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FINAL ENVIRONMENTAL IMPACT REPORT

CENTRAL CITY EAST  
REDEVELOPMENT PLAN

City of Oakland,  
Oakland Redevelopment Agency

State Clearinghouse # 2002042071

Prepared by Lamphier-Gregory  
1944 Embarcadero  
Oakland, CA 94606

April, 2003

## Explanation of the Notice of Completion Form

This form is **required** to be submitted with 15 copies of every draft Environmental Impact Report which is reviewed through the State Clearinghouse (see CEQA Guidelines Section 15085[d]). It is used by the Clearinghouse for transmittal of all environmental documents

### LEAD AGENCY

**Project Title:** This is the project's common name. It is best to use project specific words in order to facilitate database searches.

**Lead Agency:** This is the name of the public agency that has legal responsibility for preparation and review of the environmental document.

**Contact Person:** Name of contact person from the lead agency. This should not be the consultant's name.

**Phone:** Phone number of the contact person at lead agency.

**Street Address:** This is the mailing address for the contact person from the lead agency. State comments will be mailed to this address.

**City:** City of the lead agency address. This is not necessarily the city in which the project is located.

**Zip:** Zip code of the lead agency. Please indicate the new nine digit zip code if applicable.

**County:** County of the lead agency address. This is not necessarily the county in which the project is located.

### PROJECT LOCATION

**County:** County in which the project is located. Most state agencies assign projects for review according to the county of the project. The State Clearinghouse is not always able to determine the location of the project based upon the address of the lead agency. An example of this problem is Los Angeles Department of Airports projects located at Ontario International Airport.

**City/Nearest Community:** City or town in which the project is located; or the nearest community to the location of the project.

**Cross Streets:** Indicate the nearest major cross streets or cross streets.

**Total Acres:** The total area encompassed by the project site gives some indication of the scope of the project and its regional significance.

**Assessor's Parcel Number** (optional): For locational purposes.

**Section, Township, Range and Base:** Please indicate base meridian. If you are not able to provide Assessor's Parcel Number, please indicate Section, Township, and Range.

**Highways, Airports, Railroads, Schools, and Waterways** (including streams or lakes): These identifiers are of consequence to many projects. By restricting the information to those features within a two-mile radius of the project site, unnecessary data collection can be avoided. Please indicate the name(s) of the waterways, airports, railroads, schools, and the route number(s) of the state highways.

### DOCUMENT TYPE

This identifies the nature of the environmental document. Mark

appropriate blanks with an "X".

### LOCAL ACTION TYPE

This helps reviewers understand the type of local approvals that will be required for the project and the nature of the project and its environmental documentation. Mark appropriate blanks with "X".

### DEVELOPMENT TYPE

This data category helps identify the scope of the project for distribution purposes. Additionally, the information also serves to identify projects of a similar character to assist in the reuse of environmental documents. For some of the development types, the form asks for the number of acres, square footage, and number of permanent employees. Fill in the blanks.

### PROJECT ISSUES DISCUSSED IN DOCUMENT

These are the topics on which the environmental document focuses attention. These are not necessarily the adverse impacts of the project, but the issues which are discussed in some depth. Check appropriate blanks.

### PRESENT LAND USE AND ZONING

This enables the agencies to understand the extent of the changes proposed and again helps to identify projects with similar environmental issues for later reuse of information.

### PROJECT DESCRIPTION

This response should provide a thorough description of the proposed project enabling the reviewing agencies to understand the total project concept. The data categories can provide guidance and structure to the explanation given.

### Reviewing Agencies Checklist:

### REVIEWING AGENCIES

The back of the form lists the agencies and departments to whom the SCH may distribute a draft document. The lead agency can indicate for the SCH's information any responsible, trustee or concerned agencies which they would like to review the document, or who have previously been involved in the review of the project. Any agencies that have received the document directly from the lead agency should also be marked.

### PUBLIC REVIEW PERIOD

This section is to be filled in when the Notice of Completion form is being filed and not being submitted with environmental documents.

### CONSULTING FIRM

This information is to be filled in only if applicable.

### APPLICANT

This identifies whether the applicant/project proponent is a private developer or the lead agency.

**Form A**

**Notice of Completion & Environmental Document Transmittal**

**SCH #** \_\_\_\_\_

Mail to: State Clearinghouse, PO Box 3044, Sacramento, CA 95812-3044 916/445-0613

Project Title: \_\_\_\_\_

Lead Agency: \_\_\_\_\_ Contact Person: \_\_\_\_\_

Street Address: \_\_\_\_\_ Phone: \_\_\_\_\_

City: \_\_\_\_\_ Zip: \_\_\_\_\_ County: \_\_\_\_\_

**Project Location:**

County: \_\_\_\_\_ City/Nearest Community: \_\_\_\_\_

Cross Streets: \_\_\_\_\_ Zip Code: \_\_\_\_\_ Total Acres: \_\_\_\_\_

Assessor's Parcel No. \_\_\_\_\_ Section: \_\_\_\_\_ Twp. \_\_\_\_\_ Range: \_\_\_\_\_ Base: \_\_\_\_\_

Within 2 Miles: State Hwy #: \_\_\_\_\_ Waterways: \_\_\_\_\_

Airports: \_\_\_\_\_ Railways: \_\_\_\_\_ Schools: \_\_\_\_\_

**Document Type:**

- |              |                                     |  |              |                                    |               |   |
|--------------|-------------------------------------|--|--------------|------------------------------------|---------------|---|
| <b>CEQA:</b> | <input type="checkbox"/> NOP        | <input type="checkbox"/> Supplement/Subsequent EIR | <b>NEPA:</b> | <input type="checkbox"/> NOI       | <b>Other:</b> | <input type="checkbox"/> Joint Document |
|              | <input type="checkbox"/> Early Cons | (Prior SCH No.) _____                              |              | <input type="checkbox"/> EA        |               | <input type="checkbox"/> Final Document |
|              | <input type="checkbox"/> Neg Dec    | <input type="checkbox"/> Other _____               |              | <input type="checkbox"/> Draft EIS |               | <input type="checkbox"/> Other _____    |
|              | <input type="checkbox"/> Draft EIR  |  |              | <input type="checkbox"/> FONSI     |               |   |

**Local Action Type:**

- |   |   |  |   |
|---|---|--|---|
| <input type="checkbox"/> General Plan Update    | <input type="checkbox"/> Specific Plan            | <input type="checkbox"/> Rezone                            | <input type="checkbox"/> Annexation     |
| <input type="checkbox"/> General Plan Amendment | <input type="checkbox"/> Master Plan              | <input type="checkbox"/> Prezone                           | <input type="checkbox"/> Redevelopment  |
| <input type="checkbox"/> General Plan Element   | <input type="checkbox"/> Planned Unit Development | <input type="checkbox"/> Use Permit                        | <input type="checkbox"/> Coastal Permit |
| <input type="checkbox"/> Community Plan         | <input type="checkbox"/> Site Plan                | <input type="checkbox"/> Land Division (Subdivision, etc.) | <input type="checkbox"/> Other _____    |

**Development Type:**

- |   |   |
|---|---|
| <input type="checkbox"/> Residential: Units _____ Acres _____                 | <input type="checkbox"/> Water Facilities: Type _____ MGD _____ |
| <input type="checkbox"/> Office: Sq.ft. _____ Acres _____ Employees _____     | <input type="checkbox"/> Transportation: Type _____             |
| <input type="checkbox"/> Commercial: Sq.ft. _____ Acres _____ Employees _____ | <input type="checkbox"/> Mining: Mineral _____                  |
| <input type="checkbox"/> Industrial: Sq.ft. _____ Acres _____ Employees _____ | <input type="checkbox"/> Power: Type _____ Watts _____          |
| <input type="checkbox"/> Educational _____                                    | <input type="checkbox"/> Waste Treatment: Type _____            |
| <input type="checkbox"/> Recreational _____                                   | <input type="checkbox"/> Hazardous Waste: Type _____            |
|   | <input type="checkbox"/> Other: _____                           |

Funding (approx.): Federal \$ \_\_\_\_\_ State \$ \_\_\_\_\_ Total \$ \_\_\_\_\_

**Project Issues Discussed in Document:**

- |   |   |  |   |
|---|---|--|---|
| <input type="checkbox"/> Aesthetic/Visual         | <input type="checkbox"/> Flood Plain/Flooding       | <input type="checkbox"/> Schools/Universities            | <input type="checkbox"/> Water Quality            |
| <input type="checkbox"/> Agricultural Land        | <input type="checkbox"/> Forest Land/Fire Hazard    | <input type="checkbox"/> Septic Systems                  | <input type="checkbox"/> Water Supply/Groundwater |
| <input type="checkbox"/> Air Quality              | <input type="checkbox"/> Geologic/Seismic           | <input type="checkbox"/> Sewer Capacity                  | <input type="checkbox"/> Wetland/Riparian         |
| <input type="checkbox"/> Archeological/Historical | <input type="checkbox"/> Minerals                   | <input type="checkbox"/> Soil Erosion/Compaction/Grading | <input type="checkbox"/> Wildlife                 |
| <input type="checkbox"/> Coastal Zone             | <input type="checkbox"/> Noise                      | <input type="checkbox"/> Solid Waste                     | <input type="checkbox"/> Growth Inducing          |
| <input type="checkbox"/> Drainage/Absorption      | <input type="checkbox"/> Population/Housing Balance | <input type="checkbox"/> Toxic/Hazardous                 | <input type="checkbox"/> Landuse                  |
| <input type="checkbox"/> Economic/Jobs            | <input type="checkbox"/> Public Services/Facilities | <input type="checkbox"/> Traffic/Circulation             | <input type="checkbox"/> Cumulative Effects       |
| <input type="checkbox"/> Fiscal                   | <input type="checkbox"/> Recreation/Parks           | <input type="checkbox"/> Vegetation                      | <input type="checkbox"/> Other _____              |

**Present Land Use/Zoning/General Plan Designation:**

**Project Description:**

# Reviewing Agencies Checklist

Form A, continued

**KEY**

S = Document sent by lead agency

X = Document sent by SCH

✓ = Suggested distribution

**Resources Agency**

- \_\_\_ Boating & Waterways
- \_\_\_ Coastal Commission
- \_\_\_ Coastal Conservancy
- \_\_\_ Colorado River Board
- \_\_\_ Conservation
- \_\_\_ Fish & Game
- \_\_\_ Forestry & Fire Protection
- \_\_\_ Office of Historic Preservation
- \_\_\_ Parks & Recreation
- \_\_\_ Reclamation Board
- \_\_\_ S.F. Bay Conservation & Development Commission
- \_\_\_ Water Resources (DWR)

**Business, Transportation & Housing**

- \_\_\_ Aeronautics
- \_\_\_ California Highway Patrol
- \_\_\_ CALTRANS District # \_\_\_\_\_
- \_\_\_ Department of Transportation Planning (headquarters)
- \_\_\_ Housing & Community Development

**Food & Agriculture**

**Health & Welfare**

- \_\_\_ Health Services \_\_\_\_\_

**State & Consumer Services**

- \_\_\_ General Services
- \_\_\_ OLA (Schools)

**Environmental Protection Agency**

- \_\_\_ Air Resources Board
- \_\_\_ California Waste Management Board
- \_\_\_ SWRCB: Clean Water Grants
- \_\_\_ SWRCB: Delta Unit
- \_\_\_ SWRCB: Water Quality
- \_\_\_ SWRCB: Water Rights
- \_\_\_ Regional WQCB # \_\_\_\_\_ (\_\_\_\_\_)

**Youth & Adult Corrections**

- \_\_\_ Corrections

**Independent Commissions & Offices**

- \_\_\_ Energy Commission
- \_\_\_ Native American Heritage Commission
- \_\_\_ Public Utilities Commission
- \_\_\_ Santa Monica Mountains Conservancy
- \_\_\_ State Lands Commission
- \_\_\_ Tahoe Regional Planning Agency

\_\_\_ Other \_\_\_\_\_

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

Starting Date \_\_\_\_\_

Ending Date \_\_\_\_\_

Signature \_\_\_\_\_

Date \_\_\_\_\_

**Lead Agency (Complete if applicable):**

Consulting Firm: \_\_\_\_\_

Address: \_\_\_\_\_

City/State/Zip: \_\_\_\_\_

Contact: \_\_\_\_\_

Phone: (\_\_\_\_) \_\_\_\_\_

**For SCH Use Only:**

Date Received at SCH \_\_\_\_\_

Date Review Starts \_\_\_\_\_

Date to Agencies \_\_\_\_\_

Date to SCH \_\_\_\_\_

**Clearance Date** \_\_\_\_\_

Notes:

Applicant: \_\_\_\_\_

Address: \_\_\_\_\_

City/State/Zip: \_\_\_\_\_

Phone: (\_\_\_\_) \_\_\_\_\_

To:  Office of Planning and Research  
 PO Box 3044, 1400 Tenth Street, Room 222  
 Sacramento, CA 95812-3044

County Clerk  
 County of \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_

From: (Public Agency) \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_ (Address)

**Subject:**

**Filing of Notice of Determination in compliance with Section 21108 or 21152 of the Public Resources Code.**

**Project Title**

State Clearinghouse Number (If submitted to Clearinghouse)	Lead Agency Contact Person	Area Code/Telephone/Extension
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**Project Location** (include county)

**Project Description:**

This is to advise that the \_\_\_\_\_ has approved the above described project on \_\_\_\_\_  
 Lead Agency     Responsible Agency  
 \_\_\_\_\_ and has made the following determinations regarding the above described project:  
 (Date)

1. The project [will will not] have a significant effect on the environment.
2.  An Environmental Impact Report was prepared for this project pursuant to the provisions of CEQA.  
 A Negative Declaration was prepared for this project pursuant to the provisions of CEQA.
3. Mitigation measures [were were not] made a condition of the approval of the project.
4. A statement of Overriding Considerations [was was not] adopted for this project.
5. Findings [were were not] made pursuant to the provisions of CEQA.

This is to certify that the final EIR with comments and responses and record of project approval is available to the General Public at:

\_\_\_\_\_

Signature (Public Agency)	Date	Title
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Date received for filing at OPR:

Revised May 1999

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# Introduction

## Project Overview

The City of Oakland has designated a substantial portion of Central and East Oakland as a new Redevelopment Project Area (Project Area), and is now considering adoption of a Redevelopment Plan for this Project Area. The *Redevelopment Plan for the Central City East Project Area* (Redevelopment Plan) has been prepared by the Redevelopment Agency of the City of Oakland (Agency) in consultation with the Central City East Project Area Committee. The Redevelopment Project Area is located in Central-East Oakland.

The Redevelopment Plan is the “*Project*” evaluated in this Environmental Impact Report (EIR). The Redevelopment Plan itself is not a precise plan. The projects, programs or other activities to be undertaken in furtherance of the Redevelopment Plan do not contain specific proposals for the redevelopment of individual sites, nor does the Redevelopment Plan identify particular actions the Agency will take with regard to specific projects. Instead, the Redevelopment Plan presents a basic framework and a process within which specific projects and programs will be established and implemented over time. Redevelopment actions are anticipated to continue throughout a 30-year redevelopment period. However, this Program EIR analyzes those impacts that would be expected to occur over a 20-year period, or by approximately the year 2025. This approach was taken because traffic model projections are not calculated beyond the year 2025 and analysis of other environmental effects beyond the year 2025 was considered too speculative for reasoned analysis. This approach ensures that the aggregate effects of redevelopment within the Project Area are adequately disclosed for this approximately 20-year period. The 30-year time frame for the Redevelopment Plan is primarily a time frame required by the California Community Redevelopment Law, and used for financing bonds and other financial indebtedness.

## Purpose of the EIR

### Draft EIR

The Draft Environmental Impact Report (DEIR) published and submitted for public review on February 5, 2003 provides an environmental assessment of the potential impacts associated with implementation of the Redevelopment Plan. The comment period on the Draft EIR ended on March 24, 2003, complying with the CEQA-required 45-day public review period. Consistent with the *California Environmental Quality Act* (Public Resources Code 21090 and CEQA Guidelines, Sections 15168 and 15180) the Draft EIR on the Redevelopment Plan was treated as

a Program EIR. A Program EIR addresses a series of actions that may be considered one large project, and are related by geography as a series of actions that form a logical part in a chain of actions in connection with a plan to be carried out under the same regulatory authority, and/or that will have similar effects that can be mitigated in similar ways. The Program EIR is intended to provide the City of Oakland (as Lead Agency) with an opportunity to address a broad range of actions and alternatives, to consider their cumulative effects as a whole, to consider broad policy alternatives, and to reduce duplication of effort and paperwork for subsequent projects.

## **Final EIR**

In accordance with the requirements of the California Environmental Quality Act (CEQA), this Final EIR includes copies of all written comments received during the public review period, along with a summary of verbal comments received at the March 5, 2002 public hearing held before the Oakland Planning Commission. It also provides responses to those comments. In some cases, the responses have also resulted in revisions to the Draft EIR, and all such changes are reflected in this document. As required by CEQA, this document addresses those comments received during the public review period that relate directly to the adequacy and completeness of the Draft EIR. The Final EIR does not address those comments received that relate to the merits of the proposed Project where the Draft EIR's analysis of physical environmental issues is not directly involved.

A Mitigation Monitoring and Reporting Program (MMRP) is also included in Chapter 2 of this Final EIR. It provides information about whom is responsible for implementing and monitoring a given mitigation measure, and when the measure must be implemented.

The Final EIR (which is comprised of the Draft EIR and this document) is intended to be certified as a complete and thorough record of the environmental impacts of the proposed Project by the City of Oakland. Certification of the EIR as adequate and complete by the City must take place prior to any formal City of Oakland Redevelopment Agency action on the proposed Redevelopment Plan.

## **Intended Uses of this EIR**

### ***Approval of the Redevelopment Plan***

The City of Oakland and its Redevelopment Agency will consider the information in this EIR as part of its deliberations on the proposed Redevelopment Plan. This EIR is intended to enable City of Oakland decision-makers, public agencies and interested citizens to evaluate the broad environmental issues associated with implementation of the Central City East Redevelopment Plan. In accordance with California law, the EIR on the Redevelopment Plan must be certified before the City and/or its Redevelopment Agency can take any action on the Redevelopment Plan.

