City of Oakland , Planning, Building and Neighborhood Preservation
250 Frank H Ogawa Plaza, Ste 3315
Oakland, CA 94612

Dear Ms. Ferracane:

On behalf of Walk Oakland Bike Oakland (WOBO), thank you for the opportunity to provide comments on the Draft EIR of the Lake Merritt Station Area Plan.

B6-1

At this time, the Draft EIR has substantially analyzed and disclosed potential environmental impacts of the plan, according to current legal standards. Of note, the Plan's inclusion of Oak, 8th, 9th, 10th and Madison Streets provides the necessary steps to push forward the few and critical safe, connected bicycling networks through the heart of Chinatown, from the newly renovated Lakeside facilities through highly-travelled areas near Laney College, Lake Merritt BART Station, 880 underpasses, Old Oakland, West Oakland and beyond. Our partners at East Bay Bicycle Coalition have provided critical comments that WOBO supports.

B6-2

Of note, the Draft EIR may require additional supporting data to be poised for the impending implementation of SB 743. WOBO encourages the staff and consultant team to explore estimates of environmental impact based on realistic and locally- and more recently-verified measures of growth. Granted, this request is not required by law. It is a necessary step to garner community-wide trust and buy-in for the EIR process.

WOBO stands ready to assist in reviewing and testing various components of the Plan that can elevate the Lake Merritt Station Area Plan to a visionary strategic guide that tackles Climate Action, Active Transportation and neighborhood vitality head on.

Most appreciatively,

Chris Hwang
WOBO Board

WOBO is a 501(c)3 organization whose mission is to improve neighborhood quality of life by making walking and biking in Oakland safe, easy, accessible and fun.

RESPONSES TO B6: WALK OAKLAND BIKE OAKLAND (12/4/13)

B6-1: The comment supporting analysis of impacts of the Station Area Plan through the inclusion of Oak, 8th, 9th, 10th and Madison Streets is noted, and support of the analysis is appreciated. The comment supporting East Bay Bicycle Coalition's comment letter (Letter B1, above) is noted.

B6-2: The comment requests inclusion of measures in Senate Bill (SB) 743 into the environmental impact analysis, which includes eliminating the measurement of auto delay, including Level of Service (LOS), as a metric that can be used for measuring traffic impacts under CEQA in transit priority areas. The Office of Planning and Research (OPR) released a "Preliminary Evaluation of Alternative Methods of Transportation Analysis," and is not required to release a draft of CEQA Guideline Revisions until July 1st, 2014. Therefore, the City has not modified its current standards and thresholds, but has engaged in the discussions with OPR in developing guidelines on incorporating the requirements of SB 743 into the transportation analysis. Regardless, the DEIR does not contain any mitigation measures as a result of an impact on automobile LOS that negatively affects existing pedestrian or bicycle facilities, nor precludes future pedestrian or bicycle improvements.

5.3 Individual Comments and Responses

This section provides the letter received from an individual in response to the DEIR, with specific comments identified with a comment code in the margin. Following the letter, responses to each comment are provided.

CHRIS PATTILLO, FASLA

4 Dec 2013

RE: Lake Merritt Specific Plan

I offer the following comments on the Lake Merritt Specific Plan.

C1-1 1. p. 2-4 – add the numbers and what they refer to to the key on this plan

C1-2 2. p.2-13 – this plan shows narrowing Madison and adding a bike lane. The lights on Madison are currently set to facilitate traffic movement and good connections to 880. When making changes please don't screw this up. It would be nice if all of the traffic lights in downtown worked as efficiently as the ones on Madison. Fewer stops and starts would reduce pollution and road rage which would result in fewer pedestrian/traffic accidents.

C1-3 3. p. 2-21 and 2-22 and p. 2-25 and 2-26. In the final draft it would be nice if these two comparative maps appeared on opposite pages so one could see them both at the same time.

C1-4 4. p.3-5 – It would be helpful to include something about how the amount of park space within the study area compares to other Oakland neighborhoods.

C1-5 5. p. 3.5-17 - change the tense when describing the Lake Merritt Blvd improvements which have now been implemented.

C1-6 6. p.3.8.9 – the National Register properties are very difficult to read on this plan – need a different outline color. Can you add numbers for each of the city landmarks in the study area?

C1-7 7. p. 3.8.42 – add HALS (Historic American Landscapes Survey) as an appropriate mitigation. This may be very important if Madison Park is relocated.

C1-8 8. p. 3.9.6 and 3.9.7 change "Landscape" to "planting" when that is the real intent.

Harbord Drive, Oakland, CA 94611
pattillo@PGAdesign.com | www.PGAdesign.com

C1-8

9. p.3.9.7 refers to "Director of Parks and Recreation" and later to "Tree Services Division" It may be that these should match. Confirm
10. p.3.9.9 omit "insert as applicable" after item "h".

