FINAL ENVIRONMENTAL IMPACT REPORT

WEST OAKLAND REDEVELOPMENT PLAN

City of Oakland,
Oakland Redevelopment Agency

State Clearinghouse # 2002072065

Prepared by Lamphier-Gregory
1944 Embarcadero
Oakland, CA 94606

In association with:

Dowling Associates, Inc.
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Introduction

1.1 Project Overview

The City of Oakland has designated a substantial portion of West Oakland as a new Redevelopment Project Area (Project Area), and is now considering adoption of a Redevelopment Plan for this Project Area. The Redevelopment Agency of the City of Oakland (Agency), in consultation with the West Oakland Project Area Committee (WOPAC) has prepared the *Redevelopment Plan for the West Oakland Project Area* (Redevelopment Plan). The Redevelopment Project Area is located in western Oakland, in the San Francisco Bay Area of California.

The Redevelopment Plan is the Project to be evaluated in this Environmental Impact Report (EIR). The Redevelopment Plan itself is not a precise plan. The projects, programs and 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 redevelopment projects, programs and other activities will be established and implemented over time. Redevelopment implementation activities are anticipated to continue throughout a 30-year redevelopment period. For purposes of this EIR, implementation of the Redevelopment Plan is projected over an approximately 20-year planning horizon, to the year 2025.

1.1.2 Type of EIR

Program EIR

Based on the findings of the Initial Study, the City of Oakland determined that an EIR was appropriate and necessary for this project. The *California Environmental Quality Act* (Public Resources Code 21090 and CEQA Guidelines, Sections 15168 and 15180) provides that an EIR on a Redevelopment Plan (as is the case for this EIR) shall be treated as a "Program EIR". A Program EIR is intended addresses a series of actions that may be considered one large project. Typically these actions are related by geography, they 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 will have similar effects that can be mitigated in similar ways.

This Program EIR is intended to provide the City of Oakland, as Lead Agency, with an opportunity to address the potential environmental consequences associated with a broad range

of actions pursuant to implementation of the Redevelopment Plan. This Program EIR also enables consideration of these cumulative effects as a whole, provides a discussion of broad policy alternatives, and enables a reduction in duplication of efforts and paperwork for subsequent projects (see further discussion below under Subsequent Projects). This Program EIR is not as detailed as an EIR on a specific construction project. The degree of specificity required in this EIR is more broad and general, and is focused on the secondary effects associated with implementation activities expected to follow from adoption of the Redevelopment Plan. This level of specificity corresponds to the less precise nature of the Redevelopment Plan itself, and is consistent with CEQA Guidelines for preparation of a programmatic EIR as provided under Section 15146 of the Guidelines.

1.2 Purpose of the EIR

1.2.1 Draft EIR

The Draft Environmental Impact Report (DEIR) published and submitted for public review on June 10, 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 July 25, 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) 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.

1.2.2 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 July 16th 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.

1.2.3 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 West Oakland 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 related to implementation of the Redevelopment Plan 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.

1.2.4 Use of this EIR for Subsequent Projects

Once certified, this West Oakland 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.

1.3 Public Review

The Draft EIR was circulated for a 45-day public review period that closed July 25, 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 July 16th 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.

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)].

1.4 Content 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 and Reporting 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 EIR has been modified, with changes as indicated.

Chapter 4: Text Revisions to the Draft EIR - 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: EIR Preparation - Contains a listing of the persons responsible for preparation of this EIR and persons and agencies consulted.

1.5 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:

- *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 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.

1.6 Master Responses to Frequent Comments on the DEIR

1.6.1 Type of EIR

The Redevelopment Plan is defined as a "project" for purposes of CEQA. The EIR is a program EIR, prepared in accordance with public Resources Code Section 21090 and the other requirements of CEQA and the CEQA Guidelines. This approach is consistent with the recent amendments to Public Resources Code Section 21090, which specify that an EIR for a redevelopment plan specify the type of EIR that has been prepared.

The EIR will be used as a primary source of information upon which to evaluate potential environmental impacts of future projects, programs or other activities. As noted in the EIR's Project Description (page 3-17) there are four key strategies, described at a general or programmatic level of detail, that constitute the programs, policies and actions under the Redevelopment Plan. They are; affordable housing improvement programs; public infrastructure improvement plans; assistance with property redevelopment; and provision of incentive-based development programs. The Draft EIR also expressly states the intended uses of the EIR on page 1-2.

The EIR provides a programmatic level of analysis since a more detailed analysis is not reasonably feasible at this juncture. No specific development proposals or land use changes are proposed for the redevelopment area. The need for further CEQA review in connection with any such proposals will be determined when, and if, development proposals are brought before the City, all in accordance with CEQA requirements.

The EIR contains sufficient detail and analysis to inform the public about the potentially significant impacts of the West Oakland Redevelopment Plan. As noted above, the EIR is a program EIR, prepared in accordance with CEQA's requirement for a program level of analysis and the EIR analyzes the reasonably foreseeable environmental effects of the Plans' implementation, applying the greatest level of detail reasonably feasible at this time. This level of detail fully complies with CEQA requirements regarding the degree of specificity with the underlying general programs and activities that are identified as the actions under the West Oakland Redevelopment Plan (CEQA Guidelines Section 15146).

This redevelopment Plan will not function as a land use plan, such as that of a General Plan or Specific Plan. The Redevelopment Plan is a tool that facilitates implementation of the existing General Plan; it does not authorize deviations from the general Plan. The Redevelopment Plan does not authorize any land use changes, confer any entitlements or commit the City with respect to any land use actions other than as specified and previously approved in the existing General Plan. While it is hoped that the Redevelopment Plan will facilitate achievement of General Plan-approved land uses, no specific sites for redevelopment or development proposals that might be fostered by the Redevelopment Plan have been presented to the City.

The proposed Redevelopment Plan's general level of specificity, which is consistent with state law requirements for a redevelopment plan, dictate the program level of analysis contained in the EIR. Without information that is not currently available for specific sites, it is not reasonably feasible to provide a detailed level of analysis of individual parcels in the area. Such analysis would involve considerable speculation and would not provide meaningful information to the public or decision-makers.

1.6.2 Blight Study and Redevelopment Issues

Redevelopment law requires the City Council to make certain findings with respect to blight conditions in a proposed project area before a redevelopment plan is adopted. Among these, the Council must find that one or more physical and economic blight conditions exist in the project area, and that the project is "an area in which the combination of [blight] conditions . . . is so prevalent and so substantial that it causes a reduction of, or lack of, proper utilization of the area to such an extent that it constitutes a serious physical and economic burden on the community which cannot reasonably be expected to be reversed or alleviated by private enterprise or governmental actions, or both, without redevelopment" (Health and Safety Code Section 33030).

The blight question centers on whether conditions of blight predominate or prevail over the entire project area. Not every part of a proposed project area must be determined as blighted. The Redevelopment Agency is not required to demonstrate that blight conditions exist for each property, each block, or each neighborhood within a project area. Redevelopment law specifically allows inclusion of land and buildings that are not blighted if they are necessary for the effective redevelopment of the project area and are not included merely for tax increment revenue purposes (Health and Safety Code Section 33321).

The blight study for the West Oakland redevelopment Project (Hausrath Economics Group, February 27, 2002) concluded that the evidence collected in the Project Area clearly demonstrates a prevalent and substantial combination of blighting conditions. The consultants found evidence of the physical and economic blighting conditions identified in redevelopment law are prevalent in the West Oakland Project Area. The consultants further concluded that the Project Area is underutilized and burdens the community because of such conditions, and that blight cannot be reversed or alleviated without redevelopment.

Many of the blight factors noted in the report were analyzed at a Project Area level, so it would not be possible to determine which specific factors apply to nay particular neighborhood in the Project Area. However, the City is not required by redevelopment law to show that any particular neighborhood is blighted; only that it is part of an overall Project Area that meets the blight test. Blight conditions must be shown to prevail throughout the Project Area, but not necessarily be present on each individual parcel. Non-blighted properties may also be included in a project Area unless they are included only for tax increment revenue purposes.

1.6.3 Eminent Domain

Although the application of eminent domain is used very infrequently by the Oakland Redevelopment Agency, there is a general interest in the function and application of eminent domain in redevelopment plans. However, the West Oakland Redevelopment Plan also includes

limitations on the Agency's eminent domain authority, especially in regard to eminent domain for single family owner occupied properties, and there are numerous protections for other property owners and occupants in eminent domain law.

It should be noted that redevelopment does not necessarily mean the conversion of existing uses to different uses. The West Oakland redevelopment Plan and Implementation Plan both include many goals, objectives, programs and policies that provide for the preservation and rehabilitation of properties to maintain and enhance their present use and occupancy. Particularly given the extent and integrity of the historic properties in West Oakland, as described in Chapter 11 of the DEIR.

There is nothing in the West Oakland Redevelopment Plan that requires the use of the Agency's eminent domain authority against a particular property. Eminent domain is in fact rarely used by the Agency, and most redevelopment activities never involve this authority. In addition, nothing in the Plan provides that eminent domain authority, if exercised, may be used only to convert a property to another ruse. For example, the Agency could acquire a property through eminent domain for the public purpose of rehabilitating that property in order to maintain its present use.

1.6.4 Blight Removal through Redevelopment

The blight study looked at existing conditions in the Project Area in their present use, and concluded that they exhibited conditions of both economic and physical blight. The blight findings are rooted in conditions as they exist now in the Project Area, and are not based on the simple notion that a better use may be possible. The West Oakland Redevelopment Plan and its Implementation Plan both include policies and programs to assist the preservation and enhancement of existing small businesses. The Plan and implementation Plan are, in general, to retain existing businesses and stimulate opportunities for adaptive reuse and preservation of existing building stock in the Project Area.

The overall benefits of redevelopment to the community include preventing and eliminating blight, improving community facilities and public infrastructure, preserving historic structures, and assisting homeowners and small businesses in rehabilitating their properties.

2

Executive Summary, and Mitigation Monitoring and Reporting Program

2.1 Project Under Review

The City of Oakland has designated a substantial portion of West 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 West Oakland 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 40-year redevelopment period. The 40-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.

2.1.1 Project Area

The Project Area lies to the northwest of Oakland's central business district, immediately southeast of the eastern landing of the Oakland-San Francisco Bay Bridge, and just inland of the Port of Oakland's maritime operations along the San Francisco Bay and Oakland Estuary. The Project Area is approximately 1,546 acres in size, and includes all of the remaining portions of West Oakland not currently within a redevelopment area. The Project Area is bounded on the north by 40th Street and the Oakland/Emeryville city limits; on the east by I-980 and Union Street; on the south by 18th Street and Middle Harbor Road; and on the west by Pine and Wood Streets. The recently established Oakland Army Base Area Redevelopment Project Area is to the immediate west, the older Acorn and Oak Center Redevelopment Project Areas are to the east, and the Broadway/MacArthur/San Pablo Redevelopment Project Area is to the northeast.

For the purpose of Redevelopment Plan development and implementation, the Project Area has been divided into three 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 three subareas include:

- Prescott/South Prescott Subarea
- Clawson/McClymonds/Bunche Subarea
- Hoover/West MacArthur East Subarea

2.1.2 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 are the Project goals and objectives of the Redevelopment Plan, as developed through public input and deliberations of the WOPAC. These goals and objectives are broadly drafted and address the blighting influences that hamper renewal. These project objectives are also intended to attain the purposes of the California Redevelopment Law.

1. Improve the quality of housing by assisting new construction, rehabilitation, and conservation of living units in the Project Area.
2. Maintain and improve the condition of the existing affordable housing in the Project Area.
3. Increase opportunities for home ownership in the Project Area.
4. Develop renter stabilization strategies that encourage and assist renters to remain in the Project Area.
5. Mitigate and reduce conflicts between residential and industrial uses in the Project Area.
6. Provide streetscape improvements, utility undergrounding, open-space and community facilities to enhance neighborhood quality and foster economic and neighborhood vitality.
7. Support recreation, education, healthcare and programs for all members of the Project Area community, especially youth, seniors and disabled persons.
8. Improve public safety for people living and working in the Project Area.
9. Restore blighted properties in the Project Area.
10. Assist neighborhood commercial revitalization, and attract more uses that serve the local community including neighborhood-serving retail.

11. Retain existing businesses and attract new businesses to Project Area locations designated for business activity; promote economic development of environmentally sound, light industrial and commercial uses.

12. Increase employment opportunities for Project Area residents.

13. Facilitate economic development by improving and rehabilitating substandard buildings and targeting infill on vacant lots on commercial corridors in the Project Area.

14. Minimize/eliminate environmental hazards within the Project Area.

15. Improve infrastructure, transportation, and public facilities throughout the Project Area.

16. Incorporate ongoing community participation in the redevelopment process so residents of all income and wealth levels, geographic areas, language groups and ages have opportunities to learn about and participate in the redevelopment decision-making process.

17. Promote equitable development that benefits the residents of the Project Area and minimizes the displacement of current residents and businesses.