### ***Subsequent Discretionary Actions of the City***

Further, this EIR is intended to address subsequent discretionary actions of the City or the Agency including, but not limited to:

- property acquisition within the Project Area,
- redevelopment projects consistent with the Redevelopment Plan,
- other development activities that falls within the framework of this EIR,
- other discretionary actions including subdivisions, disposition and development agreements, and owner participation agreements consistent with the Redevelopment Plan, and
- capital projects such as streetscape, landscape, park, street or other public projects consistent with the Redevelopment Plan and the City General Plan.

#### ***Permits or Approvals from other Jurisdictional Agencies***

In addition, prior to undertaking demolition of structures, site preparation, or construction of any redevelopment-related improvements identified in the Redevelopment Plan, the City of Oakland Redevelopment Agency and/or private developers may be required to obtain permits or approvals from other jurisdictional agencies. Some of those agencies that may rely on the contents of this EIR in their discretionary decision-making process and those potential discretionary regulatory requirements, are identified below. This list may be modified from time to time, and the absence of an agency or an activity from the list does not preclude its use of this EIR for purposes of granting permits or approvals:

- Caltrans, in conducting CEQA review on projects that affect the State transportation system;
- Regional Water Quality Control Board (RWQCB) Region 2, for issuance of National Pollution Discharge Elimination System permits for individual or collective projects that may affect surface water quality from the discharge of site runoff; and General Permits for construction sites of 3 or more acres;
- California Department of Toxic Substances Control (DTSC), for approval of toxic remediation programs that may be developed for the area; and
- Bay Area Air Quality Management District (BAAQMD), for the granting of demolition permits and stationary source emission permits.

#### **Use of this EIR for Subsequent Projects**

Once certified, this Central City East Redevelopment Plan EIR will be used as a primary source of information upon which to evaluate the potential environmental impacts of future projects, programs and other activities that will be implemented in furtherance of the Redevelopment Plan. As applicable, the mitigation measures identified in this EIR to mitigate potentially significant impacts will be required as part of the implementation of the project, program or other activity.

## Public Review

The Draft EIR was circulated for a 45-day public review period that closed March 24, 2003. Public notices were published according to the CEQA guidance documents that establish the specific start and closing dates of the review period. The State Clearinghouse circulated the Draft EIR to state agencies with jurisdiction over various aspects of the Project. Additionally, a public hearing was held on March 5, 2003 by the Oakland Planning Commission to hear comments on the Draft EIR document. Written comments were received from government agencies, organizations and individuals during the review period for the Draft EIR. No public comments were received during the Planning Commission hearing.

Under CEQA, certification of the Final EIR would not constitute approval of the Project, but is necessary prior to approval of a project. After reviewing the EIR and following City Planning Commission action to certify the EIR as adequate and complete, the City of Oakland Redevelopment Agency will be in a position to determine whether to approve the Redevelopment Plan or not. This determination will be based, among other considerations, upon information presented on the Redevelopment Plan's potential environmental impacts and probable consequences, and the possible alternatives and mitigation measures available. To approve the Project, in addition to certification of the EIR, the lead agency must adopt environmental findings and a mitigation monitoring program (CEQA Guidelines, Sections 15091). If the project has significant environmental effects that cannot be reduced to a less than significant level, the environmental findings must include a "statement of overriding considerations" (CEQA Guidelines, Sections 15092). This requires the lead agency to balance, as applicable, the economic, legal, social, technological, or other benefits of a proposed project against its unavoidable environmental risks. If the benefits outweigh the unavoidable adverse environmental effects, the adverse environmental effects may be considered "acceptable" [CEQA Guidelines, Section 15093 (a)]. The statement of overriding considerations shall be supported by substantial evidence in the record [CEQA Guidelines, Section 15093 (b)].

## Contents and Organization of the EIR

This Final EIR consists of the following chapters:

**Chapter 1: Introduction** - Outlines the purposes of the EIR and other general background information.

**Chapter 2: Executive Summary and Mitigation Monitoring Program** - Contains an overview of the information contained in the EIR, including a description of the Project, a description of the analysis approach, and a summary of impacts. The Mitigation Monitoring and Reporting Program (MMRP) is also included in this chapter of the Final EIR.

**Chapter 3: Response to Comments** - Contains comment letters on the Draft EIR and a summary of verbal comments from the public hearing on the Draft EIR, along with responses to these comments. In response to some comments, the text of the Draft EIS/EIR has been modified, with changes as indicated.

**Chapter 4: Text Revisions** - Contains revisions to the Draft EIR based on the comments received. Changes are indicated in strikeout for deleted text, and underline for added text.

**Chapter 5: Report Preparation** - Contains a listing of the persons responsible for preparation of this EIR and persons and agencies consulted.

## Reliance on Previous EIRs

Consistent with CEQA, this EIR has relied upon several previously prepared and certified environmental documents to assist in the description of general environmental setting information, the identification of potentially significant environmental effects, defining alternatives to the Project, and recommending mitigation measures related to significant environmental effects. These previously certified environmental documents are hereby incorporated by reference, and include the following:

- *Coliseum Area Redevelopment Plan EIR* (SCH #94043014), prepared for the City of Oakland by Woodward-Clyde, February 1995;
- *Oakland General Plan Open Space, Conservation and Recreation Element Mitigated Negative Declaration*, City of Oakland, October 1995;
- *Oakland General Plan Land Use and Transportation Element EIR* (SCH #97062089), prepared for the City of Oakland by Environmental Science Associates, March 1998;
- *Oakland Estuary Plan EIR* (SCH #98031116), prepared for the City of Oakland and Port of Oakland by Environmental Science Associates, November 1998;
- *Oakland Clean Water, Safe Waterfront Parks and Recreation Trust Fund Ballot Measure Addendum*, City of Oakland, June 2002; and
- *Oakland Army Base Area Redevelopment Plan EIR* (SCH #2001082058), prepared for the City of Oakland by G. Borchard & Associates, August 2002.

Each of these documents have been cited where applicable in this EIR, and are available for review at the City of Oakland Community and Economic Development offices at 250 Frank Ogawa Plaza, Oakland, California.

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# Executive Summary and Mitigation Monitoring Program

## Project Under Review

The City of Oakland has designated a substantial portion of Central and East Oakland as a new Redevelopment Project Area, and is now considering adoption of a Redevelopment Plan for this Project Area. This *Redevelopment Plan for the Central City East Project Area* is the Project evaluated in this Environmental Impact Report (EIR). The Redevelopment Plan is not a precise plan nor does it contain specific proposals for redevelopment of individual sites or identify particular actions the Redevelopment Agency will take with regard to specific projects. Instead, the Redevelopment Plan presents a basic framework and a process within which specific projects and programs will be established and implemented over time. Redevelopment actions are anticipated to continue throughout a 30-year redevelopment period. The 30-year time frame for the Redevelopment Plan is primarily a time frame required by the California Community Redevelopment Law, and used for financing bonds and other financial indebtedness. For purposes of this EIR, Redevelopment Plan implementation and the commensurate buildout of growth projections as presented in this EIR are assumed to occur by year 2025 within the Project Area. This approach ensures that the aggregate effects of Redevelopment Plan implementation within the Project Area are adequately disclosed.

## Project Area

The Project Area is generally a linear portion of the City of Oakland that stretches along the eastern and central portions on the City. The Project Area lies generally mid-way between Interstate 580 (I-5800) and I-880, but also includes a portion west of I-880 along the Oakland Estuary. The northerly extent of the Project Area is Jackson Street near the downtown and the southerly extent of the Project Area is Durant Street at the Oakland/San Leandro boundary. The Project Area is approximately 3,340 acres in size.

For the purpose of Redevelopment Plan development and implementation, the Project Area has been divided into four subareas. These subareas are distinct in their land use patterns and mix. They also differ from each other in terms of their blighting conditions and their opportunities for redevelopment and revitalization. These four subareas include:

- Eastlake/San Antonio Subarea

- Fruitvale Subarea
- Central East Subarea
- Elmhurst Subarea

### **Purpose and Need**

The primary purpose of the Redevelopment Plan is to alleviate the physical and economic burdens caused by blighted conditions in the area. Blight prevents full utilization of the Project Area and creates a burden on the local community. The following Project objectives are intended to attain the purposes of the California Community Redevelopment Law:

1. Eliminate blighting influences and correct environmental deficiencies, including, among others, buildings in which it is unsafe or unhealthy for persons to live or work, incompatible or uneconomic land uses, and small and irregular lots.
2. Assemble land into parcels suitable for modern integrated development, with pedestrian and vehicular circulation.
3. Replan, redesign or redevelop areas that are stagnant or improperly utilized.
4. Provide opportunities for participation by owners and tenants in revitalization of their properties.
5. Strengthen retail and other commercial functions in the Project Area.
6. Strengthen the economic base of the Project Area by stimulating new investment.
7. Expand employment opportunities.
8. Provide an environment for social and economic growth.
9. Expand and improve housing for low- and moderate-income households.
10. Install new, or replace existing public improvements, facilities and utilities in areas that are currently inadequately served.

### **Project Description**

The Redevelopment Plan is designed to eliminate blight and blighting influences and restore the fabric of the community in terms of its housing resources, its employment opportunities, the economic well-being of its residents, and the condition of its public infrastructure, services, programs and facilities.

### ***Potential Implementation Programs***

The Redevelopment Plan identifies a range of potential implementation programs that could achieve the foregoing objectives. These programs can generally be grouped into four major categories including:

- property improvement programs,
- public infrastructure improvement programs,
- assistance in the redevelopment of specific properties, and
- provision of additional affordable housing opportunities.

### ***Redevelopment Characteristics***

The basis for future redevelopment activity within the Project Area will be to implement and conform to the City of Oakland General Plan including the Land Use and Transportation Element (LUTE, City of Oakland, March 1998); the *Oakland Estuary Policy Plan* (City and Port of Oakland, June 1999); the Open Space, Conservation and Recreation Element (OSCAR, City of Oakland, June 1996); and the Housing Element (City of Oakland, 1994; update anticipated 2003).

Redevelopment will facilitate successful implementation of the General Plan by targeting public investments and activities towards certain catalyst projects, infrastructure improvement projects and infill development projects that are consistent with the General Plan. These targeted investments and activities have not been identified at this time. Therefore, as a conservative assumption for use in this EIR, the Redevelopment Plan is anticipated to assist either directly or indirectly in the development and redevelopment of all projected growth within the Project Area that is consistent with the General Plan. Based on the City General Plan, the Redevelopment Plan is projected to assist either directly or indirectly in the development of:

- approximately 1,440 net new households,
- an increase in population of approximately 3,780 people, and
- approximately 2,210 net new employment opportunities during the 20-year planning horizon of this EIR.

These projections represent the aggregate of all development anticipated to occur within the Project Area, and form the basis of subsequent environmental analysis. Redevelopment is not expected to provide direct assistance to all such new development activity; however, any number of individual projects that comprise this overall development projection may receive direct or indirect benefits from redevelopment by virtue of their location within the Redevelopment Project Area.

A summary of projected growth and development within the Project Area by subarea is shown on **Table 2-1**.

**Table 2-1: Summary of Projected Growth and Development within the Central City East Redevelopment Project Area**

<b>Residential</b>		<b>Units</b>	<b>Population</b>
Eastlake/San Antonio		750	1160
Estuary Plan Area		<u>100</u>	<u>210</u>
Subtotal		850	1370
Fruitvale		10	180
Central East		310	1170
Elmhurst		<u>270</u>	<u>1060</u>
<b>Total</b>		<b>1440</b>	<b>3780</b>

<b>Non-Residential</b>	<b>Retail</b>	<b>Service</b>	<b>Mfg.</b>	<b>Other</b>	<b>Total Employment</b>
Eastlake/San Antonio	180	180	-30	150	480
Estuary Plan Area	<u>30</u>	<u>760</u>	<u>-20</u>	<u>-90</u>	<u>680</u>
Subtotal	210	940	-50	60	1160
Fruitvale	90	140	0	10	240
Central East	230	130	0	170	530
Elmhurst	<u>280</u>	<u>210</u>	<u>0</u>	<u>-210</u>	<u>280</u>
<b>Total</b>	<b>810</b>	<b>1420</b>	<b>-50</b>	<b>30</b>	<b>2210</b>

Source: Hausrath Economics Group, 2002

## Approach to the EIR

Consistent with the *California Environmental Quality Act*, this EIR examines, at a program level, the potential environmental effects associated with all projected growth and development within the Project Area s that may benefit from redevelopment actions. This EIR provides an assessment of all foreseeable aspects of the establishment of the Redevelopment Plan.

### Areas of Controversy

During the public scoping process for this EIR, no specific areas of controversy arose. Comments from public agencies as to the scope of the EIR pertained to issues of traffic impacts (addressed in Chapter 5: Traffic), increased demands on transit services (also addressed in Chapter 5: Traffic), and toxic and hazardous materials (addressed in Chapter 8: Hazards and Hazardous Materials).

During the public review of the Draft EIR (between February 5 and March 24, 2003), controversy has arisen regarding the potential impacts that redevelopment activities may have on historic resources within the Project Area. Comments on the Draft EIR pertaining to historic resources have been received from the City of Oakland Landmarks Preservation Advisory Board, the Oakland Heritage Alliance and the public. Responses to these comments are included in this Final EIR.

#### Issues to be Resolved

The primary issue to be resolved by the Oakland Redevelopment Agency is whether to adopt the Redevelopment Plan for Central City East, or some other alternative potentially including the No Project alternative.

## **Summary of Impacts**

This summary provides an overview of the analysis contained within the EIR, which includes the Draft EIR and this Final EIR document.

### **Significant Impacts and Mitigation Measures**

Under CEQA, a significant impact on the environment is defined as “a substantial or potentially substantial adverse change in any of the physical conditions within the area affected by the project” CEQA Guidelines Section 15382). Implementation of the Redevelopment Plan has the potential to generate environmental impacts in a number of areas. At the end of this chapter, the Mitigation Monitoring and Reporting Program (MMRP) identifies all environmental topics for which potentially significant environmental impacts have been identified. The MMRP also lists those mitigation measures recommended to reduce or avoid such environmental impacts, identifies the party or parties responsible for ensuring implementation of the measures, and identifies the timeframe within which the measure should be implemented.

### **Significant and Unavoidable Impacts**

Implementation of the Redevelopment Plan would result in, or would contribute to significant and unavoidable impacts, as summarized below.

#### Cumulative Traffic Impact

The intersection of High Street/International Boulevard is projected to operate at level of service “F” under future cumulative conditions. Future growth and development within the Project Area, consistent with the assumptions and projections of the City General Plan, and as may be assisted or facilitated by implementation of the Redevelopment Plan, would contribute to this cumulative condition. According to the thresholds established in this EIR, the Project’s contribution of traffic to this intersection would be cumulatively considerable. No feasible mitigation measures have been identified that are capable of reducing this cumulative impact to a level of less than significant.

### Project Impact on Historic Resources

The 9<sup>th</sup> Avenue Terminal building is a structure identified as potentially eligible for inclusion on the National Register of Historic Places and is therefore considered an historic resource under CEQA. *The Estuary Policy Plan* (City and Port of Oakland 1999) anticipates demolition or substantial alteration to the 9<sup>th</sup> Avenue Terminal building in order to create a new public park. The environmental impact of demolishing or substantially altering the 9<sup>th</sup> Avenue Terminal building in order to create a new public park was analyzed and addressed in the previous *Oakland Estuary Plan EIR* (City and Port of Oakland, June 1999). That EIR notes, “at the time that development is proposed for the site, certain potential mitigation may be required to lessen the impact.” These mitigation measures are identified as “potential measures” since no specific project that would involve demolition or alteration to the 9<sup>th</sup> Avenue Terminal building had been proposed at that time.

The Redevelopment Plan does not contain a specific proposal for demolition or alteration of the 9<sup>th</sup> Avenue Terminal building. However, the Redevelopment Plan is intended as an implementation tool of the General Plan, including the Oakland Estuary Plan. As such, any redevelopment assistance with implementation of the Estuary Plan pertaining to creation of an 11-acre Crescent Park at the site of the 9<sup>th</sup> Avenue Terminal would result in a significant environmental impact. Therefore, this EIR recommends adoption of the previously identified “potential” mitigation measures from the *Estuary Policy Plan EIR*. These mitigation measures can reduce or off-set to a certain extent the impacts associated with demolition or alteration of this historic structure, but cannot reduce this impact to a level of less than significant.

The Oakland Estuary Plan is a policy-level, conceptual plan, and does not contain any specific proposals for demolition or substantial alteration to the 9<sup>th</sup> Avenue Terminal. Similarly, the Redevelopment Plan does not contain specific proposals for redevelopment of individual sites or identify particular actions that the Redevelopment Agency will take with regard to specific redevelopment projects. If a specific development is proposed that may involve the Ninth Avenue Terminal building, a separate environmental review would be required and specific mitigation measures would be identified to reduce the impacts associated with that proposal.

### **Alternatives to the Proposed Project**

Several alternatives to the LUTE and to the Estuary Policy Plan have been analyzed in previous EIRs. Those analyses have been incorporated by reference into this EIR. Additionally, three alternatives to the proposed Redevelopment Plan are analyzed in this Draft EIR, including:

- No Project Alternative, including a no-development scenario and a scenario assuming ongoing implementation of the General Plan without assistance from the Redevelopment Plan;
- Reduced Project Alternative, which would not include those redevelopment projects and programs designed to assist in the creation of additional housing units within the Project Area; and

- Park and Recreation Focused Alternative that would direct Redevelopment Agency efforts within the Project Area toward implementation of the Oakland Clean Water, Safe Waterfront Parks and Recreation Trust Fund bond measure.

In the absence of the No Project Alternative, the redevelopment alternative that would focus the least amount of the Redevelopment Agency's resources toward facilitating and assisting in Project Area growth and development is Alternative #3: Parks and Recreation Focus. However, as a narrowly focused use of Redevelopment Agency resources, this alternative would not meet the more broadly defined list of goals and objectives established for the Project.

### **Mitigation Monitoring and Reporting Program**

The following Mitigation Monitoring and Reporting Program has been organized to correspond to environmental issues and significant impacts that are discussed in the EIR. The table is arranged in five columns:

- description of potential environmental impacts,
- recommended mitigation measures,
- resulting level of significance after implementation of mitigation measures,
- party or parties responsible for implementation of the mitigation measures, and
- timing for implementation of the mitigation measures.