RESPONSES TO C1: CHRIS PATILLO, FASLA (12/4/13)

C1-1: The revised Planning Boundary map (Figure 2.1-2 in the DEIR) is included in Chapter 3 of this FEIR.

C1-2: The comment notes the current timing of traffic signals along Madison to facilitate traffic movement and good connections to I-880. The proposed narrowing and bike lane on Madison would affect the traffic operations resulting in impacts requiring optimization of signal timing and corridor signal coordination (Mitigation Measures TRAN 14 and TRAN 17). These measures would allow for modifications to signals to facilitate the smooth progression of traffic with fewer stops and starts as desired by the comment.

C1-3: The comment is an indication that Figure 2.4-2: Current Zoning Districts and Figure 2.4-3: Proposed Zoning Districts would be more readily comparable if they appeared on facing pages, and that the same would be true of Figure 2.4-4: Existing Height Limits and Figure 2.4-5: Proposed Height Limits. Because the DEIR will not be reproduced in full, this change cannot be made.

C1-4: The EIR's analysis of potential impacts to parks and recreation facilities is based on the City's CEQA Thresholds of Significance, which do not call for a neighborhood-by-neighborhood analysis of locally-serving park land. As noted on DEIR page 3.5-9, the City of Oakland as a whole contains 1,379 acres of locally-serving parkland, translating to 3.5 acres per 1,000 residents. The existing park land ratio in the Planning Area is 0.7 acres per 1,000, which would be reduced to 0.3 acres per 1,000 residents at buildout (DEIR, 3.5-17).

C1-5: As recommended by the comment, the text on 3.5-17 is updated to reflect completion of the 12th Street reconstruction project. See Chapter 3 of this FEIR.

C1-6: Figure 3.8-1: Historic Resources and Figure 3.8-2: Historic Resources & Opportunity Sites are updated, using a different symbol to denote State and/or National Register-listed properties.

C1-7: Madison Square Park is a valuable public park. However, it has been determined to not be an historic resource under CEQA. Lincoln Square Park does qualify as an historic resource; if improvements are made to Lincoln Square Park, adherence to the requirements of the Historic American Landscapes Survey (HALS) may be included as a condition of approval at the project level.

C1-8: The comment refers to the use of the word "landscape" in existing City of Oakland Standard Conditions of Approval (SCAs). The SCAs are reflected in this EIR as part of the regulatory setting, using adopted language.

C1-9: The comment regarding preference of terminology is noted. "Landscape" is the preferred language for the SCA. The references to the "Director of Parks and Recreation" in SCA-13 and "Tree Services Division" in SCA-17 are correct as shown in the DEIR. As recommended, the text on DEIR page 3.9-9 has been corrected, as shown on page 3-35 of this FEIR.

5.4 Oral Comments and Responses

This section provides a summary of oral comments received at four public meetings on the DEIR, followed by responses that address those comments. Some of the topics raised have been previously responded to in the previous sections and cross-references to those responses are provided.

Responses focus on comments that pertain to the adequacy of the analysis in the EIR or to other aspects pertinent to the potential effects of the Station Area Plan on the environment pursuant to CEQA. Comments that address topics beyond the purview of the EIR or CEQA are noted as such for the public record. Where comments have triggered changes to the DEIR, these changes appear as part of the specific response and are consolidated in Chapter 3, Changes to the Draft EIR, where they are listed in the order that the revision would appear in the DEIR document.

Parks and Recreation Advisory Commission Public Hearing, 11/13/13

Held at Lake Merritt Garden Center, 666 Bellevue Avenue

Commission Comments

Following an informational report by Christina Ferracane of the City of Oakland's Strategic Planning Division, Commissioners made the following comments on the Lake Merritt Station Area Plan Draft EIR.

Comment D1-1: Development in the project area is already "not feasible." To add more requirements, i.e., open spaces, might result in no development at all.

Comment D1-2: Commissioners requested that Planning Staff use its expertise to insert the Parks and Recreation Advisory Commission (PRAC) dog park recommendations where appropriate, into the Station Area Plan.

Comment D1-3: Commissioners noted that the high density plan does not specify the type of housing to be developed.

Comment D1-4: The Commission suggested that efforts could be focused on revitalizing areas underutilized rather than follow the practice of selecting spaces already popular which will not lose clients or users if improvements are made.

RESPONSES TO D1: COMMISSIONERS

D1-1: The comment opposing the inclusion in the Station Area Plan of additional requirements for developers is noted. The comment does not address the Station Area Plan's potential physical impacts on the environment, and thus is beyond the purview of the EIR. See Master Response MR-1: Station Area Plan Merits and Related Non-CEQA Topics.