18. Maintain the mixed-use character of the Project Area in a manner equally beneficial to both businesses and residents.

19. Preserve and enhance existing residential neighborhoods and core industrial and commercial areas.

20. Not encourage or support block-busting development, developments that demolish historically significant structures that can be rehabilitated, or developments which destroy the positive functioning character of existing areas.

21. Support and recognize the benefit of new residents and incomes that can be encouraged through market-rate development and done without displacing existing residents or businesses or destroying the existing cultural assets of the area.

22. Encourage and assist the rehabilitation of historically significant properties to avoid demolition or replacement.

23. Relocate displaced residents or businesses, whenever possible and feasible and with their consent, within the Project Area.

24. Not concentrate any affordable housing as stand-alone high density projects, but rather as infill projects on scattered sites and/or mixed-income projects.

25. Improve street configuration on main arterials and their relationship to the surrounding neighborhoods; implement urban design programs for street improvements such as center dividers, bulb-outs, tree planting, and landscape improvements.

26. Establish an ongoing communication with the Oakland Housing Authority concerning its role and responsibility to see that scattered sites undergo design upgrades, reconstruction, and improved general maintenance.

27. Promote sustainable development and "green building" practices.

28. Facilitate through technical assistance the implementation of the goals of the Redevelopment Plan.

29. Not relieve any governmental agency or department of its responsibilities.

2.1.3 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:

- Affordable housing and general housing improvements;
- public and civic infrastructure, and environmental improvements; and
- improvements to commercial and industrial areas and business activities, and increased opportunities to foster environmentally sound businesses; and
- incentive-based development programs.

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 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 1,838 net new households,
- an increase in population of approximately 4,209 people, and
- approximately 3,184 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 Household, Population and Employment Growth within the West Oakland Redevelopment Area, 2000 to 2020

Subarea	2000	2020	Predicted Change
Households			
Prescott/South Prescott	2,000	2,775	+775 (28%)
Clawson/McClymonds/Bunche	2,380	3,240	+860 (26%)
Hoover/West MacArthur	2,440	2,650	+210 (8%)
Total Project Area	6,820	8,650	+1,830 (21%)
Population Growth			
Prescott/South Prescott	6,095	7,964	+1,869 (23%)
Clawson/McClymonds/Bunche	7,043	8,906	+1,863 (21%)
Hoover/West MacArthur	7,165	7,642	+477 (6%)
Total Project Area	20,303	24,512	+4,209 (17%)
Employment			
Prescott/South Prescott	3,853	5,176	+1,323 (26%)
Clawson/McClymonds/Bunche	7,605	9,288	+1,683 (18%)
Hoover/West MacArthur	1,626	1,804	+178 (10%)
Total Project Area	13,084	16,268	+3,184 (20%)

Source: Hausrath Economics Group (2002b), as derived from Census 2000 and the City of Oakland's Cumulative Growth Scenario, 12/17/02.

2.2 Approach to the EIR

This is a Program EIR, prepared in accordance with CEQA including, without limitation, Public Resources Code 21090. Therefore this EIR examines, at a program level, the potential environmental effects associated with all projected growth and development within the Project Areas that may benefit from redevelopment actions. This EIR provides program level assessment of all reasonably foreseeable aspects of the establishment of the Redevelopment Plan.

Areas of Controversy

During the public scoping process for this EIR, several specific areas of controversy were identified. These areas of controversy include environmental issues of:

- air quality and impacts on health,
- increases in vehicular traffic and traffic impacts, illegal and currently legal truck parking and truck travel on non-designated truck routes through Project Area neighborhoods,
- hazardous substances (i.e., diesel exhaust and acetaldehyde) that are generated within the Project Area, and existing hazardous wastes that are located within the Project Area and their effect on existing and future residents,
- existing and potential land use incompatibilities between residential and industrial uses, and
- eminent domain.

Comments from public agencies as to the scope of this 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).

Issues to be Resolved

The primary issue for consideration by the Oakland Redevelopment Agency is whether or not to adopt the Redevelopment Plan for West Oakland.

2.3 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.

2.3.1 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.

2.3.2 Significant and Unavoidable Impacts

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

Compatibility of Project-Related Population Increases in Proximity to Air Emissions

The projected population growth rate within the Project Area is greater than the projected population growth rate citywide. This increase in population could result in a disproportionate increase in the number of residential receptors in proximity to existing toxic air contaminants, pollutants and odor emission sources, and would increase the potential for future land use conflicts. Such land use conflicts would be a *significant unavoidable impact* of the Project (**Potential Impact 6.4.6**).

Contributions to Significant and Unavoidable Cumulative Impacts

Implementation of the Redevelopment Plan's projects, programs and other activities in and of itself may generate insignificant impacts related to the following topics but, in combination with other related past, present and future projects, may contribute to the following cumulatively significant and unavoidable impacts:

- cumulative traffic impacts at the intersection of San Pablo Avenue/40th Street in Emeryville (**Cumulative Impact 5.4.2**),
- cumulatively inadequate supply of parking for trucks serving the Port of Oakland (**Cumulative Impact 5.4.7**),
- cumulatively exceeding the BAAQMD significance criteria for NO_x and PM_{10} (**Cumulative Impact 6.4.8**), and
- cumulative noise increases along local streets affecting sensitive receptors (**Cumulative Impact 7.4.5**).

2.3.3 Alternatives to the Proposed Project

Several project alternatives to the LUTE have been analyzed in the General Plan LUTE. Those analyses have been incorporated by reference into this EIR. 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; and

- Three other alternatives that are defined as a narrowing-down of the range of financing, staffing and regulatory capabilities of the Redevelopment Agency within the Project Area to achieve greater implementation of one or more goals of the Redevelopment Plan, with potentially less implementation of other goals. These other alternatives include:
  - Alternative #1: Private Property Reinvestment and Revitalization,
  - Alternative #2: Public Infrastructure and Facilities Improvements, and
  - Alternative #3: Environmental Hazard Remediation.

The proposed Project (implementation of the Redevelopment Plan as proposed) is the only alternative that addresses alleviation of the full range of blighted conditions that exist within the Project Area. These blighted conditions include environmental hazards and toxic materials, public infrastructure and service deficiencies, and land use incompatibilities. Therefore, the proposed Project, including all mitigation measures recommended in this EIR, represents the environmentally superior alternative.

2.3.4 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.

MITIGATION MONITORING AND REPORTING PROGRAM

POTENTIAL IMPACTS	MITIGATION MEASURES AND RESULTING LEVEL OF SIGNIFICANCE		MONITORING RESPONSIBILITY	MONITORING TIMEFRAME
Project-Specific Impacts and Mitigation Measures:				
Land Use				
No potentially significant impacts identified.	None needed.	*No impact*		
Transportation				
No Potentially Significant Impacts Identified	None needed	*Less than Significant*		
Air Quality				
Potential Impact 6.4.5: Construction Emissions. 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.	**Mitigation Measure 6.4.5A: Construction Emission Controls.** Contractors for future development projects pursuant to implementation of the Redevelopment Plan shall implement BAAQMD dust control measures as outlined in BAAQMD *CEQA Guidelines* (1999) or any subsequent applicable BAAQMD updates. More details regarding this measure are included in Chapter 6 of the EIR.	*Less than Significant*	Contractors for future development projects pursuant to implementation of the Redevelopment Plan shall implement dust control measures. City of Oakland Building Inspector responsible for rmonitoring.	During construction
Potential Impact 6.4.6: Compatibility of Population Growth and Air Quality. Projected population growth in the Project Area would increase at a higher rate than projected citywide growth. This	**Mitigation Measure 6.4.6A: BAAQMD TCMs.** Major new development projects pursuant to or in furtherance of the Redevelopment Plan shall fund on a fair share basis (as appropriate) some or all of the following BAAQMD-recommended feasible Transportation Control Measures (TCMs) for	*Significant and Unavoidable*	City of Oakland Building Services and Planning Division	Prior to issuance of a building permit

POTENTIAL IMPACTS	MITIGATION MEASURES AND RESULTING LEVEL OF SIGNIFICANCE		MONITORING RESPONSIBILITY	MONITORING TIMEFRAME
disproportionate increase could result in more residents being located in proximity to pollutant emission and odor sources, which could increase land use compatibility problems.	reducing vehicle emissions from commercial, institutional, and industrial operations. Alternatively, at the Redevelopment Agency's sole discretion, redevelopment funds could potentially be used to subsidize these fair-share funding contributions or to implements these measures. More details regarding this measure are included in Chapter 6 of the EIR.			
	Mitigation Measure 6.4.6B: CAP TCMs. Major new development projects pursuant to or in furtherance of the Redevelopment Plan shall fund on a fair share basis (as appropriate) some or all of the following *Clean Air Plan's* transportation control measures. These measures have been identified by the BAAQMD as appropriate for local implementation. Alternatively, at the Redevelopment Agency's sole discretion, redevelopment funds could potentially be used to subsidize these fair-share funding contributions or to implements these measures. More details regarding this measure are included in Chapter 6 of the EIR.		City of Oakland Building Services and Planning Division	Prior to issuance of a building permit
	Mitigation Measure 6.4.6C: Upgraded Ventilation Systems. Future residential development within the Project Area shall be developed with upgraded ventilation systems to minimize exposure of future residents to odors and pollutant emissions. In addition, future development should limit outdoor use areas where these uses are located in proximity to emission sources.		City of Oakland Building Services and Planning Division	Prior to issuance of a building permit

POTENTIAL IMPACTS	MITIGATION MEASURES AND RESULTING LEVEL OF SIGNIFICANCE		MONITORING RESPONSIBILITY	MONITORING TIMEFRAME
Noise				
Potential Impact 7.4.1: Construction Noise. 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.	**Mitigation Measure 7.4.1: Construction Noise Reduction.** 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. More details regarding this measure are included in Chapter 7 of the EIR.	*Less than Significant*	City of Oakland Building Services and Planning Division, and Police Department.	Measures incorporated into the construction phasing and management plan. Monitored for compliance during construction.
Potential Impact 7.4.3: Exposure to High Ambient Noise. Depending on the precise location of new residential uses that may be constructed pursuant to or in furtherance of the Redevelopment Plan, future noise levels within some portions of the Project Area could be incompatible with such residential use.	**Mitigation Measure 7.4.3A: Noise Reduction Requirements.** The City of Oakland Land Use Compatibility Guidelines for Community Noise sets limits on the level of noise that new land uses may be subjected 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. • Future residential development that may be proposed within approximately 2,000 feet of the I-580 freeway corridor and 1,400 feet of the I-880 freeway corridor (sections not protected by sound walls), along major arterials identified in the LUTE, adjacent to industrial or business uses that generate noise, or in the vicinity of BART facilities where noise levels exceed 60 dBA CNEL (if a direct line-of-sight is available) shall be required to complete a detailed analysis of noise reduction requirements. • A detailed analysis of noise reduction	*Less than Significant*	City of Oakland Building Services and Planning Division.	Prior to construction.

POTENTIAL IMPACTS	MITIGATION MEASURES AND RESULTING LEVEL OF SIGNIFICANCE		MONITORING RESPONSIBILITY	MONITORING TIMEFRAME
	requirements shall also be required if any future business commercial uses are proposed within approximately 700 feet of the I-580 freeway corridor and 450 feet of the I-880 freeway corridor (sections not protected by sound walls), along major arterials identified in the LUTE, or in the vicinity of BART facilities where noise levels could exceed 67 dBA CNEL (if a direct line-of-sight is available). • Recommended noise insulation features shall be included in the designs of such future development.			
	Mitigation Measure 7.4.3B: Freeway Sound Walls. The City of Oakland should coordinate with Caltrans to investigate the potential for constructing new sound walls along those portions of I-880 where no sound walls are currently provided to protect the adjacent neighborhoods. Redevelopment funding could potentially be used to supplement the costs for such walls.		City of Oakland Building Services and Planning Division., and Redevelopment Agency	Following adoption of Redevelopment Plan, prior to redevelopment assistance for projects in the vicinity of I880 corridor.
	Mitigation Measure 7.4.3C: BART Train Noise Reduction. The City of Oakland should coordinate with BART to investigate potential techniques for reducing the noise generated by BART trains, especially near the West Oakland BART station. Redevelopment funding could potentially be used to supplement the costs associated with the investigation of such techniques and potentially to supplement the costs for implementation.		City of Oakland Building Services and Planning Division., and Redevelopment Agency	Following adoption of Redevelopment Plan, prior to redevelopment assistance for projects in the vicinity of the West Oakland BART station