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POTENTIALLY SIGNIFICANT IMPACTS	MITIGATION MEASURES AND RESULTING LEVEL OF SIGNIFICANCE	
<b>Project-Specific Impacts and Mitigation Measures:</b>		
<b>Land Use</b>		
No Potentially Significant Impacts Identified	None needed.	<i>No impact</i>
<b>Transportation</b>		
<p><b>Potential Impact 5.3:</b> Growth and development within the Project Area, as may be assisted by implementation of the Redevelopment Plan, would add more than ten vehicles to intersections where the Caltrans’ peak hour volume traffic signal warrants would be satisfied. This is a <i>potentially significant impact</i> of the Project.</p>	<p><b>Mitigation Measure 5.3A: Install a Traffic Signal at the Embarcadero / 5th Avenue Intersection.</b> Installing a traffic signal at the Embarcadero / 5th Avenue intersection would provide for the orderly movement of traffic. The traffic signal would be equipped with railroad preemption to prevent southbound motor vehicle queues from extending onto the Union Pacific Railroad tracks that cross 5th Avenue just north of the intersection. Individual development projects pursuant to implementation of the Redevelopment Plan’s programs or other activities within the Project Area shall fund a pro-rata fair share of the cost for this signal. Alternatively, at the Redevelopment Agency’s sole discretion, redevelopment funds could potentially be used to subsidize these fair-share funding contributions or to implement this improvement.</p> <p><b>Mitigation Measure 5.3B: Install a Traffic Signal at the Embarcadero / I-880 NB Off-Ramp Intersection.</b> Installing a traffic signal at the Embarcadero / I-880 NB Off-Ramp would provide for the orderly movement of traffic. The intersection would operate at LOS A during the a.m. and p.m. peak hours after installation of a traffic signal. Individual development projects pursuant to implementation of the Redevelopment Plan’s programs or other activities within the Project Area shall fund a pro-rata fair share of the cost for this signal. Alternatively, at the Redevelopment Agency’s sole discretion, redevelopment funds could potentially be used to subsidize these fair-share funding contributions or to implement this improvement.</p>	<i>Less than significant</i>

POTENTIALLY SIGNIFICANT IMPACTS	MITIGATION MEASURES AND RESULTING LEVEL OF SIGNIFICANCE	
<b>Air Quality</b>		
<p><b>Potential Impact 6-5:</b> Construction associated with the Redevelopment Plan’s implementation projects, programs and other activities within the Project Area would generate dust (including the respirable fraction known as PM10) and combustion emissions. These emissions would be a <i>potentially significant effect</i> of the Project.</p>	<p><b>Mitigation Measure 6-5A: Construction Emission Controls.</b> Contractors for future development projects pursuant to implementation of the Redevelopment Plan shall implement BAAQMD dust control measures as outlined in BAAQMD <i>CEQA Guidelines</i> (1999) or any subsequent applicable BAAQMD updates.</p> <p>More details regarding this measure are included in Chapter 6 of the EIR.</p>	<p><i>Less than significant</i></p>
<b>Noise</b>		
<p><b>Potential Impact 7.1:</b> Implementation of the Redevelopment Plan’s projects, programs and other activities could generate short-term increases in noise and vibration due to construction. This would be a short-term adverse impact, and would be <i>potentially significant</i>.</p>	<p><b>Mitigation Measure 7.1: Construction Noise.</b> Compliance with the City Noise Level Standards for Temporary Construction or Demolition Activities would mitigate construction noise impacts associated with future development projects pursuant to implementation of the Redevelopment Plan to a less-than-significant level.</p> <p>More details regarding this measure are included in Chapter 7 of the EIR.</p>	<p><i>Less than significant</i></p>
<p><b>Potential Impact 7.3:</b> Depending on the precise location of new land uses that may be constructed pursuant to the Redevelopment Plan, future land uses within some portions of the Project Area could be incompatible with projected noise levels. This impact is considered to be <i>potentially-significant</i>.</p>	<p><b>Mitigation Measure 7.3: Noise Compatibility.</b> The City of Oakland Land Use Compatibility Guidelines for Community Noise set limits on the level of noise that receiving land uses may be susceptible to, and requires analysis and mitigation should these noise levels be exceeded. In accordance with these guidelines, the following specific mitigation measures would apply to new development projects that may be in furtherance of implementation of the Redevelopment Plan.</p> <p>More details regarding this measure are included in Chapter 7 of the EIR</p>	<p><i>Less than significant</i></p>
<b>Hazards and Hazardous Materials</b>		
<p>No Potentially Significant Impacts Identified</p>	<p>None needed</p>	<p><i>No impact</i></p>

POTENTIALLY SIGNIFICANT IMPACTS	MITIGATION MEASURES AND RESULTING LEVEL OF SIGNIFICANCE	
<b>Public Infrastructure</b>		
<p><b>Potential Impact 9.2:</b> Implementation of the Redevelopment Plan’s projects, programs and other activities is expected to facilitate or assist in the construction of new residential and/or commercial development within the Project Area. Such new development may require localized improvements to the water delivery and wastewater collection systems to provide adequate pipeline capacity, particularly along major transit corridors. Potential localized infrastructure capacity constraints represent a <i>potentially significant impact</i>.</p>	<p><b>Mitigation Measure 9.2:</b> Major new development projects pursuant to or in furtherance of the Redevelopment Plan shall be reviewed to determine projected water and wastewater loads as compared to available capacity. Where appropriate, determine capital improvement requirements, fiscal impacts and funding sources prior to project approval.</p>	<p><i>Less than significant</i></p>
<b>Public Services</b>		
<p>No Potentially Significant Impacts Identified</p>	<p>None needed.</p>	<p><i>No impact</i></p>
<b>Cultural and Historic Resources</b>		
<p><b>Potential Impact 11.1:</b> Implementation of the Redevelopment Plan’s projects, programs and other activities could result in new development involving excavation within the Project Area. Such excavation could unearth archaeological resources at currently known archaeological sites. Some of these remains could have scientific or cultural importance. This is a <i>potentially significant impact</i> if left unmitigated.</p>	<p><b>Mitigation Measure 11.1A: Avoidance.</b> In accordance with CEQA, all cultural resources deemed significant should be avoided during project implementation whenever possible.</p> <p><b>Mitigation Measure 11.1B: Characterization and Research.</b> If avoidance is not feasible, additional mitigation will be required for potential impacts to be considered less-than-significant. Should subsequent Redevelopment Plan projects, programs or other activities be proposed at archaeological properties, mitigation consisting of subsurface archaeological characterization should be conducted to define the subsurface extent and integrity of the site. Additional archival research may also be conducted as a means of corroborating the archaeological data collected. This additional data-gathering phase at each site may be sufficient, on an individual basis, to consider loss of the resource during development as a less-than-significant impact.</p>	<p><i>Less than significant</i></p>

POTENTIALLY SIGNIFICANT IMPACTS	MITIGATION MEASURES AND RESULTING LEVEL OF SIGNIFICANCE	
	<p><b>Mitigation Measure 11.1C: Data Recovery.</b> Some sites may prove to be inherently complex or significant so that testing alone will not be considered adequate mitigation to permit loss. In those cases, data recovery may be warranted, wherein a more comprehensive subsurface examination, based on a Research Design formulated to address pertinent research topics, may be required.</p>	
<p><b>Potential Impact 11.2:</b> Future development activities pursuant to the Redevelopment Plan’s implementation projects, programs or other activities within the Project Area have the potential to encounter previously unknown subsurface cultural resources during ground-disturbing activities. This is a <i>potentially significant impact</i> of the Redevelopment Plan.</p>	<p><b>Mitigation Measure 11.2:</b> In accordance with CEQA Section 15064.5, should previously unidentified cultural resources be discovered during construction, the project sponsor is required to cease work in the immediate area until such time a qualified archaeologist, and the City of Oakland, can assess the significance of the find and make mitigation recommendations, if warranted.</p>	<p><i>Less than significant</i></p>
<p><b>Potential Impact 11.4:</b> The Redevelopment Plan is intended to implement the City of Oakland General Plan, including the Oakland Estuary Plan. Redevelopment assistance with implementation of that portion of the Estuary Plan pertaining to creation of an 11-acre Crescent Park at the site of the 9<sup>th</sup> Avenue Terminal would result in demolition of the Terminal building. The 9<sup>th</sup> Avenue Terminal building has been determined eligible for the National Register of Historic Places, and its demolition would be a <i>significant impact</i>.</p>	<p><b>Mitigation Measure 11.4:</b> Consistent with the recommendations of the Estuary Policy Plan EIR, the following mitigation measures shall be adopted and, to the extent feasible, implemented pursuant to any Redevelopment Plan’s implementation project, program or other activity involving demolition or substantial alteration to the 9<sup>th</sup> Avenue Terminal building.</p> <ol style="list-style-type: none"> <li>1. Modify the project design to include restoration of a portion of the historic character of the property.</li> <li>2. Modify the design to incorporate or replicate elements of the building’s original architectural design.</li> <li>3. Salvage and preserve significant features and materials of the structure in a local museum or within the new project.</li> <li>4. Document in an Historic American Building Survey or other appropriate format: photographs, oral history, videos, etc.</li> <li>5. Place a plaque, commemorative marker or artistic or interpretive display on the site providing information on the historical significance of the resource.</li> </ol>	<p><i>Significant and Unavoidable</i></p>

POTENTIALLY SIGNIFICANT IMPACTS	MITIGATION MEASURES AND RESULTING LEVEL OF SIGNIFICANCE	
	<p>6. Contribute to a Façade Improvement Fund, the Historic Preservation Revolving Loan Fund, the Oakland Cultural Heritage Survey, or other program appropriate to the character of the resource.</p> <p>Additional mitigation measures may be developed at the time a specific proposal is considered that would involve demolition or substantial alteration to this building.</p>	
<b>Cumulative Impacts and Mitigation Measures:</b>		
<b>Transportation</b>		
<p><b>Cumulative Impact 5.1:</b> The Project, in combination with past projects, other current projects, and probable future projects, would cause some regional roadway segments to operate at LOS F. This cumulative condition would increase the V/C ratio by more than three percent on segments that would operate at LOS F without cumulative development. Although this is considered to be a significant cumulative effect, the Project’s contribution to this effect is <i>less than cumulatively considerable</i>.</p>	<p>None required.</p>	<p><i>Significant cumulative effect, but less than cumulatively considerable contribution by the Project.</i></p>
<p><b>Cumulative Impact 5.2:</b> Traffic generated by new growth and development within the Project Area, in combination with traffic from past projects, other current projects, and probable future projects, would cause some signalized intersections to operate at unacceptable levels of service. Traffic generated from within the Project Area would contribute to certain intersections as having a significant cumulative impact, and the contribution of Project Area traffic would be considered a <i>cumulatively considerable contribution</i> to these cumulative effects.</p>	<p><b>Mitigation Measure 5.2A: Modify Traffic Signal Phasing at the High Street / International Boulevard Intersection.</b> Individual development projects pursuant to implementation of the Redevelopment Plan’s programs or other activities within the Project Area shall fund a pro-rata fair share of the cost to provide protected left-turn phasing for the turn lanes on International Boulevard. Alternatively, at the Redevelopment Agency’s sole discretion, redevelopment funds could potentially be used to subsidize these fair-share funding contributions or to implement this improvement.</p> <p><b>Mitigation Measure 5.2B: Add a Right-Turn Lane at the 73rd Avenue &amp; Bancroft Avenue Intersection.</b> Individual development projects pursuant to implementation of the Redevelopment Plan’s programs or other activities within the Project Area shall fund a pro-rata fair share of the cost to provide a right-turn lane for eastbound traffic on</p>	<p><i>Cumulatively significant and unavoidable at the High Street/International Boulevard intersection.</i></p> <p><i>Less than significant at all other intersections studied.</i></p>

POTENTIALLY SIGNIFICANT IMPACTS	MITIGATION MEASURES AND RESULTING LEVEL OF SIGNIFICANCE	
	<p>Bancroft Avenue at 73rd Street. Alternatively, at the Redevelopment Agency’s sole discretion, redevelopment funds could potentially be used to subsidize these fair-share funding contributions or to implement this improvement.</p> <p><b>Mitigation Measure 5.2C: Add a Left-Turn Lane at the 73rd Avenue &amp; MacArthur/Foothill Boulevard Intersection.</b> Individual development projects pursuant to implementation of the Redevelopment Plan’s programs or other activities within the Project Area shall fund a pro-rata fair share of the cost to provide a second left-turn lane for northbound traffic on 73rd Street at MacArthur/Foothill Boulevard and increase the signal cycle length to 104 seconds. Alternatively, at the Redevelopment Agency’s sole discretion, redevelopment funds could potentially be used to subsidize these fair-share funding contributions or to implement this improvement.</p> <p><b>Mitigation Measure 5.2D: Increase the Traffic Signal Cycle Length at the 98th Avenue &amp; MacArthur Boulevard Intersection.</b> Individual development projects pursuant to implementation of the Redevelopment Plan’s programs or other activities within the Project Area shall fund a pro-rata fair share of the cost to increase the signal cycle length to 82 seconds. Alternatively, at the Redevelopment Agency’s sole discretion, redevelopment funds could potentially be used to subsidize these fair-share funding contributions or to implement this improvement.</p>	
<p><b>Cumulative Impact 5.4:</b> New growth and development within the Project Area, in combination with past projects, other current projects, and probable future projects, would be likely to increase average ridership on AC Transit by more than 3 percent. This is a significant cumulative effect. It is possible that the contribution of AC Transit riders from within the Project Area to cumulative ridership on AC Transit would be <i>cumulatively considerable</i>.</p>	<p><b>Mitigation Measure 5.4: Coordination with AC Transit.</b> The City of Oakland shall coordinate with AC Transit to ensure that the average load factor on any specific AC Transit line does not exceed 125 percent over a peak thirty-minute period. At the Redevelopment Agency’s sole discretion, redevelopment financing capabilities could potentially be used to assist AC Transit in meeting this operational threshold.</p>	<p>Significant cumulative effect, but <i>less than cumulatively considerable</i> contribution by the Project.</p>

POTENTIALLY SIGNIFICANT IMPACTS	MITIGATION MEASURES AND RESULTING LEVEL OF SIGNIFICANCE	
<p><b>Cumulative Impact 5.5:</b> New growth and development within the Project Area, in combination with other transit oriented development that has been proposed near the Project Area would likely result in cumulatively significant impacts on BART service at fare gates. The contribution of peak hour riders on BART trains due to new growth and development within the Project Area could be <i>cumulatively considerable</i>.</p>	<p><b>Mitigation Measure 5.5: Coordination with BART.</b> The City of Oakland shall coordinate with BART to ensure that adequate fare gate capacity is available at the Fruitvale BART station to accommodate anticipated increases in ridership associated with projected growth and development within the Project Area. To the extent that adequate capacity may be reliant on the addition of one or more new fare gates at the station, the Redevelopment Agency, at its sole discretion, may consider utilizing redevelopment financing capabilities to assist in the financing of such station improvements.</p>	<p>Significant cumulative effect, but <i>less than cumulatively considerable</i> contribution by the Project.</p>
<b>Public Services</b>		
<p><b>Cumulative Impact 10.1:</b> On a cumulative basis, the growth and development that may be facilitated by, or be in furtherance of, the Redevelopment Plan would <i>contribute to a cumulatively considerable deficit</i> in existing parkland.</p>	<p><b>Mitigation Measure 10.1A:</b> The City of Oakland Redevelopment Agency shall coordinate with the Office of Parks and Recreation to develop and initiate a land acquisition program for new parks in underserved areas. As with schools, the biggest challenge will be to find available land in appropriate areas to serve new residents. The Redevelopment Agency may be able to assist through the use of redevelopment tools in the identification and acquisition of appropriate new park sites.</p> <p><b>Mitigation Measure 10.1B:</b> The City of Oakland Redevelopment Agency shall coordinate with the City Office of Parks and Recreation and the OUSD, local churches, private recreation providers and local non-profit agencies to promote joint use agreements and joint use partnerships that maximize the use of non-park recreational facilities.</p> <p><b>Mitigation Measure 10.1C:</b> The City of Oakland and its Redevelopment Agency shall identify and pursue local funding opportunities to augment existing General Fund monies. At the Redevelopment Agency’s sole discretion, redevelopment funds could potentially be used for parkland acquisitions and improvements.</p>	<p>Less than cumulatively considerable.</p>

POTENTIALLY SIGNIFICANT IMPACTS	MITIGATION MEASURES AND RESULTING LEVEL OF SIGNIFICANCE	
<p><b>Cumulative Impact 10.2:</b> On a cumulative basis, the growth and development that may be facilitated by, or be in furtherance of, the Redevelopment Plan would <i>contribute to a cumulatively considerable deficit</i> in existing school capacity.</p>	<p><b>Mitigation Measure 10.2A:</b> The City of Oakland and its Redevelopment Agency shall coordinate with the OUSD to develop and initiate a land acquisition program for new schools. The School District’s biggest challenge will be to find available land in appropriate areas to serve new student populations. The City and Agency may be able to assist, through the use of redevelopment tools, in the identification and acquisition of appropriate sites.</p> <p><b>Mitigation Measure 10.2B:</b> The City of Oakland, its Redevelopment Agency, and public and private land developers within the Project Area shall work with the OUSD to identify possible joint use opportunities. Joint use may take many different forms. Examples of joint use may include the lease or sale of air rights above or below existing school grounds or facilities to private developers, or joint venturing with private developers, public entities or other parties in the development of surplus school property. Other standard joint use opportunities include joint ventures with the City parks department in the development of shared school grounds/public park space.</p> <p><b>Mitigation Measure 10.2C:</b> The City of Oakland and its Redevelopment Agency shall coordinate with the OUSD to identify and pursue local funding opportunities to match potential state grants. At the Redevelopment Agency’s sole discretion, local funds could potentially include the use of redevelopment funds.</p>	<p>Significant cumulative effect, but <i>less than cumulatively considerable</i> contribution by the Project.</p>

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## Responses to Comments

### Introduction

This chapter provides responses to public comments received during the official public review period on the Draft EIR, along with a copy of each of the comment letters, and a summary of verbal comments recorded from the March 5, 2003 public hearing conducted during the Draft EIR review period. The letters are each assigned a number, and each comment is numbered in the right margin. The written responses to these letters correspond to that numbering system, and are immediately following each letter.

