WEST OAKLAND SPECIFIC PLAN

FINAL ENVIRONMENTAL IMPACT REPORT

SCH #2012102047

LEAD AGENCY: CITY OF OAKLAND

MAY 2014

LAMPHIER-GREGORY

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Prepared for the City of Oakland by:

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MAY 2014

NOTICE OF AVAILABILITY (NOA) OF FINAL ENVIRONMENTAL IMPACT REPORT (FEIR) ON THE WEST OAKLAND SPECIFIC PLAN AND NOTICE OF PUBLIC HEARINGS ON FEIR, SPECIFIC PLAN AND RELATED ACTIONS

TO: All Interested Parties

SUBJECT: Notice of Availability of Final Environmental Impact Report (FEIR) for the West Oakland Specific Plan, and Notice of Public Hearing on the FEIR, Specific Plan and Related Actions.

CASE NOS.: ER12-0018/GP14-010/RZ14-011/ZS14-012/ZT14-013 (CEQA State Clearing House Number 2012102047)

PROJECT SPONSOR: City of Oakland

PROJECT LOCATION: The West Oakland Specific Plan Area is generally bounded by Interstate-580 (MacArthur Freeway) to the north, Interstate-980 to the east, and the re-located Interstate-880 (Nimitz Freeway) wrapping around the south and west. A small portion of the plan area is in the East Bay Bridge Shopping Center and below I-880 near Linden Street.

PROJECT DESCRIPTION: The West Oakland Specific Plan ("Specific Plan") will be a 25-year planning document that provides a vision and planning framework for future growth and development within the West Oakland Plan Area. The Specific Plan provides a comprehensive vision for the Plan Area along with goals, policies and development regulations to guide the Plan Area's future development and serves as the mechanism for insuring that future development is coordinated and occurs in an orderly and well-planned manner. The Specific Plan does not propose specific private developments, but for the purposes of environmental review, establishes the West Oakland Development Program, which represents the *maximum feasible development* that the City has projected can reasonably be expected to occur in the Plan Area over a 25-year planning period. In total, the West Oakland Development Program includes the addition of up to 4.7 million square feet of new industrial and commercial space, over 28,000 new jobs throughout the Plan Area, and 5,000 new residential units accommodating 7,500 - 11,000 new residents. Concurrent, but separately, the project also includes adoption of associated General Plan amendments, Planning Code amendments, Zoning Maps, Height Map and Design Guidelines (collectively called "Related Actions").

The overarching goal of the Specific Plan is to serve as a blue-print for guiding future development patterns within the West Oakland district. It identifies actions required to implement the recommendations in the Plan and requires changes to the Oakland General Plan (text and map changes) and Zoning Code to reconcile conflicting land use priorities, the development of new design guidelines specifically tailored to West Oakland development issues, and the implementation of transportation and infrastructure improvements to address current development issues. Although not required by Specific Plan law, the WOSP additionally includes recommendations for encouraging affordable housing, social equity and community health as these concerns are equally important in sustaining a vibrant community.

For more information on the project, please visit the project website at: www.oaklandnet.com/r/wosp.

ENVIRONMENTAL REVIEW: A Notice of Preparation of an EIR was issued by the City of Oakland's Planning and Building Department on October 22, 2012. A Draft Environmental Impact Report (DEIR) 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 January 29, 2014, the City of Oakland released for public review the DEIR. The public review and comment period was extended through 4:00 p.m. Monday, March 17, 2014, during which time three public hearings on the DEIR were held including a City of Oakland Landmarks Preservation Advisory Board public hearing on February 10, 2014, a City of

Oakland Planning Commission hearing on February 24, 2014, and a Parks and Recreation Advisory Commission hearing on March 12, 2014.

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 Specific 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 May 30, 2014, copies of the RTC/FEIR are 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 4:30 p.m. Additional copies are available for review at the West Oakland Public Library, 1801 Adeline Street, Oakland, CA 94607, Oakland Public Library, Social Science and Documents, 125 14th Street, Oakland CA 94612. The FEIR may also be reviewed on the City's website: www.oaklandnet.com/r/wosp.

PUBLIC HEARINGS

The Oakland Landmarks Preservation Advisory Board will conduct a public hearing to provide cultural-resource related comments on the FEIR, Final Specific Plan, and Related Actions on **June 9, 2014, at 6:00 pm in City Council Chambers, 3rd Floor, City Hall, 1 Frank H. Ogawa Plaza, Oakland CA 94612.**

The Oakland City Planning Commission will conduct a public hearing to consider certifying the FEIR, and recommending to the City Council adoption of the Final Specific Plan and Related Actions on **June 11, 2014, at 6:00 pm in City Council Chambers, 3rd Floor, City Hall, 1 Frank H. Ogawa Plaza, Oakland CA 94612.**

The City Council Community and Economic Development Committee will consider certifying the FEIR, and recommending to the City Council adoption of the Final Specific Plan and Related Actions on **July 8, 2014, at 2:00 pm in the Sgt. Mark Dunakin Room - 1st Floor, City Hall, 1 Frank H. Ogawa Plaza, Oakland CA 94612.**

The City Council will conduct a public hearing to consider certifying the FEIR, and adoption of the Final Specific Plan and Related Actions on **July 15, 2014, at 5:30 in City Council Chambers, 3rd Floor, 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 Ulla-Britt Jonsson, Planning and Building Department, 250 Frank H. Ogawa Plaza, Suite 3315, Oakland, CA 94612, and received by 4:00pm on June 11, 2014. For further information please contact Ulla-Britt Jonsson at (510) 238-3322 or via email to ujonsson@oaklandnet.com.

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

WEST OAKLAND SPECIFIC PLAN RESPONSE TO COMMENTS/FINAL EIR

Table of Contents

1

Introduction

Purpose of the Final EIR

This Environmental Impact Report (EIR) is an informational document prepared by the City of Oakland (as Lead Agency) containing environmental analysis for public review and for City decision-makers to use in their consideration of approvals for discretionary actions needed on the proposed West Oakland Specific Plan (the Project).

On January 29, 2014, the City of Oakland released a Draft Environmental Impact Report (Draft EIR) for the West Oakland Specific Plan. The 45-day public review and comment period on that Draft EIR ended on March 17, 2014. During the public review and comment period, the City of Oakland held the following public hearings and informational meetings:

- a Community Meeting on February 6, 2014 at the West Oakland Senior Center (1724 Adeline Street, Oakland);
- a Public Hearing before the City of Oakland Landmarks Preservation Advisory Board on February 10, 2014 (Oakland City Hall);
- a Public Hearing before the Oakland City Planning Commission on February 24, 2014 (Oakland City Hall, Council Chambers); and
- a Public Hearing before the City of Oakland Parks and Recreation Advisory Commission on March 12, 2014 at the Lake Merritt Garden Center (666 Bellevue Avenue, Oakland).

The purpose of these meetings and hearings was to inform the public about the contents of the Specific Plan and Draft EIR, and to receive oral comments on the Draft EIR with regard to its adequacy and accuracy.

This 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 is included by reference as part of the Final EIR.

Following the required 10-day agency review of this Response to Comments document, the City of Oakland Planning Commission will consider certification of the Final EIR, certifying that it adequately discloses the environmental effects of the proposed Project and that the Final EIR has been completed in conformance with the California Environmental Quality Act (CEQA). Before the Planning Commission and City Council may consider approval of the various discretionary actions recommended as part of the proposed Project, both the Commission and the Council must independently review and consider the information contained in the Final EIR.

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 that 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, and
- 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.

No New Significant Information

If significant new information is added to a Draft EIR after notice of public review has been given, but before certification of the Final EIR, the lead agency must issue a new notice and re-circulate the Draft EIR for further comments and consultation.

Although this Response to Comments document may contain corrections or clarifications to information presented in the Draft EIR, none of these corrections or clarifications constitute "significant new information" as defined under Section 15088.5 of the CEQA Guidelines. More specifically:

- No new significant environmental impacts have been identified as resulting from the Project or from a new mitigation measure or a new Standard Condition of Approval proposed to be implemented.
- No substantial increase in the severity of a previously identified environmental impact has been identified as resulting from the Project or from a new mitigation measure or a new Standard Condition of Approval, and no additional mitigation measures or Standard Conditions of Approval are necessary to reduce such impacts to a level of insignificance.
- There is no feasible alternative, mitigation measure or Standard Condition of Approval considerably different from others previously analyzed in the Draft EIR that would clearly lessen the significant environmental impacts of the Project, that the Project sponsor (the City of Oakland) has declined to adopt.
- The Draft EIR was not so fundamentally or basically inadequate or conclusory in nature that meaningful public review and comment were precluded.

Information presented in the Draft EIR and in this document support the City's determination that recirculation of the Draft EIR is not required.

Organization of this 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, summarizes the proposed Specific Plan and the major items of discussion presented in the EIR, including a summary of potential environmental impacts, applicable standard conditions of approval and recommended mitigation measures, and resulting levels of significance for identified environmental impact topics.
- Chapter 3: Commenters on the Draft EIR, lists all agencies, organizations and individuals that submitted written comments on the DEIR during the public review and comment period, and/or that commented at the public meetings and/or hearings.

- Chapter 4: Master Responses to Frequent Comments on the Draft EIR, provides comprehensive responses to numerous, similar comments made by several commenters on specific issues relative to the Draft EIR.
- Chapter 5: Individual Responses to Written Comments on the Draft EIR, contains each of the comment letters received on the Draft EIR and and presents individual responses to the specific CEQA-related comments raised.
- Chapter 6: Comments and Responses to Comments made at Public Hearings on the DEIR, contains a summary of oral comments made at each of the public hearings on the Draft EIR, and presents responses to each of the specific CEQA-related comments raised.
- Chapter 7: Revisions to the Draft EIR, contains text changes and corrections to the Draft EIR initiated by the Lead Agency or resulting from comments received on the DEIR.

Use of the Final EIR

Pursuant to CEQA, this is a public information document for use by governmental agencies and the general public. The information contained in this Final EIR is subject to review and consideration by the City of Oakland prior to its decision to approve, reject or modify the proposed Specific Plan (the Project). The City of Oakland Planning Commission and City Council must ultimately independently certify that it has reviewed and considered the information in the EIR and that the EIR has been completed in conformity with the requirements of CEQA before making any decision of the proposed Project.

2

Project Summary

Summary of the Project

Site Location

The West Oakland Specific Plan Planning Area (Planning Area) is located in Oakland, California in the East San Francisco Bay Area near the hub of the Bay Area's freeway system and regional transit system. The Planning Area is generally bounded by Interstate 580 (I-580) to the north, I-980 to the east and I-880 to the west and south.

The Planning Area comprises approximately 2.18 square miles or approximately 1,400 acres, subdivided into 6,340 parcels. It has a current population of approximately 25,000 people, and contains employment opportunities for more than 15,000 current employees.

Project Overview

The proposed West Oakland Specific Plan provides a set of comprehensive and multi-faceted strategies for development and redevelopment of primarily vacant and/or underutilized commercial and industrial properties in West Oakland. It establishes a land use and development framework, identifies needed transportation and infrastructure improvements and recommends implementation strategies needed to develop the properties. Key components of the Specific Plan include:

- Promoting select areas within the Plan Area as major employment centers, encouraging land uses that have significant employment potential;
- promoting high-density development near the West Oakland BART station, consistent with prior planning strategies;
- encouraging residential and neighborhood-serving commercial establishments on major corridors such as San Pablo Avenue;
- seeking to direct industrial and more intensive commercial activities to locations closer to the Port of Oakland and away from residential areas, as a means of protecting and enhancing West Oakland's residential neighborhoods; and
- encouraging an enhanced multi-modal transportation system to better link residents and businesses.

These and other efforts will guide West Oakland's changes in the next decades.

EIR Process and Schedule

On October 22, 2012 the City of Oakland issued a Notice of Preparation, determining that an Environmental Impact Report (EIR) would be prepared to analyze the potential environmental effects of the proposed Specific Plan (the Project) under CEQA, and soliciting public comments on the scope of the EIR. Public scoping hearings were held before the City of Oakland Landmarks Preservation Advisory

Board (on November 5, 2012) and before the City of Oakland Planning Commission (on November 14, 2012) to determine the appropriate scope of the environmental document.

On January 29, 2014 the City of Oakland issued a Notice of Availability/Notice of Completion of the Draft EIR. The Draft EIR addressed environmental topics pertaining to aesthetics; air quality; cultural and historic resources; greenhouse gas emissions; hazards and hazardous materials; hydrology and water quality; land use, plans and policies; noise and vibration; transportation, circulation and parking; utilities and public services; and environmental effects found to be less than significant. The Draft EIR was circulated for public review and comment.

The 45-day public review and comment period on that Draft EIR ended on March 17, 2014. During the public review and comment period, the City of Oakland held public hearings and informational meetings including a Community Meeting (on February 6, 2014), and public hearings before the City of Oakland Landmarks Preservation Advisory Board (on February 10, 2014), the Oakland City Planning Commission (on February 24, 2014), and the City of Oakland Parks and Recreation Advisory Commission (March 12, 2014). The purpose of these meetings and hearings was to inform the public about the contents of the Specific Plan and Draft EIR, and to receive oral comments on the Draft EIR with regard to its adequacy and accuracy.

Key Components of the Project

The Specific Plan's land use and development proposals are organized and divided into specific proposals for each of the Opportunity Areas as indicated in the Plan. Within each Opportunity Area, the Specific Plan highlights detailed plans and proposals for each of the individual Opportunity Sites.

Opportunity Area 1: Mandela/West Grand

The Mandela/West Grand Opportunity Area is envisioned as continuing to be the major business and employment center for West Oakland and the region. The Specific Plan encourages a mix of business activities and development types, with a range of jobs at varying skill and education levels. The intent of this Plan is to retain and expand existing commercial and compatible urban manufacturing, construction and light industrial businesses that have well-paid blue collar and green collar jobs, while attracting new industries such as the life sciences, information technology and clean-tech businesses. Development would likely initially occur as lower-intensity development and with reuse of existing buildings and then evolving into higher intensity business development over time.

Opportunity Area 2: 7th Street

The vision for the 7th Street Opportunity Area includes new, high-density transit-oriented development (TOD) on vacant sites and parking lots surrounding the West Oakland BART Station. Plazas and open spaces would contribute to a secure and pleasant pedestrian experience. New medium-density housing with ground floor commercial uses is recommended further west on 7th Street, as a transition from the West Oakland BART Station TOD to the surrounding lower-density neighborhoods. The 7th Street corridor is envisioned as the neighborhood focus, with neighborhood-serving commercial establishments. The Plan prioritizes commercial uses that enliven the street and can help to revitalize 7th Street as a celebration of West Oakland's cultural history of music, art and entertainment.

Opportunity Area 3: 3rd Street

The 3rd Street Opportunity Area is located generally south of I-880 and between Union and Castro Streets. This Opportunity Area is somewhat isolated from much of the rest of West Oakland by the I-880

freeway and elevated BART tracks. The vision for the 3rd Street Opportunity Area is that it will continue to support industrial and business activities and jobs, capitalizing on its proximity to downtown Oakland, Jack London Square, the Port of Oakland and its access to the regional freeway network. This Opportunity Area is expected to emerge as a more vibrant and vital business and employment center over time, focusing on manufacturing and light industrial uses that benefit from adjacency to the Port, as well as commercial uses that enliven the area during the day and night. Commercial, dining and entertainment uses are encouraged as infill enhancements in the attractive, older warehouse buildings.

Opportunity Area 4: San Pablo Avenue

Opportunity Area 4 is defined as the San Pablo Avenue corridor from approximately I-580 to West Grand Avenue, and along West Grand to Market Street. The San Pablo Avenue corridor is envisioned as a transformed major commercial corridor connecting West Oakland to Downtown and to Emeryville, Berkeley and beyond, lined with active ground-floor commercial uses and mixed-use residential development. Consistent with existing City of Oakland policies regarding development of major commercial corridors, the land use and development strategy for the San Pablo Avenue Opportunity Area is for infill mixed-use development with multi-family residential activities over ground-floor commercial. Enhanced streetscapes and increased commercial uses would activate the street, increase pedestrian activity and enliven the neighborhood.

Reasonably Foreseeably Maximum Development

The Project analyzed in this EIR is the amount of development that can be reasonably expected to occur in the Planning Area over the next 25 years. The amount of both residential and employment growth included under this reasonably foreseeable scenario is generally consistent with Association of Bay Area Government's (ABAG) Projections '09 for West Oakland, is consistent with the market projections of demand for new housing opportunities and employment growth potential as assessed for the Specific Plan, and it consistent with the urban design assumptions and development scenarios as presented in the Specific Plan. This development potential is the reasonably foreseeable maximum development that would occur within the Planning Area during the life of the proposed Plan and is the level of development envisioned by the proposed Plan.

Buildout of the West Oakland Specific Plan's Opportunity Areas is expected to result in an increase of between 19,700 and nearly 22,000 new jobs, and an increase of between 4,000 to 5,000 new housing units, including:

- over 293 acres of business and industrial lands accommodating approximately 3.85 million square feet of net new business space and providing for approximately 19,000 new jobs; and
- approximately 37 acres of mixed-use development along the 7th Street and San Pablo Avenue corridors, accommodating about 185,000 square feet of new commercial space providing for nearly 600 new jobs, plus more than 1,350 new housing units; and
- 24 acres of mixed-use transit-oriented development at the West Oakland BART station, with up to 670,000 square feet of new commercial, office and retail development providing for nearly 1,700 new jobs, and/or a range of between 1,325 to 2,300 new housing units; and
- approximately 31.5 acres of residential land with a total of more than 1,330 new housing units.

Public Agency Approvals

The discretionary actions and other considerations and approvals anticipated to be required for the proposed Project include, but are not limited to the following:

- Certification of the Environmental Impact Report (Final EIR) for the proposed Specific Plan;
- Adoption of the Specific Plan; and
- Approval of several General Plan amendments and re-zonings.

The City of Oakland Planning Commission will make findings regarding certification of the EIR, and will make recommendations regarding adoption of the Specific Plan and approval of the proposed General Plan amendments and re-zonings. The Oakland City Council will make final decisions of the Plan, the General Plan amendments and re-zonings.

Use of this EIR

The degree of specificity in an EIR corresponds to the degree of specificity in the underlying activity described in the EIR. This EIR presents an analysis of the environmental impacts of adoption and implementation of the Specific Plan by evaluating the physical and land use changes from potential development that could occur with adoption and implementation of the Specific Plan.

Where feasible and where an adequate level of detail is available such that the potential environmental effects may be understood and analyzed, this EIR provides a project-level analysis to minimize the need for subsequent CEQA review of projects that could occur under the Specific Plan. Pursuant to CEQA Guidelines Sections 15162-15164, 15168, 15183 and 15183.5, future program- and project-level environmental analyses may be tiered from this 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.

Areas of Public Concern

Social and Economic Effects

CEQA Guidelines define the parameters under which consideration of socio-economic impacts is included in an EIR. Section 15131(a) of the Guidelines states that; ". . . economic or social effects of a project shall not be treated as significant effects on the environment. An EIR may trace a chain of cause and effect from a proposed decision on a project through anticipated economic or social changes resulting from the project, to physical changes caused in turn by the economic or social changes. . . The focus of the analysis shall be on the physical changes." Changes in population and demographics, in and of themselves, are generally characterized for CEQA purposes as social and economic effects, not physical effects on the environment. Nevertheless, among the topics of greatest public concern expressed through letters commenting on the Draft EIR and from public comments made at hearings on the Draft EIR are the socio-economic impacts of the Specific Plan associated with:

- gentrification, and
- direct and indirect displacement of residences and existing small businesses.

These topics, as they relate to CEQA are addressed in Chapter 4 of this FEIR, under Master Response to Comments #1: Gentrification and Displacement.

Effects of the Environment on the Project

CEQA requires an EIR to analyze potential adverse effects that a project may have on the environment. In the reverse, potential adverse effects that the environment may have on a project are legally not required to be analyzed or mitigated under CEQA. Nevertheless, among the areas of greatest public concern expressed through letters commenting on the Draft EIR and from public comments made at hearings on the Draft EIR are the potential impacts that existing environmental conditions may have on new and existing residents and businesses within the Specific Plan Area, specifically related to:

- the adverse effects of poor ambient air quality, including existing off-site emissions of diesel PM and other toxic air contaminants, on existing and future residents;
- The adverse effects that existing sources of noise (i.e., vehicles on freeways, BART train noise and other noise sources) have on existing and future residents;
- The adverse effects that projected future sea level rise may have on existing and future residents and businesses;

Although not required under CEQA, the Draft EIR included analysis of these and other potential effects of the environment on the project, and this Final EIR responds to comments on these issues in order to provide information to the public and decision-makers.

CEQA Threshold Effects of Concern

The following CEQA topic issues are among the issues of concern as expressed in letters commenting on the Draft EIR and from public comments made at hearings on the Draft EIR:

- emissions of diesel PM and other toxic air contaminants during construction and operation of new development pursuant to the Specific Plan;
- the contribution of Project-related traffic to local and regional traffic congestion;
- the potential adverse health and safety effects that may result from new development occurring in proximity to contaminated and toxic soil and groundwater conditions;
- additional demands on public infrastructure (especially water supply and wastewater collection facilities) associated with new growth and development.

The Draft EIR included analysis of these and other potential effects of the Project, and this Final EIR responds to comments on these issues and other issues.

Summary of Impacts, Mitigation Measures and Alternatives

Significant and Unavoidable Impacts

Air Quality

Air-3: **Odor Impacts.** Development in accordance with the Specific Plan could expose a substantial number of new people to existing and new objectionable odors. Potential effects of the environment on a project are legally not required to be analyzed or mitigated under CEQA. This EIR nevertheless analyzes potential effects of the environment on the project (i.e. siting new receptors near existing and potential new odor sources) in order to provide information to the public and decision-makers.

Air-5: **Construction-Period Emissions of Criteria Pollutants**. During construction, individual development projects pursuant to the Specific Plan will generate regional ozone precursor emissions from construction equipment exhaust. For most individual development projects, construction emissions will be effectively reduced to a level of Less Than Significant with implementation of required City of Oakland Standard Conditions of Approval (SCA). However, larger individual construction projects could generate emissions of criteria air pollutants that would exceed the City's thresholds of significance.

Air-7: **Operational Criteria Pollutant Emissions**. Once buildout of the Specific Plan is complete and all of the expected new development is fully occupied, new development pursuant to the Specific Plan will generate emissions of criteria pollutants (ROG, NOx PM10 and PM2.5) as a result of increased motor vehicle traffic and area source emissions. Traffic emissions combined with anticipated area source emissions would generate levels of criteria air pollutants that would exceed the City's project-level thresholds of significance.

Air-9: **Operational Toxic Air Contaminant Emissions**. Development pursuant to the West Oakland Specific Plan would include new light industrial, custom manufacturing and other similar land uses, as well as the introduction of new diesel generators that could emit toxic emissions resulting in (a) a cancer risk level greater than 10 in one million, (b) a chronic or acute hazard index greater than 1.0, or (c) an increase of annual average PM2.5 concentration of greater than 0.3 micrograms per cubic meter; or under cumulative conditions, resulting in a) a cancer risk level greater than 100 in a million, b) a chronic or acute hazard index greater than 10.0, or c) annual average PM2.5 of greater than 0.8 micrograms per cubic meter.

Air-10: **Toxic Air Contaminant Exposure**. Certain future development projects in accordance with the West Oakland Specific Plan could result in new sensitive receptors exposed to existing levels of toxic air contaminants (TACs) or concentrations of PM2.5 that could result in increased cancer risk or other health hazards. CEQA requires the analysis of potential adverse effects of a project on the environment. Potential effects of the environment on a project are legally not required to be analyzed or mitigated under CEQA. However, this EIR nevertheless analyzes potential effects of the environment on the project (i.e. siting new receptors near existing TAC sources) in order to provide information to the public and decision-makers.

Greenhouse Gas (GHG) Emissions

GHG-3: **GHG Emissions**. It is possible that on an individual basis, certain development projects envisioned and enabled under the Specific Plan could exceed, on an individual and project-by-project basis, the project-level GHG threshold. Under the City's required SCAs, individual development projects exceeding project-level screening criteria are required to undergo project-specific GHG emissions forecasts and, as appropriate, implement project-specific GHG reduction plans with the goal of increasing energy efficiency and reducing GHG emissions to the greatest extent feasible below both applicable numeric City of Oakland CEQA Thresholds. However, not until these tiered projects are proposed and evaluated can the efficacy of each individual project's design characteristics, applicable SCAs and other City policies (particularly SCA 'F') in reducing GHG emissions to below relevant thresholds be determined.

Traffic and Transportation

Trans-1: (Existing plus Project) and -3: (Cumulative plus Project): Intersection LOS at Hollis and 40th Streets. The addition of traffic generated by the full development of the proposed Project to both Existing conditions and Cumulative 2035 conditions would cause PM peak hour

southbound left turn 95th percentile queue length at the signalized intersection of Hollis and 40th Street (#1) located in Emeryville to exceed the available queue storage. Because this intersection is within the City of Emeryville's jurisdiction, the timing and implementation of the improvements are not under the City of Oakland's control. Therefore, the improvement cannot be assured to be completed.

Trans-2: (Existing plus Project) and -4: (Cumulative plus Project): Intersection LOS at San Pablo Avenue and 40th Streets. The addition of traffic generated by the full development of the proposed Project to both Existing Conditions and Cumulative 2035 Conditions would cause PM peak hour traffic operations at the signalized intersection of San Pablo Avenue and 40th Street (#2) located in Emeryville to degrade from Level of Service (LOS) D to LOS E under Existing plus Project conditions. Additionally, the eastbound left and northbound left turn 95th percentile queue length would exceed the available queue storage in the AM peak hour. Because this intersection is within the City of Emeryville's jurisdiction, the timing and implementation of the improvements are not under the City of Oakland's control. Therefore, the improvement cannot be assured to be completed.

Trans-5: (Cumulative plus Project) Intersection LOS at Mandela Parkway and West Grand Avenue. The addition of traffic generated by the full development of the Specific Plan under Cumulative 2035 conditions would degrade operation from LOS D to LOS F in the AM peak hour, and from LOS E to LOS F in the PM peak hour at the signalized intersection at Mandela Parkway and West Grand Avenue (#7) located outside the Downtown Area and would increase the volume-to-capacity ratio beyond the threshold of significance. The recommended mitigation measures would encroach into Memorial Park within the Mandela Parkway median, and the provision of four westbound lanes would preclude planned installation of a bicycle facility on West Grand Avenue which is a City priority (Resolution 84197, Nov 2012). Therefore, these additional improvements are not recommended.

Alternatives

Chapter 5 of the Draft EIR presents an analysis of a range of reasonable alternatives to the Project. The following alternatives were analyzed:

- Alternative 1: No Project
- Alternative 2: Reduced Project
- Alternative 3: Commercial and Jobs-Focused Alternative
- Alternative #4: Maximum Theoretical Buildout Alternative

Alternative 1: No Project would be the environmentally superior alternative due to its substantially lower expectation of population growth and new job opportunities as compared to the Project and other alternatives. Alternative 2, the Reduced Project would be considered environmentally superior in the absence of the No Project alternative because it, too, would substantially lower expectations of population growth and new job opportunities as compared to the Project or Alternative #3, resulting in fewer vehicle trips. However, the Reduced Alternative would also not achieve as many of the basic Project objectives as would the Project or Alternative #3.

Summary Table

Information in **Table 2-1**: Summary of Impacts, City Standard Conditions of Approval and Mitigation Measures, corresponds with the organization and order of environmental issues as discussed in the Draft EIR. The table is arranged in three columns: 1) Impacts; 2) Required Standard Conditions of Approval and/or Recommended Mitigation Measures; and 3) Level of Significance after Implementation of Standard Conditions of Approval and/or Mitigation. Levels of significance are categorized as follows:

- LTS = Less Than Significant;
- LTS with SCA = Less Than Significant with implementation of City of Oakland Standard Conditions of Approval
- LTS with MM = Less Than Significant with implementation of additional mitigation measures as recommended in the EIR;
- SU = Significant and Unavoidable

Recommended Conditions of Approval

Although not required by CEQA, certain "recommendations" are also included in this EIR, and summarized in Table 2-2. These recommendations are not necessary to address or mitigate significant environmental impacts of the Project under CEQA, but are recommended by City staff to address non-CEQA aspects of the Project. These recommendations will be considered by City decision makers during the course of Project review and may be imposed as Project-specific conditions of approval. It is not yet known which of these recommendations may be implemented and if so whether the recommendations would be implemented as part of the Project or independent of the Project. The environmental consequences of each recommendation have been considered and none of the recommendations would result in any new or additional significant impacts under CEQA.

Table 2-1: Summary of Project Impacts, Standard Conditions of Approval, Mitigation Measures and Residual Impacts: West Oakland Specific Plan

Potential Environmental Impacts	Mitigation Measures / Standard Conditions of Approval (SCA)	Resulting Level of Significance
Aesthetics		
Impact Aesth-1: There are no officially designated public scenic vistas within or near the Planning Area. No scenic vistas or view corridors would be substantially obstructed or degraded by development in accordance with the Specific Plan.	None needed	LTS
Impact Aesth-2: Development and public realm improvements in accordance with the Specific Plan would not substantially damage scenic resources, including trees or historic buildings, but rather would improve the quality of views of the Planning Area from the I-580 scenic highway.	None needed	LTS
Impact Aesth-3: Development and public realm improvements in accordance with the Specific Plan would not substantially degrade the existing visual character or quality of any sites and their surroundings, but would substantially improve the existing visual character and quality of the Planning Area. Infill development and redevelopment would repair the existing inconsistent urban fabric where such inconsistencies exist, and result in a more unified and coherent development character. The proposed land use patterns and development types, and focusing change in the Opportunity Areas while preserving established residential neighborhoods, would provide sensitive transitions to existing development, reinforce the character of residential and non-residential areas, and harmonize existing incompatibilities. Gateway and streetscape improvements, and	None needed	LTS

Table 2-1: Summary of Project Impacts, Standard Conditions of Approval, Mitigation Measures and Residual Impacts: West Oakland Specific Plan

Potential Environmental Impacts	Mitigation Measures / Standard Conditions of Approval (SCA)	Resulting Level of Significance
development of new activity nodes, would improve visual quality and reinforce community identity.		
Impact Aesth-4: Development facilitated by the Specific Plan would create new sources of light and glare, but these new sources would be consistent with typical light and glare conditions. Subsequent individual projects would not substantially and adversely affect day or nighttime views in the area.	None needed New light would be required to meet the lighting power allowances for the applicable lighting zone for newly installed outdoor lighting equipment required by Title 24, Parts 1 and 6, Building Energy Efficiency Standards. SCA 39, Lighting Plan	LTS with SCA
Impact Aesth-5: The Project would not cast shadows that substantially impairs the function of a building using passive solar heat collection, solar collectors for hot water heating, or photovoltaic solar collectors; cast shadow that substantially impairs the beneficial use of any public or quasi-public park, lawn, garden, or open space; or cast shadow on an historic resource such that the shadow would materially impair the resource's historic significance.	None required	LTS
Impact Aesth-6: The Project does propose changes to any of those existing General Plan policies or zoning or building regulations, and would not cause a fundamental conflict with those policies and regulations in the General Plan, Planning Code and Uniform Building Code, that address the provision of adequate light related to appropriate uses.	None required	No Impact
Impact Aesth-7: The Planning Area does not lie within the area identified by the City as requiring modeling for evaluation of wind impacts. Therefore, the wind impacts of the Specific Plan would be less than significant.	None required	LTS

Table 2-1: Summary of Project Impacts, Standard Conditions of Approval, Mitigation Measures and Residual Impacts: West Oakland Specific Plan

Potential Environmental Impacts	Mitigation Measures / Standard Conditions of Approval (SCA)	Resulting Level of Significance
Air Quality		
Plan Level **Impact Air-1**: Development facilitated by the proposed Specific Plan would not fundamentally conflict with the Bay Area 2010 CAP because the projected rate of increase in vehicle miles travelled and vehicle trips would be less than the projected rate of increase in population.	None needed	LTS
Impact Air-2: Implementation of the West Oakland Specific Plan would not fundamentally conflict with the CAP because the Specific Plan demonstrates reasonable efforts to implement control measures contained in the CAP.	None needed	LTS
Impact Air-3: Odor Impacts. Development in accordance with the Specific Plan could expose a substantial number of new people to existing and new objectionable odors. This EIR analyzes potential effects of the environment on the project (i.e. siting new receptors near existing sources of odors) in order to provide information to the public and decision-makers.	No feasible Plan policies or mitigation measures	**Significant and Unavoidable**
Project Level **Impact Air-4:** During construction, individual development projects pursuant to the Specific Plan will generate fugitive dust from demolition, grading, hauling and construction activities.	Supplemental SCA A: Construction-Related Air Pollution Controls for Dust and Equipment Emissions	LTS with SCAs

Table 2-1: Summary of Project Impacts, Standard Conditions of Approval, Mitigation Measures and Residual Impacts: West Oakland Specific Plan

Potential Environmental Impacts	Mitigation Measures / Standard Conditions of Approval (SCA)	Resulting Level of Significance
Impact Air-5: During construction, individual development projects pursuant to the Specific Plan will generate regional ozone precursor emissions and regional particulate matter emissions from construction equipment exhaust. For most individual development projects, construction emissions will be effectively reduced to a level of less than significant with implementation of required City of Oakland Standard Conditions of Approval. However, larger individual construction projects could generate emissions of criteria air pollutants that would exceed the City's thresholds of significance.	Supplemental SCA A: Construction-Related Air Pollution Controls for Dust and Equipment Emissions	Conservatively considered to be **Significant and Unavoidable** on a project-by-project basis
Impact Air-6: During construction, individual development projects pursuant to the Specific Plan will generate construction-related toxic air contaminant (TAC) emissions from fuel-combusting construction equipment and mobile sources that could exceed thresholds for cancer risk, chronic health index, acute health index or annual average PM2.5 concentration levels.	SCA 40: Asbestos Removal in Structures Supplemental SCA A: Construction-Related Air Pollution Controls for Dust and Equipment Emissions, as supplemented by the following additional measure; a) At all construction sites where access to grid power is available, grid power electricity shall be used. If grid power is not available, then propane or natural gas generators may be used, as feasible. Only if propane or natural gas generators prove infeasible shall portable diesel engines be allowed.	LTS with SCAs
Impact Air-7: Once buildout of the Specific Plan is complete and all of the expected new development is fully occupied, new development pursuant to the Specific Plan will generate emissions of criteria pollutants (ROG, NOx PM10 and PM2.5) as a result of increased motor vehicle traffic and area source emissions. Traffic emissions combined with anticipated area source emissions would generate levels of criteria air pollutants that would exceed the City's project-level thresholds of significance.	SCA 24: Parking and Traffic Management Plan	**Significant and Unavoidable**

Table 2-1: Summary of Project Impacts, Standard Conditions of Approval, Mitigation Measures and Residual Impacts: West Oakland Specific Plan

Potential Environmental Impacts	Mitigation Measures / Standard Conditions of Approval (SCA)	Resulting Level of Significance
Impact Air-8: The Specific Plan would not exposure sensitive uses and would not generate emissions leading to significant concentrations of CO that would violate any ambient air quality standard or contribute substantially to an existing or projected air quality violation.	none needed	LTS
Impact Air-9: Development pursuant to the West Oakland Specific Plan would include new light industrial, custom manufacturing and other similar land uses, as well as the introduction of new diesel generators that could emit toxic emissions.	Supplemental SCA B: Exposure to Air Pollution (Toxic Air Contaminants) BAAQMD Regulation 2, Rule 5 **Mitigation Measure AIR-9: Risk Reduction Plan**. Applicants for projects that would include backup generators or other stationary sources of toxic air contaminants shall prepare and submit to the City, a Risk Reduction Plan for City review and approval. The applicant shall implement the approved plan. This Plan shall reduce cumulative localized cancer risks to the maximum feasible extent. The Risk Reduction Plan may contain, but is not limited to the following strategies: a. Demonstration using screening analysis or a health risk assessment that all project sources of toxic air contaminants, when combined with local cancer risks from cumulative sources with 1,000 feet would be less than 100 in one million. b. Installation of non-diesel fueled generators. c. Installation of diesel generators with an EPA-certified Tier 4 engine or Engines that are retrofitted with an ARB Level 3 Verified Diesel Emissions Control Strategy. **Mitigation Measure Air-9B**: Place loading docks as far from residences as feasible. **Mitigation Measure Air-9C**: If the project includes a truck fleet of any size that is registered to the project applicant, the truck fleet must comply with all applicable CARB requirements to control emissions from diesel engines, and demonstrate compliance at the time building permits are issued. Means by which compliance may be achieved may include, but are not limited to new clean diesel trucks, lower-tier diesel engine trucks with added PM filters, hybrid trucks, alternative energy trucks, or another method that achieves the CARB emission standards. Compliance with this requirement shall be verified through CARB's Verification Procedure for In-Use Strategies to Control Emissions from Diesel Engines.	**Significant and Unavoidable**
Air-10: Certain future development projects could result in new sensitive receptors exposed to existing levels of toxic air contaminants (TACs) or concentrations of	Supplemental SCA B: Exposure to Air Pollution (Toxic Air Contaminants) **Mitigation Measure Air-10**: In addition to the City's Standard Conditions of Approval (Supplemental SCA B and C), require future discretionary development projects that would	LTS with SCAs for DPM exposure

Table 2-1: Summary of Project Impacts, Standard Conditions of Approval, Mitigation Measures and Residual Impacts: West Oakland Specific Plan

Potential Environmental Impacts	Mitigation Measures / Standard Conditions of Approval (SCA)	Resulting Level of Significance
PM2.5 that could result in increased cancer risk or other health hazards. CEQA requires the analysis of potential adverse effects of a project on the environment. Potential effects of the environment on a project are legally not required to be analyzed or mitigated under CEQA. However, this EIR nevertheless analyzes potential effects of the environment on the project (i.e. siting new receptors near existing TAC sources) in order to provide information to the public and decision-makers.	place new sensitive receptors in areas subject to cancer risks and exposure to diesel PM concentrations that exceed applicable thresholds to incorporate the following additional (i.e., in addition to the SCAs) best management practices (BMPs) for air quality: a) Air filtration units shall be installed to achieve BAAQMD effectiveness performance standards in removing PM2.5 from indoor air. The system effectiveness requirement shall be determined during final design when the exact level of exposure is known, based on proximity to emission sources. According to recent BAAQMD recommendations, air filtration systems rated MERV 16 or higher protect sensitive receptors from toxic air containments and PM2.5 concentrations while inside a building. This measure is effective for reducing exposure from TACs and PM2.5 emissions from diesel engines, highways and roadways. b) When locating sensitive receptors near at-grade highways, to the extent feasible, encourage uses that serve sensitive receptors to locate on the upper floors of buildings. PM2.5 concentrations generally decrease with elevation. c) Where appropriate, install passive electrostatic filtering systems, especially those with low air velocities (i.e., 1 mph).	Conservatively **Significant and Unavoidable** for gaseous TACs
Cultural Resources		
Impact CR-1: There are about a dozen Local Register properties within the Opportunity Areas. The Specific Plan does not propose demolition of any of these properties to allow for new development, and requires that any changes to these properties adhere to the Secretary of the Interior's Standards for the Treatment of Historic Properties. Implementation of the Specific Plan would not cause a substantial adverse change in the significance of a historical resource as defined in CEQA Guidelines Section 15064.5.	SCA 57: Vibrations A hdjacent to Historic Structures SCA 56: Compliance with Policy 3.7 of the Historic Preservation Element - Property Relocation Rather than Demolition (relocation in such a manner that the resource retains its eligibility for listing on the National Register would likely not be feasible for most of the Local Register properties located within the West Oakland Opportunity Areas given their size, design and materials, and the importance of their location and setting) No additional mitigation measures needed	LTS
Impact CR-2: Development in accordance with the Specific Plan could cause a substantial adverse change in the significance of an archaeological resource or destroy a unique paleontological resource or site or	SCA E: Archaeological Resources – Sensitive Sites, SCA 52, Archaeological Resources, SCA 53, Human Remains, and	LTS

Table 2-1: Summary of Project Impacts, Standard Conditions of Approval, Mitigation Measures and Residual Impacts: West Oakland Specific Plan

Potential Environmental Impacts	Mitigation Measures / Standard Conditions of Approval (SCA)	Resulting Level of Significance
unique geologic feature.)	SCA 54, Paleontological Resources	
Greenhouse Gas Emissions		
Impact GHG-1: Development facilitated by the Specific Plan would allow for the construction and operation of land uses that would produce greenhouse gas emissions. The level of emissions is expected to exceed the project-level threshold of 1,100 annual tons of MTCO2e, but would not exceed the project-level efficiency threshold of 4.6 MTCO2e of annual emissions per service population nor would it exceed the Plan-level threshold of 6.6 MTCOC2e annually per service population. Development facilitated by the proposed Specific Plan would thus not be expected to generate greenhouse gas emissions at levels that would result, in the aggregate, in significant or cumulatively considerable GHG emissions.	None needed	LTS
Impact GHG-2: The Specific Plan does not conflict with applicable plans, policies and regulations adopted for the purpose of reducing GHG emissions. The West Oakland Specific Plan would not be in conflict with current plans or policies the policies adopted for the purpose of reducing GHG emissions.	None needed - The Plan would not exceed the numeric thresholds at either the Plan or Project level. The West Oakland Specific Plan also includes several policy-based design features that would be effective in reducing GHG emissions on an area-wide basis. Future development pursuant to the West Oakland Specific Plan would comply with the applicable requirements of the City's recently approved Energy and Climate Action Plan (ECAP).	LTS
Impact GHG-3: New industrial and commercial growth facilitated by the Specific Plan could introduce new stationary sources of greenhouse gases. It is possible that on an individual basis, certain development project envisioned and enabled under the Specific Plan could exceed, on an individual and	SCA Traf-1: Parking and Transportation Demand Management SCA Util-1: Waste Reduction and Recycling Several SCAs Regarding Landscape Requirements and Tree Replacement Several SCAs Regarding Stormwater Management SCA F: Greenhouse Gas (GHG) Reduction Plan	Until such projects are proposed and evaluated, the efficacy of any measures in reducing GHG emissions below relevant thresholds cannot be determined

Table 2-1: Summary of Project Impacts, Standard Conditions of Approval, Mitigation Measures and Residual Impacts: West Oakland Specific Plan

Potential Environmental Impacts	Mitigation Measures / Standard Conditions of Approval (SCA)	Resulting Level of Significance
project-by-project basis, the project-level GHG threshold.		with certainly. Conservatively considered **Significant and Unavoidable**.
Impact GHG-4: Portions of West Oakland would be subject to flooding due to predicted sea level rise associated with global climate change. With increased flooding potential in the future, development in accordance with the Specific Plan could place people, structures and other improvements in these areas at an increased risk of injury or loss from flooding.	Safety measures built into the policies of the Safety Element of the General Plan SCAs related to construction within 100-year flood zones SCA 84: Regulatory Permits and Authorizations, which would require compliance with BCDC in addition to other applicable requirements of regulatory agencies. Bay Plan and Oakland's ECAP actions to participate in the preparation of a regional climate adaption strategy.	LTS
Hazards and Hazardous Materials		
Impact Haz-1: The Planning Area contains numerous sites which are included on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5. Continued occupancy and use or future development of these hazardous materials sites in accordance with the Specific Plan could create a significant hazard to the public or the environment.	Required implementation of the following City of Oakland Standard Conditions of Approval and required compliance with local, state and federal regulations for treatment, remediation or disposal of contaminated soil or groundwater SCA 61: Site Review by the Fire Services Division Fire Prevention Bureau Hazardous Materials Unit SCA 62: Phase I and/or Phase II Reports SCA 63: Lead-Based Paint/Coatings, Asbestos, or PCB Occurrence Assessment SCA 64: Environmental Site Assessment Reports Remediation SCA 65: Lead-Based Paint Remediation SCA 66: Other Materials Classified as Hazardous Waste SCA 67: Health and Safety Plan per Assessment SCA 68: Best Management Practices for Soil and Groundwater Hazards SCA 69: Radon or Vapor Intrusion from Soil or Groundwater Sources	LTS with SCAs
Impact Haz-2: Asbestos or lead based paint present within older structures in the Planning	SCA 41: Asbestos Removal in Structures SCA 63: Lead-Based Paint/Coatings, Asbestos, or PCB Occurrence Assessment	LTS with SCAs

Table 2-1: Summary of Project Impacts, Standard Conditions of Approval, Mitigation Measures and Residual Impacts: West Oakland Specific Plan

Potential Environmental Impacts	Mitigation Measures / Standard Conditions of Approval (SCA)	Resulting Level of Significance
Area could be released into the environment during demolition or construction activities, which could result in soil contamination or pose a health risk to construction workers or future occupants.	SCA 65: Lead-Based Paint Remediation Plus required compliance with all other applicable federal, state and local laws, regulations, standards and oversight currently in place	
Impact Haz-3: Development allowed by the Specific Plan could create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials, or through reasonably foreseeable upset and accident conditions involving the release of hazardous materials into the environment.	SCA 35: Best Management Practices SCA 67: Health and Safety Plan per Assessment SCA 68: Best Management Practices for Soil and Groundwater Contamination SCA 74: Hazardous Materials Business Plan As well as required compliance with all other applicable federal, state and local hazardous materials laws, regulations, standards and oversight currently in place	LTS with SCAs
Impact Haz-4: All schools within the Planning Area are located within ¼ mile of an existing permitted hazardous materials use or an identified environmental case. The Specific Plan could facilitate the addition of new businesses that emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of a school.	SCA 74: Hazardous Materials Business Plan As well as required compliance with all other applicable federal, state and local hazardous materials laws, regulations, standards and oversight currently in place	LTS with SCAs
Impact Haz-5: The Planning Area is not located within an airport land use plan area or within two miles of a public airport or public use airport, or near a private airstrip.	None needed	No Impact
Impact Haz-6: Many of the development Opportunity Sites under the proposed Specific Plan are located along these streets identified as Emergency Evacuation Routes, potentially interfering with an emergency response plan or emergency evacuation plan	SCA 33, Construction Traffic and Parking	LTS with SCAs

Table 2-1: Summary of Project Impacts, Standard Conditions of Approval, Mitigation Measures and Residual Impacts: West Oakland Specific Plan

Potential Environmental Impacts	Mitigation Measures / Standard Conditions of Approval (SCA)	Resulting Level of Significance
Impact Haz-7: The Planning Area is located in an urbanized part of Oakland, within a non-Very High Fire Hazard Severity Zone as mapped by the California Department of Forestry and Fire Protection, and well outside of the City's Fire Prevention and Assessment District boundary.	None needed	No Impact
Land Use		
Impact LU-1: The proposed West Oakland Specific Plan would not disrupt or divide the physical arrangement of the West Oakland community or any surrounding community, but rather would improve certain existing conditions that currently divide the community.	None needed	LTS
Impact LU-2: The West Oakland Specific Plan would not result in a fundamental conflict between adjacent or nearby land uses, but rather would result in a gradual improvement in compatibility between residential and other types of land uses.	None needed	LTS
Impact LU-3: The Specific Plan would not fundamentally conflict with any applicable land use plan, policy or regulation adopted for the purpose of avoiding or mitigating an environmental effect and result in a physical change in the environment.	None needed	LTS
Impact LU-4: There is no Habitat Conservation Plan, Natural Community Conservation Plan, or other adopted habitat conservation plan applicable to the Planning Area. The Specific Plan would not conflict	None needed	No Impact

Table 2-1: Summary of Project Impacts, Standard Conditions of Approval, Mitigation Measures and Residual Impacts: West Oakland Specific Plan

Potential Environmental Impacts	Mitigation Measures / Standard Conditions of Approval (SCA)	Resulting Level of Significance
with any applicable habitat conservation plan or natural community conservation plan.		
Noise		
Impact Noise-1: Construction activities related to the Specific Plan, including pile drilling and other extreme noise generating construction activities would temporarily increase noise levels in the vicinity of individual project sites.	SCA 28: Days/Hours of Construction Operation SCA 29: Noise Control SCA 30: Noise Complaint Procedures, and SCA 39: Pile Driving and Other Extreme Noise Generators	LTS with SCAs
Impact Noise-2: Ongoing operational noise generated by stationary sources could generate noise in violation of the City of Oakland Noise Ordinance regarding operational noise.	SCA 32: Operational Noise – General (Ongoing) Section 17.120 of the Oakland Planning Code Section 8.18 of the Oakland Municipal Code.	LTS with SCAs
Impact Noise-3: New development pursuant to the Specific Plan would not generate traffic noise resulting in a 5 dBA permanent increase in ambient noise levels in the project vicinity above levels existing without the Plan.	None needed	LTS
Impact Noise-4: Construction activities could generate excessive ground-borne vibration during the construction period.	SCA 38: Vibration SCA 57: Vibrations Adjacent to Historic Structures SCA 28: Days/Hours of Construction Operation SCA 29: Noise Control SCA 30: Noise Complaint Procedures, and SCA 39: Pile Driving and Other Extreme Noise Generators	LTS with SCAs
Impact Noise-5: Development in accordance with the Specific Plan may generate operational ground-borne vibration at levels that would be perceptible beyond the property boundary, which would violate City of Oakland standards for operational	Compliance with Section 17.120.060 of the Oakland Planning Code	LTS with SCAs

Table 2-1: Summary of Project Impacts, Standard Conditions of Approval, Mitigation Measures and Residual Impacts: West Oakland Specific Plan

Potential Environmental Impacts	Mitigation Measures / Standard Conditions of Approval (SCA)	Resulting Level of Significance
vibration.		
Noise-6: The Planning Area is located more than two miles outside of the Oakland International Airport 65 dBA Ldn/CNEL noise contour, which the Federal Aviation Administration regards as a significance threshold for noise-sensitive land uses. Therefore, the impacts of the Specific Plan related to airport noise would be less than significant.	None needed	LTS
Noise-7: The occupants of new residential and other noise-sensitive development facilitated by the Specific Plan could be exposed to community noise in conflict with the Land Use Compatibility Guidelines of the Oakland General Plan, and to interior noise exceeding California Noise Insulation Standards. Potential effects of the environment on a project are legally not required to be analyzed or mitigated under CEQA. However, this EIR nevertheless analyzes potential effects of the environment on the project (i.e. siting new receptors near existing noise sources) in order to provide information to the public and decision-makers.	SCA 31: Interior Noise SCA 38: Vibration	LTS
Population and Housing		
Impact PHE-1: The Specific Plan build-out projections are consistent with ABAG projections of household and employment growth. Potential induced growth, if any, outside the Opportunity Areas due to infrastructure improvements, enhanced development potential on adjacent land, or increased economic activity, would occur as	None needed	LTS

Table 2-1: Summary of Project Impacts, Standard Conditions of Approval, Mitigation Measures and Residual Impacts: West Oakland Specific Plan

Potential Environmental Impacts	Mitigation Measures / Standard Conditions of Approval (SCA)	Resulting Level of Significance
already contemplated in and consistent with adopted plans and the environmental documents prepared for those plans. Therefore, the growth facilitated or induced by the Specific Plan would not represent growth for which adequate planning has not occurred, and the growth inducement impacts of the Specific Plan would be less than significant.		
Impact PHE-2: The potential loss of a small number of housing units and associated displacement of people as a result of development facilitated by the Specific Plan would be offset by the large number of new units proposed by the Specific Plan, by new units proposed by the 2007-2014 Housing Element, and by existing housing in Oakland. The environmental impacts of proposed new housing are analyzed in this EIR and in the 2007-2014 Housing Element EIR.	None needed	LTS
Public Services and Recreation		
Impact PSR-1: Development under the Specific Plan would result in an increase in OFD service calls and a commensurate incremental need for additional staffing, equipment and facilities to maintain the City's response time goals and staffing ratios.	SCA 4, Conformance with other Requirements, requires building plans for development projects to be submitted to the OFD for review and approval. SCA 61, Site Review by the Fire Services Division, SCA 71, Fire Safety Phasing Plan, SCA 73, Fire Safety	LTS with SCAs
Impact PSR-2: Development under the Specific Plan would result in an increase in OPD service calls and a commensurate incremental need for additional staffing, equipment and facilities to maintain the City's response time goals and staffing ratios.	The Specific Plan may reduce crime by incorporating crime prevention through environmental design (CEPTD) principles and up-to-date security features and technology in new development.	LTS

Table 2-1: Summary of Project Impacts, Standard Conditions of Approval, Mitigation Measures and Residual Impacts: West Oakland Specific Plan

Potential Environmental Impacts	Mitigation Measures / Standard Conditions of Approval (SCA)	Resulting Level of Significance
Impact PSR-3: Development in accordance with the Specific Plan would generate additional students attending the Oakland Unified School District (OUSD) incrementally through 2035 or longer. Therefore, the impact of the Specific Plan related to schools would be less than significant. (LTS)	The OUSD collects school impact fees from residential and non-residential development. Under California Government Code Sections 65995, 65996(a) and 65996(b), payment of these fees is deemed to be full and complete mitigation.	LTS with SCAs
Impact PSR-4: Development under the Specific Plan would generate a need for additional parkland, adding to the existing deficiency of parkland acreage, and would increase the use of existing parks and recreational facilities. No new public parks or recreational facilities are proposed as part of the Specific Plan. The increased demand would occur incrementally over the 25-year timeframe of the Specific Plan. The Specific Plan would not be expected to increase the use of existing parks and recreational facilities such that substantial physical deterioration of such facilities may occur or be accelerated.	None needed Parks and recreational facilities may be required as part of new development projects. On-site useable open space or recreational facilities in new residential developments may offset some of the park need. Parkland, recreational facilities and recreational trail links are proposed within and adjacent to the Planning Area as part of the planned Gateway Park.	LTS
Traffic		
Existing Plus Project		
Impact Trans-1: The addition of traffic generated by the full development of the Specific Plan would cause PM peak hour southbound left turn 95th percentile queue length at the signalized intersection of Hollis and 40th Street (#1) located in Emeryville to exceed the available queue storage.	**Mitigation Measure Trans-1**: Implement the following measure at Hollis and 40th Street (#1): a) Extend the southbound left turn lane queue storage to 175 feet. To implement this measure, the City shall work with the City of Emeryville to determine the feasibility of the mitigation measure and enter into an agreement to fund the necessary improvement to alleviate the queue storage issue at this location. Individual project applicants shall fund the cost of preparing and implementing the above measures.	Because this intersection is within the City of Emeryville's jurisdiction, the timing and implementation of the improvements are not under the City of Oakland's control. Therefore, the improvement cannot be

Table 2-1: Summary of Project Impacts, Standard Conditions of Approval, Mitigation Measures and Residual Impacts: West Oakland Specific Plan

Potential Environmental Impacts	Mitigation Measures / Standard Conditions of Approval (SCA)	Resulting Level of Significance
		assured to be completed. **Significant and Unavoidable**
Impact Trans-2: The addition of traffic generated by the full development of the Specific Plan would cause PM peak hour traffic operations at the signalized intersection of San Pablo Avenue and 40th Street (#2) located in Emeryville to degrade from LOS D to LOS E under Existing plus Project conditions. Additionally, the eastbound left and northbound left turn 95th percentile queue length would exceed the available queue storage in the AM peak hour.	**Mitigation Measure Trans-2**: Implement the following measure at San Pablo Avenue and 40th Street intersection (#2): a) Add an additional eastbound left turn lane b) Optimize signal timing parameters (i.e., adjust the allocation of green time for each intersection approach) To implement this measure, the City shall work with the City of Emeryville to determine the feasibility of the mitigation measure and enter into an agreement to determine a fair-share portion of fund the necessary improvements to alleviate congestion at this location. Individual project applicants shall fund the cost of implementing the above measures.	Because this intersection is within the City of Emeryville's jurisdiction, the timing and implementation of the improvements are not under the City of Oakland's control. Therefore, the improvement cannot be assured to be completed. **Significant and Unavoidable**
Year 2035 Cumulative Intersection Impacts		
Impact Trans-3: The addition of traffic generated by the full development of the Specific Plan would contribute to LOS F operations at the signalized intersection of Hollis Street and 40th Street (#1) located in Emeryville and would increase the average delay by more than four seconds.	**Mitigation Measure Trans-3**: Implement the following measure at Hollis Street and 40th Street intersection (#1): a) Increase the actuated cycle length. b) Extend the westbound left turn queue storage to 425 feet c) Extend the southbound queue storage to 175 feet To implement this measure, the City shall work with the City of Emeryville to determine the feasibility of the mitigation measure and enter into an agreement to fund the necessary improvement to alleviate congestion at this location. The funding would be collected from the developers of properties in the West Oakland Specific Plan area and would be used to implement mitigation measures to improve intersection operations	Because this intersection is within the City of Emeryville's jurisdiction, the timing and implementation of the improvements are not under the City of Oakland's control. Therefore, the improvement cannot be assured to be completed. **Significant and Unavoidable**
Impact Trans-4: The addition of traffic generated by the full development of the Specific Plan would contribute to an increase	**Mitigation Measure Trans-3**: Implement the following measure at San Pablo Avenue and 40th Street intersection (#2): a) Optimize signal timing parameters (i.e., adjust the allocation of green time for each	Because this intersection is within the City of Emeryville's jurisdiction,

Table 2-1: Summary of Project Impacts, Standard Conditions of Approval, Mitigation Measures and Residual Impacts: West Oakland Specific Plan

Potential Environmental Impacts	Mitigation Measures / Standard Conditions of Approval (SCA)	Resulting Level of Significance
in the eastbound left turn 95th percentile queue in the both peak hours that would exceed the available queue storage at the signalized intersection of San Pablo Avenue and 40th Street (#2) located in Emeryville.	intersection approach) Mitigation is projected to be required by the completion of the project. To implement this measure, the City shall work with the City of Emeryville to determine the feasibility of the mitigation measure and enter into an agreement to fund the necessary improvement to alleviate congestion at this location. The funding would be collected from the developers of properties in the West Oakland Specific Plan area and would be used to implement mitigation measures to improve intersection operations	the timing and implementation of the improvements are not under the City of Oakland's control. Therefore, the improvement cannot be assured to be completed. **Significant and Unavoidable**
Impact Trans-5: The addition of traffic generated by the full development of the Specific Plan would degrade AM peak hour operation from LOS D to LOS F in the A peak hour, and from LOS E to LOS F in the PM peak hour at the signalized intersection of West Grand Avenue at Mandela Parkway (#7) located outside the Downtown Area, and would increase the volume-to-capacity ratio beyond the threshold of significance.	None feasible The following improvements would be needed to improve the operation at West Grand Avenue at Mandela Parkway to LOS C in the AM peak hour and LOS D in the PM peak hour, but are in conflict with the City's plans and policies for roadways in the area:: b) Retain three existing westbound through lanes by terminating the proposed road diet before the intersection and add an exclusive right-turn channelization c) Add an additional eastbound left-turn lane to provide two left-turn and two through lanes d) Modify the traffic signal timing	These improvements would encroach into Memorial Park within the Mandela Parkway medians. Furthermore, the provision of four westbound lanes would preclude planned installation of bicycle facility on West Grand Avenue, which is a City Council priority (Resolution 84197, Nov 2012). Therefore, these additional improvements are not recommended. **Significant and Unavoidable**
Impact Trans-6: The addition of traffic generated by the full development of the Specific Plan would degrade the PM peak hour operations from LOS E to LOS F at the signalized intersection of Broadway and West Grand Avenue (#13) located within the Downtown Area.	**Mitigation Measure Trans-6**: Implement the following measure at Broadway and West Grand Avenue (#13): a) Modify the traffic signal to provide protected/permitted signal phasing for the northbound left-turn movement To implement this measure, individual project applicants shall submit Plans, Specifications, and Estimates (PS&E) to modify the intersection to the City of Oakland for review and approval. All elements shall be designed to City standards in effect at the time of construction and all	LTS with MM