POTENTIAL IMPACTS	MITIGATION MEASURES AND RESULTING LEVEL OF SIGNIFICANCE		MONITORING RESPONSIBILITY	MONITORING TIMEFRAME
Hazards and Hazardous Materials				
Potential Impact 8.4.1: Long-term Exposure. Currently, businesses within the Project Area handle hazardous materials as part of their operations. Implementation of the Redevelopment Plan's projects, programs and other activities could result in the introduction of new businesses that handle hazardous materials. These existing and potential new businesses could cause a substantial hazard to the public or the environment as a result of an accidental release of hazardous materials or wastes.	**Mitigation Measure 8.4.1: Technical Assistance - Hazardous Materials Business Plans and Risk Management and Prevention Plans.** Implementation programs pursuant to the Redevelopment Plan should include redevelopment assistance for existing and potential new businesses within the Project Area that handle hazardous or acutely hazardous materials. Such assistance may be in the form of loans, grants and/or technical assistance from the OES toward the preparation of required Hazardous Materials Business Plans and/or Risk Management and Prevention Plans.	*Less than Significant*	City of Oakland Building Services and Planning Division., Oakland Fire Services Agency, Office of Emergency Services, and Redevelopment Agency	Upon application for new businesses subject to such plans
Potential Impact 8.4.2: Transport of Hazardous Materials. Currently, businesses within the Project Area include those which involve transport of hazardous materials as part of their operations. Implementation of the Plan's projects, programs and other activities could result in the introduction of new businesses that involve transport of hazardous materials. These existing and potential new businesses could cause a substantial hazard as a result of an accidental release of hazardous materials or wastes during normal transport operations.	**Mitigation Measure 8.4.2A: Enforcement of Truck Prohibitions.** Implementation programs pursuant to the Redevelopment Plan should include projects, programs or other activities intended to increase or enhance the enforcement of prohibitions that limit truck travel to designated truck routes. **Mitigation Measure 8.4.2B: Preference for New Industrial Uses along Truck Routes.** Redevelopment assistance for new industrial development projects should be prioritized to give preference to those new or existing businesses located along approved truck travel routes, and whose primary access routes are well away from residential areas.	*Less than Significant*	City of Oakland Building Services and Planning Division., Oakland Police Department City of Oakland Building Services and Planning Division., and Redevelopment Agency	Pursuant to implementation of the Redevelopment Plan Upon application for new businesses

POTENTIAL IMPACTS	MITIGATION MEASURES AND RESULTING LEVEL OF SIGNIFICANCE		MONITORING RESPONSIBILITY	MONITORING TIMEFRAME
Potential Impact 8.4.3: Exposure of Schools and Sensitive Uses. Currently, all of the schools within the Project Area are located within ¼ mile of a permitted hazardous materials use or an identified environmental case. Most of these schools are also located within ¼ mile of an area designated for "Business Mix" or "Community Commercial" land uses. Implementation of the Redevelopment Plan's projects, programs and other activities could result in the introduction of new businesses that involve hazardous materials within the Business Mix or Community Commercial area near schools and other sensitive uses.	**Mitigation Measure 8.4.3A: Preference for Industrial Uses away from Sensitive Receptors.** Redevelopment assistance for new industrial development projects should be prioritized to give preference to those new or existing businesses located further than ¼ mile away from a school sites, hospital, health clinic or residence.	*Less than Significant*	City of Oakland Building Services and Planning Division., and Redevelopment Agency	Upon application for new businesses, pursuant to redevelopment Plan implementation plans
	Mitigation Measure 8.4.3B: Hazardous Materials Assessment Report and Remediation Plan Required. Any project in furtherance of the Redevelopment Plan that proposes a business that handles hazardous materials within ¼ mile of a school, hospital, or residence shall be required to submit a Hazardous Materials Assessment Report and Remediation Plan (HMARRP) for review and approval by the City.		City of Oakland Building Services and Planning Division., Oakland Fire Services Agency, Office of Emergency Services, and Redevelopment Agency	Upon application for new businesses subject to such plans
	Mitigation Measure 8.4.3C: Technical Assistance - Hazardous Materials Assessment Report and Remediation Plan. Implementation programs pursuant to the Redevelopment Plan should include redevelopment assistance for existing businesses within the Project Area that handle hazardous materials within ¼ mile of a school, hospital or residence. Such assistance may be in the form of loans, grants and/or technical assistance from the OES toward the preparation of a required Hazardous Materials Assessment Report and Remediation Plan or relocation of the business.		City of Oakland Building Services and Planning Division., Oakland Fire Services Agency, Office of Emergency Services, and Redevelopment Agency	Pursuant to implementation of the Redevelopment Plan
Potential Impact 8.4.4: Exposure from Prior Hazardous Materials Users. Implementation of the Redevelopment Plan's projects, programs and other	**Mitigation Measure 8.4.4A: Technical Assistance - Closure of Permitted Hazardous Materials Use Sites.** Implementation programs pursuant to the Redevelopment Plan should include redevelopment assistance for the proper closure of	*Less than Significant*	Oakland Fire Services Agency, Office of Emergency Services, and Redevelopment Agency	Upon closure of such businesses, pursuant to implementation of the Redevelopment Plan

POTENTIAL IMPACTS	MITIGATION MEASURES AND RESULTING LEVEL OF SIGNIFICANCE	MONITORING RESPONSIBILITY	MONITORING TIMEFRAME
activities could result in the redevelopment of older industrial areas with new land uses. Without measures to ensure adequate cleanup of closed facilities and cleanup of soil and groundwater to appropriate cleanup levels, future site occupants could be exposed to unacceptable levels of hazardous materials.	hazardous materials use sites in accordance with existing laws and regulations. Such assistance may be in the form of loans, grants or technical assistance, or the use of Polanco Act or other Redevelopment Agency authority to ensure closure of permitted hazardous materials use sites in accordance with an approved CUPA program and City of Oakland regulations. Requirements for closure of the facility include preparation of a closure plan.		
	Mitigation Measure 8.4.4B: Technical Assistance – Risk Management Plan. Implementation programs pursuant to the Redevelopment Plan should include redevelopment assistance for the appropriate reporting of closures of hazardous materials use sites. Such assistance may be in the form of loans, grants and/or technical assistance toward the preparation of a required Risk Management Plan (RMP).	Oakland Fire Services Agency, Office of Emergency Services, and Redevelopment Agency	Upon closure of such businesses, pursuant to implementation of the Redevelopment Plan
	Mitigation Measure 8.4.4C: Permit Tracking Review. Any project, program or other implementation activity in furtherance of the Redevelopment Plan proposed on a site that has been closed under the requirements of CUPA shall be reviewed pursuant to the City Permit Tracking System. Under this system, any redevelopment-related activity that might alter conditions of prior site closure would undergo special review by the City of Oakland Fire Department to ensure that proper actions are taken to prevent unacceptable exposure to hazardous materials as a result of changed site conditions.	Oakland Fire Services Agency, Office of Emergency Services, and Redevelopment Agency	Upon closure of such businesses, pursuant to implementation of the Redevelopment Plan

POTENTIAL IMPACTS	MITIGATION MEASURES AND RESULTING LEVEL OF SIGNIFICANCE		MONITORING RESPONSIBILITY	MONITORING TIMEFRAME
Potential Impact 8.4.5: Contamination of Soil and Groundwater. Future construction activities pursuant to implementation of the Redevelopment Plan that involve excavation, grading, pile driving, pile hole drilling and/or de-watering could encounter hazardous materials in the soil and groundwater.	**Mitigation Measure 8.4.5A: Identification and Remediation of Hazardous Materials.** Implementation programs pursuant to the Redevelopment Plan should include redevelopment assistance in the identification and remediation of hazardous materials in accordance with existing laws and regulations. Such assistance may be in the form of loans, grants or technical assistance, or the use of Polanco Act or other Redevelopment Agency/City authority (e.g., CLERRA). These Agency/City authorities enable the Agency/City to require a site owner to conduct further investigations and, pending the results of a Phase I environmental assessment, to conduct remediation if a release of hazardous materials is indicated. This mitigation measure would implement state and federal regulations and processes to address chemical releases and reduce the potential threat to human health and the environment.	*Less than Significant*	Oakland Fire Services Agency, Office of Emergency Services, and Redevelopment Agency	Pursuant to implementation of the Redevelopment Plan
	Mitigation Measure 8.4.5B: Underground Storage Tank (UST) Closure. Implementation programs pursuant to the Redevelopment Plan should include redevelopment assistance in the removal of permitted or previously unidentified, abandoned or no longer used underground storage tanks in accordance with City of Oakland requirements. Such assistance may be in the form of loans, grants or technical assistance, or the use of Polanco Act or other Redevelopment Agency/City authority. This mitigation measure would implement state and federal regulations and processes to address underground storage tanks.		Oakland Fire Services Agency, Office of Emergency Services, and Redevelopment Agency	Pursuant to implementation of the Redevelopment Plan
	Mitigation Measure 8.4.5C: Disposal of Contaminated Soil or Groundwater. Implementation programs pursuant to the		Oakland Fire Services Agency, Office of	Pursuant to implementation

POTENTIAL IMPACTS	MITIGATION MEASURES AND RESULTING LEVEL OF SIGNIFICANCE		MONITORING RESPONSIBILITY	MONITORING TIMEFRAME
	Redevelopment Plan should include redevelopment assistance in the removal and disposal of contaminated soil or groundwater in accordance with City of Oakland requirements. Such assistance may be in the form of loans, grants or technical assistance, or the use of Polanco Act or other Redevelopment Agency/City authority.		Emergency Services, and Redevelopment Agency	of the Redevelopment Plan
	Mitigation Measure 8.4.5D: Dewatering of Contaminated Groundwater. Implementation programs pursuant to the Redevelopment Plan should include potential redevelopment assistance in the removal or dewatering of contaminated groundwater in accordance with City of Oakland requirements. Such assistance may be in the form of loans, grants or technical assistance, or the use of Polanco Act or other Redevelopment Agency/City authority. This mitigation measure would implement state and federal regulations.		Oakland Fire Services Agency, Office of Emergency Services, and Redevelopment Agency	Pursuant to implementation of the Redevelopment Plan
	Mitigation Measure 8.4.5E: Procedures for Protection of Workers. Any project, program or other implementation activity in furtherance of the Redevelopment Plan that may be proposed on a site involving a site investigation, site remediation, underground storage tank removal, excavation, dewatering, and/or construction of improvements where a chemical release has occurred, shall be conducted according to legally required health and safety precautions.		City of Oakland Building Services and Planning Division., Oakland Fire Services Agency, Office of Emergency Services, and Redevelopment Agency	Concurrent with new construction
	Mitigation Measure 8.4.5F: Underground Utility Construction Process. Any project, program or other implementation activity in furtherance of the Redevelopment Plan that may include construction of underground utilities shall require, through implementing contracts, the construction contractor to follow proper health and		City of Oakland Building Services and Planning Division., Public Works Department, Oakland Fire Services Agency Office of	Concurrent with new construction

POTENTIAL IMPACTS	MITIGATION MEASURES AND RESULTING LEVEL OF SIGNIFICANCE		MONITORING RESPONSIBILITY	MONITORING TIMEFRAME
	safety precautions and to dispose of contaminated soil and groundwater safely and legally.		Emergency Services, and Redevelopment Agency	
Potential Impact 8.4.6: Exposure to Hazardous Building Materials. Demolition and renovation of existing structures could result in potential exposure of workers or the community to hazardous building materials during construction. Without proper abatement procedures, future building occupants could be exposed if hazardous building materials are left in place.	**Mitigation Measure 8.4.6A: Hazardous Building Material Abatement Process.** All projects, programs or other implementation activities pursuant to the Redevelopment Plan that involve demolition or renovation to existing structures and facilities shall conduct a hazardous building material survey(s) or audit(s). • The survey shall be completed by a Registered Environmental Assessor or a registered engineer prior to construction or demolition activities. • If hazardous building materials were identified during the survey, compliance with state and federal regulations regarding abatement of hazardous building materials would be required. • The Project Sponsor shall be required to comply with BAAQMD requirements for the removal of friable and non-friable asbestos-containing materials as well as other requirements of Cal/OSHA, BAAQMD, and the Contractors Licensing Board for abatement of asbestos prior to demolition. Any PCB-containing equipment or fluorescent lights containing mercury vapors would also be removed and disposed of properly. The Project Sponsor shall also investigate soils for the potential of containing lead and other metals around buildings painted with lead-based paint, as well as pesticides such as chlordane and DDT.	*Less than Significant*	City of Oakland Building Services and Planning Division., Public Works Department, Oakland Fire Services Agency Office of Emergency Services, and Redevelopment Agency	Prior to demolition or renovation
	Mitigation Measure 8.4.6B: Hazardous Building Materials Abatement Assistance. Implementation programs pursuant to the		City of Oakland Building	Pursuant to implementation of the Redevelopment Plan

POTENTIAL IMPACTS	MITIGATION MEASURES AND RESULTING LEVEL OF SIGNIFICANCE		MONITORING RESPONSIBILITY	MONITORING TIMEFRAME
	Redevelopment Plan should include potential redevelopment assistance in the removal or abatement of hazardous building materials from existing buildings within the Project Area in accordance with City of Oakland requirements. Such assistance may be in the form of loans, grants or technical assistance to individual property owners.		Services and Planning Division., Oakland Fire Services Agency Office of Emergency Services, and Redevelopment Agency	
Public Infrastructure				
Potential Impact 9.4.2: Water Distribution and Wastewater Collection Infrastructure. Implementation of the Redevelopment Plan's projects, programs and other activities is expected to facilitate or assist in the construction of new residential, commercial and/or industrial development within the Project Area. Such new development may require localized improvements to the water and wastewater system's capacity.	**Mitigation Measure 9.4.2: Infrastructure Improvements.** 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. • These new projects 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 sub-basin, as defined by the City of Oakland Public Works Department. • When capital improvement requirements for subsequent projects are being assessed, the project sponsor should contact the Wastewater Planning Section to coordinate with EBMUD for this work. • At the Redevelopment Agency's sole discretion, redevelopment funds could potentially be used to subsidize the costs for such improvements.	*Less than Significant*	City of Oakland Public Works Agency.	Prior to issuance of a building permit.