In some cases, responses include a revision to the text of the Draft EIR. Those changes are indicated in the response, and a compilation of all such changes to the text and graphics of the Draft EIR is provided in Chapter 4 of this document. The changes are considered clarifications and corrections that do not affect the validity of the information or conclusions contained in the Draft EIR.

Comment letters and verbal comments on the Draft EIR were received from the following agencies, organizations and individuals:

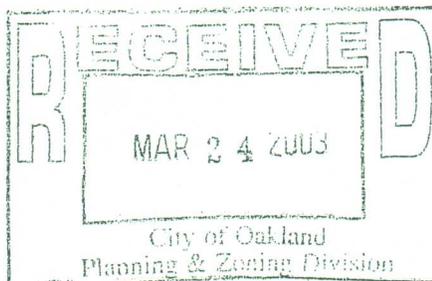
- A. California Department of Transportation
- B. City of Oakland Landmarks Preservation Advisory Board
- C. Oakland Heritage Alliance
- D. Carolyn Douthat
- E. East Bay Municipal Utility District
- F. California Governor's Office of Planning and Research, State Clearinghouse
- G. California Governor's Office of Planning and Research, State Clearinghouse
- H. California Department of Toxic Substances Control
- I. Tom Thurston, Central City East Project Area Committee
- J. Ken Phares, March 28, 2003
- K. City of Oakland Planning Commission, public hearing on March 5, 2003

DEPARTMENT OF TRANSPORTATION

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March 20, 2003

ALA880571  
 ALA-880-30.37  
 SCH 2002042071

Ms. Theresa Navarro  
 City of Oakland Redevelopment Agency  
 250 Frank Ogawa Plaza, Suite 3330  
 Oakland, CA 94612

LETTER A

Dear Ms. Navarro:

**CENTRAL CITY EAST REDEVELOPMENT PLAN – DRAFT ENVIRONMENTAL IMPACT REPORT**

Thank you for continuing to include the California Department of Transportation (Department) in the environmental review process for the Central City East Redevelopment Plan. The following comments are based on the Draft Environmental Impact Report. Additional comments may be forthcoming pending final staff review.

*Traffic Analysis*

1. **Last Paragraph, Page 5-3:** Since the 1984 Highway Capacity Manual methodology is outdated, the 2000 Highway Capacity Manual (2000 HCM) should be used to analyze freeway operations. The current, appropriate measure of effectiveness for freeway segments is density, per 2000 HCM, rather than level of service (LOS) as indicated in the study. A-1
2. **Pages 5-4 and 5-19:** Tables 5-1 and 5-3 should be corrected as they do not reflect operating conditions for the year 2000, and LOS for several of the same freeway segments under existing conditions are inconsistent. Direction of travel in these tables should also be consistent for each freeway segment; conventional direction of travel on Interstate 580 is East-West rather than North-South as indicated in the study. A-2
3. **Table 5-3, Page 5-19:** Explain how the A.M. peak hour LOS on Interstate 880 (I-880) south of Interstate 980 (southeast) improves with the addition of cumulative traffic. A-3
4. The following intersections should be analyzed in the study and mitigation recommended if appropriate: A-4
  - I-880 on- and off-ramps/High Street, and
  - I-880 southbound on-ramp/Broadway/5<sup>th</sup> Street.

Ms. Theresa Navarro  
March 20, 2003  
Page 2

Please send two copies each of the revised Traffic Study, including Technical Appendices, to the address below as soon as they are available.

Patricia Maurice, Associate Transportation Planner  
Office of Transit and Community Planning, Mail Station 6E  
California DOT, District 4  
111 Grand Avenue  
Oakland, CA 94612-3717

A-5

**Project Coordination**

The Redevelopment Agency should coordinate with the City's Engineering Division regarding the latter's streetscape project on State Route 185 (International Boulevard) between 40<sup>th</sup> Street and Durant Avenue.

A-6

**Right of Way**

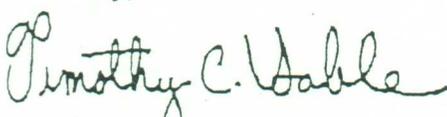
Work that encroaches onto the State right-of-way (ROW) requires an encroachment permit that is issued by the Department. To apply, a completed encroachment permit application, environmental documentation, and five (5) sets of plans, clearly indicating State ROW, must be submitted to the address below. Traffic-related mitigation measures will be incorporated into the construction plans during the encroachment permit process.

A-7

Sean Nozzari, District Office Chief  
Office of Permits  
California DOT, District 4  
P.O. Box 23660  
Oakland, CA 94623-0660

Please feel free to call or email Patricia Maurice or my staff at (510) 622-1644 or [patricia\\_maurice@dot.ca.gov](mailto:patricia_maurice@dot.ca.gov) with any questions regarding this letter.

Sincerely,



TIMOTHY C. SABLE  
District Branch Chief  
IGR/CEQA

c: Scott Morgan, State Clearinghouse

## Responses to Comment Letter “A” – California Department of Transportation - March 20, 2003

### **Response to Comment A-1:**

As stated on page 5-13, “For freeways, the analysis was performed using the methodologies described in the 1984 Highway Capacity Manual, as required by the Alameda County CMA.” At the time the Notice of Preparation (NOP) for this EIR was distributed (April 10, 2002) and the traffic analysis was performed, the CMA’s policy was to use the 1984 Highway Capacity Manual for freeway analysis.

### **Response to Comment A-2:**

Table 5-1 in the Draft EIR shows operating conditions for the year 2000 as reported in the Alameda County Congestion Management Agency (CMA) *2000 Level of Service Monitoring Report*. The level of service on CMA roadways indicated in this report is based on the average travel speed during the p.m. peak period, as stated on page 5-3 of the Draft EIR. This information was included in the DEIR because it was readily available, although it was not used to determine Project impacts. The level of service calculation shown in Table 5-3 were derived based on volume to capacity ratios, which is the measure used to assess traffic impacts. The minor differences in LOS as reported in the two tables account for the two different variables used (average travel speed used in Table 5-1, and volume to capacity ratios used in Table 5-3). Year 2000 freeway operations are reported in Table 5-1, and existing conditions are reported in Table 5-3 of the Draft EIR.

In the CMA 2000 Level of Service Monitoring Report, the direction of I-580 is shown as northbound and southbound for the section of freeway between I-238 and SR 24. For those accustomed to East-West orientation, northbound values reported in Table 5-1 would correspond to the westbound direction, and southbound values would correspond to the eastbound direction.

### **Response to Comment A-3:**

Table 5-3 had several segments where cumulative conditions were shown to operate at a better LOS, or a lower V/C ratio than existing conditions. The table has been revised (see Chapter 4: Text Revisions for page 5-19) to indicate that traffic volumes for cumulative conditions would actually not drop below existing traffic volumes. Two freeway segments that were previously shown to have Levels of Service of “F” during the a.m. peak would also have Level of Service “F” during the p.m. peak hour as well. However, it should be noted that the Project’s contribution of traffic to these freeway segments is *less than cumulatively considerable*, and is not the reason that these freeway segments would operate at level of service ‘F’ conditions during the peak period. Rather, these levels of service reflect the projected overall growth in Oakland and the surrounding region.

### **Response to Comment A-4:**

Intersections were analyzed that would serve fifty or more peak hour Project trips. Both the I-880 on- and off-ramps/High Street intersections and the I-880 southbound on-ramp/Broadway/5th Street intersection would carry fewer than 50 peak hour Project trips. It is unlikely that intersections serving less than 50 peak-hour Project trips would be impacted by the

Project. The City of Oakland uses the 50 peak-hour Project trip threshold as its standard for selecting intersections to be analyzed.

Response to Comment A-5:

Any revisions to the Traffic Study will be sent to the given address along with this Final EIR.

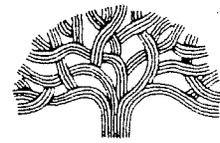
***Response to Comment A-6:***

The City's Redevelopment Agency does coordinate with the Engineering Division on a regular basis, and will be continuing to do so for the streetscape project for International Boulevard between 40<sup>th</sup> and Durant Avenues.

***Response to Comment A-7:***

At such time as an encroachment permit may be required, the City of Oakland will complete and submit an encroachment permit application to Caltrans.

WCT



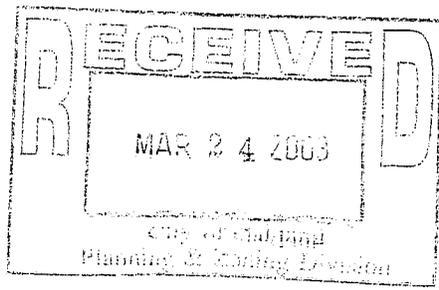
# CITY OF OAKLAND

250 FRANK H. OGAWA PLAZA, SUITE 3330 • OAKLAND, CALIFORNIA 94612-2032

Landmarks Preservation  
Advisory Board

(510) 238-3941  
FAX 510) 238-653  
TDD (510) 839-6451

March 24, 2003



Leslie Gould  
Environmental Review Officer  
250 Frank Ogawa Plaza, Suite 3330  
Oakland, CA 94612

**Subject: Landmarks Preservation Advisory Board - Comments on Draft  
Environmental Impact Report for Central City East Redevelopment Plan**

Dear Environmental Review Officer:

At its regular meeting of March 10, 2003, the Landmarks Preservation Advisory Board (LPAB) considered the Draft Environmental Impact Report (DEIR) for the Central City East Redevelopment Plan. The LPAB discussed the DEIR and formed a Subcommittee to prepare a letter incorporating the Board's comments and concerns, as outlined below.

### GENERAL OVERVIEW OF DEIR DIRECTION

The Landmarks Preservation Advisory Board is concerned with the overall thrust of the DEIR for Central City East Redevelopment Plan. In the name of blight reduction, the DEIR seems to favor a framework that eliminates buildings and assembles land into larger parcels, rather than rehabilitate buildings. The LPAB notes that this policy framework is the same as used in earlier redevelopment of the San Antonio and Clinton neighborhoods, which resulted in the demolition of a large number of single-family, historic homes which were replaced by cheap apartment buildings. In neighborhoods where the City undertook a preservation-minded rehabilitation approach such as Oak Center, there is currently revitalization, reinvestment, a strong sense of community and the potential for Oakland's largest Landmark District.

B-1

The DEIR does not acknowledge or discuss more current planning theory and practice (e.g., pedestrian oriented development, new urbanism, smart growth, and small lot development strategies) or provide for an urban design framework to insure that redevelopment does not occur in a suburban manner. For example, small lot development is a strategy being used in many California communities to provide affordable housing. Many communities are striving to maintain their residential character of small housing stock and prevent demolition with replacement by 'monster homes.' This type of development, smaller parcels and small homes, already exists in this redevelopment area of Oakland. In non-residential areas, many California communities are creating entire new pedestrian oriented commercial areas. Assemblage of land into larger parcels, without an urban design strategy or a Mitigation to create an urban design strategy, could lead to undesirable commercial urban design patterns. Much of the linear commercial areas of the redevelopment area currently offer a pedestrian oriented urban design pattern.

The LPAB specifically requests that preservation be discussed in light of other redevelopment goals in the final Environmental Impact Report (EIR) so that the tone for a preservation-minded approach can be set.

The specific comments and proposed mitigation measures outlined below attempt to address some of these concerns. The LPAB strongly supports revitalization and reinvestment. The LPAB strongly recommends, however, that the strategies proposed to achieve the redevelopment objectives be carefully analyzed and spelled out to insure development and rehabilitation that enhances Oakland's strong historical character and historical urban context.

## COMMENTS

**Page 1-4, Use of EIR for Subsequent Projects:** Add to end of first paragraph:  
A supplemental environmental review is required for anything that constitutes a project under CEQA that is not categorically exempt.

**Page 2-2, Purpose and Need:** The first two objectives listed, elimination of blight and the assemblage of large parcels with pedestrian and vehicular circulation, were the objectives behind an earlier redevelopment plan for San Antonio and Clinton that resulted in the demolition of a large number of single-family, historic homes and their replacement by cheap apartment buildings that are among the sources of the current depressed nature of the area. Those areas that retained a large proportion of single-family homes are currently experiencing a revival and reinvestment, one of the goals of this latest project.

Clearly define "pedestrian and vehicular circulation" referred to in objective #2. Add language that development shall incorporate pedestrian-oriented, New Urbanism and Smart Growth urban design concepts.

**Page 3-26, 2<sup>nd</sup> Paragraph:** Modify sentence to read:

The Redevelopment Plan contains a Historic Preservation Program. Under this program portions of the Project Area that include ~~significant historic buildings resources and~~ Potential Designated Historic Properties can be ~~made into~~ viable retail commercial or residential properties through . . .

**Page 11-9:** Under Potentially Designated Historic Properties, add the following Paragraph:

Although “C” and lesser-rated Potential Designated Historic Properties (PDHPs) are not included in the Local Register for purposes of environmental review under CEQA. City-sponsored or assisted projects are held to a higher standard per Policy 3.6 of the Preservation Element and the Historic Preservation Element policy encourages applicants for City-assisted projects to submit proposals consistent with preservation goals, rather than demolition or relocation. A map of PDHPs in the project area is attached.

**Page 11-9:** Under Potentially Designated Historic Properties, Oakland Cultural Heritage Survey, first bullet, modify to read:

- Six areas within the Project Area, (see attached Map) have been identified as Areas of Primary Importance (two large districts and four complexes containing a total of 54 buildings). As discussed more thoroughly in the Regulatory Setting section, these areas are historically or visually cohesive areas or property groupings that ~~contain a high proportion of individual properties that appear~~ eligible for the National Register of Historic Places.

**Page 11-14, Potentially Designated Historic Properties:** Addition to paragraph: “Properties with contingency ratings are classified as PDHPs to highlight their value as restoration opportunities and encourage their rehabilitation and preservation.”

**Chapter 11, Regulatory and Policy Setting, City of Oakland Regulatory/Policy Setting, Page 11-14:** The discussion of the Historic Preservation Element of the Oakland General Plan is inadequate to inform a general reader. The inclusion of Policies 3.2, 3.3, 3.4, 3.6, 3.6.1 and 3.7.2 is critical because these Policies address Historic Preservation and City-Sponsored or Assisted, and City-Owned Projects. In general, the City is held to a higher standard since the Historic Preservation Element directs the City to set an example for others.

Following the Local Register section on page 11-14, insert the following:

The Preservation Element chapter on “Preservation and Ongoing Activities” requires conditions for City-owned properties and for any projects receiving city financial assistance or transfer of title, on properties or projects involving existing or Potential Designated Historic Properties.

*(Insert Historic Preservation Element Policies 3.2 and 3.3).*

The Preservation Element chapter on “Preservation and Ongoing Activities” addresses city acquisition for historic preservation.

*(Insert Historic Preservation Element Policy 3.4).*

The Preservation Element chapter on “Preservation and Ongoing City Activities” applies to Local Register properties as well as to the broad category of Potential Designated Historic Properties. Policy 3.6 and Action 3.6.1 address historic preservation and city-sponsored or assisted projects. These policies outline use of a stricter standard for City Projects, extending Federally funded requirements under the National Historic Preservation Act to City funded projects and to City projects that involve existing or Potential Designated Historic Properties that are not on or eligible for the National Register.

*(Insert Historic Preservation Element Policy 3.6 and Action 3.6.1.)*

As a last resort, the Preservation Element chapter on “Preservation and Ongoing Activities” requires reasonable efforts be made to relocate properties from projects involving potential demolition of existing or Potential Designated Historic Properties. Action 3.7.2 below states property relocation procedures for city-sponsored or assisted projects.

*(Insert Historic Preservation Element Action 3.7.2).*

**11.2 Subsurface Cultural Resources:** Add the following sentence on page 11-18 to the end of the Paragraph titled *Discussion*.

Please see the attached maps that illustrate those areas identified as archaeological sites.

**11.2 Mitigation Measure 11.2:** Please revise as follows:

In accordance with CEQA Guidelines Section 15064.5, should previously unidentified cultural resources be discovered during construction, the project sponsor is required to cease work in the immediate area until such time a qualified archaeologist and the City of Oakland can assess the significance of the find and ~~make mitigation recommendations, if warranted~~ allow for implementation of avoidance measures or mitigation measures.

**11.3 Potential Removal Demolition, Relocation or Alteration of Historic Resources, Potential Impact 11.3:**

Make the above edits, and at the end of this paragraph, add the following:

Demolition of any structure would require Environmental Review. Case-by-case review of specific projects will still be needed, including Environmental Review.

**Page 11-21:** Modify First Paragraph following Policy 3.5:

With implementation of these and other General Plan policies, potential impacts to historic resources throughout the Project Area ~~can be avoided or substantially lessened to a level of less than significant, and no mitigation measures are required~~ cannot be totally avoided since large segments of the Commercial Areas do not require any type of discretionary review, including design review, if the project meets all development standards, and therefore Mitigation Measures are required.

**Page 11-23:** Eliminate #2. under Mitigation Measure 11.4 since this may lead to False Historicism.

## ADDITIONAL MITIGATIONS

**Mitigation Measure 11.3.1:** In order to prevent potential demolition or inappropriate alteration of Historic Resources, Redevelopment funds shall be provided for the Oakland Cultural Heritage Survey (OCHS) to complete the Intensive Survey for the Redevelopment Area prior to commencing Redevelopment. East Oakland has been surveyed in less detail than West Oakland and the Central District, though all the Neighborhood Commercial Revitalization areas, buildings on the URM list, selected early neighborhood centers, and large residential areas in San Antonio and Fruitvale have been researched and documented. Intensive Survey of the project area would provide needed research to bring additional funding via preservation, support designation of additional Landmarks, Landmark Districts and Heritage Properties, greater appreciation of local heritage and provide for more informed project review.

**Mitigation Measure 11.3.2:** In order to enhance the opportunity for relocation of historic structures, the Redevelopment Agency shall, prior to any Redevelopment work:

- Identify, assemble and purchase vacant lots within the Redevelopment Area to be targeted for relocation (as last alternative) of historic structures; [The intent of this is to provide historic infill structure(s) within the Redevelopment Area where vacant lots exist adjacent to areas with a high percentage of Landmarks or Potential Designated Historic Properties];
- Identify, assemble and purchase a vacant area within the Redevelopment Area to be targeted for the relocation (as last alternative) of historic structures to create a "Preservation Park" type of development.