Table 2-1: Summary of Project Impacts, Standard Conditions of Approval, Mitigation Measures and Residual Impacts: West Oakland Specific Plan

Potential Environmental Impacts	Mitigation Measures / Standard Conditions of Approval (SCA)	Resulting Level of Significance
	new or upgraded signals shall include these enhancements. All other facilities supporting vehicle travel and alternative modes through the intersection shall be brought up to both City standards and ADA standards (according to Federal and State Access Board guidelines) at the time of construction. Individual project applicants shall fund the cost of preparing and implementing the above measures. However, if the City adopts a transportation fee program prior to implementation of this mitigation measure, the individual project applicants shall have the option to pay the applicable fee in lieu of implementing this mitigation measure and payment of the fee shall mitigate this impact to less than significant.	
Impact Trans-7: The addition of traffic generated by the full development of the Specific Plan would degrade PM peak hour operation from LOS B to LOS E at the intersection of Adeline Street and 18th Street (#15) located outside the Downtown Area.	**Mitigation Measure Trans 7**: Implement the following measures at the Adeline Street and 18th Street (#15) intersection: a) Retain the existing traffic signal control at the intersection and upgrade it to an actuated signal rather than converting to a single-lane roundabout as proposed as a part of the project To implement this measure, the individual project applicants shall submit Plans, Specifications, and Estimates (PS&E) to modify the intersection to the City of Oakland for review and approval. All elements shall be designed to City standards in effect at the time of construction and all new or upgraded signals shall include these enhancements. All other facilities supporting vehicle travel and alternative modes through the intersection shall be brought up to both City standards and ADA standards (according to Federal and State Access Board guidelines) at the time of construction. Individual project applicants shall fund the cost of preparing and implementing the above measures. However, if the City adopts a transportation fee program prior to implementation of this mitigation measure, individual project applicants shall have the option to pay the applicable fee in lieu of implementing this mitigation measure and payment of the fee shall mitigate this impact to less than significant.	LTS with MM
Impact Trans-8: The addition of traffic generated by the full development of the Specific Plan would degrade the PM peak hour operation from LOS D to LOS F at the signalized intersection of Adeline Street and 5th Street (#24) located outside the Downtown Area.	**Mitigation Measure Trans-8**: Implement the following measure at Adeline Street and 5th Street (#24): a) Modify the traffic signal to remove split phasing and provide protected permitted left turn phasing for the northbound and southbound left-turn movements To implement this measure, individual project applicants shall submit Plans, Specifications, and Estimates (PS&E) to modify the intersection to the City of Oakland for review and approval. All elements shall be designed to City standards in effect at the time of construction and all new or upgraded signals shall include these enhancements. All other facilities supporting	LTS with MM

Table 2-1: Summary of Project Impacts, Standard Conditions of Approval, Mitigation Measures and Residual Impacts: West Oakland Specific Plan

Potential Environmental Impacts	Mitigation Measures / Standard Conditions of Approval (SCA)	Resulting Level of Significance
	vehicle travel and alternative modes through the intersection shall be brought up to both City standards and ADA standards (according to Federal and State Access Board guidelines) at the time of construction. Individual project applicants shall fund the cost of preparing and implementing the above measures. However, if the City adopts a transportation fee program prior to implementation of this mitigation measure, individual project applicants shall have the option to pay the applicable fee in lieu of implementing this mitigation measure and payment of the fee shall mitigate this impact to less than significant.	
Impact Trans-9: For a roadway segment of the Congestion Management Program (CMP) Network, the Specific Plan would not cause (a) the LOS to degrade from LOS E or better to LOS F or (b) the V/C ratio to increase 0.03 or more for a roadway segment that would operate at LOS F without the Project.	None needed	LTS
Impact Trans-10: The Specific Plan would increase travel times for AC Transit buses along West Grand Avenue, but the travel time increase would be offset by support of the transit systems and safety and convenience of pedestrian, bicycle and transit users.	None needed	LTS
Impact Trans-11: The Specific Plan would not directly or indirectly cause or expose roadway users (e.g., motorists, pedestrians, bus riders, bicyclists) to a permanent and substantial transportation hazard due to a new or existing physical design feature or incompatible uses.	None needed	LTS
Impact Trans-12: The Specific Plan would not directly or indirectly result in a permanent substantial decrease in pedestrian safety	None needed	LTS
Impact Trans-13: The proposed Project would not directly or indirectly result in a permanent	None needed	LTS

Table 2-1: Summary of Project Impacts, Standard Conditions of Approval, Mitigation Measures and Residual Impacts: West Oakland Specific Plan

Potential Environmental Impacts	Mitigation Measures / Standard Conditions of Approval (SCA)	Resulting Level of Significance
substantial decrease in bus rider safety		
Impact Trans-14: The proposed Project would not directly or indirectly result in a permanent substantial decrease in bicyclist safety	none needed	LTS
Impact Trans-15: The proposed Project would not fundamentally conflict with adopted City policies, plans, or programs regarding public transit, bicycle, or pedestrian facilities adopted for the purpose of avoiding or mitigating an environmental effect and actually result in a physical change in the environment.	none needed	LTS
Impact Trans-16: The proposed Project would result in a substantial, though temporary adverse effect on the circulation system during construction of the Project.	SCA Trans-2: Construction Traffic and Parking	LTS
Trans-17: With the increase in travel demand associated with the Project and the high load factors on several existing bus routes, AC Transit bus service could be delayed, and enhancements might be required.	None identified	non-CEQA Impact, LTS
The Project would cause an increase in the 95th percentile queue length of 25 feet or more under Existing plus Project conditions, and the queue would exceed the available storage length at the following intersections: • San Pablo Avenue & 40th Street (#2) • I-980 off-ramps & 27th Street #3(• I-980 on-ramp & 27th Street (#4) • Market Street & West Grand Avenue (#9) • San Pablo Avenue & West Grand Avenue	None identified	Non-CEQA Impact, LTS

Table 2-1: Summary of Project Impacts, Standard Conditions of Approval, Mitigation Measures and Residual Impacts: West Oakland Specific Plan

Potential Environmental Impacts	Mitigation Measures / Standard Conditions of Approval (SCA)	Resulting Level of Significance
(#10) • Martin Luther King Jr. Way & West Grand Avenue (#11) • Northgate Avenue & West Grand Avenue (#12) • Broadway & West Grand Avenue (#13) • Frontage Road & 7th Street (#19) • Market Street & 7th Street (#22) • Adeline & 5th (#24)		
Utilities and Service Systems		
Impact Util-1: Future development in accordance with the Specific Plan would consist of redevelopment of previously developed properties so there would be limited change in impervious surface area and stormwater runoff. Development facilitated by the Specific Plan would not result in an increase in stormwater runoff	SCA 75: Stormwater Pollution Prevention Plan SCA 80: Post-construction Stormwater Pollution Prevention Plan SCA 91: Stormwater and Sewer **Recommendation Util-1a**: As the area improves, underground storm drain lines should be added to several of the Opportunity Areas' street sections where such lines do not exist. Additional storm drainage structures, including conduit, would be a way to address both ponding and adequate conveyance of storm runoff.	LTS with SCAs
Impact Util-2: The WSA prepared by EBMUD for the Specific Plan concluded that EBMUD has sufficient water supplies to meet current water demand and future water demand through 2035, including the increased water demand associated with the Specific Plan, during normal, single dry, and multiple dry years. Construction of needed water system improvements would typically occur within existing public rights-of-way and construction period traffic, noise, air quality, water quality and other potential impacts would be mitigated through the City's standard construction mitigation practices.	None needed **Recommendation Util-2a:** Because many of the parcels within West Oakland's industrial areas are very large, there are several streets that have no public water main. For projects that create a new parcel which fronts a street that does not have a water main, a new public water main constructed at the developer's expense will likely be required. **Recommendation Util-2b**: EBMUD block maps indicate that many of the lines in the area are cast iron and were installed in the 30's. These pipes have likely experienced significant corrosion and should be replaced. **Recommendation Util-2c**: Service to new development would likely require reassessment and upsizing of conduits, especially if the pipe length is greater than 1,000 feet to the nearest transmission line.	LTS

Table 2-1: Summary of Project Impacts, Standard Conditions of Approval, Mitigation Measures and Residual Impacts: West Oakland Specific Plan

Potential Environmental Impacts	Mitigation Measures / Standard Conditions of Approval (SCA)	Resulting Level of Significance
Impact Util-3: With the City's sub-basin allocation system, construction of needed sewer system improvements pursuant to SCA 91, Stormwater and Sewer, payment of improvement and hook-up fees, the wastewater collection and treatment system would have adequate capacity to serve future development in accordance with the Specific Plan.	SCA 91: Stormwater and Sewer **Recommendation Util-3a**: Underground utility improvements should be installed prior to final streetscape improvements to prevent damage and the need for patching such improvements during trenching operations. **Recommendation Util-3b**: Properties to be redeveloped and/or reused should abandon existing sewer laterals and install new laterals, and verify that there are no cross-connections from the downspouts to the sewer lateral. This would result in much lower I/I flow into the main sewer lines. **Recommendation Util-3c:** Prior to the installation of underground utility improvements at properties to be redeveloped, sewage flow rates and I/I rates should be monitored to determine whether there is significant potential for I/I reduction.	LTS with SCAs
Impact Util-4: The Altamont Landfill and Vasco Road Landfill have sufficient permitted capacity to accommodate the solid waste disposal needs of future development under the Specific Plan. The Specific Plan would not violate applicable federal, state, and local statutes and regulations related to solid waste.	SCA 36: Waste Reduction and Recycling	LTS with SCAs
Impact Util-5: Pacific Gas & Electric Company (PG&E) has indicated that there is ample capacity to handle projected demand with its current system. Therefore, development under the Specific Plan would not cause a violation of regulations relating to energy standards nor result in a determination by PG&E that it does not have adequate capacity to serve the project, or result in construction or expansion of energy facilities, construction of which could cause significant environmental effects.	None needed	LTS
Other Less than Significant Effects		
Impact Ag-1: Future development pursuant to	None needed	No Impact

Table 2-1: Summary of Project Impacts, Standard Conditions of Approval, Mitigation Measures and Residual Impacts: West Oakland Specific Plan

Potential Environmental Impacts	Mitigation Measures / Standard Conditions of Approval (SCA)	Resulting Level of Significance
or consistent with the Specific Plan would not convert Prime Farmland, Unique Farmland or Farmland of Statewide Importance (Farmland) as shown on the maps prepared pursuant to the Farmland Mapping and Monitoring Program of the California Resources Agency, to non-agricultural use.		
Impact Ag -2: Future development pursuant to or consistent with the Specific Plan would not conflict with existing zoning for agricultural use, or with a Williamson Act contract.	None needed	No Impact
Impact Ag-3: Future development pursuant to or consistent with the Specific Plan would not conflict with existing zoning for, or cause rezoning of forest land, and would not result in the loss of forest land or conversion of forest land to non-forest use or timberland zoned Timberland Production.	None needed	No Impact
Impact Ag-4: The Specific Plan would not involve any changes in the existing environment which, due to their location or nature, could result in conversion of Farmland to non-agricultural use or conversion of forest land to non-forest use.	None needed	No Impact
Impact Bio-1: Future development pursuant to the Specific Plan would not have a substantial direct adverse effect on any species identified as a candidate, sensitive, or special status species in local or regional plans, policies, or regulations, or by the California Department of Fish and Game or U.S. Fish and Wildlife Service. However, tree removal, building demolition, and other construction activities can cause disturbance, noise, or loss of habitat	SCA 44, Tree Removal During Breeding Season, and SCA D, Bird Collision Reduction	LTS with SCAs

Table 2-1: Summary of Project Impacts, Standard Conditions of Approval, Mitigation Measures and Residual Impacts: West Oakland Specific Plan

Potential Environmental Impacts	Mitigation Measures / Standard Conditions of Approval (SCA)	Resulting Level of Significance
for resident or migratory birds and mammals, including special-status species potentially occurring within the Planning Area.		
Impact Bio-2: Future development pursuant to the Specific Plan would not have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, and regulations or by the California Department of Fish and Game or US Fish and Wildlife Service.	None needed	LTS
Impact Bio-3: Future development pursuant to or consistent with the Specific Plan would not have a substantial adverse effect on federally protected wetlands as defined by Section 404 of the Clean Water Act (including, but not limited to, marsh, vernal pool, coastal, etc.) through direct removal, filling, hydrological interruption, or other means.	None needed	No Impact
Impact Bio-4: Future demolition and construction activities associated with development pursuant to the Specific Plan would not substantially interfere with the movement of any native resident or migratory fish or wildlife species or with established native resident or migratory wildlife corridors, or impede the use of native wildlife nursery sites, but could temporarily reduce nesting opportunities for resident and migratory bird species that are protected by the federal Migratory Bird Treaty Act or California Fish and Game Code Sections 3503, 3503.5, and 3800, could also eliminate bat roosts and, if construction were to occur during the	SCA 44, Tree Removal During Breeding Season The Migratory Bird Treaty Act California Fish and Game Code Sections 3503, 3503.5, and 3800	LTS with SCAs

Table 2-1: Summary of Project Impacts, Standard Conditions of Approval, Mitigation Measures and Residual Impacts: West Oakland Specific Plan

Potential Environmental Impacts	Mitigation Measures / Standard Conditions of Approval (SCA)	Resulting Level of Significance
maternal roosting season, young bats incapable of flight could be destroyed.		
Impact Bio-5: Future development pursuant to or consistent with the Specific Plan may require the removal of trees that are protected by the City of Oakland Tree Protection Ordinance.	SCA 45, Tree Removal Permit SCA 46, Tree Replacement Plantings, and SCA 47, Tree Protection During Construction	LTS with SCAs
Impact Bio-6: Future development pursuant to or consistent with the Specific Plan would not conflict with the provisions of an adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional, or state habitat conservation plan	None needed	LTS
Impact Geo-1: There are no Alquist-Priolo Earthquake Fault Zones and no known earthquake fault traces within the Planning Area. Future development in accordance with the Specific Plan would not expose people or structures to substantial adverse effects, including the risk of loss, injury or death, as a result of the surface rupture of a known earthquake fault.	None needed	LTS
Impact Geo-2: Future development pursuant to the Specific Plan could expose people or structures to substantial adverse effects, including the risk of loss, injury or death, due to strong seismic ground shaking and seismic-related ground failure, including liquefaction.	SCA 60, Geotechnical Report	LTS with SCAs
Impact Geo-3: Future development in accordance with the Specific Plan would not expose people or structures to substantial adverse effects, including the risk of loss,	None needed	LTS

Table 2-1: Summary of Project Impacts, Standard Conditions of Approval, Mitigation Measures and Residual Impacts: West Oakland Specific Plan

Potential Environmental Impacts	Mitigation Measures / Standard Conditions of Approval (SCA)	Resulting Level of Significance
injury or death, as a result of landslides.		
Impact Geo-4: Grading and excavations associated with future development pursuant to or consistent with the Specific Plan could result in the loss of topsoil through erosion.	SCA 34: Erosion and Sedimentation Control SCA 55: Erosion and Sedimentation Control Plan SCA 75/76: Erosion, Sedimentation, and Debris Control Measures	LTS with SCAs
Impact Geo-5: Portions of the Planning Area are underlain by unstable geologic conditions and soils, and potentially wells, pits, tank vaults or unmarked sewer lines, creating substantial risks to life or property. Future development pursuant to or consistent with the Specific Plan could expose people or structures to substantial adverse effects.	SCA 58, Soils Report, and SCA 60, Geotechnical Report	LTS with SCAs
Impact Geo-6: All properties within the Planning Area are connected to the City of Oakland sanitary sewer system. The Specific Plan would have no impact related to the capacity of local soils to adequately supporting the use of septic tanks or alternative wastewater disposal systems.	None needed	No Impact
Impact Hydro-1: Future development in accordance with the Specific Plan would not be subject to waste discharge requirements and would not violate any water quality standards or waste discharge requirements.	Required compliance with applicable NPDES permits, which also serve as Waste Discharge Requirements (WDRs), including: • the Municipal NPDES permit for stormwater discharges (Alameda Countywide NPDES Municipal Stormwater Permit Water Quality Order No.R2-2003-0021, NPDES No. CAS0029831); • the Construction General Permit for construction activities associated with land disturbance of more than one acre (WDRs) for Discharges of Storm Water Associated with Construction Activity Water Quality (Order No.99-08-DWQ, NPDES No. CAS000002); • individual NPDES permits/WDRs for discharges that do not fall under the above categories; • discharges from the municipal wastewater treatment facilities (e.g., Waste Discharge Requirements for the East Bay Municipal Utility District, Special District No. 1 Wet	LTS with SCAs

Table 2-1: Summary of Project Impacts, Standard Conditions of Approval, Mitigation Measures and Residual Impacts: West Oakland Specific Plan

Potential Environmental Impacts	Mitigation Measures / Standard Conditions of Approval (SCA)	Resulting Level of Significance
	Weather Facilities (Alameda and Contra Costa Counties Water Quality Order No.R2-2009-0004, NPDES N0. CA0038440); US HUD/Oakland City of Housing Authority NPDES No. CA0038512); • as well as Industrial General Permits.	
Impact Hydro-2: Future redevelopment of existing developed properties and future development of vacant properties in West Oakland pursuant to or consistent with the Specific Plan would not substantially deplete groundwater supplies or interfere substantially with groundwater recharge such that there would be a net deficit in aquifer volume or a lowering of the local groundwater table level (e.g., the production rate of pre-existing nearby wells would drop to a level which would not support existing land uses or proposed uses for which permits have been granted.	None needed	LTS
Impact Hydro-3: Grading and excavations associated with future development pursuant to or consistent with the Specific Plan could expose underlying soils to erosion or siltation, leading to downstream sedimentation in stormwater runoff. However, with required implementation of City of Oakland Standard Conditions of Approval, impacts related to siltation would be reduced to less than significant levels.	SCA 75: Stormwater Pollution Prevention Plan	LTS with SCAs
Impact Hydro-4: Operational activities such as increased vehicular use, landscaping maintenance and industrial operations could potentially introduce pollutants into stormwater runoff, resulting in degradation of downstream water quality. New development	SCA 80: Post-Construction Stormwater Management Plan SCA 81: Maintenance Agreement for Stormwater Treatment Measures	LTS with SCAs

Table 2-1: Summary of Project Impacts, Standard Conditions of Approval, Mitigation Measures and Residual Impacts: West Oakland Specific Plan

Potential Environmental Impacts	Mitigation Measures / Standard Conditions of Approval (SCA)	Resulting Level of Significance
pursuant to the Specific Plan could create or contribute substantial runoff which would exceed the capacity of existing or planned stormwater drainage systems, create or contribute substantial runoff which would be an additional source of polluted runoff, or otherwise substantially degrade water quality.		
Impact Hydro-5: The Specific Plan does not propose any changes to the existing drainage pattern within the Planning Area. All drainage and stormwater runoff is conveyed via underground pipes and conduits to pumping plants, which discharge runoff into the Bay. There are no surface water features or open drainage systems which would be altered, or where an increase in captured runoff may adversely affect the capacity of such features.	None needed	LTS
Impact Hydro-6: No portion of the Planning Area is located within a 100-year or 500-year flood hazard area, as mapped on the National Flood Insurance Program Flood Insurance Rate Maps. Development in accordance with the Specific Plan would not place housing within a 100-year flood hazard area.	None needed	LTS
Impact Hydro-7: The portion of the Planning Area north of I-580 is located within the Temescal Lake dam failure inundation area and could be subject to flooding in the event of a catastrophic failure of the dam. The Specific Plan does not propose any land use changes or improvements to the area north of I-580, and would not affect established emergency procedures for the evacuation and control of populated areas below Temescal Lake dam. Therefore, the Specific Plan would	None needed	LTS

Table 2-1: Summary of Project Impacts, Standard Conditions of Approval, Mitigation Measures and Residual Impacts: West Oakland Specific Plan

Potential Environmental Impacts	Mitigation Measures / Standard Conditions of Approval (SCA)	Resulting Level of Significance
not expose people or structures to a substantial risk of loss, injury or death involving flooding due to dam failure inundation.		
Impact Hydro-8: The Planning Area is not subject to risk from a seiche or landslides. However, the western portion of the Specific Plan, generally west of Mandela Parkway, is subject to tsunami inundation. The Alaska Tsunami Warning Center, State Warning System and OES emergency alert system, including the outdoor warning sirens in West Oakland, would provide early notification of an advancing tsunami allowing evacuation of people, although there could be property damage due to inundation.	None needed	LTS
Impact Min-1: Future development pursuant to or consistent with the Specific Plan would not result in the loss of availability of a known mineral resource that would be of value to the region and the residents of the state.	None needed	No Impact
Impact Min-2: Future development pursuant to or consistent with the Specific Plan would not result in the loss of availability of a locally-important mineral resource recovery site delineated on a local general plan, specific plan, or other land use plan.	None needed	No Impact

3

List of Commenters on the Draft EIR

Public Agencies Commenting In Writing

The following is a list of written correspondence received by the City of Oakland from various public agencies providing comments on the West Oakland Specific Plan Draft EIR:

- Letter #1: Alameda County Health Care Services, Public Health Department (ACPHD) – Letter from Muntu Davis, MD, MPH, Director and Health Officer; dated March 17, 2014
- Letter #2A, B and C: Bay Area Air Quality Management District (BAAQMD) – e-mails from Alison Kirk, AICP, Senior Environmental Planner; dated January 23, February 24; and Letter from Jean Roggenkamp, Deputy Air Pollution Control Officer, dated March 20, 2014
- Letter #3: U.S. Environmental Protection Agency, Region 9 (EPA) – Letter from Richard Grow; dated March 17, 2014
- Letter #4: Alameda County Transportation Commission (ACTC) – Letter from Tess Lengyel, Deputy Director of Planning and Policy; dated March 17, 2014
- Letters #5: San Francisco Bay Area Rapid Transit District (BART) - -Letter from Val Joseph Menotti, Planning Department Manager; dated March 17, 2013
- Letter #6: Alameda-Contra Costa County Transit District (AC Transit) – e-mail from Becca Homa, Transportation Planner, Service Development and Planning; dated March 17, 2014
- Letter #7: California Department of Transportation (Caltrans) – Letter from Erik Alm, District Branch Chief, Local Government – Intergovernmental Review, dated March 17, 2014
- Letter #8: East Bay Municipal Utility District (EBMUD) – Letter from William R. Kirkpatrick, Manger of Water Distribution Planning, dated March 17, 2013
- Letter #9: Port of Oakland (Port) – Letter from Richard Sinkoff, Director of Environmental Programs and Planning; dated March 17, 2014

Organizations and Individuals Commenting in Writing

In addition to the comments received from public agencies, a number of private organizations and individuals have submitted written comments on the Draft EIR. These organizations and individuals include the following:

- Letter #10: Oakland Heritage Alliance (OHA) -– Letter dated March 13, 2014
- Letter #11: Rose Foundation for Communities and the Environment/New Voices Are Rising– Letter dated March 17, 2014
- Letter #12: West Oakland Environmental Indicators (WOEIP) – Letter not dated, email received March 17, 2014
- Letter # 13: Urban Biofilter - Letter not dated, email received March 19, 2014

- Letter #14: National Recycling Corporation, represented by Rena Rickles, - Letter dated April 10, 2014
- Letter #15: Schnitzer Steel Industries, Inc., represented by Brian Mulry of Gagen McCoy, Letter Dated March 17, 2014
- Letter #16: Chris Andrews, member of Landmarks Preservation Advisory Board, Letter dated March 17, 2014
- Letter #17: Genevieve Wilson, e-mails dated February 19 and March 4, 2014
- Letter #18: Joe Hurwich, e-mail dated February 21, 2014
- Letter #19: Robin Hodges, Letter and attachments dated February 15,
- Letter #20: Barry Miller, member of Oakland Parks and Recreation Advisory Commission, Letter dated March 16, 2014
- Letter #21: Steve Lowe, e-mails dated March 3 and March 17, 2014
- Letter #22: Emmanuel Greene, Letter not dated
- Letter #23: Yvonne Lau, e-mail dated February 20, 2014

Commenters at the City of Oakland Landmarks Preservation Advisory Board (LPAB)

The following is a list of persons who provided verbal comments on the Draft EIR at the public hearing before the Landmark Preservation Advisory Board held on February 10, 2014. Speakers, including Planning Commissioners, are listed generally in order of presentation.

LPAB Speaker 1: Jabari Herbert

LPAB Speaker 2: Naomi Schiff, representing Oakland Heritage Alliance (OHA)

Board Members:

Board Member Valerie Garry, Chair

Board Member Mary MacDonald

Board Member Daniel Schulman

Board Member Christopher Andrews, Vice Chair and West Oakland Sub-Committee Chair

Board Member Peter Birkholz

Commenters at the City of Oakland Planning Commission

The following is a list of persons who provided verbal comments on the Draft EIR at the public hearing before the Planning Commission held on February 24, 2014. Speakers, including Planning Commissioners, are listed generally in order of presentation.

PC Speaker 1: Philip Banta

PC Speaker 2: Benjamin Hooks

PC Speaker 3: George Burtt, member of West Oakland Commerce Association (WOCA)

PC Speaker 4: Kate Nicol, representing Vincent Academy

PC Speaker 5: Brian Geiser

PC Speaker 6: Naomi Schiff, representing Oakland Heritage Alliance (OHA)

PC Speaker 7: Christopher Andrews

PC Speaker 8: Soloman Seyum, representing the Bay Area Worker's Benefit Council

PC Speaker 9: Yvonne Lau, owner of Opportunity Site #8 (Mayway Building)

PC Speaker 10: Jim Findley

PC Speaker 11: Benny Murillo, representing Bay Area Worker's Benefit Council

PC Speaker 12: Darrel Johns, Oakland resident

PC Speaker 13: John Pomeroy

PC Speaker 14: Mehrdad Dokhanchy

PC Speaker 15: Alicia Engman

PC Speaker 16: George Read, Bay Area Worker's Benefit Council

PC Speaker 17: Jabari Herbert

PC Speaker 18: Albert Kueffner, Bay Area Worker's Benefit Council

PC Speaker 19: Bob Tuck, WOCA

PC Speaker 20: Nicolas Holmes

PC Speaker 21: Ron Muhammad

PC Speaker 22: Dean DeGiovanni, East Bay Municipal Utility District (EBMUD)

PC Speaker 23: Robert Sterling Savely, California Cereal Products

PC Speaker 24: John Serriugarte (WOCA, Make Oakland)

PC Speaker 25: Hiko Shimamoto

PC Speaker 26: Karen Cusolito, American Steel Studios

PC Speaker 27: Nathaniel Turner

PC Speaker 28: Mark Essex

PC Speaker 29: Khalil (no last name provided)

PC Speaker 30: Steve Lowe, WOCA

PC Speaker 31: Dr. Lupin De Muth, resident West Oakland

PC Speaker 32: Lauren Westreich

PC Speaker 33: Michelle Burke, resident West Oakland

PC Speaker 34: Tom Dolan

PC Speaker 35: Rena Rickles, representing National Recycling

PC Speaker 36: Ellen Wyrick Parkinson

PC Speaker 37: Alejandro Lara

PC Speaker 38: Brent Bucknum

Planning Commissioners

Commissioner Emily Weinstein

Commissioner Michael Coleman

Commissioner Jim Moore (Vice Chair)

Commissioner Jahaziel Bonilla

Commissioner Chris Patillo (Chair)

Commenters at the City of Oakland Parks and Recreation Advisory Commission

Although there were speakers at the March 12, 2014 Parks and Recreation Advisory Commission meeting, none of their comments addressed the Draft EIR. The comments related to the Specific Plan document only.

4

Master Responses to Recurring Comments

This section of the Response to Comments document contains master responses to those comments on the following, frequently raised issues:

1. Many comments expressed concern that the Specific Plan will lead to greater gentrification of West Oakland's neighborhoods, will result in changed economic conditions that will cause indirect displacement of existing residents and business and will result in the direct displacement of people from West Oakland, or will directly result in the displacement of residents or local businesses. These same comments state that the Draft EIR does not adequately analyze, disclose and mitigate these effects. As those comments relate to CEQA, they are addressed in the first Master Response.
2. A large number of comments received in response to the Draft EIR speak to the merits of the Specific Plan. These Plan-related comments include, without limitation, the topics of historic resource preservation strategies, the relative merits of the Plan's recommended industrial and other land use overlays, the proposed land use recommendations for certain properties, development incentives and requirements, the provision of open space, local hiring requirements, urban design considerations, economic viability and market conditions affecting the Plan Area, and additional topics that commenters believe should have been included in the Specific Plan, but that were not. These comments do not pertain to the EIR or CEQA, but are noted for the public record as part of this second Master Response.
3. Many commenters have expressed their concerns regarding certain land use and transportation recommendations of the proposed Specific Plan (the Project), particularly as to the disposition of new land use policies and regulations that may apply to the property or properties that they own, and to specific traffic calming strategies identified for individual street segments throughout West Oakland. Staff has individually reviewed each of these comments on the Plan and the Draft EIR, and has prepared revisions to the Specific Plan that are appropriate and necessary to better achieve land use compatibility, safety and clarity. These changes are summarized, together with a conclusion as to whether these changes affect the EIR analysis, in the third Master Response.
4. Because West Oakland already bears a disproportionate burden of illness associated with poor air quality, commenters have suggested that additional mitigation measures and/or more stringent conditions of project approvals related to the emission of, and exposure to diesel PM and other toxic air contaminants should be required within West Oakland. These issues are addressed in the fourth Master Response.

Master Response #1: Gentrification and Displacement

Issues associated with gentrification and direct and the potential for displacement of residents and small businesses are among the most predominant topics expressed in reaction to the West Oakland Specific Plan and its Draft EIR. Most of the written comments received on the Draft EIR and many of the comments expressed during the Planning Commission's hearing on the Draft EIR express concern and various opinions directly related to these issues.

Definitions

Commenters have expressed concerns regarding gentrification and displacement. For purposes of this Response to Comments, the following definitions for these terms, as included within the West Oakland Specific Plan and the Draft EIR,[1,2] are used:

- "Gentrification" is defined (for the purposes of this Response) as a shift in an urban community toward wealthier residents and/or businesses and increasing property values, sometimes at the expense of the poorer residents of the community. It is often associated with increases in educational attainment and household incomes, as well as an appreciation in housing prices. It is also often associated, but not directly linked to an overall change in the racial or ethnic makeup of a community. Gentrification does not necessarily include any level of displacement that may be triggered in the process.
- "Indirect displacement" is defined as the potential outcome of community investment that results in rising property values, benefiting homeowners and property owners but causing serious economic challenges for renters and prospective owners. These challenges may include existing residential renters and local small businesses facing higher and unaffordable rents, and potential local homebuyers trying to compete with outside cash investors for single family homes. As a result, housing or business costs may become (more) unaffordable, and existing tenants may be forced by changing economic trends to find more affordable housing or business locations elsewhere, if available.
- "Direct displacement" is defined as a more intentional outcome, at a small or broad scale, of planned changes in land use and the direct redevelopment of existing neighborhoods or business properties. Direct displacement occurs when existing homes and/or business properties are converted to new and different land uses or when affordable rental properties are converted into less affordable use (i.e., condominiums). New or changed land use regulations that facilitate or enable such changes in land use can be the root cause of direct displacement.

CEQA Considerations Related to Gentrification and Displacement

CEQA Guidelines define the parameters under which consideration of socio-economic impacts is included in an EIR. Section 15131(a) of the Guidelines states that; ". . . economic or social effects of a project shall not be treated as significant effects on the environment. An EIR may trace a chain of cause and effect from a proposed decision on a project, through anticipated economic or social changes resulting from the project, to physical changes caused in turn by the economic or social changes. . . The focus of the analysis shall be on the physical changes." Thus, changes in population and demographics

[1] West Oakland Specific Plan, page 9-15

[2] West Oakland Specific Plan Draft EIR, page 4.8-15

are generally characterized for CEQA purposes as social and economic effects, not physical effects on the environment and not a part of the City's CEQA considerations. Based on these CEQA Guidelines:

The Draft EIR does not, and is not required to address the effects of the West Oakland Specific Plan on the potential for increased gentrification, a change measured under social and economic demographic criteria.

The Draft EIR does not speculate on the extent to which potential indirect displacement of existing residences or businesses may result in physical changes as a result of implementation of the Specific Plan. The extent to which indirect displacement may occur (or is already occurring) in West Oakland will depend on the extent to which community-based organizations and the City of Oakland can support and enable existing residents and businesses to participation in and benefit from new economic activity in West Oakland. The extent to which equity-based programs identified in the Specific Plan (i.e., affordable housing, job training and development, local hiring, etc.) are successful in achieving equitable economic development for all will depend, in large measure, on the diligent and cooperative efforts of existing residents and businesses, City staff and elected officials, and developers of projects envisioned under this Plan. The EIR cannot assess or attempt to quantify the magnitude of potential indirect displacement resulting from implementation of the Specific Plan because the ultimate success of the City's equitable economic development efforts cannot be known, and because indirect displacement is a current condition which may not be negatively influenced by the Plan (see later discussion regarding how the West Oakland Specific Plan interact with existing trends). The EIR does not speculate on potential secondary physical impacts (such as increased commute distances and associated increases in emissions of air pollutants, GHG emissions and traffic congestion) that might result from indirect displacement because the magnitude of potential indirect displacement is not known, and because the significance of secondary physical impacts would be fully dependent upon decisions made by residents and businesses that may suffer from indirect displacement and to the extent that indirect displacement may result from implementation of the Plan regarding individual choices (or lack of choices) about where they live and work. Quantifying these impacts would be overly speculative.

However, pursuant to CEQA Guidelines the Draft EIR does analyze the issue of direct displacement associated with implementation of the West Oakland Specific Plan (see pages 4.8-15 through 4.8-19). The issues addressed in the Draft EIR include whether the Specific Plan would result in directly displacing substantial numbers of housing units and necessitating construction of replacement housing elsewhere in excess of that contained in the City's Housing Element, and whether the Specific Plan would result in direct displacement of substantial numbers of people necessitating the construction of replacement housing or employment elsewhere in excess of that contained in the City's General Plan.

- The Draft EIR concludes that implementation of the Specific Plan would not result in the direct displacement of housing or people. No housing is proposed to be removed or changed to a non-residential use. The Specific Plan does not propose any new development outside the identified Opportunity Areas. The existing residential neighborhoods of West Oakland are identified in the Specific Plan as "Enhancement Areas", where no land use change is proposed. The Specific Plan also proposes to retain the limited number of existing housing units located within the Opportunity Areas (see DEIR, page 4.8-15).

Non-CEQA Considerations Related to Gentrification and Displacement

Although gentrification and indirect displacement are <u>not</u> considered part of the permanent physical environment and thus are <u>not</u> environmental issues requiring analysis under CEQA, and although the City does <u>not</u> have thresholds of significance related to these issues, the following response is provided for <u>informational</u> purposes in an effort to provide the public and City decision-makers with relevant

information on these topics, and additional information regarding how the West Oakland Specific Plan addresses (or does not address) issues of gentrification and indirect displacement. By providing this information in this Final EIR, the City of Oakland has not determined that gentrification and indirect displacement are now CEQA-threshold issues to be included in other City CEQA documents.

Current Condition, West Oakland in Context

The following population and demographic data is derived from the Draft EIR (pages 4.8-1 through -5) and from the Draft West Oakland Specific Plan (Chapter 9). While some of these data are now three years old, they are still considered representative of existing conditions and trends.

Population

The population of West Oakland has grown from approximately 23,400 in 1990 to 25,250 persons in 2011, an increase of 15%. This growth rate is faster than the City's overall growth rate during the same time period, which was at 11%.

Race and Ethnicity

West Oakland has been a primarily African American community since the mid-20th century, but in recent decades the West Oakland population has become more diverse. In 2011, African Americans represented only a slight majority of West Oakland residents, representing a significant shift in the racial and ethnic composition of West Oakland. White, Asian and Hispanic populations have increased both in absolute number and as a proportion of total West Oakland residents, while the absolute number of African Americans has decreased. In 1990, there were 18,000 African American residents, representing 77% of the West Oakland population. By 2011, West Oakland's African American population had decreased by approximately 5,000 people (to just over 13,000) and represented 53% of West Oakland's total population.

Income

Median household incomes throughout West Oakland rose sharply between 1990 and 2000. The 1990 household income was reported at $12,306 in 1990 and at $22,424 in 2000, for an 82% increase. Household median incomes rose again by 2011, to $27,055 (just over a 20% increase). Between 1990 and 2000, the median household income in West Oakland rose faster than did the median household incomes for the City as a whole, and rose at about the same rate as the rest of the City between 2000 and 2011 (18%). However, two-thirds of West Oakland households have median incomes below the federally-defined poverty level, and significantly lower than the City-wide average. These data indicate that while median incomes have gone up substantially, they still remain below the poverty level for many (the majority, or 2/3) of West Oakland households.

Home Ownership vs. Rental

In 2000, there were 9,415 housing units in West Oakland and 8,181 of these units were occupied. Of the total occupied units, approximately 21% were owner-occupied and 79% were renter-occupied. By 2010 the number of occupied units had increased to 9,040 and 25% of these were owner-occupied. Year 2013 data shows that of there were 9,409 total occupied units and approximately 24% were owner-occupied and 76% were renter-occupied. Since the number of total housing units increased from 2000 to 2013, there are currently more homeowners in West Oakland than there were in 1990 or 2000.

Home Prices

Based on US Census data, the median home price in West Oakland was $98,737 in 1990, and rose to $139,314 by year 2000.[3] There was a dramatic increase in the real estate value of the average single family home in the five-year period between 2000 and 2005, during which time the 2004 Census trend estimates the median home price in West Oakland at $237,377. Actual purchase prices were as high as $331,000 according to other estimates.[4] After the economic downturn of 2007 and 2008, property prices in West Oakland have increased by about 46% between 2009 and 2010. In contrast to long-term data trends, 2010 median home sales prices were higher in West Oakland than for the City as a whole.

Foreclosures

Oakland has been substantially affected by the national foreclosure trend following the 2008 collapse of the housing market. There was a 106% increase in foreclosure activity in West Oakland in 2008, compared to a 46% increase City-wide, with a slight moderation in 2009.

Rental Rates

Rental rates in West Oakland have fluctuated slightly since 2008 but have largely remained constant over the years. Unlike the rapid apartment rent increases projected for the City and the larger region, West Oakland rents remain flat. West Oakland has been seen as a discounted price rental market. However, West Oakland has a high percentage of residents that are cost burdened and who may have difficulty affording necessities such as food, clothing, transportation and medical care after paying rent.

Labor Force Participation, Jobs and Wages

West Oakland residents are less likely to be employed or to participate in the labor force than Oakland residents as a whole. In 2011, 42% of West Oakland residents over age 16 were employed in civilian workplaces as compared to 55% of all Oakland residents over age 16. Roughly 42% of West Oakland adults are reported as not participating in the labor force, compared to 36% of City-wide residents.

According to the 2010 US Census, there is a higher concentration of jobs in West Oakland in the industrial and construction-related industries than in the City as a whole. However, few West Oakland residents were employed in the higher-paying industrial and construction-related sectors. Instead, most employed West Oakland residents worked in the service sector. Meanwhile, City-wide there are more jobs in the educational services and professional, scientific, and technical services sectors.

There is also a difference in earnings between West Oakland jobs and citywide jobs. A larger proportion of the City of Oakland's workers earned higher wages (defined as earnings over $3,333 per month) than workers employed in West Oakland. However, the City as whole also had a higher proportion of low earning workers (defined as earnings of $1,250 or less per month) compared to West Oakland.

Implications & Conclusions

The data presented above indicate that the process of gentrification (as defined above) is well underway in West Oakland, in advance of and independent of any consideration of the West Oakland Specific Plan.

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[3] City of Oakland, accessed at: http://www.planning.org/communityassistance/2005/pdf/WestOaklandDemographicProfile.pdf

[4] Social Compact, Neighborhood Market DrillDown, accessed at: http://www.urbanstrategies.org/documents/WestOaklandBook.pdf

- While West Oakland's population has increased by nearly 2,000 people between 1990 and 2010 (at a rapid rate of 15%), the African American population of West Oakland has declined by nearly 5,000 people during the same time period.
- African Americans now represent about 53% of the West Oakland population, compared to 1990 when African Americans represented about 77% of the West Oakland population.
- Median household incomes have risen sharply between 1990 and 2000 (by about 50%), but approximately two-thirds of West Oakland households still have median incomes below the federally-defined poverty level. This indicates that the income levels of some West Oakland residents are substantially higher than the median incomes of others (i.e., a widening wealth gap).
- In contrast to longer-term trends, the 2010 median home sales price in West Oakland (a strong indicator of relative property values) was higher in West Oakland than for the City as a whole, reflecting a rapid increase in property values.
- Although rents have so far remained relatively stable, the reintroduction of previously foreclosed homes in West Oakland (many purchased by corporate investors at low prices during the Recession and now offered at substantially greater than purchased prices) indicates a substantial increase in the relative unaffordability of housing for many West Oakland residents.

The declining number of African Americans in West Oakland is indicative of an already-occurring process of indirect dislocation of this population, although there are likely many reasons why this population may have chosen to relocate.

How Does the West Oakland Specific Plan Interact with these Trends?

Many commenters have expressed the opinion that implementation of the West Oakland Specific Plan will exacerbate these pre-existing gentrification trends, and will not only result in definable indirect displacement but also will result in direct displacement of residents, small businesses and employees. Below is an assessment of the extent to which the Specific Plan interacts with current gentrification and displacement trends. The assessment examines the following issues:

- the extent to which land use changes are proposed for West Oakland's residential neighborhoods,
- opportunity for small scale residential development,
- increases in number of new housing units,
- removal of existing economic barriers, and
- the impact of particular proposed zones for business enhancement, low intensity business, high intensity business and retail services.

The assessment indicates whether these Specific Plan elements counter the gentrification and displacement trends, exacerbates these trends, or is neutral and maintains the status quo.

No Land Use Changes in West Oakland Residential Neighborhoods

One of the first products of the Specific Plan effort presented to the public was the boundary for each of the Plan's Opportunity Areas. The Opportunity Areas are the places where new growth and development is facilitated by the Specific Plan and is most likely to occur. Many of the sites located within these Opportunity Areas are long-standing dormant and/or underutilized properties, potential development sites available as a result of the relocated I-880 freeway and other prospective developments sites expected to be vacated when current uses proceed with planned relocation to the

former Oakland Army Base. Development of these Opportunity Area sites has been historically challenging, yet their strategic location affords them the potential to assist in revitalizing the areas surrounding them. The boundaries of the Opportunity Areas were carefully drawn to not include any of West Oakland's residential neighborhoods. Instead, the residential neighborhoods are identified in the Specific Plan as Residential Enhancement Areas which should be enhanced through the preservation of historic resources, by facilitating maintenance of homes by property owners, with improved streetscapes, and by small-scaled infill of vacant parcels with similarly-scaled and compatible housing. The Specific Plan keeps all of West Oakland's single family homes and residential neighborhoods intact, with no change in land use designation, zoning or other land use plans within any of West Oakland's residential neighborhoods.

- Because it cannot dictate market values, the Specific Plan maintains the status quo regarding the transition of West Oakland's neighborhoods and increasing home prices and rents. However, the Specific Plan counters on-going speculation occurring within West Oakland's neighborhoods, where property owners or developers may have anticipated substantial redevelopment opportunities to convert existing older single-family home neighborhoods in to new, more dense and more profitable development projects. The Specific Plan does not offer any new land use changes within West Oakland's neighborhoods that would facilitate or permit such development.

Smaller-Scale Residential Development Opportunities

The Specific Plan relaxes current development regulations within existing single-family neighborhoods to permit and encourage the creation of secondary units by easing the City's Planning Code restrictions relative to parking and setbacks.

- This component of the Specific Plan counters displacement trends by making smaller, affordable secondary units more easily obtained, and increases the relative income potential for existing individual single-family homeowners.

Increased Number of New Housing Units

Outside of the existing West Oakland residential neighborhoods, the Specific Plan substantially increases the number of potential new housing development opportunities within the Plan's identified Opportunity Areas. The majority of these new housing units are associated with the expected transit-oriented development at the West Oakland BART station (West Oakland BART TOD). The Specific Plan supports and reaffirms the City's long-standing commitment to development of the West Oakland BART TOD, which has been planned for nearly a decade and which is already allowed and encouraged under current City zoning. Other residential development anticipated pursuant to the Specific Plan includes the conversion of underutilized industrial properties at the Roadway site near Raimondi Park and at the Phoenix Iron Works site near I-800, to residential use. It also envisions the infill of mixed-use development along the 7th Street and San Pablo Avenue corridors. The development of new housing opportunities at all of these locations would result in increasing the number of housing units available in West Oakland by about 5,000 units over the buildout term of the Plan.

- By encouraging the addition of new housing units to the West Oakland market, it is likely that these new units would ease the market demand on existing houses. With greater housing supply, the market may respond by lowering the rate at which housing prices have escalated in the recent past, thus countering current economic trends.
- By encouraging new housing (especially at the West Oakland BART station), it will encourage and likely facilitate the current demographic changes already taking place in West Oakland. Transit

Oriented Development (TOD) at the West Oakland BART station area will likely be an attractive opportunity for new commuters that will see this location as being relatively affordable and an easy BART commute away from San Francisco. As such, the new housing envisioned under the Plan will add greater diversity of housing types and price ranges to that which currently exist in West Oakland, resulting in an exacerbation of the current demographic changes related to increasing income levels and changes in the race and ethnicity composition of new West Oakland residents.

Removal of Existing Economic Development Barriers

An important goal of the West Oakland Specific Plan is to remove or reduce several recognized barriers to economic development and business retention. These barriers, as identified in the Plan include substandard public infrastructure; abandoned rail lines in the middle of the streets; crime and the need for improved means of police response, communication, reporting of criminal acts and prosecution of offenders; illegal dumping; graffiti on public and private property; weeds and debris on public and private property; homeless encampments; blight; and the presence of contaminated soils and groundwater. These conditions are identified as barriers that hinder economic development. The Specific Plan identifies current City efforts and possible new strategies to better address the physical and land use improvements needed to remove these obstacles to growth, development and revitalization.

- The barriers listed above not only make West Oakland a less attractive place for investment and economic development, they also make West Oakland a less desirable place for existing residents and businesses. They are generally economically-driven social conditions which result in negative images of West Oakland as a place to live and to conduct business, and they detract from the quality of life of those who now live in West Oakland. Removal of blight, addressing crime, securing basic public infrastructure and remediation of toxic contamination are considered essential components of a healthier West Oakland community for all people.
- By improving these conditions (toxics, air quality, infrastructure, blight, and crime), one of the possible results may be an increase in the relative value of surrounding properties. The resulting socio-economic changes related to increased property values may include motivating landlords to raise rents, increasing housing prices even further to the detriment of existing residents looking to purchase, and causing even more frequent land sales with a compounding increase in property values.

Business Enhancement Zone

Of the 270 net acres of property currently zoned for businesses and industrial uses, the Specific Plan proposes to zone 133 acres (approximately 50%) as Business Enhancement zones. The purpose of the Business Enhancement zone is to facilitate more intensive use of existing buildings and facilities which remain structurally sound and economically viable, thereby lowering vacancies and increasing utilization. New development projects proposing to demolish an existing non-blighted building within a Business Enhancement zone would be required to demonstrate that it is economically, functionally, architecturally or structurally infeasible to reuse the existing structure. This zone provides for the retention of nearly 5.2 million square feet of existing industrial building space within West Oakland.

- Although this Specific Plan strategy received fewer comments than did other topics, it is perhaps the boldest recommendation included in the Plan to counter potential displacement of existing small businesses and the loss of industrial lands and buildings. Much of the older industrial building stock in West Oakland provides relatively affordable industrial space, and contains smaller industrial businesses that provide a substantial number of well-paying industrial and construction-related jobs. The Business Enhancement zone will significantly reduce the extent of speculative land holding, as

property owners realize that building demolition, land clearing and construction of new and higher intensity business space will not be easily permitted.

Low Intensity Business Zone

Of the 270 net acres of property currently zoned for businesses and industrial uses, the Specific Plan proposes to zone 48 acres (approximately 18%) as Low Intensity Business zones. The purpose of the Low Intensity Business zone is to identify where new business and light industrial development should occur, generally in similar scale and character as the surrounding industrial and business area. Generally, sites proposed to be zoned Low Intensity Business are vacant or underutilized lots, or properties which contain structures so heavily blighted or compromised as to be a hazard or a detriment to the economic development of surrounding properties. Frequently, these sites also have a legacy of soil and groundwater contamination in need of clean-up and remediation. The Low Intensity Business zone would place further restrictions on the expansion or introduction of intensive land uses such as new primary truck and freight operations and recycling and waste operations, and would lower the permitted floor-area ratio (FAR) from the current ratio of 4:1, to a new ratio of 2:1. The Low Intensity Business zone has a buildout potential of as much as nearly 1.18 million square feet of new building business and industrial space.

- The Specific Plan's Low Intensity Business zone also counters potential displacement of existing small businesses within West Oakland. It reduces the currently allowed development envelop for new business space by one-half and is targeted specifically to those types of industries that have substantial market potential in West Oakland (i.e., urban and custom manufacturing, industrial arts, construction and related design and engineering, and "green" economy jobs). The Low Intensity Business zone will reduce the extent of speculative land holdings by reducing permitted FAR. The majority of jobs in those industries most likely to be accommodated within the Low Intensity Business Zone are in the production and construction occupations. These occupations offer good-paying, middle-wage jobs for workers with less than a college education, and many offer on-the-job training and advancement opportunities. The green economy business sector includes a mix of newer and diversified industries that are also targeted for occupancy in the Low Intensity Business Zone. This business sector typically offers a range of job types, with the majority of jobs in middle-wage occupations often defined as green-collar occupations. They typically offer good-paying jobs, may not require higher education, and can also provide training and advancement opportunities for workers.

High Intensity Business Zone

Of the 270 net acres of property currently zoned for businesses and industrial uses, 66 acres (approximately 25%) are proposed under the Specific Plan as having a High Intensity Business zone. The purpose of the High Intensity Business zone is to identify appropriate sites where particularly strong locational advantages make possible the attraction of higher-intensity business uses in the information, life sciences and biotechnology sectors. This zone identifies preferred locations for these more intensively developed (i.e., mid-rise building heights, densely developed, likely served by structured parking) sites, more likely to be developed in the mid-term or later. The High Intensity zone would encourage buildings with more interior improvements and amenities and more costly structured parking, generally supported by businesses with greater rent-paying abilities. The High Intensity Business zone is expected to be able to accommodate as much as 4.68 million square feet of new building space.

- The life sciences and information sectors typically have a large share of jobs in the professional, technical, and scientific occupations. These are higher-wage occupations and many require college

educations. These business sectors also support jobs that provide on-the-job training for employees without higher education, and they include jobs in good-paying, middle-wage occupations as well. Entry level jobs exist in support of business in these sectors, some which offer career ladder pathways with attainment of specific technical credentials.

- The future development of new building space serving these business sectors would change the character of West Oakland's industrial area, particularly if left un-checked. However, the High Intensity Business zone is applied to a limited number of targeted sites and serves to guide (and limit) new larger-scaled development in the information, life sciences and biotechnology sectors, rather than reacting to changing market conditions.

Retail Services

West Oakland is severely underserved by retail uses that supply the basic consumer needs of its residents. The degree to which retail needs are left unmet by local shops is greater than for the City as a whole. As stated in the Specific Plan, "great neighborhoods include local shopping districts that provide opportunities for people to take part in the social life of the greater community as they satisfy their everyday shopping needs. Currently, there are few if any local and walkable neighborhood commercial streets that give focus and identity to the community". West Oakland's historic neighborhood commercial districts were focused along 7th Street and Market Street, but these commercial districts were largely removed (directly displaced) in the 1960s and 1970s. The Specific Plan seeks to re-establish West Oakland's traditional neighborhood districts with active ground-floor retail including grocers, locally-serving convenience retail and destination retail.

- The provision of greater retail opportunities throughout West Oakland can increase the availability of goods and services for local residents and businesses, especially grocery stores; can capture "economic leakage" (dollars from West Oakland residents that are spent within and that benefit other neighborhoods and communities); and can create additional retail jobs.

Affordable Housing and Equitable Economic Development

The Specific Plan includes an entire chapter addressing the broader implications of development with respect to access to affordable housing and equitable economic development. This chapter of the Specific Plan recommends strategies for ensuring that existing residents and local workers, households and businesses can participate in and benefit from future development in West Oakland. The Specific Plan acknowledges that there is the potential that new development will raise concerns about the effects of neighborhood change and displacement on long-standing residents and businesses. The strategies recommended in the Specific Plan to address these concerns build upon the prior efforts of Community-Based Organizations (CBOs) and the City of Oakland to support the ability for existing residents as well as newer residents and businesses to participate in and benefit from new economic activity in West Oakland.

Affordable Housing

Affordable housing is a critical component of a sustainable neighborhood, and the Plan acknowledges that it is therefore imperative to have a strategy in place to ensure affordable housing is available to all existing and future residents, especially since having affordable rents targeted to 30% of household income both stabilizes low income residents and provides these households with expendable income for other living and recreating expenses. Due to declining federal assistance to support new affordable housing construction, the recent statewide dissolution of California's Redevelopment Agencies (including the Oakland Redevelopment Agency) and a still-recovering City revenue projection, a creative

menu of strategies is needed to provide additional affordable housing to accommodate the area's projected population growth and maintain a balanced mix of incomes in the area.

The Specific Plan recognizes several existing City and other non-profit programs that provide various forms of effective (though limited by reduced funding availability) assistance, including:

- **City of Oakland Housing Programs:** These housing programs support and fund housing rehabilitation, provide assistance to first time home buyers, help fund housing development, and provide other miscellaneous housing services for low- and moderate-income households. Although these housing programs no longer have access to the former Redevelopment Agency's locally-generated redevelopment funds, the City does receive funding support from federal HOME funds and Community Development Block Grant funds.
- **First Time Homebuyer Assistance**: The City is engaged in a variety of efforts to provide opportunities for first-time homebuyers to purchase homes. The City's Mortgage Assistance Programs provides deferred payment second mortgages to low and very low income homebuyers. The City develops new and rehabilitates existing housing units for purchase at affordable prices to low income families through collaboration with non-profits such as Habitat for Humanity, Oakland Community Land Trust, and East Bay Asian Local Development Corporation (EBALDC). Other programs provided by the City and by organizations, such as the Unity Council, with whom the City has developed partnerships include counseling and education for first-time homebuyers.
- **Tenant Protections**: Several tenant protection ordinances currently exist in Oakland that includes Rent Adjustment and Just Cause for Eviction. However, these largely benefit current tenants, benefit eligible residents regardless of income levels, and do not guarantee rents that are affordable to the households currently living in the units.
- **Residential Lending Programs**: One key component of equitable housing development and prevention of displacement of existing Oakland residents are programs to improve existing smaller residential buildings, particularly those owned by low to moderate income households, and/or seniors. The Residential Lending Division of the City's Department of Housing provides technical and financial assistance for repairs to owner-occupied homes and grants for accessibility modifications to 1-4 unit owner-occupied and rental properties.
- **Affordable Housing Development Programs**: Under these programs, City staff works with for-profit and non-profit developers to revitalize neighborhoods and increase housing opportunities through new construction, substantial rehabilitation and preservation of rental and ownership housing for very low-, low- and moderate income households. Staff implements the City's annual Notice of Funding Availability (NOFA) process to make competitive funding awards for affordable housing projects and monitors the City's portfolio, including 18 developments and 1,437 units in West Oakland, to ensure proper management and maintenance and compliance with rent and income limits.
- **Oakland Community Land Trust (OakCLT)**: The mission of OakCLT is to help provide permanently affordable homes and to stave off blight in Oakland's neighborhoods. The Oakland Community Land Trust (OakCLT) was established through the joint efforts of Urban Strategies Council and other community partners to acquire and rehabilitate vacant, foreclosed homes and then sell the renovated homes to new homebuyers at a price affordable to working families earning 50 to 80% of the area's median income.

The Specific Plan recommends that the City target 15% of the new units to be built in West Oakland between now and 2035 for low- and moderate-income households, consistent with former state

Redevelopment Area requirements. The financing method for these new affordable units is uncertain given the state-wide dissolution of former Redevelopment agencies, but the City is currently undertaking a number of city-wide initiatives to develop new funding mechanisms to produce affordable housing. The Specific Plan also discourages an over-concentration of affordable or other special needs housing within one area or development, and instead recommends that such housing should be distributed throughout West Oakland and be well integrated with general market-rate housing. In addition, the Plan recommends that City programs should be used to help existing restricted affordable housing properties stay in excellent condition, and to cultivate first-time homebuyers as well as to provide resources for existing low income residents to remain in their units by lowering cost burdens. Additional strategies that are intended to ensure continued availability of affordable housing options for lower and moderate income households in West Oakland are included in the Specific Plan. These strategies, as outlined below also include more detailed implementation recommendations that are not itemized in this list.

- Prioritize preservation of subsidized affordable housing and seek out additional sources of funding to continue the City of Oakland's programs.
- In addition to providing market-rate new units, expand, stabilize, and improve affordable housing opportunities for extremely low to moderate income renters and homebuyers.
- Promote intergovernmental coordination in review and approval of residential development proposals when more than one governmental agency has jurisdiction.
- Expand opportunities for affordable homeownership and rentals, while balancing the needs for both additional market rate and affordable housing.
- Ensure continued availability of safe and affordable housing options for lower income and moderate income households.
- Take steps to reduce the vulnerability to foreclosures of existing owners and renters, and to ensure that new owners of foreclosed properties become responsible stewards of the properties
- Conserve and improve older housing and neighborhoods.
- Preserve the affordability of subsidized rental housing for lower-income households that may be at-risk of converting to market rate housing.
- Promote equal housing opportunity.
- Develop and promote sustainable development and sustainable communities that in turn create more disposable income for housing.
- Study the feasibility to enact a "right of first refusal" policy, where not in place, to require that housing units that are renovated through redevelopment, rehabilitation (including due to code enforcement activities), to be offered to existing tenants first, before being sold or re-rented on the private market.
- Explore ways to evaluate and mitigate displacement by individual development projects.