D1-2: The comment regarding dog park recommendations does not address the Station Area Plan's potential physical impacts on the environment, and thus is beyond the purview of the EIR. See Master Response MR-1.

D1-3: The Station Area Plan's height area maps, height and massing concepts, and design guidelines provide detailed guidance on building form. Chapter 4 of the Station Area Plan also describes the Plan's Affordable Housing Strategy. The comment does not address the Station Area Plan's potential physical impacts on the environment, and thus is beyond the purview of the EIR. See Master Responses MR-1 and MR-8.

D1-4: See response to comment B3-15. The Station Area Plan identifies improvements to existing parks and recreation centers, including improving access to existing parks, and adding new parks and recreation centers to serve higher housing density and increased number of jobs. Overarching policies meeting these goals include:

OS-1 Existing park enhancement. Maintain and enhance existing public parks to best meet community needs and contribute to a high quality of life.

. **OS-2 New parks.** Establish new public and private open spaces throughout the Planning Area wherever physically possible.

OS-3 Regional parkland improvements. Complete improvements to regional parkland along Lake Merritt and the Lake Merritt Channel and improve connections to the neighborhood.

OS-4 Publicly-accessible plazas. Work with institutions and private owners to enhance existing publicly-accessible plazas.

OS-6 New publicly accessible open space. Create new publicly accessible open space as part of larger new developments.

The Plan also has a goal to ensure all parks are safe, clean and well maintained. Section 5.4 of the Plan describes proposed park improvements to Lincoln Square Park, Chinese Garden Park, Madison Square Park, Lake Merritt and Lake Merritt Channel, and other publically accessible open spaces, and new open spaces, in Policies OS-8, OS-9, OS-10, OS-11, OS 17, OS-18, and OS-19. The Plan would both revitalize underutilized areas and improve spaces that are popular and highly used.

Landmarks Preservation Advisory Board Public Hearing, 11/18/13

Held at Oakland City Hall, One Frank H. Ogawa Plaza, Hearing Room 1

Christina Ferracane and Ed Manasse presented a summary of the staff report, including an overview of the Draft Plan, its concurrent components, and the cultural resource aspects of the Draft EIR. Staff then requested feedback from the public and the Board members on the cultural resources aspects of the Draft EIR. Board members asked some clarifying questions. Public comments were taken, followed by comments from Board members.

Public Comments

Naomi Schiff

Comment D2-1: OUSD buildings have terrible deferred maintenance. Both Robeson and Moore buildings are very valuable and are close to the Channel. If they're within 100', you may not be able to rebuild on those sites. There is potential for a Plan that has no unmitigatable impacts if you can address those two and the Auditorium in a no-impact matter.

Comment D2-2: One potential historic resource not considered is the demographic and cultural richness of Oakland Chinatown. We should look to preserve that both in the built environment and the economic conditions that allow a whole community that is sustainable.

Board Comments

Mary MacDonald

Comment D3-1: Intrigued by concept that redevelopment of OUSD buildings may have significant environmental impacts on creek and those should be studied.

Comment D3-2: Fire Alarm Building is a very valuable building that has been threatened; concerned that 45-foot height limimt could encourage demolition. Supports adaptive reuse.

Peter Birkholz

Comment D4-1: "Great old houses" in 7th Street area suffer from traffic. Big developments can pay for streetscape improvements; what can be done in a neighborhood with only small infill sites to pay for streetscape improvements?

John Goins

Comment D5-1: Kaiser Auditorium has always been publicly accessible. Would it remain so in reuse scenarios?

Daniel Schulman

Comment D6-1: Would like to strongly endorse reuse of the Fire Alarm Building. I don't see why it shouldn't be treated as the Kaiser Auditorium is treated, as adaptive reuse.

Comment D6-2: OUSD buildings present tradeoffs. Those sites accommodate 700 units, a sizable portion of Plan's transit-oriented development program. Allowing development on OUSD sites takes pressure off of Chinatown, helping to preserve its cultural diversity.

Chris Andrews

Comment D7-1: Plan has constantly improved thanks to community input.

Comment D7-2: Intriguing idea to reduce demolition of historical properties to zero: "as the Landmarks Board it's incumbent on us to push that."

Peter Birkholz

Comment D8-1: Please clarify why Kaiser Center site would be rezoned?

Mary MacDonald

Comment D9-1: Does that mean the Kaiser Auditorium could be a retail site?

LPAB Motion

Comment D10-1: The Landmarks Board supports an adaptive reuse /zero-demolition alternative in which the Fire Alarm Building is identified as a reuse opportunity and a height above the present building height would be permitted only for a possible upper story addition that would meet the Secretary of the Interior's Standards; any reuse of the Kaiser Auditorium should include public access; the OUSD buildings should be reused, they should be maintained while their future is pending, and waterway-related issues affecting the site next to Lake Merritt Channel should be investigated.