**Mitigation 11.3.3:** In order to preserve and rehabilitate residential areas within the Redevelopment Area, the Redevelopment Agency shall establish and implement a program similar to the Façade Improvement Program for rehabilitation of existing residential development, targeted at window and siding rehabilitation.

**Mitigation 11.3.4:** In order to preserve the character of historic areas within the Redevelopment Area, the Redevelopment Agency shall develop guidelines for alterations and new construction, to be reviewed by the Zoning Division and appropriate Zoning Boards and Commissions, and implemented prior to any Redevelopment work.

**Mitigation 11.3.5:** In order to enhance the existing historic character in the six areas within the Project Area identified as Areas of Primary Importance, and those that may be identified in the future at the completion of the Intensive Survey, the Redevelopment Agency shall establish an urban design framework of open space and streetscape improvements which would complement the historic character and contribute to a clear identity for the district, to be reviewed by the Zoning Division and implemented prior to any Redevelopment work.

**Mitigation 11.3.6:** In order to avoid cumulative impacts to areas of contiguous historic resources located in commercial zones where design review is not required, require Design Review for all non-residential zones within the Redevelopment Area.

**Mitigation 11.3.7:** In order to avoid the proliferation of inappropriately located and designed surface parking lots (e.g., screening, lighting, shading, landscaping, etc.) that break up the street façade, require design review of surface parking lots for all non-residential zones within the Redevelopment Area.

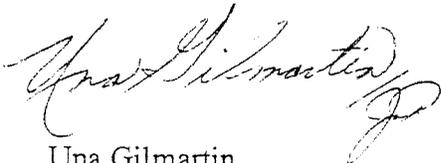
**Mitigation Measure 11.4.1:** Any development of the 9<sup>th</sup> Avenue Terminal or parcel needs to be reviewed carefully in light of preservation. Any development that does not incorporate its reuse should have extensive mitigations developed to address its loss in the context of the proposal.

While the LPAB supports redevelopment of Central City East, its concerns focus on how that development and rehabilitation occurs, as outlined below:

- retention of and rehabilitation of existing affordable housing stock;
- retention of and rehabilitation of existing historic non-residential buildings;
- retention of the existing building stock to provide character and direction for new development, and a sense of place particular to Oakland;
- retention of small parcels that provide a diversity of development styles and contribute to the diversity of buildings, character of neighborhoods (rather than large developments designed by a single developer and architect to project pseudo diversity by manipulating a limited palette of architectural features and color);
- retention of small parcels that lead to a diverse break up of scale of development;
- assemblage of parking opportunities in non-residential areas so as not to break up the street facades with surface parking lots, but to provide shared convenient parking strategies that encourage economic support of commercial areas.

Again, the LPAB strongly supports revitalization and reinvestment. We look forward to a revitalized Central City East that retains existing structures and provides new development that enhances Oakland's strong historical character and historical urban context. Thank you for the opportunity to comment.

Sincerely,



Una Gilmartin  
Chair, LPAB

Attachments: MISCELLANEOUS TYPOS, TECHNICAL CORRECTIONS AND CLARIFICATIONS  
MAPS: CCE Districts  
CCE PDHPs & Local Register

## MISCELLANEOUS TYPOS, TECHNICAL CORRECTIONS AND CLARIFICATIONS

Figure 3-4 (and other maps): streets in this area are East 7th, East 12th, East 20th Street

Page 4-2, middle: annexed ... in ~~the early~~ 1909

Page 4-2, last paragraph, the Project Area

Page 4-5: next to last paragraph, East 12th, East 20th, East 27th Street

Page 4-7: “residential with a mix of urban residential densities” What does this mean?  
Detached houses with a mix of apartments?

Residential of varied density?

Page 11-6: National Register list – Lightship Relief moved and is no longer in the project area

Page 11-6: City of Oakland Landmarks list, introductory paragraph: “... National Register properties (most of which are also Oakland Landmarks).” The programs don’t neatly overlap.

Figure 11-1 (DHP map): Source isn’t just the Preservation Element, it’s updated from Planning Department’s Landmarks & National Register lists

Page 11-9: Study List: Fowler [person] Block [building type], not Fowler-Block House “Old” Alameda County Courthouse & Jail probably better than “site of” – the buildings still exist.

Page 11-9: “Potentially Designated Historic Properties”: should be “Potential Designated...” (throughout)

Page 11-9: last line and a half: “areas ... that ~~contain a high proportion of individual properties that~~ appear eligible for the National Register.” It’s the *district* that appears eligible.

Page 11-10, middle: “Over 80% of the project area’s Victorian buildings,” not the City’s, are in San Antonio. (The 836 in San Antonio would be about 18% of the entire city’s 19th century buildings.)

Page 11-10, last paragraph, “A combined list of ... Local Register properties in the project area, totaling approximately 185...”

Page 11-12: footnote 5, CEQA Guidelines.

Page 11-13: first paragraph, last line: Landmarks get 240, not 280, days delay of demolition.

Page 11-14: Heritage Properties are created in Policy 2-point-5, not 25.

Page 11-14: Local Register, The following ~~designated~~ historic properties constitute...”  
Local Register was designed to capture significant properties even if they had not been designated.

Page 11-15: 1st bullet, “\* ... not rated, recent or modernized.”

Page 11-15: 3rd bullet, “remodeled” buildings, not “removed” buildings, are counted in ASIs.

Page 11-22: 3rd bullet, “(HPE Policy 3.2 ~~and 3-5~~) provides ...”

## **Responses to Comment Letter “B” – Oakland Landmarks Preservation Advisory Board – March 24, 2003**

### ***Response to Comment B-1:***

Comment by the Landmarks Preservation Advisory Board about the Redevelopment Plan (the Project) favoring one policy framework over another are noted, and will be considered by the decision-makers during review of the Redevelopment Plan. The EIR provides an objective analysis of the potential environmental impacts, including those pertaining to historic and cultural resources that may be associated with adoption and implementation of the Redevelopment Plan. As such, the EIR is an informational, and not a policy document.

### ***Response to Comment B-2:***

This comment is noted, and will be considered by the decision-makers during review of the Redevelopment Plan. This comment pertains to a set of policies that may be included in the Redevelopment Plan, but does not pertain to environmental impacts as set forth in CEQA Guidelines. The comment pertains to the Redevelopment Plan (the Project), rather than the Draft EIR. It is not the purpose of an EIR to recommend or provide an urban design framework to insure one type of development pattern over another. The Draft EIR provides an objective analysis of the potential environmental consequences that may be associated with adoption and implementation of the Redevelopment Plan.

The Redevelopment Plan is an implementation tool of the Oakland General Plan, including the Land Use and Transportation Element (LUTE) and the Historic Preservation Element. As such, the land use development policies and urban design framework established in the LUTE will continue to guide land use and development within the Project Area. All such development will be subject to all rules and regulations regarding historic properties contained in the Historic Preservation Element, as set forth in the Project Description contained in the Draft EIR.

### ***Response to Comment B-3:***

The Project’s Objectives as enumerated on pages 3-11 and 3-12 of the Draft EIR were not developed pursuant to preparation of the EIR, but instead are derived from the Draft Redevelopment Plan (the Project). The Redevelopment Plan is specifically intended to be an implementation tool for the City of Oakland General Plan, including the Historic Preservation Element. Towards that end, and as noted on page 3-26 of the Draft EIR, the Redevelopment Plan does contain a Historic Preservation Program. Under this program, it is anticipated that portions of the Project Area that include significant historic buildings would be made into viable retail, commercial or residential properties through Agency-sponsored historic preservation efforts under the Historic Façade Improvement Program, Unreinforced Masonry Grant Program and other forms of Agency assistance. The Draft EIR includes a description of potential activities pursuant to the Redevelopment Plan that include the rehabilitation of buildings, including historic buildings, thus providing for reuse of valuable properties that may be vacant or underutilized, and preserving the historic character of this area. These objectives of the Redevelopment Plan are consistent with, and assist in implementation of the goals, objectives and policies of the Historic Preservation Element.

**Response to Comment B-4:**

The LPAB's comments in support of revitalization and reinvestment are noted, and will be considered by the decision-makers during review of the Redevelopment Plan.

If the Redevelopment Plan had "spelled out" specific strategies to achieve redevelopment objectives, then these strategies would have been more specifically analyzed. However, as noted on page 3-13 of the Draft EIR; *"These general and Project Area-wide programs are intended to be general and conceptual in nature and, due to the lengthy time frame for implementation of the Redevelopment Plan, are intended to be flexible and provide the capacity to change in response to the realities of the marketplace. Additional programs will likely be developed over time as opportunities arise."* Given the general and flexible nature of these programs, the EIR has been appropriately prepared as a Program EIR.

Please see also Response to Comment B-3 above regarding the Historic Preservation Program included within the Redevelopment Plan (the Project).

**Response to Comment B-5:**

The conditions under which subsequent or supplemental environmental review are required pursuant to the California Environmental Quality Act (CEQA) are clearly set forth in CEQA Guidelines Sections 15162 and 15163, as indicated on page 1-4 of the Draft EIR. The City will use these established guidelines when making their determinations about the need for subsequent or supplemental environmental review.

As specifically noted in the Project Description (page 3-16 and numerous other locations in the Draft EIR), the *"Redevelopment Plan does not contain specific proposals for redevelopment of individual sites or identify particular actions that the Redevelopment Agency will take with regard to specific redevelopment projects."* Given this lack of specificity, which is customary in preparation of redevelopment EIRs, the analysis of potential impacts is also general and not site specific. For example, the actual impact of the Redevelopment Plan, as defined for the potential removal or alteration of historic structures, is stated as; *"Future redevelopment activities may increase economic pressures to remove or demolish older buildings, potentially including historic properties within the Project Area."*(underline added) With the exception of the 9<sup>th</sup> Avenue Terminal, no specific removal and/or substantial alteration of historic properties is assumed under this EIR. Should the removal and/or substantial alteration of an historic property be proposed pursuant to implementation of the Redevelopment Plan, such removal and/or alteration would be considered a potentially significant environmental effect. If implementation of existing City policies and regulations pursuant to the Historic Element of the General Plan were not able to reduce such an impact to *less-than-significant* levels, then subsequent or supplemental environmental review would be required pursuant to CEQA Guidelines Sections 15162 and 15163. For these reasons, the proposed language from the Landmarks Preservation Advisory Board will not be added to the text of this Final EIR.

**Response to Comment B-6:**

This comment pertains to the Redevelopment Plan (the Project), rather than a comment on the Draft EIR. The Draft EIR has derived the stated objectives from the Redevelopment Plan. The elimination of blight is the fundamental concept underlying all redevelopment plans as authorized under California Redevelopment Law. Agency-sponsored or assisted improvements

### CHAPTER 3: RESPONSE TO COMMENTS

and restorations to historic single-family homes are potential projects, programs or other activities that might be undertaken pursuant to the Historic Façade Improvement Program, Unreinforced Masonry Grant Program and other forms of Agency assistance under the Historic Preservation Program.

An EIR is intended to be an objective, analytical, information document and is not the forum for advocacy of urban design, New Urbanism and Smart Growth principles. However, these comments will be reviewed and considered by the decision-makers.

#### ***Response to Comment B-7:***

Comment noted, and this change has been made in this Final EIR. See Chapter 4: Text Revisions for modifications to page 3-26.

#### ***Response to Comment B-8:***

Comment noted, and this change has been made in this Final EIR. See Chapter 4: Text Revisions for modifications to page 11-9.

#### ***Response to Comment B-9:***

Comment noted, and this change has been made in this Final EIR. See Chapter 4: Text Revisions for modifications to page 11-9.

#### ***Response to Comment B-10;***

Comment noted, and this change has been made in this Final EIR. See Chapter 4: Text Revisions for modifications to page 11-14.

#### ***Response to Comment B-11:***

The discussion of the Historic Preservation Element is contained on pages 11-12 through 11-15 of the Draft EIR, and is combined with additional information about this Element on pages 11-19 through 11-22 of the Draft EIR. Although these discussions do provide the general reader with an adequate basis of information about this General Plan Element, the addition of the requested text would further inform the general reader, and is incorporated into this Final EIR. See Chapter 4: Text Revisions for modifications to page 11-14 et.seq.

#### ***Response to Comment B-12:***

No graphics for the section pertaining to archaeological sites have been included since there is a generally accepted practice not to include the locations of archaeological sites in an EIR to minimize the possibility of damage or vandalism to these resources. Mitigation measures 11.1A, 11.1B, 11.1C and 11.2 set forth those appropriate standards and actions necessary to protect significant archaeological and cultural resources.

**Response to Comment B-13:**

Mitigation Measure 11.2 is hereby revised to provide direct consistency with CEQA Guidelines, Section 15064.5 (see Chapter 4: Text Revisions). This revision is similar, but more comprehensive than the language requested.

**Response to Comment B-14:**

Please see Response to Comment B-5 above. Should the demolition, relocation or alteration of an historic property be proposed pursuant to implementation of the Redevelopment Plan, such demolition, relocation or alteration would be considered a potentially significant environmental effect. If implementation of existing City policies and regulations pursuant to the Historic Preservation Element of the General Plan were not able to reduce such an impact to *less-than-significant* levels, then subsequent or supplemental environmental review would be required pursuant to CEQA Guidelines Sections 15162 and 15163. This process is consistent with current City policies and practices, and is fully described in the Draft EIR.

**Response to Comment B-15:**

As noted in both the Introduction and the Executive Summary of the Draft EIR, the focus of CEQA review, and the conclusions reached therein, are guided by the “*Guidelines for California Environmental Quality Act*”, included in the California Code of Regulations Title 14, Chapter 3, Sections 15000 through 15387. Specifically, CEQA Guidelines Section 15064.5 guides the appropriate analysis in regard to historic resources, as discussed on pages 11-12 through 11-16 of the Draft EIR.

Although impacts could occur to “historic properties” under the broader definition established in the Historic Preservation Element without discretionary review, all “historic resources” under the CEQA definition are afforded a discretionary review process. Any “historic resource” under the CEQA definition, regardless of its underlying General Plan land use designation, is subject to the review and mitigation provisions of the Historic Preservation Element.

In order to provide more specific actions within the context of the Central City East Redevelopment Plan, this Final EIR recommends the following action item to be added to the Redevelopment Plan’s Implementation Plan to implement the Historic Preservation Element provisions within the Central City East Redevelopment Project Area:

**Implementation Programs and Actions in Furtherance of Historic Preservation:**

1. For any project receiving assistance from the Redevelopment Agency within the Central City East Redevelopment Project Area, a standard requirement shall be instituted to complete an intensive historic survey of the project site and the surrounding area.
2. As part of the first Implementation Plan for the Central City East Redevelopment Plan, the Agency shall identify potential sites to relocate historic resources that may be displaced by redevelopment projects or activities.
3. If redevelopment projects within the Central City East Redevelopment Project Area involve the demolition of multiple historic resources, the Agency will consider acquiring a site for relocation of such structures.

4. As part of the first implementation Plan for the Central City East Redevelopment Plan, the Agency shall fund a Mills Act study for the Central City East Redevelopment Project Area.

**Response to Comment B-16:**

Mitigation Measure 11.4, item #2 recommends that any Redevelopment Plan implementation project, program or other activity involving demolition or substantial alteration to the 9<sup>th</sup> Avenue Terminal building “modify the project design to include restoration of a portion of the historic character of the property.” This recommendation is consistent with the recommendations of the City of Oakland-certified Estuary Policy Plan EIR. It is also consistent with the Historic Preservation Element’s Action 3.8.1, which states; “If the above measures [avoidance or relocation] are not feasible, then other measures may be considered including but not limited to modification of the project design to incorporate or replicate elements of the building’s original architectural design.”

Until such time as a specific proposal that may involve demolition or substantial alteration to the 9<sup>th</sup> Avenue Terminal building is proposed, mitigation measures specific to that proposal are speculative and not based on any definitive plan. Therefore, concerns related to false historicism that may be introduced under this measure, without the opportunity to review and consider a specific proposal, are also speculative. However, a text change is recommended for Mitigation Measure 11.4 of the Draft EIR, as follows:

- **Mitigation Measure 11.4:** Consistent with the recommendations of the Estuary Policy Plan EIR, the following mitigation measures shall be adopted and, to the extent feasible, implemented pursuant to any Redevelopment Plan’s implementation project, program or other activity involving demolition or substantial alteration to the 9<sup>th</sup> Avenue Terminal building.
  1. No demolition or substantial alteration shall be permitted without a separate environmental review that includes consideration of appropriate mitigation measures, such as those included below, consistent with Policies OAK 2.4 of the Estuary Policy Plan.
  2. Modify the project design to include restoration of a portion of the historic character of the property.
  3. Modify the design to incorporate or replicate elements of the building’s original architectural design.
  4. *[all other sub-measures re-numbered accordingly]*

**Response to Comment B-17:**

This comment request the addition of mitigation measures as they pertain to potential impacts to historic resource other than the 9<sup>th</sup> Avenue terminal building. As indicated in the response to Comment B-15 above, no change has been made to the Draft EIR that would result in the identification of an impact to historic resources, due to implementation of Historic Preservation Element policies and regulations. Therefore, there is no significant environmental impact that requires mitigation.

However, each of the mitigation measures that are recommended in this comment appears to be derived from action items contained in the Historic Preservation Element. The Historic

Preservation Element includes a number of policies that direct the City to implement future actions intended to protect, preserve or restore historic resources. Through implementation of the Redevelopment Plan's projects, programs and other activities, the Redevelopment Agency could initiate many of these City-directed policies and actions within the Project Area. The Draft EIR lists several examples of such actions that that could serve to further reduce impacts or provide beneficial environmental consequences on historic resources, but this list is not intended to be all-inclusive. Each of the measures recommended in this comment can be added to the Redevelopment Plan's subsequent 5-Year Implementation Plans at the Agency's discretion. This recommendation will be considered by the decision-makers during review of the Redevelopment Plan.

**Response to Comments B-18 through 23:**

These comments express the LPAB's concern on the specific redevelopment and rehabilitation projects that may be implemented pursuant to the Redevelopment Plan. As noted in several places in the Draft EIR, including page 1-1; *"The projects, programs or other activities to be undertaken in furtherance of the Redevelopment Plan do not contain specific proposals for the redevelopment of individual sites, nor does the Redevelopment Plan identify particular actions the Agency will take with regard to specific projects. Instead, the Redevelopment Plan presents a basic framework and a process within which specific projects and programs will be established and implemented over time."*

Over time, specific projects and programs will be developed that are consistent with the policies contained in the City of Oakland General Plan that are related to:

- retention and rehabilitation of affordable housing,
- retention and rehabilitation of historic structures,
- the character and direction of new development,
- the retention of smaller parcels that provide a diversity of development styles and a breakup of scale of development, and
- the assemblage of parking opportunities.