Equitable Economic Development

The Specific Plan also presents a number of strategies for empowering existing residents and businesses to participate in and benefit from the new development and economic activity planned for West Oakland by building on and connecting existing governmental and community-based equitable economic development programs. The Specific Plan includes strategies that seek to empower residents

at a range of education and skill levels to find high quality and well-paying jobs, either in West Oakland or elsewhere in the region; to support, develop and retain small businesses including locally-owned neighborhood-serving businesses, as well as the growing industrial arts and urban manufacturing sectors; to cultivate a business environment that contributes to West Oakland's overall economic competitiveness; and to ensure that households have access to neighborhood-serving retail and other goods and services to support a high quality of life. These strategies, which are outlined below (and which also include more detailed implementation recommendations that are not itemized in this list) seek to ensure that all West Oakland residents, workers and businesses have the opportunity to participate in and benefit from economic growth:

- Continue to work with public agencies to identify additional job opportunities on major public construction and/or operations projects.
- Continue to work with local job readiness, training, and placement organizations to establish career pathways in construction and operations.
- Continue to work with public agencies to bring job training, placement and referral resources for an array of employment types to the West Oakland Job Resource Center.
- Work with West Oakland employers, Community-Based Organizations, and educational institutions to establish career pathways for residents in a range of local industries.
- Work with regional employers, Community-Based Organizations, educational institutions to establish career pathways for residents in a range of industries at the regional level.
- Enact land use policies, zoning regulations, and design guidelines to protect historic, architecturally and structurally significant structures through adaptive reuse and encourage infill development between existing buildings.
- Encourage the preservation of affordable space for artists and/or small urban manufacturers.
- Market West Oakland's arts and culture districts and unique "maker" identity.
- Include local art, design, and fabrication as integral components of new development.
- Continue to offer and raise awareness of small business support opportunities for West Oakland businesses through the City of Oakland's existing economic and workforce development programs.
- Establish a neighborhood economic development corporation to provide entrepreneurship training and small business support in West Oakland.
- Support the expansion of an existing grocery store and/or the establishment of new grocery stores in West Oakland.
- Promote the development of community-based, neighborhood-serving retail and service businesses.
- Identify vacant or underutilized publicly-owned land in West Oakland with the potential for community benefit.
- Work with the developers of the West Oakland Transit Village project to include space for community-based businesses as part of the development.
- Explore long-term opportunities to leverage new development and industries for community benefit.

Conclusions

The West Oakland Specific Plan does not have any policies, strategies or recommendations that would result in direct displacement of existing businesses or residents. No housing is proposed to be removed or changed, and no shift in land use plans or policies pertaining to West Oakland's existing residential neighborhoods is recommended. The Specific Plan does not have any recommendations or land use plans that would displace any existing businesses, but instead seeks to direct new business and industrial development to currently vacant and blighted properties, or properties that may be vacated by the existing businesses for reasons unrelated to the Specific Plan.

The West Oakland Specific Plan may contribute to existing trends toward gentrification of West Oakland. A fundamental purpose of the Specific Plan is to facilitate development and redevelopment of vacant and/or underutilized properties, and is intended to attract developers to key sites and to encourage new targeted economic development. The Specific Plan contains a "roadmap" for reducing blight, attracting new industry, promoting smart growth and transit-oriented development that serves a range of incomes, and encouraging enhancements to existing transit. If implemented, these stated purposes of the Specific Plan would likely contribute to current gentrification trends already realized in West Oakland - toward wealthier residents and/or businesses, increased property values, and a continued increase in racial diversity.

The City staff and consultants who have collaborated in preparing this response also recognize that the debate over whether this Plan does enough to counter the potential for unintended, indirect displacement of existing residents and businesses is fair, and that the debate will likely continue well beyond consideration of approval of this Plan. The Specific Plan includes a variety of planning strategies (described above) intended to empower existing residents and businesses to participate in and benefit from new development and economic activity, to improve the quality of life for existing and future residents, and to increase community-wide benefits associated with new development. However, the Plan itself cannot provide the funding or the guarantees that these planning strategies will be rigorously implemented over time. These guarantees can only be achieved through diligent, cooperative implementation efforts between existing residents and businesses, City staff and elected officials, and developers of the projects envisioned under this Plan.

Master Response #2: Specific Plan Merits and Related Non-CEQA Topics

A large number of comments received in response to the DEIR speak to the merits of the Specific Plan. These Plan-related comments include without limitation the topics of historic resource preservation strategies, the relative merits of the Plan's recommended industrial and other land use overlays, the proposed land use recommendations for certain properties, development incentives and requirements, the provision of open space, local hiring requirements, urban design considerations, economic viability and market conditions affecting the Plan Area, and additional topics that commenters believe should have been included in the Specific Plan but that were not. Other non-CEQA comments pertained to the adequacy of the public review process of the Plan and EIR process.

Recognizing that some of these topics can affect the physical environment within the purview of CEQA, appropriate responses to comments addressing those instances are presented in Chapters 5 and 6 of this document. Other non-CEQA comments pertained to the adequacy of the public review process of the Plan and EIR process.

This Master Response specifically addresses Plan-related comments that raise non-CEQA issues that clearly do not affect the physical environment or pertain to the adequacy of the analysis in the EIR or that address the Specific Plan's physical impacts on the environment pursuant to CEQA. The majority of

Plan-related comments and concerns are not related to quantifiable, physical environmental issues that are addressed in an EIR document, and cannot be objectively assessed against the significance criteria provided by the City of Oakland's CEQA Thresholds/Criteria of Significance. Many of the Plan-related, non-CEQA comments address economic and social considerations that the City must consider. Specifically, 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 many cases addressed (through Plan revisions – see Master Response #3, below) these Plan-related comments as it prepared the *May 2014 West Oakland Specific Plan*. Further, many of these expressed concerns regarding the Specific Plan will be summarized and addressed in a separate Attachment to the City Planning Commission's staff report on the Specific Plan. Moreover, these concerns will be considered by the City decision-makers prior to taking action on the Specific Plan as part of the planning considerations of discretionary matters that the City must balance in its deliberations of the Project. Additionally, certain Plan-related comments may be specifically addressed further during the City's subsequent discretionary and design review processes for implementation of individual development projects pursuant to the Specific Plan.

Master Response#3: Changes to the Project Description

Many of the comments on the Specific Plan are particular to certain physical elements or recommendations of the Specific Plan that also form the basis for the Project Description as presented in the Draft EIR and as analyzed in the Draft EIR. City staff has carefully considered these comments, and in certain cases has revised the Specific Plan (as now presented in the May 2014 West Oakland Specific Plan), such that the Project Description presented in the Draft EIR has also been modified. Al listing of those physical elements of the proposed Specific Plan that have been modified or changed in the May 2014 version of the Plan is provided below, together with a discussion of their CEQA-related implications.

CIX Land Use Overlays

One of the strategies underlying the January 2014 Draft Specific Plan was establishment of new land use overlays applicable to individual areas within the current CIX-1 zones. These overlay zones added additional regulations to the current CIX-1 zoning provisions. Of the 270 net acres of property currently zoned for businesses and industrial uses, 66 acres (approximately 25%) were proposed under January 2014 Specific Plan for a High Intensity Business overlay, 48 acres (approximately 18%) were proposed for a Low Intensity overlay, 133 acres (approximately 50%) were proposed for a Business Enhancement overlay, and 23 acres (approximately 7%) were proposed for a Large Format Retail Overlay.

In response to numerous comments, staff has proposed to amend the original overlay scheme. Rather than adding an additional land use overlay, staff now proposes to amend the Planning Code to create new zoning districts for West Oakland's industrial areas. These new zoning districts include much of the same land use rules as were recommended in the overlays, but instead now simplifies these new land use rules into one more easily assessable and consistent set of zoning regulations.

Additionally, staff has reviewed the individual sites where these new land zoning districts would be applied, and has made adjustments to the boundaries of these new zoning districts as compared to the overlay boundaries presented in the January 2014 Plan. The adjusted boundaries of new CIX zoning districts are shown on **Figure 4-1**, and are included in the current, May 2014 West Oakland Specific Plan.

CEQA Considerations

The new CIX zoning districts now proposed by staff are similar to the previously recommended overlays, but functionally more efficient and easier to implement than a separate overlay system. Therefore, the analysis of potential environmental consequences associated with the business and industrial land use overlays as presented in the Draft EIR remains the same. Additionally, although minor modifications have been made to the boundaries of where the new zones would apply as compared to the boundaries of the previous overlays (see **Figure 4-2**), the total acreage within each new zoning district is generally similar to the acreage of each of the previous overlays. Therefore, the potential buildout numbers presented in the Draft EIR remain generally similar and do not result in any new environmental impacts, or any increase in the severity of potential environmental impacts as described in the Draft EIR.

Mayway/Coca-Cola Bottling Company Site

This site is located at the northeast corner of the Mandela Parkway/12th Street intersection. The current General Plan land use designation for this site is Business Mix, and the current zoning for this site is CIX-1. The January Draft Specific Plan proposed to amend this site's land use designation to Housing and Business Mix and to re-zone this site to Housing/Business Mix (HBX-2) to enable reuse of the site for new residences and live/work units.

Staff now agrees with numerous comments (including those of the property owner) that new residential use at this site may result in conflicts with adjacent industrial uses, and the proposal to re-zone this site to HBX-2 has removed from consideration for residential conversion (see Draft EIR Revisions, Chapter 7 of this Response to Comments document).

CEQA Considerations

The Draft EIR (page 4.6-24) indicated that the originally proposed General Plan amendment and rezoning of the Mayway/Coca-Cola site would be in direct conflict with the City's Industrial Land Use Policy. Under staff's current proposal for this site, this conflict with the industrial land use protection policy would no longer occur. Retention of industrial land uses at the Mayway site would not result in any new environmental impacts, or any increase in the severity of potential environmental impacts as described in the Draft EIR.

EBMUD's Adeline Street Maintenance Center

This site is located along the south side of West Grand Avenue, east of Mandela Parkway. The current General Plan land use designation for this site is Business Mix and the current zoning for this site is CIX-1. The January Draft Specific Plan proposed to designate this site with a High Intensity Business land use overlay, indicating that this site was an appropriate location for higher intensity commercial and light industrial land uses. Staff proposes to remove the High Intensity land use designation from this site (see Draft EIR Revisions, Chapter 7 of this Response to Comments document).

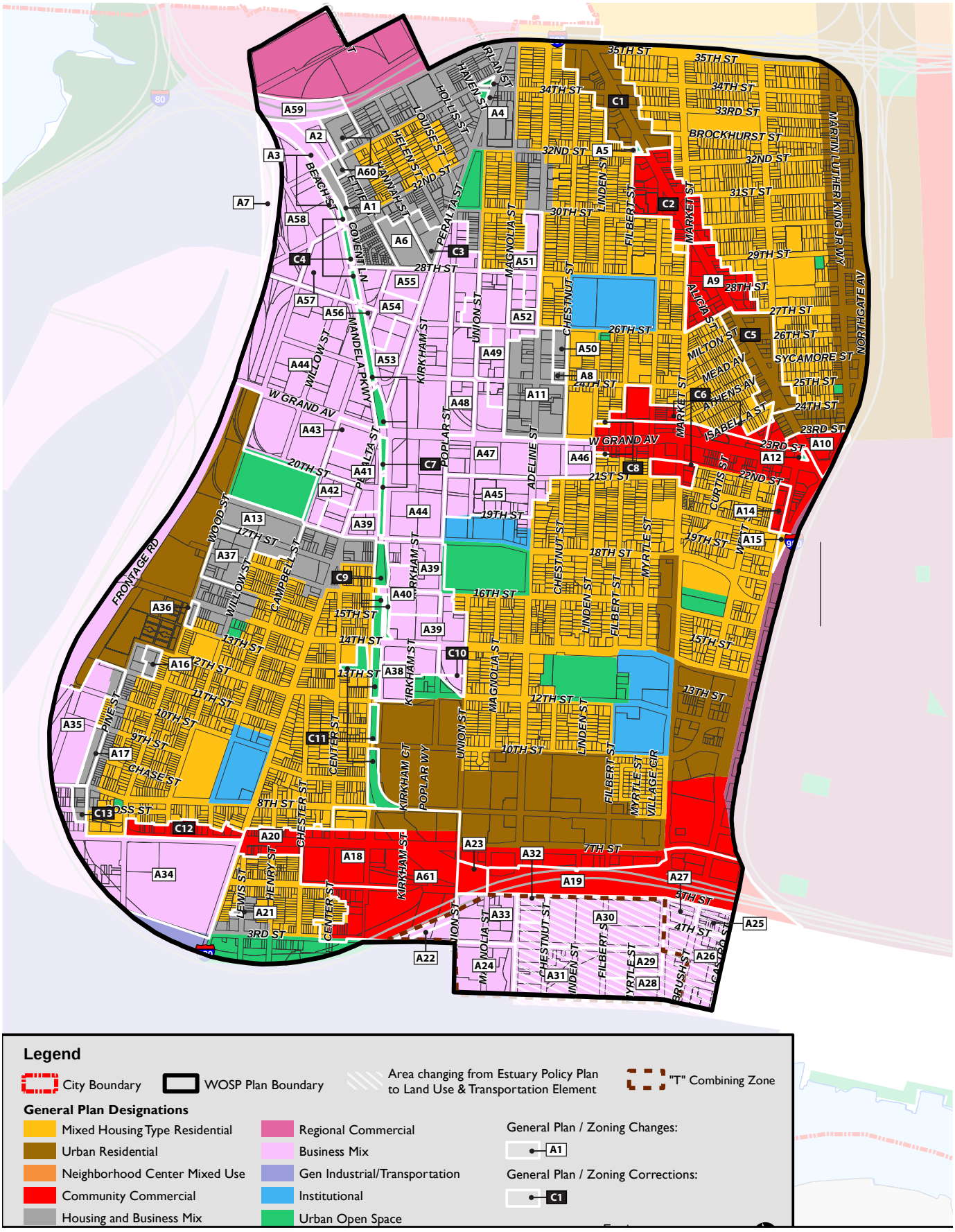

Figure 4-1
Proposed General Plan Amendments and Zoning Changes, Updated Project Description

Source: City of Oakland

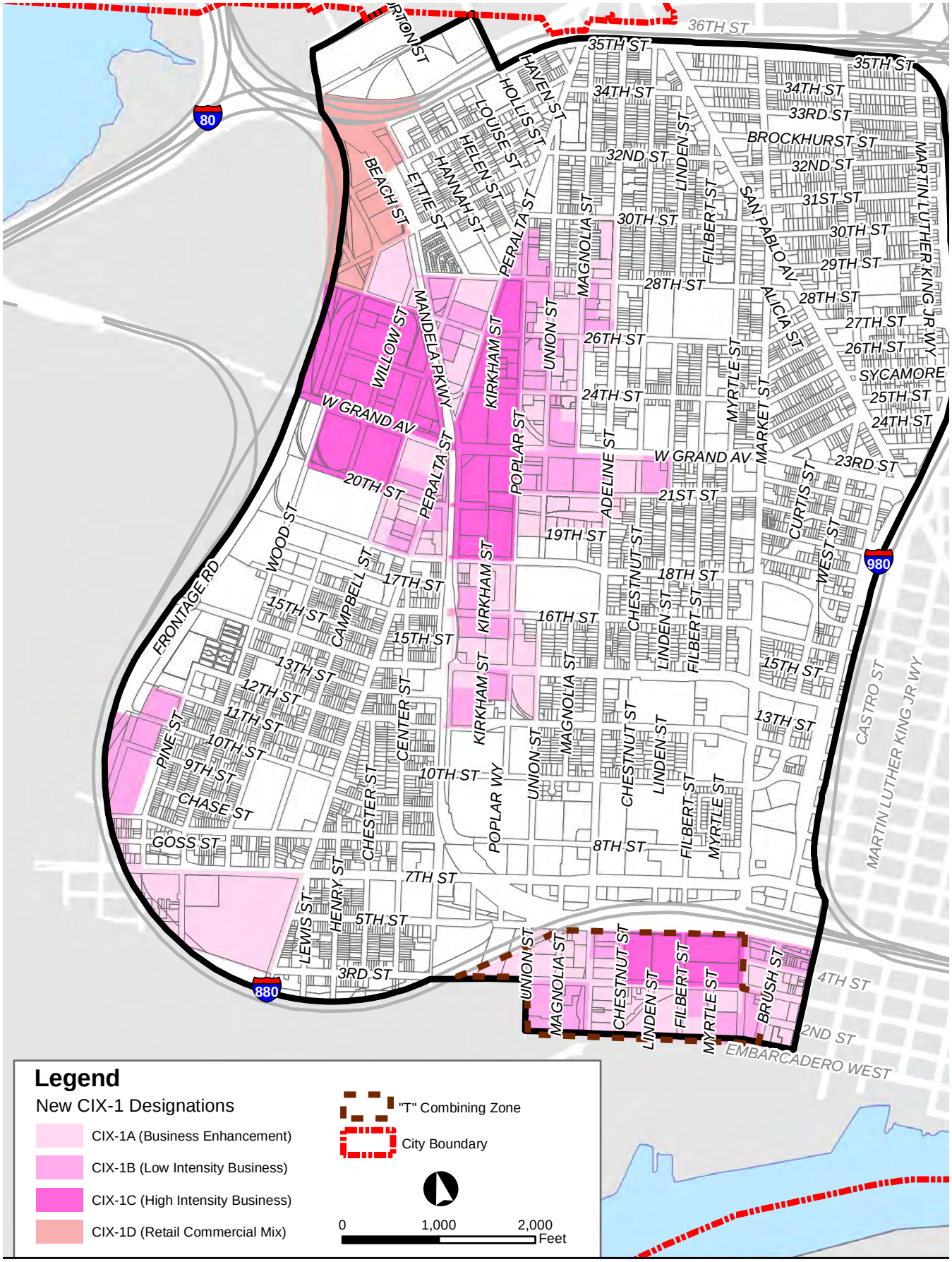

Figure 4-2
Proposed New Commercial / Industrial Mix (CIX) Zones

Source: City of Oakland

CEQA Considerations

The Draft EIR's designation of this site for High Intensity business land use would have resulted in substantially greater development of this site that what currently exists at the EBMUD facility, contributing to the Project's overall traffic, air quality and GHG impacts, and resulting is greater overall change in the Mandela/West Grand Opportunity area. Under staff's current proposal to retain the lower intensity zoning for this site, the increases in environmental effects associated with the higher intensity of use would no longer occur. Retention of the lower intensity business and industrial land use zoning at the EBMUD Adeline site would not result in any new environmental impacts, or any increase in the severity of potential environmental impacts as described in the Draft EIR.

Lane Reductions

The January 2014 Specific Plan recommended a network of "complete streets" throughout West Oakland. The Complete Streets policy and Ordinance (C.M.S. 13153) specifically calls for a "comprehensive, integrated transportation network, with roadways designed and operated to enable safe, attractive, and comfortable access and travel for all users, including: pedestrians, bicyclists, persons with disabilities, seniors, children, motorists, movers of commercial goods, operators of public transportation, public transportation users of all abilities, and emergency responders". The streets named below were therefore designated to serve not only the automobile, but also providing an interconnected system of bicycle paths and lanes, pedestrian improvements and streetscape amenities, and transit improvements. As part of the complete streets strategy, the Plan proposed roadway travel lane reductions at the following locations:

- reducing the number of travel lanes on West Grand Avenue from the existing six travel lanes to four travel lanes between West Street and Mandela Parkway, while retaining bike lanes and passage for transit;
- reducing the number of travel lanes on Adeline Street between 3rd Street and 36th Street from the existing four travel lanes to two travel lanes with a center turn lane;
- reducing the number of travel lanes on 12th Street between Market Street and Mandela Parkway, from the existing four travel lanes to two travel lanes with a center turn lane;
- reducing the number of travel lanes on 14th Street between Market Street and Mandela Parkway, from the existing four travel lanes to two travel lanes with a center turn lane; and
- reducing the number of travel lanes on 8th Street between Market Street and Mandela Parkway, from the existing four travel lanes to two travel lanes with a center turn lane.

These proposed lane reductions have been criticized by numerous commenters as potentially causing greater conflicts between pedestrian, bicyclists and motor vehicles (including trucks); as presenting operational problems for transit services; as reducing traffic capacity resulting in congestion; and as economic development disincentives. Staff now proposes to remove the lane reductions previously recommended for 14th Street, 12th Street and 8th Street.

Staff also provides the following additional information to further clarify that the lane reductions indicated on West Grand Avenue and Adeline Street are those same bicycle lane improvements called for in the City of Oakland's Bicycle Master Plan that were adopted by City Council in 2007 as part of the Land Use and Transportation Element of the City's General Plan, and reaffirmed by City Council on December 4, 2012. As required by the complete streets Ordinance and consistent with the City of Oakland's Bicycle Master Plan, bike lanes are to be added on Adeline Street from 3rd Street to 36th Street at the Emeryville border, and on West Grand Avenue from Mandela Parkway to Market Street.

Both projects will close gaps in the citywide bikeway network. The projects will be implemented in coordination with the City's Pavement Management Program through the City's update to the Five Year Paving Plan. If the roadways are not part of the updated Five Year Paving Plan, the projects will be implemented as restriping projects funded by the City's Capital Improvement Program for Bicycle Master Plan Implementation.

- The new bike lanes on Adeline Street will create a continuous bikeway through Oakland and Emeryville, from 3rd Street to 61st Street near the Berkeley border. These bicycle lanes will intersect with existing bikeways on 3rd Street, 8th Street, 14th Street, and 32nd Street. The Adeline Street bike lanes will require reconfiguration of Adeline Street from two travel lanes in each direction to one travel lane and one bike lane in each direction, plus a two-way center turn lane.
- The bike lanes on West Grand Avenue will close a key gap from Mandela Parkway to Market Street and connect to the existing bikeway on Grand Avenue between Market Street and Embarcadero in the Grand Lake neighborhood. In conjunction with the proposed Gateway Park/Bike Bridge to West Oakland project, the West Grand Avenue bike lanes will provide direct access to the eastern span of the San Francisco - Oakland Bay Bridge from West Oakland, downtown, and the Lake Merritt neighborhoods. The West Grand Avenue bike lanes will reconfigure the roadway from three travel lanes in each direction to two travel lanes and one bike lane in each direction.

Please also see Chapter 7: Draft EIR Revisions in this Response to Comments document.

CEQA Considerations

The proposed bike lanes on Adeline Street and West Grand Avenue were included in the original Project Description of the Draft EIR, and have been studied for feasibility and evaluated for environmental impacts as part of the Draft EIR. No further analysis is required. The demand for freight movement, transit and bicycling on both Adeline Street and West Grand Avenue current exists, regardless of the lane configuration. Separated bike lanes provide for safer separations between cyclists and heavy vehicles does a shared lane. The reconfigured lane geometry on Adeline Street and West Grand Avenue will also provide dedicated left turn lanes that can be used by heavy vehicles, providing for safer turning movements that are not shared by through traffic.

By not moving forward with bike lanes on 14th Street, 12th Street and 8th Street at this time, the existing lane dimensions and configurations of 8th Street, 12th Street and 14th Street would be retained as they currently exist. The removal of the previously planned improvements would not introduce any new environmental impacts, or cause an increase in the severity of any environmental effects as described in the Draft EIR.

Roundabouts

The January 2014 Draft Plan recommended installing roundabouts or other traffic-calming features to enhance the streetscape and to identify gateways or landmarks along Adeline Street at 12th, 14th and 18th Streets; and along Peralta Street at 18th and 28th Streets. These roundabouts have been criticized by numerous commenters, suggesting similar adverse consequences as might occur with the lane reductions. Staff now proposes to remove the proposed roundabouts from further consideration (see Draft EIR Revisions, Chapter 7 of this Response to Comments document).

CEQA Considerations

Retaining the existing intersection geometry (rather than introducing roundabouts) at the Adeline/12th, Adeline/14th, Adeline/18th, Peralta/18th and Peralta/28th intersections would not introduce any new

environmental impacts, or cause an increase in the severity of any environmental effects as described in the Draft EIR.

Master Response #4: Additional Air Quality Mitigation Measures

Comments by the Bay Air Quality Management District, the Alameda County Health Department, the US EPA and others have suggested that additional mitigation measures and/or more stringent Standard Conditions of Approval related to air quality emissions and exposure to poor air quality should be required within West Oakland and pursuant to the West Oakland Specific Plan, particularly because West Oakland already bears a disproportionate burden of illness associated with poor air quality. Many of these comments cite the 2008 California Air Resource Board (CARB) report, *Diesel Particulate Matter Health Risk Assessment for the West Oakland Community*, which concludes that exposure to diesel PM concentrations will drop in future years due to implementation of CARB's diesel reduction regulations, but that this decrease in exposure is not enough to protect health in West Oakland and that more needs to be done to ensure that potential cancer risks as reduced even lower as quickly as possible. A discussion of the Draft EIR's findings regarding the environmental topic, the mitigation measures suggested by the commenters, and the City's response to the recommended mitigation measures is provided below.

Master Response #4-1: Operation-Related Criteria Pollutants and TAC Emission Reductions

Draft EIR Findings

The Draft EIR determined that development facilitated by the Specific Plan would result in significant operational-related emissions of criteria pollutants (including particulate matter), and cites to the City of Oakland Standard Condition of Approval (SCA) 24: Parking and Traffic Management Plan as being able to reduce criteria air pollutants. It concludes that this SCA may not be fully effective in reducing emissions to below threshold levels and concludes that this impact would be **significant and unavoidable** (page 4.2-42 of the DEIR).

The Draft EIR also discusses that new development pursuant to the West Oakland Specific Plan (including new light industrial, custom manufacturing and other similar land uses) as well as the introduction of new diesel generators, would emit toxic air contaminant (TAC) emissions that could exceed cumulative cancer risks thresholds (page 4.2-44 of the DEIR). SCA B would apply to new sensitive uses (i.e., residential uses, schools, daycare centers, nursing homes, and medical centers), requiring future qualifying development projects (projects that include new sensitive land uses and that are located within 1,000 feet of substantial sources of air pollution) to either incorporate health risk reduction measures into the project, or to conduct site-specific health risk assessments and incorporate health risk reduction measures into the project if necessary. The Draft EIR also recommends Mitigation Measure AIR-9: Risk Reduction Plan, which requires that applicants for projects that would include backup generators prepare and implement a Risk Reduction Plan to reduce cumulative localized cancer risks to the maximum feasible extent. The Risk Reduction Plan recommended in MM Air-9 may contain, but is not limited to the following strategies:

- Demonstration using screening analysis or a health risk assessment that project sources, when combined with local cancer risks from cumulative sources with 1,000 feet would be less than 100 in one million.
- Installation of non-diesel fueled generators.

- Installation of diesel generators with an EPA-certified Tier 4 engine or engines that are retrofitted with an ARB Level 3 Verified Diesel Emissions Control Strategy.

The Draft EIR concludes that clean diesel generators and other strategies of the Risk Reduction Plan would substantially reduce potential cancer risks, but that cumulative risks could still exceed threshold levels and this impact is conservatively identified as **significant and unavoidable**.

Recommended Mitigation Measures

Commenters have expressed support for the City's SCAs, but also believe that there are additional mitigation measures that the City can implement to further reduce impacts. Recommendations suggest that the City require all new projects that would attract diesel truck trips, such as retail and commercial outlets, be required to meet the following conditions:

- Place loading docks as far from residences as feasible, and never within 200 feet of residences.
- If the project includes a truck fleet of any size that is registered to the project applicant, the trucks brought into the Plan area must meet CARB's highest engine tier available at the time that building permits are issued, through new clean diesel trucks, lower-tier diesel engine trucks with added PM filters, hybrid trucks, alternative energy trucks, or another method that achieves the same emission standards as the highest engine tier available; and
- New development should offset 100% of its TAC emissions within the Plan area through a mitigation program administered by the City.

City Response to the Recommended Measures

City staff supports the emissions reduction concepts advanced in many of the recommended additional mitigation measures; however, some of the specific details of these recommendations are not feasible to implement. Accordingly, the City recommends the following additional measures which contain some modifications to the proposed language.

Loading Docks

Mitigation Measure Air-9B: Place loading docks as far from residences as feasible.

Staff supports locating loading docks away from residences. However, there may be instances where new projects, fully consistent with all other current zoning requirements, may not be able to feasibly implement the 200-foot loading dock setback requirement as recommended, based on individual or unique parcel size or lot shape. In addition, there is no evidence that a 200-foot setback is a reasonable or necessary distance. The requirements for “as far as feasible” will allow the City to work with project applicants to ensure that loading docks are appropriately sited to minimize adverse effects, achieving a minimum 200-foot setback wherever feasible.

Truck Fleet Requirements

Mitigation Measure Air-9C: If the project includes a truck fleet of any size that is registered to the project applicant, the truck fleet must comply with all applicable CARB requirements to control emissions from diesel engines, and demonstrate compliance at the time building permits are issued. Means by which compliance may be achieved may include, but are not limited to new clean diesel trucks, lower-tier diesel engine trucks with added PM filters, hybrid trucks, alternative energy trucks, or another method that achieves the CARB emission standards. Compliance with this requirement shall be verified through CARB's Verification Procedure for In-Use Strategies to Control Emissions from Diesel Engines.

City staff is highly supportive of ensuring that new development projects in West Oakland that include operational truck fleets be required reduce the health risks associated with their associated diesel PM emissions, and that new projects should not rely on use of older model diesel truck fleets that do not comply with current regulations but could otherwise go unchecked. However, staff believes that the recommended language regarding "the highest engine tier available" is not specific and is subject to various interpretations over time; whereas "comply with all applicable CARB requirements" is specific and quantifiable. Current requirements are for Level 3 standards (an 85% reduction in diesel emissions, or an emission level of 0.01 grams/brake horsepower-hour/hour), which can be achieved with year 2007 or later model engines or through CARB-verified Level 3 diesel particulate filters on older model engines. Staff also recommends the CARB Verification Procedure as an effective and available means for ensuring real emission reductions, along with an emission control system that is durable and compatible with various engines and applications. CARB does not charge a fee for this verification.

100 Percent TAC Emission Offset

With respect to the suggested requirement that new development provide a 100% TAC emission offset, the City is not aware of any other jurisdiction within California that administers such a 100% TAC emission off-set program, nor is it aware of any "mitigation bank" or other similar exchange where TAC emission credits can be purchased or sold, and that therefore, implementation of such a program (under the current regulatory framework and particularly within only one portion of the City), is infeasible.

The City would welcome a joint effort with other local jurisdictions and regulatory government agencies such as BAAQMD, the County Health department and the US EPA in the development of a regional approach to toxic air emission reductions, potentially including an emission off-set program. However, any such program would need to be a comprehensive, logical and fair process that assesses TAC emissions accurately across all development projects.

The City also supports the following modification to Mitigation Measure Air-9, which is intended to further reduce the cumulative health risks associated with diesel PM and other TAC emissions:

Mitigation Measure AIR-9A: Risk Reduction Plan. Applicants for projects that would include backup generators or other stationary sources of toxic air contaminants shall prepare and submit to the City, a Risk Reduction Plan for City review and approval. The applicant shall implement the approved Plan. This Plan shall reduce cumulative localized cancer risks to the maximum feasible extent. The Risk Reduction Plan may contain, but is not limited to the following strategies:

a) Demonstration using screening analysis or a health risk assessment that all project sources of toxic air contaminants, when combined with other cumulative sources with 1,000 feet, would result in a cancer risk level less than 100 in a million, a non-cancer risk (chronic or acute) hazard index of less than 10.0, or an annual average concentration of PM2.5 of less than 0.8 micrograms per cubic meter.

b) Installation of non-diesel fueled generators.

c) Installation of diesel generators with an EPA-certified Tier 4 engine or engines that are retrofitted with an ARB Level 3 Verified Diesel Emissions Control Strategy.

As indicated in the Draft EIR, implementation of this measure would substantially reduce potential cancer risks associated with diesel PM and other TAC emissions to the maximum feasible extent. While the individual risk for a given project's emission source is required to result in a cancer risk level of less than 10 in one million (which is considered protective of community health), the degree to which other multiple sources may (even already) contribute to cumulative risks in excess of 100 in one million cannot be assured.

Master Response #4-2: Construction-related TAC Emission Reductions

Draft EIR Findings

The DEIR determined that development facilitated by the Plan would result in construction-period criteria pollutant emissions that are significant and unavoidable, even with implementation of City SCAs. The DEIR cites SCA A, which requires that construction projects within the Plan area implement either 'Basic' or 'Enhanced' measures, depending on the size of the project.

Recommended Mitigation Measures

While the commenters support the City's SCAs, they do not believe that these requirements represent all feasible measures available to reduce the significant impacts or to protect the health of Plan area residents. Recommendations suggest that the City:

- require that all construction projects within the Plan area implement both the 'Basic' and 'Enhanced' measures,
- require that all off-road equipment and on-road equipment used for construction projects within the Plan area shall be no older than eight years at the time the building permit is issued. This requirement will ensure that these projects use the newest and cleanest equipment available, and
- require that all portable diesel engines shall be prohibited at construction sites within the Plan area. Where access to grid power is available, grid power electricity should be used. If grid power is not available, propane and natural gas generators may be used.

City Response to the Recommended Measures

City staff is in general support of these recommendations, and suggests the following:

Basic and Enhanced Measures for all Construction Projects:

Rather than imposing all 'Enhanced' measures on every project regardless of the size of the project, staff recommends the following additional Basic measure be incorporated into the City's Standard Conditions of Approval for all construction projects:

a) <u>At all construction sites where access to grid power is available, grid power electricity shall be used. If grid power is not available, then propane or natural gas generators may be used, as feasible. Only if propane or natural gas generators prove infeasible shall portable diesel engines be allowed.</u>

The City believes that there may be instances where propane or natural gas generators may not be a feasible option when electrical grid power is unavailable, and would allow diesel generators only as a

last resort. Staff also believes that this updated condition of approval is more fully consistent with current BAAQMD guidance (BAAQMD CEQA Guidelines, May 2012) and with its incorporation into the City's SCAs represents all feasible mitigation available to reduce the significant impact and to protect the health of area residents. As a result, staff will make this change applicable City-wide by updating Supplemental SCA A.

Furthermore, most of the larger potential development Opportunity Sites pursuant to the West Oakland Specific Plan (e.g., the BART Station TOD site, the Roadway Site near Raimondi Park, and each of the larger sites designated for High Intensity Business uses) are large enough or would include development of a scale that would require implementation of Enhanced measures pursuant to the current City SCA. These additional Enhanced measures would be capable of further reducing the emission of toxic air contaminants to achieve health risk thresholds during construction at these larger sites.

Master Response #4-3: Reductions in TAC Exposure of New Sensitive Receptors

Draft EIR Findings

The DEIR concludes that future development projects in accordance with the West Oakland Specific Plan could result in new sensitive receptors being exposed to toxic air contaminants (TACs) or concentrations of PM2.5 that could result in increased cancer risk or other health hazards. Future development of new residential projects (or other sensitive uses) that may ultimately be proposed on sites identified as being susceptible to health risks will be required to implement all City of Oakland Standard Conditions of Approval, including Supplemental SCA B. Compliance with Supplemental SCA B would reduce each site's exposure to diesel PM through the installation of air filtration systems (with 85 percent filtration efficiency) or other equivalent measures to reduce indoor exposure to diesel PM to acceptable levels. Impacts related to diesel PM-borne TACs would be less than significant, since SCA policies are sufficient to reduce the risk to acceptable levels. However, for TACs originating from gaseous sources, implementation of Supplemental SCA B cannot with certainty reduce risks to an acceptable level. While the site planning and filtration methods can capture/screen out airborne particulate matter, these methods do not reduce risks from gaseous TACs. There are no known feasible technologies or site planning considerations that have been shown to reduce risks of gaseous TACs. Therefore, impacts related to gaseous TACs would be **significant and unavoidable**, since SCA requirements are not sufficient to reduce the risk to acceptable levels.

Comments and Recommendations

Comments suggest that Supplemental SCA B is not sufficiently precautionary because it assumes that the included list of health risk reduction measures are sufficient to mitigate health risks, and that implementation of these measures provide assurance that appropriate mitigations are developed in response to the individual severity of risk at any particular site. Comments also suggest that the pre-determined list of health risk reduction measures included in Supplemental SCA B preclude the use of more effective mitigations that may become readily available, such as upgrading or replacing stationary diesel sources with best available control technology.

Specific recommendations offered both in response to the NOP and as comments on the Draft EIR include:

- **Buffer Zones**: Future development intended for occupancy by sensitive receptors should be located approximately 1,000 feet from the edge of the I-880 freeway, and approximately 200 feet from I-580 within the West Oakland Planning Area.

- **Delayed Development Implementation**: Consider Plan implementation phasing that delays occupancy of units with highest health risk exposure, so that source emission regulations and vehicle fleet turnover that will result in lower emissions may take greater effect and thereby lower exposure levels.
- **Other Best Management Practices**: In addition to the City's Standard Conditions of Approval (i.e., Supplemental SCA B) consider requiring future individual discretionary development projects on those sites which would place new sensitive receptors in areas subject to cancer risks and exposure to PM2.5 concentrations to incorporate additional best management practices for air quality.

City Response to the Recommended Measures

The measures included in Supplemental SCA B include measures known by the City to be protective of human health, as compiled from numerous sources including the CARB and BAAQMD, as well as individual mitigation measures that have been recommended based on prior health risk assessments conducted on prior projects. As a standard practice, the City updates its Standard Conditions of Approval as new information becomes available and will continue to update the mitigation strategies included in Supplemental SCA B as new or better ideas and technologies develop. The City continues to believe that compliance with Supplemental SCA B will reduce exposure to diesel PM (particularly through the installation of required air filtration systems) to acceptable levels on a City-wide basis.

However, as reported in the Draft EIR, the California Air Resources Board's "*West Oakland Health Risk Assessment"* includes findings that ambient diesel PM concentrations in West Oakland are estimated to be nearly three times the background concentrations averaged over the entire Bay Area. Other reports indicate that the air inside of homes in West Oakland has black soot at nearly 5 times the concentration levels of other Oakland homes, that West Oakland residents are 5 times more likely to be hospitalized for asthma and children in West Oakland are 7 times more likely to be hospitalized for asthma as compared to the average California resident, and that heavy-duty trucks on the roadways within West Oakland and on the freeways surrounding West Oakland are the largest contributors of diesel PM. Under the BAAQMD's Community Air Risk Evaluation (CARE) program, West Oakland has been identified as an area with high TAC emissions and sensitive populations affected by these emissions.

A recent UC Berkeley study has found that once the emission control programs for trucks entering the Port of Oakland took effect in early 2010, black smoke emissions from diesel trucks have been reduced by about half, and nitrogen oxide (NOx) emissions have dropped by 40%. A Port of Oakland 2012 Emissions Inventory shows that emissions from ocean-going vessels has been reduced by 72%, emissions from cargo-handling equipment has been reduced by 63%, emissions from harbor craft has been reduced by 30%, emissions from locomotives has been reduced by 77%, and emissions from trucks has been reduced by 88%, for an overall reduction in Port emission from 2005 to 2012 of 70%. The direct improvements to the health of West Oakland's residents have yet to be modeled, but the CARB expects reduction in diesel PM emissions and commensurate reductions in resulting average health risk of between 75% and 80% by year 2020. Despite these seemingly encouraging results, the current health risk to West Oakland residents from diesel PM emissions remains high. Continued efforts to monitor and better address toxic air contaminants of all types, but in particular diesel PM, remains crucial for the health of existing and future West Oakland residents.

Given the existing air quality conditions in West Oakland, City staff is supportive of requiring implementation of additional best management practices for new sensitive receptors in West Oakland that are proposed within 1,000' of known sources of air pollution as identified in Supplemental SCA B (e.g., freeways, rail lines, major distribution centers, major rail or truck yards, the Port of Oakland and stationary pollutant source requiring a permit from BAAQMD). Staff recommends the following

additional mitigation measure for all new sensitive receptors within the West Oakland Planning Area that meet these siting criteria, at least until such time as evidence demonstrates that air quality conditions in West Oakland have improved to levels commensurate with other areas within the City:

Mitigation Measure Air-10: In addition to the City's Standard Conditions of Approval (Supplemental SCA B and C), require future discretionary development projects that would place new sensitive receptors in areas subject to cancer risks and exposure to diesel PM concentrations that exceed applicable thresholds to incorporate the following additional (i.e., in addition to the SCAs) best management practices (BMPs) for air quality:

a) Air filtration units shall be installed to achieve BAAQMD effectiveness performance standards in removing PM2.5 from indoor air. The system effectiveness requirement shall be determined during final design when the exact level of exposure is known, based on proximity to emission sources. According to recent BAAQMD recommendations, air filtration systems rated MERV 16 or higher protect sensitive receptors from toxic air containments and PM2.5 concentrations while inside a building. This measure is effective for reducing exposure from TACs and PM2.5 emissions from diesel engines, highways and roadways.

b) When locating sensitive receptors near at-grade highways, to the extent feasible, encourage uses that serve sensitive receptors to locate on the upper floors of buildings. PM2.5 concentrations generally decrease with elevation.

c) Where appropriate, install passive electrostatic filtering systems, especially those with low air velocities (i.e., 1 mph).

This mitigation measure was included as an additional recommendation in the Draft EIR to further reduce the exposure of new sensitive receptors in West Oakland to toxic air contaminants, and is now carried forward as a staff recommendation for the Project. With inclusion of this additional measure, all feasible mitigation measures to reduce significant impacts have been incorporated.

As indicated in the Draft EIR, implementation of a 1,000-foot buffer prohibiting new sensitive land uses is infeasible, as it is inconsistent with the basic objectives of the Specific Plan to provide additional housing along the 7th Street corridor and near the BART Station in order to generate additional vitality and foot traffic, ridership for transit, and social and business activity. Staff also believes that implementation of phasing that delays new development until such time that vehicle fleet turnover will result in lower emissions is uncertain, may not effectively reduce impacts, and would preclude near-term development of the West Oakland BART Station TOD and other residential development sites pursuant to the Specific Plan and introduce substantial uncertainty into the development process. With implementation of all City of Oakland SCAs, the risk of exposure to toxic air contaminants will be reduced to less than significant levels and the new Mitigation Measure Air-10 (above) will even further reduce exposure in sensitive locations.

5

Written Comments on the DEIR and Responses to those Comments

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

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

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

Comment "1"

ALAMEDA COUNTY HEALTH CARE SERVICES AGENCY
PUBLIC HEALTH DEPARTMENT

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

1000 Broadway, 5th Floor
Oakland, CA 94607

(510) 267-8000
(510) 276-3223

March 17, 2014

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

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

Dear Ms. Jonsson:

I am writing to share my comments on behalf of the Alameda County Public Health Department (ACPHD) regarding addressing the public health and environmental impacts of the West Oakland Specific Plan Draft Environmental Impact Report (DEIR). As the Director and Health Officer for the agency responsible for monitoring and advising on the development of policies and practices that protect and promote health and well-being, particularly for areas of Alameda County with the worst documented health outcomes related to air quality, I recommend adopting measures to further reduce the potential negative public health impacts of the West Oakland Specific Plan (Plan) by including the development of a healthy development checklist tool as a mitigation measure in the DEIR, strengthening the construction control measures for all projects and requiring both a health risk analysis and all appropriate risk reduction measures that is not limited to the list in the DEIR. Having strong air quality protections and mitigations is necessary to protect those areas and community health. 1-1

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

[1] Alameda County Public Health Department, Community Assessment, Planning, Education and Evaluation with data from Office of Statewide Health Planning and Development (OSHPD) Emergency Department (ED) and Patient Discharge Data (PDD) 2009-11.
[2] Alameda County Public Health Department. 2008. Life and Death from Unnatural Causes. Available at: http://www.acphd.org/media/53628/unnatcs2008.pdf

Comment "1"

Given that the Plan Area already has high health risks, the DEIR should exhaust all opportunities to mitigate impacts of air pollution. The DEIR finds that the Plan has Significant and Unavoidable Impacts due to allowing for increased residential density near stationary sources, the 880 freeway, and the Port and Oakland Army Base development, areas with existing significant sources of air pollution and that there is a high potential for multiple new sources to exacerbate air quality and odors in after applying the Standard Conditions of Approvals, policies and mitigations. These impacts include: odor impacts, construction emissions; new traffic and area source emissions; new industry, manufacturing and diesel generators raising cancer risks and chronic hazards; exposure of new sensitive receptors to existing substantial health risks from toxic air contaminants (TACs) or PM 2.5 from sources of diesel particulate matter and gaseous emissions and project-level greenhouse gas emissions (See Impacts Air-3, 5, 7, 9 , 10 and Cumulative Impacts and Impact GHG-3). Taking into account that these impacts will further exacerbate existing health conditions in West Oakland, the DEIR should and can include stronger mitigations to prevent further community health deterioration. 1-3

To give a level of certainty to the project developer of the health and environmental protection goals at the project level, as well as give Planners a framework for issues around health impacts, I recommend including the development of a healthy development checklist tool that is incorporated into the front end of the project application process as a mitigation in the DEIR. Institutionalizing a review of projects for health impacts allows Planners to ensure that proposed projects are aligned with the Plan's policy goals and vision and an provides an opportunity to develop mitigations that address the impacts as projects are reviewed, rather than a one-size fits all set of Conditions. To develop this tool, I strongly recommend working in collaboration with agencies and community stakeholders. Protection of community health should be considered at an early stage in the development process. It is my understanding that the Standard Conditions of Approval are a tool that is incorporated in the project development process after project design and prior to approval of construction-related permits. Having the Conditions at the tail end of the process can lead to upsets or non-compliance due to unanticipated project design elements and costs for the project developer. 1-4

Because the Plan proposes land uses that may pose continued or new potential conflicts, such as exposure of new and existing sensitive receptors, to diesel particulate matter, I recommend combining the lists of Basic and Enhanced construction measures and requiring both lists for all development projects within the Plan Area. To be more health-protective, the existing DEIR Standard Conditions of Approvals (SCA) and mitigations should be made more stringent. Construction for projects should comply with both lists for Standard Conditions of Approval for construction (SCA – A) the Basic and Enhanced Construction-related air pollution controls. The threshold for using the Enhanced list seems too high considering the existing health disparities in West Oakland. 1-5

With regard to the risk reduction measures in the Standard Conditions of Approvals Exposure to Air Pollution (Toxic Air Contaminants) (SCA – B), I recommend that all projects be required to conduct a health risk analysis and incorporation of the risk reduction measures. As currently written, SCA – B allows project applicants to choose between conducting a health risk assessment and then incorporating risk already-defined reduction measures if the risk is high enough; or, choosing to incorporate the health risk reduction measures in lieu of conducting the health risk assessment. First, this approach is not precautionary because it assumes that the health risk reduction measures offered are alone sufficient to mitigating the health risk without providing an analysis of health risks before or after incorporating the measures. Conducting a health risk analysis is important as it gives the public and City an understanding of the relative risk of a project and assurances that appropriate mitigations are developed as a response to the severity of risk and prevents the drawbacks of having unmitigated risks later on. Second, having a pre-determined list of health risk reduction measures precludes the use of more effective mitigations that become readily available based on funding, such as upgrading or replacing stationary diesel sources with best available control technology. Last, applying siting limitations and mitigation measures only within a 1000 foot threshold from large sources situated near each other, such as rail yards and ports, seems too small of an area considering the existing disproportionate cumulative health impacts in West Oakland; a health risk analysis would help determine the actual relative risks. Given these issues raised, I recommend amending SCA-B to include both a health risk analysis and then incorporating all appropriate risk reduction measures that includes but is not limited to the list in the DEIR for all projects in the DEIR. 1-6 1-7 1-8 1-9 1-10

Comment "1"

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

Sincerely,

MD, MPH

Muntu Davis, MD, MPH
Director and Health Officer

Letter #1 Response – Alameda County Public Health Department

1-1: This comment provides a general introduction to the more detailed comments below. Please see responses to detailed comments below.

1-2: This comment describes the health implications associated with the poor air quality conditions in West Oakland, which bears a disproportionate burden of illnesses associated with air pollution. These statements are consistent with the description of Existing Setting as included in the Draft EIR, and no response is needed.

1-3: This comment suggests that, given all the health risks and the Draft EIR's findings of significant and unavoidable impacts related to air quality, the EIR should and can include stronger mitigations to prevent community health deterioration. Please see responses to suggested additional mitigation measures, below and in Master Responses to Comments 4-1 through 4-3.

1-4: This comment recommends development of a healthy development checklist tool to be incorporated into the front end of the City project application process, and recommends that this checklist tool should be a mitigation measure in the EIR. It suggests that by institutionalizing review of health impacts it will better allow planners to ensure that future projects include individualized mitigation, rather than a set of standardized SCAs that are applied to projects at the end of the review process.

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

1-5: This comment recommends combining the list of Basic and Enhanced construction measures, and requiring both lists for all development projects within the Plan Area. Please see Master Response to Comments #4-1 addressing construction period mitigation measures.

1-6: This comment recommends that all projects be required to conduct a health risk analysis and to incorporate risk reduction measures. The comment suggests that the City's SCA B currently allows project applicants to choose between conducting a health risk assessment and then incorporating pre-defined risk reduction measures; or choosing to incorporate health risk reduction measures in lieu of conducting the health risk assessment. Supplemental SCA B provides developers of new projects with the option of either conducting a health risk analysis to determine appropriate and necessary mitigation, or going directly to implementation of mitigation measures. The purpose of this option is two-fold.

- Since Supplemental SCA B applies to new sensitive land uses proposed to be located within 1,000' of known sources of air pollution and which exceed the health risk

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

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

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

The measures included in Supplemental SCA B include all feasible measures known by the City to be protective of health risks, as compiled from numerous sources including the CARB and BAAQMD, as well as individual mitigation measures that have been recommended based on prior health risk assessments conducted on prior projects. As a standard practice, the City updates its Standard Conditions of Approval as new information becomes available, and will continue to update the mitigation strategies included in Supplemental SCA B as new or better ideas and technologies develop. The City continues to believe that compliance with Supplemental SCA B will reduce exposure to diesel PM (particularly through the installation of required air filtration systems) to acceptable levels. However, given the existing air quality conditions in West Oakland, City staff is supportive of requiring implementation of additional best management practices (supplemental to those measures identified in Supplemental SCA B) for new sensitive receptors in West Oakland to further reduce health risks to new residents. See Master Response to Comments #4-3.

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

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

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

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

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

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

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

Comment "2A"

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

Hello,

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

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

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

The Air District looks forward to continued work with the City of Oakland, including on a CRRP. However, we do not agree that further study and better information on the sources and emissions of TACs is needed - we feel that this is already well documented in a number of places referenced in Section 9.3, for example the "West Oakland Health Risk Assessment" Final Report (December 2008). Perhaps this sentence can be updated to reflect that emissions are already well documented? 2A-1

Thanks again.

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

Comment "2B"

From: Alison Kirk [mailto:AKirk@baaqmd.gov]
Sent: Monday, February 24, 2014 4:33 PM
To: Jonsson, Ulla-Britt
Subject: Caleemod release

http://www.baaqmd.gov/Divisions/Planning-and-Research/CEQA-GUIDELINES.as
px

CalEEMod Release
Update: August 5, 2013

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

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

Alison Kirk, AICP
Senior Environmental Planner
Bay Area Air Quality Management District
939 Ellis Street
San Francisco, CA 94109

2B-1

Comment "2C"

BAY AREA
AIR QUALITY
MANAGEMENT
DISTRICT

March 20, 2014

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

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

Dear Ms. Jonsson:

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

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

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

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

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

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

While the Air District strongly supports the City's Standard Conditions of Approval, Air District staff also believe that there are additional mitigation measures that the City can implement to address both of these significant and unavoidable impacts. The Air District recommends that the City require that all new projects that would attract diesel truck trips, such as retail and commercial outlets, be required to meet the following conditions:

- Place loading docks as far from residences as feasible, and never within 200 feet of residences.
- If the project includes a truck fleet of any size that is registered to the project applicant, the trucks brought into the Plan area must meet CARB's highest engine tier available at the time that building permits are issued, through:
  - new clean diesel trucks,
  - lower-tier diesel engine trucks with added PM filters,
  - hybrid trucks, alternative energy trucks, or
  - another method that achieves the same emission standards as the highest engine tier available.
- New development should offset 100 percent of its TAC emissions within the Plan area through a mitigation program administered by the City.

2C-1

Impact Air-5: Construction-Period Criteria Pollutants

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

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

2C-2

- All off-road equipment and on-road equipment used for construction projects within the Plan area shall be no older than eight years at the time the building permit is issued. This requirement will ensure that these projects use the newest and cleanest equipment available.
- Portable diesel engines shall be prohibited at construction sites within the Plan area. Where access to grid power is available, grid power electricity should be used. If grid power is not available, propane and natural gas generators may be used.

Comment "2C"

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

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

Sincerely,

Jean Roggenkamp
Deputy Air Pollution Control Officer

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

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

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

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

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

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

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

Comment "3"

March 17, 2014

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

From: Richard Grow, US EPA, Region 9

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

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

The main issue we have sought to bring to this planning process has been environmental justice, particularly in the form the issue took at the inception of the environmental justice movement, which was centered around disproportionate impacts to low income and minority communities due to exposure to toxic pollutants. In this planning effort we particularly emphasized the need to address impacts due to air toxics, including those due to mobile sources and diesel pollutants. It is in this regard that we feel both the Plan and the EIR have fallen short. 3-1

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

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

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

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

Failure to consider an EJ alternative

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

> *"Alternatives. Implementation of Strategies ENV 3-5a. and b. imply the need for additional alternatives beyond those currently listed at page 8 of the Project description document. Both of these strategies describe a need to "prioritize" or "site" particular land uses with regard to minimizing community toxics exposures. It is hard to see how either of these strategies could have any meaning if they are only brought into the process after the basic land uses have already been fixed. The plan should describe, and the EIR assess, at least one scenario (or alternative) demonstrating what application of these principles in practice would look like. The DDDC "Crossroads" study referenced above provides one methodology for addressing these by way of buffers, mitigation and other approaches." (Emphasis added)*
>
> ("Comments on Draft West Oakland Specific Plan Description," email October 19, 2012, EPA to Gregory; "NOP for West Oakland Specific Plan," email EPA to Elois Thornton, November 11, 2012; and in comments on Administrative Draft WOSP, email EPA to Ed Manasse, Elois Thornton et al, November 8, 2013.)

3-3

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

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

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

3-4

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

All of this goes to the point that in order to relieve the projected significant EJ and toxics impacts, a scenario – an alternative - would need to be projected, as suggested by EPA and which, rather than a blanket across-the-board reduction in projected activities and growth, instead targeted appropriate land uses so that sensitive populations and uses were not in close proximity to highly toxic sources. Such an alternative could, at the same time, redirect activities projected for those sensitive sites to other sites in West Oakland not already overburdened by such environmental impacts, thus retaining for West Oakland other benefits related to jobs, housing and other activities addressed in the plan. Such an alternative was not considered in either the WOSP or DEIR. 3-5

Alternatives and environmental justice

The importance of consideration of alternatives has long been recognized as the "heart" of environmental review under such statutes as the National Environmental Policy Act (NEPA) and analogous state requirements such as CEQA. Consideration of alternatives also plays an important role in addressing environmental justice and avoiding discriminatory activities such as those prohibited under Title VI of the Civil Rights Act. For instance, EPA's Title VI regulations prohibit recipients of federal funding from not only intentional discrimination, but also actions that have *discriminatory effect*. Under EPA's regulations actions having such effect are prohibited "unless it is shown that they are justified and that there is no less discriminatory alternative."[1] (Emphasis added.) Among the discriminatory effects to be avoided is subjection of minority and low income communities to "disproportionately high and adverse environmental effects"[2]. As described above, the area covered by this plan has already been found to be subject to disproportionate impacts due to toxic air pollutants, yet the currently proposed plan has not considered alternative scenarios recommended to relieve these impacts. 3-6

Including EJ early in the planning process

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

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

[1] See http://www.epa.gov/civilrights/t6home.htm
[2] See Presidential Memorandum accompanying E.O. 12898, February 11, 1994. http://www.epa.gov/fedfac/documents/executive_order_12898.htm

- Goals and "land use conflicts." As noted earlier, one of several goals for the Plan was "lessening existing land-use conflicts in West Oakland and ensuring avoidance of future conflicts between residential neighborhoods and non-residential uses." On the face of it this language appears to anticipate problems related to the mix of industrial and residential activities. However, the planning process did not translate this goal into a functional working definition of "conflicts" which would include safety and health effects due to proximity to sources of toxic pollutants. 3-7

- "Equity Framework." Early in the process an "Equity Framework" was presented to WOSP stakeholders (WOSP website, presentation dated June 12, 2012.) The presentation provides a definition of "equitable development" which reads: "An approach to ensure that low income residents and communities of color participate in and benefit from…growth and development [in their communities]" (Slide 5, citing ABAG.) The remainder of the presentation frames the equity issue in terms of economic activity, jobs, housing, displacement and affordability. There is, however, no reference to housing also needing to be "safe" or "healthy." In short there is no environmental, public health or EJ equity aspect included in this supposed Equity Framework. 3-8

Mitigation measures

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

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

IMPACT AIR-9:

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

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

> *Applicants for projects that would include backup generators shall prepare and submit to the City, a Risk Reduction Plan for City review and approval. The applicant shall implement the approved plan. This Plan shall reduce cumulative localized cancer risks to the maximum feasible extent. The Risk Reduction Plan may contain, but is not limited to the following strategies:*
>
> *a) Demonstration using screening analysis or a health risk assessment that project sources, when combined with local cancer risks from cumulative sources with 1,000 feet would be less than 100 in one million.*
>
> *b) Installation of non-diesel fueled generators.*

c) Installation of diesel generators with an EPA-certified Tier 4 engine or Engines that are retrofitted with an ARB Level 3 Verified Diesel Emissions Control Strategy.

Suggestions

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

IMPACT AIR-10:

WEST OAKLAND BART STATION TOD

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

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

The description of the project notes:

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

Suggestions

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

freeway and the parking garage. If possible, we would recommend that the site plan emphasize locating commercial and parking space closest to the freeway, with residential units furthest from the freeway, and ideally, not atop a parking structure. This is particularly important given that the EIR notes that impacts from gaseous pollutants cannot be mitigated. 3-14

STANDARD CONDITIONS OF APPROVAL/BEST PRACTICES

There are several standard conditions of approval listed under Impact Air-10. One such condition includes the planting of trees and/or vegetation between receptors and pollution sources. We commend the authors for including suggested vegetation species. The measure could be further strengthened by including language that specifies that the vegetative barrier thickness should be adequate for complete coverage to avoid gaps where pollution can enter. There should be no spaces between or under trees and no gaps from dead or dying vegetation. The conditions of approval should also include a plan for maintaining vegetative barriers. These additional specifications could be added under the "best practices" section. 3-15

An additional best practice that could be included would be disclosure to potential building occupants of known or suspected health risks. 3-16

Implementation and enforceability

Finally we recommend that in order to avoid any confusion as to the application or enforceability of the EIR recommendations, all recommendations be included, either by reference or by addition of an appendix to the Plan. This should include recommendations in the plan categorized as "non CEQA." 3-17

Thank you for considering our comments.

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

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

3-1: This comment introduces the US EPA's main issue regarding environmental justice, particularly the disproportionate impacts to low income and minority communities due to exposure to toxic pollutants, indicating that US EPA feels both the Plan and the EIR have fallen short on the topic. Please see responses to more detailed and specific comments on this topic, below.