POTENTIAL IMPACTS	MITIGATION MEASURES AND RESULTING LEVEL OF SIGNIFICANCE		MONITORING RESPONSIBILITY	MONITORING TIMEFRAME
Public Services				
No potentially significant impacts identified.	None needed.	*No impact*		
Cultural and Historic Resources				
Potential Impact 11.4.1: Discovery of Cultural Resource. During construction activities pursuant to implementing the Redevelopment Plan, cultural resources may be uncovered and damaged if not properly recovered or preserved.	**Mitigation Measure 11.1.1: Halt Construction/Evaluate Find.** 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 or qualified paleontologist. 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 to protect, preserve, remove or restore the artifacts uncovered should be available. Work may continue on part of the building site while historic or unique archaeological resource mitigation takes place.	*Less than Significant*	City of Oakland Planning and Building Department. City of Oakland Planning and Building Department, with recommendation by a cultural resource consultant. City of Oakland Planning and Building Department, with recommendation by a cultural resource consultant.	Prior to construction. Prior to construction. Prior to construction.
Potential Impact 11.4.2: Discovery of Human Remains. During construction activities pursuant to implementation of the Redevelopment Plan, it is possible that human remains may be uncovered.	**Mitigation Measure 11.4.2: Halt Construction/Evaluate Remains.** In the event that any human remains are uncovered within the Project Area during future construction activity associated with the implementation of the Project, there should be no further excavation or disturbance of the site or any nearby area until after the Alameda County Coroner has been informed and has determined that no investigation of the cause of death is required or such investigation has occurred and appropriate actions have been taken. If the remains are determined to be of Native American origin, the descendants from the deceased Native	*Less than Significant*	City of Oakland Planning and Building Department, with recommendation by a cultural resource consultant if necessary.	During construction as part of construction phasing and management plan.

POTENTIAL IMPACTS	MITIGATION MEASURES AND RESULTING LEVEL OF SIGNIFICANCE		MONITORING RESPONSIBILITY	MONITORING TIMEFRAME
	American(s) shall make a recommendation to the landowner or the person responsible for the excavation work for means of treating or disposing of, with appropriate dignity, the human remains and any associated grave goods as provided in Public Resources Code Section 5097.98.			
Potential Impact 11.4.3: Removal or Alteration of Historic Resources: The Redevelopment Plan, as an implementation tool of the General Plan, does not at this preliminary stage propose any specific removal or alteration of historic structures. However, future redevelopment activities may accelerate pressures to alter or replace existing buildings within the Project Area, likely including historic properties.	With adherence to the policies and implementation actions included in the HPE, potential impacts to historic resources in the Project Area may be avoided or substantially lessened to a level of *less than significant*. The following action items are recommended to be added to the Redevelopment Plan's subsequent Implementation Plan(s) to implement HPE provisions: 1. For any project receiving assistance from the Redevelopment Agency within the West Oakland 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 West Oakland 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 West Oakland 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 West Oakland Redevelopment Plan, the Agency shall fund a Mills Act study for the	*Less than Significant*	Redevelopment Agency.	Pursuant to adoption of the Redevelopment Plan's subsequent Implementation Plan.

POTENTIAL IMPACTS	MITIGATION MEASURES AND RESULTING LEVEL OF SIGNIFICANCE		MONITORING RESPONSIBILITY	MONITORING TIMEFRAME
	Redevelopment Project Area. 5. As part of the first Implementation Plan for the West Oakland Redevelopment Plan, a set of design guidelines shall be developed for the two districts (Oak Center and Oak Point) eligible for the National Register. 6. Revise, update and republish "Rehab Right". As part of this effort, incorporate residential design specifications and details that can be used as a template for cost-effective solutions for common repairs, additions and alterations to existing housing in the West Oakland Redevelopment Project Area. 7. As part of the first two 5-year Implementation Plans for the West Oakland Redevelopment Plan, design and implement a set of historic markers and other interpretive information demarcating the Oak Center District and Oak Point District, including monument signs on landmark buildings.			
Cumulative Impacts and Mitigation Measures:				
Transportation				
Cumulative Impact 5.4.2: Signalized Intersections. 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 cumulative impacts at the intersection of San Pablo Avenue/40th Street in Emeryville.	No feasible mitigation measures have been identified that would reduce cumulative impacts at the San Pablo Avenue and 40th Street intersection to a level that is less than significant.	*Considerable and Unavoidable.*		

POTENTIAL IMPACTS	MITIGATION MEASURES AND RESULTING LEVEL OF SIGNIFICANCE		MONITORING RESPONSIBILITY	MONITORING TIMEFRAME
Cumulative Impact 5.4.3: Non-Signalized Intersections. 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 the intersection at 3rd and Market Streets to operate at unacceptable levels of service.	**Mitigation Measure 5.4.3: Convert the two-way-stop-control to all-way-stop-control at the 3rd Street & Market Street 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 to convert the two-way-stop-control intersection to all-way-stop-control at the 3rd Street & Market Street intersection. 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.	*Less than Considerable*	City of Oakland Traffic Engineering Department and Planning Department.	Prior to intersection operation exceeding Level of Service E.
Cumulative Impact 5.4.4: AC Transit Service. 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.	**Mitigation Measure 5.4.4: Coordination with AC Transit.** 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.	*Less than Considerable.*	City of Oakland, in coordination with AC Transit.	During development of AC Transit master planning efforts for transit lines in the area.
Cumulative Impact 5.4.5: BART Service. New growth and development within the Project Area, in combination with other past projects, current projects and probable future projects, would likely result in cumulatively significant impacts on BART service at fare gates.	**Mitigation Measure 5.4.5: Coordination with BART.** The City of Oakland shall coordinate with BART to ensure that adequate fare gate capacity is available at the West Oakland and MacArthur BART stations 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	*Less than Considerable.*	City of Oakland, in coordination with BART.	At such time as BART determines that fare gate capacity exceeds 1 minute.

POTENTIAL IMPACTS	MITIGATION MEASURES AND RESULTING LEVEL OF SIGNIFICANCE		MONITORING RESPONSIBILITY	MONITORING TIMEFRAME
	capabilities to assist in the financing of such station improvements.			
Cumulative Impact 5.4.7: Truck Parking. Redevelopment, in combination with past, other current, and probable future projects (including the Port of Oakland's Vision 2000 Program and the OARB Redevelopment Project) could result in a cumulatively inadequate supply of parking for trucks serving the Port of Oakland.	Any mitigation measures that might be recommended for the Project Area that would result in expansion of trucking operations and truck-related activities would be in conflict with the land use compatibility strategies embodied in General Plan policy and supporting land use ordinances. Therefore, no mitigation measures are recommended.	*Considerable and Unavoidable.*		
Air Quality				
Cumulative Impact 6.4.8 Emissions of NO_X and PM_{10}: Implementation of the Redevelopment Plan, in conjunction with the Port's Vision 2000 Program and the adjacent OARB Area Redevelopment Project would cumulatively exceed BAAQMD significance criteria for NOx and PM10.	Most of the cumulative emissions in the Project Area are attributed to Port-related projects. The Port of Oakland is implementing the Vision 2000 AQMP, a program to mitigate the potential air quality impacts of the Port's Vision 2000 Program.	*Significant and Unavoidable*		
Noise				
Cumulative Impact 7.4.5: Traffic Noise. New growth and development within the Project Area, combined with other past projects, other current projects and probable future projects would generate cumulative noise increases along	None identified.	*Significant and Unavoidable*		

POTENTIAL IMPACTS	MITIGATION MEASURES AND RESULTING LEVEL OF SIGNIFICANCE		MONITORING RESPONSIBILITY	MONITORING TIMEFRAME
local streets.				
Public Services				
Cumulative Impact 10.4.1: Parks. On a cumulative basis the growth and development that may be facilitated by, or be in furtherance of the Redevelopment Plan would *contribute to a cumulatively considerable deficit* in existing parkland.	**Mitigation Measure 10.4.1A: Park Sites.** 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. 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.	*Less than Considerable*	City of Oakland Redevelopment Agency, Planning Department, Office of Park and Recreation.	Pursuant to development of redevelopment Plan 5-year Implementation Plans.
	Mitigation Measure 10.4.1B: Joint Use. 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.		City of Oakland Redevelopment Agency, Planning Department, Office of Park and Recreation and OUSD.	Pursuant to development of redevelopment Plan 5-year Implementation Plans.
	Mitigation Measure 10.4.1C: Funding. 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.		City of Oakland Redevelopment Agency, Planning Department, Office of Park and Recreation.	Pursuant to development of redevelopment Plan 5-year Implementation Plans.
Cumulative Impact 10.4.2: Schools. On a cumulative basis,	**Mitigation Measure 10.4.2A: Joint Use.** The City of Oakland, its Redevelopment Agency, and	*Less than Considerable*	City of Oakland Redevelopment Agency,	Pursuant to development of Redevelopment Plan 5-year

POTENTIAL IMPACTS	MITIGATION MEASURES AND RESULTING LEVEL OF SIGNIFICANCE	MONITORING RESPONSIBILITY	MONITORING TIMEFRAME
the growth and development that may be facilitated by, or be in furtherance of the Redevelopment Plan would *contribute to a cumulatively considerable deficit* in existing school capacity.	public and private land developers within the Project Area shall work with the OUSD to identify possible joint use opportunities. 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 joint use opportunities include joint ventures with the City parks department in the development of shared school grounds/public park space. Joint use agreements can result in opportunities for sharing costs for such items as maintenance and repair, thereby saving funds for other District needs.	Planning Department, and OUSD.	Implementation Plans.
	Mitigation Measure 10.4.2B: Funding Opportunities. 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.[1]	City of Oakland Redevelopment Agency, Planning Department, Office of Park and Recreation and OUSD.	Pursuant to development of Redevelopment Plan 5-year Implementation Plans.
	Mitigation Measure 10.4.2C: Real Estate Asset Management. The City of Oakland and its Redevelopment Agency should coordinate with the OUSD in the management of the District's real estate assets. On a cumulative, District-wide basis the School District will continue to be challenged in its ability to find available land in appropriate areas to serve new student populations. The District may	City of Oakland Redevelopment Agency, Planning Department, Office of Park and Recreation and OUSD	Pursuant to development of Redevelopment Plan 5-year Implementation Plans.

[1] California Redevelopment Law (Section 33607.5) establishes specific mechanisms and formulas for payments by redevelopment agencies to school districts. Section 33607.5 of the CRL also specifically provides that such payments are the exclusive payments required to be made by a redevelopment agency to a school district. A Redevelopment Agency shall not be required, as a mitigation measure or as part of any settlement agreement or judgement, to make any other payments to a school district.

POTENTIAL IMPACTS	MITIGATION MEASURES AND RESULTING LEVEL OF SIGNIFICANCE		MONITORING RESPONSIBILITY	MONITORING TIMEFRAME
	now own or control real estate outside of the Project Area where new schools may not be needed to serve student demands. Creative use and disposition of these real estate assets could help mitigate the costs of future facility needs. The City and Agency may be able to assist through the use of redevelopment tools in the identification, use and potential disposition of appropriate sites, even if these sites are not located within the Project Area.			

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3

Responses to Comments

3.1 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 transcript containing verbal comments recorded from the July 16, 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 generally clarifications and corrections to the Draft EIR, and do not raise significant new environmental effects not previously considered in the DEIR.