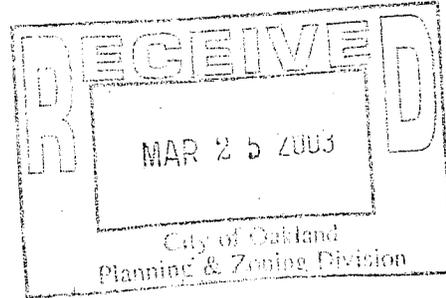
**Response to Comment B-24:**

Comments noted. These minor typographic errors, technical corrections and clarification have been incorporated into this Final EIR. See Chapter 4: Text Revisions for all modifications.



March 24, 2003

City of Oakland Redevelopment Agency  
250 Frank Ogawa Plaza, Suite 530  
Oakland CA 94612



Attention: Theresa Navarro

Re: DEIR for CENTRAL CITY EAST REDEVELOPMENT PLAN

LETTER C

Dear Ms Navarro:

The following comments pertain to Chapter 11: Cultural and Historic Resources.

All Historic Properties that are classified as Potential Designated Historic Properties (PDHP) should be recognized for their "potential." The "potentials" of these numerous properties, if realized, will strengthen the fabric of neighborhoods.

C-1

It is essential that the survey is updated in this redevelopment area and every property be reclassified.

C-2

The redevelopment plan necessarily must include a statement that projects undertaken subsequent to the adoption of this EIR should be subject to individual project review. While the larger categories of study in the general EIR may be adequate, each project should be subject to review for any specific impacts, in particular those on cultural and historic resources.

C-3

Historic properties that need rehabilitation should be considered redevelopment opportunities rather than "blight" and tools should be provided to facilitate their rehabilitation. Some major incentives listed in Policy 2.6 have yet to be implemented. These include: i) the Mills Act and vii) "Eligibility for acquisition, rehabilitation and other development assistance from a possible historic preservation revolving fund or possible historical rehabilitation bond program.." The Mills Act must be implemented and funds available for redevelopment should be used to implement Policy 2.6.vii.

C-4

The Preservation Element (Policy 2.5) provided a safety net for PDHPs, Heritage Properties, but this has not been implemented. Presently the Study List is not accepting additional properties and Heritage Properties has not been implemented so worthy properties are in danger of falling between the cracks.

C-5

A map showing the location of all APIs and ASIs should be included in the EIR. An effort should be made to designate them as Preservation Combining Zones. The Redevelopment Plan is an opportune vehicle for establishing some designated historic districts; the EIR should identify such potential districts as well as specific properties.

C-6

#### Ninth Avenue Terminal

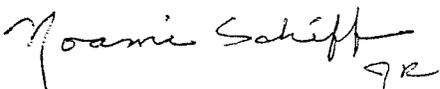
It was clear in the public process for the Oakland Estuary Plan that there was not public support from the demolition of the last remaining terminal, the Ninth Avenue Terminal. In fact, the public understanding is that the Howard Terminal's demolition went forward with the assurance that the last remaining terminal, the Ninth Avenue Terminal would be saved. Its reuse fits the Estuary Plan's proposed reuse of the site for "establishing a large park in the area of the existing 9<sup>th</sup> Avenue Terminal to establish a location for large civic events and cultural activities." The Terminal can immensely contribute to this by providing a large covered public space in addition to the open space. This strong presence of the working port's history will create a public space that is unique and very little of that history remains.

C-7

The present document, this draft EIR, can in no way be considered a project EIR nor have any bearing on any future development in the area of the Ninth Avenue Terminal. Any such project must require a complete review including a complete review of historic preservation aspects. As there is no specific project under review, the inclusion of this historic resource in the EIR for the redevelopment plan is inappropriate.

Careful shepherding of the rich historical resources in this redevelopment area that are awaiting rehabilitation can be a significant factor in the area's revitalization.

Sincerely,

A handwritten signature in cursive script that reads "Naomi Schiff". Below the signature, the initials "NR" are written in a smaller, simpler font.

Naomi Schiff  
Vice President, Preservation Action

## **Responses to Comment Letter “C” – Oakland Heritage Alliance – March 24, 2003**

### ***Response to Comment C-1:***

The focus of CEQA review, and the conclusions reached therein, are guided by the “Guidelines for California Environmental Quality Act”, included in the California Code of Regulations Title 14, Chapter 3, Sections 15000 through 15387. According to these Guidelines, and pursuant to the City of Oakland’s thresholds for environmental review, the term “historical resources” is specifically and precisely defined, and does not include “potential” properties. Nevertheless, the Draft EIR does include a general discussion of potential historic properties, and this Final EIR has incorporated substantial additions to the Draft EIR to include information pertinent to Potential Designated Historic Properties. See also response to Comments B-8, B-9, B-11, and B-16.

Although the Historic Preservation Element identifies Potential Designated Historic Properties as properties that “warrant consideration for possible preservation,” these properties are not defined as “historical resources” pursuant to CEQA, and are not afforded regulatory protection or specific review in an EIR.

### ***Response to Comment C-2:***

The Historic Preservation Element includes a number of policies that direct the City to implement future actions intended to protect, preserve or restore historic resources, including completion of the Oakland Cultural Heritage Survey. Through implementation of the Redevelopment Plan’s projects, programs and other activities, the Redevelopment Agency could initiate many of these City-directed policies and actions within the Project Area. Please also refer to response to Comment B-15, where specific programs and activities are recommended to be added to the Central City East Redevelopment Plan’s 5-Year Implementation Plan to further the goals and provisions of the Historic Preservation Element.

### ***Response to Comment C-3:***

The conditions under which subsequent or supplemental environmental review are required pursuant to the California Environmental Quality Act (CEQA) are clearly set forth in CEQA Guidelines Sections 15162 and 15163, as indicated on page 1-4 of the Draft EIR. The City will use these established guidelines when making their determinations about the need for subsequent or supplemental environmental review.

The removal and/or substantial alteration of an historic property (that has been designated as an “historic resource” under CEQA Guidelines and the City’s thresholds of significance) would be considered a significant environmental impact if proposed as an individual action pursuant to implementation of the Redevelopment Plan. If implementation of existing City policies and regulations pursuant to the Historic Element of the General Plan were not able to reduce such an impact to *less than significant* levels, then subsequent or supplemental environmental review would be required pursuant to CEQA Guidelines Sections 15162 and 15163.

**Response to Comment C-4:**

The definition of “blight” was not developed pursuant to preparation of the EIR but instead was derived from the Redevelopment Plan (the Project).

The Historic Preservation Element includes a number of policies that direct the City to implement future actions intended to protect, preserve or restore historic resources. Through implementation of the Redevelopment Plan’s projects, programs and other activities, the Redevelopment Agency could initiate many of these City-directed policies and actions within the Project Area. The Draft EIR lists several examples of such actions that that could serve to further reduce impacts or provide beneficial environmental consequences on historic resources, but this list is not intended to be all-inclusive. Adoption and implementation of a Mills Act contract program has been recommended for inclusion in the Redevelopment Plan’s first 5-Year Implementation Plan. See also Response to Comment B-15.

**Response to Comment C-5:**

The Draft EIR relies on implementation of Historic Preservation Element policies and regulations to mitigate impacts on “historic resources” to a level of less than significant. The Historic Preservation Element does include a Heritage Property policy (Policy 2.5) to address properties that definitively warrant preservation, but which are not considered “historic resources” under CEQA or pursuant to the City of Oakland’s thresholds for environmental review. This policy enables the Landmarks Preservation Advisory Board, the Planning Commission or the Planning Director to designate Heritage properties. If a “worthy property” is in danger of “falling between the cracks,” then procedures are in place for such a property to be designated as an “historic resource”. Please also refer to response to Comment B-15 for further implementation actions as part of the Central City East Redevelopment Plan to further the goals and policies of the Historic Preservation Element.

**Response to Comment C-6:**

Maps indicating all Areas of Primary Significance and all Areas of Secondary Importance within the Project Area have been included in this Final EIR. However, the designation of Landmarks and Preservation Combining Zones is to be initiated by the Landmarks Preservation Advisory Board or the Planning Commission, pursuant to Policy 2.3 of the Historic Preservation Element. Such designations then form the basis by which potential environmental impacts are reviewed in EIRs or in other environmental documents. Such actions are independent of this EIR or the Central City East Redevelopment Plan.

**Response to Comment C-7:**

The environmental record for the Estuary Policy Plan as contained in the Draft and Final *Oakland Estuary Plan EIR* (City of Oakland, November 20, 1998) indicates the following:

*“The Draft EIR did find a significant impact on historic resources caused by the policy to remove the Ninth Avenue Terminal to create a major waterfront park. The Draft EIR identified the Terminal as an historic resource, and acknowledged that the demolition of the terminal would be considered a significant impact under CEQA and local CEQA thresholds. Some commentors suggested that the preservation of the terminal was a mitigation for the demolition of the Grove Street Pier Shed several years ago. It should be noted that preservation of the Ninth Avenue*

*Terminal was not a mitigation imposed on the Port of Oakland at the time the Grove Street Pier Shed (Howard Terminal) was demolished.*” (underline added, Oakland Estuary Plan Final EIR, Page IV-4)

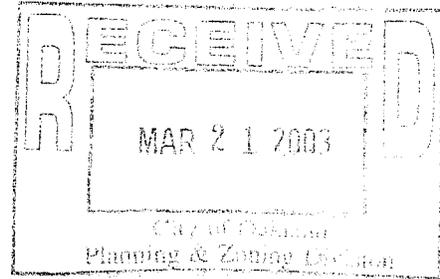
*“Since development of the Estuary Planning Area is considered to be conceptual and no specific project has been proposed, the demolition of the Ninth Avenue Terminal is considered to be a potential impact. As a result, the draft EIR identifies potential mitigation measure on page III.G-9 that could be implemented if demolition is proposed for the Ninth Avenue Terminal. The feasibility of these measures is not known since no specific development has been proposed. When a specific development is proposed for the 11-acre Crescent Park, a separate environmental review would be required and specific mitigation measures would be identified to reduce the impacts associated with demolition.”* (underline added, Oakland Estuary Plan Final EIR, Page IV-58)

The Estuary Policy Plan does recognize that *“the 9<sup>th</sup> Avenue Terminal Shed, or portions thereof, may be suitable for rehabilitation and adaptive reuse. However, the terminal building impedes public access to and views of a key area of the Estuary.”* The Policy Plan also calls for the City and the Port to *“investigate the feasibility of keeping and reusing the building (or portions thereof) pursuant to preparation of a specific plan for the entire District.”*

The Redevelopment Plan is intended as an implementation tool of the General Plan, including the Oakland Estuary Policy Plan. As such, any redevelopment assistance with implementation of that portion of the Estuary Plan pertaining to creation of an 11-acre Crescent Park at the site of the 9<sup>th</sup> Avenue Terminal would be a significant impact, and is appropriately addressed in this EIR. However, the Oakland Estuary Plan is a policy-level, conceptual plan, and does not contain any specific proposals for demolition or substantial alteration to the 9<sup>th</sup> Avenue Terminal. If a specific development is proposed that may involve the Ninth Avenue Terminal building, a separate environmental review would be required and specific mitigation measures would be identified to reduce the impacts associated with that proposal consistent with policy 2.4 of the Estuary Policy Plan. As per the City’s requirements, no demolition or substantial alteration of the 9<sup>th</sup> Avenue Terminal building will be permitted until such review processes have been completed.

March 18, 2003

Claudia Cappio  
CEDA, City of Oakland  
250 Frank Ogawa Plaza, Suite 3330  
Oakland, CA 94612



Re: Central City East Redevelopment Plan

LETTER D

I am a 24 year resident of the proposed redevelopment area. I am also the co-author of the **Clinton Park Neighborhood Resources Survey**, a neighborhood survey of land use, history, historic properties, and street trees in a portion of Clinton Park/Eastlake/San Antonio. The survey was published with funding from CDBG monies, and was published in 1982.

In the course of doing research for this survey, we came upon a history of urban redevelopment areas, as this was the first west of the Mississippi, and the documentation which confirmed that “blight” was a disease and this area was chosen because the patient was not terminal. The result was code enforcement inspections, historic buildings torn down, to be replaced by “blockbuster” apartments, and a general destabilizing of the area in terms of property values and investment in the existing housing stock. This happened in the mid-1950’s and early 1960’s.

So, here we are, nearly 50 years later, trying to have a go at redevelopment again. I fear the worst – primarily confusion on the part of property owners, and potential property owners, and, consequently, a lack of investment in the area.

Substantive points:

-As the Draft EIR acknowledges, there are a significant number of historic resources in the area. The mitigations for any projects entered into subsequent to the EIR which could have a substantial effect on historic resources are very vague and inadequate under CEQA. Oakland has an unimplemented Preservation Element, such that the protections of city policies and procedures are not in place.

D-1

-The finding of “blight”, necessary for the creation of a redevelopment area, is simply misplaced. In the past ten years there has been a steady increase in property values, investment in both single family and multi-family buildings, and a general increase in the economic health of the area. The finding of blight is truly inapposite in this case.

D-2

-Judging from history, redevelopment areas do not result in the purpose of same. They do result in lost tax revenues to the county and the schools. The city’s coffers, in terms of the general fund, are also affected, as any tax increment goes to the Redevelopment Agency.

D-3

In short, I do not believe the designation of a redevelopment area is warranted, and feel that the draft EIR does not adequately address the effects on historic resources, should this unfortunate plan be adopted.

Very truly yours,

A handwritten signature in black ink, appearing to read "Carolyn Douthat". The signature is fluid and cursive, with a large loop at the end of the last name.

Carolyn Douthat  
1725 6<sup>th</sup> Ave.  
Oakland, CA 94606

**Responses to Comment Letter “D” – Carolyn Douthat (Resident) – March 18, 2003*****Response to Comment D-1:***

Comments on the merits of redevelopment in general, and the Project in particular, are noted and will be reviewed by the decision-makers during consideration of the Redevelopment Plan.

***Response to Comment D-2:***

The mitigation measures identified in the EIR related to historic resources are intentionally general and programmatic in nature, consistent with the general and conceptual nature of the Project itself. As specifically noted in the Project Description (page 3-16 and numerous other locations in the Draft EIR), the “*Redevelopment Plan does not contain specific proposals for redevelopment of individual sites or identify particular actions that the Redevelopment Agency will take with regard to specific redevelopment projects.*” Given this lack of specificity, which is customary in preparation of redevelopment EIRs, the analysis of potential impacts is also general and not site specific. For example, the actual impact of the Redevelopment Plan, as defined for the potential removal or alteration of historic structures, is stated as; “*Future redevelopment activities may increase economic pressures to remove or demolish older buildings, potentially including historic properties within the Project Area.*”(underline added) With the exception of the 9<sup>th</sup> Avenue Terminal, no specific removal and/or substantial alteration of historic properties are assumed under this EIR.

Should the removal and/or substantial alteration of an historic property (as defined under CEQA Guidelines and the City’s thresholds of significance) be proposed pursuant to implementation of the Redevelopment Plan, such removal and/or alteration would be considered a significant environmental effect. If implementation of existing City policies and regulations pursuant to the Historic Element of the General Plan were not able to reduced such an impact to *less than significant* levels, then subsequent or supplemental environmental review would be required pursuant to CEQA Guidelines Sections 15162 and 15163.

The Redevelopment Plan is an implementation tool of the Oakland General Plan, including the Historic Preservation Element, and will therefore be subject to all rules and regulations regarding historical properties that are provided by the City of Oakland.

***Response to Comment D-3:***

The definition of “blight” was not developed pursuant to preparation of the EIR but instead are derived from the Redevelopment Plan (the Project). However, the Redevelopment Plan is specifically intended to be an implementation tool for fostering and expediting the kind of economic recovery described in this comment. Please see pages 2-2 of the Draft EIR for a description of the Purpose and Need of this project.

***Response to Comment D-4:***

This comment pertains to the merits of the Redevelopment Plan (the Project), rather than a comment on the Draft EIR. This comment will be reviewed by the decision-makers during consideration of the redevelopment Plan. Pursuant to CEQA, it is not within the scope of an EIR to examine potential economic impacts associated with the adoption and implementation of the

### CHAPTER 3: RESPONSE TO COMMENTS

Redevelopment Plan. However, an environmental analysis of the potential environmental consequences that may be associated with a “No Project alternative”, or the option of not adopting or implementing a Redevelopment Plan has been addressed in the Draft EIR’s Alternatives chapter.

#### ***Response to Comment D-5:***

Comments on the merits of the Project are noted, and comment will be reviewed by the decision-makers during consideration of the Redevelopment Plan. However, the EIR’s analysis of the effects of the Project on historic resources are adequately addresses in the EIR, at the appropriate programmatic level for a redevelopment plan that does not include project-specific details or activities.



March 28, 2003

LETTER E

Claudia Cappio, Manager
Major Development Projects
City of Oakland
250 Frank Ogawa Plaza, Suite 3330
Oakland, CA 94612-2034

Dear Ms. Cappio:

Re: Draft Environmental Impact Report - Central City East Redevelopment Plan

The East Bay Municipal Utility District (EBMUD) appreciates this opportunity to comment on the Draft Environmental Impact Report (EIR) for the Central City East Redevelopment Plan. EBMUD commented on the Notice of Preparation of the Draft EIR for the subject project on May 8, 2002. EBMUD has the following comments:

WATER SERVICE

On page 9-2, paragraph three, sentence two states: "However, during periods of drought, runoff from Mokelumne River is insufficient to supply the 325-mgd entitlement." Please revise to state: "However, during prolonged drought periods the Mokelumne River cannot meet all of EBMUD's customer demands."

E-1

On page 9-2, paragraph four, sentence three states: "More recently, EBMUD has entered into an agreement with the City of Sacramento, County of Sacramento and the U.S. Bureau of Reclamation to study a joint regional water project on the Sacramento River near Freeport to replace an American River diversion." Please replace with the following: "More recently, EBMUD and the County of Sacramento (in association with the City of Sacramento and with support from U.S. Bureau of Reclamation) formed the Freeport Regional Water Authority to develop the joint water supply on the Sacramento River near Freeport."