3-2: This comment acknowledges several aspects of the documents that are to be commended.

3-3: This comment suggests that concerns related to the seriousness of toxic air contaminant impacts could have been better addressed if the Draft EIR included at least one scenario (or alternative) demonstrating how to better locate future land uses to minimize community toxics exposures. As described in the Draft EIR (page 5-4), Alternative 3: Scenario with Commercial and Jobs Emphasis was developed, at least in part, to consider locating new commercial or business uses rather than residential or other more sensitive land uses in proximity to the freeways. That alternative also considers a development program for the West Oakland BART station TOD would include a mix of uses with a substantial component of commercial/institutional office space.

3-4: This comment suggests that Alternative 3: Scenario with Commercial and Jobs Emphasis does nothing to lessen the potential land use conflicts and toxic impacts identified for problematic development zones. The Specific Plan (as described in the Project Description) does proposes residential land use at several locations adjacent to the I-880 freeway which have increased cancer risk and increased health risks due to PM2.5 concentrations. These sites include development at and immediately adjacent to the West Oakland BART Station, locations along the 7th Street corridor, the Phoenix Iron Works site, the Roadway site and a site at 12th and Mandela. However, contrary to the comment above, Alternative #3 would substantially reduce the extent to which future sensitive land uses would be exposed to toxic air contaminants (including PM2.5). Alternative #3 would replace as many as 950 of the more sensitive residential units proposed under the Project at the West Oakland BART Station site with less-sensitive office-type uses. Furthermore, Alternative #3 would not result in development of new residential land uses at several locations along the 7th Street corridor, the Phoenix Iron Works site, the Roadway site and the site at 12th and Mandela. These are among the locations found to be exposed to high levels of toxic air contaminants. Alternative #3 would substantially reduce the extent to which new sensitive receptors would be exposed to toxic air contaminants as compared to the Project.

3-5: This comment suggests that an alternative should have been presented that targeted appropriate land uses so that sensitive populations and uses were not in close proximity to highly toxic sources. This comment suggests that such an alternative was not considered in either the WOSP or the Draft EIR. Please see Response 3-4 above regarding Alternative #3 of the Draft EIR.

3-6: This comment indicates that EPA prohibits recipients of federal funding from discrimination and from actions that have discriminatory effect. Among the discriminatory effects to be avoided is the subjection of minority and low income communities to disproportionately high and adverse environmental effects. The comment indicates that West Oakland has already been found to be subject to disproportionate impacts due to toxic air pollutants, and suggests that the Project has not considered alternative scenarios to relieve these impacts.

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

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

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

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

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

3-7: This comment suggests that the Project's definition of "land use conflicts to be avoided" should have included safety and health effects due to proximity to sources of toxic pollutants. This is primarily a comment on the merits of the proposed Project and is not a comment on the accuracy or adequacy of the EIR. However, air quality in West Oakland is adversely affected by existing industrial uses, three interstate freeways, the Port of Oakland, two rail yards and rail tracks, numerous trucking-based distribution centers and a host of truck-related businesses. The Specific Plan attempts to balance the health and safety effects associated with new development with acknowledgement of all of these existing known sources of pollution.

3-8: This comment suggests that there is no environmental, public health or environmental justice equity aspect included in the Specific Plan's Equity Framework. This comment pertains to the merits of the Specific Plan and is beyond the purview of the EIR and CEQA. Please see Master Response #2 in Chapter 4 of this document.

3-9: This comment suggests that the City address toxic impacts on/from new development with a checklist. This comment pertains to the merits of the Specific Plan and is beyond the purview of the EIR and CEQA. However, the City is interested and willing to work collaboratively with the US EPA, Alameda County Health Department, the BAAQMD and other interested agencies and stakeholders to consider development of a healthy development checklist tool that can enhance and supplement the City's project review process for West Oakland and perhaps elsewhere. The City is aware of many different types of checklists (i.e., WOEIP, SF Dept. of Health, etc.), that might provide a template or good starting point for this collaborative effort.

3-10: This comment requests clarification on methodologies to be used in preparing a Risk Reduction Plan pursuant to Mitigation Measure Air-9 in the Draft EIR. Based on the methodologies recommended by the BAAQMD, the screening analysis or health risk assessment required pursuant to Mitigation Measure Air-9 would include point sources and on-road emissions generated within 1,000 feet from the site. Mobile source and port activities that originate outside of the 1,000 feet radius would not be included in the analysis.

3-11: This comment suggests expanding the applicability of MM Air-9 to include sources other than just diesel generators, such as light industrial and custom manufacturing uses. Based on this and other comments, MM Air-9 would apply to applicants for future projects that would include backup generators or other sources of toxic air contaminants. See also Master Response #4-2 in Chapter 4 of this document.

3-12: This comment requests a comparative assessment between the relative health benefits associated with the use of non-diesel fueled generators versus diesel generators equipped with an EPA-certified Tier 4 engine or engines that are retrofitted with an ARB Level 3 Verified Diesel Emissions Control Strategy. Depending upon the application and future land use type being considered, there may be issues of feasibility or applicability for any best management practice selected to achieve the necessary reductions in health risk associated with toxic air emissions. Therefore, MM Air-9 includes, but is not limited to the several potential strategies listed in that measure.

3-13: This comment recommends that the EIR discuss mitigation requirements for the BART TOD parking garage, including requirements for where air intakes are located to minimize pollution from the freeway and the parking garage. A screening level analysis for the West Oakland BART Station TOD site has been conducted and presented in the Draft EIR (see page 4.2-46). This

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

3-14: This comment recommends that the site plan for the West Oakland BART Station TOD should locate commercial and parking space closest to the freeway, with residential units furthest from the freeway, and ideally, not atop a parking structure. The West Oakland BART Station TOD will be required to incorporate the health risk reduction measures of Supplemental SCA B, which includes a number of site planning considerations (i.e., locating sensitive receptors as far away from the source(s) of air pollution as feasible; locating operable windows, balconies and building air intakes as far away from pollution sources as feasible; locating sensitive uses as far from a loading as feasible; not locating sensitive receptors on the ground floor if feasible; and planting trees and/or vegetation between sensitive receptors and pollution source if feasible).

3-15: This comment recommends several additions to the City Supplemental SCA B regarding trees and vegetation. The specific recommendations from this comment have been added to the new Mitigation Measure Air-9 incorporated into this EIR. See Master Response #4-3 in Chapter 4 of this document.

3-16: This comment recommends that a disclosure be provided to potential building occupants of known or suspected health risks. Prior to August 2013, the City of Oakland's air quality SCAs required qualifying residential projects to prepare a Homeowner's Manual to be included in the CC&R's that was to also include a disclosure to buyers of any air quality analysis findings. In August of 2013, the City of Oakland refined, clarified and replaced the City's previous SCA regarding exposure to air pollution (now indicated in the Draft EIR as Supplemental SCA B) to better conform to current guidance from the Bay Area Air Quality Management District (BAAQMD) and the EIR certified for the Plan Bay Area adopted by the Association of Bay Area Governments (ABAG) and the Metropolitan Transportation Commission (MTC). The current Supplemental SCA does not include reference to a Homeowner's Manual or any disclosures of any type. City staff will reconsider this portion of the current Supplemental SCA, in particular whether any such disclosure should be required and how such disclosures (if determined appropriate) should be presented.

3-17: This final comment recommends that all recommendations of the EIR be included, either by reference or by addition of an appendix to the Plan, including those recommendations categorized as "non- CEQA." CEQA Guidelines require public agencies to adopt a reporting and monitoring program for changes to the project which it has adopted or made a condition of project approval in order to mitigate or avoid significant effects on the environment. A list of all EIR mitigation measures and SCAs will be developed for the project and incorporated into a document titled Standard Conditions of Approval and Mitigation Monitoring and Reporting Program (SCAMMRP). The SCAMMRP is required for the proposed project because this EIR identifies potentially

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

Comment "4"

ALAMEDA County Transportation Commission
1111 Broadway, Suite 800, Oakland, CA 94607 • 510.208.7400 • www.AlamedaCTC.org

March 17, 2014

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

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

Dear Ms. Jonnson,

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

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

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

Comments on Specific Plan:

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

4-1

Comment "4"

Comments on DEIR:

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

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

Sincerely,

Tess Lengyel
Deputy Director of Planning and Policy

cc: Matthew Bomberg, Assistant Transportation Planner

file: CMP/Environmental Review Opinions/2014

Response to Letter #4: Alameda County Transportation Commission

4-1: The comment requests that development of the enhanced transit route should be coordinated with AC Transit and neighboring jurisdictions, and that the route should strive for consistency with the Alameda Countywide Transit Plan and AC Transit's Major Corridor Study. This is a comment on the merits the Project, and is addressed in the Specific Plan's recommendation for development of the enhanced transit route, providing that: "To develop a fully complete and enhanced local transit service, the City of Oakland, in conjunction with AC Transit, BART, Caltrans, Emeryville and the Port of Oakland, should undertake a West Oakland Transit Needs Study . . ."

4-2: This comment suggests that there may be options other than roadway geometry changes and signal timing changes that should be explored to mitigate traffic impacts at the intersection of San Pablo Avenue and 40th Street. As noted in the Draft EIR (page 4.10-36), "To implement this measure [Mitigation Measure Trans-2 at San Pablo Avenue and 40th Street] the City shall work with the City of Emeryville to determine the feasibility of the mitigation measure and enter into an agreement to fund the necessary improvement to alleviate congestion at this location. As part of this agreement, the City of Oakland will work with the City of Emeryville to identify ways to alleviate congestion at the San Pablo Avenue and 40th Street intersection, and all reasonable measures would be considered, including the ideas suggested by the commenter.

4-3: This comment indicates that the DEIR does not examine travel time impacts on the #72 San Pablo bus route despite the fact that this is one of AC Transit's highest ridership routes and goes through the Project area. As indicated in the Draft EIR (page 4.10-48), the City of Oakland has a general threshold for transit travel time, but no numerical threshold for "substantially increased travel times." This is due to the nature of transit, wherein bus service is transitory and can change quite frequently; transit service is not part of the physical environment and can change over time in response to external factors; and because there are no well-established methodologies for characterizing the operations of transit service in relation to travel times. For bus service, there is no well-established level of service (equivalent to intersection or roadway segment LOS) for characterizing transit service in relation to travel times.

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

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

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

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

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

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

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

Comment "5"

SAN FRANCISCO BAY AREA RAPID TRANSIT DISTRICT
300 Lakeside Drive, P.O. Box 12688
Oakland, CA 94604-2688
(510) 464-6000

2014

March 17, 2014

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

RE: West Oakland Specific Plan Draft Environmental Impact Report

Dear Ms. Jonsson:

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

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

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

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

Sincerely,

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

1

www.bart.gov

5-1

5-1

Comment "5"

Chapter 3: Project Description
Page 3-37

- Overall, BART is strongly supportive of the land use changes and circulation improvements proposed in the Plan. In particular, BART supports the attention paid to area character, and emphasis of the Plan on pedestrian, bicycle and transit circulation. The Plan will help the City and BART achieve the shared vision of transit-oriented development for the 7th Street Opportunity Area. We look forward to working with the City and the community to realize this vision.

- The project description for the 7th Street Opportunity Area identifies a new BART parking garage next to the freeway that would act as a buffer for residential uses planned near the freeway. BART is supportive of consolidating surface parking in the neighborhood in order to pursue TOD, noting that the BART parking lots currently include 400 parking spaces and additional surface parking near the station is privately owned. As identified by the BART Board of Directors, some of the goals of the Transit-Oriented Development program are to:

    - Increase transit ridership and enhance quality of life at and around BART stations
    - Enhance the stability of BART's financial base
    - Reduce the access mode share of the automobile by enhancing multi-modal access

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

Page 3-40

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

4.1: Aesthetics, Shadow and Wind
Page 4.1-15

- The EIR notes that there are no changes in maximum allowed building heights proposed as part of the Specific Plan. However, the Draft Specific Plan released in January 2014 includes changes to building heights at the BART site (as shown on Figure 7.2.5, page 7-84 of the Specific Plan). Please clarify. 5-2

4.2: Air Quality
Page 4.2-30

- Please clarify existing and projected residents, as shown in Table 4.2-7. The Project Description identifies the existing opportunity areas population of 629, with a total population of up to 11,617 residents. It is also unclear why the analysis appears to consider only opportunity areas and the remaining planning area is not included. 5-3

Comment "5"

4.4: Greenhouse Gas Emissions

Page 4.4-15

- The discussion of SB 375 should reference Plan Bay Area, the SCS for the Bay Area, adopted in July 2013. 5-4

Page 4.4-36

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

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

4.8: Population, Housing and Employment

Page 4.8-6

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

4.10: Transportation

Page 4.10-2

- Figure 4.10-1 is currently missing 19th Street Station and MacArthur BART Station. These stations are closer than the West Oakland BART station for many residents of West Oakland and should be shown on the figure. 5-5

Page 4.10-6

- The EIR states that "Trains have a typical headway of 15 minutes on weekdays and 20 minutes on Saturday and Sundays." While this is accurate, the headways described would be for individual lines and the West Oakland BART Station is served by four BART lines: 5-6

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

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

Page 4.10-19

- Please note that the 2009 Regional Transportation Plan (RTP) has been updated; Plan Bay Area (adopted in July 2013) includes the region's Sustainable Communities Strategy and the 2040 Regional Transportation Plan. 5-7

Page 4.10-21

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

seems appropriate to reference Oakland's Resolution Declaring the City of Oakland's Support of Public Transit and Other Alternatives to Single-Occupant Vehicles (also known as Oakland's "Transit First Policy") in the regulatory setting. 5-8

Page 4.10-22

- Item h should allow for contribution to provision of "other last mile transit service" (i.e, the enhanced transit system outlined in the proposed Plan). 5-9

Page 4.10-24

- "Project Transportation Characteristics" appear to only address roadway modifications and traffic forecasts. Please clarify if this EIR considers the implementation of a local enhanced transit system ("the O"), as outlined in the Draft Specific Plan released in January 2014. BART is supportive of the addition of such a system, and looks forward to working with the City of Oakland in implementing such a system. To the extent possible this additional transit asset should be analyzed in this EIR in order to facilitate implementation. 5-10

Page 4.10-30

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

  BART is concerned that the performance and safety of public transit, bicycle, or pedestrian facilities is no longer being analyzed by the City of Oakland. These are essential components of the transportation network and should be treated as such. Further, we note that as a result of these changes, in the analysis of the threshold, BART is not considered at all. Please see our general comments below for additional detail. 5-11

Chapter 5: Alternatives

Page 5-61

- The comparative analysis of alternatives considers vehicle trip generation, but does not include any information on non-auto modes. BART requests that the EIR include some information on the non-auto mode-split, including projected transit ridership. 5-12

- While the *Reduced Project: Alternative 2* is identified as the environmentally superior alternative, it would not be as successful at meeting several of the basic objectives of the Project, as compared to the proposed Project and Alternative 3. BART requests that the EIR include some discussion of how well each alternative performs in relation to the identified project objectives. 5-13

  In particular, as compared to Alternative 2, the proposed Project and Alternative 3 would better: 5-14

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

Therefore BART does not support the reduced scope alternative, and urges the City to consider these objectives in making its final determination. 5-14 cont'd

General Comments

BART Analysis

The EIR omits any discussion or analysis of existing or projected BART ridership, loading, or capacity. Further, the EIR does not include information on trip generation or what share of trips are made by transit, bicycle, and walking. Thus, there is no sense of the plan's success at promoting alternative modes of transportation, or information regarding the proposed Project's contribution to BART's overall total ridership, or how additional ridership might affect BART's capacity systemwide or at the West Oakland Station specifically. As indicated in BART's comment letter on the Notice of Preparation (dated November 20, 2012), in 2009, BART prepared a plan to improve capacity for the West Oakland BART Station, which has been provided to the City of Oakland as part of the Specific Plan process. 5-15

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

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

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

We recommend that the City of Oakland and BART coordinate efforts and identify a reasonable approach to analysis of impacts to BART related to proposed growth in the City of Oakland. While BART strongly encourages TOD development and welcomes increases in ridership, these changes do have impacts to the system that need to be identified and addressed. Further, BART would like to pursue a joint effort with the City of Oakland, other transit service providers, regional agencies, and other relevant local jurisdictions in the development of a regional approach to ensure that necessary transit improvements are funded over time, consistent with the regional transit-oriented growth strategy outlined in Plan Bay Area. We look forward to working with the City of Oakland in this effort. 5-16

Safety Analysis

Pursuant to Section VIII(g) of Appendix G of the CEQA Guidelines, a potentially significant impact may occur if a project would "impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan." BART has adopted an 5-17

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

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

5-17 cont'd

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

5-18

[1] 2,087 riders in AM Peak; 2,222 riders in PM Peak.

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

5-1: This comment expresses support for the vision for new development that is outlined in the West Oakland Specific Plan.

5-2: The comment identifies an error in the Draft EIR's description of the BART site TOD building heights. The text on page 4.1-15 is incorrect and is deleted from the Draft EIR, replaced with the correct text as described on page 4.1-13 of the Draft EIR (see Chapter 7 for changes to the Draft EIR). These changes to the text do not alter or modify the analysis or conclusions of the Draft EIR which indicate that the impacts of the Specific Plan related to scenic highways would be less than significant.

5-3: The purpose of Table 4.2-7 of the Draft EIR is to compare projected growth in population directly attributed to the Project, to projected increases in vehicle miles traveled (VMT) directly attributable to the Project. As indicated in the Project Description, all new growth attributable to the Project would occur within the Opportunity Areas. The current Opportunity Area population is only 629 people, whereas the expected buildout population is projected to be 11,617 people (assuming a residential-based BART TOD) and 9,351 people (assuming a commercial/office based BART TOD). Cumulative population growth throughout the remainder of the West Oakland Planning Area is presented in Table 4.8-5 of the DEIR.

5-4: This comment suggests that the discussion of SB 375 within the GHG chapter of the EIR should reference Plan Bay Area, adopted in July 2013, requests an assessment of whether the proposed Plan is consistent with Plan Bay Area, and requests clarification as to why ABAG's Projections 2007 are used instead of Plan Bay Area projections as adopted in July 2013. This comment applies to the analyses conducted throughout the EIR.

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

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

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

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

5-5: Figure 4.10-1 is intended to show the freeways and other key roadways within the Study area. That the figure does not identify the two other BART stations in the vicinity is an oversight but does not materially impair the adequacy of the EIR analysis.

5-6: The BART train headways as described in the Draft EIR are for individual lines, whereas the West Oakland BART Station serves four BART lines with a much shorter interval between aggregate headways. Please refer to Chapter 7 for changes to the Draft EIR text.

5-7: Additional text has been added to the EIR to recognize Plan Bay Area as the most recently adopted regional land use and transportation plan, See Chapter 7 of this Final EIR.

5-8: This comment suggests that the City of Oakland's Transit First Policy should be included in the Regulatory Setting section of Chapter 4.10. Discussion of the City's Public Transit and Alternative Modes ("Transit First") resolution is included in the Land Use Chapter of the DEIR (page 4.6-33). The Transit First policy recognizes the importance of striking a balance between economic development opportunities and the mobility needs of those who travel by means other than the private automobile. The policy favors modes of travel that have the potential to provide the greatest mobility for people rather than vehicles. As analyzed in the DEIR, the Specific Plan's emphasis on transit-oriented development surrounding the West Oakland BART station, streetscape plans which include transit design and amenities, and its commitment to enhanced transit opportunities throughout West Oakland is fully consistent with the City's Transit First policy.

5-9: This comment suggests that Item h) on page 4.10-22 of the DIER should allow for contributions to provision of other last mile transit service" (i.e., the enhanced transit system outlined in the proposed Plan). Item h) as referenced in this comment refers to one item on the list of TDM strategies intended to increase pedestrian, bicycle, transit, and carpool/vanpool use as provided in the City of Oakland's Standard Conditions of Approval (SCA), which are applicable to all development projects within the City. Under this SCA, all modes of travel shall be considered, potentially including the provision of ongoing contributions to AC Transit service, but also to other area shuttle and transit services between new development projects and nearest mass transit station. This SCA would be adopted as requirements of future project, and is intended to help reduce transportation impacts. The enhanced transit system, as it may ultimately be defined, would qualify as a transit mode eligible to receive such contributions.

5-10: As indicated in the DEIR Introduction (page 1-3), the degree of specificity and analysis in the EIR corresponds to the degree of specificity in the underlying project. Although the DEIR indicates (on page 1-10) that this EIR may provide the environmental review necessary for a variety of private development projects and public improvement projects carried out in furtherance of the West

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

5-11: The City's traffic safety thresholds (Thresholds #14 to #18) specifically address safety effects of the Project on roadway users, pedestrians, bicyclists, bus riders, and crossing of at-grade railroad tracks. Furthermore, the City has established policies to support public transit and other alternatives to single-occupancy vehicles (City Council Resolution No. 73036) and to ensure that Oakland streets provide safe and convenient travel options for all users (City Council Resolution No. 84204).

5-12: This comment indicates that the comparative analysis of alternatives in Chapter 5: Alternatives of the DEIR considers vehicle trip generation, but does not include any information on non-auto modes. BART requests that the EIR include some information on the non-auto mode split, including projected transit ridership. The City does not include effects on BART service as a CEQA threshold issue due to the transitory nature of transit ridership and service in general, and because these effects are not impacts to the physical environment. Just as drivers adapt their travel behavior depending on availability of the parking supply, transit riders will adjust their travel behavior depending on the available transit service. Therefore, identification of impacts on BART service, as well as the mitigation of any such impacts, is not required.

5-13: This comment requests that the EIR include some discussion of how well each alternative performs in relation to the identified project objectives. As indicated on page 5-76 of the DIER, "When considering the merits of the Project as compared to other alternatives, the City will also weigh and assess the degree to which the Project and these alternatives also achieve the basic objectives of the Project".

5-14: In this comment, BART expresses their lack of support for the Reduced Alternative and urges the City to consider the Project objectives when making its final determination. This is not a comment on the accuracy or adequacy of the EIR, but is instead a comment on the relative merits the Project and the EIR alternatives. As indicated on page 5-76 of the Draft EIR, the Reduced Alternative is considered the environmentally superior alternative as it would avoid and/or substantially reduce impacts to the greatest extent as compared to the Project or to any of the other alternatives. However, when considering the merits of the Project as compared to other alternatives, the City will also weigh and assess the degree to which the Project and these alternatives also achieve the basic objectives of the Project.

5-15: Effects on BART service are not considered a CEQA impact due to the transitory nature of transit ridership and service in general, and because these effects are not impacts to the physical environment. Just as drivers adapt their travel behavior depending on availability of the parking supply, transit riders will adjust their travel behavior depending on the available transit service. Therefore, identification of impacts on BART service, as well as the mitigation of any such impacts, is not required.

5-16: This comment recommends that the City of Oakland and BART coordinate efforts to identify a reasonable approach to analysis of impacts to BART, and suggests a joint effort with the City of Oakland, other transit service providers, regional agencies, and other relevant local jurisdictions in the development of a regional approach to ensure that necessary transit improvements are funded over time. The City also welcomes a joint effort with BART and other transit service providers, local jurisdictions, or government agencies, as necessary in the development of a regional approach to transit impact fee assessment or other mechanisms to ensure that development projects make contributions to transit improvements commensurate with their effects on transit service. However, any such approach should be a comprehensive, logical, and fair process that assesses contributions reasonably accurately and across all development projects.

5-17: This comment requests that the City of Oakland work with BART to analyze potential impacts of the proposed Plan on emergency egress at the West Oakland station. The City appreciates any information provided by BART regarding station capacity needs for the West Oakland Station. However, increased transit ridership from new development pursuant to the Specific Plan would not alone require major improvements to station facilities such as wider platforms or additional vertical circulation. In fact, increased transit ridership is a primary goal of the Specific Plan, as it reduces greenhouse gas (GHG) emissions and is, overall, a more environmentally sustainable alternative to automobile traffic. The City also does not consider additional BART ridership generated by the Specific Plan as representing “new” ridership above BART’s latest cumulative ridership projections. However, conservatively assuming that adoption and development under the Specific Plan would generate BART ridership not fully accounted for already in BART’s cumulative projections, this increased ridership alone would not impair implementation of, or physically interfere with the Emergency Plan adopted by BART for West Oakland Station. Ridership is volatile and can be affected by any number of external factors and subject to BART’s service plans at any given moment. The need to move additional passengers generated by development under the Specific Plan out of the station in an emergency does not constitute impairment to the implementation of the station emergency plan. The Specific Plan would not physically alter the layout of the station, the station entry /exit points, or its vertical circulation systems. As a result, the Specific Plan cannot be considered to result in a hazard impact due solely to generating additional ridership.

5-18: The City welcomes an opportunity to work with BART to prepare projection of the future ridership that might result from implementation of the Specific Plan, particularly as a result of implementation of the West Oakland BART TOD. The Specific Plan itself (Existing Transit Enhance-2 on page 5-22 of the Plan) suggests working with BART to assess the need for undertaking station capacity improvements at the West Oakland BART Station to ensure public safety and to meet BART's performance standards.

Comment "6"

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

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

Transit Improvements: We greatly support the concept of "enhancing public transit and its connections to, from and through West Oakland." However, we take great issue with the main transit goal of "creating an enhanced transportation loop that interconnects West Oakland to other central BART stations in the system" (West Oakland Specific Plan 8-2). Key destinations need to be connected but doing so on the same route eliminates a strong transit network as well as causes inefficient service. This plan does not sufficiently demonstrate the need for an alternative transit connection between BART stations or explain why this should be a priority since BART already provides fast service between West Oakland and surrounding neighborhoods. We recognize that transit can be realigned and expanded to better meet the needs of the community but without a comprehensive analysis feel that it is too early to recommend an alignment and mode. 6-1

How did you arrive at the mode and alignment for the proposed O street car? 6-2

What analysis was completed to determine demand for transit in the proposed newly developed areas 6-3

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

Complete Streets Strategy: While AC Transit supports safe and convenient multimodal transportation choices for all users we believe several components of the complete streets strategy will have excessive negative impacts for transit. In particular, the road diets, bicycle infrastructure and streetscape recommendations will have negative impacts on safety and efficiency. The plan must also recognize that the trade-off of slowing transit down and reducing capacity on the street often makes AC's service inefficient, operating costs are higher and service is less attractive to passengers. 6-4

Road Diet: We have strong reservations about the road diets recommended for the corridors where transit operates including West Grand Avenue, Adeline Street and 14th Street. 6-5

Were speed audits performed to identify these corridors as problematic?

Are volumes high on these corridors?

Bicycle Facilities: AC would like to express our reservation with the planned bike lanes in the following corridors because of the possible conflicts with transit: West Grand Avenue, Adeline Street and Market Street. While we acknowledge these routes were identified in the 2007 Bicycle Master Plan we would like the city to analyze alternative alignments on lower volume parallel through streets such as Chestnut Street. We also hope to coordinate any bike network designs with the city in order to minimize bicycle and transit interactions especially around intersections because of the possible safety concerns. 6-6

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

Comment "6"

Streetscapes: We cannot support the recommendation for roundabouts on Adeline Street. Roundabouts create enormous operational problems for our fleet of buses, not only reducing the speed to inefficient operation but also making operation less safe. 6-7

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

Regarding the Transportation & Circulation Chapter:

Transit Travel Time Methodology:

Why were increases in travel time not considered suitable metrics for determining impacts? 6-8

What were the assumptions used to derive the projected project speed? 6-9

Why weren't transit enhancements (bus-only lane, managed lane, transit signal priority) considered either as required mitigations or in the specific plan? 6-10

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

Thank you

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

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

Response to Letter 6– AC Transit

6-1: This comment suggests that the Plan does not sufficiently demonstrate the need for an alternative transit connection between BART stations. Based on the comments and suggestions made principally by AC Transit during preparation of the Draft Specific Plan, the Specific Plan describes a process for development of a Transit Needs Study to consider the transit needs of West Oakland at intermediate stages of development, identify technical requirements, costs and funding sources. The Transit Needs Study is to engage a cross-section of the West Oakland community in evaluating the options, with a specific outreach program. Ultimately, the Transit Needs Study should formulate technically sound analyses and findings pertaining to transit routes, appropriate service characteristics, the level of transit capacity required , the need for capital improvements and roadway changes, the probable levels of funding required, potential funding sources, the appropriate and cost effective ways that the transit system can reflect the history and character of West Oakland, and an economic analysis of the value of improvements to bus and rail service. The results of this study would be used to assess the relative needs and merits of any enhanced transit system.

6-2: This comment pertains to the merits of the Specific Plan and the Plans' preliminary suggestions for an alignment of an enhanced transit facility, and thus is beyond the purview of the EIR and CEQA. The DEIR does not analyze any of the potential streetcar alignments; rather it presents the streetcar as a potential improvement (see DEIR, page 4.13-27). As described in the Specific Plan, the City of Oakland is investigating possible options for enhancing transit throughout West Oakland. One, but not the only option under consideration is a streetcar system.

6-3: The comment pertains to the merits of the Specific Plan and is beyond the purview of the EIR and CEQA. The DEIR does not analyze any of the potential streetcar alignments; rather it presents the streetcar as a potential improvement (see DEIR, page 4.13-27). As indicated in response to Comment 6-1 above, a subsequent Transit Needs Study would formulate technically sound analyses and findings pertaining to transit routes, appropriate service characteristics and the level of transit capacity required.

6-4: The Draft EIR assesses the potential project impacts on existing and future conditions, including traffic operations of the roadway network and on traffic safety for all users. The Project's potential conflicts with adopted City polices, plans and programs pertaining each of these issues were identified in the DEIR, and standard conditions of approval (SCAs) and mitigation measures to recommended in the DEIR to lessen or avoid potential Project impacts, where necessary. The analysis included in the EIR concludes that the Specific Plan would not directly or indirectly cause or expose roadway users (e.g., motorists, pedestrians, bus riders, bicyclists) to a permanent and substantial transportation hazard. This comment provides no data or information to the contrary. Staff believes that providing separate bike lanes on West Grand Avenue and on Adeline Street provides better separation between cyclists and buses and other heavy vehicles (all of which currently share use of these roads) than does a shared lane, and that the dedicated left turn lane in the center provides for an easier, safer turning movement at intersections.

6-5: This comment pertains to the merits of the Specific Plan and thus is beyond the purview of the EIR and CEQA. As indicated in Master Response #3, based on this comment (and others) the roundabouts and lane reductions proposed on 14th Street, 12th Street and 8th Street have been removed from the Specific Plan's recommendations, whereas the adopted Bicycled Master Plans'

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

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

6-6: An assessment was performed regarding bicycle facility routes when the Oakland Bicycle Master Plan was prepared. The bike routes on West Grand Avenue, Adeline Street and Market Street offer the most direct routes through West Oakland to Downtown and other key destinations and therefore are the preferred routes for bicyclists (and are currently being used by bicyclists regardless of their designation). In order to provide for added safety, the Bicycle Plan includes bikes lane to separate bicycles and motor vehicles, including buses.

6-7: Based on this comment (and others) the round-a-bouts proposed throughout West Oakland have been removed from the Specific Plan's recommendations.

6-8: The City's CEQA thresholds for transportation impacts do include metrics that account for total intersection average vehicle delay, an important factor in overall travel time. Additionally, the City of Oakland has a general threshold for transit travel time, but no numerical threshold defining "substantially increased travel times." This is due to the nature of transit. As discussed on page 4.10-48 of the DEIR, bus service is transitory and can change frequently; transit service can change over time in response to external factors such as budget issues, and there are no well-established methodologies for characterizing the operations of transit service in relation to travel times.

6-9: This comment questions what assumptions were used to derive the projected project speeds. As indicated in the notes to Table 4.10-13 of the DEIR, corridor travel times were calculated using intersection delay and free-flow segment speeds from Synchro 8.0.

6-10: This comment questions why transit enhancements (i.e., bus-only lane, managed lane, transit signal priority) were not considered as required transportation mitigation measures. Pursuant to SCA TRANS-1: Parking and Transportation Demand Management , individual project applicants will be required to implement an approved TDM plan that will include strategies to increase pedestrian, bicycle, transit, and carpool/vanpool use. All four modes of travel shall be considered. Potential enhancements that may be considered pursuant to this SCA include long term and short term bicycle parking; construction of and/or access to bikeways; installation of safety elements found in the Pedestrian Master Plan or pedestrian amenities; construction and development of transit stops/shelters and lighting around transit stops, and contributions to AC Transit service to the area between the development and nearest mass transit station.

Comment "7"

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

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

Flex your power!
Be energy efficient!

March 17, 2014

ALAGEN255
SCH#2012102047

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

Dear Ms. Jonsson:

West Oakland Specific Plan – Draft Environmental Impact Report

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

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

7-1

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

Sincerely,

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

c: State Clearinghouse

"Caltrans improves mobility across California"

Letter #7: California Department of Transportation (Caltrans)

7-1: This comment indicates that the DEIR (page 4.10-60) identifies that the proposed Project would increase the 95th percentile queue length of25 feet or more, and would exceed the available storage length for a number of State intersections. The comment requests an explanation as to why this impact is considered a non-CEQA impact and considered less than significant. The comment is correct in that the City of Oakland does not consider vehicle queuing to be an environmental impact, but the Draft EIR does not indicate that vehicle queuing would be less than significant. The analysis of a project's impacts on queuing at intersections within the Project Area and on surrounding streets was completed to provide additional information to aid the public and decision makers in evaluating and considering the merits of the Specific Plan. In general, the locations with queuing are consistent with the delay/LOS analysis presented in the Draft EIR. Potential queuing would be expected at intersections where a significant impact on traffic operations was identified. Typically, improvements recommended to mitigate the significant impacts and reduce delay at intersections would also reduce queue lengths.

Comment "8"

EAST BAY
MUNICIPAL UTILITY DISTRICT

March 17, 2014

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

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

Dear Ms. Jonsson:

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

GENERAL

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

8-1

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

8-2

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

8-3

375 ELEVENTH STREET . OAKLAND . CA 94607-4240 . TOLL FREE 1-866-40-EBMUD

Comment "8"

WASTEWATER

In 2011, the EBMUD Board of Directors certified the Main Wastewater Treatment Plant (MWWTP) Land Use Master Plan EIR. The Master Plan EIR analyzed a number of reasonably foreseeable projects (i.e., biodiesel production, food waste preprocessing) likely to be developed on the existing MWWTP and the adjacent 15.9-acre West End property. Given the proximity of the MWWTP and West End property to the WOSP planning area and the potential for cumulative impacts to occur, the West Oakland Specific Plan EIR should consider the reasonably foreseeable projects in its cumulative impacts analysis. Please consider the approved Master Plan and certified 2011 EIR in the assessment of cumulative impacts throughout the document, for all impact areas and include the following description under the Wastewater section: 8-4

> *EBMUD's Main Wastewater Treatment Plant (MWWTP) Land Use Master Plan (Master Plan) and Environmental Impact Report (EIR) (2011). The Master Plan serves as a high-level planning tool to guide development of the existing 48-acre MWWTP site and the adjacent 15.9-acre West End property (former U.S. Army Reserve Center) over a 30-year time horizon. More stringent regulations may require treatment process expansions at the MWWTP in the long term; however the implementation timeline for these projects is uncertain. The EIR includes a programmatic analysis of 14 projects as well as project-level analyses for a biodiesel production facility and a food waste preprocessing facility. In the near term, EBMUD is exploring opportunities to implement renewable energy projects (i.e., biodiesel production, food waste preprocessing) to support sustainability goals, while generating revenue to maintain reasonable rates for our ratepayers. The food waste project, at an initially smaller scale, is scheduled to begin operation in spring 2014 and a lease for the biodiesel production facility starts May 2014. All projects are described on pages 2-7 through 2-21 of the Draft MWWTP Master Plan EIR.* 8-5

On page 4.2-35, under *EBMUD Wastewater Treatment Plant Odors*, the abbreviation for Main Wastewater Treatment Plant is MWWTP not WWTP. This section goes back and forth between the two abbreviations. To be consistent with other sections of the Draft EIR, please use MWWTP. 8-6

On page 4.2-37, under *Resulting Level of Significance*, consideration should be given to expand zoning of industrial and business developments in the localized area adjacent to the MWWTP in lieu of mixed/residential uses to increase compatibility with existing and planned industrial uses and economic growth in the North Gateway Area. 8-7

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

Comment "8"

EBMUD has historically operated three Wet Weather Facilities to provide treatment for high wet weather flows that exceed the treatment capacity of the MWWTP. On January 14, 2009, due to Environmental Protection Agency's (EPA) and the State Water Resources Control Board's (SWRCB) reinterpretation of applicable law, the Regional Water Quality Control Board (RWQCB) issued an order prohibiting further discharges from EBMUD's Wet Weather Facilities. In addition, on July 22, 2009, a Stipulated Order for Preliminary Relief issued by EPA, SWRCB, and RWQCB became effective. This order requires EBMUD to perform work that will identify problem infiltration/inflow areas, begin to reduce infiltration/inflow through private sewer lateral improvements, and lay the groundwork for future efforts to eliminate discharges from the Wet Weather Facilities.

Currently, there is insufficient information to forecast how these changes will impact allowable wet weather flows in the individual collection system subbasins contributing to the EBMUD wastewater system, including the subbasins in the Planning Area. It is reasonable to assume that a new regional wet weather flow reduction program may be implemented in the East Bay, but the schedule for implementation of such a program has not yet been determined. In the meantime, it would be prudent for the lead agency to require the project applicant to incorporate the following measures into the proposed project: (1) replace or rehabilitate any existing sanitary sewer collection systems, including sewer lateral lines, to reduce infiltration/inflow and (2) ensure any new wastewater collection systems, including sewer lateral lines, for the project are constructed to prevent infiltration/inflow to the maximum extent feasible. Please include such provisions in the environmental documentation and other appropriate approvals for this project.

8-9

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

8-10

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

8-11

Comment "8"

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

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

8-12

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

8-13

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

8-14

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

8-15

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

8-16

LAND USE AND PLANNING

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

Opportunity Site

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

8-17

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

Land Use Overlays

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

8-17 cont'd

Proposed Zoning Changes

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

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

Sincerely,

William R. Kirkpatrick
Manager of Water Distribution Planning

WRK:KSG:sb
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Enclosures

Comment "8"

EAST BAY
MUNICIPAL UTILITY DISTRICT

November 19, 2012

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

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

Dear Ms. Ulla-Britt:

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

GENERAL

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

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

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

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Comment "8"

WATER SERVICE

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

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

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

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

In addition, the project sponsor must provide a legally sufficient, complete and specific written remedial plan establishing the methodology, planning and design of all necessary systems for the removal, treatment, and disposal of all identified contaminated soil and/or groundwater. EBMUD will not design the installation of pipelines until such time as soil and groundwater quality data and remediation plans are received and reviewed and will not install pipelines until remediation has been carried out and documentation of the effectiveness of the remediation has been received and reviewed. If no soil or groundwater

Comment "8"

quality data exists or the information supplied by the project sponsor is insufficient EBMUD may require the applicant to perform sampling and analysis to characterize the soil being excavated and groundwater that may be encountered during excavation or perform such sampling and analysis itself at the project sponsor's expense.

WASTEWATER SERVICE

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

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

Comment "8"

WATER RECYCLING

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

WATER CONSERVATION

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

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

Sincerely,

William R. Kirkpatrick
Manager of Water Distribution Planning

WRK:AMW:sb
sb12_236.doc

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

Item	Published Document				Proposed	Requested Change
	WOSP		DEIR			
	Page	Figure/Table No.	Page	Figure/Table No.		
1	1-6 2-14 5-16 7-95	Fig. 1.3 Fig. 2.1.5 Fig. 5.2.1 Fig. 7.3.1	2-3 3-7	Fig. 2-2 Fig. 3-4	EBMUD AMC Campus is included in the boundaries of Opportunity Area 1 - Mandela/West Grand.	Exclude EBMUD AMC Campus from Opportunity Area 1.
2	2-10 2-11 7-6 7-7	Fig. 2.1.4 Table Fig. 7.1.1 Table 7.1-1	3-8 3-9 4.5-7	Fig. 3.5 Table 3-1 Fig. 4.5-1	EBMUD AMC Campus is listed as Opportunity Site No. 17.	Not to list EBMUD AMC Campus as an Opportunity Site.
3	7-3 7-9 7-10 7-18 7-18 7-19 7-19	Fig. 7.0.1 Fig. 7.1.2 Fig. 7.1.3 Fig. 7.1.8 Fig. 7.1.9 Fig. 7.1.10 Fig. 7.1.11	5-22 3-33	Fig. 5.1 Fig. 3-13	EBMUD AMC Campus is shown within Subarea 1B. The documents include views, conceptual schematic development plans and future development scenario of the area.	Exclude EBMUD AMC Campus from Subarea 1B.
4	1-17 7-78 10-6	Fig. 1.5 Fig. 7.2.3 Fig. 10.1.2	3-49 4.6-26	Fig. 3.21 Fig. 4.6-4	Three Land Use Overlays, including High Intensity Business, Low Intensity Business and Business Enhancement are proposed on the EBMUD AMC Campus.	No Land Use Overlay on the EBMUD AMC Campus.
5	1-18 7-69 7-87 10-4	Fig. 1.6 Fig. 7.2.2 Fig. 7.2.6 Fig. 10.1.1	1-8 3-57 3-58 4.6-30	Table 1-1 Fig. 3-25 Table 3-7 Fig. 4.6-**	The draft Plan proposed changing the Zoning of a portion of the EBMUD AMC Campus from existing CIX-1 to CIX-1/S-19. (Site K)	No change to existing Zoning designations of the EBMUD AMC Campus.

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

8-1: This comment notes that the UWMP 2010, adopted on June 28, 2011, superseded the UMWP 2000. References to the 2000 Plan should be updated to the UWMP 2010. Comment noted. References to the UWMP as included in Chapter 4.11: Utilities have been updated. See Chapter 7 of this Final EIR.

8-2: This comment notes that the WSMP 2040 Final Plan, adopted on April24, 2012, superseded the WSMP 2040, approved on October 2009. References to the 2009 plan should be updated to the WSMP 2040 Final Plan. Comment noted. References to the WSMP as included in Chapter 4.11: Utilities have been updated. See Chapter 7 of this Final EIR.

8-3: This comment notes several spelling or abbreviation errors in the Draft EIR for the East Bay Municipal Utility District and/or EBMUD. Comment noted. References to the EBMUD as included in Chapter 4.11: Utilities have been corrected. See Chapter 7 of this Final EIR.

8-4: This comment advises that in 2011, the EBMUD Board of Directors certified the Main Wastewater Treatment Plant (MWWTP) Land Use Master Plan EIR. The Master Plan EIR analyzed a number of reasonably foreseeable projects likely to be developed on the existing MWWTP and the adjacent 15.9-acre West End property, and suggests that the West Oakland Specific Plan EIR should consider the reasonably foreseeable projects in its cumulative impacts analysis. The 2011 Main Wastewater Treatment Plant (MWWTP) Land Use Master Plan EIR was specifically referenced in the Air Quality chapter of the Draft EIR, but is also hereby added to the list of other cumulative projects in Chapter 4.0 of the Draft EIR as well. See Chapter 7 of this Final EIR.

8-5: This comment requests adding a description of EBMUD's Main Wastewater Treatment Plant (MWWTP) Land Use Master Plan (Master Plan) and Environmental Impact Report (EIR, 2011) to the Wastewater section. Comment noted. The recommended language has been added per this request. Please see Chapter 7 of this Final EIR.

8-6: This comment notes that on page 4.2-35 of the Draft EIR, the abbreviation for the Main Wastewater Treatment Plant is not used consistently. Comment noted. To be consistent with other sections of the Draft, all references have been revised to use the abbreviation: MWWTP. Please see changes to the Draft EIR in Chapter 7 of this Final EIR.

8-7: This comment suggests that consideration should be given to expand zoning of industrial and business developments in the localized area adjacent to the MWWTP in lieu of mixed/residential uses to increase compatibility with existing and planned industrial uses and economic growth in the North Gateway Area. The area of West Oakland nearest to the MWWTP is designated for additional Business Mix land uses and with new CIX zoning, as is suggested in this comment. The area further to the east (on the other side of Mandela Parkway near Hannah Street) is where mixed-residential use is indicated, and is an area already developed with such mixed uses.

8-8: This comment requests deleting portion of the EIR discussion regarding the sewer Sub-Basin Allocation System, as it contains erroneous information. Comment noted and changes to the Draft EIR made as requested. Please see Chapter 7 of this Final EIR.

8-9: This comment request incorporation of additional language in the EIR regarding wet weather sewer flows and sewer sub-basins. Comment noted and changes to the Draft EIR made as requested. Please see Chapter 7 of this Final EIR.

8-10: This comment identifies corrections to the Draft EIR pertaining to the EBMUD Sewer Interceptor System. Comment noted and corrections to the Draft EIR made as requested. Please see Chapter 7 of this Final EIR.

8-11: This comment identifies changes and corrections necessary to accurately describe EBMUD MWWTP operations during wet weather conditions. Comment noted and corrections to the Draft EIR made as requested. Please see Chapter 7 of this Final EIR.

8-12: This comment identifies changes and corrections necessary to accurately describe the EBMUD Interceptor System. Comment noted and corrections to the Draft EIR made as requested. Please see Chapter 7 of this Final EIR.

8-13: This comment identifies changes and corrections necessary to accurately describe EBMUD MWWTP capacity. Comment noted and corrections to the Draft EIR made as requested. Please see Chapter 7 of this Final EIR.

8-14: This comment identifies changes and corrections necessary to accurately describe EBMUD MWWTP operations. Comment noted and corrections to the Draft EIR made as requested. Please see Chapter 7 of this Final EIR.

8-15: This comment identifies changes and corrections necessary to accurately describe Sewer Sub-Basin Capacity. Comment noted and certain corrections to the Draft EIR specific to EBMUD have been made as requested (please see Chapter 7 of this Final EIR). However, City Public Works staff has reviewed this paragraph prior to its publication, and found that those portions of this paragraph that pertain to the City's allocation of sub-basin capacity are accurate for use in this EIR. Therefore, the discussion of the City's use of the sub-basin allocation system remains as included in the Draft EIR.

8-16: This comment recommends that supporting data such as monitored flows and rates of I/I within West Oakland's sub-basins should be required, to determine whether there is significant potential for I/I reduction. The following additional recommendation is added to the EIR (see Chapter 7 of this Final EIR) to further address impacts to the wastewater system:

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

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

ENGINEERING DIVISION

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

FAX

TO: MS. ULLA-BRITT JONSSON
PLANNER II

FROM: RICHARD SINKOFF
DIRECTOR OF ENVIRONMENTAL PROGRAMS AND PLANNING

COMPANY: CITY OF OAKLAND
STRATEGIC PLANNING DIVISION

DATE: 3/17/14

FAX NUMBER: 510-238-6538

TOTAL NO. OF PAGES INCLUDING COVER: 6

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

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

Notes/Comments:

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

530 Water Street, 2nd Floor • Jack London's Waterfront • P.O. Box 2064 • Oakland, CA 94607-2064
Telephone: 510-627-1100 • Fax: 510-763-8287 • TDD: 510-763-5703

March 17, 2014

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

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

Dear Ms. Jonsson:

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

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

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

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

Transportation & Circulation

West Grand Avenue, between Maritime Street (in the Port Area) and Northgate Avenue (at Interstate 980), is a designated truck route (OMC §10.52.070) and a major ingress/egress corridor serving Port operations. The proposed lane reduction, from six lanes to four lanes, along West Grand Avenue between Mandela Parkway and Martin Luther King Jr. Way, and the associated road capacity reduction would, according to the DEIR, result in a significant and unmitigated impact of Level of Service (LOS) F at the intersection of West Grand Avenue and Mandela Parkway/Peralta Street and increase potential conflicts between trucks and automobiles, buses, cyclists, and pedestrians along this designated truck route. What measures and/or findings are foreseen to address LOS F? 9-1

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

Opportunity Area 2 (7th Street)

Noise

The WOSP DEIR proposes Standard Conditions of Approval addressing potential noise and vibration impacts along 7th Street. The Port foresees continued use of 7th Street as a viable ingress/egress link serving Port operations and, as such, the Port recommends that, at the time of site-specific project implementation, higher noise standards inclusive of noise studies be required to address potential noise issues which could adversely affect residents and workers in the vicinity of 7th Street. 9-2

Transportation & Circulation

Potential conflicts between trucks and cyclists may be further exacerbated by the Class II bicycle facility proposed under the MBP and incorporated by reference in the WOSP on 7th Street between Interstate 880 and Interstate 980. Our understanding is the current MBP designates 8th Street as a bicycle route. Please address the opportunity to continue to rely upon 8th Street as a major east-west bicycle access route. 9-3

Opportunity Area 3 (3rd Street)

Transportation & Circulation

Adeline Street, between 8th Street and Embarcadero, is a designated truck route (OMC §10.52.070) and a major ingress/egress corridor serving Port operations. The proposed lane reduction, from four lanes to two lanes, along Adeline Street between Interstate 580 and Embarcadero, and the associated road capacity reductions may adversely impact local traffic circulation and Port operations, and increase potential conflicts between trucks and automobiles, buses, cyclists, and pedestrians especially along the Adeline Street designated truck route segment between 8th Street and Embarcadero. 9-4

Furthermore, potential conflicts between trucks and cyclists would be further exacerbated by the Class II bicycle facility proposed in the MBP and incorporated by reference in the WOSP on the Adeline Street designated truck route segment, between 8th Street and Embarcadero, and along 7th Street between Interstate 880 and Interstate 980. The WOSP should consider siting, and the DEIR should assess, bicycle facilities along non-designated truck routes or truck-prohibited streets in the vicinity of 7th Avenue. 9-5

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

Sincerely,

Richard Sinkoff
Director of Environmental Programs and Planning

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

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

Comment "9"

Wednesday, November 21, 2012

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

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

Dear Ms. Jonsson,

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

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

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

Land Use and Planning

- The Specific Plan proposes new residential and office uses adjacent to freeways, rail lines, and an active container port. In addition, the nearby former Oakland Army Base is being developed by both the City of Oakland and the Port of Oakland with a new rail yard and a trade and logistics center. The DEIR should provide an analysis of the compatibility of existing and proposed land uses, specifically the impacts of the elimination of heavy industrial and the conversion of business mix/light industrial to low intensity business mix/light industrial within Opportunity Areas 1, 2, and 3, located near key Port facility ingress/egress points (e.g., Grand Avenue, 7th Street, and Adeline Street). 9-6

Air Quality

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

Comment "9"

Hydrology and Water Quality

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

Noise

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

9-6 contd

Transportation

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

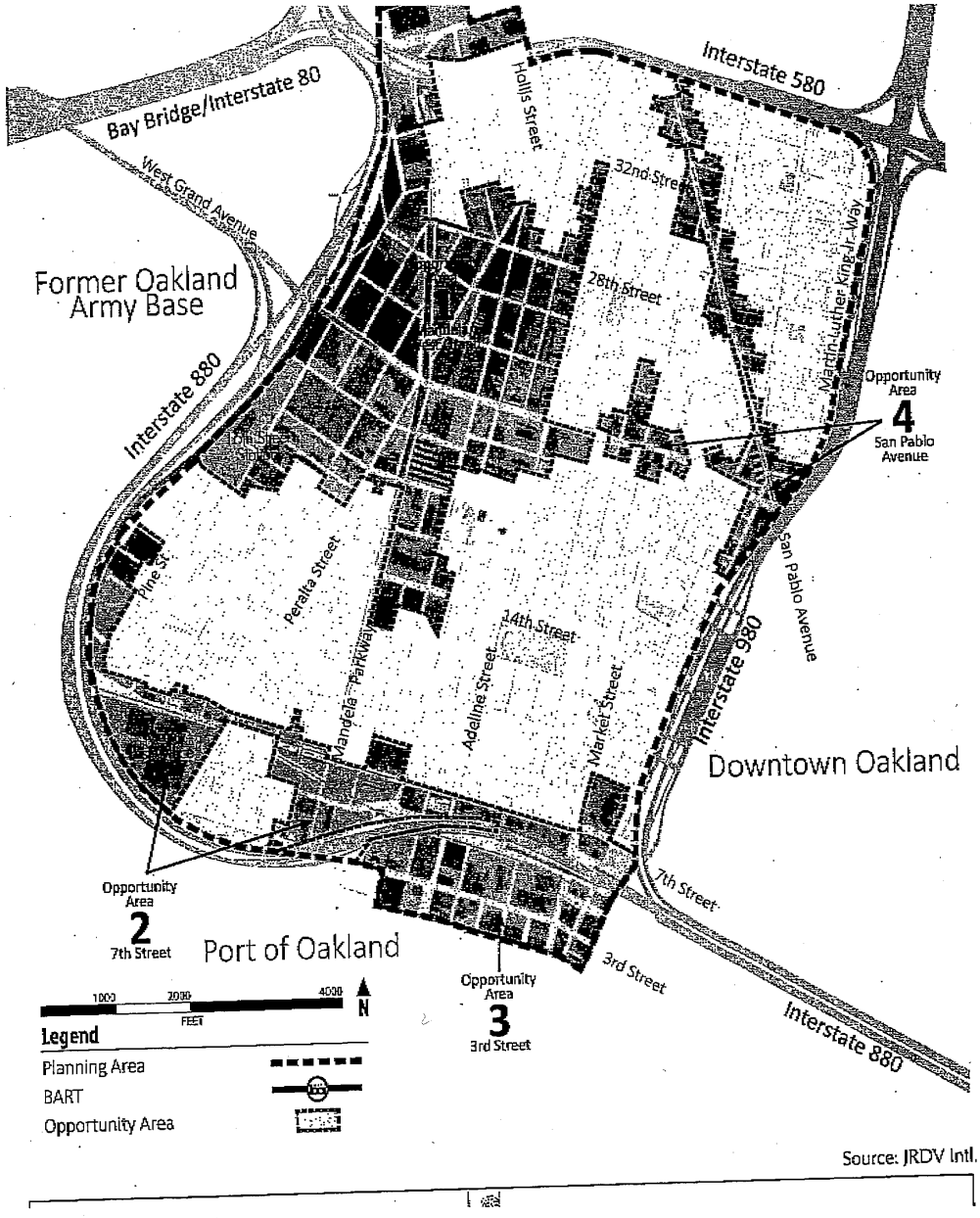
The Port appreciates the opportunity to comment on the Specific Plan's proposed scope and potential environmental impacts. We look forward to reviewing the DEIR. If you have any questions regarding these comments, please contact Mr. Jerry Jakubauskas, Port Assistant Environmental Planner, at (510)627-1297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

Sincerely,

Richard Sinkoff
Director of Environmental Programs & Planning

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

Comment "9"


Bay Bridge/Interstate 80
West Grand Avenue
Interstate 580
Hollis Street
32nd Street
28th Street
Martin Luther King Jr. Way
Former Oakland Army Base
Interstate 880
Opportunity Area 4
San Pablo Avenue
Pine St.
Peralta Street
Mandela Parkway
Adeline Street
14th Street
Market Street
San Pablo Avenue
Interstate 980
Downtown Oakland
7th Street
Opportunity Area 2
7th Street
Port of Oakland
Opportunity Area 3
3rd Street
3rd Street
Interstate 880
1000 2000 4000
FEET
N
Legend
Planning Area
BART
Opportunity Area
Source: JRDV Intl.

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

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

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

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

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

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

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

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

9-4: This comment suggests that potential conflicts between trucks and cyclists may be further exacerbated by the Class II bicycle facility on 7th Street between I-880 and I-980. The comment also indicates the Port's understanding that the current City Bicycle Master Plan designates 8th Street as a bicycle route, and requests confirmation that 8th Street can continue to be relied upon as a major east-west bicycle access route. The current Oakland Bicycle Master Plan includes planned Class 2 bike lanes on 7th Street between Wood Street and Martin Luther King Jr. Way, except for the segment between Union Street and Adeline Street where it is designated as a planned Class 3A Bike Route. 8th Street is shown as a planned Class 3B Bicycle Boulevard. The goal of the City of Oakland's Complete Street Policy is to provide safe and convenient travel options for all roadway users. By providing a separated space for bicyclists, the bike lanes on 7th Street are intended to reduce conflicts between bicyclist and motor vehicles.

9-5: This comment refers to Adeline Street, between 8th Street and Embarcadero, as a designated truck route and a major ingress/egress corridor serving Port operations, and suggests that the Specific Plan's proposed lane reductions on Adeline Street may adversely impact local traffic circulation and Port operations, and increase potential conflicts between trucks and automobiles, buses, cyclists, and pedestrians. Demand for both freight and bicycling on Adeline Street exists, regardless of the lane configuration. Staff believes that separate bike lanes on Adeline Street south of 8th Street would provide better separation between cyclists and heavy vehicles than does a shared lane. The reconfigured lane geometry also provides the benefit of a dedicated left turn lane for heavy vehicles exiting the Port on Adeline and turning onto 7th Street. Please also see Master Response #3 regarding Project Revisions for other proposed lane reductions.

9-6: This comment suggests that conflicts between trucks and cyclists would be exacerbated by the Class II bicycle facility on the Adeline Street (a designated truck route segment) between 8th Street and Embarcadero, and along 7th Street between I-880 and I-980. The comment suggests that the EIR analyze bicycle facilities along other non-designated truck routes or on truck-prohibited streets

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

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

Comment "10"

OAKLAND HERITAGE ALLIANCE

March 13, 2014 (By electronic transmission)
Project Team and City Planning Commission
250 Frank H. Ogawa Plaza
Oakland, CA 94612
Subject: Comments on EIR and West Oakland Specific Plan

Dear Staff, Consultants, and Planning Commission Members,

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

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

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

9: TENDING TO A BROADER VISION-PLAN

9.2: Equitable EconomicDevelopment

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

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

PLAN page 9-64, and in Section 4.2 "Air Quality" of the EIR
Under "Port of Oakland Planning Efforts" plan should point out that the types of materials handled by the Port could make a difference in air quality. For example, transport and loading of coal and petcoke, as recently proposed, could substantially worsen air quality, both directly in the form of dust, and indirectly in the form of imported air pollution from the west.

10-1

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Web Site: www.oaklandheritage.org

Comment "10"

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

EIR page 4.4-25: Should state historic tax credits become available, owners could use them if properties were considered eligible by the State. Address the mechanism for designations to make such credits available in West Oakland historic properties of various types. 10-2

EIR 4.3 Cultural and Historic Resources
Typo: 4.3-20, Lincoln Theater, probably should be "Damascus" in line 9. 10-3

Under Brotherhood of Sleeping Car Porters: the historic and political importance of the building may be as or more significant than the architectural importance, despite alterations to the building. 10-4

Typos: 4.4-21: third line from bottom, remove extra comma; second line from end, remove apostrophe from 1990s. 4.4-45: just for clarity, perhaps spell out "secretary of interior standards" at first paragraph line 5. 10-5

EIR 4.4-45 - Under Oakland Point API, we'd observe that in addition to appropriate scaling, the design of new infill buildings should be compatible with that of existing historic buildings in the area. 10-6

16TH STREET STATION (PLAN: 5-47)
Strengthen the planning for the Train Station's neighborhood so that it becomes the asset it should be, and supports neighborhood in return. This is a key historic landmark. While we understand that the area is already zoned and entitled, the connections between the site and the neighborhood, and crosstown transit connections, are key to the success of the area's reawakening. What is not stated clearly here is that without rehabilitating the station, surrounding development will be difficult. On the other hand, reusing it will help. (see for example: Fox Oakland Theater) Consider re-use of the old signal tower as a marker for its neighborhood. This small structure might economically be restored and reused, and serve as a beachhead in the same way that the Oakland blade sign and marquee on the Fox Oakland Theater lent hope and a visible focus for uptown's revival.