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

A. California Department of Toxic Substances Control

B. West Oakland Project Area Committee

C. West Oakland Environmental Indicators Project, Allen Edson and Mary Lane

D. June Gin

E. Una Gilmartin

F. Larry Rice, West Oakland Project Area Committee (WOPAC)

G. Lynne Horiuchi, West Oakland Project Area Committee (WOPAC)

H. Stefanie Parrott, West Oakland Project Area Committee (WOPAC)

I. Bruce Beasley, West Oakland Project Area Committee (WOPAC)

J. Karin MacDonald, West Oakland Project Area Committee (WOPAC)

K. Louie P. Martinez, West Oakland Project Area Committee (WOPAC)

L. Debra Bridges

M. Transcript from the City of Oakland Planning Commission public hearing on July 16, 2003

N. Governor's Office of Planning and Research, State Clearinghouse

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

June 26, 2003

LETTER A

Ms. Elois A. Thornton
Oakland Redevelopment Agency
250 Frank Ogawa Plaza, Suite 5513
Oakland, California 94612

Dear Ms. Thornton:

Thank you for the opportunity to comment on the West Oakland Redevelopment Plan Draft Environmental Impact Report (SCH #2002072065). 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 project under review is the adoption of a Redevelopment Plan for the West Oakland Project Area. DTSC previously commented on the Notice of Preparation for this document. Based upon our review of the draft EIR we have the following comments:

1. Section 8.2.5, Hazardous Building Materials: We suggest adding to this section that soils be investigated for lead and other metals around buildings painted with lead-based paints, and for pesticides such as chlordane and DDT prior to any demolition of structures. Failure to conduct the sampling may result in the spreading of hazardous substances across the site and/or exposure to workers or the community during site demolition and grading. **A-1**

2. Section 8.3.2, State of California Regulatory/Policy Setting: DTSC's regulatory authority to regulate hazardous substances sites is contained in the California Health and Safety Code, Division 20, Chapter 6.8. **A-2**

3. Section 8.4.5, Exposure to Hazardous Materials in Soil or Groundwater during Construction: This section states that impacts from construction activities that **A-3**

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.

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involve excavation, grading, and/or de-watering could occur if contaminated soil or water are encountered. DTSC suggests that text be added to include pile driving and pile hole drilling as they may potentially generate and/or expose workers and the community to hazardous substances.

4. Page 8-28, Mitigation Measure 8.4.5A, third bullet item: Please include that pursuant to Title 22, Division 4.5, Chapter 39, California Code of Regulations, section 67391.1 a land use covenant must be executed and recorded when hazardous materials, hazardous wastes or constituents, or hazardous substances will remain at the property at levels which are not suitable for unrestricted use of the land. Other institutional control mechanisms may be used if it is not feasible to establish a land use covenant as a component of the remedy for a site. **A-4**

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. **A-5**

Please contact Lynn Nakashima of my staff at (510) 540-3839 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, CA 95812-3044

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

California Environmental Protection Agency

DEPARTMENT OF TOXIC SUBSTANCES CONTROL

The Voluntary Cleanup Program

In 1993, the California Environmental Protection Agency's Department of Toxic Substances Control (DTSC) introduced this streamlined program to protect human health and the environment, ensure investigation and cleanup is conducted in an environmentally sound manner and facilitate the reuse and redevelopment of these same properties. Using this program, corporations, real estate developers, other private parties, and local and state agencies entering into Voluntary Cleanup Program agreements will be able to restore properties quickly and efficiently, rather than having their projects compete for DTSC's limited resources with other lower-priority hazardous waste sites. This fact sheet describes how the Voluntary Cleanup Program works.

Prior to initiation of the Voluntary Cleanup Program, project proponents had few options for DTSC involvement in cleaning up low-priority sites. DTSC's statutory mandate is to identify, prioritize, investigate and cleanup sites where releases of hazardous substances have occurred. For years, the mandate meant that, if the site presented grave threat to public health or the environment, then it was listed on the State Superfund list and the parties responsible conducted the cleanup under an enforcement order, or DTSC used state funds to do so. Because of staff resource limitations, DTSC was unable to provide oversight at sites which posed lesser risk or had lower priority.

DTSC long ago recognized that no one's interests are served by leaving sites contaminated and unusable. The Voluntary Cleanup Program allows motivated parties who are able to fund the cleanup – and DTSC's oversight – to move ahead at their own speed to investigate and remediate their sites. DTSC has found that working cooperatively with willing and able project proponents is a more efficient and cost-effective approach to site investigation and cleanup. There are four steps to this process:

- √ Eligibility and Application
- √ Negotiating the Agreement
- √ Site Activities
- √ Certification and Property Restoration

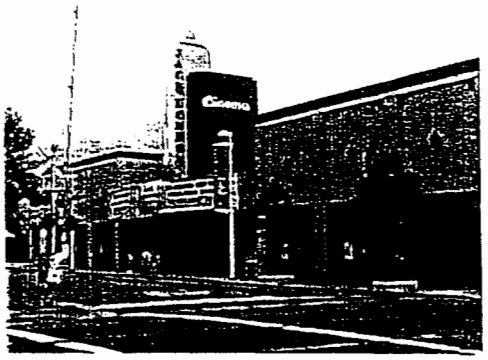
The rest of this fact sheet describes those steps and gives DTSC contacts.

August 1999

The Voluntary Cleanup Program

Step 1: Eligibility and Application

Most sites are eligible. The main exclusions are if the site is listed as a Federal or State Superfund site, is a military facility, or if it falls outside of DTSC's jurisdiction, as in the case where a site contains only leaking underground fuel tanks. Another possible limitation is if another agency currently has oversight, e.g. a county (for underground storage tanks). The current oversight agency must consent to transfer the cleanup responsibilities to DTSC before the proponent can enter into a Voluntary Cleanup Program agreement. Additionally, DTSC can enter into an agreement to work on a specified element of a cleanup (risk assessment or public participation, for example), if the primary oversight agency gives its consent. The standard application is attached to this fact sheet.



Jack London Square Theater, Oakland: Under the Voluntary Cleanup Program, a nine-screen theater was built atop a former Pacific Gas & Electric town gas site, creating a regional entertainment hub.

If neither of these exclusions apply, the proponent submits an application to DTSC, providing details about site conditions, proposed land use and potential community concerns. No fee is required to apply for the Voluntary Cleanup Program.

Step 2: Negotiating the Agreement

Romero Ranch, Santa Nella: A Voluntary Cleanup Agreement enabled the Nature Conservancy to use the land to preserve natural habitat and promote wildlife development rights.

Once DTSC accepts the application, the proponent meets with experienced DTSC professionals to negotiate the agreement. The agreement can range from services for an initial site assessment, to oversight and certification of a full site cleanup, based on the proponent's financial and scheduling objectives.

The Voluntary Cleanup Program agreement specifies the estimated DTSC costs, project scheduling, and DTSC services provided. Because every project must meet the same legal and technical cleanup requirements as State Superfund sites, and because DTSC staff provide oversight, the proponent is assured that the project will be completed in an environmentally sound manner.

CALIFORNIA ENVIRONMENTAL PROTECTION AGENCY
DEPARTMENT OF TOXIC SUBSTANCES CONTROL
SITE MITIGATION STATEWIDE CLEANUP OPERATIONS

VOLUNTARY CLEANUP PROGRAM APPLICATION

The purpose of this application is to obtain information necessary to determine the eligibility of the site for acceptance into the Voluntary Cleanup Program. Please use additional pages, as necessary, to complete your responses.

SECTION 1 PROPONENT INFORMATION

Proponent Name _____

Principal Contact Name

Phone ( )

Address _____

_____

Proponent's relationship to site

_____

_____

Brief statement of why the proponent is interested in DTSC services related to site

SECTION 2 SITE INFORMATION

Is this site listed on Calsites? ☐ Yes ☐ No
If Yes, provide specific name and number as listed

Name of Site _____

Address _____ City _____ County _____ ZIP _____

(Please attach a copy of an appropriate map page)

SECTION 2 SITE INFORMATION (continued)

Current Owner

Name _____

Address _____

Phone ( )

Background: Previous Business Operations

Name _____

Type _____

Years of Operation _____

If known, list all previous businesses operating on this property

_____

_____

_____

What hazardous substances/wastes have been associated with the site?

_____

_____

_____

What environmental media is/was/may be contaminated?

☐ Soil ☐ Air ☐ Groundwater ☐ Surface water

Has sampling or other investigation been conducted? ☐ Yes ☐ No

Specify

_____

_____

If Yes, what hazardous substances have been detected and what were their maximum concentrations?

_____

_____

_____

SECTION 2 SITE INFORMATION (continued)

Are any Federal, State or Local regulatory agencies currently involved with the site? ☐ Yes ☐ No
If Yes, state the involvement, and give contact names and telephone numbers

Agency	Involvement	Contact Name	Phone

What is the future proposed use of the site?

What oversight service is being requested of the Department?

☐ PEA ☐ RI/FS ☐ Removal Action ☐ Remedial Action ☐ RAP ☐ Certification
☐ Other (describe the proposed project)

Is there currently a potential of exposure of the community or workers to hazardous substances at the site?
☐ Yes ☐ No If Yes, explain

SECTION 3 COMMUNITY PROFILE INFORMATION

Describe the site property (include approximate size)

Describe the surrounding land use (including proximity to residential housing, schools, churches, etc.)

Describe the visibility of activities on the site to neighbors

SECTION 3 COMMUNITY PROFILE INFORMATION (continued)

What are the demographics of the community (e.g., socioeconomic level, ethnic composition, specific language considerations, etc.)?

_____

_____

Local Interest
Has there been any media coverage?

_____

Past Public Involvement
Has there been any past public interest in the site as reflected by community meetings, ad hoc committees, workshops, fact sheets, newsletters, etc.?

_____

_____

Key Issues and Concerns
Have any specific concerns/issues been raised by the community regarding past operations or present activities at the site?

_____

_____

Are there any concerns/issues anticipated regarding site activities?

_____

_____

Are there any general environmental concerns/issues in the community relative to neighboring sites?

_____

_____

Key Contacts
Please attach a list of key contacts for this site, including: city manager; city planning department; county environmental health department, local elected officials; and any other community members interested in the site. (Please include addresses and phone numbers.)

SECTION 4 CERTIFICATION

The signatories below are authorized representatives of the Project Proponent and certify that the preceding information is true to the best of their knowledge.

_____	_____	_____
Proponent Representative	Date	Title

In the agreement, DTSC retains its authority to take enforcement action, if, during the investigation or cleanup, it determines that the site presents a serious health threat, and proper and timely action is not otherwise being taken. The agreement also allows the project proponent to terminate the Voluntary Cleanup Program agreement with 30 days written notice if they are not satisfied that it is meeting their needs.

Step 3: Site Activities

Prior to beginning any work, the proponent must have: signed the Voluntary Cleanup Program agreement; made the advance payment; and committed to paying all project costs, including those associated with DTSC's oversight. The project manager will track the project to make sure that DTSC is on schedule and within budget. DTSC will bill its costs quarterly so that large, unexpected balances should not occur.

The new Federal Courthouse, Sacramento: The largest construction project in the city's history benefited from the Voluntary Cleanup Program when cleaning up a railyard site.

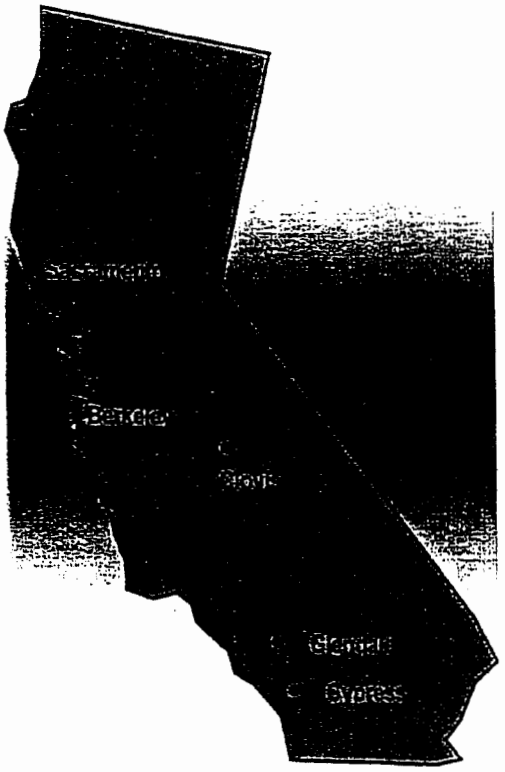
Once the proponent and DTSC have entered into a Voluntary Cleanup Program agreement, initial site assessment, site investigation or cleanup activities may begin. The proponent will find that DTSC's staff includes experts in every vital area. The assigned project manager is either a highly qualified Hazardous Substances Scientist or Hazardous Substances Engineer. That project manager has the support of well-trained DTSC toxicologists, geologists, engineers, industrial hygienists, specialists in public participation, and other technical experts.

The project manager may call on any of these specialists to join the team, providing guidance, review, comment and, as necessary, approval of individual documents and other work products. That team will also coordinate with other agencies, as appropriate, and will offer assistance in complying with other laws as needed to complete the project.

Step 4: Certification and Property Restoration

When remediation is complete, DTSC will issue either a site certification of completion or a "No Further Action" letter, depending on the project circumstances. Either means that what was, "The Site," is now property that is ready for redevelopment or other reuse.