RESPONSES TO D2: NAOMI SCHIFF

D2-1: The DEIR finds that new development on the OUSD or other sites would not have a significant impact on Lake Merritt Channel. Access along the Channel would be achieved by obtaining public easements and requiring new buildings to be set back from the Channel edge along the eastern edge of the Lake Merritt Channel adjacent to potential new development on the OUSD blocks. Setbacks from the Channel would be reinforced by existing Standard Conditions of Approval, as noted in the EIR. See Chapter 3.14: Hydrology and Water Quality. With regard to historic resources, the City concludes that although measures are available that could mitigate the potential impact (see Mitigation Measure CUL-1 in Chapter 3.8 of the DEIR), mitigation to reduce impacts to a less than significant level may not be deemed feasible for development in the Plan Area. See Master Response MR-3 for more detail, and see Chapter 3 of this FEIR for changes to the DEIR.

D2-2: See Master Response MR-2: Displacement and Affordable Housing, and MR-5: Preserving the Culture of Chinatown.

RESPONSES TO D3: MARY MACDONALD, BOARD MEMBER

D3-1: See response to D2-1.

D3-2: The comment to the merits of the Station Area Plan and does not pertain to the adequacy of the analysis in the DEIR. See Master Response MR-1. For informational purposes, the DEIR anticipates that the Fire Alarm Building will be reused. See Master Response MR-3: Historic Resources.

RESPONSES TO D4: PETER BIRKHOLZ, BOARD MEMBER

D4-1: The comment does not address the Plan's potential physical impacts on the environment, and thus is beyond the purview of the EIR. Please see Master Response MR-1. For informational purposes, this response notes that the Station Area Plan identifies streetscape improvements throughout the Planning Area, with a specific approach to each street. Mechanisms for financing these improvements are described in Chapter 10: Implementation of the Station Area Plan.

RESPONSES TO D5: JOHN GOINS, BOARD MEMBER

D5-1: The comment pertains to the merits of the Station Area Plan and does not pertain to the adequacy of the analysis in the DEIR. Please see Master Response MR-1. For informational purposes, this response notes that the EIR anticipates that the Kaiser Auditorium will be adaptively reused, and the Station Area Plan includes policies encouraging its public use. See Master Response MR-3: Historic Resources.

RESPONSES TO D6: DANIEL SHULMAN, BOARD MEMBER

D6-1: The comment pertains to the merits of the Station Area Plan and does not pertain to the adequacy of the analysis in the DEIR. Please see Master Response MR-1. For informational purposes, this response notes that the EIR anticipates that the Fire Alarm Building will be adaptively reused, and the Station Area Plan includes policies encouraging its public use. See Master Response MR-3: Historic Resources.

D6-2: The comment pertains to tradeoffs with regard to whether OUSD buildings are reused or redeveloped is noted. See Master Response MR-3: Historic Resources.

RESPONSES TO D7: CHRIS ANDREWS, BOARD MEMBER

D7-1: The comment that the Plan has improved with community input is acknowledged.

D7-2: See Master Response MR-3: Historic Resources.

RESPONSES TO D8: PETER BIRKHOLZ, BOARD MEMBER

D8-1: The Kaiser Auditorium site is identified in the Station Area Plan as part of the "Flex" land use character area, and proposed to be included in the D-LM-4 Flex zone as part of the concurrent rezoning. This proposed change is intended to help ensure that the Kaiser Auditorium will be retained and reused.

RESPONSES TO D9: MARY MACDONALD, BOARD MEMBER

D9-1: Under the proposed Plan, the Kaiser Auditorium could be adaptively reused for a new program, which could include retail and/or other uses. Such a reuse would require a Conditional Use Permit (CUP); the review process for approving the CUP would consider whether the proposed use would be consistent with the Plan's vision of activities that contribute to an entertainment, educational and cultural hub.

RESPONSES TO D10: LANDMARKS PRESERVATION ADVISORY BOARD

D10-1: The Landmarks Preservation Advisory Board's motion is acknowledged. Please see Master Response MR-3 for more detailed discussion of historic resources.

Planning Commission Hearing, 11/20/13

Held at Oakland City Hall, One Frank H. Ogawa Plaza, Hearing Room No. 1

Following a presentation by Christina Ferracane of the City of Oakland's Strategic Planning Division, Commissioners asked questions, and then took comments from the public. The Commission then provided comments on the Draft Plan and EIR.