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

Plan: page 5-59
Subhead Art-Anchors-3
PLAN p. 5-59. As described, the film-industry support service businesses were evicted in spring 2013 and the city did not find them an Oakland site, nor help them to stay together as a group. How can this section have impact? The goal is worthy but without suggesting some funding mechanism and a proactive strategy for rebuilding trust in the film community, it seems unlikely to be achieved. How will these businesses have an appetite to return unless the city is planning a very aggressive and funded effort to overcome ill-will engendered by evictions? Plan is correct in saying the Oakland film office is understaffed: does it have *any* staff? We question whether this office exists at all. Perhaps insert some clearer statement of the potential

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

Subhead Art-Anchors-4
"A portion of. . . should be considered?" This is very cautious and tentative wording, quite easy for future readers to ignore. How about: "Retain and enhance a portion (define what portion!) of the 3rd St Opportunity Area. . . "

EIR Page 4.8-4
"Recent Sales Prices and Rental Rates" section is quite out of date. We question when the paragraphs on sales and rentals was written. 2009 or 2010? It is 2014 now, and to be useful the EIR must be updated before it is made final. Displacement is a very real phenomenon that could damage the much-vaunted diversity of our city , exacerbate inequity, and impoverish its cultural mix. (For example, see: http://www.eastbayexpress.com/oakland/whos-jacking-up-housing-prices-in-west-oakland/Content?oid=3726518) 10-7 10-8

EIR, Page 4.8-15 likely understates the potential for population displacement due to price pressure and speculative purchasing by outside owners. See page 9-14 of PLAN. The two documents conflict. 10-9

EIR, Page 4.8-17 alludes to "policies and programs" that limit indirect displacement, but the policies and programs are not discussed in any detail; our impression is that there is not much protection against displacement in Oakland. See PLAN page 9-16. The two documents conflict. 10-10

EIR, Page 4.8-18 discusses relocation issues for businesses. Small businesses (including art businesses) appear to be at very great risk of displacement. While new development might provide new options, that will only work where businesses can support the costs of relocation and higher rents. A more proactive approach that would encourage the retention of locally-owned businesses should be added to this chapter or should appear in the Plan. Without it, these paragraphs are just soothing verbiage. In the last paragraph, for example, the illusion is maintained that businesses might be accommodated at the Army Base; yet that has not always been the case; for example, a Customs facility now contemplates moving into the former Horizon Beverage site. While actual construction of replacement facilities, as mentioned on 4.8-19 at paragraph 2, might not be required, some effort should be made here to address the actual costs to small and medium-sized businesses of relocating and acquiring new leases. Small businesses are supposedly our main job generators. How will we protect them as national-scale investors move in, prone to mergers and acquisitions and subsequent closures? In fostering growth, we should foster capacity-building in the extant community, local job creation for current residents, and support for those who have taken risks to operate in the area during economically difficult times. Perhaps more clearly address a nexus between historic preservation and small business occupation of historic buildings; list potential resources that could be available. 10-11 10-12

SPECIFIC PLAN SHOWS BART SOUND PROTECTION
We would hope that the BART planners and administrators would address funding mechanisms, plans, and design features for sound baffling or enclosures. Plans for 7th Street and for development on BART's own lots appear to hinge on making it a more pleasant place to be. We also note that there is no discussion we could find of reducing noise impacts from 880. Has anyone discussed with CalTrans the possibility of soundwalls or baffling with vegetation where feasible? 10-13 10-14

Comment "10"

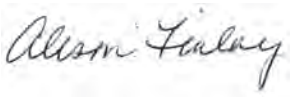
FUTURE PLANNING and APPROVAL STEPS
Overall, we found that the description of potential development and uses right around the West Oakland BART station seemed relatively vague and unformulated, such that it is very difficult to comment on it. We earlier expressed concern about the relationship of the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

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

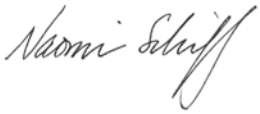
Community engagement is as important to the success of this ambitious plan as are regulatory formalities. In yoking the EIR to the plan, where the plan is still mutable, it becomes difficult to account for all the variables. The city should work to improve its outreach, and continue to use the rich contributions of its citizens to help the plans succeed. 10-15

Again, we appreciate the opportunity to comment.

Sincerely,



President



Boardmember and member of WOSP technical advisory committee

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

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

10-1: This comments points out that the types of materials handled by the Port could make a difference in air quality, and provides the example of a recent proposal to transport and load coal and petroleum coke. The comment suggests that the EIR address this potential source of air quality problems. Although the Port received bids to construct a coal and fossil fuel export facility at the Howard Terminal site, the Port Board of Commissioners rejected those proposals based on environmental problems, public health hazards and public opposition. Had such a project gone forward, it would have had to conduct its own environmental review. Individual Port projects are beyond the purview of this EIR.

10-2: This comment suggests that state historic tax credits could be used, and requests that the EIR address the mechanism for designating properties in West Oakland. The mechanism for designating properties as eligible for historic tax credits does not pertain to the accuracy or adequacy of the EIR. However, the California legislature has not yet (as of the writing of this response) adopted the proposed California State Historic Rehabilitation Tax Credit for commercial and residential properties as authored by Assemblywoman Toni Atkins (AB1999). Criteria establishing what buildings may qualify for the credit may include standards to ensure that the rehabilitation preserves the historic and architectural character of the building, a method for calculating the value of the credit awarded, a minimum amount required to be invested in the rehabilitation, and a mechanism for administering the program.

10-3: This comment identifies a typo error on page 4.3-20 of the DEIR regarding historic resources. Please see revision in Chapter 7 of this FEIR.

10-4: This comment suggests that the Brotherhood of Sleeping Car Porters may be historically important for its political context as much or more than because of its architectural importance. Comment noted. Despite that the false-front mansard resting on tall brackets is the only original ornament remaining of the original 1890 building and its OCHS rating is a "D", the building in a nominated Landmark because it served as the Pacific Coast headquarters of the International Brotherhood of Sleeping Car Porters, from which emanated historical union and civil rights activities.

10-5: This comment identifies several minor typographical errors. Please see revision in Chapter 7 of this FEIR.

10-7: This comment suggests that new building be designed to be compatible with that of existing historic buildings in the area. As indicated on page 4.3-45 of the DEIR, ". . . and with consideration of local context as part of Design Review of subsequent individual development projects, proposed new development adjacent to the Oakland Point API would not cause a substantial adverse change in the significance of the this API or of individual historical resources." The City's design Review process is specifically intended to enable consideration of compatibility with historic resources.

10-8: This comment indicates that the home sales price and rental information presented in the DEIR (page 4.8-4) are out of date and must be updated. While it is recognized that home sales prices and rents may have changed since the time the data was collected for the Draft EIR, and will likely

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

10-9: This comment indicates that displacement is a very real phenomenon that could damage the diversity of our city, exacerbate inequity and impoverish its cultural mix. Regarding the potential displacement of existing Plan Area residents, please see Master Response to Comments #1, in Chapter 4 of this FEIR.

10-10: This comment suggests that the DEIR likely understates the potential for population displacement due to price pressure and speculative purchasing. Please see Master Response to Comments #1, in Chapter 4 of this FEIR.

10-11: This comment indicates that policies and programs that limit indirect displacement are not discussed in the DEIR in any detail. Please see Master Response to Comments #1, in Chapter 4 of this FEIR.

10-12: This comment recommends that a more proactive approach to encourage the retention of locally-owned businesses should be added to the EIR or should appear in the Plan. This comment pertains to the merits of the Specific Plan and to social and economic issues that are beyond the purview of the EIR and CEQA. Please see Master Response to Comments #2, in Chapter 4 of this FEIR.

10-14: This comment suggests more clearly addressing the nexus between historic preservation and small business occupation of historic buildings, and a list of potential resources that could be available. This is not a comment on the accuracy or adequacy of the EIR, but is instead a comment on the relative merits the Project' and its linkage between historic preservation and small business retention.

10-15: This comment suggests that BART planners and administrators should address funding mechanisms, plans, and design features for sound baffling or enclosures. The Draft EIR (page 4.8-40) specifically identifies the West Oakland Specific Plan's strategy to seek reduction in noise from BART trains through implementation of a noise baffle structure and/or a completely enclosed noise mitigation "tube" on the BART overhead structure along 7th Street. The DEIR indicates that the noise baffle/enclosed tube strategy would substantially reduce BART-related noise in the area, but recognizes that there is no currently identified source of funding for this strategy and that it is not part of any currently proposed implementation project.

10-16: This comment indicates that the DEIR contains no discussion of reducing noise impacts from I-880, and poses the potential for constructing sound walls or baffling noise with vegetation where feasible. Sound walls are constructed along substantial portions of I-880, but there are still many gaps in the sound wall system. Section of I-880 that do not provide sound walls begin at the I-880/I-580/I-80 Maze southward to approximately 17th Street, the segment between 13th Street and 11th Street, the segment between 7th Street and 3rd Street, and the segment from Center Street to Magnolia. The following recommendation (which is derived from the 2002 West Oakland Redevelopment Plan EIR) is added as a new recommendation for this EIR:

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

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

Comment "11"

Date: March 17, 2014

To: The City of Oakland Planning Commission

From: Jill Ratner
New Voices Are Rising Project
Rose Foundation for Communities and the Environment
1970 Broadway, Suite 600
Oakland, CA 94618
(510) 658-0702
jratner@rosefdn.org

Comments on West Oakland Specific Plan and Draft Environmental Impact Report

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

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

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

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

11-1

Comment "11"

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

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

1. Impacts of displacing current residents

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

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

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

What are the likely impacts on air quality and greenhouse gas emissions resulting from longer commutes, and shifts in travel mode from public transit to autos or other private vehicles, associated with probable displacement of low-income residents in West Oakland to more distant affordable communities? 11-2

What would be the mitigation effect of requiring inclusion of sufficient affordable housing in each new significant development in the Plan Area to meet the needs of current residents who are vulnerable to displacement as a condition for expedited environmental review of new development projects that seek to take advantage of the benefits of the final West Oakland Specific Plan programmatic EIR? 11-3

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

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

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

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

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

What is the impact on air quality and greenhouse gas emissions associated with low-wage workers commuting to the businesses the Specific Plan is anticipated to create or attract? 11-4

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

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

Studies have repeatedly shown that low-income residents are more likely to use transit than are more affluent residents, even when both have equal access to high quality transit service. This means that transit oriented development projects are likely to be considerably less effective in reducing vehicle miles traveled (VMT) unless they preserve and include transit-oriented affordable housing. A full analysis will answer the following question: 11-5

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

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

The DEIR identifies some great mitigations for the impacts of moving residents closer to freeways, to be implemented if feasible. We strongly urge that residents not be moved closer to freeways If the mitigations identified turn out to not be feasible. 11-6

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

The DEIR identifies significant short-term impacts on traffic and air quality associated with additional vehicles coming into the Plan Area during construction of the Project. One strategy for mitigating these impacts is to maximize employment of current local residents during construction and implementation of the project. Providing training, and requiring preferential hiring of local residents could mitigate much of this impact. A full analysis will answer the following question: 11-7

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

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

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

The urban heat island effect can have significant impacts on public health and the environment. During heat waves, the increase in daytime temperatures, coupled with much hotter nighttime temperatures, places many residents at risk of heat stroke, cardio-vascular problems, respiratory problems and other heat related illnesses. In addition, heat can accelerate the formation of ground level ozone (or smog.) This is a particular concern in the Plan Area, with its ring of freeways, where oxides of nitrogen and volatile organic compounds – the key components of smog – are abundant. 11-8

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

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

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

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

11-8 contd

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

6. Parks & Open Space

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

11-9

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

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

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

11-10

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

Comment "11"

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

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

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

11-10 contd

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

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

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

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

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

11-10 contd

Impacts on Sewerage System and Consequences of Infiltration

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

11-11

Stormwater

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

11-12

Impacts on Energy Needs

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

11-13

Impacts of Sea Level Rise on the Flood Plain Analysis

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

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

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

11-14

Comment "11"

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

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

11-1: This comment suggests that, while the Specific Plan may not directly displace current residents, implementation of the Plan will almost inevitably result in displacement of current residents unless comprehensive mitigation strategies are implemented at the same time. Please see Master Response to Comments #1 in Chapter 4 of this FEIR.

11-2: This comment requests an analysis of the likely impacts on air quality and greenhouse gas emissions resulting from longer commutes, and shifts in travel mode from public transit to autos or other private vehicles, associated with probable displacement of low-income residents in West Oakland to more distant affordable communities. Any analysis of the potential effect of residential displacement would be far too speculative to address under CEQA. Please see Master Response to Comments #1 in Chapter 4 of this FEIR.

11-3: This comment requests an assessment of the effects of requiring inclusionary affordable housing in each new development to meet the needs of current residents vulnerable to displacement, and of having this requirement as a condition for expedited environmental review of new development projects. The environmental implications of developing new housing development with an inclusionary affordable housing requirement would be the same as those effects of new housing as identified in the Draft EIR, specific to the issues related to CEQA threshold topics. However, it is assumed that the commenter is requesting information on social and/or economic effects, rather than environmental effects. Social and economic effects are beyond the purview of CEQA and therefore are not addressed in the EIR. For reference purposes, the City of Oakland commissioned a study in 2007 (referenced in the footnote) to analyze the impacts of potential inclusionary housing requirements on the feasibility of developing housing in Oakland.[2]

11-4: This comment requests an analysis of the impact on air quality and greenhouse gas emissions associated with low-wage workers commuting to businesses that the Specific Plan is anticipated to create or attract. Please see Master Response to Comments #1 in Chapter 4 of this FEIR. Any such analysis would be far too speculative to address under CEQA, but any increase in commute distance associated with displacement of West Oakland employees would increase vehicle miles travelled, with commensurate increases in vehicle exhaust, GHG emissions, and traffic congestion.

11-5: This comment questions the likely air quality impacts of replacing low-income transit-reliant residents who use transit for most trips (not just for commuting) with higher income residents who are more likely to use private vehicles for a higher proportion of their trips. Please see the Master Response to Comment #1 in Chapter 4 of this Final EIR with regard to the Specific Plan causing or facilitating the replacement of existing residents.

11-6: This comment indicates that the DEIR identifies some great mitigation for the impacts of moving residents closer to freeways, to be implemented if feasible. We strongly urge that residents not be moved closer to freeways if the mitigations identified turn out to not be feasible. The DEIR

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

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

11-7: This comment suggests that one strategy for mitigating air quality and GHG impacts associated with new construction is to maximize employment of current local residents during construction and by providing training and required preferential hiring of local residents. The air quality and GHG analysis included in the DEIR does account for construction worker commute to new construction sites, and a shorter commute would reduce air quality and GHG emission associated with such commutes.

11-8: This comment indicates that the DEIR fails to adequately analyze and propose mitigations for the likely increased urban heat island effect and the impact the Project may have on local temperatures, and in particular the DEIR's failure to analyze the mitigation value of increasing green space and parks. Under City of Oakland CEQA thresholds, increased temperatures and heat island effects are not criteria of analysis for consideration in an EIR, and are not studied in this EIR.

11-9: This comment points out that the Specific Plan provides for significant additional residential and commercial development, but does not set aside any lands to develop comparable amounts of new park lands or green spaces, and suggests that the Specific Plan would cause West Oakland to be further out of balance with the City of Oakland's OSCAR goals for parks and recreation space per capita. The Draft EIR (page 4.9-19) discloses that new residents and workers resulting from the Specific Plan would generate a need for additional parkland and recreational facilities. Using the City's adopted standard of 4 acres of active, local-serving parkland per 1,000 persons, this growth and development would generate an increased demand for approximately 44.5 acres of new parkland. The additional demand for parkland would add to the existing deficiency of parkland acreage in West Oakland, which would continue to fall short of the General Plan parkland acreage goal. The additional demand would also increase the use of existing parks or other recreational facilities. New park and recreational space required as part of new development projects and on-site useable open space or recreational facilities in new residential developments may offset some of this demand, as would other parkland, recreational facilities and recreational trail links that are proposed within and adjacent to the Planning Area. However, even with the shortfall against City parkland acreage goals, the Specific Plan would not be expected to increase the use of existing parks and recreational facilities such that substantial physical deterioration of such facilities may occur or be accelerated. Therefore, the parks and recreation impacts of the Specific Plan would be less than significant.

11-10: This comment suggests that, given changed conditions and combined with the need to preserve freshwater flows to protect healthy upstream watersheds, it is necessary to mitigate the impact of increased water demand generated under the Specific Plan to a greater degree than is currently contemplated. It also suggests that cumulative water supply impacts will be significant even if the impacts of the Specific Plan are not individually significant, particularly given the severity of the current drought, and urges consideration of additional mitigation measures to minimize additional water demand.

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

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

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

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

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

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

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

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

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

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

Comment "12"

West Oakland Environmental Indicators Project

Comments on Draft West Oakland Specific Plan Environmental Impact Report

This draft Environmental Impact Report relies too much on speculation and too little on specific mitigation. It attempts to set the WOSP outside of its own impacts on the greater community. From the first meetings of the Community and Technical Advisory Groups this has been the consistent complaint of the advisory members. The WOSP will be the most powerful gentrifying force in the history of West Oakland, and yet this EIR demands little specific mitigation for the economic inequity that is will generate out side the plan "opportunity sites." Much mitigation could be implemented that the EIR fails to require. For example, all new development in the plan area should be required to participate in the Oakland Local Hire policy now being applied to the Oakland Army Base development. Also, portions of expanding business tax revenues should contribute to a local business development area fund that would provide grants and low-interest capital to support the development of local entrepreneurship. New investment should contribute to a local infrastructure development fund that would support upgrades to the failing public works that tie the plan opportunity sites together. 12-1 12-2 12-3 12-4 12-5

The WOSP will help induce significant widening in the equity gap in West Oakland unless planners and policy-makers acknowledge the off-site impacts that will occur and build in mitigation to offset those impacts. Developments that choose not to participate in such local programs should not receive the benefits of this plan-wide EIR. 12-6

Referenced from Draft EIR

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

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

Comment

1. The plan must articulate specific adaptation strategies to mitigate the effects sea level rise are projected to have on the West Oakland community. The EIR merely describes what the effects of sea level rises will be and even states that much of the new development planned for West Oakland will be occurring in areas that are projected to be affected by rising sea levels. 12-7

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Comment "20"

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Referenced from Draft EIR

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

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

4.8-11 ***Growth Inducement***

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

Comment

1. Please specify the exact planning strategies for mitigating the adverse effects from induced growth created by the WOSP that are included in the documents referenced in section *4.8-14 (e.g* 2007-2014 Housing Element, General Plan). 12-8
    a. Since planning documents like the 2007-2014 Housing Element and the General Plan were developed before the WOSP and the scoping of the West Oakland Opportunity Areas, are they relevant to the new proposed planning strategies? 12-9

2. Please explain the assumption that "nearly all of the growth facilitated by the Specific Plan would occur in the four Opportunity Areas, which contain numerous vacant and underutilized properties, and older facilities that no longer meet current standards and market conditions, and thus have the most potential for change." (p. 4.8-11). 12-10
    a. Does the referenced ABAG report specify that most new unit development will occur in the West Oakland Specific Plan Opportunity Areas?
    b. What percentage of growth did ABAG specify would occur in the WOSP Opportunity Areas? 12-11
    c. If ABAG did not specify that most growth would occur in the West

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

d. What institutional controls (e.g. city codes) are in place to manage the WOSP induced development outside of the Opportunity Areas? 12-12

e. What mechanisms are in place to ensure the community has a voice in influencing the WOSP induced development inside and outside of the opportunity areas?

Referenced from Draft EIR

4.8-15 ***Displacement of Housing or People***

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

4.8-15 *The Opportunity Areas contain some housing areas built without required permits and which may not conform to current zoning and/or building codes. These include certain residential conversion of formerly underutilized industrial spaces. The precise number of such informal housing units is not known. Redevelopment of the Opportunity Sites and within the Opportunity Areas could result in the demolition and loss of some of these existing informal units and the associated displacement of people.*

Comment

1. Given that a precise number of informal housing units are not known, how can the report suggest that displacement resulting from their loss would be less than significant? 12-13
    a. An assessment on the number of informal housing units should be conducted to better understand whether their loss due to the WOSP would actually be less than significant.

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2. The EIR states that displacement that is projected from the loss of informal units is to be mitigated by with the construction of new local units. Will the people that are displaced from their informal units have priority to these newly constructed units and will they be offered at a price commensurate with their former units?
    a. Individuals and families that are displaced should have priority to accessing the units to be developed and they should be offered at a price commensurate with their previous dwelling. 12-14

3. Many of the referenced informal residential units house live-work artist spaces that contribute to Oakland's thriving artistic scene. The City has recognized the artist community residing in West Oakland as a significant cultural asset. 12-15
    a. Within the opportunity areas, will there be zoning that allows for affordable live work spaces that supports Oakland's thriving artist community? 12-16

Referenced from Draft EIR

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

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

Comment

"Cumulative" means aggregate and so no element of the whole can be viewed independently. The WOSP cannot be set outside the aggregate impact of all planned or anticipated local development. The fact that all other EIR analysis defines the fractional impact of those separate projects does not remove the need for the WOSP to quantify its 12-17

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impacts in the context of the whole.

1. Please specify what the exact cumulative impact will be from implementing WOSP in addition to other existing planning documents?

2. If the projected displacement of people and housing has not been specified, then how can future displacement be said to be less than significant? 12-18

3. What will be the impacts on family and individual displacement due to rising rents, property values, housing availability, etc. induced by WOSP? 12-19
    a. Are there institutional policies in place to protect residents from economic displacement?
    b. Are there affordability requirements for new developments that will occur inside and outside of the West Oakland Specific Plan Opportunity Areas?

4. Given the current rise in displacement trends, mitigation mechanisms need to go above and beyond current state laws (California Relocation Assistance Law.) and municipal code for assisting people that will be forced out of their dwellings from the changing neighborhood economic climate induced by the West Oakland Specific Plan. 12-20
    a. Local commercial businesses need to also receive adequate institution protection from displacement due to changing neighborhood economic climate.

Referenced from Draft EIR

4.9-17 ***Schools***

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

Comment

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

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

12-22

Referenced from Draft EIR

4.8-17 ***Temporary and Permanent Employment***

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

Comment

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

12-23

Referenced from Draft EIR

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

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

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

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

Comment

1. Will the Large Format Retail Overlay be applied to all of the CIX-1 zoning in West Oakland? 12-24

2. The Large Format Retail Overlay does not go far enough in restricting freight/truck activities occurring in West Oakland. The WOSP needs to take a cumulative impact perspective when zoning areas throughout West Oakland. The community has multiple sources of pollution exposure. These exposures need to be reduced to create a healthy and livable community by restricting trucking activities throughout the entire neighborhood. 12-25

3. What are the mechanisms for drawing down the total number of Conditional Use Permits (CUP) once they have been issued? The total number of CUPs that allow trucking activities should decline over time so West Oakland becomes a more livable and commercially viable neighborhood. 12-26
   a. Are CUPs time-bound and if so, can they be renewed?

Referenced from Draft EIR

4.6-27 ***Residential Changes***

Conversion of a total of approximately 16 acres of business/industrial lands to residential use results in development of a total of 430new housing units;

Comment

1. When will the conversion of 16 acres of business/industrial lands to residential use take place? 12-27

2. What will the business/industrial areas that will be turned into residential uses be

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zoned as in the future?

3. What are the environmental cleanup standards for decommissioned industrial lands that will be turned into residential use?

4. What assistance will be provided to mitigate past environmental contaminations at industrial lands that have been rezoned for residential use?

5. Will historical industrial polluters be held financially and criminally liable for onsite contamination?

6. Who will the burden of proof fall on to show that brown fields are safe for residential development?

12-28 contd

Referenced from Draft EIR

4.11-3 ***Utilities***

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

4.11-8 *Sewer system maps for the Planning Area obtained from the City of Oakland (see* ***Figure 4.11-3****) indicate that the sewer pipes are in poor condition. Many laterals are shown as "plugged" or "abandoned", while for others there is no available data (diameter, flow direction, material, etc.).*

4.11-24 *Recommendation Util-1a: As the area improves, underground storm drain lines should be added to several of the Opportunity Areas' street sections where such lines do not exist. Additional storm drainage structures, including conduit, would be a way to address both ponding and adequate conveyance of storm runoff (see Figure 4.11-4).*

Comment

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

12-29

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

b. The WOSP should specify the mechanisms that will direct storm water infrastructure revenue generated by development in the Opportunity Areas to West Oakland neighborhoods and not elsewhere. 12-30

2. Will new stormwater management infrastructure be required to incorporate alternative environmental management strategies (e.g. bioswales)? This requirement would align with City policy for promoting green infrastructure. 12-31

Referenced from Draft EIR

4.11-28 ***Wastewater***

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

Comment

1. Table 4.8-5 projects that there will be a nearly 100% increase in the number of households in West Oakland. On page 4.11-28 of the EIR, it states that wastewater flows will increase from an average of 1mgd to 3.9mgd (290% increase). On page 4.11-24, the EIR states that current maintenance and improvement efforts are projected to only handle a 20% increase in base flow of wastewater. There needs to be greater specification on how wastewater infrastructure will handle future and current flows. 12-32

   a. Additionally, before the West Oakland Specific Plan is approved, a secure funding source should be secured to ensure legally required infrastructure improvements are made. The report even states that I/I program funding is in doubt, causing considerable alarm about the City and EDMUD's ability to prepare for the expected influx in growth. 12-33

2. To reduce the impact on the neighborhood wastewater infrastructure, new developments and re-developments in West Oakland should be required to utilize 12-34

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high efficiency water fixtures (e.g. sinks, toilets, showers, etc.) that reduce wastewater flows. 12-34 contd

Referenced from Draft EIR

4.11-33 ***Wastewater***

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

Comment

1. Does the reference mitigation fee that is assessed on developments in sub-basins that have a greater than 20% growth rate in wastewater adequately cover the costs needed to update and maintain wastewater infrastructure? If not, mitigation strategies need to specifically state how funding will be secured for wastewater infrastructure improvements. 12-35

2. Mechanisms need to be in place to ensure mitigate fees assessed on new developments in West Oakland that exceed 20 percent increases in wastewater flows are directed to West Oakland infrastructure projects.

3. Throughout the wastewater section in the EIR's Utilities and Service System's Section, language regarding increases in wastewater fluctuates from "20% growth rate" to "20 percent increase in wastewater flows". Rates of change are different from absolute percentage increases. Please provide clarity over which statistic the EIR means to specify. 12-36

Referenced from Draft EIR

4.1-7 *Policy N1.5: Designing Commercial Development. Commercial development should be designed in a manner that is sensitive to surrounding residential uses.*

4.1-22 *Infill development on vacant land, and intensification and redevelopment of underutilized properties would repair the existing inconsistent urban fabric where such inconsistencies exist, and result in a more unified and coherent development character. The proposed*

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

Comment

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

12-37

2. Are there requirements that the aesthetics for new urban development cohere with and not **dilute** the current architectural aesthetics throughout West Oakland?

Referenced from Draft EIR

4.9-19 ***Parks and Recreation***

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

4.9-12 ***OSCAR Element principles***

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

Comment

1. Impact PSR-4 states that development from WOSP would generate need for additional parks, but also states that this need would not further deteriorate existing parklands. Please specify how this assumption was made. 12-38

2. The WOSP plan needs to identify potential areas for new parks and recreation areas considering that there is projected to be a substantial increase of new families moving to West Oakland, specifically within the outlined opportunity areas. 12-39
    a. Development in the opportunity areas should comply with these principles, especially in already recreationally underserved areas. Impact PSR-4 states that demand for parks would increase incrementally. Some areas in West Oakland already have high demand for recreation facilities and are not served by existing facilities.

3. Parklands, green spaces, etc. that are included in new developments and re-developments add great value to the community. These spaces should not be private gated recreation areas and should be required to be made accessible to the public. 12-40

4. According to projections by MTC and ABAG, the urban population is shifting towards more childless homes. Given this demographic transition, existing parks are already in contention between seniors, athletes, dog owners and children. Even greater planning is needed to facilitate peaceful coexistence between dogs and existing recreational activities. 12-41

Brian Beveridge, Co-Director

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Response to Letter #12: West Oakland Environmental Indicators Project

12-1: This comment suggest that the DEIR relies too much on speculation and too little on specific mitigation, and attempts to set the WOSP outside of its own impacts on the greater community. This is a general comment that cannot be responded to with a specific reply. The extent of new development projected in the DEIR is based on the buildout assumptions of the Specific Plan, and these buildout assumptions are generally consistent with recent ABAG projections and with the housing projections of the recent Plan Bay Area. The DEIR defines the local and regional context of the Planning Area and accounts for cumulative effects throughout.

12-2: This comment suggests that the WOSP will be the most powerful gentrifying force in the history of West Oakland, and yet the DEIR demands little specific mitigation for the economic inequity that is will generate. Please see Master Response to Comments #1: Gentrification and Displacement, in Chapter 4 of this FEIR.

12-3: This comment suggests that all new development in the plan area should be required to participate in the Oakland Local Hire policy now being applied to the Oakland Army Base development. This comment pertains to the merits of the Specific Plan and specifically to social and economic effects beyond the purview of the EIR and CEQA. Please see Master Response #2 in Chapter 4 of this FEIR.

12-4: This comment suggests that portions of expanding business tax revenues should contribute to a local business development area fund that would provide grants and low-interest capital to support the development of local entrepreneurship. This comment pertains to the merits of the Specific Plan and is beyond the purview of the EIR and CEQA. The suggestion is part of the public record and will be included in the information forwarded to City decision-makers for their consideration prior to considering approval of the proposed Project.

12-5: This comment suggests that new development should contribute to a local infrastructure development fund to support upgrades to the existing failing public works. This comment pertains to the merits of the Specific Plan and is beyond the purview of the EIR and CEQA. The suggestion is part of the public record and will be included in the information forwarded to City decision-makers for their consideration prior to considering approval of the proposed Project.

12-6: This comment suggests that the WOSP will help induce significant widening in the equity gap in West Oakland unless there is mitigation to offset those impacts. Developments that choose not to participate in such local programs should not receive the benefits of this plan-wide EIR. This comment pertains to the merits of the Specific Plan and is beyond the purview of the EIR and CEQA. The suggestion is part of the public record and will be included in the information forwarded to City decision-makers for their consideration prior to considering approval of the proposed Project.

12-7: This comment suggests that the Plan [DEIR] must articulate specific adaptation strategies to mitigate the effects that sea level rise are projected to have on the West Oakland community. As both a local and a regional issue, it must be addressed in that context. The adopted Bay Plan and Oakland's Draft Energy and Climate Action Plan specifically recognize this, and include actions to participate in the preparation of a regional climate adaption strategy.

12-8: This comment requests a planning strategy for mitigating the adverse effects from induced growth created by the WOSP. The DEIR (page 4.8-16) indicates that new development facilitated by the Specific Plan, together with other reasonably foreseeable development, would add new residents and new jobs within Oakland by 2035, and that Specific Plan's build-out projections are consistent with the ABAG projections of household and employment growth. The Specific Plan, together with other reasonably foreseeable projects, would not induce growth for which adequate planning has not occurred.

12-9: This comment questions whether the 2007-2014 Housing Element and the General Plan are relevant to the new proposed Plan, since they were developed before the WOSP. This comment pertains to the merits of the Specific Plan and is beyond the purview of the EIR and CEQA. Please see Master Response #2 in Chapter 4 of this FEIR.

12-10: This comment requests and explanation of the DEIR statement (p. 4.8-11) that; "nearly all of the growth facilitated by the Specific Plan would occur in the four Opportunity Areas, which contain numerous vacant and underutilized properties, and older facilities that no longer meet current standards and market conditions, and thus have the most potential for change." As described in the DEIR Project Description, nearly all of the growth facilitated by the Specific Plan would occur in the four Opportunity Areas, which contain numerous vacant and underutilized properties, and older facilities that no longer meet current standards and market conditions, and thus have the most potential for change. Within the four Opportunity Areas, new development is most likely to occur on Opportunity Sites. These Opportunity Sites are individual parcels or groups of parcels which are vacant, underutilized, blighted or which contain uses that conflict with nearby residential neighborhoods. The Opportunity Sites were identified as being available for development based on previous development applications or where the City has consistently sought opportunities to re-make these sites into positive contributors to the community through development outreach. Development of the Opportunity Sites is in turn expected to encourage development of other properties in the surrounding Opportunity Area.

12-11: This comment questions whether the referenced ABAG report specifies that development of most new units will occur in the West Oakland Specific Plan's Opportunity Areas, and questions what percentage of growth is specified by ABAG as occurring in the WOSP Opportunity Areas. It further suggests that if ABAG did not specify that most growth would occur in the West Oakland Specific Plan Opportunity Areas, then this information seriously undermines the growth projections of the Plan and a new study that assesses induced growth projections should be conducted. Table 4.8-5 of the DEIR presents the number of existing households and the projected number of households at build-out of the Specific Plan in 2035 as compared to ABAG household projections, and Table 4.8-6 of the DEIR presents West Oakland Specific Plan and ABAG employment projections. As shown in those tables, the Specific Plan build-out projections are consistent with the ABAG projections of household and employment growth. As indicated in the notes to Table 4.8-5, the ABAG projections for Oakland were allocated to West Oakland based upon the Alameda County Congestion Management Agency's regional traffic model traffic analysis zones (TAZs). Projections for the Planning Area are less than for the Planning Area TAZs because three of the TAZs that cover the Planning Area also extend outside the area. The approximate locations of households within these three TAZs were used to develop an "ABAG projection" for the West Oakland Planning Area.

12-12: This comment questions what institutional controls (e.g. city codes) are in place to manage the WOSP-induced development outside of the Opportunity Areas, and what mechanisms are in place

to ensure that the community has a voice in influencing the WOSP's induced development inside and outside of the Opportunity Areas. As indicated in the Draft EIR (page 4.8-13 and -14), projections for West Oakland growth that may occur outside of the Project's identified Opportunity Area includes approximately 3,22o new households and non-residential space anticipated to accommodate approximately 2,000 new jobs. Existing City of Oakland General Plan policies, Planning Code requirements and Design Review requirements will continue to provide the institutional land use controls over such new development.

12-13: This comment questions how the DEIR can suggest that displacement resulting from the loss of an unknown number of informal housing units would be less than significant? It also requests an assessment on the number of informal housing units, and further suggests that displacement of informal units should be mitigated by new development. The DEIR (page 4.8-15) indicates that the Opportunity Areas contain some housing areas built without required permits and which may not conform to current zoning and/or building codes. These include certain residential conversion of formerly underutilized industrial spaces (i.e., informal housing units). The DEIR acknowledges that redevelopment of the Opportunity Sites and within the Opportunity Areas could result in the demolition and loss of some of these existing informal units and the associated displacement of people.

12-14: This comment suggests that individuals and families that are displaced by new development should have priority to access the new units, and that the new units should be offered at a price commensurate with their previous dwelling. Comment noted. Please see the Master Response #1 regarding displacement (both direct and indirect) resulting from implementation of the Project.

12-15: This comment indicates that many of the referenced informal residential units house live-work artist spaces that contribute to Oakland's thriving artistic scene, and that the City has recognized the artist community residing in West Oakland as a significant cultural asset. The "informal residences" referenced in this comment are identified (see page 4.8-15 of the DEIR) as generally being housing built without required permits and which may not conform to current zoning and/or building codes, including certain residential conversions of formerly underutilized industrial spaces. Though certain residents themselves are recognized for many of their artistic contributions, those informal residences that are not consistent with current zoning and/or building codes are not officially recognized as legal housing units by the City.

12-16: This comment questions whether the new zoning will allow for affordable live/work spaces that support Oakland's thriving artist community. This comment pertains to the merits of the Specific Plan and specifically to social and economic effects beyond the purview of the EIR and CEQA. Please see Master Responses #1 and #2 in Chapter 4 of this FEIR.

12-17: This comment references the cumulative population analysis contained in the DEIR, and suggest that the WOSP cannot be set outside the aggregate impact of all planned or anticipated local development. The fact that all other EIR analysis defines the fractional impact of those separate projects does not remove the need for the WOSP to quantify its impacts in the context of the whole. It further request identification of the exact cumulative impact from implementing WOSP in addition to other existing planning documents.

12-18: This comment questions how future displacement can be considered less than significant if the projected cumulative displacement of people and housing has not been specified. Please refer to

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

12-19: This comment questions the impacts on family and individual displacement due to rising rents, property values, housing availability, etc. induced by WOSP. This comment pertains to the merits of the Specific Plan and specifically to social and economic effects beyond the purview of the EIR and CEQA. Please see Master Responses #1 and #2 in Chapter 4 of this FEIR.

12-20: This comment suggests that additional mitigation mechanisms need to go above and beyond current state laws (California Relocation Assistance Law.) and municipal code for assisting people that will be forced out of their dwellings from the changing neighborhood economic climate induced by the West Oakland Specific Plan. It also suggests that local commercial businesses need to receive adequate institution protection from displacement due to changing neighborhood economic climate. This comment pertains to the merits of the Specific Plan and specifically to social and economic effects beyond the purview of the EIR and CEQA. Please see Master Responses #1 and #2 in Chapter 4 of this FEIR.

12-21: This comment questions whether the WOSP would generate additional student enrollment in West Oakland neighborhoods schools. The comment requests a specification of the types of housing units that are to be developed. As indicated in the Draft EIR (page 4.9-18) the residential development anticipated under the Specific Plan would generate approximately 718 new elementary school students, 305 middle school students and 370 new high school students (a total of 1,395 students). Given the declining student enrollment in OUSD schools, the District is likely to have capacity within its existing facilities to accommodate new students generated by projects constructed pursuant to the Specific Plan. The specifics of individual types of housing development that may occur will be subject to the particular aspects of each subsequent development project.

12-22: This comment suggests that a certain percentage of new residential units should have a minimum room requirement to ensure the neighborhood remains accessible to families, and further suggests that these units need to be affordable. This comment pertains to the merits of the Specific Plan and is beyond the purview of the EIR and CEQA. The suggestions regarding minimum room requirements and housing affordability are part of the public record and will be included as part of this Final EIR in the information forwarded to City decision-makers for their consideration prior to considering approval of the proposed Project.

12-23: This comment requests that local hiring requirements for new development should be included in the EIR, and that as part of the EIR, Oakland Local Hiring Policy (adopted 2012) should be applied to the construction and commercial use of new developments. This comment pertains to the merits of the Specific Plan and specifically to social and economic effects beyond the purview of the EIR and CEQA. Section 15131(a) of the CEQA Guidelines states that; ". . . economic or social effects of a project shall not be treated as significant effects on the environment. An EIR may trace a chain of cause and effect from a proposed decision on a project, through anticipated economic or social changes resulting from the project, to physical changes caused in turn by the economic or social changes. . . The focus of the analysis shall be on the physical changes." Local hiring requirements are characterized for CEQA purposes as social or economic effects, not physical effects on the environment and are not a part of the City's CEQA considerations.

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

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

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

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

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

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

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

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

12-29: This comment questions whether roadways outside of the Opportunity Areas will receive equitable resources for improving underground storm drain lines given that storm water ponding is ubiquitous throughout all of West Oakland. This comment pertains to the merits of the Specific Plan and is beyond the purview of the EIR and CEQA. Please see Master Responses #2 in Chapter 4 of this FEIR.

12-30: This comment requests that the WOSP should specify the mechanisms that will direct storm water infrastructure revenue generated by development in the Opportunity Areas to West Oakland neighborhoods, and not elsewhere. This comment pertains to the merits of the Specific Plan and is beyond the purview of the EIR and CEQA. Please see Master Responses #2 in Chapter 4 of this FEIR. However, as noted in the Draft EIR (page 4.11-11) the City's SCA 91: Stormwater and Sewer requires confirmation of the capacity of the City's surrounding stormwater system and state of repair, and charges project applicants with the responsible to make necessary stormwater infrastructure improvements to accommodate the proposed project and to pay additional fees to improve infrastructure if required by the Sewer and Stormwater Division.

12-31: This comment questions whether new stormwater management infrastructure will be required to incorporate alternative environmental management strategies (e.g. bio-swales), aligning with City policy for promoting green infrastructure. As noted in the Draft EIR (page 4.11-23), future development projects pursuant to the Specific Plan will be required to implement SCA 80: Post-construction Stormwater Pollution Prevention Plan, which requires compliance with Provision C.3 of the Alameda Countywide Clean Water Program for regulating post-construction stormwater runoff. Provision C.3 requires preparation and approval of a Stormwater Pollution Management Plan (SMP) to limit the discharge of pollutants in stormwater after construction, during occupancy and operation of the project, to the maximum extent practicable. The SMP must identify all proposed impervious surfaces and anticipated directional flows of stormwater runoff; design

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

12-32: This comment requests greater specification on how wastewater infrastructure will handle future and current flows, particularly since the DEIR projects nearly a 100% increase in the number of households and that wastewater flows will increase from an average of 1mgd to 3.9 mgd (a 290% increase), yet current maintenance and improvement efforts are projected to only handle a 20% increase in base flow of wastewater. According to a Sanitary Sewer Evaluation Survey conducted by the City (as discussed on page 4.11-10 of the DEIR), groundwater infiltration and rainfall dependent inflow appears to contribute roughly 80% of the total peak wet weather flow within the sanitary sewer system, and only 20% of these flows consist of actual sewage. Much of the City sanitary sewer system is antiquated and constructed with vitrified clay pipe, making it susceptible to cracking and vulnerable to failure. Through the City's Inflow and Infiltration Correction Program, the amount of inflow and infiltration into the City's sewer pipes is being substantially decreased, thereby effectively substantially increasing the capacity of the collection system to accommodate new growth. Local improvements to the system are funded by a sewer service charge fund, which is a fixed fee for single family and apartment dwellings, and usage-based fees for commercial and industrial users.

12-33: This comment request a secure funding source be secured to ensure legally required infrastructure improvements are made, especially considering that the I/I Program funding is in doubt. As noted in the Draft EIR (page 4.11-11) the City's SCA 91: Stormwater and Sewer requires project applicants with the responsibility to make necessary infrastructure improvements to accommodate their proposed project, and to pay additional fees to improve infrastructure if required by the Sewer and Stormwater Division. These Standard Conditions of Approval are adopted as requirements of individual projects when they are approved by the City, and are mandatory City requirements imposed on a City-wide basis.

12-34: This comment suggests that new development and redevelopment in West Oakland should be required to utilize high efficiency water fixtures (e.g. sinks, toilets, showers, etc.) that reduce wastewater flows. The California Green Building Standards Code (CALGreen) is a statewide regulatory code for all residential, commercial, hospital, and school buildings, and includes both mandatory and voluntary components that can be adopted by local jurisdictions. CALGreen is intended to encourage more sustainable and environmentally-friendly building practices, require low-pollution emitting substances that cause harm to the environment, conserve natural resources, and promote the use of energy-efficient materials and equipment. Included within CALGreen codes are water efficiency and conservation measures. CALGreen became mandatory on January 1, 2011 for new residential and commercial construction. The City of Oakland adopted a Green Building Ordinance and Sustainable Green Building Requirements for Private Development in October 2010, integrating CALGreen's environmentally sustainable strategies into building construction and landscape standards for the City of Oakland.

12-35: This comment questions whether the mitigation fee assessed on new development in sub-basins that have a greater than 20% growth rate in wastewater adequately cover the costs needed to update and maintain wastewater infrastructure. If not, the comment suggests that mitigation strategies need to specifically state how funding will be secured for wastewater infrastructure improvements. Please see response to comment 12-33 above.

12-36: This comment indicates that language in the DEIR regarding increases in wastewater fluctuates from "20% growth rate" to "20 percent increase in wastewater flows", and requests clarification as to which statistic the EIR means to specify. As indicated on page 4.11-10, completion of the City I/I program is projected to provide sufficient capacity to accommodate a City-wide 20 percent growth rate (in wastewater flows). As indicated on page 4.11-11, in areas considered by EBMUD to be fully developed (including Oakland), a 20 percent increase (in sanitary flow) is assumed for purposes of determining the MWWTP and interceptor system's capacity. Both of these statistics apply on a City-wide basis and represent the overall growth rate (or increase) in sewer flows attributed to new development. It is understood that portions of the City will experience a much lower (or no) growth rate, whereas other portions of the City (like West Oakland) may experience a more substantial local growth rate.

12-37: This comment questions whether there are specific aesthetic requirements for new development and redevelopments to ensure there is harmony between existing notable structures. If not, the comment further suggests that there should be specific guidelines that not only ensure harmony with current neighborhood architecture, but also that new developments do not all incorporate the same aesthetic. It further questions whether there are requirements that the aesthetics for new urban development cohere with, and not dilute the current architectural aesthetics throughout West Oakland. As indicated on page 4.1-10 of the DEIR, future individual development projects within the Planning Area would be subject to the City's Design Review process, as applicable (pursuant to Chapter 17.136: Design Review Procedure). Design review considers the visible features of a project and the project's relationship to its physical surroundings. Although independent of CEQA and the EIR process, design review is focused on ensuring quality design, and on avoiding potentially adverse aesthetic effects. Projects are evaluated based on site, landscaping, height, bulk, arrangement, texture, materials, colors, appurtenances, potential shadowing effects on adjacent properties, and other characteristics.

12-38: This comment notes that the DEIR states that development from WOSP would generate the need for additional parks, but also states that this need would not further deteriorate existing parklands, and requests an explanation of how this assumption was made.

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

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

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

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

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

12-39: This comment suggests that the Plan identify potential areas for new parks and recreation areas, especially considering that there is a substantial increase of new families projected. This comment pertains to the merits of the Specific Plan and is beyond the purview of the EIR and CEQA. Please see Master Responses #2 in Chapter 4 of this FEIR.

12-40 This comment indicates that some areas in West Oakland already have high demand for recreation facilities and are not served by existing facilities. It further suggests that parklands, green spaces, etc. that are included in new development and redevelopments should add great value to the community and should be made accessible to the public. Please see response to comment 12-38, above.

12-41: This comment indicates that projections prepared by MTC and ABAG indicate that the urban population is shifting towards more childless homes, and that given this demographic shift existing parks are already in contention between seniors, athletes, dog owners and children. It further suggests that more planning is needed to facilitate peaceful coexistence between dogs and existing recreational activities. The wide variety of parks and urban open space recommended in the Plan and analyzed in the Draft EIR are intended to meet the variety of recreational needs of the West Oakland urban population. Issues related to dog parks are not addressed in either the Specific Plan or the Draft EIR, and do not present a CEQA impact relative to this Project.

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General WOSP Comments

On a basic level we want the plan and the EIR to develop a strategy the actually minimizes new impacts to the community and mitigates existing impacts. On an ideal level we want the plan to be visionary and inspirational. It is neither. 13-1

There are unclear design or planning guidelines put forth. Instead there are many "options" and not enough specificity as to what the regulations would be at each of the different scale and density. The plan provide more questions than solutions, and they provide bare minimum state or federal references, rather than doing actual neighborhood analysis. In many instances technical EIR evasion tactics are used to avoid addressing critical development issue like flooding and air quality impacts. In many different sections, single points of reference are used for defining different impacts from on or the project area including farmland, sea level rise and flooding. For example, nearly out of date FEMA maps are referenced, but are openly deemed not accurate and as out of date, if anyone calls their agency. In the Agricultural resources section, CRA data is referenced, but clear farm resources like City Slicker Farm are not identified. 13-2 13-3 13-4

If the City approves the plan and the EIR without significant, we believe the City will be exposing itself to significant liabilities, both to legal action as well as to long financial impacts for inadequately addressing basic infrastructure needs, and moreso to longer term Disaster planning and Climate Change impacts. 13-5

Developer Density Incentives

We are not opposed to increased density, and changes in land uses, but these should come with mitigation measures. The plan should concrete measures to bring new development, but have mechanisms to allow that to happen and also benefit the existing people. The plan needs to have more development density incentives. Rather than giving each developer a complete free for all, we want to see a logical series of density increases, and site specific and neighborhood improvement requirements that come with. 13-6

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

Adapt Oakland

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

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

The WOSP currently references the West Oakland Reforestation Plan, which we also reference and work with. The WORP focuses predominantly on streetscape standards and public open space greening strategies for existing land use conditions. The Adapt Oakland plan provides a environmental health and economic focused assessment of air,water,soil, and energy impacts from transportation and industrial land uses, as well as residential and commercial land uses that are exposed to these impacts. Adaptoakland provides green infrastructure design standards and mitigation measures for these impacts including near road air mitigation, sea level rise, flooding, contamination, and heat island mitigation strategies for parking lot and building surfaces. 13-7

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

Specific WOSP Comments

(reference to sections)

4.2 Air Quality

The West Oakland specific plan was funded and intended to be developed in concert with the army base plan. Neither the plan or the eir adequately addresses air quality impacts. No study of the impacts from the new rail yard in particular. This needs to be addressed in the plan. 13-8

4.4 Greenhouse Gas Emissions

Considering that the predicted sea level rise in 2050 (only 36 years from now) would cause most of the WOSP priority development sites to be flooded in a 100 year flood scenario, it seems reasonable to include the discussion of flooding in 4.5 Hazards. Implementation of the WOSP plan will be incremental: construction and development associated with the plan will likely span the next several decades, new home owners will be paying off new apartments over spans of 30 years. The WOSP priority sites put proposed developments and future residents at risk. The WOSP should take additional measures and recommend immediate action to mitigate flooding in the recommended priority development sites. 13-9

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

> "Given the potential for sea level rise, it is reasonable to anticipate that FEMA will continue to update its flood hazards mapping over time as necessary to reflect changes in sea levels. Thus, when implemented, the safety measures built into the General Plan policies in the Safety Element, and the SCAs related to construction within 100-year flood zones, and adaptive management measures to sea level rise would reduce these potential impacts to less than significant levels.
>
> Further, although the West Oakland Planning Area is located outside of 100 feet of high tide and therefore outside of BCDC's jurisdiction, as the Bay water rises under the projected 16" and 55" sea level rise scenarios, this boundary would change and portions of the Plan Area would be subject to BCDC's regulatory authority. Should this expanded jurisdiction occur during the life of the Plan, the City's SCA 84, Regulatory Permits and Authorizations, would require compliance with BCDC in addition to other applicable requirements of regulatory agencies.
>
> Furthermore, implicit in the discussion of global warming, greenhouse gas emissions and sea level rise is that it extends beyond specific development projects, a specific plan area, or, indeed, an entire City. As both a local and a regional issue, it must be addressed in that context. The adopted Bay Plan and Oakland's Draft ECAP specifically recognize this, and include actions to participate in the preparation of a regional climate adaption strategy." (4.4 p. 44)

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

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

13-10

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

13-10 contd

4.10 Transportation

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

13-11

4.11 Utilities and Service Systems

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

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

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

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

13-12

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

Wastewater

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The introduction of over 1 million gallons of wastewater from the new Oakland Global development at 7th street is not assessed in the wastewater section. The impact of this on the the existing aging sewer system and existing residents must be evaluated. 13-13

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

4.12 Other Less-than-Significant Effects

Agricultural Resources

This sections says that there is no farmland in the project area. although it may not be on one specific farmlands mapped by California Resource Agency, there are a variety of farms that provide food and cultural resources that fall inline with the intent of the CRA. 13-14

Additionally, there are areas that may not currently be farmland, but nonetheless are critical either historical or future natural resource areas. Much of west oakland is former wetland areas. Many cities in California and beyond are conducting wetland planning studies in relation to. the Majority of the project area falls into former wetlands. We would argue that these areas are critical natural resources, and that although currently concreted in areas, need to be evaluated as critical resource areas. An assessment has not been developed to understand whether former wetland areas, are critical for flooding and sea level mitigation to the community of West Oakland. 13-15

Wetland delineation studies, compliant with the CEQA process require 2 of the three wetland conditions for land to be deemed a wetland; Hydric Soils, Water present or Facultative wetland species. Many places in west oakland have 1, 2, or 3 of these conditions. For example the former Redstar Yeast facility was covered with willows and other facultative wetland species before cleared for development. Neither cursory GIS based wetland analysis, nor a detailed delineation was not completed for the project area. 13-16

Flooding and Sea Level Rise

Impact Hydro-6, as stated previously, should be moved to 4.5 Hazards as the majority of the priority development sites are predicted to be within a 100-year flood hazard area within 36 years. FEMA states that: 13-17

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

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

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

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

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

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

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

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

13-17 contd

Response to Letter #13: Urban Biofilter

13-1: This comment suggests that the Specific Plan and the EIR should include strategies to minimize new impacts to the community and mitigate existing impacts, and indicates that the Plan and EIR do neither. A portion of this comment pertains to the merits of the Specific Plan and is beyond the purview of the EIR and CEQA. An additional portion of this comment suggests that the EIR should identify mitigation measures to address existing impacts. The Draft EIR comprehensively describes the existing physical and regulatory settings relevant to the Specific Plan for each environmental topic analyzed in this EIR, the potential impacts that could result from implementation of the Specific Plan, existing City policies and Standard Conditions of Approval that would minimize those potential impacts, and mitigation measures if necessary to avoid or reduce identified significant impacts. Additionally, even though potential effects of the environment on a project (or on the existing community) are legally not required to be analyzed or mitigated under CEQA, this EIR nevertheless analyzes potential effects of the environment on the project (i.e. siting new receptors near existing TAC sources, effects of existing noise, effects associated with seal level rise, etc.) in order to provide information to the public and decision-makers. Where a potential significant effect of the environment on the project is identified, the document, as appropriate, identifies City Standard Conditions of Approval and/or project-specific recommendations to address these issues.

13-2: This comment suggests that, in many instances, technical EIR evasion tactics are used to avoid addressing critical development issue like flooding and air quality impacts. The EIR preparers are not aware of any EIR "evasion tactics" and have prepared this EIR in compliance with CEQA Guidelines and standards.

- Critical development issues related to air quality are addressed in the EIR throughout Chapter 4.2 of the DEIR. This chapter of the DEIR addresses the City's CEQA threshold criteria pertaining to the Plan's consistency with the most recently adopted Clean Air Plan based on the rate of increase in vehicle miles travelled as compared to the rate of increase in population within the Plan Area, and determines whether growth in the West Oakland Plan Area would conflict with regional growth expectations set forth in the CAP. This chapter also assesses the extent to which individual projects would generate significant levels of construction-period and operational period criteria pollutants and/or toxic air contaminants, and if significant localized carbon monoxide (CO) impacts would occur from new development.
- Issues related to flooding are addressed on page 4.12-27 and -28, and issues related to potential flooding impacts related to sea level rise are addressed in Chapter 4.4: Greenhouse Gas Emissions.

13-3: This comment suggests that nearly out of date FEMA maps are referenced, but are openly deemed not accurate and out of date. The information related to 100-year and 500-year flood hazard areas is derived from current, published National Flood Insurance Program Flood Insurance Rate Maps prepared by the Federal Emergency Management Agency. Information related to dam failure inundation areas is derived from ABAG's Geographic Information System Hazards Maps, as referenced and footnoted in the DEIR.

13-4: This comment indicates that clear farm resources (like City Slicker Farm) are not appropriately identified in the DEIR. Only those lands designated by the California Resources Agency as Prime

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

13-5: This comment suggests that if the City approves the Plan and the EIR without significant [change], the City will be exposing itself to significant liabilities, both to legal action as well as to long financial impacts, for inadequately addressing basic infrastructure needs, and more to longer-term disaster planning and climate change impacts. The commenter opinion is noted and is hereby made part of the public record.

13-6: This comment suggests that the Plan should include (among other topics listed) a logical series of density increases, site specific neighborhood improvement requirements, a more refined funding structure, neighborhood-wide strategies such as arts districts, and infrastructure improvements. This comment pertains to the merits of the Specific Plan and is beyond the purview of the EIR and CEQA.

13-7: This comment indicates that the Specific Plan references various other concurrent plans such as the Urban Bio-Filters' state funded Adapt Oakland project, a recommended bamboo forest in the South Prescott/BART project area, the West Oakland Reforestation Plan, and CALGreen and LEED green building codes, but that the Plan does not substantively or technical reference the scientific, public health and engineering work, particularly with regard to the commenters Adapt Oakland Plan. This comment pertains to the merits of the Specific Plan and is beyond the purview of the EIR and CEQA. The DEIR recognizes the important efforts of others, including the Adapt Oakland project, and have included reference and acknowledgement of those other efforts and how they interact and may become important elements of future development within West Oakland.

13-8: This comment indicates that the DEIR does not adequately address air quality impacts to West Oakland associated with development at the former Oakland Army Base, and its proposed new rail yard in particular. As indicated in the DEIR (4.2-26), CEQA requires the analysis of potential adverse effects of the project on the environment. Potential effects of the environment (including other surrounding projects) on the Project are legally not required to be analyzed or mitigated in this EIR. However, the DEIR does include analysis of potential effects of the environment on the Project in order to provide information to the public and decision-makers. Where a potential significant effect of the environment on the project is identified, the document, as appropriate, identifies City Standard Conditions of Approval and/or project-specific non-CEQA recommendations to address these issues.

13-9: This comment suggests that, considering predicted sea level rise cause most of the WOSP priority development sites to be flooded, this issue should be more fully discussed in the DEIR's Hazard chapter. It also suggests that the EIR should make recommendations that will prepare the community for anticipated climate change.

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

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

13-10: This comment notes that current flooding problems in the neighborhood exist due to insufficient stormwater infrastructure, and that the City of Oakland lacks the funding to overhaul the existing infrastructure. The comment further advocates of green infrastructure as having the benefit of being affordable, decentralized and having multiple benefits. As noted on page 4.12-26 of the DEIR, SCA 80: Post-Construction Stormwater Management Plans are required for each individual project within the Planning Area, and are required to demonstrate compliance with the requirements of Provision C.3 of the National Pollutant Discharge Elimination System (NPDES). Provision C.3 requires preparation and approval of a Stormwater Pollution Management Plan (SMP) to limit the discharge of pollutants, to design measures to reduce the amount of impervious surface area and directly connected impervious surfaces; as well as source control measures and stormwater treatment measures to limit the potential for stormwater pollution. Green infrastructure, such that as advocated in this comment and included in the commenter's Adapt Oakland program is consistent with these SCA requirements.