E-2

On page 9-2, paragraph five, sentence two through four state: "Water for this zone is treated at the Orinda Treatment Plant in Orinda and the Upper San Leandro Filter Plant in Oakland. This water is stored in the Central Reservoir and Dunsmuir Reservoir, where it then flows via gravity throughout the EBMUD water transmission system. Within the Project Area, EBMUD owns and maintains water transmission mains that provide water service to the area." Please replace with the following: "Water for this pressure zone is treated at the Orinda Water Treatment Plant in Orinda and the Upper San Leandro Water Treatment Plant in Oakland. This water is stored in the Central Reservoir and Dunsmuir Reservoir, where it then flows via gravity throughout the EBMUD water distribution system. Within the Project Area, EBMUD owns and maintains water distribution mains that provide water service to the area."

E-3

Claudia Cappio, Manager  
 March 28, 2003  
 Page 2

On page 9-8, Action CO-4.1, please change "1991 EBMUD Urban Water Management Plan" to "2000 EBMUD Urban Water Management Plan."

E-4

On page 9-9, under Water Distribution, it should be noted that if pipeline extensions are necessary or replacements/upgrades of existing pipelines are required due to local fire flow requirements for the implementation of the Redevelopment Plan's projects, programs and other activities, the costs will be absorbed by the project applicant.

E-5

## WASTEWATER PLANNING

EBMUD concurs that wastewater collection infrastructure capacity constraints represent a potentially significant impact for the Central City East Redevelopment Plan. As stated on page 9-10 of the Draft EIR, hook-up and connection fees "may not fully offset the full costs of required improvements" for the required infrastructure upgrades. When capital improvement requirements for this project are being assessed, the project sponsor should contact the Wastewater Planning Section to coordinate with EBMUD for this work.

E-7

On page 9-10, the mitigation measure 9.2 should have the following statement added: "Major new development projects pursuant to or in furtherance of the Redevelopment Plan should address the replacement or rehabilitation of the existing sanitary sewer collection system to prevent an increase in I/I in the sanitary sewer system. The main concern is the increase in total wet weather flows, which could have an adverse impact if the flows are greater than the maximum allowable flows from this subbasin, as defined by the City of Oakland's Public Works Department."

E-8

On page 9-11 of the Draft EIR, the increase in wastewater generation for this project is estimated to be 0.43 mgd and it is stated that "these projected wastewater flows would not exceed the allowable sewer collection sub-basin allocations nor exceed the capacity of the sewer treatment system." EBMUD concurs with the City of Oakland's assessment that EBMUD's Main Wastewater Treatment Plant is anticipated to have adequate *dry* weather capacity to treat the proposed wastewater flow from this project. However, it must also be confirmed that the system has adequate wet weather capacity to accommodate these flows. The projected peak wet weather wastewater flows from this project need to be determined to assess the available capacity within the subbasin and confirmation included in the EIR. Suggested language to include in the EIR is as follows: "The City of Oakland Public Works Department has confirmed that there is available wastewater capacity within Subbasin (insert subbasin number here) for this project."

E-8

## OFFICE OF WATER RECYCLING

On page 9-3, under the Reclaimed Water paragraph, delete the last two sentences and replace with the following:

"EBMUD's Policy 73 requires that customers use non-potable water for non-domestic purposes when it is of adequate quality and quantity, available at reasonable cost, not

E-9

Claudia Cappio, Manager  
 March 28, 2003  
 Page 3

detrimental to public health and not injurious to plant life, fish and wildlife to offset demand on EBMUD's limited potable water supply. In January 2002, the City of Oakland adopted a dual plumbing ordinance, requiring new developments within the City to use recycled water provided by EBMUD and install dual plumbing systems for appropriate recycled water uses if recycled water will be available. The Eastlake/San Antonio Project Subarea is located within the service area boundary of EBMUD's East Bayshore Recycled Water Project and within a City-designated water reuse zone. EBMUD anticipates recycled water delivery to the Eastlake/San Antonio Project Subarea within the next 10 years and recommends that developers within the Eastlake/San Antonio Project Subarea consult with the City of Oakland regarding requirements to install dual plumbing for the use of recycled water for appropriate purposes, such as landscape irrigation. The Fruitvale, Central East, and Elmhurst Project Subareas are located outside the service area boundaries of any EBMUD's recycled water projects."

E-9  
cont

Throughout the Draft EIR, use of the word "reclaimed" as it pertains to recycled water should be replaced with the word "recycled."

E-10

#### **WATER CONSERVATION**

EBMUD recommends that the City include a condition of approval that projects subject to this redevelopment plan conform to Article 10 (Water Efficient Landscape Requirements) of Chapter 7 of the Oakland municipal code. In addition to state and federally mandated water efficient plumbing standards, EBMUD encourages the use of water efficient appliances (e.g. horizontal-axis clothes washers) and other new technology to further water conservation practices. EBMUD recommends the use of new evapotranspiration based self-adjusting irrigation timers for automatic irrigation systems and the use of drip irrigation for irrigating planting areas. EBMUD staff would appreciate the opportunity to meet with the City to review water conservation programs and best management practices applicable to the proposed project.

E-11

E-12

If you have any questions, please contact Marie Valmores, Senior Civil Engineer, Water Service Planning at (510) 287-1084.

Sincerely,



**WILLIAM R. KIRKPATRICK**  
 Manager of Water Distribution Planning

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 sb03\_099.doc

## **Responses to Comment Letter “E” – East Bay Municipal Utilities District – March 28, 2003**

### ***Response to Comment E-1:***

Comment noted, and this change has been made in this Final EIR. See Chapter 4: Text Revisions for modifications to page 9-2.

### ***Response to Comment E-2:***

Comment noted, and this change has been made in this Final EIR. See Chapter 4: Text Revisions for modifications to page 9-2.

### ***Response to Comment E-3:***

Comment noted, and this change has been made in this Final EIR. See Chapter 4: Text Revisions for modifications to page 9-2.

### ***Response to Comment E-4:***

Comment noted, and this change has been made in this Final EIR. See Chapter 4: Text Revisions for modifications to page 9-8.

### ***Response to Comment E-5:***

Comment noted, and this change has been made in this Final EIR. See Chapter 4: Text Revisions for modifications to page 9-9.

### ***Response to Comment E-6:***

Comment noted, and this change has been made in this Final EIR. See Chapter 4: Text Revisions for modifications to page 9-10.

### ***Response to Comment E-7:***

Comment noted, and this change has been made in this Final EIR. See Chapter 4: Text Revisions for modifications to page 9-10, Mitigation Measure 9.2.

### ***Response to Comment E-8:***

The projects, programs and other Redevelopment Plan implementation activities that may occur with Project Area may take place within any portion of the Project Area, which encompasses over 3,340 acres within the City of Oakland. It is not possible, due to the lack of specificity contained within the Redevelopment Plan itself, to determine projected sub-basin wastewater flows as compared to sub-basin allocations. However, as individual projects are proposed pursuant to implementation of the Redevelopment Plan, these individual projects will be reviewed for conformity with sewer sub-basin allocations.

The conclusion that is reached in this EIR that adequate wastewater treatment capacity is available to serve new development within the Project Area is derived from the City of Oakland General Plan LUTE EIR. The LUTE EIR (City of Oakland 1998, page IIID-9) states that; *“Development consistent with the LUTE would result in an increase in flows to the regional wastewater treatment plant. Because the LUTE projects a lower increment of growth than was assumed by EBMUD in its own projections for wastewater flows, the impact is less than significant.”* All new development pursuant to the Redevelopment Plan must be consistent with the General Plan, and therefore consistent with the wastewater flow projections contained therein.

***Response to Comment E-9:***

Comment noted, and this change has been made in this Final EIR. See Chapter 4: Text Revisions for modifications to page 9-3.

***Response to Comment E-10:***

Comment noted, and this change has been made in this Final EIR.

***Response to Comment E-11:***

The Redevelopment Plan is intended as an implementation tool of the Oakland General Plan. All projects, programs and other implementation activities pursuant to the Redevelopment Plan are subject to all City of Oakland plans, policies and regulations; including Article 10 of the Oakland Municipal Code.

***Response to Comment E-12:***

Comment and included recommendations are noted. EBMUD will be included in meetings where issues relevant to EBMUD statutory authority are discussed.



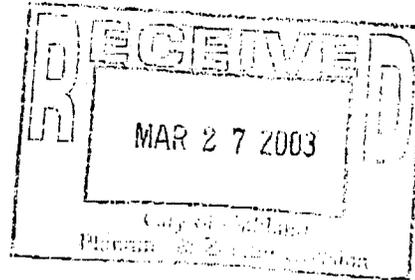
Gray Davis  
Governor

STATE OF CALIFORNIA  
Governor's Office of Planning and Research  
State Clearinghouse



Tal Finney  
Interim Director

March 24, 2003



Claudia Cappio  
City of Oakland Redevelopment Agency  
250 Frank Ogawa Plaza, Suite 3330  
Oakland, CA 94612-2032

Subject: Central City East Redevelopment Plan DEIR  
SCH#: 2002042071

LETTER F

Dear Claudia Cappio:

The State Clearinghouse submitted the above named Draft EIR to selected state agencies for review. On the enclosed Document Details Report please note that the Clearinghouse has listed the state agencies that reviewed your document. The review period closed on March 21, 2003, and the comments from the responding agency (ies) is (are) enclosed. If this comment package is not in order, please notify the State Clearinghouse immediately. Please refer to the project's ten-digit State Clearinghouse number in future correspondence so that we may respond promptly.

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

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

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

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

Sincerely,

Terry Roberts  
Director, State Clearinghouse

Enclosures  
cc: Resources Agency

F-1

**SCH#** 2002042071  
**Project Title** Central City East Redevelopment Plan DEIR  
**Lead Agency** Oakland, City of

**Type** EIR Draft EIR

**Description** The City of Oakland has prepared a redevelopment plan for a substantial portion of Central and East Oakland (identified as the Central City East Project.) This plan contains redevelopment policies and objectives and general projects, programs and other activities to be undertaken in furtherance of the Redevelopment Plan. These projects, programs and activities are described in a programmatic manner and are not site specific. The Redevelopment Plan provides a basic framework and process within which specific programs and projects will be established and implemented over an approximately 25 year planning period or until the year 2025.

**Lead Agency Contact**

**Name** Claudia Capplo  
**Agency** City of Oakland Redevelopment Agency  
**Phone** 510.238.2229  
**email**  
**Address** 250 Frank Ogawa Plaza, Suite 3330  
**City** Oakland  
**State** CA **Zip** 94612-2032  
**Fax**

F-2

**Project Location**

**County** Alameda  
**City** Oakland  
**Region**  
**Cross Streets** I-880 and Foothill and MacArthur Boulevards  
**Parcel No.**

Township	Range	Section	Base	USGS

**Proximity to:**

**Highways** I-580, I-880  
**Airports** Oakland International  
**Railways**  
**Waterways** Pakland Estuary  
**Schools** Yes  
**Land Use** Residential  
 Commercial  
 Industrial  
 Public/Quasi-Public

**Project Issues** Air Quality; Archaeologic-Historic; Geologic/Seismic; Noise; Population/Housing Balance; Public Services; Recreation/Parks; Soil Erosion/Compaction/Grading; Toxic/Hazardous; Traffic/Circulation; Water Quality; Water Supply; Landuse

**Reviewing Agencies** Resources Agency; Department of Conservation; Department of Fish and Game, Region 3; Office of Historic Preservation; Department of Parks and Recreation; San Francisco Bay Conservation and Development Commission; Caltrans, Division of Aeronautics; California Highway Patrol; Caltrans, District 4; Department of Housing and Community Development; Regional Water Quality Control Board, Region 2; Department of Toxic Substances Control; Native American Heritage Commission; State Lands Commission

**Date Received** 02/05/2003 **Start of Review** 02/05/2003 **End of Review** 03/21/2003

Note: Blanks in data fields result from insufficient information provided by lead agency.



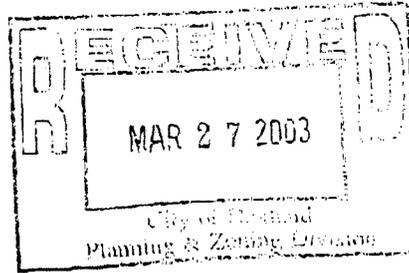
Gray Davis  
Governor

STATE OF CALIFORNIA  
Governor's Office of Planning and Research  
State Clearinghouse



Tal Finney  
Interim Director

March 25, 2003



Claudia Cappio  
City of Oakland Redevelopment Agency  
250 Frank Ogawa Plaza, Suite 3330  
Oakland, CA 94612-2032

LETTER G

Subject: Central City East Redevelopment Plan DEIR  
SCH#: 2002042071

Dear Claudia Cappio:

The enclosed comment (s) on your Draft EIR was (were) received by the State Clearinghouse after the end of the state review period, which closed on March 21, 2003. We are forwarding these comments to you because they provide information or raise issues that should be addressed in your final environmental document.

The California Environmental Quality Act does not require Lead Agencies to respond to late comments. However, we encourage you to incorporate these additional comments into your final environmental document and to consider them prior to taking final action on the proposed project.

Please contact the State Clearinghouse at (916) 445-0613 if you have any questions concerning the environmental review process. If you have a question regarding the above-named project, please refer to the ten-digit State Clearinghouse number (2002042071) when contacting this office.

Sincerely,

Terry Roberts  
Senior Planner, State Clearinghouse

Enclosures  
cc: Resources Agency

G-1

**Responses to Comment Letter “F” – State Clearinghouse – March 24, 2003**

***Response to Comment F-1:***

Comment noted.

***Response to Comment F-2:***

Comments are a project summary and no response is required.

**Responses to Comment Letter “G” – State Clearinghouse – March 25, 2003**

***Response to Comment G-1:***

Comment noted.



# Department of Toxic Substances Control



Edwin F. Lowry, Director  
700 Heinz Avenue, Suite 200  
Berkeley, California 94710-2721

Winston H. Hickox  
Agency Secretary  
California Environmental  
Protection Agency

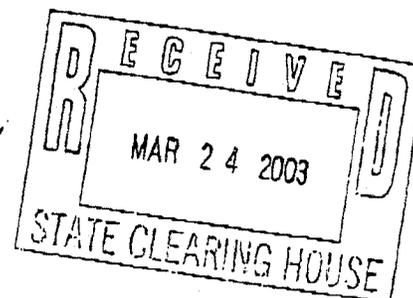
Gray Davis  
Governor

LETTER H

March 21, 2003

Ms. Claudia Cappio  
City of Oakland Community Economic and Development Agency  
250 Frank Ogawa Plaza, Suite 3330  
Oakland, California 94612-2032

*Clear  
3-24-03  
w/h  
e*



Dear Ms. Cappio:

Thank you for the opportunity to comment on the Draft Environmental Impact Report ("Report") for the Central City East Redevelopment Plan (SCH# 2002042071). As you may be aware, the California Department of Toxic Substances Control (DTSC) oversees the cleanup of sites where hazardous substances have been released pursuant to the California Health and Safety Code, Division 20, Chapter 6.8. As a Responsible Agency, DTSC is submitting comments to ensure that the environmental documentation prepared for this project to address the California Environmental Quality Act (CEQA) adequately addresses any required remediation activities which may be required to address any hazardous substances release.

The Redevelopment Plan does not contain specific proposals for redevelopment of individual sites. Instead, it presents a basic framework and a process within which specific projects and programs will be established and implemented over time. Please note that while the Oakland Urban Land Redevelopment Program described on pages 8-8 and 8-9 uses Risk Based Screening Levels (RBSLs) as part of their three-tiered approach to site investigation, DTSC will not endorse the use of RBSLs until the peer review process and adequate evaluation is complete as required by Senate Bill 32. In addition, while Section 8.5 of the Report presents a general process for identification and remediation of hazardous materials in soil and groundwater, a clarification is needed. Current DTSC policy requires that sites with residual contamination at levels which are not suitable for unrestricted land use have a recorded land use covenant (deed restriction). A letter of "conditional site closure" would not be issued. The purpose of the land use restriction is to protect public health and safety on contaminated land or surrounding propert(ies) when residual contamination remains. The deed restriction is one of the methods DTSC uses to protect the public from unsafe exposure to hazardous substances and meets the statutory requirements identified in Chapters 6.5, 6.8, and 6.85 of the California Health and Safety Code.

H-1

H-2

*The energy challenge facing California is real. Every Californian needs to take immediate action to reduce energy consumption. For a list of simple ways you can reduce demand and cut your energy costs, see our Web-site at [www.dtsc.ca.gov](http://www.dtsc.ca.gov).*

Ms. Claudia Cappio  
March 21, 2003  
Page 2

DTSC can assist your agency in overseeing characterization and cleanup activities through our Voluntary Cleanup Program. A fact sheet describing this program is enclosed. We are aware that projects such as this one are typically on a compressed schedule, and in an effort to use the available review time efficiently, we request that DTSC be included in any meetings where issues relevant to our statutory authority are discussed.

H-3

Please contact Ryan Miya (510) 540-3775 if you have any questions or would like to schedule a meeting. Thank you in advance for your cooperation in this matter.

Sincerely,



Barbara J. Cook, P.E., Chief  
Northern California - Coastal Cleanup  
Operations Branch

Enclosures

cc: without enclosures

Governor's Office of Planning and Research  
State Clearinghouse  
P.O. Box 3044  
Sacramento, California 95814-3044

Guenther Moskat  
CEQA Tracking Center  
Department of Toxic Substances Control  
P.O. Box 806  
Sacramento, California 95812-0806

**Responses to Comment Letter “H” – Department of Toxic Substances Control –  
March 21, 2003**

***Response to Comment H-1:***

Comment noted.

***Response to Comment H-2:***

Comment noted, and the appropriate change has been made in this Final EIR. See Chapter 4: Text Revisions for modifications to page 8-18.

***Response to Comment H-3:***

Comment noted and DTSC will be included in meetings where issues relevant to DTSC statutory authority are discussed.

Thruston e-mail

## **Responses to Comment Letter “I” – Tom Thurston – February 11, 2003**

### ***Response to Comment I-1:***

The projection of 10 new units for the Fruitvale subarea is the estimate for net new households within that specific subarea. A “household” can be a single-family unit, one unit in a multi-family structure, etc. The terms "households" and "dwelling units" are essentially interchangeable. Although the amount of projected net residential growth in this area is small; there are very few new housing opportunity sites in the Fruitvale subarea. There are many housing opportunity sites on the opposite side of International Boulevard and Foothill Boulevard that are not within the Central City East Redevelopment Project Area.