Public Comments

Naomi Schiff

Comment D11-1: Request to leave the agenda item open until the next meeting

Comment D11-2: Concern about traffic impacts on Lake Merritt Boulevard

Comment D11-3: Desire to change the designation/approach to the OUSD buildings to ensure preservation or adaptive reuse

Vivian Huang

Comment D12-1: The EIR would be really improved if the discussion of displacement considered the Plan's impact on affordability

Comment D12-2: Based on AECOM's study of future market conditions, the threshold for community benefits should be lower than 275 feet

John Klein

Comment D13-1: Glad to see a low height limit at the Fire Alarm Building site. This should be a Starbucks or similar use: people would flock there.

Ulysses Saitowitz

Comment D14-1: The Kaiser Auditorium site would revert to park land under current requirements – it would not be developed

Chinese Independent Baptist Church representative

Comment D15-1: The Chinese Independent Baptist Church is located between 8th and 9th streets and Alice and Harrison streets. Concerned about the "Commercial Corridor" designation for this area in the Plan. Urge the Commission to allow institutional uses as permitted, not conditional uses.

Commission Comments

Adhi Nagraj

Comment D16-1: Surprised to see that this is more of a down-zoning than an up-zoning. Would like to see "heat maps" showing what areas would be up-zoned and what areas down-zoned. Would also like to see a justification for minor changes in height.

Comment D16-2: Market analysis is over-simplified, and doesn't capture the current market, which is hot in some places but not in others.

Comment D16-3: The discussion of affordable housing (page 419) needs a clause that says *why* affordable housing is important: to maintain a diverse community.

Comment D16-4: The Enhanced Transportation Demand Management Alternative seems to require additional improvements whose cost is not great. Doesn't see why the proposed Plan is preferred over the Enhanced TDM alternative – or any of the alternatives.

Comment D16-5: Without fully understanding Ellis Act, its protections don't seem to be enough to reduce the impact of displacement to Less than Significant. An argument about the lack of development under existing zoning would be more convincing.

Emily Weinstein

Comment D17-1: Concerned about studies of dying Chinatowns in other cities, and that we may be making the same mistake. Need more or better policies that focus on cultural retention.

Comment D17-2: Why isn't the Enhanced TDM the preferred alternative?

Comment D17-3: Interested in strategies to ensure adaptive reuse of the Kaiser Center, as well as the two OUSD buildings. She would like to see a mechanism to ensure that they will follow proper procol for adaptive reuse.

Comment D17-4: The Plan's community benefits program lacks definition.

Comment D17-5: It would be useful to show where affordable housing is located throughout Oakland.

Jim Moore

Comment D18-1: Intrigued by suggestions that the City-owned OUSD sites could be reclassified for adaptive reuse.

RESPONSES TO D11: NAOMI SCHIFF

D11-1: The request to keep the agenda item open was honored, and appeared again in the December 4, 2013 Planning Commission meeting.

D11-2: The concern about traffic impacts on Lake Merritt Boulevard is addressed with the analysis of intersection operations for Lake Merritt Boulevard at 11th and 13th Streets. Specifically, under Existing Plus Project conditions, the intersection of Lake Merritt Boulevard and 11th Street would degrade to LOS F requiring Mitigation Measure TRAN-1 to optimize signal timing and coordinate with adjacent intersections.

D11-3: See Master Response MR-3: Historic Resources.

RESPONSES TO D12: VIVIAN HUANG

D12-1: See Master Response MR-2: Displacement and Affordable Housing.

D12-2: The comment about the appropriate height limit threshold for a future Developer Incentive program pertains to the merits of the Station Area Plan and does not pertain to the adequacy of the analysis in the DEIR. Please see Master Responses MR-1 and MR-8.

RESPONSES TO D13: JOHN KLEIN

D13-1: The comment's support for a low height limit and for adaptive reuse of the Fire Alarm Building site is noted. The comment pertains to the merits of the Station Area Plan and does not pertain to the adequacy of the analysis in the DEIR. Please see Master Responses MR-1 and MR-8. For informational purposes, see Master Response MR-3: Historic Resources.

RESPONSES TO D14: ULYSSES SAITOWITZ

D14-1: The Station Area Plan supports adaptive reuse of the Kaiser Auditorium, and the EIR projects this to occur. The comment pertains to the merits of the Plan and does not pertain to the adequacy of the analysis in the DEIR. Please see Master Response MR-1. For informational purposes, see Master Response MR-3: Historic Resources.

RESPONSES TO D15: CHINESE INDEPENDENT BAPTIST CHURCH REPRESENTATIVE

D15-1: The commenter desires that "institutional uses", such as a church, remain permitted uses and not conditional uses in the zoning regulations for the Plan Area. The comment does not raise any specific issues regarding the analyses presented in the DEIR. No further response is required.