13-11: This comment suggests that the traffic analysis does not develop a detailed enough breakdown as to how varying density options may increase or decrease traffic impacts, based on the scale of the new development. The Alternatives chapter of the DEIR (Chapter 5) does include an analysis of a range of reasonable alternatives to the Project that would feasibly attain most of the basic objectives of the Project, but would avoid or substantially lessen the significant effects of the Project, including traffic impacts. These comparative effects include:

- Under the No Project alternative the amount of new housing and employment-generating uses are projected to be substantially less than as projected to occur under the proposed Project. Because the amount of new growth and development under the No Project Alternative is so small, the traffic impacts of that growth would be substantially less than as projected for the Project. It is unlikely that any of the significant and unavoidable traffic impacts identified under the Project would materialize under this alternative (DEIR page 5-20);
- The Reduced Alternative includes approximately 1,200 fewer households and nearly 8,500 fewer jobs than does the Project. The Reduced Alternative would generate 2,300 fewer AM peak hour trips and 2,800 fewer PM peak hour trips. As a result, the Cumulative plus Reduced Alternative scenario would result in significant impacts at only four (4) of the six (6) intersections indicated as being affected under Cumulative plus Project conditions (DEIR page 5-40).
- Alternative #3 assumes that employment growth within the West Oakland Specific Plan's Opportunity Areas would occur at a more robust rate through Year 2035 than

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

13-12: This comment suggests that infrastructure needs are outlined in the Plan and EIR, but no creative infrastructure cost sharing models for how new development will fund infrastructure improvements and mutually support current residents are put forth in the Plan. This comment pertains to the merits of the Specific Plan, specifically the funding strategies for infrastructure improvements, and is beyond the purview of the EIR and CEQA. Please see Master Response to Comment #2 in Chapter 4 of this document.

13-13: This comment indicates that the introduction of over 1 million gallons of wastewater from the new Oakland Global development at the former OARB is not assessed in the wastewater section. The Oakland Global project is not a part of the proposed Project and therefore not analyzed as such in the DEIR. The DEIR (page 4.11-33) does disclose that with all expected cumulative development, the EBMUD Wastewater Treatment Plan will receive an increase in average day sewer flows and that the higher sewage concentration levels for the greater region might require a higher level of treatment at the EBMUD wastewater treatment plant.

13-14: This comment suggests that, while the DEIR identifies no farmland in the Project area, there are a variety of farms that provide food and cultural resources that fall in line with the intent of the CRA. Please see response to comment 13-4, above.

13-15: This comment suggests that, since much of West Oakland is former wetland areas that are currently covered in concrete, these former wetlands need to be evaluated as critical resources critical for flooding and sea level mitigation. The DEIR analyzed the potential effect of the Proposed Specific Plan against existing physical conditions as they exist today. Although large portions of West Oakland were once wetlands and marsh, those conditions no longer exist, and the Project would not have a significant impact on those former wetlands and marshes. That impact has occurred long ago. The potential to rehabilitate or re-discover these former wetlands and marshes could have substantial environmental benefits, but is not a part of this Project and therefore not analyzed in this EIR.

13-16: This comment suggests that many places in West Oakland include the presence of the indicators for wetlands, but that no wetland analysis or detailed delineation was completed for the DEIR. The State of California recognizes some plant communities as sensitive natural communities if they are uncommon, regionally declining or vulnerable. Among these communities are riparian habitat, coast live oak forest, freshwater seeps, freshwater marshes and coastal salt marsh. According to the Open Space, Conservation and Recreation Element of the City of Oakland General Plan, there is no riparian habitat or other sensitive natural community within or adjacent to the Planning Area. The California Natural Diversity Database (CNDDB) tracks communities it believes to be of conservation concern and these communities are typically considered sensitive for the purposes of CEQA analysis. No CNDDB-listed sensitive natural communities occur within the Planning Area. According to the Open Space, Conservation and Recreation Element of the City of Oakland General Plan, there are no wetlands known to occur within the Planning Area. Development in accordance

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

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

Comment "14"

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May 16, 2014

Ulla-Britt Jonsson
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Via email: ujonsson@oaklandnet.com

Re: Comments, DEIR West Oakland Specific Plan ("WOSP"); Remove Change of Zoning for
Coca Cola Bottling/Mayway from Commercial/Industrial Mix ("CIX-1") to Housing Business Mix ("HBX-2").[1]

Dear Ms. Jonsson,

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

Damage to National Recycling Corp.

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

14-1

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

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

Comment "14"

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

Damaging to the Immediate Community: Invited NYMBism

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

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

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

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

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

14-1 contd

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

This Amendment if Enacted Would **Dis**courage Development

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

National Recycling Center DEIR and WOSP Comments

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

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

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

In addition the purposes and language of the CIX-1 zone is to prevent new recycling operations, provide a buffer and transition between industrial and residential uses, and impose strict limitations on truck and recycling uses. (WOSP 7-6). 14-1 contd

CONCLUSION

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

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

Very truly yours,

Rena Rickles

RENA RICKLES

Cc: Richard Wang
Rachel Flynn
Scott Miller
Lynette McElhaney

National Recycling Center DEIR and WOSP Comments

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

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

Comment "15"

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March 17, 2014

Via E-mail and U.S. Mail
Mr. Ed Manasse
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Strategic Planning Division
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Oakland, CA 94612

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

Dear Mr. Manasse:

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

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

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I. The Specific Plan's and DEIR's Land Use and Planning Intent for Opportunity Area 3

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

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

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

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

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

15-1

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

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

15-1 contd

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

15-2

15-3

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

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

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

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

Further, Schnitzer Steel Industries is concerned that, as new "light industrial" and commercial businesses are welcomed into Opportunity Area 3, these transportation corridors for heavy industry may become incompatible over time and create conflict with the "business mix" environment. For example, Schnitzer Steel Industries' business would be severely impacted by any potential restrictions that could be imposed on its inbound/outbound truck use (i.e., curfews due to potential night-time uses in Opportunity Area 3, non-heavy truck allowance on certain roads, etc.) Therefore, Schnitzer Steel Industries requests that the DEIR be revised to clearly indicate that Adeline Street, Market Street, or any other streets in or around Opportunity Area 3 will not be narrowed in the areas most used by industrial trucks transporting goods to and from local freeways and the regional transit system to Opportunity Area 3 and the Port. 15-4

To resolve this issue, a transportation management plan should be created and studied as part of the DEIR with the intent of preserving truck routes serving existing industrial uses in West Oakland. The DEIR already provides some language addressing this concern, but it needs to go further in its analysis to fully address the potential impact of different land uses inhabiting Opportunity Area 3. For example, the DEIR does acknowledge that the "character" of Opportunity Area 3 is "strongly influenced by its adjacency to the Port of Oakland and truck routes." (DEIR, Chapter 4, p. 4.1-3). However, it fails to analyze and set forth potential measures that can be enacted to 15-5

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

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

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

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

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

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

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

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

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

III. Conclusion

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

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

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

Very truly yours,

Brian P. Mulry

BPM:pch

cc: Eloise Thornton
Planner IV
Planning and Zoning Division

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

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

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

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

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

15-3: This comment suggests that the EIR should include additional language that would ensure that existing heavy industrial truck transportation routes currently serving Opportunity Area 3 and the Port are preserved, especially in the event new businesses are introduced into the area as a result of the proposed General Plan Amendments and Rezoning. The EIR does not suggest any modifications or reductions to existing truck routes serving the Port.

15-4: This comment requests that the DEIR be revised to clearly indicate that Adeline Street, Market Street or any other streets in or around Opportunity Area 3 will not be narrowed in the areas most used by industrial trucks transporting goods to and from local freeways and the regional transit system to Opportunity Area 3 and the Port. Staff believes that separate bike lanes on Adeline Street would provide better separation between cyclists and heavy vehicles than does a shared lane. The reconfigured lane geometry also provides the benefit of a dedicated left turn lane for heavy vehicles exiting the Port on Adeline and turning onto 7th Street. Please also see Master Response #3 regarding Project Revisions for other proposed lane reductions.

15-5: This comment requests that a "Traffic Management Plan" be created and studied as part of the DEIR to ensure that these routes avoid any conflict with any future "Business Mix" uses. Please see responses to comments 15-3 and 15-4 above. The Bicycle Master Plan and the established truck routes through the 3rd Street Opportunity Area have already been well studied and considered by the City in the past and have been re-analyzed in this EIR. City staff does not believe that further additional study is required.

Comment "16"

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

chrisrandrews@sbcglobal.net
tel: 510.355.6401

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

Dear Staff, Consultants, and Planning Commission Members,

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

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

16-1

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

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

Respectfully yours,

Christopher Andrews

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

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

Comment "17"

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

Hey Ulla,

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

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

* Are there really black people in the picture on the card you guys sent out? I know you said you put some in, and I KNOW your intention was to capture a celebration. But as Andre remarked, the picture does look "bougie as hell." (!) I completely realize that the hope was to encourage folks to dream big for West Oakland. I want that for us, too. But in talking with folks like Andre at Bikes 4 Life (which is my bike shop) and Melinda Ross, a resident who is also my coworker at Acme, seeing a picture that looks SO vastly different and polished up can be a real shock to the system. Especially if folks don't at all feel well known by the powers that be. But I think and hope that can change. 17-1

* Along those lines: have any of you guys working on the plan spent much time down on 7th Street recently? I know you're busy. All of us down around 7th are as well. The reason I ask again is this: folks who run reputable businesses like Bikes 4 Life, Dek Wat Muay Thai, and Mandela Foods are generally much more amenable to coming change (and the discussion around it) if they feel their work at the grassroots level is respected. And the only way for people to gain that sense is through face to face relationship. That would be true for anyone, anywhere. So I guess my strong encouragement is this: would you guys consider making time to go down to the bike shop (maybe you have a bike that needs a new tube or a helmet) - or to check out the gym (they used to offer two sessions free) - or to make a shopping trip to Mandela (maybe you already have)? Andre was telling me last week that he can't help but feel like folks involved with the WOSP are either too busy or too scared to take some time to come down to the neighborhood they're "sticking on their card as advertisement." As I local who's making SURE he's behind the desk every day in order to be available to the people he needs to be there for, I can understand where he's coming from. People really want to feel cared about, and their lives are very full as they serve an underserved neighborhood - it means a great deal to have people go out 17-2

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

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

Very best,

Genevieve

Response to Letter #17: Genevieve Wilson

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

17-2: This comment suggests that planners involved in the West Oakland Plan should spend more time in West Oakland to become more familiar with the neighborhoods and the residents. This comment pertains to the merits of the Specific Plan and the planning process, and is beyond the purview of the EIR and CEQA. Please see Master Response #2 in Chapter 4 of this document.

Comment "18"

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

Dear Commissioner Patillo and City Staff

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

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

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

* Possibly dangerous vehicular traffic for residents along the street due to less lanes and therefore more dangerous parking. Trucks from the port or downtown Oakland will still use the street to travel North.

* It will cause irreparable damage to the businesses along the street and in particular to the businesses in my building. Although there are not a large number of trucks stopping at my building, eliminating a lane and adding a bike lane will make it almost impossible for the businesses to grow and maintain their position in Oakland.

18-1

* There are a number of other buildings on Adeline that have been or are in the process of being fixed up for commercial/industrial use. This will certainly discourage them from continuing the process.

* The largest problem property on Adeline is the old Coast Sausage property at 28th Street. I know the owner has wanted to develop housing there, but it has been economically not feasible and it is possible that commercial or industrial could be an option. Completing

Comment "18"

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

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

18-1 coont'd

Thank you

Regards

Joe

Joe Hurwich

510-654-9669 cell: 510-406-1263

Response to Letter #18: Joe Hurwich

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

MEMORANDUM

February 15, 2014

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

FROM **Robyn Hodges, WOSP Committee Member**

As a West Oakland Specific Plan (WOSP) committee member, my primary concern regarding the draft Plan and Environmental Impact Report (EIR) remains that there is no mention or detail about the level of dedication you will exhibit thru the Plan to secure social equity for us. Additionally, the EIR and the Plan are missing a Community Benefits Plan. For those who, like me reflect generations who work, reside and/or have extended families in West Oakland this is disrespectful. 19-1

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

Going forward, I formally request that my initial request to create a "Place-Based" Social Development Plan for Social Equity (originally submitted to you in March 2012) be added to your public documents via a link on your WOSP website so the public can weigh in and also request that a Community-driven Roundtable discussion be convened before any formal Council discussion on this Plan and EIR occurs. 19-2

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

My "Place-Based" Social Development Plan outline, an Economic Development guide and Table of Contents accompany this Memorandum. Below are my comments and recommendations in response to the February 6, 2014 WOSP community meeting. 19-3

Comment "19"

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

- The primary focus of the Plan should not be on new residents who represent a 19-21

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

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

19-21 contd

19-22

19-23

19-24

19-25

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

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

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

19-26

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

Section 5.4.1 - Art Clusters

Recommendation

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

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

19-27

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

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

The artists' current location and the industrial site directly behind it (Grand Avenue and Mandela Parkway) should be leveled and converted into a multi-story retail and transportation site (including light industrial). An expanded Mandela Foods Co-op and transportation services here should anchor. A third level of open space, fourth and fifth levels of restaurant and social entertainment space should exist here too so the opportunity to recirculate dollars back into the community gets maximized. 19-27 contd

Street scape Improvement Designs

Figure 8.1.7: Proposed Peralta Street scape

Diagram is confusing. It jumps from 7th Street to 18th Street. 19-28

Housing Stock – 5.21

The Plan does not honestly address how the lack of current and new, proposed housing (all forms) will expand for black seniors who either already reside here but need a housing change or need to return to be near family and/or services will change for the better. Carve-outs are not included but they should be. 19-29

Goal 6: Promote Equal Housing Opportunity – 5.21

The Plan fails to honestly and firmly address the negative impacts of gentrification. It also does not address the over-concentration of Asian seniors from outside the District displacing black seniors inside the District. 19-30

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

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

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

The Plan never touches the issue of inclusionary zoning.

Goal 7: Promote sustainable development and sustainable communities – 5.21

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

Defining Historic Resources – 5.32

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

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

Neighborhood Enhancement Strategies

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

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

Robyn Hodges "Place-Based" Social Development Plan Overview and Table of Contents
Originally submitted during a West Oakland Specific Plan Advisory Committee Meeting convened March 27, 2012 at 4:30 pm. Revised February 12, 2014.

Contact Info: rehher123@gmail.com

West Oakland REQUIRES a "Place-Based" Social Development Plan

WHY WE NEED IT

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

HOW WE CREATE IT

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

THE VISION

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

TABLE OF CONTENTS

Comment "19"

Comment "19"

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

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

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

What is a Place-based Economic Development Plan?

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

Place-based economic development:

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

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

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

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

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

1

Originally submitted to the WOSP Advisory Committee by Robyn Hodges March 2012

Comment "19"

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

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

Robyn Hodges
West Oakland Specific Plan Advisory Committee Member

2

Originally submitted to the WOSP Advisory Committee by Robyn Hodges March 2012

Response to Letter #19: Robin Hodges

19-1: This comment, provided by a West Oakland Specific Plan committee member, expresses the commenters primary concern that the Draft Plan and EIR does not mention or detail the level of dedication the Plan will provide to secure social equity, and that the plan and EIR are missing a Community Benefits Plan. This comment pertains to the merits of the Specific Plan, specifically an outline of what the commenter believes should have been included in and the focus of this Specific Plan, and is beyond the purview of the EIR and CEQA. Further, Section 15131(a) of the CEQA Guidelines states that; ". . . economic or social effects of a project shall not be treated as significant effects on the environment. An EIR may trace a chain of cause and effect from a proposed decision on a project, through anticipated economic or social changes resulting from the project, to physical changes caused in turn by the economic or social changes. . . The focus of the analysis shall be on the physical changes." Social equity is a social and economic issue not related to a physical effect on the environment, and therefore not a part of the City's CEQA considerations.

19-2: This comment formally requests that a "Place-Based" Social Development Plan for Social Equity (as originally submitted in March 2012) be added to the Plan and requests that a community-driven roundtable discussion be convened before any formal Council discussion on this Plan and EIR occurs. This comment pertains to the merits of the Specific Plan, specifically an outline of what the commenter believes should have been included in and the focus of this Specific Plan, and is beyond the purview of the EIR and CEQA. The commenter opinions and suggestions are noted and hereby made part of the public record.

19-3: This comment provides a "Place-Based" Social Development Plan outline, an Economic Development guide and Table of Contents for such a Plan. This comment pertains to the merits of the Specific Plan, specifically an outline of what the commenter believes should have been included in and the focus of this Specific Plan, and is beyond the purview of the EIR and CEQA. The commenter opinions and suggestions are noted and hereby made part of the public record.

19-4: This comment opposes approval of the WOSP that only supports the physical environment. This comment pertains to the merits of the Specific Plan and is beyond the purview of the EIR and CEQA. The commenter opinion is noted and is hereby made part of the public record.

19-5: This comment opposes manipulating the city's General Plan to achieve success with the WOSP. This comment pertains to the merits of the Specific Plan and is beyond the purview of the EIR and CEQA. However, the Draft EIR (pages 4.6-18) does include an analysis of the general consistency of the Specific Plan to the existing General Plan. That analysis includes discussion that; "*The proposed Specific Plan would be generally consistent with the LUTE. The LUTE targets areas in West Oakland for focused public and private investment. Many of these target areas are encompassed within the Specific Plan Opportunity Areas and Opportunity Sites, including the BART station, 7th Street, Wood Street, Pine Street, San Pablo Avenue, and West Grand Avenue. The Specific Plan would support the specific LUTE recommendations for West Oakland, including maintaining and enhancing established neighborhood areas, retaining industrial uses toward the core of the Mandela/West Grand industrial area away from residential areas, locating new trucking services away from residential neighborhoods, encouraging business expansion, reducing land use incompatibilities between industrial and residential uses, improving access to the waterfront, better transportation linkages, enhancing the overall appearance of the community, development*

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

19-6: This comment indicates the Plan does not explain how the Oakland Unified School District's (OUSD) "community schools" initiative affects the WOSP. This comment pertains to the merits of the Specific Plan and is beyond the purview of the EIR and CEQA. However, the Draft EIR (page 4.9-17) does provide an analysis of how new development in accordance with the Specific Plan would generate additional students attending the Oakland Unified School District (OUSD) incrementally through 2035 or longer. That analysis discusses how, given the declining student enrollment in OUSD schools, the District is likely to have capacity within its existing facilities to accommodate new students generated by projects constructed pursuant to the Specific Plan. If classroom capacity within the specific schools serving the Planning Area were found to be unavailable at the time new students enter the school system, the OUSD could reassign students among schools within the District, expand year-round schooling, add more portable classrooms, transport students to less crowded schools, or find opportunities to more efficiently use existing or abandoned school facilities.

19-7: This comment suggests the Plan is missing a social mobility plan for under-served students/youth. This comment pertains to the merits of the Specific Plan and is beyond the purview of the EIR and CEQA. Please See Master Response #2 in Chapter 4 of this document.

19-8: This comment states that the Plan does not include clear procedures for aligning WOSP infrastructure needs with the Oakland Army Base, OUSD and the existing public transit agencies that have present and future District specific community- based projects and initiatives. This comment pertains to the merits of the Specific Plan and is beyond the purview of the EIR and CEQA. Please See Master Response #2 in Chapter 4 of this document.

19-9: This comment indicates that the Plan and EIR have no resilience study information or data or plan for climate change. As indicated on page 4.4-41 of the DEIR, the impact of flooding related to sea level rise pertains to the impact of an existing/future environmental condition on the Planning Area. CEQA only requires an analysis of impacts pertaining to a project's impact on the environment. An appellate court specifically identified the effect of sea level rise on a project as an impact of the environment on a project and, therefore, not required to be analyzed under CEQA. However, although not legally required by CEQA, the Draft EIR nevertheless discusses the impact of sea level rise on the Planning Area in the interest of being conservative and providing information to the public and decision-makers. As noted on page 4.4-44 of the DEIR, implicit in the discussion of global warming, greenhouse gas emissions and sea level rise is that it extends beyond specific development projects, a specific plan area, or, indeed, an entire City. As both a local and a regional issue, it must be addressed in that context. The adopted Bay Plan and Oakland's Draft ECAP specifically recognize this, and include actions whereby the City will participate in the preparation of a regional climate adaption strategy.

19-10: This comment indicates that the Plan has no plan in it to "re-shore" manufacturing (bring it back); does not reveal how the Plan will create and secure opportunities for micro, small and local black businesses, especially as it relates to 7th Street; does not show any short or long-term investment projections or explain what tools/programs it will use as leverage to entice new industry; and has no plan to build business confidence. This comment pertains to the merits of the Specific Plan and

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

19-11: This comment notes that the Plan has no plan for emergency preparedness in the event of a natural disaster (neighborhood specific or district-wide). As indicated on page 4.5-59 of the DEIR, the Oakland Office of Emergency Services has identified a network of evacuation routes and potential emergency shelters. The Emergency Evacuation Routes within West Oakland are 7th Street, 14th Street, 12th Street, 27th Street, 35th Street, Adeline Street, Market Street, Martin Luther King Jr. Boulevard, San Pablo Avenue, and West Grand Avenue. Emergency access would be maintained to properties in the surrounding vicinity during construction of development facilitated by the Specific Plan. Any need for traffic lane reductions or street closure due to construction would be short-term, temporary and localized. OFD is the first responder in an emergency. Individual future development projects would be required to obtain an encroachment permit from the City for any proposed changes to or construction period use of street rights-of-way, which would include review by OFD. Standard notification procedures required by the City are designed to ensure that OFD is notified if construction traffic would block any City streets. Specifically, the job site supervisor is required to call the OFD dispatch center any day construction vehicles would partially or completely block a City street during construction. In addition, the City's Standard Condition of Approval SCA 33, Construction Traffic and Parking, would require development of a construction management plan, which addresses construction period traffic and parking. As described in Section 4.11, Transportation, Circulation and Parking, traffic from ongoing occupancy and operation of future development in accordance with the Specific Plan would not create unacceptable traffic congestion on evacuation routes

19-12: The comment notes that the Plan does not contain or support a plan to create a business/city/ developer-supported infrastructure fund to be used to help offset costs for infrastructure (including street and roadway/sidewalk beautification projects). This comment pertains to the merits of the Specific Plan, specifically the funding strategies for infrastructure improvements, and is beyond the purview of the EIR and CEQA. Please See Master Response #2 in Chapter 4 of this document.

19-13: This comment states that Chapter 9 of the Plan does not include a guarantee that the Plan will place any focus on creating more cultural, social and/or recreational activities for families. This comment pertains to the merits of the Specific Plan and is beyond the purview of the EIR and CEQA. Please See Master Response #2 in Chapter 4 of this document.

19-14: This comment indicates the Plan has no clearly defined plan to aggressively bring mid-sized industrial, technical, manufacturing and/or transportation focused businesses back into the District, using some of the already zoned "opportunity sites". This comment pertains to the merits of the Specific Plan and is beyond the purview of the EIR and CEQA. Please See Master Response #2 in Chapter 4 of this document.

19-15: This comment indicates the Plan does nothing to bring or otherwise create paid intern programs for youth interested in business/tech/science/global/infrastructure, or developing their micro business plans.

19-16: This comment indicates that the Plan and EIR do not reveal a plan to work with OUSD to have McClymonds and Cole schools designated as historic landmarks. Although these two school

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

19-17: This comment indicates that Chapter 9 of the Plan contains no information or process explaining how the Plan will link community health and public safety together to eliminate the growing lack of concern/indifference about dog waste. This comment pertains to the merits of the Specific Plan and is beyond the purview of the EIR and CEQA. Please See Master Response #2 in Chapter 4 of this document. Although the EIR does not address dog waste, on November 6, 2007 the Oakland City Council passed Ordinance No. 12835 changing Oakland's Municipal Code Title 6 Chapter 064, Section 006740: Dogs at Large, including requirements for dog guardians concerning picking up after their dogs, tethering of dogs in vehicles and specific fines for violations of the ordinance.

19-18: This comment indicates that Chapter 9 of the Plan contains no transparent plan to increase pedestrian safety by decreasing sidewalk bike riders and/or bikers who disregard traffic lights/auto traffic. Chapter 4 of the Specific Plan (starting on page 4-27) includes a list of recommended improvement to standardize street sections in West Oakland, including sidewalks and adequate pavement widths, etc. Chapter 8 of the Plan (starting on page 8-14) also includes a list of recommendations for developing and improving West Oakland's pedestrian and bicycle networks, including recommendations to implement Class II bicycle lanes as identified in the City's Bicycle Master Plan to maximize bicycle safety and access while minimizing adverse effects on other roadway [and sidewalk] users.

19-19: This comment indicates that Chapter 9 of the Plan contains no plan to better assess and handle the growing homeless population. This comment pertains to the merits of the Specific Plan and is beyond the purview of the EIR and CEQA. This comment pertains to the merits of the Specific Plan and is beyond the purview of the EIR and CEQA. Please See Master Response #2 in Chapter 4 of this document.

19-20: This comment indicates that Chapter 9 of the Plan contains no plan that dives into how this Plan affects our mental health, nor does it clearly define "healthy". Mental health is not a CEQA threshold topic and therefore is not addressed in the EIR. Please See Master Response #2 in Chapter 4 of this document.

19-21: This comment suggests that the primary focus of the Plan should not be on new residents who represent a specific racial and financial demographic; it should be a Plan that balances social equity with smart growth. This comment pertains to the merits of the Specific Plan and is beyond the purview of the EIR and CEQA. Please see Master Response to Comments #1 regarding gentrification, indirect displacement and direct displacement.

19-21: This comment indicates that the Plan does not address whether or not existing re-entry, public health and other social welfare services will remain, be relocated or completely shut down. This comment pertains to the merits of the Specific Plan and is beyond the purview of the EIR and CEQA. Please see Master Response to Comments #2 in Chapter 4 of this document. The Project

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

19-22: This comment indicates that the Plan does not include a plan for residents to participate in neighborhood identity and design (e.g., streets, crosswalks and lighting, history or designation signs). This comment pertains to the merits of the Specific Plan and is beyond the purview of the EIR and CEQA. Please see Master Response to Comments #2 in Chapter 4 of this document.

19-23: This comment indicates that the EIR does not adequately explain how the city will work with the railroad and Port Board to reduce rail noise. As noted in the Draft EIR (page 4.7-39 through -42) CEQA requires the analysis of potential adverse effects of a project on the environment. Potential effects of the environment on a project are legally not required to be analyzed or mitigated under CEQA. However, this EIR nevertheless analyzes ambient noise conditions that could potentially affect new development pursuant to the Specific Plan. This analysis was prepared to provide information to the public and decision-makers that is relevant to the Project, but is not considered a CEQA threshold impact. Additionally, the Specific Plan's Community Health Checklist identifies the Union Pacific Railroad and BNSF Railroad and their associated railyards and Port of Oakland intermodal facilities that border West Oakland on the south and west as significant noise sources affecting those immediate areas. Page 9-87 of the Plan recommends the City pursue establishment of a 'Railroad Quiet Zone" similar to that recently enacted in the City of Richmond that seeks to replace the need for train horns and whistles with other appropriate, acceptable and quieter physical safety measures.

19-24: This comment indicates that the EIR and Plan do not adequately detail how the City will work with the railroad to eliminate rail tracks on neighborhood streets and in industrial areas. This comment pertains to the merits of the Specific Plan and is beyond the purview of the EIR and CEQA. Please see Master Response to Comments #2 in Chapter 4 of this document.

19-25: This comment opposes decreasing traffic lanes anywhere along Adeline Street, Market Street, and Mandela Parkway or on/between any of the numbered streets listed. In response to this and other comments on the Plan and EIR, the proposed lane reductions on 14th Street, 12th Street and 8th Street are no longer recommended by the Plan, but the travel lane reductions and separated bike lanes on Adeline Street and West Grand Avenue remain as previously recommended. Staff believes that the separated bike lanes would be safer and better separate cyclists and heavy vehicles than do the currently shared lanes on these roads. The reconfigured lane geometry would also provide the benefit of a dedicated left turn lane for heavy vehicles. Please also see Master Response #3 regarding Project Revisions.

19-26: This comment suggests that the artists currently occupying the American Steel industrial site should be relocated to Maritime or on the former Oakland Army Base site and that the city development team and the Port of Oakland should partner to retain one or more of the buildings that the Port is seeking to reuse. The artists' current location and the industrial site directly behind it (Grand Avenue and Mandela Parkway) should be leveled and converted into a multi-story retail and transportation site (including light industrial). This comment pertains to the merits of the Specific Plan and is beyond the purview of the EIR and CEQA. The commenter opinions and suggestions are noted and hereby made part of the public record.

19-27: This comment indicates that Figure 8.1.7: Proposed Peralta Street scape, as included in the Plan, confusing. This comment pertains to the merits of the Specific Plan and is beyond the purview of the EIR and CEQA. However, because this diagram indicates lane reductions on 14th Street, 12th Street and 8th Street and round-a-bouts that are no longer recommended in the Project, this diagram has been removed from the Final version of the Plan.

19-28: This comment indicates that the Plan does not honestly address how the lack of current and new, proposed housing (all forms) will expand for black seniors. This comment pertains to the merits of the Specific Plan and is beyond the purview of the EIR and CEQA. Please see Master Response to Comments #2 in Chapter 4 of this document.

19-29: This comment indicates that the Plan fails to honestly and firmly address the negative impacts of gentrification or issues associated with displacement. This comment pertains to the merits of the Specific Plan and specifically to issues of social and economic effects, is beyond the purview of the EIR and CEQA. Please see Master Response to Comment #1 regarding gentrification, direct and indirect displacement.

Comment "20"

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Barry J Miller FAICP
urban + environmental planning

March 16, 2014

Ed Manasse/ Elois Thornton
Oakland City Planning Department
Strategic Planning DIvision
250 Frank Ogawa Plaza Suite 300
Oakland CA 94612

Re: West Oakland Specific Plan Comments

Dear Ed and Elois:

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

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

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

1. There are a number of existing parks in West Oakland that are missing from the maps. They should be acknowledged. These include the McClymonds Mini Park, Durant Mini Park, 25th Street Mini Park, and the southwest quadrant of Grove Shafter Park. I believe all of these sites are already zoned open space. (p 8-36) 20-1

2. There are references in the document to "Bush" Street Plaza which should be "Brush" Street (p 8-35) 20-2

3. As was indicated in the PRAC meeting, Union Plaza and Fitzgerald Park should receive open space zoning as part of this process. St. Andrews Plaza should also receive open space zoning. These were not included in the original open space zoning district because these spaces were not formally recognized as parks when the OSCAR Element was adopted. 20-3

4. It's great to see specific recommendations for DeFremery, Raimondi, and St. Andrews on P. 8-53. Lowell Park probably also deserves mention here, as it is one of the largest and most used open spaces in West Oakland. 20-4

Comment "20"

5. The Plan proposes up to 5,000 new dwelling units and 22,000 new jobs but does not specifically provide for any additional parkland. The EIR concludes that impacts on parks will be less than significant, but it does not specify how potentially significant impacts will be mitigated. Appropriate mitigation measures would be measures such as collection of an in-lieu fee to support the acquisition or improvement of existing parks, mandatory dedication of parkland for developments which exceed a certain size threshold, or creation of an assessment district or other special district which would provide a revenue source to support increased park and operation costs. As Oakland adds jobs and households, it is critical that the City also adds parkland-or at the very least, improves the parks that already exist and creates mechanisms for raising the revenues needed to handle increased use of the parks by new residents. 20-5

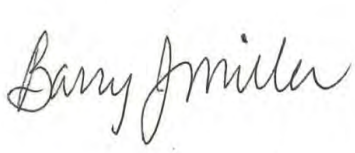
6. It would be helpful to address the issue of connectivity between West Oakland and the new 200-acre Gateway Park to be created at the east landing of the Bay Bridge. Since there are no specific provisions (e.g., sites) in the Plan for new parks, the planned Gateway Park probably represents is the best opportunity to respond to increased recreational demands in West Oakland. However, it is extremely difficult to get there from West Oakland due to barriers such as the railroad tracks. It might be useful to think about the viability of a bike/ped bridge between the Wood Street development and the new job center at the Army Base, with continuing bike/ped connections to the Gateway Park. This could also provide a means of sustainable transportation for persons in West Oakland who may someday work at the Army Base development. 20-6

7. Since there are no new public parks specifically identified in the Plan, it would be helpful to see a more specific discussion of how private open space will be required as a component of new development. For example, this could address opportunities for roof-top parks, parks on top of parking structures, new community gardens on vacant lots, dog play areas within new development, and similar opportunities.

8. There is an excellent discussion of urban forestry and the "West Oakland Walk" in the Specific Plan. Other "greening" opportunities include greening of urban schoolyards, the EBMUD and Caltrans properties, and surface parking lots. These could be acknowledged.

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

Best Regards-



Barry Miller
Chair, Oakland Parks and Recreation Advisory Commission

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

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

20-1: This comment identifies a number of existing parks in West Oakland that are missing from the maps and that should be acknowledged. These include the McClymonds Mini Park, Durant Mini Park, 25th Street Mini Park, and the southwest quadrant of Grove Shafter Park. Comment noted. Please see Chapter 7: Revisions to the DEIR, indicating these additions to Figure 4.9-1.

20-2: This comment identifies references in the document to "Bush" Street Plaza which should be "Brush" Street. Comment noted.

20-3: This comment suggests that Union Plaza, Fitzgerald Park and St. Andrews Plaza should receive open space zoning as part of this process. This comment pertains to the merits of the Specific Plan and is beyond the purview of the EIR and CEQA. Please see Master Response to Comments #2 in Chapter 4 of this document.

20-4: This comment suggests that recommendations improvements to Lowell Park also deserves mention, as it is one of the largest and most used open spaces in West Oakland. This comment pertains to the merits of the Specific Plan and is beyond the purview of the EIR and CEQA. Please see Master Response to Comments #2 in Chapter 4 of this document.

20-5: This comment suggests additional mitigation measures to address impacts on parks, including as collection of an in-lieu fee to support the acquisition or improvement of existing parks, mandatory dedication of parkland for developments which exceed a certain size threshold, or creation of an assessment district or other special district which would provide a revenue source to support increased park and operation costs. As Oakland adds jobs and households, it is critical that the City also adds parkland-or at the very least, improves the parks that already exist and creates mechanisms for raising the revenues needed to handle increased use of the parks by new residents. Staff believes that any such mitigation strategies should be addressed on a City-wide basis and not specific to West Oakland or the West Oakland Specific Plan.

20-6: This comment suggests that it would be helpful to address the issue of connectivity between West Oakland and the new 200-acre Gateway Park, which represents the best opportunity to respond to increased recreational demands in West Oakland. However, it is extremely difficult to get there from West Oakland due to barriers such as the railroad tracks. It might be useful to think about the viability of a bike/ped bridge between the Wood Street development and the new job center at the Army Base, with continuing bike/ped connections to the Gateway Park. This comment pertains to the merits of the Specific Plan and is beyond the purview of the EIR and CEQA. Please see Master Response to Comments #2 in Chapter 4 of this document.

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

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

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

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

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

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

- S

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

Hi

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

Thanks,
- S

21A-1

Comment "21"

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

Hmmmmm...

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

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

Recommended Strategies

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

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

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

21B-2

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

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

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

reconstructed in accordance with appropriate construction standards and environmental practices.

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

21B-2 contd

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

Thanks,

- S

Response to Letter #21: Steve Lowe

21A-1: The comments in this letter address the issue of Demand Responsive Transit (DRT) and transit mobility, and suggest additional text for the Plan to better address this topic. These comments pertain to the merits of the Specific Plan and are beyond the purview of the EIR and CEQA. Please see Master Response to Comments #2 in Chapter 4 of this document.

21B-2: These comments suggests edits and revisions to Specific Plan text pertaining to existing rail spurs within the public right-of-way, as addressed in the Plan. These comments pertain to the merits of the Specific Plan and are beyond the purview of the EIR and CEQA. Please see Master Response to Comments #2 in Chapter 4 of this document.

Comment "22"

Dear Planning Commission,

Some concerns have been raised about how the West Oakland Specific Plan might make housing costs rise to the extent that residents have to leave. This will impact the environment by causing residents to move out to more suburban areas where housing is more affordable. By residents relocating to further areas, a longer commute is presented, resulting in more cars on the road. With more cars on the road, comes more pollution; not to mention that most older cars' fuel efficiency is not as desirable as more modern cars. One strategy that could mitigate these impacts is providing more affordable housing. That housing not only needs to be affordable, but also comfortable and healthful. There are many cases where affordable housing is placed in areas that over time can be a hazard to your health. Developers need to provide enough affordable housing using the Federal Standard for Affordable Housing to accomodate current citizens.

22-1

22-2

22-3

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

Response to Letter #22: Emmanuel Green

22-1: This comment suggests that indirect economic displacement may occur as a result of implementation of the Specific Plan, resulting in adverse environmental consequences associated with greater commute distances, increased pollution and fuel consumption. Please see Master Response to Comments #1 in Chapter 4 of this FEIR. Any analysis related to secondary effects of indirect economic displacement would be far too speculative to address under CEQA. That said, any increase in commute distance associated with displacement of West Oakland residents and/or employees to outside of Oakland or the local region would increase vehicle miles travelled, with commensurate increases in vehicle exhaust, GHG emissions, and traffic congestion.

22-2: This comment suggests that additional affordable housing is an effective mitigation measure for indirect displacement effect. This comment pertains to the merits of the Specific Plan and specifically to social and economic effects beyond the purview of the EIR and CEQA. Section 15131(a) of the CEQA Guidelines states that; ". . . economic or social effects of a project shall not be treated as significant effects on the environment. An EIR may trace a chain of cause and effect from a proposed decision on a project, through anticipated economic or social changes resulting from the project, to physical changes caused in turn by the economic or social changes. . . The focus of the analysis shall be on the physical changes." Please see Master Response to Comments #1 in Chapter 4 of this FEIR.

22-3: This comment indicates that affordable housing is too often located in areas that, over time can be a hazard to resident's health. The City's required development standards for all new development (including affordable housing) found in Supplemental SCA B includes all measures known by the City to be protective of toxic air health risks, as compiled from numerous sources including the CARB and BAAQMD, as well as individual mitigation measures that have been recommended based on prior health risk assessments conducted on prior projects. However, given the existing air quality conditions in West Oakland, City staff is supportive of requiring implementation of additional best management practices (supplemental to those measures identified in Supplemental SCA B) for new sensitive receptors in West Oakland to further reduce health risks to new residents. See Master Response to Comments #4-3 in Chapter 4 of this document.

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

Comment "23"

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

Dear Ms. Jonsson,

We own and occupy the Coca Cola Bottling/Mayway Site identified as Opportunity Site #38 in the current West Oakland Specific Plan Draft EIR. This site is located at the northeast corner of the Mandela Parkway/12th Street intersection.

The current General Plan land use designation for this site is Business Mix, whereas the Specific Plan proposes to amend the General Plan to change its land use designation to Housing and Business Mix. The current zoning for this site is Commercial/Industrial Mix (CIX-1), whereas the Specific Plan proposes to re-zone this site to Housing/Business Mix (HBX-2).

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

23-1

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

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

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

Comment "23"

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

Thank you for your attention.

Response to Letter #23: Yvonne Lau

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

6

Comments and Responses to Comments made at Public Hearings on the DEIR

Public hearings on the DEIR were held before the Oakland Landmark Preservation Advisory Board on February 10, 2014 and before the City of Oakland Planning Commission on February 24, 2014. The following is a summary of comments received at the public hearings, followed by responses that address those comments. Some of the topics raised have been previously responded to in Chapter 5, Responses to Written Comments Received on the DEIR.

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 Specific Plan on the environment pursuant to CEQA. Comments that address topics beyond the purview of the EIR or CEQA are noted as such for the public record. Where comments have triggered changes to the DEIR, these changes appear as part of the specific response and are consolidated in Chapter 7: Revisions to the DEIR, where they are listed in the order that the revision would appear in the DEIR document.

Responses to Comments from the February 10, 2014 Landmarks Preservation Advisory Board Meeting

The following comments were made at the Landmarks Preservation Advisory Board meeting on February 10, 2014:

Speaker 1: Jabari Herbert

Mt. Herbert spoke on the importance of emphasizing the African-American cultural theme on the 7th Street Cultural District.

LB1-A: This comment pertains to the merits of the Specific Plan, particularly to the Plan's proposed cultural district overlay on 7th Street, and is beyond the purview of the EIR and CEQA. Please See Master Response #2 in Chapter 4 of this document.

Speaker 2: Naomi Schiff, representing Oakland Heritage Alliance

Ms. Schiff spoke to the importance of the International Brotherhood of Sleeping Car Porters building, indicating that there should be an effort to nominate this building for National Register-eligible status.

LB2-A: Comment noted. As indicated in the Draft EIR; "Despite that the false-front mansard resting on tall brackets is the only original ornament remaining of the original 1890 building and its OCHS rating is a "D", the building in a nominated Landmark because it served as the Pacific Coast headquarters of the International Brotherhood of Sleeping Car Porters, from which emanated historical union and civil rights activities." This comment pertains to the merits of the Specific Plan, particularly to the Plan's implementation strategies for the recognition of historic

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

Ms. Schiff spoke to ensuring that the Plan provide not just lip service, but include aggressive policies to ensure affordable building space is available for local, small businesses, potentially even by providing public subsidy or charging developer fees to off-set the costs of rent.

LB2-B: This comment pertains to the merits of the Specific Plan, particularly to the Plan's implementation strategies for the recognition of historic resources, and is beyond the purview of the EIR and CEQA. Please See Master Response #2 in Chapter 4 of this document.

Ms. Schiff commented that those buildings with currently qualifying OCHS ratings are not the only important historic resources within West Oakland, and that the City should consider revisiting their CEQA definition for historic resources. She noted that many buildings within current Areas of Secondary Importance (ASIs) could qualify for historic resource designation based on further study or the advancement of time.

LB2-C: As indicated on page 4.4-37 of the DIER, the Draft EIR's analysis of historical resources is based on those buildings or sites that meet the City's current definition. That a resource is not listed in or formally determined to be eligible, or not deemed significant pursuant to established criteria did not preclude the City from considering that a resource may be a historical resource for purposes of this EIR. As noted in the Draft EIR (page 4.4-47); "The Specific Plan's Opportunity Areas contain a number of ASIs, and many PDHPs with existing ratings lower than "A" or "B". These properties were found by the OCHS surveys not to appear obviously eligible for the National Register, are not Local Register properties, and therefore their demolition or alteration might not be considered a significant impact under CEQA. Nevertheless, the policies of the Specific Plan, and existing City policies and regulations listed in the Regulatory Setting section above, would continue to encourage the retention and reuse of these properties in a manner that retains their historic character."

Speaker #3: Board Member Andrews, Sub-Committee Report

Mr. Andrews suggested the Plan should greater emphasize that West Oakland is a collection of several neighborhoods, not just one large neighborhood. The neighborhoods should provide a useful framework for looking at the Plan and acknowledging that each neighborhood is unique and different. He questioned what the process was for obtaining feedback on the Plan, and suggested that there are a lot of opportunities through current technology to better reach out to the community and get greater grass-roots feedback on the Plan. He also indicated he though the Plan was a broad-brush approach and was looking for more clarity and description of the role of historic resource in economic development potential, and more preservation emphasis.

LB3-A: This comment pertains to the merits of the Specific Plan and is beyond the purview of the EIR and CEQA. Please See Master Response #2 in Chapter 4 of this document.

Speaker #4: Board Member MacDonald

Ms. MacDonald expressed concern regarding the intensity and height of new buildings proposed particularly near the West Oakland BART station, and is concerned with the effects of these new buildings on the adjacent neighborhoods, especially on the historically important South Prescott neighborhood. She particularly cited the EIR's illustrations for the BART TOD design.

LB4-A: As indicated in the DEIR (page 4.4-47), "The Specific Plan proposes that the height and massing of new buildings [at the West Oakland BART TOD] provide a transition to the South Prescott neighborhood, with building heights of two to three stories on Chester Street, stepping up to four stories over a parking podium on 5th Street, and taller buildings further east. . . . New development in the northeast corner of the AMCO block would step up from two stories closer to existing homes, to four stories further away. At the height and massing proposed, and with consideration of local context as part of Design Review of subsequent individual development projects, proposed new development at the eastern edge of the South Prescott ASI would not be expected to result in a significant adverse change in the character of this district or its individual resources or on its potential eligibility for the National Register, or S-20 status, should it be re-evaluated or designated in the future." The comment does not provide information that would alter or change this conclusion.

Speaker #5: Board Member Daniel Schulman

Mr. Schulman questioned the reality of getting BART to commit to noise reduction with the recommended tube design or rail grinding, and suggested that BART and their TOD development partners consider establishing an assessment district to tax their development to pay for and prioritize these needed improvements.

LB5-A: The noise analysis presented in the Draft EIR is not predicated on achieving noise reductions for either the tube design or rail grindings. This comment regarding an assessment district pertains to the merits of the Specific Plan and is beyond the purview of the EIR and CEQA. Please See Master Response #2 in Chapter 4 of this document.

Mr. Schulman indicated that the Plan's "hands-off" approach to the neighborhoods was well-and-good, but that the Plan should address a number of neighborhood pressures and issues, including addressing the pressure to add new units within existing buildings conflicting with parking requirements for off-street parking. He questioned whether the City could relax the parking requirements to reduce the need for trying to "shoe-horn in" the required parking spaces.

LB5-B: This comment pertains to the merits of the Specific Plan and is beyond the purview of the EIR and CEQA. Please See Master Response #2 in Chapter 4 of this document. However, staff has made modifications to the Plan in response to these comments to achieve exactly the suggestion of Mr. Schulman. The off-street parking requirements for secondary units within West Oakland's neighborhoods has been relaxed to better enable the permitting of affordable secondary units.

Speaker #6: Board Member Peter Birkholz

Mr. Birkholz indicated that he was appalled that the public notice for this meeting, nor the Plan itself, mentions supporting the neighborhoods. Isn't that the point of the planning process?

LB6-A: This comment pertains to the merits of the Specific Plan, particularly the commenter's perception on the lack of focus in the Plan on neighborhoods, and is beyond the purview of the EIR and CEQA. Please See Master Response #2 in Chapter 4 of this document.

Mr. Birkholz questioned whether the Plan provided or could provide pre-approval for sustainable improvements to existing houses, such as solar panels on older homes, installation of wind farms along the freeway, solar cells instead of glass on the BART tube, etc. He also asked about pre-approval for mother-in-law units

LB6-B: This comment pertains to the merits of the Specific Plan and is beyond the purview of the EIR and CEQA. Please See Master Response #2 in Chapter 4 of this document. The draft EIR does not provide analysis of the potential environmental affects that may be associated with any discretionary actions that may be needed to implement any of the suggestions listed in these comments.

Mr. Birkholz questioned how the City can go about bringing up the value of historic homes.

LB6-C: This comment pertains to the merits of the Specific Plan and is beyond the purview of the EIR and CEQA. Please See Master Response #2 in Chapter 4 of this document.

Mr. Birkholz indicated that the paint shop identified on page 4.3.4 of the DEIR has already been removed.

LB6-D: Comment noted. Please see revisions to the DIER in Chapter 7 of this document, which removes reference to the 1874 paint shop at Oakland Point.

Mr. Birkholz questioned whether the Plan has considered the potential for a new grocery store at the corner of Market and West Grand.

LB6-E: The Specific Plan does include land use recommendations for the addition of new grocery stores in West Oakland, and identifies the area at market and West Grand Avenue as an excellent location of new neighborhood-serving retail and mixed-use space. These neighborhood-serving retail and mixed-uses are included in the overall assessment of the environmental effects of the Specific plan.

Mr. Birkholz wondered about OUSD's involvement in the Plan and whether they had provided input through the TAC, and indicated that many of West Oakland's schools had been re-purposed for other needs.

LB6-F: This comment pertains to the merits of the Specific Plan, specifically the input of the school district, and is beyond the purview of the EIR and CEQA. Please See Master Response #2 in Chapter 4 of this document. The Draft EIR (page 4.9-18) indicates that new residential development pursuant to the Plan would generate approximately 1,395 new students attending the OUSD. The DEIR also discusses that, "if classroom capacity within the specific schools serving the Planning Area were found to be unavailable at the time new students enter the school system, the OUSD could reassign students among schools within the District, expand year-round schooling, add more portable classrooms, transport students to less crowded schools, or find opportunities to more efficiently use existing or abandoned school facilities."

Speaker #7: Board Member Valerie Garry, Chair

Chair Garry noted in regard to Mr. Birkholz's comments on pre-approval of sustainable development (see comment LB6-B, above) the City's Green Development and Green Building Ordinance were included in the Plan.

LB7-A: Comment noted.

Chair Garry commented on the Plan's Design Guidelines, suggesting that these guidelines should address historical and cultural resources and the character-defining features and historic context of the neighborhoods, including the architectural context.

LB7-B: This comment pertains to the merits of the Specific Plan and is beyond the purview of the EIR and CEQA. Please See Master Response #2 in Chapter 4 of this document.

Chair Garry commented on the DIER's mention of the Mills Act, noting new legislation regarding a statewide historic preservation tax credit program. She also noted that the California hotel is an excellent example of a first-rate adaptive reuse project.

LB7-C: This comment pertains to the merits of the Specific Plan and is beyond the purview of the EIR and CEQA. Please See Master Response #2 in Chapter 4 of this document. Regarding the comment on new legislation, the California legislature is expected to consider adoption of a California State Historic Rehabilitation Tax Credit for commercial and residential properties, authored by Assemblywoman Toni Atkins (AB1999).

Responses to Comments from the February 24, 2014 Planning Commission Hearing

The following comments were made at the City of Oakland Planning Commission on February 24, 2014:

Speaker 1: George Burtt

George Burtt stated that he has been a property owner in West Oakland for about 40 years. He would like to speak about the West Oakland Commerce Association. Since 1990, their vision and intent was to prevent the Cypress freeway from being rebuilt once it collapsed due to the 1989 Loma Prieta Earthquake. The state of California wanted to sell off the median and the City of Oakland wanted to sell off two lanes which would've left a two lane street and nothing else, but the Community businesses fought for it and prevented it from happening. The Community businesses fought for many other projects and won. We worked very hard with staff on the general plan in 1991or 1992 and it was approved in 1998, but the zoning wasn't included. They had to invent the CIX zone which is in place today. In November 2012, this item came before the Planning Commission in which they asked staff 12 questions. He isn't aware that they received answers to those 12 questions and they weren't made public, but they just received this document two weeks ago and have many concerns. After the public speakers have spoken tonight, we should be included in the Zoning Update Committee process so they can have dialog with the Planning Commission. He feels that some sections in the plan are subjective. He read a passage from the plan that states, "The plan recommends a number of specific policy regulatory changes that narrow a range of what might be to incur and facilitate what should be". He feels this kind of pejorative language is scary to the neighbors and have yet to receive a list of permitted and non-permitted conditions that is somehow envisioned in this. He can't tell who will be put out of business, put in legal non-conforming and can't move forward, they are frightened by this language. There are parts in the plan where it discussed building the plan's potential which states "general plan zoning regulations already permit the types of development concepts allocated to this plan". However, their concerns are: turning 5 areas of CIX into HBX in which they've contacted 3 property owners in the area and none of them were contacted by staff or the consultants, road guides for West Grand Avenue, Adeline Street and 14th Street. We are very proud of our roads and the infrastructure of these roads so, to take them away from us and place a roundabout at 28th Street right where Custom Alloy is, there is no warrants or traffic for that. You are reducing the FAR from 4 to 2, for example; Custom Alloy is right across the street from his property, but because they are in a high intensity overlay they retain the 4, but his property is dropped to 2 which is spot zoning. There is a proposal to have businesses go through design review, why, to corral us and make us into conditional use creatures that come before you and beg for our businesses to be located or built there, we don't want that. He stated that this entire thing comes down to a vision and the plan doesn't understand the market place. Those of us that own property have seen this in which you will hear more testimonies tonight. He asked that the Planning

Commission please listen to the Commerce Association members' concerns and would like to have a real conversation with you.

1-A: This comment pertains to the merits of the Specific Plan, particularly to the Plan's proposed land use changes, and is beyond the purview of the EIR and CEQA. Please See Master Response #2 in Chapter 4 of this document.

Speaker #2: Kate Nicol

Kate Nicol is the Co-founder and current head of the Vincent Academy Charter Elementary School. She stated that one of the important portions of the plan is schools. She described how Vincent Academy serves the youth in West Oakland. They first opened for business in 2011 starting with 60 students and have now grown to 135 students, but the goal is to have 350 students when they move to a larger, permanent location. They are open from 7:00 A.M. to 6:00 P.M. daily. Some of the programs and services they provide are: Enrichment, arts, significant mental health support and a variety of parenting classes. She stated that security is important and the youth feel safe when attending school. She would like for more coordination in the plan so when issues arise in the neighborhood, they are a part of the discussion when issues arise so that they can make sure that their students area safe. The school will be up for renewal in front of the Oakland School Board in the 2015-2016 school year and they would like a preference for the West Oakland students which is something they were not able to do initially. She feels very strongly that Vincent Academy Charter Elementary School should serve the neighborhood and West Oakland students. When the time comes for the school's renewal, she will ask for the Planning Commission's support so that they may receive preference so the students in the West Oakland neighborhoods will have an excellent school to attend.

2-A: This comment pertains to the merits of the Specific Plan and how the Plan relates to schools, and is beyond the purview of the EIR and CEQA. Please See Master Response #2 in Chapter 4 of this document.

Speaker #3: Brian Geiser

Brian Geiser resides in City Council District 3. He stated that he agrees with Chair Pattillo's comment at a community meeting for the West Oakland Specific Plan a year ago when she stated that the citizen's concerns were not being heard. The West Oakland residents are very concerned about this project because they don't understand what it's all about. He feels that the Planning Department provided vague and misleading answers and since then, he has spoken to about 15 to 20 residents in District 3 and the more they knew about this project and the California Environmental Quality Act (CEQA) and Environmental Impact Report (EIR) process the more concerned they are. He complained about the large size of the Environmental Impact Report (EIR) and Area Plans and should be broken down to 10 different plans. He can see where there are various types of developments included in the plan i.e. San Francisco type high-rises, speculative office buildings, big box retail near the highway interchange at Grand Avenue and lot of stack and pack housing in between, These people don't care about the community and the mom and pop stores won't be involved. If this plan goes forward, it needs to be a smaller version of it.

3-A: This comment pertains to the merits of the Specific Plan, its public outreach process and the overall readability of the document. These comments are beyond the purview of the EIR and CEQA. Please See Master Response #2 in Chapter 4 of this document.

Speaker #4: Naomi Schiff

Naomi Schiff thanked the staff for their good efforts and she does see progress in the plan, but she does have some worries. She stated that since the City of Oakland successfully evicted the film offices from the Port of Oakland, they can give up on winning them back. There should be an immediate effort to Landmark the Brotherhood of Railway Porters building which is a key historic resource, Chapter 9, the economic and social justice piece seems quite weak to her, 9.48-49 the educational programs is extremely underdeveloped and has anyone talked to the Peralta Colleges. For example, it isn't about training people for industry, what about small business education for arts and commercial small business. This can be provided in West Oakland, it should be included in the plan. In 9.64 it talks about diesel pollution and health effects, and she suggests that the City of Oakland take a stand against transporting coal through Oakland because it creates a double layer of pollution. The identity of 7th Street shouldn't be called a "Blues District", there has to be incentives for small businesses to locate there, because new commercial space in new buildings is too expensive for any locally owned business. There should be incentives for landlords that house arts activities by having an arts district overlay system or something. She questions the complete lack of a design interface with the Oakland Housing Authority property which is a very large area of Oakland which is right across the street from one of the development sites for expensive housing and that worries her that it will be right across from low income housing without addressing some of the social issues that will likely be raised. The streetcar is expensive and doesn't see why it's needed; AC Transit will do just fine. West Oakland isn't south Emeryville and shouldn't be made to mimic it, just keep it Oakland. She really encourages the Planning Commission to keep this meeting open and not close the public hearing because she doesn't think that anyone else is fully ready to comment on the Environmental Impact Report (EIR).

4-A: These comments pertain to the merits of the Specific Plan, and are beyond the purview of the EIR and CEQA. Please See Master Response #2 in Chapter 4 of this document.

Speaker #5: Christopher Andrews

Christopher Andrews is the co-chair of the City of Oakland's Landmarks Preservation Advisory Board. His purpose at tonight's meeting is to give summary comments from the Landmarks Preservation Advisory Board meeting on February 10, 2014. They've seen tremendous progress in this plan and are optimistic about it continuing. The way they now see the plan is the recognition that West Oakland is not a neighborhood, it's a collection of 8 neighborhoods such as: South Prescott, Prescott Clausen, Hoover Foster, McClymonds, Ralph Bunch, Oak Center and Acorn. The Board believes this neighborhood framework is actually essential to breaking the plan into a scale that can be comprehended and implemented by the citizens of Oakland. The Board also reviewed the heights of some of the proposed development in the plan in relation to the historic buildings and neighborhoods. Some recognition that infill development on sites that have historic buildings or in historic neighborhoods may also allow reduced parking requirements or in-law units that could assist residents with developing their property in order to profit from this economic development. In terms of the design standards, the Board also felt that the neighborhood framework in some areas should really review both massing height and building details in the specific neighborhoods. For example, Opportunity Area 1 which actually embraces 4 neighborhoods which are: Clausen, McClymonds, Ralph Bunch and Prescott that design standards. This neighborhood framework would really help to empower the residents of West Oakland to take hold of this plan and implement it into the future.

5-A: These comments pertain to the merits of the Specific Plan, and are beyond the purview of the EIR and CEQA. Please See Master Response #2 in Chapter 4 of this document.

Speaker #6: Soloman Seyum

Soloman Seyum is a delegate of the Bay Area Workers Benefit Council based in West Oakland. He feels this plan will cause the removal of West Oakland's low income residents and the City of Oakland Administration has failed to prioritize the needs of the majority of most who live in this gateway to the city that needs real development from the bottom up, not relocation or removal.

The proposed development of the Life Science Information Sector and clean tech business campuses offer a large share of jobs in the professional, technical and scientific occupations that should be inclusive of the current West Oakland residents. West Oakland has been economically abandoned and left destitute since the 1960s. He has concerns about where the funds for this project came from and who stands to gain from it. The Bay Area Workers Benefit Council represents low income West Oakland residents that face financial dilemmas on a daily basis such as: paying their PG&E bill or buy groceries, purchase clothes for their children or purchase much needed medication. On behalf of the Bay Area Workers Benefit Council, he demands that the Oakland Planning Commission and City Council approve construction and development that will provide living wage jobs, housing and renovation that will benefit the low income residents and the economy of our community in general. He demands that the people are developed, not buildings. He demands that the City of Oakland implement a 5% tax on any development that comes to the area to be used to set up a special fund to assist the low income residents with paying their rent, electricity, water and other vital debt.

6-A: This comment pertains to the merits of the Specific Plan and specifically to issues of social and economic effects, is beyond the purview of the EIR and CEQA. Please see Master Response to Comment #1 regarding gentrification, direct and indirect displacement.

6-B: These comments pertain to the merits of the Specific Plan, specifically on social and economic issues and are beyond the purview of the EIR and CEQA. Please See Master Response #2 in Chapter 4 of this document.