To learn more about the Voluntary Cleanup Program, contact the DTSC representative in the Regional office nearest you:



DTSC office locations

North Coast California
Lynn Nakashima / Janet Naito
700 Heinz Avenue, Suite 200
Berkeley, California 94710-2721
(510) 540-3839 / (510) 540-3833

Central California
Megan Cambridge
10151 Croydon Way, Suite 3
Sacramento, California 95827
(916) 255-3727

Central California – Fresno Satellite
Tom Kovac
1515 Tollhouse Road
Clovis, California 93611
(209) 297-3939

Southern California (Glendale and Cypress)
Rick Jones
1011 Grandview Avenue
Glendale, California 91201
(818) 551-2862

Additional information on the Voluntary Cleanup Program and other DTSC Brownfields initiatives is available on DTSC's internet web page:

http://www.dtsc.ca.gov

Responses to Comment Letter "A" – California Department of Toxic Substances Control, June 26, 2003

Response to Comment A-1:

Comment noted, see following additions/revisions to the DEIR:

Revisions to Section 8.2.5, page 8-11:

> Hazardous building materials are included in this discussion because future implementation of projects, programs and other activities associated with redevelopment would likely involve demolition or renovation of existing structures. Some building materials commonly used in older buildings could present a public health risk if disturbed during demolition or renovation of an existing building. Hazardous building materials often present in older buildings include asbestos, electrical equipment such as transformers and fluorescent light ballasts that contain PCBs, fluorescent lights containing mercury vapors and lead-based paints. Asbestos and lead-based paint may also present a health risk to existing building occupants if they are in a deteriorated condition. Soils in the vicinity of older buildings may also contain lead and other metals, and pesticides such as chlordane and DDT. If removed during demolition of a building, these materials would also require special disposal procedures.

Revisions to Section 8.4.6, page 8-31:

> Implementation of the Redevelopment Plan's projects, programs and other activities would promote new construction within the Project Area, which would likely include demolition and/or renovation of existing structures. Hazardous building materials are likely to be present in older structures within the Project Area and could include asbestos-containing material, lead-based paint, PCBs, and fluorescent lights containing mercury vapors. Demolition and renovation of existing structures could result in potential exposure of workers or the community to hazardous building materials during construction, without proper abatement procedures, and future building occupants could be exposed if hazardous building materials are left in place. Hazardous building materials such as lead and other metals around buildings painted with lead-based paint, as well as pesticides such as chlordane and DDT could also be present in soils ~~contaminate soils~~ around structures. Failure to conduct sampling for such materials may result in the spreading of hazardous substances across the site, and/or exposure to workers or the community during site demolition and grading if these materials were released to the environment.
>
> ***Mitigation Measures***
>
> - **Mitigation Measure 8.4.6: Hazardous Building Material Abatement Process**. All projects, programs or other implementation activities pursuant to the

redevelopment Plan that involve demolition or renovation to existing structures and facilities shall conduct a hazardous building material survey(s) or audit(s).

- The survey shall be completed by a Registered Environmental Assessor or a registered engineer prior to construction or demolition activities.
- If hazardous building materials were identified during the survey, compliance with state and federal regulations regarding abatement of hazardous building materials would be required.
- The Project Sponsor shall be required to comply with BAAQMD requirements for the removal of friable and non-friable asbestos-containing materials as well as other requirements of Cal/OSHA, BAAQMD, and the Contractors Licensing Board for abatement of asbestos prior to demolition. Any PCB-containing equipment or fluorescent lights containing mercury vapors would also be removed and disposed of properly. The Project Sponsor shall also investigate soils for the potential of containing lead and other metals around buildings painted with lead-based paint, as well as pesticides such as chlordane and DDT.

Response to Comment A-2:

Comment noted, see following additions/revisions to the DEIR:

Revisions to Section 8.3.2, page 8-12:

> The California Department of Toxic Substances Control (DTSC) and the Regional Water Quality Control Board (RWQCB) are the primary state agencies regulating hazardous materials in California. These agencies are part of the California EPA. The RWQCB is authorized by the State Water Resources Control Board to enforce provisions of the Porter - Cologne Water Quality Control Act of 1969. This act gives the RWQCB authority to require groundwater investigations when the quality of groundwater or surface waters of the state is threatened, and to require remediation of the site, if necessary. The DTSC is authorized by the U.S. EPA to regulate the management of hazardous substances including the remediation of sites contaminated by hazardous substances. DTSC's regulatory authority to regulate hazardous substance sites is contained in the California Health and Safety Code, Division 20, Chapter 6.8.

Response to Comment A-3:

Comment noted, see following additions/revisions to the DEIR:

Revisions to Section 8.4.5, page 8-26:

> **Potential Impact 8.4.5:** Future construction activities pursuant to implementation of the Redevelopment Plan that involve excavation, grading, pile driving, pile hole

drilling and/or de-watering could encounter hazardous materials in the soil and groundwater. This impact is considered to be *potentially significant*.

Discussion

As discussed in the Environmental Setting, there are numerous sites permitted for hazardous materials use and many identified environmental cases located within the Project Area. Construction activities associated with excavation, grading, pile driving, pile hole drilling and dewatering at or adjacent to these sites could encounter hazardous materials in the soil and groundwater. Without implementation of proper precautions, workers and/or the community may be exposed to hazardous materials.

Response to Comment A-4:

Comment noted, see following additions/revisions to the DEIR:

Revisions to Section 8.4.5, page 8-28, 3rd bullet item:

- If the agreed-upon clean-up levels were exceeded, a remedial action plan would be prepared to describe remedial alternatives considered for the site. This remedial action plan and the proposed remedial approach would be presented for review and approval by the lead regulatory agency. The plan would include proposed methods to remove or treat identified chemicals to the approved cleanup levels or containment measures to prevent exposure to chemicals left in place at concentrations greater than approved cleanup levels. Pursuant to Title 22, Division 4.5, Chapter 39 of the California Code of Regulations, Section 67391.1, a land use covenant must be executed and recorded when hazardous materials, hazardous waste or constituents, or hazardous substances will remain at the property at levels which are not suitable for unrestricted use of the land. Other institutional control mechanisms may be used if it is not feasible to establish a land use covenant as a component of the remedy for such a site.

Response to Comment A-5:

Comment noted, and the referenced fact sheet is attached. The City of Oakland will include the DTSC in any meetings where issues relevant to its statutory authority are discussed.

General Comments

The following defines the terms used in these comments:
Redevelopment Plan = The West Oakland Redevelopment Plan
Redevelopment Agency = The West Oakland Redevelopment Agency
WOPAC = The West Oakland Project Area Committee
EIR = Environmental Impact Review
The Redevelopment Project Area = The West Oakland Redevelopment Project Area

LETTER B

1. Regarding public notice of the EIR process, the public and particularly the WOPAC were not adequately informed of the release of the DEIR which was released on June 9th or 10th, 2003. The WOPAC EIR Committee was not informed that the DEIR would be released, and WOPAC received official written notice at the end of June. This obviously affected outreach and the work of the WOPAC EIR Committee. If regular townhall meetings and WOPAC meetings are being treated as scoping meetings for the DEIR, they were not clearly identified as such. **B-1**
2. Regarding the project description; The project description shall include provisions for consultation with WOPAC as previously discussed with staff and consultants. The WOPAC voted to approve the project description to include consultation with the WOPAC. **B-2**
3. Throughout the document, the phrase "at the Redelveopment Agency's sole discretion" shall be replaced with "at the Redevelopment Agency's discretion in consultation with WOPAC." **B-3**
4. The document is inadequate because of the lack of documentation. Data that clearly defines existing conditions and projections of future conditions are missing almost entirely in this document. **B-4**
5. The City staff and consultants have indicated that the special studies to support this document are included the Appendices, yet the Appendices consist of the Notice of Preparation, data without analysis, and policy summaries. These are not special studies included in the DEIR from which conclusions may be drawn to support analyses in the DEIR. **B-5**
6. Regarding baseline City funds, what is currently provided for West Oakland is not established in the document so there is no way to judge whether or not Redevelopment funds will be used in place of normal funding. **B-6**
7. The land use section does not clearly define existing land uses and future land uses that will result from the Redevelopment plan so that growth impacts that will result from the Redevelopment plan cannot be clearly evaluated. **B-7**
8. Increases in truck traffic and vehicular traffic as well as increased demand for transit will be created as a result of the implementation of the Redevelopment Plan, yet these are not clearly defined nor are their effects clearly evaluated. **B-8**
9. The Project Goals and Objectives outlined in the EIR are outdated and need to be replaced with those that the WOPAC has adopted. **B-9**

Specific Comments

Executive Summary
Page 1-1
4th paragraph. The EIR should programmatic, does not cover specific projects which will require a separate environmental impact report. B-10

Page 1-2
Redundant word "area". Project area is west rather than north west
Clarify that Pine and Wood Streets run parallel. B-11

Section 1.1.2 Project Objectives
10 and 15. Motion to compare goals to adopted B-12

Section 1.1.3 Project Description B-13
This section should summarize Section 3, Project Description
Provide footnotes for the source of the information.
This section needs to be rewritten.

Table 1.1 B-14
The source of these figures is not cited. The calculations or basis of these statistics need to be explained. What commercial interests will be providing new employment?

1.1.2 Project Objectives
Page 1-2. Item 5. No one in the WOPAC has noted conflicts between residential and industrial uses in the Project Area. B-15

1.2.1 Intended uses of this Eir B-16
Page 1-6 This summary omits major portions of the description contained in the document such as … It will need to be re-written B-17
Page 1-7 Please include the following as separate areas of controversy:

- Increases in vehicular traffic
- Illegal and currently legal truck parking and truck travel on –designated truck routes through Project Area neighborhoods
- eminent domain

Since this is an executive, the language self-explanatory without references to other sections. There should be an executive summary of the scoping meetings and comments with the public.

1.3.4 Significant and Unavoidable Impacts
Page 1-8 *Compatibility of Project-Related Population Increases in Proximity to Air Emissions* B-18
This section makes no sense. We don't know what figures are being used. We don't know how these figures were calculated and we disagree with finding.

Page 1-8 There should be no lack of truck parking, because all trucks shall be banned from the project area. **B-19**

These cumulative impacts are apparently based on projected traffic volumes for the project area for which there is no basis provided in the executive summary. These are the impacts of the supposed increase in traffic volumes that has not been referenced. **B-20**

Cumulative impacts at the intersection of San Pablo Avenue and 40th Street in Emeryville are avoidable and shall be addressed through mitigation by creating full through access from all directions to West MacArthur Boulevard. **B-21**

Alternatives to the Proposed Project

Page 1-9. There are no land use incompatibilities that we have recognized. These are not viable alternatives and the WOPAC or the public never reviewed these alternatives. **B-22**

Summary Table of Potentially Significant Impacts and Mitigation Measures

Page 1-10

Land Use - It is a contradictory, implausible conclusion to state that there will be less than significant impacts on land use if the increase in population and the number households will take place at a rate higher than the projected than citywide.[1] The goal of redevelopment is to improve the area and not to increase the population. **B-23**

Mitigate for industrial blight and for removal of government uses and utilities. **B-24**

Air Quality

See comments above for significant cumulative effects

- Construction Emissions.

The number of people, including a disproportionate number of children, suffering from asthma in West Oakland is not noted. PM-10 air pollution will significantly impact their health and this impact needs to be studied and mitigated beyond standard measures.. **B-25**

- Compatibility of Population growth and Air Quality

As indicated above, if the growth calculations are correct, changes to the redevelopmenjt plan need to be addressed with population growth control measures to mitigate this population growth. **B-26**

As mitigation, redevelopment funds shall be administered to promote low-density housing. The TCMs or Traffic Control Measures that result from commercial, **B-27**
institutional and industrial operations will not be funded by the Redevelopment Agency and will be paid for by the developers. As part of the mitigation to reduce air pollution, new developments shall be reviewed by WOPAC for density and height limitations **B-28**

[1] Page 1-10

The phrase "at the Agency's sole discretion" shall be replaced with "at the Agency's discretion in consultation with WOPAC." B-29

.Page 1-11

Mitigation Measure 6.4.C:

- While it is appropriate to propose upgraded ventilation systems in new residential development, the odors and pollutant emissions noted in this section that will be polluting the environment are not identified. When odors and pollutants are identified, they shall be removed. No introduction of new polllutants into the the project are shall be permitted. B-30

Noise

Potential Impact 7.4.1

- Noise reduction shall be addressed in the environmental review for specific projects since City Standards may not be adequate for reducing construction noise, as was the case for the re-construction of Route 880. The community noise exposure needs to be analyzed and addressed for each project. There will be no construction on weekends and it will be limited to the hours between 9am and 5 p.m. during the week. Noise levels in exceedance of legal requirements shall be mitigated by the developer or agency other than the Redevelopment agency. B-31

Mitigation Measure 7.4.3B B-32

- The City of Oakland *shall* coordinate with Caltrans to investigate the potential for constructing new sound walls as stated. Redevelopment funding shall not be used to supplement the cost for such walls.