RESPONSES TO D16: ADHI NAGRAJ, COMMISSIONER

D16-1: As noted by the Commissioner, the Station Area Plan raises, lowers, and retains height limits as they are in different parts of the Planning Area. The comment's request for "heat maps" that show where development capacity would be increased and where it would be decreased under the proposed Plan is acknowledged. Such a map may be produced for presentation purposes, but will not be added to the EIR, as maps showing existing and proposed regulations are adequate for environmental review. The comment about small changes to the height limits do not address the Station Area Plan's potential physical impacts on the environment, and thus is beyond the purview of the EIR. See Master Responses MR-1 and MR-8.

D16-2: The observation about the EIR's characterization of market conditions is noted. The comment does not address the Station Area Plan's potential physical impacts on the environment, and thus is beyond the purview of the EIR. See Master Response MR-1.

D16-3: As noted by the Commissioner, the call for affordable housing for families is closely tied to a desire to maintain a diverse community, and to preserve the existing Chinatown community. See Master Response MR-2: Displacement and Affordable Housing.

D16-4: DEIR Chapter 4: Analysis of Alternatives compares relative impacts of the Station Area Plan and five alternatives: the ACTC Defined No Project Alternative, the Trends-Based No Project Alternative, the Reduced Scope Alternative, the Enhanced TDM Alternative, and the Theoretical Maximum Buildout Alternative. See MR-4, Enhanced TDM Alternative as the preferred Plan.

D16-5: The DEIR's analysis of the potential for the Station Area Plan to result in the displacement of substantial numbers of housing units or people has been revised to clarify which aspects of the existing regulatory setting are pertinent to the potential environmental effects. These revisions are included on page 3-7 of this FEIR. See also Master Response MR-2.

RESPONSES TO D17: EMILY WEINSTEIN, COMMISSIONER

D17-1: The Commissioner's concern about supporting the viability of Chinatown is acknowledged. See Master Response MR-2: Displacement and Affordable Housing, and MR-5: Preserving the Culture of Chinatown.

D17-2: See Master Response MR-4: Enhanced TDM Alternative as the Preferred Plan.

D17-3: See Master Responses MR-3: Historic Resources.

D17-4: The comment on a future community benefits program does not address the Plan's potential physical impacts on the environment, and thus is beyond the purview of the EIR. See Master Response MR-1: Station Area Plan Merits and Related Non-CEQA Topics.

D17-5: The comment about information concerning affordable housing citywide does not address the Station Area Plan's potential physical impacts on the environment, and thus is beyond the purview of the EIR. See Master Response MR-1.

RESPONSES TO D18: JIM MOORE, COMMISSIONER

D18-1: See Master Response MR-3: Historic Resources.

Planning Commission Hearing, 12/4/13

Held at Oakland City Hall, One Frank H. Ogawa Plaza, Hearing Room No. 1

Following a presentation by Christina Ferracane of the City of Oakland's Strategic Planning Division, Commissioners asked questions, and then took comments from the public. The Commission then provided comments on the Draft Plan and EIR.

Public Comments

Li Hui Zhen

Comment D19-1: Speaker is a member of APEN and a resident of Chinatown for 20+ years. According to the report there is currently no height limitation, yet current buildings are not more than 20 floors now, and she wants future buildings to be limited to that height. If more than 8 floors, developer should pay into community benefits agreement to help provide affordable housing.

Pan Hai Bo

Comment D20-1: APEN member and longtime resident. Main concern is Madison Square Park. Many community members use the park for exercise every day, from 7am to 8pm. There are ten big trees there, which are the lungs of the city and improve air quality. No matter what changes are made around the park, wants the park to be retained; trees should be preserved; and improvements should be made, including a restroom.

Comment D20-2: He has seen a lot of traffic accidents around Madison Square Park; has a friend who was struck by car and killed crossing the street, and yesterday a woman was hit and severely hurt. The one-way streets in the area create safety hazards, and the Plan should address this.

Xu Da Ning

Comment D21-1: Also a community leader with APEN, and resident of Oakland for 23 years. Hopefully there will be 5000 additional units coming out of this project. It would help local economic development. But out of the 5000 units, 20% should be for low-income and elderly.

Comment D21-2: With increased population hopefully there will be increased parks and places for people to play.

Alvina Wong

Comment D22-1: Comment period should be extended.

Comment D22-2: Also with APEN. Need EIR to address displacement, which will affect our community greatly. Current Draft EIR does not cover social and economic effects on existing communities. There are no guarantees of affordability or community retention. Draft EIR should include more provisions for displacement. This issue was included in APEN's comment letter at the scoping stage, but it was not addressed adequately.