Speaker #7: Yvonne Lau

Yvonne Lau is one of the owners and operators of one of the properties identified as Opportunity Site #8 in the plan. Their property is the old Coca Cola bottling plant located at 14th Street and Mandela Parkway. She and her family were very nervous and aghast that decisions were made for them without having any dialogue with City staff or were not invited to participate at all in the process. Her property is currently zoned as industrial commercial mix which is proposed in the plan to be changed. If staff would've actually had some dialogue with her and her family about how she felt about a potential high rise development being built, she would've stated that it's kind of crazy to do so because it would be located next to the Peralta Village low income housing and she can't imagine high end development there. Some of the businesses in the area are industrial with trucks driving up and down the streets, so she doesn't think that another housing development on Mandela Parkway is good for the neighborhood. She asked that this proposal be removed from the plan and to have more open dialogue with the business owners in the area as this plan progresses.

7-A: This comment pertains solely to the merits of the Specific Plan and is beyond the purview of the EIR and CEQA. However, please see Master Responses #3 in Chapter 4 of this FEIR, which indicates that the Specific Plan's recommendation for rezoning the Coca-Cola/Mayway site to Housing/Business Mix (HBX) has been removed from further consideration.

Speaker #8: Jim Findley

Jim Findley is a retired PG&E employee and their former whistleblower, so he knows firsthand about what happens when you have deficient infrastructure which is one of the things he noticed about this plan. He feels that the infrastructure development should start from the bottom and work its way up. He stated that the City of Oakland shouldn't develop where there are inadequate, deficient, decrepit or unsafe systems. Speaking from experience with unsafe systems, he feels that the City of Oakland shouldn't cut corners and needs to be sure that those systems are installed, maintained and operated in a safe and sufficient manner. He explained how the workforce decreases and the quality of services are impacted. He asked that the public be taken care of and heard, and make sure that those who utilize the properties have good paying jobs which will assist in financially revitalizing the area.

8-A: This comment pertains solely to the merits of the Specific Plan and is beyond the purview of the EIR and CEQA. However, an analysis of the Project effects on public services and utilities is included in Chapter 4.11 of the Draft EIR.

Speaker #9: Benny Murillo

Benny Murillo is a delegate Bay Area Workers Benefit Council and was a West Oakland resident until 2013 when he moved out of Oakland because he was unable to afford housing in Oakland. He is speaking on behalf of the West Oakland residents and demands that the Planning Commission and City Council deny approval of this proposed specific plan. He feels that the West Oakland residents and small businesses will not enjoy the benefits of this proposed plan. The plan is extremely vague on provisions of replacement housing to those indirectly displaced by redevelopment. On page 36 of the specific plan goals, objectives, strategies and actions, he read a statement from the West Oakland Specific Plan from a previous community meeting that gave information on the household income median, renters vs. owners in which he feels this leaves them vulnerable to displacement when rents increase. He stated that industrial and small businesses are concerned about business gentrification and displacement. Changes in land use and emphasis on higher value operations and land use activities could result in valuable local enterprises being displaced by well-paid jobs that require a certain level of skill set more advanced for the current West Oakland residents. This is an overt omission that the residents of West Oakland will be displaced out of the neighborhood as the property value and rents increase, that is not acceptable. On page 9-12 of the plan, he stated that it referenced a proposal to build low and moderate income housing between now and the year 2035. There are 78% of the households are renters and vulnerable to displacement, yet only 15% of the median is for low income residents which don't meet the needs of the current population and this plan is to run us out of our neighborhood.

9-A: This comment pertains to the merits of the Specific Plan and specifically to issues of social and economic effects, is beyond the purview of the EIR and CEQA. Please see Master Response to Comment #1 regarding gentrification, direct and indirect displacement.

Speaker #10: Darrell Johns

Darrell Johns is an Oakland resident and works pro bono as an advocate for low income families in West Oakland. He stated that since the 1980s the City Planners have issued a staggering number of redevelopment plans, 25 total. They are promoted as a means to boost the economy of West Oakland, but one can look at the blighted potholes in the streets, boarded up businesses and foreclosed homes in West Oakland to see what a resounding failure these plans have been to date. He doesn't feel that redevelopment plan #26 will be any different than the other failed plans and the West Oakland Specific Plan won't benefit the current West Oakland residents rather than provide an opportunity for financial

institutions, large corporations and hedge fund managers to extract the last major piece of wealth from community members before they displace the current residents through gentrification. Who specifically benefits from the West Oakland Specific Plan because the past 25 redevelopment plans for West Oakland haven't been without benefits to corporations large and small who he feels scammed the system at taxpayers' expense with false hopes of job creations. They've benefited companies that wish to break unions by taking advantage of cheap sources of labor, hedge fund managers and Wall Street moguls who purchase the distressed properties at fire sale prices and extract money from the community by increasing rent and housing prices. He stated that the West Oakland residents will not be the ones to benefit from this plan and he demands that the Planning Commission reject this proposed plan until it can be rewritten to include specific provisions to assure that any redevelopment will have the primary effect of benefitting the current West Oakland residents. The demands should be, but not limited to: At least 50% of the housing development must be affordable to current West Oakland residents, all rental housing developed under this plan be subject to rent control, any incentive paid for new jobs created must be based on net jobs created statewide and must provide a living wage, at least 50% of new hires should come from the West Oakland area, any construction involved in the plan must hire 75% of its workers locally, pay union scale wages, provide union apprentice scale training where local workers currently don't have the job skills, proactive and transparent local government support to facilitate West Oakland homeowners to maintain ownership of their homes, must be exerted efforts to minimize displacement unless it's an unavoidable, adequate financial and logistical relocation support must be provided to community members displaced by redevelopment. It is time for a renewal project focus on developing people, not just property and invest in community, not profit.

10-A: This comment pertains to the merits of the Specific Plan and specifically to issues of social and economic effects, is beyond the purview of the EIR and CEQA. Please see Master Response to Comment #1 regarding gentrification, direct and indirect displacement.

Speaker #11: John Pomeroy

John Pomeroy is a West Oakland resident. He stated that the system as it currently exists is tragically flawed. The statistics clearly show that the disparity between the "haves" and the "have not's" is growing and we, the citizens of West Oakland demand a dramatic change in this societal archetype. Any new development should focus on local history, local empowerment and local resources. He feels that the specific plan is anything but specific. Any development must be sustainable, green and local, and buildings should be zero impact and focused on alternative energies such as: recycling, composting, water sewage treatment and self-sufficiency. He stated that the following is included in the plan, but should be addressed: Affordable housing - which isn't always affordable to all, enhancement - but to whose standards, neighborhood service retail - which is really vague, health food - with no gardens and slaughter houses to sustain this, unavoidable impacts - in which he feels every impact is avoidable, economic revitalization – which he feels doesn't mean anything, stimulating retail environment – he feels the word "stimulating" as it relates to this plan is a highly subjective term and wood frame construction – he stated that this is not a sustainable form of building. He stated that there are a lot of contradictory assessments about healthy food. The plan indicates healthy food and entities liked the Peoples Groceries, Mandela Food Co-op and City Slicker Farms and on the other hand you talk about a 15,000 square feet retail supermarket that will displace all of those markets that have benefited the community for a while.

11-A: This comment pertains to the merits of the Specific Plan and specifically to issues of social and economic effects, is beyond the purview of the EIR and CEQA. Please see Master Response to Comment #1 regarding gentrification, direct and indirect displacement.

Speaker #12: Mehrdad Dokhanchy

Mehrdad Dokhanchy represents a small group of investors in Oakland. He owns businesses in Oakland and currently has property on Mandela Parkway and West Grand Avenue. He feels that there are some restrictions in the plan that will make it difficult for people to develop for the community such as: work live, commercial or residential businesses. These restrictions should be removed from the plan and reviewed and his partner tried to contact Ms. Thornton without success to discuss this matter. The Planning Commission should encourage communication between staff and property owners and these things should be taken into account.

12-A: This comment pertains to the merits of the Specific Plan and is beyond the purview of the EIR and CEQA. Please see Master Response to Comment #2.

Speaker #13: Alicia Engman

Alicia Engman is the owner of a local manufacturing company and her home is in Opportunity site #1B. She relocated from Boston to West Oakland because it has all of the key components for a company like hers to grow and thrive. She hires and trains youth from the West Oakland Internship Programs, she does most of her business with local businesses and hires from local businesses that rely on industrial space. The demand for United States goods is the reason why her company is rapidly growing with her staff tripling in amount within the last 4 months. If zoning changes are made, her company will be displaced and she and all of the families her company supports in a building with over 170 companies just like hers will no longer support the local economy.

13-A: This comment pertains to the merits of the Specific Plan and specifically to issues of social and economic effects, is beyond the purview of the EIR and CEQA. Please see Master Response to Comment #1 regarding gentrification, direct and indirect displacement.

Speaker #14: George Read

George Read is a delegate of the Bay Area Workers Benefit Council based in West Oakland and he is an Electrician. He demands that the City of Oakland Planning Commission and City Council deny approval of the proposed West Oakland Specific Plan. He would like to address the promise of jobs, as he just heard from the previous speaker, this plan may eliminate existing jobs that directly benefit the community. He read in the plan that it will create higher density campus style development similar to what currently exists in Emeryville at the East Bay Bridge Shopping Center. The plan also proposes to relocate high impact activity such as: trucking operations, recycling facilities for Life Science Information Sector and Clean tech business campuses that offer a large variety of jobs in the professional, technical and scientific occupations and capitalize on West Oakland's close proximity to Emeryville and UC Berkeley. He stated that the West Oakland Specific Plan summarizes workshops where residents express the need for living wage jobs and affordable housing. The plan projects an increased number of jobs, but it doesn't have any specific plan on how the jobs will actually be produced and housing for the residents in that area. He feels that the plan is very ambiguous and no one is held accountable as of a result.

14-A: This comment pertains to the merits of the Specific Plan and specifically to issues of social and economic effects, is beyond the purview of the EIR and CEQA. Please see Master Response to Comment #1 regarding gentrification, direct and indirect displacement.

He doesn't agree with the proposal to write tickets on trucks with their being currently 2,300 trucking jobs in West Oakland and some of the truckers live and work in Oakland. This will drive them out by criminalizing them and he sees this as another attack on the current West Oakland residents.

14-B: This comment pertains to the merits of the Specific Plan and specifically to issue of trucks and truck parking, is beyond the purview of the EIR and CEQA. However, as indicated on page 4.2-33 of the DIER, the EIR indicates that the Plan is consistent with and supports emissions reduction plans to reduce exposure of West Oakland's population to air toxics and diesel PM, providing incentives to reduce emissions from heavy duty diesel equipment, targeted enforcement of CARB diesel control rules, land use guidance and enhanced air quality monitoring

He stated that the West Oakland Specific Plan Equity Strategies document from 2013 referenced that the Enterprise Zone's tax credit program will facilitate economic development. He suggests that everyone become familiar with the Enterprise Zone and they will see how much of a failure it is related to displacement and corporate benefits. He and other members of the Bay Area Workers Benefit Council have been canvasing the West Oakland streets every Saturday since 1975 and found that over 60% of their residents are unemployed. Any plan to revitalize West Oakland for the benefit of its residents must begin with jobs and living wages. He demands that the Oakland Planning Commission and City Council approve construction and development that will bring living wage jobs, affordable housing and renovation to the benefit of low income residents and the economy of the community in general. He demands that 75% of the construction jobs must hire and train local residents to qualify with local unions receiving apprenticeship wages. He demands that all construction jobs be union jobs and 25% of all new jobs must be for West Oakland residents and provide full benefits.

14-C: This comment pertains to the merits of the Specific Plan and specifically to issues of social and economic effects, is beyond the purview of the EIR and CEQA. Please see Master Response to Comment #1 regarding gentrification, direct and indirect displacement.

Speaker #15: Jabari Herbert

Jabari Herbert is a West Oakland resident and a community developer that is involved with the development around the West Oakland Bay Area Rapid Transit Station (BART). Many activists and community members came together about 18 years ago to take advantage of the opportunity to be involved in developing a historic transit village with an African American theme around the West Oakland Bay Area Rapid Transit Station (BART). There was clean funding to do enhanced enterprise communities which targeted the Fruitvale area. As far as displacement as it relates to parking, vehicles will be displaced or centralizing them in a way that can be an historic transit oriented development that attracts smarter new ways of living around a major transit hub. This could be done paying homage to the African American community which was 80% when he first started this effort in West Oakland, but that percentage is currently much less than that. There has been the reality of gentrification and there is no way of stopping that, it may or may not be a good thing. He asks that the West Oakland Specific Plan be adopted so that it will bring some much needed development into West Oakland and pay homage to the community although it's changing at the blink of an eye.

15-A: This comment pertains to the merits of the Specific Plan, specifically to the benefits of needed development at the BART station and the consequences of gentrification. Both of these issues, as discussed, pertain to issues of social and economic effects and are beyond the purview of the EIR and CEQA. Please see Master Response to Comment #1 regarding gentrification, direct and indirect displacement.

Speaker #16: Albert Kueffner

Albert Kueffner is a member of the Bay Area Workers Benefit Council. He is here to represent the history of West Oakland. This history began and still is focused on West Oakland. At the turn of last century, African American Pullman Porters came to West Oakland in need of a place to stay, so they

built marvelous Victorian homes and became upstanding members of the community. This continued in that vein through the Second World War with the shipping industry and more transportation. He stated that there is currently no railroad train station and you continue the transportation vein by building Bay Area Rapid Transit (BART) train system that totally destroys the soul of the community in which West Oakland is the soul of the community. He sees the changes being made as transportation focused and feels that it should be changed back to what it used to be, a place for minorities to work in the transportation system and not be criminalized for parking their trucks on the street when there are over 2,000 truckers living in West Oakland. He sees a lot of foreclosed and abandoned properties in West Oakland and more and more residents are being pushed out of their homes due to greed from the big box stores and hedge fund managers that purchase the properties and build commercial retail and high end housing developments. He asked that West Oakland be restored as it used to be by creating good paying jobs for minorities like the Pullman Porters. He demands that the Oakland Planning Commission and City Council approve construction and development that will attract living wage jobs. He demands that not one single person be evicted from this neighborhood due to this plan or redevelopment schemes. Anyone that is displaced must have all relocation moving expenses paid for by the City of Oakland or via taxed on the industry's moving in. Before relocation, the City of Oakland must find comparable housing within the neighborhood. Please, let's work together to make West Oakland what it was, a wonderful thriving place to live.

16-A: This comment pertains to the merits of the Specific Plan and specifically to issues of social and economic effects, is beyond the purview of the EIR and CEQA. Please see Master Response to Comment #1 regarding gentrification, equitable development, and direct and indirect displacement.

Speaker #17: Bob Tuck

Bob Tuck is with WOCA and he and his wife run a small business in Oakland that has been there since 1908 and in West Oakland since 1920 and they provide 34 jobs on an half of an acre. The proposed conversion of about 17 acres of CIX business mix land to residential, had businesses such as his were on that 17 acres, that is a potential loss of 500 jobs. You must stop the conversion of business commercial use to residential and would like for this proposal to be removed from the plan. He is concerned that eminent domain may be used in which he was a part of an organization that fought to stop it years ago. He reminded the public that there is no longer "redevelopment" or funds of any kind, and that they should be concerned with the uncertainty that this specific plan creates, because it could be a long time before anything happens. He asked that the Planning Commission consider removing the overlays which could complicate the planning process. He doesn't want the City of Oakland interfering with the EBMUD property development years down the line in which they fought for a long time to develop their property into usable property that provides living and saving wage jobs. He asked that there be a meeting to discuss this with more than a 2 minute time limit be scheduled to have discussions similar to the ones they had during the Zoning Update process on the General Plan which was very productive.

17-A: This comment pertains to the merits of the Specific Plan and specifically to economic issues associated with the conversion of business commercial uses to residential uses, and is beyond the purview of the EIR and CEQA. Please see Master Response to Comment #2 in Chapter 4 of this document.

Speaker #18: Nicolas Holmes

Nicolas Holmes is speaking on behalf of Carla Fuller who had to leave because she waited a long time to speak and was unable to stay. She is a former receptionist who used to live in West Oakland but moved

because she could no longer afford to stay due to high prices of housing, so he will read her speech right now. She demands that the Planning Commission and the City Council deny the West Oakland Specific Plan because the benefits it may offer will not be enjoyed by the residents and small businesses of West Oakland. Carla Fuller grew up and lived most of her life in West Oakland along with her family have recently been forced out of the community and forced to move to Antioch, CA. The housing market has made it less affordable to live in the West Oakland community and she now has to commute almost 7 days a week because she still goes to church and works in Oakland. It is also a hardship for us to commute because of the gas prices, wear and tear on her vehicle and the Bay Area Rapid Transit (BART) system breaking down from time to time. Her grandchildren have had to relocate schools in hopes that they will adjust to their new neighborhood which may not seem like much to you, but those who stroll through our neighborhoods never know our struggles or feel our pain won't adjust to economical struggles and breakdowns. She demands that we, the members of West Oakland be included in any improvements that are planned for this community. We need true living wage jobs and housing that we truly can afford so that we are not forced to move out of our neighborhoods. She demands that any plan include development of people, not buildings and not one single person be evicted from their home. Develop the people, not the buildings.

18-A: This comment pertains to the merits of the Specific Plan, specifically to issues of social and economic effects, and is beyond the purview of the EIR and CEQA. Please see Master Response to Comment #1 regarding gentrification, equitable development, and direct and indirect displacement.

Speaker #19: Ron Muhammad

Ron Muhammad is a lifelong resident and small business owner in Oakland and his family owns a couple of small businesses in West Oakland. He stated that he would like to apologize to former City Councilmember Nancy Nadel when she would state that the industrial land needs to be protected. He used to believe that Oakland has no industry to protect so why protect the industrial land. He now understands what she meant now that developers are talking about density. There are some projects in the plan that will potentially be impacted by the zoning changes in the CIX business mix. He feels that once the industrial land is taken, it can never be given back and the type of housing that's proposed isn't necessarily housing for families. The density, in terms of stacked housing will further push the industrial lines back with less available jobs. He commended Ms. Thornton for doing a great job, she knows the history and she is one of the few remaining Planners that knows the history of West Oakland, but this needs to be reconsidered. He hopes that they can meet to have further discussions on this and he is glad that this isn't the final plan and hopes that the Planning Commission is open to the community's concerns.

19-A: This comment pertains to the merits of the Specific Plan and specifically to economics and land use issues associated with the conversion of business commercial uses to residential uses, and is beyond the purview of the EIR and CEQA. However, the Draft EIR (page 4.6-24) indicates that the General Plan amendments/rezoning of three individual sites would be in direct conflict with the City's Industrial Land Use Policy, which indicates that these areas are to remain industrial, without amendments. However, even with the proposed change in use to residential on these sites, there would remain an ample supply of industrial land within West Oakland and within the city as a whole to meet existing and projected market demand. Within the remaining industrial areas in West Oakland, the Plan would retain and expand existing compatible urban

manufacturing, construction and other light industrial businesses while attracting new targeted industries.

Speaker #20: Dean De Giovanni

Dean De Giovanni is a Senior Engineer in the Facilities and Engineering Section with East Bay Municipal Utilities District (EBMUD) and manages the Adeline Maintenance Center (AMC) Campus on West Grand Avenue and Adeline Street. East Bay Municipal Utility District (EBMUD) has been a solid employer in the area for over 50 years with hundreds of employees and well-paying jobs and has completely invested in improving its property over the past few years. The AMC Campus houses administrative offices, trade shops, fleet maintenance, warehouses and material storage. It also serves vital construction maintenance and customer service functions for our central service area as well as our greater East Bay Municipal Utility District (EBMUD) service areas. The West Oakland Specific Plan highlights the Bay Municipal Utility District (EBMUD) property as an opportunity area in the Mandela Parkway and West Grand Avenue area 1B site #17. It proposes general plan land use and zoning changes that will impact our ability to improve our property over the next 25 years. The plan proposes bringing HBX zoning closer to their site which will then overlay CIX-S/19 zoning on their property. The plan also proposes high intensity business overlay that restricts truck yards and conditional use permits that seem to be very subjective. He stated that they've been corresponding with staff in meetings and in writing in which they've addressed them as an existing business that has no intentions of leaving the area. They've requested that their campus not be included in the plan on Mandela Parkway and West Grand Avenue 1B area and no zoning changes be imposed on them. There are no current plans for them to relocate and they plan on remaining a vital member of the community and a solid employer for many years to come.

20-A: This is not a comment on the accuracy or adequacy of the EIR, but is instead a comment on the relative merits the Project's land use recommendations and overlays specific to the existing EBMUD Adeline Maintenance Center (AMC). Please see Master Response#3 in Chapter 4 of this Response to Comments document, where it indicates that the Specific Plan's recommendation for rezoning the EBMUD site has been removed from further consideration.

Speaker #21: Robert Sterling Savely

Robert Sterling Savely is the co-founder and chairman of the California Cereal Products located in the former Nabisco plan. He is concerned about the rezoning of the MayWay facility to Housing and Business Mix. He feels that there is currently very little industrial stock which should be preserved. For example; 20 years ago, the Planning Commission approved the Nabisco plan to be rezoned to allow condominiums to be built there, but thanks to Ellen Wyrick-Parkinson and others, the City Council denied the approval. Two weeks later they purchased the facility and now average about 50 to 80 employees over the past 20 years. He doesn't see in the plan where the numbers show the average salary of Alameda County residents or that they spend the majority of their money locally, but yet, the industrial stock continues to just sit there. So, let's keep what little bit we have so that we can have a shot at some other jobs.

21-A: This is not a comment on the accuracy or adequacy of the EIR, but is instead a comment on the relative merits the Project's land use recommendations specific to the Coca-Cola/Mayway site. Please see Master Response #3 in Chapter 4 of this Response to Comments document, where it indicates that the Specific Plan's recommendation for rezoning this site has been removed from further consideration.

Speaker #22: Jon Sarriugarte

Jon Sarriugarte is a member of the WOCA Board and sits on the Make Oakland Board. He also owns a company and live work building at 26th and Adeline Streets. He is familiar with both live work and commercial because he is a Blacksmith with about 40 employees and tenants that live there. He would like to speak on behalf of 3 businesses across the street from his property which is one of the areas that is proposed for rezoning. He doesn't want to see the rezoning and loss of industrial land in West Oakland. There is no way they should demolish people's homes to make it a place to work although, jobs are foremost the important thing for Oakland right now. There needs to be industrial jobs for the West Oakland residents that they quality for. There are great training facilities in the Crucible, Laney College, etc. and those spaces should be honored by not rezoning anymore. He asks that the overlays be removed, a committee be formed with the minor and major stakeholders in the neighborhood and sit down at a meeting to discuss this further. He stated that staff did a really great job putting this plan together, but there are some errors, missing charts, streets that are misnamed, very lengthy and it's very hard to follow. So, we all need to sit down and review this plan so that we can do some real planning that makes since for Oakland.

22-A: This is not a comment on the accuracy or adequacy of the EIR, but is instead a comment on the relative merits the Project and the relative merits of the Specific Plan document itself. Please see Master Response to Comment #2 in Chapter 4 of this document.

Speaker #23: Hiko Shimamoto

Hiko Shimamoto is one of the owners of the Mutual Express Company which is a local dredge company located on West Grand Avenue and Willow Street. They've heavily invested in new equipment to help clean and they are in West Oakland. They employ 20 drivers and most of them are West Oakland residents. They oppose the West Oakland Specific Plan because it will restrict business uses in selected areas that are in close proximity of the Port of Oakland. The Port of Oakland is a major economic engine for the City of Oakland and it is attempting to regain its standards among other United States Ports. It is imperative that the Port of Oakland is supported by providing the necessary land use for their services such as: trucking, warehousing, trades loading and distribution in close proximity to the Port of Oakland. These are essential services for the Port of Oakland's operations and a buffer zone around the major access point to the Port of Oakland namely, areas adjacent to West Grand Avenue. This will help provide an economic base which will create a wide range of employment opportunities for the citizens of West Oakland, not just construction jobs that are gone once the project is complete, but permanent jobs that provide living wages.

23-A: This is not a comment on the accuracy or adequacy of the EIR, but is instead a comment on the relative merits the Project. Please see Master Response to Comment #2 in Chapter 4 of this document.

Speaker #24: Karen Cusolito

Karen Cusolito is the founder of the American Steel Studios and the 2013 recipient of the Alameda County Arts Leadership Award. She also is a member of WOCA and sits on the advisory board for the Crucible. She has worked and lived in West Oakland for many years and the infrastructure of the building she works in is very important, because the tenants need to have that space to work. She opposes the West Oakland Specific Plan because parts of it are too confusing where commercial and industrial will be changed to business mixed use, but at the same time it states that it wants to retain industry and discourages industrial near residential. As a West Oakland resident and business owner, she would like to know if she is making a 2, 20 or 50 year investment in this plan so that she can make

decisions on how she runs her business and how it will continue to grow. She asks that those details be reconsidered because they are really big details that will impact a lot of people.

24-A: This is not a comment on the accuracy or adequacy of the EIR, but is instead a comment on the relative merits the Project and the relative merits of the Specific Plan document itself. Please see Master Response to Comment #2 in Chapter 4 of this document.

Speaker #25: Nathaniel Turner

Nathaniel Turner is from South Hampton, Virginia (Fictitious citizen name). He moved to Oakland in 2009 because he had heard about its rich and vibrant African American communities centered here in West Oakland. Now he sees the residents being displaced to cities like Suisun City and Antioch and in their place are high rise condominiums selling for $300,000 at a minimum. He doesn't see this as a legitimate public comment period and the residents of West Oakland are underrepresented. This room doesn't look like the community of people that will be affected by the decision that are being made right here. The people that should be here may be either just getting off from work, don't have a job at all or they didn't hear about this meeting due to what he feels is lack of noticing or advertising to the West Oakland residents. He stated that staff needs to make sure that more West Oakland residents know about these meetings and more about this plan that will affect so many lives long before this will ever go forward.

25-A: This is not a comment on the accuracy or adequacy of the EIR, but is instead a comment on the public outreach effort to inform the community about the Plan. Please see Master Response to Comment #2 in Chapter 4 of this document.

He stated that there were no community benefits agreements provided, no guarantee of local hire and no protection for low income housing for current residents included in the plan. He would like to know what is the goal and ethics of this plan and if they knew what happens to people that have no affordable place to live. They live in hotels and their children may have to change schools 5 or 6 times a year. He stated that the West Oakland residents will not take this lying down, because they know that anything that is called "revitalization" doesn't apply to them. The residents can see that the proposed grocery stores are for future residents of West Oakland, not for the current residents. The residents also see that if good food is too good for them, maybe the folks that plan things like the West Oakland Specific Plan don't care if they starve or develop diabetes. He doesn't have anything to recommend in its place and he doesn't have any trust in the staff or Planning Commission. He stated that it isn't that the plan is illegitimate, you all are illegitimate as a body and this meeting is illegitimate.

25-A: This is not a comment on the accuracy or adequacy of the EIR, but is instead a comment on the relative merits the Specific Plan. Please see Master Response to Comment #2 in Chapter 4 of this document. Please also see Master Response to Comment #1 regarding gentrification, direct and indirect displacement.

Speaker #26: Mark Essex

Mark Essex stated that he has several concerns about the proposed West Oakland Specific Plan that is supposed to breathe new life into the community of West Oakland. He stated that in recent years of development in the Silicon Valley, we are talking about a major increase of jobs and working people who make a lot of money, that's a fact. If we look a little closer at the details of that, we are talking about white men in specific having a 20% increase in employment and every other demographic having almost the same percentage in decreased unemployment for African American men and all other demographics. It's really important when you think about projected plans of economy and business.

When looking at the development of businesses coming into the Bay Area we are looking at significant percentages of specifically African American people being displaced from communities where generations of them lived in. So when he talks about a whole world that a person has known since their great grandparents, being completely destroyed and removed from their life based on this development, in which he feels is good for the City Government, but it's not good for the Oakland residents. When he speaks of residents, he is talking about people who have committed their lives to their space and when the City talks about revitalizing or developing a space, who would have a more vested interest than the people that has known only that space. He asked who would have a more vested interest in the success of that space than someone that has known only that space as their home. He stated that when you talk about attracting developers to develop in West Oakland, it is a willful self-deception of inflating numbers and statistics and great it will be for the community, but how much attention is paid to who's being displaced and how much information is gathered on the longtime residents who were recently displaced. When you look at the housing collapse, we are talking about banks coming in purchasing all of this property and a family that has been there for generations home is foreclosed and you all didn't protect them from that foreclosure, you all are not at the forefront of keeping people in their homes to protect them from predatory banks. He stated that you are not concerned with the West Oakland residents at that point in this fashion. He feels that after the banks purchase all of the foreclosed properties, they prop up the Property Management Groups which is great for the City Of Oakland because they are generating money to throw around and get people to like you as candidates to look good for your careers. He stated that the banks have established a program of discriminating against people based on their credit scores and annual income, so in many places you follow up on some of the rental listings for West Oakland, the standard requirement is for your monthly income to be 3 times as much as the rent and it's being encouraged by the leniency on these bank. He feels that there are no incentives for them to rent to longtime residents, so they will not draw from the pool of current West Oakland residents to rent their units too, they are drawing from the pool of the entire nation which encourages others to come in and displace your actual constituency unless your constituency is just a dollar bill. He stated that there cannot be a discussion on the transportation expansion without looking at the impacts that the railroad had on the West. He feels that African Americans specifically in this deal being treated as not being worth considering the impacts that this development has had on communities and people who have known only this place for their entire lives. When you talk about displacing poor people, they are being displaced to places like Stockton in which he is sure that you all are familiar with the economy in Stockton. He stated that he is sure that the Planning Commission has already decided what they want to do with this plan and that it is solidified in your minds. He would like to remind you that these are human beings that you are talking about, not just numbers and statistics and speak of as vaguely as possible, but they do exist. Sometimes they starve to death or die in the cold although, it doesn't usually snow in the Bay Area, there are homeless people that still die from the cold and you all are still pushing for a plan that will move people out of their homes.

26-A: This is not a comment on the accuracy or adequacy of the EIR, but is instead a comment on the relative merits the Specific Plan. Please see Master Response to Comment #1 regarding gentrification, direct and indirect displacement.

Speaker #27: Khalil

Khalil thanked the Planning Commission for their unwillingness to listen to the public's concerns and clarifying why this meeting is being held in City Hall and not in West Oakland and when the meetings were held in West Oakland no one that he knows knew about it which means that the City of Oakland didn't advertise well enough. He stated that he has heard a lot at this meeting about property owners,

business owners, minor and major stakeholders and trees and buildings which is fascinating to him given the fact that there has been damn near no talk about him, his mom and dad and entire family. What about the thousands of families that live here who won't be about to afford to live here anymore and you all are concerned about trees and building. You have provisions in the plan on maintaining historical buildings. You can burn the buildings down as long as he is able to have a home in Oakland. He'd rather live in Oakland in a different home than move somewhere else and be in an even worse state of poverty, scattered across the world with hella people that he doesn't know, struggling to get by when you are conserving the buildings. What about conserving the residents who live here, you don't have any concern for that. Since around the year 2000, 25% of the African American population moved out of Oakland and since 1980 50% have left which is one in two people since his dad came out here in the 1980s. He stated that based on his personal experience, he came back from being gone a while and damn near everyone he knew was gone, maybe that's why he didn't know about this plan because you have gentrified damn near everyone out. Even numerous relatives of his that live in West Oakland didn't know about it either. He stated that the first thing that he thought of when he saw this plan was, "Have you lost your damn mind". Did you think that this would just go over cool or something, maybe this is why no one knew about it, maybe this is why you are pushing it through so quickly, and maybe this is why you have a thousand page documents with only 2 or 5 minutes to comment on it. Maybe you are all afraid of what might happen if you did advertise this plan very well. If you don't want to come to West Oakland and not publicize this properly and talk to us about trees and buildings and some crumbs off of the table than West Oakland will be in here next time, he guarantees it. He stated that normally, development projects almost always come with some Rooty poot little explanation about how it's cool because we won't displace you because there is low income housing, local hire and hella complicated and jargoning. They always tell you that there is some kind of community benefits or something.

He went on to say that for the past 20 years there were community benefits in a lot of these redevelopments that you did and his family was still thrown out. His uncles mother is still getting shot at in Stockton, but still can't afford to come back to Oakland and his uncle is still ice road trucking in North Dakota and his entire family is in Stockton who we can't see no matter how hard we work. None of your little community benefits agreements or any of those developments helped anything.

He continued on to state that basically, what you are saying even with this local hire and all of these community benefits is that I can get a job working for you as you slowly throw me out. Why would I work for you to throw myself out and you want to hire the West Oakland residents to help build a development that will raise the rent and throw us out, and asked if they've lost their damn mind? He stated that all the Planning Commission and staff needs to know is that every step of the way, every meeting here, every construction project, every City Council meeting, as soon as you break ground there will 20 or 30 of me including my mama and daddy and all types of people here every step of the way to make your lives hell. There is nothing you can say and I cannot be reasoned with or give into concessions, you will not do this and you will leave us alone.

27-A: This is not a comment on the accuracy or adequacy of the EIR, but is instead a comment on the relative merits the Specific Plan. Please also see Master Response to Comment #1 regarding gentrification, direct and indirect displacement.

Speaker #28: Steve Lowe

Steve Lowe is the Vice President for both the West Oakland Commerce Association and the Jack London Business Association. He stated that one of the missing components that hasn't been discussed much is Caltrans in which there should be some consideration into bringing them into special projects or some kind of a committee so that we may begin to understand the effect they will have on West Oakland

economically, transportation wise and so forth. He is on the steering committee for the group that is present tonight and he is fairly happy with the document although, he does believe that going through the process as they've done, there will be a way to clear out what's not necessary. He asked that the Caltrans issue be addressed and to think about how they can do that.

28-A: This is not a comment on the accuracy or adequacy of the EIR, but is instead a comment on the relative merits the Specific Plan. Please see Master Response to Comment #2 in Chapter 4 of this document.

Speaker #30: Dr. Lupin De Muth

Dr. Lupin De Muth lives and works in West Oakland. She specifically chose West Oakland to introduce her practice to a very diverse and unique community. If the rezoning of the industrial areas occurs to make room for the tech industry or big box retail, West Oakland moves closer to a mono culture economy that may crumble when the economy shifts. Once those areas are converted, they will not be changed back as previously stated. The existing industrial zoning is essential for maintaining businesses such as hers. She encourages the Planning Commission to bring feedback for retaining all industrial zoning areas as they currently exist in West Oakland.

30-A: This is not a comment on the accuracy or adequacy of the EIR, but is instead a comment on the relative merits the Specific Plan. Please see Master Response to Comment #2 in Chapter 4 of this document.

Speaker #31: Lauren Westreich

Lauren Westreich stated that she is concerned about changing the zone from CIX to HBX which could be some potential perverse incentives for that and should be careful of this because, once it becomes residential there will be no available jobs. She is also concerned that in changing the zone to HBX, the buffer zone is proposed to be changed from 600 to 300 feet which is way worse. She stated that while the document provides a sort of dough eyed vision, which is the kindest way to put it, whether we get it or not, it will not happen through this plan, but the plan could prevent anything from occurring in the meantime. She urges the Planning Commission to be very careful that their vision for the future doesn't prevent things from occurring now. For example; it is unlikely that someone will come in and develop a 10 acre development, but it's more likely that small businesses such as hers will come in and hire 100+ people.

31-A: This is not a comment on the accuracy or adequacy of the EIR, but is instead a comment on the relative merits the Specific Plan. Please see Master Response to Comment #2 in Chapter 4 of this document.

She saw a lot of discussion in the plan about having to go through the Design Review process for every project; this will be a hindrance to business owners. She asked that the Planning Commission be very mindful of the restrictions and encourage local residents to do business here rather than prevent them. She loves the idea of having a round table discussion to further discuss the issues.

32-B: This is not a comment on the accuracy or adequacy of the EIR, but is instead a comment on the relative merits the Specific Plan. Please see Master Response to Comment #2 in Chapter 4 of this document.

Speaker #32: Michelle Burke

Michelle Burke lives and work in West Oakland. She stated that the community was heard a little after demanding to be heard. A draft of the plan finally came out last Spring including, support for existing

uses and yet, here we are back to where we started, with a plan that ignores what already exists. She stated that there were some great things and not so great statements made in the plan and the section's covering detail is missing. Planting residential next to industrial pushes out manufacturing, land banking, bureaucratic morass and political infighting. The disrespect has compounded a problem all of America's former industrial power houses have faced. Residential construction provides temporary building jobs, retail is not an economic engine, and manufacturing offers long term careers and employment solution as they are the engines that drive economies. We have the newest technology, skills and innovators right here in Oakland. Not all high tech and new manufacturing can thrive in tidy office buildings. This kind of high tech and new manufacturing requires creative thinkers as well as employees like those who already live here. Surprisingly, other municipalities are begging the West Oakland artists to teach them how to build business incubators and creative hubs. Turning our business incubators like American Steel Studios into mere schools like one of the drafts suggested removes a lynchpin of our economy. There is a beautiful opportunity that is currently happening for West Oakland with its industrial facilities, metal workers and artists to reuse the Bay Bridge as civic infrastructure.

32-A: This is not a comment on the accuracy or adequacy of the EIR, but is instead a comment on the relative merits the Specific Plan. Please see Master Response to Comment #2 in Chapter 4 of this document.

Speaker #33: Tom Dolan

Tom Dolan stated that he is the first to build live work in the United States here in West Oakland and he would like to discuss true work live, how to implement it and what it does for our economy and society. The incubator cycle is what happens between your thought of an idea and going out and starting a business. To do so, you need a place that is between your bedroom and a 20,000 square foot warehouse shop studio. In the incubator cycle is what is accommodated very well by true work live. At some point or another, he moves into this great neighborhood that is West Oakland as he sees it. Live work or work live in the right place and done in the right manner, keeping in mind potential issues of "Not in my backyard" syndrome (NIMBY), issues of use conflicts between industry and work live can be regulated as it is in other cities like, Vancouver. He feels that whoever named Mandela Parkway after a wonderful man who had just been released from prison, never envisioned a road lined with forklift dealerships and other assorted industrial uses. We want industry and manufacturing in Oakland, but we also need mixed use, we need an activated 18 hour a day presence on that great Parkway. He stated that it was envisioned as a Parkway that would extend from Jack London Square to Emeryville, but it is also a place onto itself that needs to be made into place that is defined by 4 to 6 story buildings on each side so that it can become the vital place that was intended to be when those who replaced the Cypress freeway that divided the community envisioned it.

33-A: This is not a comment on the accuracy or adequacy of the EIR, but is instead a comment on the relative merits the Specific Plan. Please see Master Response to Comment #2 in Chapter 4 of this document.

Speaker #33: Rena Rickles

Rena Rickles represents National Recycling. She would like to discuss the rezoning from CIX to HBX on a small portion of the Coca Cola property. She stated that this is the epitome of spot zoning, ironically called Region S in the plan. She described spot zoning as a result of the courts rule it illegal, is because it's placed next to property that isn't like it. This plan allows housing into very heavy industries and her friend and previous speaker Tom Dolan called it in his book, "imported NIMBYism" (Not in my backyard). She stated that this plan will bring people into the area that will not like the existing uses and fight it.

She feels it essentially brings housing next to incompatible uses which will not solve the issues that the creators of this plan were attempting to do by protecting the children and adjacent housing from these uses. The CIX zone currently prevents trucking because truckers should obtain a Conditional Use Permit and without it, you have no trucking. She stated that essentially, the zone is in conflict with the goals that states they want to attract new industry, support existing industry, create living wage jobs in Oakland, resolve existing land use incompatibilities, retain businesses that will reuse their sites and hire workers, but by making the zone changes it's doing the exact opposite. She feels that it doesn't encourage development, businesses would like to make decisions based on certainty by knowing what the zoning is in which the CIX zone isn't that old and people made the decision to stay here and invest in their property and now they are being told that it will be something else. In 2009, the City of Oakland drafted the performance standards for the recycling industry and one of the main goals was to keep them away from housing but now, they are moving homes close to recyclers. In closing she stated that we can have the balance that Mr. Blackwell described in his previous presentation, keep the zoning and protect the housing units from truckers and truck industries. She asked that this particular rezoning be removed from the plan, it's spot zoning and doesn't serve any public policy and it hurts 3 existing industries that are there that have hired over 120 people.

33-A: This comment pertains solely to the merits of the Specific Plan and is beyond the purview of the EIR and CEQA. However, please see Master Responses #3 in Chapter 4 of this FEIR, which indicates that the Specific Plan's recommendation for rezoning the Coca-Cola/Mayway site to Housing/Business Mix (HBX) has been removed from further consideration.

Speaker #34: Ellen Wyrick Parkinson

Ellen Wyrick Parkinson would like to talk about procedures. She stated that when this plan was coming about, she expressed the need for more community members to join the various Oakland committees, not City of Oakland staff or those who live outside of West Oakland because they don't know what they need or want, so they ended up with the current West Oakland Specific Plan.

34-A: This comment pertains solely to the merits of the Specific Plan and it public outreach and planning process, and is beyond the purview of the EIR and CEQA. Please see Master Response to Comment #2 in Chapter 4 of this document.

Their major concern was undergrounding Bay Area Rapid Transit (BART) and they were basically told that it wasn't going to happen. BART stated that they didn't state yes or no to the idea and she feels that they could've negotiated with them to underground their trains at the West Oakland Bay Area Rapid Transit (BART) Station. Now the City of Oakland will spend millions of dollars with an ugly Bay Area Rapid Transit (BART) above ground. If you place it in a tube like it currently is in Chicago, there will not be any fresh air. The Bay Area Rapid Transit Station (BART) in East Oakland is beautiful, but she doesn't approve of it either because she feels their trains should be underground like it is in most countries. By placing the trains underground shows that you respect the neighborhood, the air and the noise. She used to own a business on 7th Street and couldn't operate with the door open because of the noise and grit that would accumulate on her merchandise. She feels that we need to ask for assistance to beautify West Oakland and make into something they can be proud of. We need various things other than jobs; we need to beautify West Oakland so that it is a place where people will want to come.

34-B: The City cannot underground the tracks belonging to BART. However, this concern has been brought to BART's attention and BART has indicated that financial considerations prohibit them from undergrounding the tracks at this time. The City and BART will continue to address community concerns. The Specific evaluated enclosing the tracks in order to reduce noise.

Speaker #35: Alejandro Lara

Alejandro Lara stated that about 40 of the 120 people attending tonight's meeting is a result of outreach done by him and a handful of residents in a week and a half's time. He asked why the City of Oakland's outreach is so poor and draws primarily, white people. He also asked where all of the African Americans, Latinos and Asians are and feels that the City Of Oakland isn't reaching out to them.

35-A: This comment pertains solely to the merits of the Specific Plan and it public outreach and planning process, and is beyond the purview of the EIR and CEQA. Please see Master Response to Comment #2 in Chapter 4 of this document.

He stated that when he heard the City of Oakland staff's presentation about repurposing, maintaining the exteriors and infill, all of that is coded racist language because what it is factually doing is preserving the exterior appearance while not giving any cares whatsoever to the existing community. He feels it's being preserved for future residents which will eventually become a "white" West Oakland, so think about how this plan is inherently racist. He stated that if they got 40 to 50 people to come to this meeting tonight, think about how many more they will bring if this plan is approved.

34-A: This comment pertains solely to the merits of the Specific Plan and is beyond the purview of the EIR and CEQA. Please see Master Response to Comment #2 in Chapter 4 of this document.

Speaker #36: Brent Bucknam

Brent Bucknam would like to speak on behalf of his non-profit organization. He stated that there are a few major challenges in the West Oakland Specific Plan that the City Of Oakland should confront from a liability stand point. One is the significance of sea level rise and storm impacts. Almost all of the proposed development areas are within major storm surge areas and/or sea level rise impact areas and there are no significant mitigations if this occurs. He worked on plans in other cities like Mountain View where they actually created contingency plans on what would happen, how to back out of neighborhoods or reinforce them and what the levy costs are, this isn't included in the plan.

36-A: As indicated in the DEIR (page 4.4-41), regional sea level rise predictions for the San Francisco Bay region predict a 16-inch rise in sea level by mid-century and a 55-inch rise by the end of the century. According to San Francisco Bay Conservation and Development Commission (BCDC) maps of shoreline areas vulnerable to sea level rise, portions of the West Oakland Planning Area could be subject to flooding due to predicted sea level rise associated with global climate change (see Figure 4.4-1 of the DIER). Implicit in the discussion of global warming, greenhouse gas emissions and sea level rise is that it extends beyond specific development projects, a specific plan area, or, indeed, an entire City. As both a local and a regional issue, it must be addressed in that context. The adopted Bay Plan and Oakland's Draft Energy and Climate Action Plan specifically recognize this, and include actions to participate in the preparation of a regional climate adaption strategy.

He stated that a majority of the development within 1,000 foot setbacks from the freeway which has significant air quality impacts isn't significantly addressed in the design or the Environmental Impact Report (EIR). He feels there are a lot of incentives to essentially propose denser infill further away from the freeway, providing more green space and buffers from those sites hasn't been considered and the biggest issue is there is a lack of creative developer incentives.

36-B: Potential effects of the environment on a project are legally not required to be analyzed or mitigated under CEQA. However, the Draft EIR analyzed the effects of siting new sensitive receptors near existing freeways and other TAC sources in order to provide information to the

public and decision-makers. The Draft EIR (beginning on page 4.2-25) identified that the Specific Plan would facilitate development of new residential land uses in locations near freeways and other sources of TACs and/or diesel PM, and that the exposure of these new residential units would exceed established threshold criteria. The Draft EIR's discussion on this topic indicates that compliance with the City's standard conditions of approval would reduce each site's exposure through the installation of air filtration systems or other equivalent measures to reduce indoor DPM to acceptable levels. However impacts related to gaseous TACs would be significant and unavoidable. Please also see Master Response #4 in this document regarding additional mitigation measures recommended to reduce and further address the exposure of new residential units to diesel PM.

Speaker #37: Commissioner Weinstein

Commissioner Weinstein thanked the public for attending tonight's meeting and submitting their comments both verbally and in writing. She also thanked the Planning Commission for their patience tonight. She reminded everyone of the purpose of the Specific Plan. There is currently a general plan in place and the Specific Plan is to provide more specificity and guidance for the West Oakland area.

The problems, questions and confusion may be due to the document being very large and complicated to understand. There are issues around the way the document is organized and the matter in which the content is presented. The heading of the document is arbitrary and it's complicated to read the heading and understand what the content will be within a chapter, which means important information is lost. There should be some clarity about the overall goals, there are various sections that state goals, versus development vision, versus the intention framework, which is confusing. There is also a section called "Tending to the Broader Vision" and a chapter called "The Vision Statement". This doesn't appear to have clear direction or prioritization, and the policies for the plan itself didn't seem prioritized. In terms of organization, there should be a section that describes how the plan itself is organized. The Specific Plan is supposed to be a land use document, but the land use framework isn't described until Chapter 7. She questions if the entire Chapter 7 should be further up within the Plan organization and each individual Opportunity Area is its own chapter. The issues around specific sites and implications of the zoning changes are really complicated and could get lost when all of the zoning changes and land use framework is presented in the same chapter. She sometime finds it difficult when she receives letters from various property owners. She was unable to take the information from the letter she received about the Coca Cola Mayway site and identify where the site was in the Plan. Is it an Opportunity Site?, how the zoning was changing or if there was an overlay over it? It became very difficult to understand what was actually happening on the site. It's important that the content be "place-based" in order to really review the zoning changes with the actual location in individual sites. Of all the various maps, only one shows the zoning changes, but she isn't clear about the alphabetization, which doesn't have names with them. There is the ability to review them one by one to see how the zoning is changing, but it's not clear how they match up to the overlays or Opportunity Sites.

37-A: Comments noted. These comments pertain to the merits of the Specific Plan, its content and presentation, and are beyond the purview of the EIR and CEQA. Staff has reorganized and re-structured the Specific Plan in an effort to make it easier to use, easier to find information particular to an individual location, and to hopefully clarify ambiguities.

Some pieces around the context of the Plan are missing, particularly around the current market. There is some information about demographics changes, but it's unclear what is occurring in the industrial market and how square footage or jobs have changed in neighborhoods, this is the same for housing. As there is discussion about the changing demographics or changing nature of the neighborhood, we need

to have some way to understand the history and where our baseline is. As changes happen, we can go back and measure them in regards to where we are now.

37-B: The May 2014 version of the Specific Plan includes an entire chapter dedicated to assessing the current market potential for jobs and housing, and described the economic conditions affecting that market. Each analytical chapter of the Draft EIR begins with a Setting section which describes the current context of both physical environmental conditions and current regulations and policies.

She understood the land use framework easier when she read the Environmental Impact Report (EIR). The description of the specific plan in the Environmental Impact Report (EIR) does a really good job describing what the framework is, and then she was able to apply that and re-read the Specific Plan.

37-C: Comment noted. Please see Master Response #3 in this document for a discussion of recommended changes to certain parts of the Project Description, and their potential effects on the environment.

Within each chapter of the Plan, she recommends going into detail in terms of the divisions of that area and the division of the Subareas. The Opportunity Sites and the proposed zoning changes within each specific subarea should be shown within the maps, with the current use, the overlays and the proposed changes side by side. Most of the changes proposed in the maps are massing studies, and understanding what the uses of those sites are seems to get lost in the massing studies. High intensive versus low intensive businesses and having an explanation of what that means on the ground, number of employees, type of business and type of wages would help round out the discussion about economic development and linking it to the land use.

37-D: Comments noted. These comments pertain to the merits of the Specific Plan, its content and presentation, and are beyond the purview of the EIR and CEQA. Staff has reorganized and re-structured the Specific Plan in an effort to make it easier to find information particular to an individual location. See Master Response #2 in this Final EIR document.

There isn't enough information concerning the "arts" district and what that really means, making both the area around the Bay Area Rapid Transit (BART) station and the 7th street jazz history district and the large area of industrial arts in the art district. There are really important parts of the Plan that she doesn't think enough attention was given to. The area around the Bay Area Rapid Transit (BART) station, the transit oriented development looks as if there are two different proposals and two different options which are very different options and this is an area that has the ability to impact a significant and very important part of the Plan. There is a need for more specificity around what those different options are and why one is proposed over the other.

37-E: The Specific Plan does offer two different conceptual development plans for the ABRT Station TOD, one being almost entirely residential with ground-floor retail; and one being a combination of commercial/office development and residential use. The Draft EIR also presents an analysis of each of these development concepts. The residential concept is presented as part of the Project Description, and the commercial/office concept is included in Alternative #3. The Draft EIR then provides a comparative analysis of the environmental effects associated with these two options.

She has heard a lot about changing the zoning from CIX to Housing Business Mix, she believes this pertains to about 30 sites that have zoning changes and not all of them will change from CIX to the Housing Business Mix. Out of all of those zoning changes, how many are the CIX to Housing Business Mix. If there are just a few, does it begin to look like spot zoning? It would be useful to have a sense of

those zoning changes, CIX to Housing Business Mix, how many of them are occupied sites with existing industrial businesses that have active employees and how many of them of these sites are speculative or empty.

37-F: As indicated in the Draft EIR Project Description, zoning changes from business/commercial (CIX-1) to housing and business mix (HBX) are located at the following sites and general locations:

- the approximately 5.5-acre Phoenix Iron Works site (Opportunity Site #28) located in Opportunity Area #2 on the west side of Pine Street, between Shorey Street and 9th Street;
- the approximately 2-block Roadway Site (Opportunity Sites #6, #8 and #12) bounded by 17th Street, 18th Street, Wood Street and Campbell Street, the adjacent south block face on 17th Street between Willow Street and Campbell Street, and each of the blocks along Wood Street between Raimondi Park and 15t;
- although the Draft Specific Plan included recommended changes to the Mayway/Coca Cola Bottling site (Opportunity Site #38), this change is no longer included in the May 2014 version of the Plan (see Master Response #3 in this document);
- a portion of the Prescott-Oakland Point neighborhood bound by 12th Street to the north, Pine Street to the west, 11th Street to the south, and Wood Street to east,
- an already mixed use neighborhood along Ettie Street in the northern-half of the Mandela/ Grand Opportunity Area; and
- another already mixed-use neighborhood located primarily along Adeline Street just outside the southeastern edge of the Mandela/ Grand Opportunity Area.

With the exception of the Mayway site, the other remaining sites and general areas are still recommended to be re-zoned to HBX as part of the May 2014 version of the Plan.

Speaker #38: Commissioner Coleman

Commissioner Coleman stated that in the public review draft, it states that trucks will be fitted with diesel particle filters. He remembered there was a recent trucker protest against that and he doesn't know the outcome of that protest, but this specifically needs to be addressed.

38-A: As indicated on page 4.2-26 of the DIER, the Port of Oakland's Maritime Air Quality Policy, Maritime Air Quality Improvement Plan, and Comprehensive Truck Management Program sets a goal of an 85 percent reduction in neighboring-community cancer health risks related to exposure to diesel particulate matter emissions from the Port's maritime operations from 2005 to 2020. In June 2009, the Port Board adopted the Maritime Comprehensive Truck Management Program (CTMP) to comprehensively address security, air quality, business and operations, and community issues related to trucking operations at the Port's maritime facilities. CTMP measures to reduce diesel particulate matter emissions include enacting a ban on older, more-polluting trucks (2009), providing grants for diesel exhaust retrofits (2009-2010), and supporting initiatives to reduce idling (on-going).

Please also see Master Response #4-1 : Operation-Related Criteria Pollutants and TAC Emission Reductions, in Chapter 4 of this Final EIR for a discussion of additional Project-specific mitigation measures related to diesel PM emissions form trucks.

He views the proposed transit loop as being similar to the free Broadway Shuttle (The Free "B") but there are no specifics about it. He would like to see how this is being coordinated through AC Transit.

38-B: As indicated in the DEIR Introduction (page 1-3), the degree of specificity and analysis in the EIR corresponds to the degree of specificity in the underlying project. Although the DEIR indicates (on page 1-10) that this EIR may provide the environmental review necessary for a variety of private development projects and public improvement projects carried out in furtherance of the West Oakland Specific Plan, the enhanced transit system advocated in the Specific Plan is not developed to a level of detail that would enable an adequate environmental analysis to be conducted. Prior to implementation of any enhanced transit system (i.e., the "O"), the Specific Plan describes a process for development of a Transit Needs Study to consider the transit needs of West Oakland at intermediate stages of development, identify technical requirements, costs and funding sources. The Transit Needs Study is intended to engage the City of Oakland, AC Transit, BART, Caltrans, Emeryville, the Port of Oakland, and a cross-section of the West Oakland community with a specific outreach program. Ultimately, the Transit Needs Study should formulate technically sound analyses and findings pertaining to transit routes, appropriate service characteristics, the level of transit capacity required , the need for capital improvements and roadway changes, the probable levels of funding required, potential funding sources, the appropriate and cost effective ways that the transit system can reflect the history and character of West Oakland, and an economic analysis of the value of improvements to bus and rail service. Since none of these studies have yet been completed, there is not currently enough detail regarding the enhanced transit system to permit and adequate and thorough environmental review.

On page 9-65 and 66 it states that Oleanders will be planted to mitigate air pollution, he wonders about the feasibility of using toxic plants to mitigate air pollution and he understands there is currently a disease on Oleanders in which Caltrans refuses to use them.

38-C: Comment noted. The City's Supplemental SCA B was misrepresented in the Plan, and instead the current SCA recommends trees that are best suited to trapping PM, including one or more of the following: Pine (pinus nigra var. maritima), Cypress (X Cupressocyparis leylandii), Hybrid popular (Populus deltoids X trichocarpa), and Redwood (Sequoia sempervirens).

Page 9-66 and 67, the foot notes are one digit off, number 34 is actually 35.

38-D: Comment noted. This comment pertains to the merits of the Specific Plan and is beyond the purview of the EIR and CEQA. Staff and the consultant team acknowledge and apologize for small technical and typographical errors.

The DEIR, he really focused on the greenhouse gas emissions chapter and this is the best analysis he has ever seen of the entire predicament. Page 4.4-18, the use of biodegradable food services where if cost is neutral. How is the cost neutral on this, long term?

38-E: Comment is appreciates. The remainder of the comment refers to the City's Polystyrene Foam Ban Ordinance and Green Food Service Ware Ordinance, which prohibits the use of polystyrene foam disposable food service ware, and requires when cost neutral, the use of biodegradable or compostable disposable food service ware by food vendors and City facilities. According to this ordinance, there is no exception to the prohibition of polystyrene foam. Non-compostable and non-biodegradable products may be used if vendor can show that no alternative exists at the same or lower cost.

Is staff coordinating with Bay Area Rapid Transit (BART) and AC Transit to encourage the use of public transportation? He assumes they are involved, but he hasn't seen any record of it.

39-F: Both BART and AC Transit have been part of the City's Technical Advisory Committee and participants in the Steering Committee process in preparation of the Specific Plan.

Transportation management in terms of air pollution, he found that synchronizing the traffic lights will reduce vehicles idling at traffic lights. Some of the surrounding streets have synchronized traffic lights and some don't, but they can be programmed.

39-G: As noted on page 4.10-48 of the DIER, the City regularly maintains traffic signals in its jurisdiction and performs timing adjustments as needed to improve traffic operations. Because these adjustments are part of regular signal and traffic monitoring and maintenance, signal timing optimization is no longer considered a mitigation measure but is instead part of the City's standard practices. For those signals not fully equipped to signal optimization, mitigation measures include bringing all facilities supporting vehicle travel and alternative modes through the intersection up to both City standards and ADA standards, including Type 2070L controllers, GPS communication clocks, accessible pedestrian crosswalks according to Federal and State Access Board guidelines, City standard ADA wheelchair ramps, full actuation (video detection, pedestrian push buttons, bicycle detection), accessible pedestrian signals (audible and tactile according to Federal Access Board guidelines), signal interconnect and communication to City Traffic Management Center for corridors identified in the City's ITS Master Plan, and a signal timing plan for the signals in the coordination group.

On page 4.4-35 states new housing is listed as 11,136 new homes and 14,850 new jobs, totaling 25,986. It's listed as a total of 26,166 which is a 180 number discrepancy. He wondered if some of those who live in the new homes in West Oakland will be working in those new jobs. Therefore, how does it come to a total of service population of 26,166 instead of another number?

39-H: The discrepancy in Table 4.4-5 on page 4.4-35 of the DIER is noted. Please see Chapter 7 of this Final EIR for changes and corrections to the DIER. The correct projection is based on the following:

- a current service population within the Opportunity Areas of 10,410 (9,770 jobs and 630 population),
- plus a net change (under a residentially-based BART TOD) of a 14,890 jobs and 10,988 people, for
- a total service area population within the Opportunity Areas of 24,660 jobs and a residential population of 11,618, for a total service population of 36,278.

These changes (as also presented in Chapter 7 of this Final EIR document) do not result in a material change to the effective increase in West Oakland service population such that the ratio of GHG emissions per service population would substantially change and would not exceed threshold levels. While the service population estimates do include "double-counting" of local residents also locally employed, the number represents a maximum (or worst case for CEQA purposes) population estimate, and the methodology is consistent with Air District guidance and methodology.

Someone mentioned earlier about the sea level rise, they've received a wonderful map that shows the 16 inch sea level rise and referred to the 55 inch sea level rise, but they don't show a map although, they refer to a map which should be included.