The projection of a net population growth of 180 people is a function of both new households as well as changing regional demographics pertaining to persons per household. For example, the Fruitvale subarea now has 6,490 households (or units) and a population of 25,830 - or a household population of approximately 3.98 persons per household. Under the future projection, the Fruitvale subarea is estimated to have 6,500 households (or units) and a population of 26,010 - or a household population of approximately 4.0 persons per household. This increase in the population per household factor is a function of regional and local demographic changes, and is consistent with ABAG's assumptions.

### ***Response to Comment I-2:***

The correct border between the two sub-areas is 55th Avenue, not 65th Avenue as noted in this comment.

### ***Response to Comment I-3:***

This comment raises a question regarding relocation obligations under the Redevelopment Plan. The specifics of relocation provisions are not considered an environmental impact under CEQA. However, under California Redevelopment Law the Agency could assist in business relocation either via physical relocation, or financial compensation.

### ***Response to Comment I-4:***

The current General Plan land use designation along High Street and an area one block on either side of High Street is Community Commercial. The Redevelopment Plan does not propose to 'change the land use designations of this area. The General Plan’s improvement strategy for this area (as shown on Figure 3-5 of the Draft EIR) is to "grow and change." This strategy anticipates that this area will undergo growth and change in the future, and that this change will primarily be the development of new community commercial types of land uses. This land use designation does not mean, nor does it specifically require that any existing uses in this area must change to community commercial. It simply means that new land uses that may be proposed must be consistent with uses allowed under this land use category.

**Phares**

## Responses to Comment Letter “J” – Ken Phares – March 28, 2003

### ***Response to Comment J-1:***

The City received this comment after the close of the public comment period, and this comment was not received in writing. The comment does not pertain to an environmental issue, but is instead a question about the allowable uses on a particular property. However, in response to the question, the Foothill Square shopping center site is designated under the General Plan Land Use and Transportation Element (LUTE) for Community Commercial use. As stated in the General Plan; “*Community Commercial areas may include neighborhood center uses and larger scale retail and commercial uses, such as auto-related businesses, businesses and personal services, health services and medical uses, education facilities, and entertainment uses. Community Commercial uses can be complemented by the addition of urban residential development and compatible mixed use development.*” [underline added]

**Summary of the City of Oakland Planning Commission hearing on the Draft EIR - March 5, 2003**

On March 5, 2003 the City of Oakland Planning Commission held a duly noticed and agendized public hearing for the purpose of receiving public comment and testimony on the Draft EIR. No speakers were in attendance on this item, and no comments were received. The Planning Commission did ask City staff several questions regarding the funding mechanisms authorized under the Redevelopment Plan, and how the boundaries of the Redevelopment Project area were established. However, the Planning Commission did not ask any questions or raise any comments about environmental issues or the Draft EIR document. Staff responded to those questions about the Redevelopment Plan itself, and no additional responses are necessary in this Final EIR regarding verbal comments from the hearing.

---

## Text Revisions

In response to comments received on the Draft EIR during the public review period, the following revisions in the text of the Draft EIR have been made:

### Text Revisions to Chapter 3: Project Description

Figure 3-4 (and other maps), the following changes to the text in the EIR shall be made:

Streets in this area are East 7<sup>th</sup>, East 12<sup>th</sup>, East 20<sup>th</sup>

Page 3-26, 2<sup>nd</sup> Paragraph: The text of the EIR shall be changed as follows:

The Redevelopment Plan contains a Historic Preservation Program. Under this program, portions of the Project Area that include historic resources and Potential Designated Historic Properties can be viable retail, commercial or residential properties through Agency-sponsored efforts such as...

### Text Revisions to Chapter 4: Land Use

Page 4-2, middle, the following changes in the text shall be made: This area, along with Fruitvale, was annexed into the City of Oakland in 1909.

Page 4-2, last paragraph, the following changes to the text of the EIR shall be made:

the northern end of the Project Area is bounded by Lake Merritt,

Page 4-5, next to last paragraph, the following changes in the text of the EIR shall be made:

East 12<sup>th</sup>, East 20<sup>th</sup>, East 27<sup>th</sup>

### Text Revisions to Chapter 8: Hazardous Materials

Page 8-18, number 4, the following changes have been made to the text of the EIR:

... For sites that were cleaned to levels that do not allow unrestricted land use, or where containment measures were used to prevent exposure to hazardous materials, DTSC policy requires a recorded land use covenant (deed restriction). The purpose of the land use restriction is to protect public health and safety on contaminated land or surrounding property(ies) when residual contamination remains.

## Text Revisions to Chapter 9: Public Infrastructure

Throughout the Draft EIR, use of the word “reclaimed” as it pertains to recycled water will be replaced with the word “recycled.”

Page 9-2, paragraph three, the following changes have been made to the text of the EIR:

However, during prolonged drought periods the Mokelumne River cannot meet all of EBMUD’s customer demands.

Page 9-2, paragraph four, the following changes have been made to the text of the EIR:

More recently, EBMUD and the County of Sacramento (in association with the City of Sacramento and with support from the U.S. Bureau of Reclamation) formed the Freeport Regional Water Authority to develop the joint water supply on the Sacramento River near Freeport.

Page 9-2, paragraph 5, the following changes have been made to the text of the EIR:

Water for this pressure zone is treated at the Orinda Water Treatment Plant in Orinda and the Upper San Leandro Water Treatment Plant in Oakland. This water is stored in the Central Reservoir and Duinsmuir Reservoir, where it then flows via gravity throughout the EBMUD water distribution system. Within the Project Area, EBMUD owns and maintains water distribution mains that provide water service to this area.

Page 9-3, ***Reclaimed Water***, the following changes have been made to the text of the EIR:

... Reclaimed water therefore provides a stable source of non-potable water not subject to rationing for landscape irrigation and other potential uses. EBMUD’s Policy 73 requires that customers use non-potable water from 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 life, fish and wildlife to offset demand on EBMUD’s limited potable water supply. In January 2002, the City Council of Oakland adopted a dual plumbing ordinance, requiring new developments within the City to use recycled water provided by EBMUD and install dual plumbing systems for appropriate recycled water uses if recycled water will be available. The Eastlake/San Antonio Project Subarea is located within the service area boundary of EBMUD’s East Bayshore Recycled Water Project and within a City-designated water reuse zone. EBMUD anticipates recycled water delivery to the Eastlake/San Antonio Project Subarea within the next 10 years and recommends that developers within the Eastlake/San Antonio Project Subarea consult with the City of Oakland regarding requirements to install dual plumbing for the use of

recycled water for appropriate purposes such as landscape irrigation. The Fruitvale, Central East, and Elmhurst Project Subareas are located outside the service area boundaries of any EBMUD's recycled water projects.

Page 9-8, Action CO-4.1, the following changes have been made to the text of the EIR:

*Action CO-4.1: Implement the water conservation strategies and programs outlined in the 2000 EBMUD Urban Water Management Plan at the local level. Develop a strategy to reduce the City's water consumption by 20% by year 2005.*

Page 9-9, Wastewater Collection, the following additions have been made to the text of the EIR:

There has not only been an increase in system-wide water demand since that time, but new fire flow requirements have also increased substantially, requiring greater amounts of water at higher pressures to be delivered throughout the system. In order to meet these requirements, localized pipeline extensions or replacements may be required on a site-specific, project-by-project basis. If pipeline extensions are necessary or replacement/upgrades of existing pipeline are required for implementation of the Redevelopment Plan's projects, programs and other activities, the costs will be absorbed by the applicant.

Page 9-10, top of the page, the following additions have been made to the text of the EIR:

However, these fees may not fully offset the full costs of required improvements. When capital improvements for projects, programs, and other activities pursuant to the Redevelopment Plan are being assessed, the involved sponsor should contact the Wastewater Planning Section to coordinate with EBMUD for this work.

Page 9-10, Mitigation Measure 9.2, the following changes have been made to the Mitigation Measure 9.2:

Page 9-10, Mitigation Measure 9.2;

**Mitigation Measure 9.2:** Major new development projects pursuant to or in furtherance of the Redevelopment Plan shall be reviewed to determine projected water and wastewater loads as compared to available capacity. This review should address the replacement or rehabilitation of the existing sanitary sewer collection system to prevent an increase in I/I in the sanitary sewer system. The main concern is the increase in total wet weather flows, which could have an adverse impact if the flows are greater than the maximum allowable flows from this subbasin, as defined by the City of Oakland Public Works Department. Where appropriate, determine capital improvement requirements, fiscal impacts and funding sources prior to project approval.

## Text Revisions to Chapter 11: Cultural and Historic Resources

Figure 11-1 (DHP map): The following text shall be added to the source of the figure:

Updated from the Planning Department's Landmarks & National Register lists.

Page 11-6, National Register List, the text of the EIR shall be deleted as follows:

Page 11-6, City of Oakland Landmarks list, intro paragraph, the following text shall be added to the Draft EIR:

In addition to the National Register properties (most of which are also Oakland Landmarks)...

Page 11-9, Under Potential Designated Historical Properties, the following paragraph shall be added to the EIR:

Although "C" and lesser-rated Potential Designated Historic Properties (PDHPs) are not included in the Local Register for purposes of environmental review under CEQA, City-sponsored or assisted projects are held to a higher standard per Policy 3.6 of the Preservation Element and the Historic Preservation Element policy encourages applicants for City-assisted projects to submit proposals consistent with preservation goals rather than demolition or relocation. A map of PDHPs in the Project area is attached as Figures 11-2 and 11-3.

Figures 11-2 and 11-3 are included at the end of this chapter.

Page 11-9, Under Potential Designated Historic Properties, first bullet, the text of the EIR shall be modified to read:

- Six areas within the Project Area, (see attached Figures 11-4 and 11-5) have been identified as Areas of Primary Importance (two large districts and four complexes containing a total of 54 buildings). As discussed more thoroughly in the Regulatory Setting section, these areas are historically or visually cohesive areas or property groupings that appear eligible for the National Register of Historic Places.

Figures 11-2 and 11-3 are included at the end of this chapter.

Page 11-10, middle, the following changes shall be made to the text of the EIR:

Over 80% of the project area's Victorian buildings (approximately 836 buildings) are located in the City's San Antonio planning area.

Page 11-10, last paragraph, the following changes shall be made in the text of the EIR:

A combined list of designated and identified Local Register properties in the Project area, totaling approximately 185 properties, is included as Appendix G.

Page 11-12, footnote 5, the following text shall be added to the footnote of the EIR:

<sup>5</sup> These criteria are set forth in Sections 15064.5 and 15126.4 of CEQA Guidelines.

Page 11-13, first paragraph, last line, the following changes shall be made in the text of the EIR:

Landmarks are protected by Landmark Board review of exterior alterations, and demolition of landmarks can be delayed by up to 240 days.

Page 11-14, the following changes shall be made to the text of the EIR:

The Historic Preservation Element (Policy 2.5) creates...

Page 11-14, **Potential Designated Historic Properties**, the following addition to paragraph shall be made:

...Properties with contingency ratings are classified as PDHPs to highlight their value as restoration opportunities and encourage their rehabilitation and preservation. District contributors and potential contributors are classified as PDHPs to promote preservation of Oakland's distinctive neighborhoods and districts.

Page 11-14, **Regulatory and Policy Setting, City of Oakland Regulatory and Policy Setting**, the following text shall be added to the EIR:

Following the Local Register section on page 11-4, the following shall be inserted:

The Preservation Element chapter on "Preservation and Ongoing Activities" requires conditions for City-owned properties and for any projects receiving city financial assistance or transfer of title, on properties or projects involving existing or Potential Designated Historic Properties.

*Policy 3.2: Historic Preservation and City-Owned Properties. To the extent consistent with other Oakland General Plan objectives, the City will ensure that all City-owned or controlled properties warranting preservation will, in fact, be preserved. All City-owned or controlled properties which may be eligible for Landmark or Heritage Property Designation or as contributors to a Preservation District will be considered for such designation.*

*Properties held by the City for purposes of subsequent disposition will be exempt from this policy but shall be subject to Policy 3.3.*

*Policy 3.3: Designated Historic Property Status for Certain City-Assisted Properties. To the extent consistent with other General Plan Goals, Policies and Objectives, as a condition for providing financial assistance to projects involving existing or Potential Designated Historic Properties, the City will require that complete application be made for such properties to receive the highest local designation for which they are eligible prior to the issuance of a building permit for the project or transfer of title (for City-owned or controlled properties), whichever comes first.*

*However, Landmark or Preservation District applications will not be required for projects which are small-scale or do not change exterior appearance.*

The Preservation Element chapter on “Preservation and Ongoing Activities” addresses city acquisition for historic preservation.

*Policy 3.4: City Acquisition for Historic Preservation Where Necessary. Where all other means of preservation have been exhausted, the City will consider acquiring, by eminent domain if necessary, existing or Potential Designated Historic Properties, or portion thereof, in order to preserve them. Such acquisition may be in fee, as conservation easements, or a combination thereof.*

The Preservation Element chapter on “Preservation and Ongoing City Activities” applies to Local Register properties as well as to the broad category of Potential Designated historic Properties. Policy 3.6 and Action 3.6.1 address historic preservation and city-sponsored or assisted projects. These policies outline use of a stricter standard for City Projects, extending Federally funded requirements under the National Historic Preservation Act to City funded projects and to City projects that involve existing or Potential Designated Historic Properties that are not eligible for the National Register.

*Policy 3.6: Historic Preservation and City-Sponsored or Assisted Projects. To the extent consistent with other Oakland General Plan provisions, City-sponsored or assisted projects involving an existing or Potential Designated Historic Property, except small-scale projects, will:*

- (a) be selected and designed to avoid or minimize adverse effects on these properties and to promote their preservation and enhancement;*
- (b) Incorporate preservation efforts based in part on the importance of each property;  
and*
- (c) Be considered to have no adverse effects on these properties if they conform with the Secretary of the Interior’s Standards for the Treatment of Historic Properties.*

*The City will encourage applicants for City-assisted projects to submit proposals consistent with this policy.*

*Action 3.6.1: Evaluation and Selection Procedures for City-Sponsored or Assisted Projects. Develop or modify evaluation and selection procedures for City-sponsored or assisted projects that appropriately balance historic preservation with other priorities.*

As a last resort, the Preservation Element chapter on “Preservation and Ongoing Activities” requires reasonable efforts to be made to relocate properties from projects involving potential demolition of existing or Potential Designated Historic Properties. Action 3.7.2 below states property relocation procedures for city-sponsored or assisted projects.

*Action 3.7.2: Property Relocation Procedures for City-Sponsored or Assisted Projects. Issue an Administrative Instruction establishing property relocation procedures for City-sponsored or assisted projects involving existing or Potential Designated Historic Properties.*

Page 11-15, first bullet, the following shall be added to the text of the Draft EIR:

...plus the symbol “□” indicating properties not rated, recent or modernized.

Page 11-15, third bullet, the following changes shall be made to the text of the Draft EIR:

...however remodeled buildings that are potential contributors to the ASI...

Page 11-18, Mitigation Measure 11-2: The following revision to Mitigation Measure 11.2 is made to ensure consistency with CEQA Guidelines:

- **Mitigation Measure 11.2:** In accordance with CEQA Section 15064.5, should previously unidentified cultural resources be discovered during construction, the project sponsor is required to cease work in the immediate area and an immediate evaluation of the find should be conducted by a qualified archaeologist. If the find is determined to be an historic or unique archaeological resource, contingency funding and a time allotment sufficient to allow for implementation of avoidance measures or appropriate mitigation should be available. Work may continue on part of the building site while historic or unique archaeological resource mitigation takes place.

Page 11-18, Potential Impact 11.3:

**Potential Impact 11.3:** The Redevelopment Plan, as an implementation tool of the General Plan, does not propose any specific removal or alteration of historic structures, although the estuary policy Plan foresees possible removal of the 9<sup>th</sup> Avenue Terminal building. However, future redevelopment activities may increase economic pressures to remove or demolish older buildings, potentially including historic properties within the Project Area. While removal and/or substantial alteration of historic properties would be considered a significant environmental effect, this potential effect would be reduced to *less-than-significant* levels through implementation of existing City policies and regulations, and with the implementation of special programs and activities as part of the redevelopment Plan and as set forth in the following section of this EIR.

Page 11-22, third bullet, the following changes shall be made to the text of the Draft EIR:

Existing policy (HPE Policy 3.2) provides that...

Page 11-22, under “Other Potential Benefits of Redevelopment”, the following recommendation is added:

The Redevelopment Plan includes a Historic Preservation Program. Under this program, Agency-sponsored efforts such as Historic Façade Improvements, Unreinforced Masonry Grants and other Agency assistance may be used to make significant historical buildings into viable retail, commercial or residential properties. The program can both preserve important resources and provide for the reuse of underutilized or vacant properties. In addition to these Agency-sponsored programs, this EIR recommends the following specific programs and activities be included as part of the Redevelopment Plan’s

Implementation Plan to implement the Historic Preservation Element provisions within the Central City East Redevelopment Project Area:

**Implementation Programs and Actions in Furtherance of Historic Preservation:**

1. For any project receiving assistance from the Redevelopment Agency within the Central City East Redevelopment Project Area, a standard requirement shall be instituted to complete an intensive historic survey of the project site and the surrounding area.
2. As part of the first Implementation Plan for the Central City East Redevelopment Plan, the Agency shall identify potential sites to relocate historic resources that may be displaced by redevelopment projects or activities.
3. If redevelopment projects within the Central City East Redevelopment Project Area involve the demolition of multiple historic resources, the Agency will consider acquiring a site for relocation of such structures.
4. As part of the first implementation Plan for the Central City East Redevelopment Plan, the Agency shall fund a Mills Act study for the Central City East Redevelopment Project Area.

---

## EIR Preparation

### REPORT PREPARERS

#### City of Oakland Redevelopment Agency Staff

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*Air Quality, Noise, Hazardous Materials, Hydrology and Geology*

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Oakland, CA 94612

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Principal:	Valerie Geier
Climatologist:	Hans Giroux
Geologist:	Mary Lucas McDonald

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Archaeo/Historian:	Leigh Martin