Ty Hudson

Comment D23-1: Represents Unite Here Local 2850, hospitality and food service workers. Generally supportive of revitalizing Lake Merritt Station Area. Significant concern that General Commercial zone allows hotel development by right rather than requiring conditional use permit. Hotels are inherently high-impact uses, and for that reason the Planning Code lays out criteria by which hotels can be evaluated on a case by case basis through conditional use process. Broadway-Valdez Specific Plan area hotels require a CUP in all zones; Lake Merritt should have the same or stronger CUP language for hotels.

Darren Yee

Comment D24-1: On behalf of Asian Health Services and Oakland Chinatown Coalition. Building heights should be universally lowered; BART blocks should not get preferential treatment as in Reduced Scope Alternative.

Comment D24-2: Comment period should be extended given holiday season and huge scope of this document.

Rachel Bryan

Comment D25-1: Delegate to Alameda County Building Trades and community liaison for union of electrical contractors. EIR does not include discussion of social and economic impacts of development in Station Area: displacement of current residents, and local hire for construction. These must be studied.

Julia Liao

Comment D26-1: Asian Health Services and Oakland Chinatown Coalition. Project alternative "Restore Development Standards for Building Heights and FAR in Place Prior to 2009 CBD rezoning" that was not evaluated further should not be dismissed on the basis that it doesn't lower impacts compared to existing conditions. Correct standard should be whether alternative would reduce project-related traffic. Per CEQA, alternative does not need to achieve all project objectives but most. Alternative for a lower-density transit village was supported by the community and should have been considered.

Comment D26-2: EIR should evaluate pedestrian level of service in Oakland, and not just in Alameda, especially for key intersections in the Chinatown community.

Commission Comments

Adhi Nagraj

Comment D27-1: Balancing desire for economic development against fear of displacement is a constant challenge.

Comment D27-2: His interpretation of the various height changes led him to push back on the notion that this is a major up-zoning or increase in development pressure. It seems instead to provide similar building heights, with lowered heights in some areas and higher heights in some areas. An important aspect of considering appropriate heights is to provide more clarity, consistency and shape, to ease the transition between residential neighborhoods and downtown, and this Plan seems to promote those goals. Request "heat map" showing where Plan would intensify allowed development and where not.

Emily Weinstein

Comment D28-1: Need to be careful when looking at cultural impacts not just to look at individual buildings but to maintain cultural continuity of Chinatown. Can we study other Chinatowns that have not been successful, to help us not make the same mistake here? Cultural continuity was a key goal of Japantown Specific Plan in San Francisco; we could look at that.

Jim Moore

Comment D29-1: Pedestrian level of service probably should be dealt with at this stage, considering existing conditions.

Comment D29-2: Interested in idea of enhancing adaptive reuse potential of OUSD buildings, perhaps by grandfathering in the parking. Area within 100 feet of Estuary would not be buildable.

Comment D29-3: There's been so much thoughtful community interaction that's gone into this Plan.

Jahaziel Bonilla

Comment D30-1: Support extending comment period to January 17th to allow more time for consideration.

Chris Pattillo

Comment D31-1: One of the streets being narrowed is Madison. It's my observation that Madison is one of the most efficiently, well-designed streets in Downtown Oakland, with synchronized signals. With the technology we have today, why can't all streets work that way? Money would be quickly recouped.

Comment D31-2: Would like to add the Historic American Landscapes Survey as an appropriate mitigation on page 3.8-42, particularly because there is a possibility that Madison Park will be relocated. Documenting to HALS standards is most relevant for this potential impact.

Comment D31-3: With regard to extending the comment period, given the voluminous nature and importance of this document and the fact that we're in the heart of the holiday season, support extending deadline to January 17th.

RESPONSES TO D19: LI HUI ZEN

D19-1: The comment's support for a height limit threshold of eight floors, above which community benefits would be required, is noted, but does not address the Station Area Plan's potential physical impacts on the environment, and thus is beyond the purview of the EIR. See Master Response MR-1: Station Area Plan Merits and Related Non-CEQA Topics and Master Response MR-8.

RESPONSES TO D20: PAN HAI BO

D20-1: The comment regarding the popularity and maintaining Madison Square Park is noted. The comment does not address the Station Area Plan's potential physical impacts on the environment, and thus is beyond the purview of the EIR. See Master Response MR-1: Station Area Plan Merits and Related Non-CEQA Topics. For informational purposes, this response notes that the Station Area Plan identifies numerous improvements from pages 5-8 to 5-10 that would increase the use of Madison Square Park, such as new amenities, including public restroom facilities located either in the park or in a future Youth/Community Center on the adjacent BART blocks.