39-I: As indicated in the DIER (on page 4.4-41), regional sea level rise predictions for the San Francisco Bay region predict a 16-inch rise in sea level by mid-century, and a 55-inch rise by the end of the

century. According to San Francisco Bay Conservation and Development Commission (BCDC) maps of shoreline areas vulnerable to sea level rise, portions of the West Oakland Planning Area could be subject to flooding due to predicted sea level rise associated with global climate change under the 16-inch sea level rise scenario (as shown on Figure 4.4-1 of the DIER).

For additional informational purposes, maps from BCDC's Adapting to Rising Tides publication for tidal inundation and storm event flooding under a 55-inch sea level rise scenario are presented in Chapter 7 of this Final EIR document.

There are implications in the Specific Plan draft review about an urban bamboo forest which those may be a part of the air pollution mitigation, but it's not referred to in the Environmental Impact Report (EIR) itself, he would like to see those included or he may've missed them completely.

39-J: Please refer to the Draft EIR (page 4.5-47), wherein it states; "EPA's analysis of the AMCO site is ongoing, and additional information about the effectiveness of various remediation alternatives may affect the types of land uses allowed at the site. In the interim, during the on-going analysis and planning for remediation of this site, interim use of the site in a manner that is beneficial to the community has been considered. A bamboo forest has been identified as the preferred interim use. Bamboo plantings could visually screen the site and restrict access during cleanup, and could possibly have some value for groundwater cleanup, capping lead contamination in soil, and reducing exposure to freeway related air pollutants."

Chapter 4.9 the public services and recreation, there is a list of fire stations on page 4.9-1 shown on figure 4.9-1, but in fact, none are shown. Fire station number one is listed, but it's not in the planning area and in fact, that's determined on the next page. That map needs sprucing up and that figure needs a legend, a list of the park names, fire station, schools, etc. because they are referred to, but may've been overlooked.

39-K: Comment noted. Figure 4.9-1 of the DIER has been modified, and the updated version is included in Chapter 7: Revisions to the Draft EIR.

Page 4.9-12, parks should be within walking distance of every residence. Will this be a half of a mile, a block, two miles or five miles, what is the expected distance for people to walk? There should be a specific distance instead of stating that parks should be within walking distance of every residence.

39-L: Comment noted. The actual reference to the statement that "parks should be available within walking distance of every Oakland resident" is a planning principal of the City of Oakland's General Plan Open Space, Conservation and Recreation (OSCAR) Element, and is not a recommendation of either the West Oakland Specific Plan or its EIR.

He found a paragraph concerning school impact fees on page 4.9-17 and 18 that seems quite redundant which confused him causing him to read it over again.

39-M: Comment noted. The EIR's discussion of school impact fees is repetitive, but is not incorrect and no changes are necessary.

The project description in Chapter 3, figure 3-8 on page 3-24, existing zoning and proposed rezoned maps are exactly the same and one needs to be changed, but isn't sure which one.

39-M: The difference between the Existing Zoning and the proposed Zoning maps on Figure 3-8 of the DIER is the frontage along Pine Street which is shown as CIX-1/S-19 under current zoning, and HBX under the proposed zoning.

Will there truly be reduction or elimination of billboards and prohibiting billboards along freeways under aesthetics, shadows and wind? He certainly hopes so, but he would like clarification.

39-O: No billboards are proposed pursuant to the Specific Plan, nor are they analyzed in the EIR.

Speaker #40: Vice Chair Moore

Vice Chair Moore thanked everyone and Councilmember Lynette McElhaney for attending tonight's meeting and stated that there have been numerous meetings on the plan over the past two years. Staff mentioned numerous times at the community meeting on February 6, 2014 that this plan is intended to be a living document, meaning over time as the plan is fulfilled over the intended course of 25 years. There are opportunities for changes to adapt to the needs of the community. He feels that this is important to keep in mind especially since the presentation tonight was a bit over detailed for some; this seemed to represent massing for maximum potential which could be shocking to some of the neighbors. This is a 25-year plan which will take time and it's important that we figure out how to keep the existing neighborhoods intact, enhance, develop business opportunities in industrial areas and bring in new businesses, which will benefit Oakland.

The CIX issues raised at tonight's meeting warrant revisiting. The businesses that are currently zoned for CIX worked very hard to get that zoning and currently provide a lot of jobs to West Oakland residents and others.

40-A: These comments pertain to the merits of the Specific Plan and the current industrial zoning, and are beyond the purview of the EIR and CEQA. See Master Response #2 in this Final EIR document. Please also see Master Response #3 regarding changes and revisions to the Plan, especially pertaining to certain industrially designated sites (the Mayway and EBMUD sites, in particular).

He is interested in the San Pablo Avenue Opportunity Area which should have a business improvement district, it should be a neighborhood serving area with ground floor retail, upper floor level retail and residential. There is an opportunity there as well as throughout the plan for local existing residents to own businesses and we, as a City should find ways to assist with that. Although there will be small, medium and large businesses coming into Oakland, the growth in jobs will flourish from the growth of small businesses. He feels that 7th Street should have its own unique business improvement district due to their interests aren't necessarily aligned with the San Pablo Avenue opportunity area. It's more transit oriented adjacent to a transit oriented district and downtown. It seems to be evolving into more of an entertainment area which isn't the same improvement district as the San Pablo business improvement plan.

40-B: These comments pertain to the merits of the Specific Plan and are beyond the purview of the EIR and CEQA. The comment suggests methods to encourage San Pablo Avenue to grow as a neighborhood serving area with ground floor retail, upper floor level retail and residential, which are consistent with the recommendations of the Plan.

Shorey Street goes from Highway 880 to Pine Street, but the Shorey House is on the first block of 8th Street. It would be nice if Shorey Street could extend to Wood Street so that the Shorey House could be located on Shorey Street.

40-C: Comment noted. This comment pertains to the merits of the Specific Plan and is beyond the purview of the EIR and CEQA.

In the hazardous material section 4.5 in the Environmental Impact Report (EIR), staff aggregated a list of properties that goes beyond the Corteze list and includes other agencies. If that is the case, this should

be a list that should be maintained and made available to property owners, applicants and those who want to develop some of the industrial properties there.

40-D: The list of properties identified from environmental regulatory databases maintained through the DTSC EnviroStor database, State Water Resources Control Board's Geotracker database, the San Francisco Bay Regional Water Quality Control Board (RWQCB) Spills, Leaks, Investigations, and Cleanup database (SLIC) and Alameda County DEH databases actually comprises the effective "Cortese List" of properties within the West Oakland Planning Area. This list, and an Excel spreadsheet included in the Appendix to the EIR are part of the administrative record for this project and are available to all interested parties.

It struck him that illegal dumping is the largest reported cause of spills and hazardous waste in Oakland and he thought about what Director Flynn previously stated about the City of Oakland spending about five million dollars a year on cleaning up illegal dumping. This means the City of Oakland spends a couple of million dollars cleaning up illegal dumping rather than spending money on not allowing it to happen.

40-E: Comment noted.

The AMCO site he is particularly interested in because it's the only remaining superfund site in West Oakland and the bamboo forest is proposed there. He would like to see the Environmental Impact Report (EIR) attempt what could be done to mitigate this site in the semi-near term so that it won't be left there for a long period of time. Standard conditions of approval addresses the hazardous materials in terms of future projects, demolition and removal of lead and asbestos.

40-F: Please refer to the Draft EIR (page 4.5-47), wherein it states; "EPA's analysis of the AMCO site is ongoing, and additional information about the effectiveness of various remediation alternatives may affect the types of land uses allowed at the site [in the long-term]. In the interim, during the on-going analysis and planning for remediation of this site, interim use of the site in a manner that is beneficial to the community has been considered. A bamboo forest has been identified as the preferred interim use. Bamboo plantings could visually screen the site and restrict access during cleanup, and could possibly have some value for groundwater cleanup, capping lead contamination in soil, and reducing exposure to freeway related air pollutants."

The noise section of the Environmental Impact Report (EIR) suggests that rail grinding and a noise baffle tube may assist with the Bay Area Rapid Transit (BART) train noise, but there is no funding mechanism. If Bay Area Rapid Transit (BART) is about to develop quite a large project there, there may be a way for the City of Oakland to impose, request, provide incentives or figure out a way to assist with making this happen and not be a problem that an assessment district would be created or tax ourselves for.

40-G: Comment noted. As indicated in the Draft EIR (page 4.7-40) the West Oakland Specific Plan includes strategies specifically seeking to reduce noise from BART trains. These strategies include developing an agreement with BART for regularly scheduled rail grinding in the West Oakland area, and implementing a noise baffle structure and/or a completely enclosed noise mitigation "tube" on the BART overhead structure along 7th Street. Both the rail grinding and the noise baffle/enclosed tube strategies would substantially reduce BART-related noise in the area, but there is no currently identified source of funding for these strategies and they are not part of any currently proposed implementation project. Accounting for these noise attenuation strategies in the CEQA document would not be consistent with CEQA Guidelines, even though their implementation could potentially result in significant reductions in BART-related noise exposure.

> The Specific Plan (Strategy 7th Street TOD Env-3) suggests that, as an element of BART's participation in the TOD development project, BART should consider implementation of such noise reduction strategies that would have significant benefit to the surrounding existing community as well as for the new residential and commercial buildings anticipated by this Specific Plan.

Some of the speakers mentioned that Bay Area Rapid Transit (BART) should've been underground when it was first built and he agrees with that idea. He doesn't want to look back 20 or 30 years from now and regret not recommending this idea. There should be a way to make 7th Street more livable, it makes sense if a lot of development is there that there is a way to fund it, and to state that there is no mechanism for funding is inadequate.

40-G: The City cannot underground the tracks belonging to BART. However, this concern has been brought to BART's attention and BART has indicated that financial considerations prohibit them from undergrounding the tracks at this time. The City and BART will continue to address community concerns. The Specific evaluate enclosing the tracks in order to reduce noise.

As far as utilities, the plan states that there is enough water service, power, gas and sewers will all be developed as the project is being built. There should be caution in doing so, and will likely see small projects developed and built in the early years and imposing huge infrastructure applicant costs on small projects isn't fair, so there should be an impact fee or a way for a small project to be able to participate without being a barrier to the developer.

40-H: As noted in the Draft EIR (page 4.11-11) the City's SCA 91: Stormwater and Sewer requires confirmation of the capacity of the City's surrounding sewer and stormwater system and state of repair, and charges project applicants with the responsible to make necessary sewer stormwater infrastructure improvements to accommodate the proposed project, and to pay additional fees to improve infrastructure if required by the Sewer and Stormwater Division.

He commended staff for fulfilling the requests made at prior Landmarks Preservation Advisory Board and Planning Commission Meetings on identifying the neighborhoods which is really helpful.

Speaker #41: Commissioner Bonilla

Commissioner Bonilla stated that it is really important in this process to hear the neighbors' concerns and true feelings. He would like to comment on job creation, living wage and training because he is very familiar with these areas. He has been in the construction business for 31 years and one of the main problems in the urban areas in this country is when there is development, developers will hire outside contractors that come from the Valley. For example, the Mercedes Benz dealership on Webster Street was built by a general contractor from Lodi and all of the subcontractors were hired from outside cities such as Merced, Modesto, etc. They didn't employ any Oakland residents, which he confirmed by visiting the job site many times. The minimum wage today would be $28.00 per hour if inflation and cost of living were kept up, which is a huge disparity. There are community groups in Oakland fighting for a $12.25 per hour minimum wage which seems that we have gone backwards. He is a product of a working class family, a commercial painter for 25 years working with his hands all of those years. Now, he represents workers in the construction industry for a living, and volunteers on the Planning Commission because it is important to engage civically and listen to community concerns. The Department of Industrial Regulations regulates the construction wage for different areas in the State of California. Those determinations don't apply to private sector construction, so to build a County Hospital, you would receive a prevailing wage from the Department of Industrial Regulations, which is the standard set up by union contractors. Those jobs are supposed to be paid per the determination,

which for a commercial painter is about $54.00 per hour for a package including: benefits, healthcare, pension, annuity and other funds. In the private sector, you don't have to pay any of those things, so if a contractor from the Valley comes to do business in Oakland, all they are required to pay is the California state minimum wage. This is a problem when community members present here tonight are angry, rightly so, express their anger in various ways. It's because of the history and legacy of not having access to good paying jobs and economic, demographic and geographic displacement. He doesn't have the answers to resolve all of these issues, but it would help if there were a wage determination for private sector jobs. He doesn't know the legalities involved with this or if the City Attorney will look into this matter and discuss this with someone at the State level. This will help West Oakland residents obtain construction jobs within the city, but until then, it will not happen because all the private sector contractor has to abide by is minimum wage that is about $8.00 + an hour, which isn't enough money to take care of a family. There is a need to retain jobs in Oakland, particularly construction because that is what he has been working in for the past 31 years. Wage determinations applied to the private sector will be a great way to help the Oakland residents. As far as training, there is already a labor management apprenticeship program in place that invests over ¾ of a billion dollars in the United States to train young people, in which he went through one of those programs and graduated. We need to create pathways for our youth in order to send them through this program so they can come with a skill set that they can apply for the next 30 + years so they can have good paying jobs, we have a long way to go and a lot of work to do.

41-A: These are not comments on the accuracy or adequacy of the EIR, but instead are comments on the relative merits the Specific Plan. Please see Master Response to Comment #2 in Chapter 4 of this document. Please also see Master Response to Comment #1 regarding gentrification, direct and indirect displacement.

Speaker 42: Chair Pattillo

Chair Pattillo stated that she has read through portions of chapter 9 and believes the consultant is attempting to integrate responses to the comments made at tonight's meeting. She is curious to know if the Planning Commission has comments about specific language in the plan and if they agree that it's going in the right direction. Maybe if they offer written comments, it will bring valuable insight that may assist with the direction they are going in. This is a daunting document and she, along with everyone else was overwhelmed. She is impressed with her fellow Planning Commissioners on how thorough they've been in reviewing this plan and is stunned at how Commissioner Coleman noted every footnote and pages. She thanked staff and the consultants with getting this plan together; this is truly a herculean effort.

She agrees with Commissioner Weinstein and that she too had a difficult time grasping the format. There are three specific solutions that came to her mind that should be considered in the final draft: add an index, enlarge the zoning maps and place attachments from previous documents into an appendix so that the plan may be significantly reduced.

42-A: Comments noted. These comments pertain to the merits of the Specific Plan, its content and presentation, and are beyond the purview of the EIR and CEQA. Staff has reorganized and re-structured the Specific Plan in an effort to make it easier to find information. See Master Response #2 and #3 in this Final EIR document.

She hasn't had the opportunity to read the entirety of the cultural components, but she intends to do so. The portions that she has read, she is very appreciative of the acknowledgement of the tremendous value of cultural resources and historic buildings that exist in West Oakland. She loves everything about

West Oakland and is grateful that the plan does as much as it does to respect, honor and celebrate all of those aspects of West Oakland.

42-B: Comment noted.

She expressed at the hearing on this project about a year ago that she is concerned about the impact of this magnitude of development. If it was implemented as its depicted, it would really be a wholesale change in West Oakland. Her anxiety about that has somewhat diminished and she now has a better understanding, since it was made clear that each of the four zones has its own thing that it's trying to accomplish. She still has some concerns about the holistic impact and how profoundly it will change West Oakland.

42-C: Comment noted. Please also see Chapter 5 of the DIER, which presents and provides a comparative analysis of alternatives to the Specific Plan (the Project), including a Reduced Development Alternative.

Chapter 9, she knows staff put a tremendous amount of effort into it and it is attempting to break new ground and provide concrete tangible responses to the kind of concerns and issues that were raised at tonight's meeting. She was a little disappointed while reading it - it does a really good job stating the issues and problems, but there aren't enough solutions offered. Although they are some tough questions, there shouldn't be a problem to go to the next step and offer more solutions. She would provide answers if she knew them and she reaches out to the public to encourage them to submit their written comments or suggestions.

42-D: These are not comments on the accuracy or adequacy of the EIR, but instead are comments on the relative merits the Specific Plan. Please see Master Response to Comment #2 in Chapter 4 of this document. Please also see Master Response to Comment #1 regarding gentrification, direct and indirect displacement.

The EIR is very well done, particularly the air quality and noise sections which are excellent. She stated that to Commissioner Coleman's previous comments that there were two references to the West Oakland reforestation plan, but she missed the Oleander tree.

43-E: Comment noted and appreciated

In section 2.1 there was a reference to the Oakland Army Base, but it should be referred to as the Oakland Global Logistics Center, which is the current name.

43-F: Comment noted.

In section 2.25 she felt that the members of the steering committee and the TAC should get top billing over the Planning Commissioners and even the City Council due to their tremendous amount of time and effort and would like for the community to appreciate those efforts.

43-G: This comment pertains to the merits of the Specific Plan and is beyond the purview of the EIR and CEQA. See Master Response #2 in Chapter 4 of this Final EIR.

On page 3.7 it made references to improvement of the Army Base, this definitely needs to happen especially since it is now called the Oakland Global Logistics Center and would like to see more detail in the plan, specifically what they are referring too.

43-H: This comment pertains to the merits of the Specific Plan and is beyond the purview of the EIR and CEQA. Improvements associated with the Oakland Global Logistics Center were analyzed in a separate CEQA document for that project, a 2012 Addendum to the 2002 Oakland Army Base Redevelopment Plan EIR.

On page 3.9 there is a graphic that shows transit loops, particularly the enhanced transit loop #2 that goes into West Oakland on 14th Street and sort of loops around, but it doesn't really explain why it does that, but it should be provided with that graphic.

43-I: This comment pertains to the merits of the Specific Plan and is beyond the purview of the EIR and CEQA. However, the graphic presented in Chapter 3 is intended as a summary of information presented in other chapters of the Plan, including Chapter 8. Starting on page 8-27 pf the Plan, the reasons for the expanded transit loops are specifically described and include connecting to the 16th Street train Station.

In section 4, infrastructure, she felt the plan did a very good job of addressing the needed infrastructure improvements. As she read further, she was looking to see if there was fiber, which she found in section 4.42 and feels that bringing fiber optics into West Oakland should be a priority because that one infrastructure improvement might drive a lot of these changes and have a huge impact.

43-J: This comment pertains to the merits of the Specific Plan and is beyond the purview of the EIR and CEQA.

She is pleased to see that in some areas the Floor Area Ratio (FAR) is lowered and other areas it's proposed to be raised, which is a good idea.

43-K: This comment pertains to the merits of the Specific Plan and is beyond the purview of the EIR and CEQA. However, please also see Master Response #3 in Chapter 4 this Final EIR document regarding land use overlay and zoning.

She agrees that her first choice would be to place West Oakland's section of Bay Area Rapid Transit (BART) below grade, it's inexplicable why it comes above ground and then down underground which may have made perfect sense at the time, but now it doesn't. If it isn't feasible for it to be placed underground, for whatever reason, she likes the idea that the development team included incasing the Bay Area Rapid Transit (BART) train tracks in a glass structure in the plan.

43-L: The City cannot underground the tracks belonging to BART. However, this concern has been brought to BART's attention and BART has indicated that financial considerations prohibit them from undergrounding the tracks at this time. The City and BART will continue to address community concerns. The Specific evaluate enclosing the tracks in order to reduce noise.

Speaker #44: Councilmember McElhaney

Councilmember McElhaney thanked the Planning Commission for all that they do and that she recognizes that they are all volunteers and thanked Chair Pattillo for her grace while listening to the speakers tonight. She stated that it is tough what we have to do, communities are dynamic. There are many people that have left West Oakland and the outward migration of African Americans, not only from Oakland, but from the State of California is part of a complex mix of things; a lot of it revolving around the lack of educational opportunities that are safe, psychologically, psycho- emotionally and economic opportunities. African Americans came to Oakland for jobs and the opportunity of a more just and robust civic life and in this last cycle we are starting to see reverse migration back to the South to Atlanta, Dallas, Fort Worth and other places where people see both the economic opportunities, a lower cost of living and safer communities for their children. With that being said, Oakland still has a plurality of African Americans living in a high concentration in both East and West. We have to as a society, figure out how we continue to strengthen communities to make this a place that people can choose to raise their children, to provide adequate resources for recreation, education, groceries and quality food and some of that is reflected here.

44-A: These are not comments on the accuracy or adequacy of the EIR, but instead are comments on the relative merits the Specific Plan. Please see Master Response to Comment #1 regarding gentrification, direct and indirect displacement.

She echoes Commissioner Weinstein's comments about so much of the land use that we would typically see in a specific plan is buried. Much of that comes from the very lengthy process that staff and the consultants have undertaken to hear and try to consider a lot of what's in the community.

44-B: Comments noted. These comments pertain to the merits of the Specific Plan, its content and presentation, and are beyond the purview of the EIR and CEQA. Staff has reorganized and re-structured the Specific Plan in an effort to make its content and presentation more traditional and easier to use. Please also see Master Response #3 in this Final EIR document.

Whether we are talking about the comments about poor government actions in a generation ago, whether it was Bay Area Rapid Transit (BART), or the siting of the Post Office that tore the fabric, or the imposition of the Federal Highway Administration in bringing in the 980 freeway or the destruction of hundreds of homes to make way for Bay Area Rapid Transit (BART) and other government projects. There is a long history and a lot of pain that is real, not made up. So, given that history with some of it being fairly recent, there is no wonder why people are distrustful of a government-led process. She stated that the businesses, government officials here whether they are Bay Area Rapid Transit (BART) Commissioners, or our volunteer Commissioners, we in this community get to define what we desire to see and then go out and do additional work, which is to find people who agrees with this vision. Just because they make the plan doesn't mean that people will come in the way that we desire to see them. This is just one step in the process and it is her hope that we can bring this to conclusion. As a resident, she began attending the meetings around the West Oakland Specific Plan and listen to her neighbors as they were all trying to weigh in on what was going on, where was this grant funding and feeling a bit rushed because of the timeline that was established under the TIGER Grant. The staff and Administration heard those concerns, there has been a slow down, more inclusion and more outreach, but it's not perfect. To bring us to a point now where she would not want to see us time delayed, the ability to revitalize 7th Street in particular and capitalize on Federal Government resources that are available now. It's really critically important and that a month or 2 month delay could cost us years. She has been pressing that this redevelopment on 7th Street is a 30 year delayed promise; she doesn't wish to preside over a time in our city where we continue to say to this community, wait your turn when it's our turn now. It is time for us to both seize the economic opportunities that are present in today's marketplace and do the best that we can to turn back the significant injury to the communities and neighborhoods that comprise West Oakland. To Vice Chair Moore's point, this is not just one area; the needs in the South Prescott are different from those in the Clausen and the San Pablo Corridor. We have to be mindful, and she appreciates staff's attempt to leverage what speaker Jabari Herbert stated about a grant for a specific area around the transit village to think about how we make this collection of neighborhoods more holistic, more integrated and robust. How do we take advantage of that now? Not only for the existing residents, but to bring in economic and socially diverse community that make us resilient to the changes. Those are her aspirations and she really appreciates the comments in which she will review them again more closely. She would like to encourage residents and business owners who continue to have concerns to make those known to the Planning Commission via email or standard mail to bring this to a conclusion and begin the real work of finding people who will assist us in investing in this whether it's small businesses, we want to make sure that people don't have to go to Emeryville or Walnut Creek or San Leandro to shop or for employment. This is the situation that we are in right now; retailers decided that will take our dollars in other zip codes other than our own. One economic forecast stated that we have a one billion dollar leakage of our money because we haven't figured out

how to satisfy Oakland's needs in our zip codes, that is the work that is in front of us. She thanked the Planning Commission for doing the heavy lifting before this is brought before the City Council and thanked each of the community members that continue to weigh in on this very important process and she hopes that we are able to move forward together.

7

Revisions to Draft EIR

The changes to the Draft EIR presented in this chapter of the Final EIR are either initiated by the City of Oakland (Lead Agency) staff, or are made in response to comments received on the Draft EIR. Changes consisted of corrections, revisions or clarifications to descriptive information presented in the Draft EIR; none of the changes affected the original findings or determinations of the Draft EIR. Throughout this chapter, newly added text is shown in single underline format, and deleted text is shown in ~~strikeout~~ format. For changes specifically initiated by comments received on the Draft EIR, the numeric designator for the comment is indicated in [brackets] prior to its description.

Changes are listed generally in the order in which they would appear in the Draft EIR document. A revised Summary Table of Impacts, Standard Conditions of Approval and Mitigation Measures, which shows proposed final text as modified from the Draft EIR, is presented in Chapter 2 of this document.

As indicated in Chapter 1: Introduction, the entirety of the Final EIR consists of the Draft EIR and its Appendices and this Response to Comments document. Thus, the changes to the Draft EIR presented in this chapter (including the revised Summary Table of Impacts, Mitigation Measures, Standard Conditions, and Residual Impacts) incorporate and supersede the text of the Draft EIR.

Chapter #: Project Description

[**Master Response #3**]: The following Opportunity Site (the EBMUD Adeline Maintenance Center on West Grand Avenue), as indicated on Table 3-1 of the Draft EIR Project Description and found on page 3-9 of the Draft EIR (and elsewhere throughout the Draft EIR), is hereby deleted and is no longer a part of the proposed Specific Plan. This change also removes the previously proposed High Intensity land use designation for the EBMUD Adeline Maintenance Center from this site.

Site#	APN	Address	Area
~~17~~	~~7-572-2-4~~	~~Poplar to Linden, West Grand to 20th Street~~	~~13.02~~

[**Master Response #3**]: The following portion of the Project Description, found on page 3-26 of the Draft EIR (and elsewhere), which describes the Draft Specific Plan's proposed General Plan amendments and re-zoning for the Cocoa-Cola Bottling/Mayway site at 10th and Mandela Parkway, is hereby deleted and is no longer a part of the proposed Specific Plan:

~~Coca Cola Bottling/Mayway Site (Opportunity Site #38): This site is located at the northeast corner of the Mandela Parkway/12th Street intersection. The northerly portion of the site currently contains a medicinal herb international wholesale business (offices, test kitchen and warehouse) with ancillary truck parking. The site is immediately south of an 8-acre former dairy production site, now newly re-constructed and occupied by 8-10 commercial-industrial~~

~~businesses. It is next to a recycler and major food production company (historic Nabisco plant) and across Mandela from the Oakland Fire Station 3 and small local commercial enterprises. The site is located immediately west of Wade Johnson Park and north of the Oakland Housing Authority's Peralta Villa residential neighborhood, which occupies the blocks from 12th Street to 8th Street and Mandela Parkway to Poplar Street. The current General Plan land use designation for this site is Business Mix, whereas the Specific Plan proposes to amend the General Plan to change its land use designation to Housing and Business Mix. The current zoning for this site is Commercial/Industrial Mix (CIX-1), whereas the Specific Plan proposes to re-zone this site to Housing/Business Mix (HBX-2). Implementation of this General Plan amendment and re-zoning would enable reuse of the site for new residences and live/work units, compatible with the adjacent residential uses to the south and the public park to the west (see Figure 3-10).~~

[**Master Response #3**]: The following portion of the Project Description, found on page 3-51 of the DEIR (and elsewhere), is hereby amended as follows, effectively reinforcing and clarifying the addition of bicycle lanes of West Grand Avenue and Adeline Street, but removing the previously proposed lane reductions of 14th Street, 12th street and 8th Street, and the previously proposed round-a-bouts from the proposed Project:

Complete Streets

The Plan specifically calls for the provision of a network of "complete streets" throughout West Oakland, [1]serving not only the automobile capacities but also providing an interconnected system of bicycle paths and lanes, pedestrian improvements and streetscape amenities, as well as transit improvements intended to better facilitate use of transit choices in West Oakland and to better connect West Oakland to downtown, Jack London Square, the Oakland Army Base and other surrounding areas. As part of the complete streets strategy and consistent with the ~~the Plan proposes traffic calming strategies including travel lane reductions and round-a-bouts where adequate traffic capacity can be maintained, particularly at the following locations (see **Figure 3-22**)~~ City of Oakland's Bicycle Master Plan, bike lanes are to be added on Adeline Street from 3rd Street to 36th Street at the Emeryville border, and on West Grand Avenue from Mandela Parkway to Market Street. Both projects will close gaps in the citywide bikeway network. The projects will be implemented in coordination with the City's Pavement Management Program through the City's update to the Five Year Paving Plan. If the roadways are not part of the updated Five Year Paving Plan, the projects will be implemented as restriping projects funded by the City's Capital Improvement Program for Bicycle Master Plan Implementation.

- The project on Adeline Street will create a continuous bikeway through Oakland and Emeryville from 3rd Street to 61st Street near the Berkeley border. The project will intersect with existing bikeways on 3rd Street, 8th Street, 14th Street, and 32nd Street. The Adeline Street project will reconfigure the roadway from two travel lanes

[1] Complete Streets (sometimes known as livable streets) describes a comprehensive, integrated transportation network, with roadways designed and operated to enable safe, attractive, and comfortable access and travel for all users, including: pedestrians, bicyclists, persons with disabilities, seniors, children, motorists, movers of commercial goods, operators of public transportation, public transportation users of all abilities, and emergency responders.

in each direction to one travel lane and one bike lane in each direction, plus a two-way center turn lane.

- The West Grand Avenue project will close a key gap from Mandela Parkway to Market Street and connect to the existing bikeway on Grand Avenue between Market Street and Embarcadero in the Grand Lake neighborhood. In conjunction with the proposed Gateway Park project, the West Grand Avenue bike lanes will provide direct access to the eastern span of the San Francisco - Oakland Bay Bridge from West Oakland, downtown, and the Lake Merritt neighborhoods. The West Grand Avenue project will reconfigure the roadway from three travel lanes in each direction to two travel lanes and one bike lane in each direction.

- ~~Reduce the number of travel lanes on 12th Street between Market Street and Mandela Parkway, from the existing four travel lanes to two travel lanes with a center turn lane.~~

- ~~Reduce the number of travel lanes on 14th Street between Market Street and Mandela Parkway, from the existing four travel lanes to two travel lanes with a center turn lane.~~

- ~~Reduce the number of travel lanes on 8th Street between Market Street and Mandela Parkway, from the existing four travel lanes to two travel lanes with a center turn lane.~~

- ~~Roundabouts or other features should be considered at the following intersections to calm traffic and enhance the streetscape as a gateway or landmark feature at Adeline Street at 12th, 14th and 18th Streets; and at Peralta Street at 18th and 28th Streets.~~

Chapter 4: Setting, Impacts and Mitigation Measures

[**8-4**]: The following text is added to the list of other closely related past, present and reasonably foreseeable probable future projects located outside but near West Oakland:

> EBMUD Main Wastewater Treatment Plant Land Use Master Plan: The EBMUD Board of Directors certified the Main Wastewater Treatment Plant (MWWTP) Land Use Master Plan and EIR, which considered a number of EBMUD projects including biodiesel production and food waste pre-processing that are likely to be developed on the existing MWWTP and the adjacent 15.9-acre West End property.

Chapter 4.1: Aesthetics

[**5-2**]: The following incorrect text found on page 4.1-15 of the DEIR is deleted, and amended with the correct description of building heights at the BART Station TOD, as found on page 4.1-13 (and elsewhere) in the DEIR:

> ~~No changes in maximum allowed building heights are proposed as part of the Specific Plan. New development would generally not exceed a maximum of five stories in height, except at the 7th Street BART Station TOD, where the Plan proposes buildings up to the maximum height allowed by current zoning (75 feet along the north side of 7th Street and adjacent to~~

~~the south Prescott neighborhood, stepping up to 90 feet at the BART station and along the south side of 7th Street, and 120 feet near the freeway).~~ Throughout most of West Oakland, no changes in the maximum allowed building heights is proposed as part of the Specific Plan, with the exception of the West Oakland BART Station TOD site. The currently effective building heights proscribed under current zoning that are applicable to the West Oakland BART Station TOD area allow for a maximum building height of 120 feet nearest to I-880, stepping down to 90 feet along 7th Street, and between 60 and 75 feet nearest to the adjacent South Prescott neighborhood. Under these current height limits, new buildings would likely be bulky and block-shaped with 60-foot to 75-foot street walls at the exterior perimeters. The Specific Plan proposes amending the current Zoning Code's height limits to provide for a more precisely defined urban form. At the West Oakland BART Station TOD, the Specific Plan proposes an increase in the maximum allowed building height from the existing height limits of 120 feet (which is currently applicable to parcels adjacent to the I-880 freeway) to allow building heights of up to 160 feet along 7th Street and east of Union Street, 140 feet along 7th Street and east of Union Street, and 140 feet on those parcels adjacent to the I-880 freeway. The Plan would also provide a more effective and substantial transition in building heights nearest to the South Prescott neighborhood, with buildings nearest to this neighborhood as low as 2-stories.

Chapter 4.2: Air Quality

[**8-6**]: The following text on page 4.2-35 of the DEIR (and elsewhere where this typo has been made) is revised as follows:

The East Bay Municipal Utility District (EBMUD) Main Wastewater Treatment Plant (~~WWTP~~ MWWTP) is located west of West Oakland, within a triangular area formed by Grand Avenue and the I-80, I-580, and I-880 freeways.

[**Master Response #4**]: The following addition to the City of Oakland Standard Condition of Approval (SCA A) is hereby added to the Draft EIR, including the following construction-period toxic air contaminant conclusion at page 4.2-40 of the Draft EIR:

Standard Conditions of Approval

Notwithstanding this lack of detail, SCA A, as supplemented with the additional Best Management Practice identified below, would implement construction-related Best Management Practices in West Oakland and throughout the City of Oakland to substantially reduce construction-related impacts to a **less-than-significant level**.

- At all construction sites where access to grid power is available, grid power electricity shall be used. If grid power is not available, then propane or natural gas generators may be used, as feasible. Only if propane or natural gas generators prove infeasible shall portable diesel engines be allowed.

[**Master Response #4**]: The following additional mitigation measures are hereby added to the Draft EIR, starting at Mitigation Measure Air-9 on page 4.2-44 of the Draft EIR:

Mitigation Measure AIR-9A: Risk Reduction Plan. Applicants for projects that would include backup generators or other stationary sources of toxic air contaminants shall prepare and submit to the City, a Risk Reduction Plan for City review and approval. The applicant shall

implement the approved Plan. This Plan shall reduce cumulative localized cancer risks to the maximum feasible extent. The Risk Reduction Plan may contain, but is not limited to the following strategies:

a) Demonstration using screening analysis or a health risk assessment that all project sources of toxic air contaminants, when combined with other cumulative sources with 1,000 feet, would result in a cancer risk level less than 100 in a million, a non-cancer risk (chronic or acute) hazard index of less than 10.0, or an annual average concentration of PM2.5 of less than 0.8 micrograms per cubic meter.

b) Installation of non-diesel fueled generators.

c) Installation of diesel generators with an EPA-certified Tier 4 engine or engines that are retrofitted with an ARB Level 3 Verified Diesel Emissions Control Strategy.

Mitigation Measure Air-9B: Place loading docks as far from residences as feasible.

Mitigation Measure Air-9C: If the project includes a truck fleet of any size that is registered to the project applicant, the truck fleet must comply with all applicable CARB requirements to control emissions from diesel engines, and demonstrate compliance at the time building permits are issued. Means by which compliance may be achieved may include, but are not limited to new clean diesel trucks, lower-tier diesel engine trucks with added PM filters, hybrid trucks, alternative energy trucks, or another method that achieves the CARB emission standards. Compliance with this requirement shall be verified through CARB's Verification Procedure for In-Use Strategies to Control Emissions from Diesel Engines.

[**Master Response #4**]: The following additional mitigation measure is hereby added to the Draft EIR, starting at page 4.2-51 of the Draft EIR:

~~Other Best Management Practices~~ Mitigation Measures

In addition to the City's Standard Conditions of Approval (Supplemental SCA B and C), ~~consider requiring future individual discretionary development projects on those sites which would place new sensitive receptors in areas subject to cancer risks and exposure to PM2.5 concentrations to incorporate the following additional (i.e., in addition to the SCAs) Best Management Practices (BMPs) for air quality:~~ the following additional mitigation measure is recommended for all new sensitive receptors within the West Oakland Planning Area that meet the siting criteria; at least until such time as evidence demonstrates that air quality conditions in West Oakland have improved to levels commensurate with other areas within the City:

Mitigation Measure Air-10: In addition to the City's Standard Conditions of Approval (Supplemental SCA B and C), require future discretionary development projects that would place new sensitive receptors in areas subject to cancer risks and exposure to diesel PM concentrations that exceed applicable thresholds to incorporate the following additional (i.e., in addition to the SCAs) best management practices (BMPs) for air quality:

a) Air filtration units shall be installed to achieve BAAQMD effectiveness performance standards in removing PM2.5 from indoor air. The system effectiveness requirement shall be determined during final design when the exact level of exposure is known, based on

proximity to emission sources. According to recent BAAQMD recommendations, air filtration systems rated MERV 16 or higher protect sensitive receptors from toxic air containments and PM2.5 concentrations while inside a building. This measure is effective for reducing exposure from TACs and PM2.5 emissions from diesel engines, highways and roadways.

b) When locating sensitive receptors near at-grade highways, to the extent feasible, encourage uses that serve sensitive receptors to locate on the upper floors of buildings. PM2.5 concentrations generally decrease with elevation.

c) Where appropriate, install passive electrostatic filtering systems, especially those with low air velocities (i.e., 1 mph).

Chapter 4.3: Cultural and Historic Resources

[LB6-D]: The text on page 4.4-4 of the DIER is hereby amended as follows:

Oakland fought hard and successfully to become the western terminus of the transcontinental railroad. The local railroad in 1863 made West Oakland a viable commuter residence district; the transcontinental railroad in 1869 gave it a powerful economic base. By the early 1870s enormous Central Pacific yards were located at Oakland Point, west of Peralta Street and south of the 1st Street tracks ~~(the 1874 Car Paint Shop still survives from this complex)~~.

[**10-3**]: The text on page 4.3-20 of the DEIR is amended as follows:

The Lincoln was one of the many theaters that closed in the late 1950s with the coming of television. In 1961 it became the ~~Damscus~~ Damascus Missionary Baptist Church, by 1970 it was vacant, and it later suffered neglect, earthquake and fire damage.

[**10-5**]: The text on page 4.3-20 of the DEIR is amended as follows:

The cable company relocated its factory to Emeryville in 1928~~,~~ and the building saw a wide variety of uses after that time.~~,~~ The building was rehabilitated to its current use in the ~~mid-1990's~~ mid-1990s and now houses offices, an art gallery and the Linden Street Brewery.

[**10-6**]: The text on page 4.3-45 of the DEIR is amended as follows:

The Plan requires that any changes to these buildings follow the Secretary of the Interior Standards.

Chapter 4.4: Climate Change

[**Planning Commission Speaker 39-H**]: The numbers presented in Table 4.4-5 of the DIER are modified as follows:

Table 4.4-5: Estimated Future 2035 CO_2e Emissions, with Project
(Metric Tons/Year of Co_2e)

	Existing (2013)	2035, with Project Buildout	Net Change
Operation Vehicle Emissions	86,359	133,730	47,371
Area Source	142	2,7798	2,637
Electricity	23,818	41,986	18,168
Natural Gas (space and water heating)	2,458	9,397	6,939
Water and Wastewater	307	995	688
Solid Waste	6,338	14,409	8,071
Annualized Construction Emissions		612	612
Total Baseline CO_2e Emissions	**119,423**	203,910	**84,490**
		36,278	25,868
Effective Service Population	10,410	~~36,396~~	~~26,166~~
			3.27
GHG emissions per service population			~~**3.22**~~

[**Planning Commission Speaker 39-I**]: Please see new **Figure 4.4-2** showing the effects of a 55-inch sea level rise in West Oakland are hereby added to the EIR (see following pages).

Chapter 4.7: Noise

[**10-16**]: The following additional recommendation is hereby added to the EIR (at page 4.7-40) related to exploring the potential for new sound walls along I-880:

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

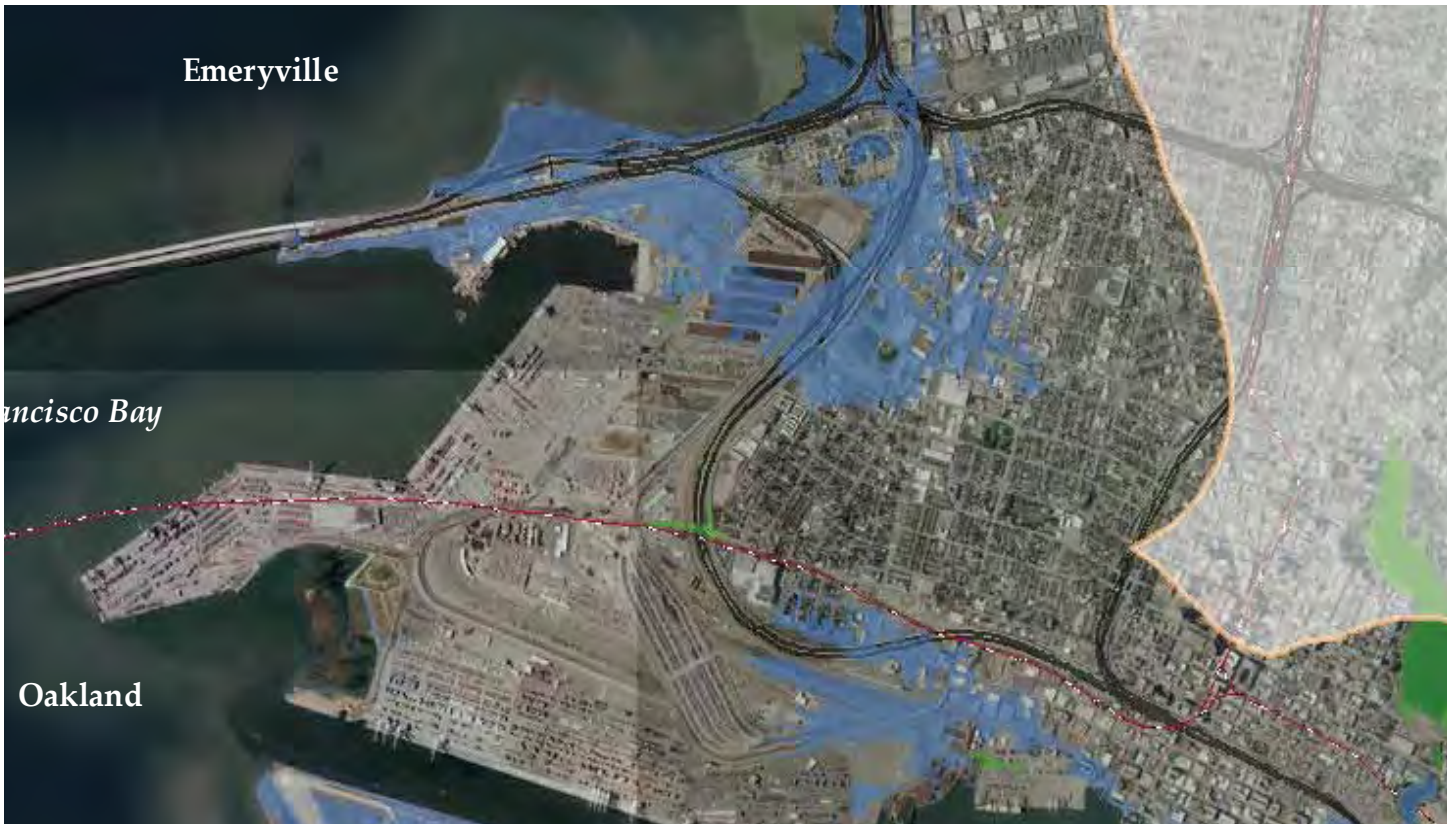
Chapter 4.9: Public Service and Recreation

[**20-1 and Planning Commission Speaker 39-K**]: Please see updated **Figures 4.9-1** showing City parks and recreation facilities is hereby updated and added to the EIR (see following page).

Chapter 4.10: Transportation

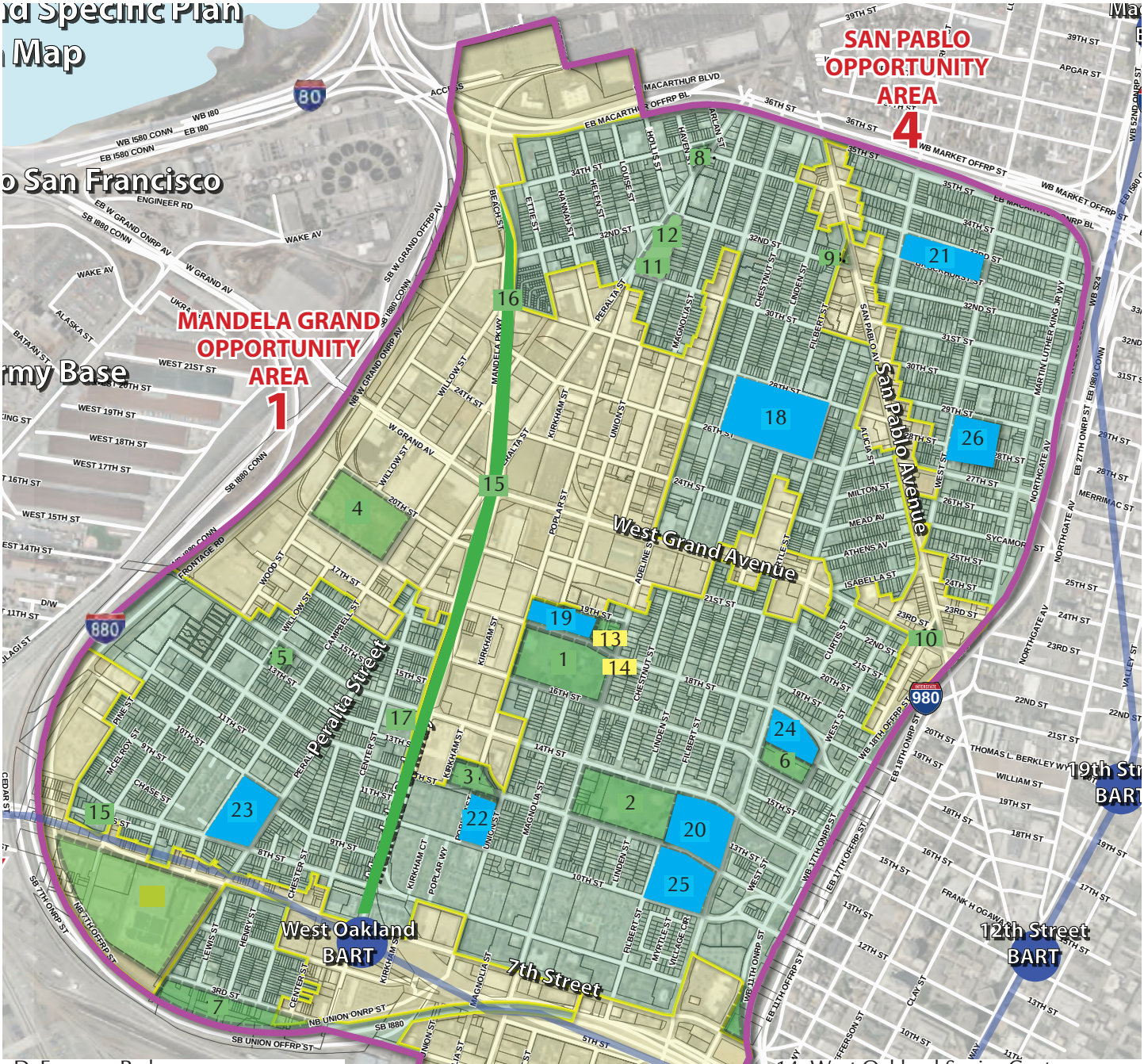
[**5-6**]: The text on Page 4.10-6 under the heading BART is modified as follows:

> Trains for individual lines have headway of 15 minutes on weekdays and 20 minutes on Saturday and Sundays. As West Oakland BART station is served by four lines, the headways for all lines are between 1.5 minutes to just over 4 minutes.



Additional Figure 4.4-2
55-Inch Sea Level Rise - Tidal Inundation (above) and Storm Event Flooding (below) - 100 Year Storm

Source: Adapting to Rising Tides, BCDC, MTC, AECOM, BART



1. DeFremery Park
2. Lowell Park
3. Wade Johnson Park
4. Raimondi Park
5. Willow Park
6. Marston Campbell Park
7. South Prescott Park
8. Fitzgerald Park
9. St. Andrews Park
10. Brush Street Park
11. Willie keyes Community Center
12. Poplar Park
13. West Oakland Library
14. West Oakland Senior Center
15. Cypress Frwy Memorial Park
16. Mandela Parkway
17. Bertha Park
18. McClymonds High School
19. Ralph Bunche High School
20. The Kipp Bridge Academy
21. Hoover Elementary
22. Cole Elementary
23. Prescott Elementary
24. Lafayette Elementary
25 Martin Luther King, Jr. Elementary
26. Foster Elementary

Revised Figure 4.9-1
West Oakland Parks and Community Facilities

[**5-7**]: The following additional text is hereby added to the EIR, supplementing the discussion of other State and Regional Policies and Regulations pertaining to transportation topics:

> In July of 2013, The Association of Bay Area Governments (ABAG) and the Metropolitan Transportation Commission (MTC) adopted Plan Bay Area, an integrated transportation and land-use strategy through 2040 that marks the nine-county region's first long-range plan to meet the requirements of California's landmark 2008 Senate Bill 375, which calls on each of the state's 18 metropolitan areas to develop a Sustainable Communities Strategy to accommodate future population growth and reduce greenhouse gas emissions from cars and light trucks. Working in collaboration with cities and counties, the Plan advances initiatives to expand housing and transportation choices, create healthier communities, and build a stronger regional economy.[2]
>
> MTC separately approved the 2013 Transportation Improvement Program (TIP), which updates the list of Bay Area projects that receive federal funds, are subject to federal action, or are considered regionally significant; as well as a final Air Quality Conformity Analysis that establishes both the TIP and Plan Bay Area comply with federal air pollution standards.
>
> Plan Bay Area is the successor to Transportation 2035, the long-range plan adopted by MTC in 2009. It also provides a strategy for meeting 80% of the region's future housing needs in Priority Development Areas (PDAs) – such as West Oakland.
>
> Plan Bay Area's transportation element specifies how $292 billion in anticipated federal, state and local funds will be spent through 2040. Nearly 87 percent (or $253 billion) will be used to maintain and operate the existing transportation network. Maintenance and operation of the Bay Area's existing public transit services will receive about 54 percent ($159 billion) of the revenues. The remainder includes 32 percent for street, road, highway and bridge maintenance; 7 percent for transit expansion; and 5 percent for roadway and bridge expansion. A $3.1 billion reserve comprised of anticipated future funding through the California Air Resources Board's Cap-and-Trade program for greenhouse gas emissions accounts for another 1 percent of expected revenues.

Chapter 4.11: Utilities and Service Systems

[**8-3**]: The following text on page 4.11-4 of the DEIR (and elsewhere where this typo has been made) is revised as follows:

> Seismic upgrades have been performed throughout EBMUD's system, most notably at San Pablo Dam, the largest and most vital of ~~EMBMUD's~~ EBMUD's local water storage reservoirs.

[**8-2**]: The following text for footnote 5 on page 4.11-5 of the DEIR is revised as follows:

> EBMUD, Water Supply ~~Master~~ Management Plan 2040 Final Plan, ~~October 2009~~ April 24, 2012

[**8-8**]: The following text from page 4.11-8 of the Draft EIR is hereby modified / deleted:

[2] accessed at: http://www.onebayarea.org/news/story/Plan-Bay-Area-Adopted.html

Pursuant to the City's Sanitary Sewer Evaluation System Program, Oakland's sewer collection system is divided into basins and sub-basins. Each numbered sub-basin encompasses a specific physical area and its sewer flows are assigned to a single discharge point from the City's collection system into EBMUD's interceptor lines. Each sub-basin is allocated a certain amount of sewer flow, and flows within a sub-basin normally may not exceed that allocation. Should a sub-basin require more flow than its allocation, allocations may be redirected between adjacent sub-basins. In total, however, flows for the larger sewer basin may not exceed that basin's allocation. ~~Using sub-basin flow data from the Oakland Public Works Department, EBMUD ensures that the capacity of the wastewater transport and treatment system is adequate to serve development.~~ The program allows an approximately 20 percent increase in wastewater flows for each sub-basin to accommodate projected growth. Projected flow increases must stay below the base flow increase allowance for each sub-basin of the system.

[**8-10**]: The following modifications and changes are hereby made to the text on page 4.2-10 of the Draft EIR under the sub-heading of EBMUD Sewer Interceptor System, 1st paragraph:

The City's sewage collection system discharges into EBMUD's sewer interceptor system. EBMUD's pipelines range from 12 to 105 inches in diameter. The EBMUD sewer interceptor system comprises approximately 29 miles of large diameter pipeline, ranging in size from 9 to 12 feet in diameter. The wastewater system in the Planning Area is part of EBMUD's Special District No. 1 (SD-1), which treats domestic, commercial, and industrial wastewater for several East Bay cities. Wastewater from the Planning Area is collected into the ~~42-inch~~ 105-inch South Interceptor. An EBMUD Wastewater Pumping Station then ~~pumps~~ transports the wastewater to EBMUD's Main Wastewater Treatment Plant (MWWTP).

[**8-11**]: The following modifications and changes are hereby made to the text on page 4.2-10 of the Draft EIR under the sub-heading of EBMUD Sewer Interceptor System, 2nd paragraph:

Infiltration of stormwater into the aging sanitary sewer system from misconnections, cracks, and other imperfections in system pipes, joints and manholes can cause a 10-fold increase in the volume of wastewater that reaches EBMUD's sewer interceptor pipes and the MWWTP. During wet weather when heavy rainfall overwhelms the collection and treatment system, flows have at times exceeded the capacity of the MWWTP, resulting in discharges of wastewater receiving less than secondary treatment ~~untreated wastewater~~ into San Francisco Bay. EBMUD reached a settlement in ~~January~~ July 2009 with the Environmental Protection Agency (EPA) and the State Water Resources Control Board to address inadequately treated sewage discharges into San Francisco Bay during large storms.

[**8-12**]: The following modifications and changes are hereby made to the text on page 4.2-10 of the Draft EIR under the sub-heading of EBMUD Sewer Interceptor System, 3rd paragraph:

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

[**8-13**]: The following modifications and changes are hereby made to the text on page 4.2-11 of the Draft EIR under the sub-heading of Wastewater Treatment:

The average annual daily flow into the MWWTP is approximately ~~80~~ 63 mgd.[13]

Footnote 13: http://www.ebmud.com/water-and-wastewater/wastewater-treatment

Treated effluent is discharged from the MWWTP to San Francisco Bay south of the Bay Bridge approximately one mile from the East Bay shoreline via a ~~102-inch~~ 108-inch diameter deep water outfall pipeline.

[**8-14**]: The following modifications and changes are hereby made to the text on page 4.2-11 of the Draft EIR under the sub-heading of Wastewater Treatment:

The MWWTP and interceptor system have adequate dry weather capacity to treat wastewater flows from future development. ~~EBMUD's projections for future flows at the MWWTP are based on assumptions about future development within its service area. In areas considered to be fully developed, including Oakland, a 20 percent increase in sanitary flow was assumed.~~

[**8-9**]: The following text is hereby added to the Draft EIR on page 4.2-11 to provide more information on EBMUD's MWWTP operations and capacity during wet weather conditions:

EBMUD has historically operated three Wet Weather Facilities to provide treatment for high wet weather flows that exceed the treatment capacity of the MWWTP. On January 14, 2009, due to Environmental Protection Agency's (EPA) and the State Water Resources Control Board's (SWRCB) reinterpretation of applicable law, the Regional Water Quality Control Board (RWQCB) issued an order prohibiting further discharges from EBMUD 's Wet Weather Facilities. In addition, on July 22, 2009, a Stipulated Order for Preliminary Relief issued by EPA, SWRCB, and RWQCB became effective. This order requires EBMUD to perform work that will identify problem infiltration/inflow areas, begin to reduce infiltration/inflow through private sewer lateral improvements, and lay the groundwork for future efforts to eliminate discharges from the Wet Weather Facilities.

Currently, there is insufficient information to forecast how these changes will impact allowable wet weather flows in the individual collection system sub-basins contributing to the EBMUD wastewater system, including the sub-basins in the Planning Area. It is reasonable to assume that a new regional wet weather flow reduction program may be implemented in the East Bay, but the schedule for implementation of such a program has not yet been determined. In the meantime, it would be prudent for the lead agency to require the project applicant to incorporate the following measures into the proposed project: (1) replace or rehabilitate any existing sanitary sewer collection systems, including sewer lateral lines, to reduce infiltration/inflow and (2) ensure any new wastewater collection systems, including sewer lateral lines, for the project are constructed to prevent infiltration/inflow to the maximum extent feasible.

[**8-1 and 8-6**]: The following text for footnote 14 on page 4.11-11 of the DEIR is revised as follows:

East Bay Municipal ~~Utilities~~ Utility District, Urban Water Management Plan, 2010 ~~2000, p. 5-30~~

[**8-5**]: The following additional text is hereby added under the sub-heading of Wastewater Treatment on page 4.11-11 of the Draft EIR:

EBMUD's Main Wastewater Treatment Plant (MWWTP) Land Use Master Plan (Master Plan) and Environmental Impact Report (EIR) (2011). The Master Plan serves as a high-level planning tool to guide development of the existing 48-acre MWWTP site and the adjacent 15.9-acre West End property (former U.S. Army Reserve Center) over a 30-year time horizon. More

stringent regulations may require treatment process expansions at the MWWTP in the long term; however the implementation time line for these projects is uncertain. The EIR includes a programmatic analysis of 14 projects as well as project-level analyses for a biodiesel production facility and a food waste preprocessing facility. In the near term, EBMUD is exploring opportunities to implement renewable energy projects (i.e., biodiesel production, food waste preprocessing) to support sustainability goals, while generating revenue to maintain reasonable rates for our ratepayers. The food waste project, at an initially smaller scale, is scheduled to begin operation in spring 2014 and a lease for the biodiesel production facility starts May 2014. All projects are described on pages 2-7 through 2-21 of the Draft MWWTP Master Plan EIR.

[**8-15**]: The following modifications and changes are hereby made to the text on page 4.2-30 of the Draft EIR under the sub-heading of Sewer Sub-Basins:

The City of Oakland uses a numbered sub-basin system and assigns the discharges from each sub-basin a single discharge point from the City's collection system to the EBMUD interceptor system. The City allocates each sub-basin a certain amount of sewer flow ~~that may be discharged to the EBMUD system~~, and flows within a sub-basin normally may not exceed that allocation. Should a sub-basin require more flow than its allocation, allocation may be redirected between adjacent sub-basins. ~~In this manner, the City ensures the continued adequate capacity of the EBMUD main wastewater treatment plant (MWWTP) and interceptor system.~~ The Specific Plan area is located across several sewer sub-basins, and as new development occurs the City will review the sub-basin allocations to ensure adequate capacity exists to accommodate the proposed sewer discharge flow or to reallocate flows from other adjacent sub-basins.

[**8-16**]: The following additional recommendation is added to the Draft EIR's suggest strategies for further reducing impacts to the wastewater system, as identified on page 4.2-31 of the Draft EIR:

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