Mitigation Measure 7.4.3C

- The City of Oakland *shall* coordinate with BART not in investigating potential technicques for reducing noise, but rather to underground BART tracks in the West Oakland Redevelopment Project area. In consultation with WOPAC, Redevelopment funds could potentially be used to supplement the costs associated with such undergrounding. B-33

Page 1-12
Once again it should be noted that standards required by the General Plan or City Ordinances will not necessarily provide appropriate mitigation for the environmental impacts of individual projects. The potential environmental impacts will have to be studied and addressed for each project. B-34

Mitigation Measure 7.4.*3c*
Freeway Sound Walls and BART Train Noise Reduction B-35

The City of Oakland shall (not should) coordinate with Caltrans and BART. However, Redevelopment funding shall not be used to supplement the costs of actions required to mitigate the environmental impacts of their projects, i.e. to pay for sound walls required under Federal or State law.

Hazards and Hazardous Materials
Page 1-13

Potential Impact 8.4.1 Long-term Exposure B-36

The Implementation of the Redevelopment Plan's project and programs shall not result in the introduction of new businesses that handle hazardous wastes. Nor will any new businesses that handle hazardous waste be funded or permitted by the Redevelopment Agency or in the Redevelopment project area, and there will be no assistance to existing businesses that handle hazardous waste. These statements apply to both the discussion of impacts and the mitigation measures.

Potential Impact 8.4.2 Transport of Hazardous Materials B-37

This section be corrected to read: " Implementation of the Redevelopment Plan's project's, programs, and other activities shall not result in the introduction of new businesses that involve transport of hazardous materials."

Potential Impact 8.4.3 Exposure of Schools and Sensitive Uses B-38

Please provide the EIR committee with a map of permitted hazardous waste sites, land uses, and Oakland schools by July 15, 2003 for review.
This section be corrected to read: " Implementation of the Redevelopment Plan's project's, programs, and other activities shall not result in the introduction of new businesses that involve transport of hazardous materials."

Mitigation Measure 8.4.3A Preference for industrial Uses away from Sensitive Receptors and Mitigation Measure and

8.4.3b Hazardous Materials Assessment Report and Remediation Plan Required, and

Mitigation Measure 8.4.3C: Technical Assistance – Hazardous Materials Assessment Report and Remediation Plan B-39

Since there shall be no new businesses that involve transport of hazardous materials in the project area, these are not an appropriate or applicable mitigation measures.
Also, the concept of sensitive receptors is generally applied to noise reception and not to hazardous wastes.

Potential Impact 8.4.4: Exposure from Prior Hazardous Materials Users B-40

Once again it should be noted that standards required by the General Plan or City Ordinances will not necessarily provide appropriate mitigation for the environmental impacts of individual projects. The potential environmental impacts will have to be studied and addressed for each project. This is particular crucial for any potential

hazardous waste impacts for individual projects that may require very specific types of clean-up, technology, and mitigation.

Mitigation Measure 8.4.4A: Technical Assistance – Closure of Permitted Hazardous Materials Use Sites

Mitigation Measure 8.4.4B: Technical Assistance – Risk Management Plan

Mitigation Measure 8.4.4C: Permit Tracking Review

B-41

These are not appropriate mitigation measures. Citing existing laws does not provide appropriate specific mitigation for impacts generated by programmatically by the Redevelopment Plan or for individual projects funded by the Redevelopment Plan. The Redevelopment Agency with the approval of the WOPAC may assist hazardous waste cleanups.

Page 1-15

Potential Impact 8.4.5: Contamination of Soil and Groundwater

B-42

This information does not provide any usable identification of potential impacts as it states, "Future construction activities pursuant to implementation of the Redevelopment Plan...*could* encounter hazardous materials in the soil and groundwater." This summary fails to indicate any serious study or identification of possible types or locations of contamination.

Mitigation Measures 8.4.5A through 8.4.5D

B-43

Again, citing existing laws does not provide appropriate specific mitigation for impacts generated programmatically by the Redevelopment Plan or for individual projects funded by the Redevelopment Plan. While existing law provides for cleanup of contaminated soil and groundwater, the Redevelopment Agency shall encourage all contamination within the project area to be removed, and in all new construction funded by the Redevelopment Agency. In consultation with WOPAC, Redevelopment funds might be used to supplement costs associated with contamination of soil and groundwater in the Project Area.

Page 1-16

Mitigation Measures 8.4.5E through 8.4.5F

B-44

The Redevelopment Agency shall ensure that the protection health and safety of workers is addressed through environmental review of each individual project, since existing health and safety requirements may not be sufficient for some conditions and additional mitigation measures may be required. Additionally, workers who may be affected by exposure to contamination will be compensated for the duration of their disability.

Potential Impact 8.4.6: Exposure to Hazardous Building materials. B-45

The Redevelopment will require that no hazardous building materials shall be left in place after construction, demolition or renovation. This statement should be substituted for the sentence beginning "Without proper abatement procedures..."

Mitigation Measure 8.4.6.A Hazardous Building Material Abatement Process

Edit this section in place of "all projects, programs, or other implementation activities" to read "If projects, programs, or other implementation activities exceed $50,000." B-46
It is simply not feasible to require this type of testing for projects that are of a lower budget. We are not interested in providing the full-employment act for environmental consultants.

Mitigation Measure 8.4.6B: Hazardous Building Materials Abatement Assistance B-47

Please identify or explain the phrase "implementation programs." Individual property owners who demonstrate need in the form of loans, grants or technical assistance.

Page 1-17
Public Infrastructure

Potential Impact 9.4.2: Water Distribution and Wastewater Collection Infrastructure. B-48

The last sentence beginning with "Such new development may require localized improvements..." shall read instead, "Such new development shall require localized improvements..."

Mitigation Measure 9,4.2 Infrastructure Improvements

The mitigation measure is indecipherable. Please explain the statement that "these projects should address the replacement or rehabilitation of the existing sanitary sewer collection system to prevent an increase in the {Infiltration/Inflow or] I/I in the sanitary sewer system." The sewage and the storm/waste water systems should be separate systems and new construction shall provide a separation between sewer and storm/waste water systems. B-49

In the second bullet statement beginning "When capital improvement requirements...," replace the word "should" with "shall." B-50

The mitigation in the third bullet will need to be changed: "At the Redevelopment Agency's sole discretion, redevelopment funds could potentially be used to subsidize the costs for such improvements." This statement shall read, "The developer or the City of Oakland shall provide funds for such improved systems, and Redevelopment funds will not be used for such infrastructure improvements." B-51

Page 1-18

Potential Impact 11.4.3 Removal or Alternation of Historic Resources

No historic resources, districts, or properties in Redevelopment Area shall be moved or demolished. No historic resource shall be altered in any way that will cause the loss their B-52

historic integrity. No redevelopment funds will be allocated for any project that will result in the demolition of a historic property or district or alteration causing loss of historic integrity.

Mitigation Measure 11.4.3

Provision 5 – Delete "Oak Center" - Oak Center is not in the project area. B-53
A set of design guidelines shall be developed for the Oakland Point District and any other historic district in the Project Area potentially eligible for the National Register.

Provision 7 – Remove "Oak Center District" and include provisions for any other historic district in the Project Area potentially eligible for the National Register B-54

Page 1-19

Cumulative Impact 5.4.2 Signalized Intersections

The finding of the considerable and unavoidable impacts of these signalized intersections is unacceptable. These impacts are avoidable. For example, the City of Oakland Traffic engineers need to seriously study and propose ways to restructure West MacArthur Boulevard between Hollis and Market Streets. If that street was widened in the area behind Home Depot, it could conceivably be converted to create through traffic. This would help restore West MacArthur Boulevard to its previous status as a gateway to Oakland and benefit business on that street. B-55

Page 1-20

Mitigation Measure 5.4.3 convert the two-way stop control to all-way-stop-control at the 3rd Street and Market Street Intersection. B-56

The all-way stop will create more backup at this busy intersection. The Department of Public works shall use Federal transportation funding for local agencies to signalize this intersection. Refer to point 1 in the General comments for the reference to sole discretion.

Cumulative Impact 5.4.4 AC Transit Service B-57

The density created by Redevelopment will not be a negative impact on AC Transit and BART as it will result in an increase in ridership and revenue.

Mitigation Measure 5.4.4 and 5.4.5 Coordination with AC Transit B-58

No Redevelopment funds will be spent to assist AC Transit or BART operations. Transit agencies are cash poor and are looking for bailouts. Our stations are busy because they are either transit stations or the last stop to San Francisco. We are dealing with many adverse affects due to the presence of BART, including loss of parking, damage to cars and homes due to overhead BART trains, and their noise and air pollution--the majority of which is caused by commuters coming from outside the neighborhood. We will not let our Redevelopment funding be misused for BART improvements. Refer to point 1 in the General comments for the reference to sole discretion. The mitigation for any impacts will be undergrounding.

Cumulative Impact 5.4.7 Truck Parking B-59

In general, truck parking impacts are not relevant because there shall be no truck parking in the Project Area. The Redevelopment Agency is not responsible for impacts resulting from development under the jurisdiction of the Port of Oakland such as the Union Pacific Intermodal Yard or any other entity. We reject the finding that these impacts are considerable and unavoidable. Only local pick up and deliveries will be permitted in the Redevelopment Project Area and no other trucks shall enter.

Mitigation Measure 5.4.7 B-60

These mitigation measures are not applicable or appropriate as no truck parking will be allowed in the Project Area.

Page 1-21

Air Quality

Cumulative Impact 6.4.8 Emissions of Nox and PM10 B-61

The sources of these significant and unavoidable impacts shall be identified as the major portion of them appear to be generated by Port of Oakland activities. Any sources anticipated in the Redevelopment area will also be identified. If Port of Oakland activities shall contribute to these emissions, the Port of Oakland shall mitigate for them by:

1. Require that trucks shut their engines after 10 minutes of idling

- Retrofit the engines to non-polluting of energy sources or to energy sources that diminish pollution

We reject the finding that these impacts are considerable and unavoidable.

The statement that the cumulative emissions are attributed to Port-related projects is not a mitigation measure. This section should indicate what pollution-producing projects are projected and are designated for construction within the unnamed area in the Redevelopment Area bounded by Middle Harbor Road, 7th Street and Route 880. B-62
The Redevelopment Agency shall not fund projects that contribute to the increase of these emissions.

Noise

Cumulative Impact 7.4.5 Traffic Noise

We question and reject the finding that these impacts are considerable and unavoidable, because this EIR has not in any way documented that there will actually be growth in the Project Development area that will cause traffic congestion and noise, pollution that will be significant and unavoidable. B-63

Public Services

Cumulative Impact 10.4.1 Parks

Mitigation Measure 10.4.1A B-64

The last sentence shall be edited to read: "The Redevelopment Agency shall assist in the acquisition of appropriate new park sites, such as the acquisition of empty lots for miniparks. Larger areas shall also be acquired for extending existing parks, new parks, and dog parks.

Mitigation Measure 10.4.1B Joint Use B-65

This is a vaguely written mitigation that is not clearly identified. Redevelopment Agency should maximize non-park recreational facilities and assist local churches.

Mitigation Measure 10.4.1B Funding B-66

Regarding the Redevelopment Agency's sloe discretion, see comment no. 1 in the general comments.

Page 1-22

Cumulative Impact 10.4.2 Schools

Mitigation Measure 10.4.2A Joint Use B-67

Joint use agreements shall result in opportunities for sharing costs for such items as maintenance and repair. Funding shall be over and above baseline funding for West Oakland schools, and not be taken out of the normal allocation for the schools

Mitigation Measure 10.4.2B Funding Opportunities B-68

See general comments regarding Agency's sole discretion. West Oakland will need additional schools as mitigation for this impact, which appears to be significant.

Page 1-23

Mitigation Measure 10.4.2C Real Estate Asset Management B-69

Any consultation that the City and the Redevelopment Agency conduct shall include consultation and review by the WOPAC.

Page 3-1

- ***Introduction*** B-70

First paragraph. Delete the references to Hausrath Economic Group
Clarify the function of state law in extending redevelopment authority with a reference to the code.

3.2.1Existing Land Use by Project Subarea

Prescott/South Prescott Subarea **B-71**

This description should better define this area which has large sections of residential land use with a large historic district eligible for the National Register of Historic Places. The main commercial arterial, 7th Street, is dominated by linear infrastructure—the BART tracks and the Post Office that splits the residential land use into two areas. Route 880 separates the rest of this subarea and the section allocated for the development of the Union Pacific Intermodal facility.

Clawson/McClymonds Bunche Subarea **B-72**

While the land uses in this area are diverse, they are also organized around main commercial corridors the land use should be defined in relation to these corridors. Indicate the location of the truck-related uses in this area.

Page 3-11

Affordable Housing and Home Ownership

Housing Objectives

B-73

The first bullet beginning with: "Affordable housing opportunities..." is false. This was never a housing objective for the WOPAC, in fact, the WOPAC has stated numerous times that affordable housing in the project area shall not be increased. Take out the entire statement along with the bullet next to it beginning with: "Housing should be made..." This statement is also not one that was adopted by the WOPAC. Strike this as well.

Chapter 4 Land Use

Page 4-2

- ***Introduction***

First paragraph. Delete the references to Hausrath Economic Group **B-74**
Clarify the function of state law in extending redevelopment authority with a reference to the code.