D20-2: The commenter has observed a number of traffic accidents around Madison Square Park, which is also shown in Table 3.2-1 of Existing Collision Data Summary, and attributes the safety hazard with the one-way streets. This concern is addressed in the Station Area Plan, specifically, Policy C-16 Pedestrian Safety, which prioritizes pedestrian improvements and traffic calming near locations, such as Madison Square Park. Changes to the one-way streets have been considered as part of the Station Area Plan, but detailed evaluation would be part of a broader downtown system plan.

RESPONSES TO D21: XU DA NING

D21-1: The comment's support for additional development, and desire for 20 percent of new housing to be affordable, is noted. See Master Response MR-2 for additional discussion of affordable housing.

D21-2: The comment's support for additional park space is noted. The Station Area Plan includes provisions for improvements to existing parks, enhanced access to parks, and development of new park land. The comment does not address the Station Area Plan's potential physical impacts on the environment, and thus is beyond the purview of the EIR. See Master Response MR-1.

RESPONSES TO D22: ALVINA WONG

D22-1: The comment requests extension of comment period. The review period was initially set as November 1st, 2013 to December 16th, 2013 in the Notice of Availability, pursuant to the 45-day review period set by CEQA. The initial review period was

extended five days after December 16th, 2013. Comment letters were accepted through the end of December 2013.

D22-2: See Master Response MR-2: Displacement and Affordable Housing.

RESPONSES TO D23: TY HUDSON

D23-1: The comment's proposal for a Conditional Use Permit (CUP) to be required for hotel development has been considered in revisions to proposed zoning regulations. However, the comment does not address the Station Area Plan's potential physical impacts on the environment, and thus is beyond the purview of the EIR.

RESPONSES TO D24: DARREN YEE

D24-1: The comment's support for universally lowering building height limits is noted, but does not address the Station Area Plan's potential physical impacts on the environment, and thus is beyond the purview of the EIR. See Master Response MR-1: Station Area Plan Merits and Related Non-CEQA Topics and Master Response MR-8. The DEIR included an alternative that studied a lower development program.

D24-2: See response to D22-1.

RESPONSES TO D25: RACHEL BRYAN

D25-1 See Master Response MR-2: Displacement and Affordable Housing. With respect to construction jobs, that comment does not address the Station Area Plan's potential physical impacts on the environment, and thus is beyond the purview of the EIR. Please see Master Response MR-1.

RESPONSES TO D26: JULIA LIAO

D26-1: Including an alternative to restore zoning that existed prior to 2009 was not studied, for the reasons described on page 4-2 of the DEIR and noted in the comment. The zoning regulations in place prior to 2009 were based on guidance from the 1998 General Plan, and allowed more intensity than would be allowed under existing or proposed regulations. An alternative based on that zoning would not be expected to reduce potential impacts. The comment's request for a lower-density transit village alternative is acknowledged. The DEIR does include a Reduced Scope Alternative, which is described on page 4-6.

D26-2: The EIR uses the City of Oakland's *CEQA Thresholds of Significance* as the basis for evaluating potential environmental impacts. While pedestrian level of service is not a threshold used by the City of Oakland, the EIR does evaluate pedestrian safety. See the analysis of Thresholds #10 through #14 on pages 3.2-155 to 3.2-162 of the DEIR.

RESPONSES TO D27: ADHI NAGRAJ, COMMISSIONER

D27-1: The Commissioner's observation about economic development and displacement is noted. See Master Responses MR-2 and MR-5 for further discussion.

D27-2: See response to D16-1.

RESPONSES TO D28: EMILY WEINSTEIN, COMMISSIONER

D28-1: The Commissioner's consideration of how to maintain a vital Chinatown is acknowledged. See Master Response MR-5 for further discussion.

RESPONSES TO D29: JIM MOORE, COMMISSIONER

D29-1: Pedestrian level of service analyses, such as the methodology in the Highway Capacity Manual, are available and was applied consistent with the City of Alameda CEQA thresholds for study intersections located in Alameda. However, this analysis of Oakland intersections was conducted consistent with the City's CEQA Thresholds of Significance Guidelines, which address pedestrian safety. Also, see Master Response MR-6: Pedestrian Safety.

D29-2: See Master Response MR-3: Historic Resources.

D29-3: The Commissioner's observation about community participation is noted. No specific issues regarding the analysis presented in the DEIR, therefore, no further response is required.

RESPONSES TO D30: JAHAZIEL BONILLA, COMMISSIONER

D30-1: See response to D22-1.

RESPONSES TO D31: CHRIS PATTILLO, COMMISSIONER

D31-1: As noted by the comment, Madison operates as "one of the most efficiently, well-designed streets in Downtown Oakland, with synchronized signals." As technology continues to improve and resources become available, improved signal systems, would be implemented. Also see response to C1-2

D31-2: See response to C1-7.

D31-3: See response to D22-1.

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