4.2.2Surrounding Land Uses

Correct the text to read: "...and surrounds West Oakland on the south and east." **B-75**

Page 4-4
Eighth bullet – Verify the source of the number of live/work or residential units and the total square feet of land use for the 16th/Wood sub-district. **B-76**

Remove the section on the Union Pacific Intermodal Facility. Since this facility was considered part of surrounding land uses and was not described as part of existing land uses, clarify how it was addressed in the document. **B-77**

4.2.3 Existing Land Use, Project Area and Table 4-1

Rather than citing another document that was lacking methodological explanation, provide the source and method of calculation for these data. In cases where data are cited, provide the source. **B-78**

Page 4-6

Vacant Land

Remove "highly underutilized properties." This is a subjective description without definition. There is no reason to include utility and parking uses to inflate the amount of land considered to be "in very low intensity or vacant." This assignation to utility uses and parking for such facilities as the BART Station and its surroundings is unreasonable. **B-79**

Describe the existing land uses in the area that is used or will be used for the Union Pacific Intermodal Yard. **B-80**

4.2.4 Existing Land Use by Project Subarea

Prescott/South Prescott Subarea **B-81**

This description should better define this area which has large sections of residential land use with a large historic district eligible for the National Register of Historic Places. The main commercial arterial, 7th Street, is dominated by linear infrastructure—the BART tracks and the Post Office that splits the residential land use into two areas. Route 880 separates the rest of this subarea and the section allocated for the development of the Union Pacific Intermodal facility.

Clawson/McClymonds Bunche Subarea **B-82**

While the land uses in this area are diverse, they are also organized around main commercial corridors the land use should be defined in relation to these corridors. Indicate the location of the truck-related uses in this area.

Page 4-10

General Industrial/Transportation

Describe the existing land uses in the southern end of Prescott/South Prescott. And referenced and future land uses here either in this section or the section titled existing land uses. **B-83**

4.3.4 Port of Oakland

Clarify the inclusion of this paragraph if there are no areas in the Redevelopment Plan where the Port of Oakland has jurisdiction. **B-84**

4.4 Potential Impacts and Mitigation Measures

Break up this discussion into the specified sub-areas such as the Prescott/South Prescott sub area. **B-85**

Page 4-15

4.4.1. Division of an Established Community

Current land uses resulting from government-funded projects along 7th Street have divided the residential areas of Prescott/South Prescott. Future redevelop plans may affect this division. Address any proposed land uses that may affect this division. **B-86**

Explain the future land uses of the Mandela Parkway Corridor Plan in more detail. **B-87**

4.4.2: Conflict Between Adjacent or Nearby Land Uses

Page 4-16

City General Plan Policies
Replace "must" with "shall" in the first sentence.
Similarly in Policies 1/C4.1 through Policy N12.6, use "shall" in place of "should" or "must." **B-88**

Page 4-17

To Policy N8.2, add the following sentence: "The maximum allowable height in the Project Area shall be 40 feet." **B-89**

Page 4-18

Business Mix
Change the sentence the last sentence to read: "high impact industrial uses including those that have hazardous materials on site shall not be allowed." **B-90**

Special City Zoning Overlay Requirements
Describe the term "special city-zoning overlay" and explain the impacts of truck activity in the area. **B-91**

S-4 Design Review combining Zone
This zoning overlay shall apply to the entire area. **B-92**

Page 4-20
S-16 Industrial-Residential Transition Combining Zone
Identify this zone. **B-93**

Truck Regulation Ordinance
This Regulation Ordinance shall read to prohibit any new truck-related activities over and above those permitted in the Industrial-Residential Transition Combining Zone. **B-94**

City Zoning Ordinance

Regarding the recommended new zoning ordinances, these shall be applied to the entire Redevelopment area without specification of specific land uses. **B-95**

Page 4-21

Potential Benefits of Redevelopment

In the first paragraph, change "would" to "shall." **B-96**

In the second paragraph, change the first sentence to read, "the Redevelopment Agency in consultation with the WOPAC shall eliminate all illegal non-conforming industrial or commercial businesses from West Oakland residential neighborhoods and relocation in close proximity shall not permitted." **B-97**

Illegal non-conforming industrial or commercial businesses shall be eliminated rather than non-conforming.

4.4.3 Consistency with Land Use Policy

In the first sentence, change "would" to "shall." **B-98**
Eliminate the sentence that begins with "For the reasons…" It is irrelevant to this section.

Chapter 5: Transportation

Please also see the Executive Summary for Transportation related comments

page 5-6

5.2.3 Local Setting

In the paragraph beginning with "14th street" - please explain what a "collector" is. **B-99**

In the paragraph beginning with "Mandela Parkway" please change "3rd Street to just south of..." to "3rd Street to just north of." **B-100**

In the paragraph beginning with "Market Street," please verify all the information provided. Market Street is certainly not a six-lane road etc. etc.

page 5-8

The paragraphs beginning with "Brush Street" and "Castro Street" should be deleted. Neither are in the project area and therefore they should not be in this document. **B-101**

Level of Service (LOS) Analysis

The WOPAC asked specifically that a section be added here that outlines that the LOS is currently impacted by a failure on part of the City of Oakland to enforce truck **B-102**

regulations. Hence, the baseline data are elevated and do not reflect what the true baseline should be.

pages 5-20 and following

There is no way to assess the correctness of these estimates as there is a general lack of formulas and/or research methods provided. We question the accuracy of the baseline. Please verify and document these data. **B-103**

page 5-25

Both bullets beginning with "W. Grand Ave..."
should be deleted. Neither intersection is in the project area. They are describing Port traffic. **B-104**

page 5-26

The WOPAC rejects the finding that the traffic problems at 40th street are unavoidable. Please see Appendix by Larry Rice for a full discussion of our comment. **B-105**

5.4.4 Increase in AC Transit Ridership

pages 5-28 and 5-29

Project Specific Impact

This paragraph makes no sense. It describes AC Transit's problems with overcrowded buses in downtown Oakland - not in the project area. Presumably, these busses are overcrowded because AC Transit has repeatedly cut its services. **B-106**

Mitigation Measure 5.4: Coordination with AC Transit

An increase in ridership in the project area will increase AC Transit's revenues. The WOPAC will not fund AC Transit beyond that. The WOPAC has voted to explore funding for non-polluting mass transit or a neighborhood shuttle. If AC Transit can provide such service, the WOPAC will be happy to consider funding proposals by this agency. **B-107**

5.4.5 Increase in BART Ridership

Please note that the MacArthur BART station is not in the project area. The discussion on BART station related increases makes very little sense - is the WOPAC also expected to fund BART stations at which West Oakland residents are exiting?! Please see discussion in the comments on the Executive Summary for further comments on this section. **B-108**

Page 5-32

Footnote 6 - please note here that this is due to a lack of enforcement. The mitigation should be to provide enforcement to keep the trucks off the local streets and away from freeway entrances where they should not be entering or exiting. B-109

Air Quality

See the comments on the summary of air quality potential impacts.

6.2.2 Emissions and Ambient Air Quality

In the discussion of emissions, provide a clear description of the differences for each pollutant between point sources for pollution and ambient air pollution in the analysis of each pollutant. B-110

Indicate how the updated projections of the Countywide Model have been used to calculate projected air quality. B-111

Page 6-2

Regardless of the methodology available for the study of $PM_{2.5}$, the potential impacts of this air pollutant shall be addressed. The statement that Bay Area-wide $PM_{2.5}$ emissions and monitoring data are not available is contradicted by the use and inclusion of Table 6-3 showing PM_{10} and $PM_{2.5}$ concentrations from 1996 to 2001 from the Port of Oakland and the Filbert/24th Street intersection. B-112

Include more recent data and explain methods of collection and comparisons. This table uses data from San Leandro and downtown Oakland locations neither of which are in the Redevelopment Project Area. The air quality impacts for the Redevelopment Project cannot be discussed without baseline air quality data and projections relating specifically to the Redevelopment Project Area. Air quality sampling that demonstrates a methodical representative sampling of air pollutants taken from within Redevelopment Project Area shall be provided in the revision of this document. It will be accompanied by an in-depth analysis of the baseline and projected emissions based on such data. B-113

The data in Table 6-1 shown in Table 6-1 and referenced on page 6-2 are from 1995. Provide the reference to the methods used and specific BAAQMD study referenced. B-114

Page 6-5

Carbon Monoxide

CO is produced by vehicles. Refer to the traffic volume studies in discussing existing and projected emissions of CO and clearly define both measurements. B-115

Page 6-6

Provide a clear description of the differences for each pollutant between point sources for pollution and ambient air pollution in this analysis. B-116

Page 6-7

Table 6-3

If the source for this data is Orion Environmental Associates, provide the comments of the Bay Area Air Quality Management District on this document prepared for the Oakland Army Base Redevelopment EIR. Please provide the reference to the air quality study that was performed. The study of only two sites, one of which appears to be outside the project area, are insufficient for evaluating potential air pollution in the Redevelopment Project Area. **B-117**

Toxic air Contaminants

Page 6-9

The discussion of Red Star Yeast is irrelevant because it is now closed. Remove references to it. **B-118**

Page 6-10

Particulate Matter

As noted and confirmed by the California Air Resources Board, particulate matter emitted by diesel-fueled engines is a TAC or toxic air contaminant generated by diesel fueled engines. Relate the projected increase in truck traffic as a result of activity at the Port and the Union Pacific Intermodal Facility and evaluate how these emissions of particulate matter will impact the Redevelopment Project Area. **B-119**

Page 6-11

Sensitive Receptors

Provide a list and a legible map of the sensitive receptors in the Redevelopment Project Area. **B-120**

Page 6-12

It is a well-known fact that many people, particularly children and the elderly in the Redevelopment Project Area, suffer from an unusually high incidence of asthma that will not be reflected in the countywide figures for asthma symptom prevalence. Report on the asthma symptom prevalence in the Redevelopment Project Area. **B-121**

Page 6-13

Regulatory and Policy Setting

Edit this section to define how State and Federal regulations and policies apply to the requirements of the California Environmental Quality Act and California Redevelopment Act and their relevance to standards that will be used within the Redevelopment Project Area. Indicate how federal regulations and policies apply to the Redevelopment Project Area or how their standards are being used and implemented in special studies. Include a description of the requirements for the use of the Countywide Model and updated projections here and how it has affected the calculations of future air pollution. **B-122**

Page 6-17

1.4 Impacts and Mitigation Measures **B-123**

This section needs to be rewritten to remove the

Significance Criteria

Remove the listing of criteria and explain how they apply to the West Oakland Project Area.

Page 6-19 through 6-24
A reiteration of existing code and regulations such as City General Plan Policies cannot be used as a mitigation for the significant impacts that will result from the West Oakland Redevelopment Project Plan. **B-124**

6.4.4 Effect of Project Emissions on Local Air Quality

"Significant and unavoidable" impacts identified on page 1-21 as the increase of Nox and Pm10 emissions. We disagree with the finding that these are unavoidable impacts. Please explain. **B-125**

Page 6-24
Discussion
This is the first mention of a micro-scale CO impact analysis conducted within the West Oakland Redevelopment Project Area. Incorporate the presentation and discussion of this analysis into the first sections of this chapter and include it in the discussion of ambient air quality pollution and as referenced in previous comments. **B-126**

The conclusions drawn in the way indicated is flawed as this study omits consideration of some of the most important and busiest intersections in the Project Development Area such as MacArthur Boulevard and Martin Luther King, Jr. Way or 40th and Martin Luther King, Jr. Way. Likewise, the traffic study on which this analysis is based omitted these intersections. Moreover, it is not clear how intersections adjacent to major development now under construction or proposed development will affect air quality such as the Oakland Army Base Redevelopment, the Union Pacific Intermodal Facility which may also be referred to as the Joint Intermodal Terminal (JIT), and development along Mandela Way. See also Larry Rice's comment in "Mitigation of Cumulatively significant impact to traffic flow at the intersection of 40th Street and San Pablo Avenue" submitted as part of our comments. **B-127**

Table 6-7
A detailed impact analysis is mentioned. Explain how this study was conducted including a description of method, data, analysis, and conclusions. Attach the study to the EIR as a special study. **B-128**

Page 6-29
6.4.6 Compatibility of Project-Related Population Increases
Potential Impact 6.4.6, Discussion
Identify and analyze the source of increased population density as it specifically relates to the Redevelopment Project Area. Include the major developments currently proposed and under development. **B-129**

Page 6-30

City Ordinances, Policies and Approved Mitigation Programs **B-130**

Existing ordinances and measures mitigating impacts of Port Development shall not be used to mitigate the impacts of the Redevelopment Plan.

Page 6-32

Mitigation Measure 6.4.6A **B-131**

Redevelopment funds shall not be used to pay for mitigation. Developers will pay mitigation for specific projects.

Page 6-33

Mitigation Measure 6.4.6B **B-132**

Redevelopment funds shall be used for projects identified by the WOPAC for funding and shall not be used for the City of Oakland's obligations to provide mitigation for air pollution

Pages 6-36 through 6-38

6.4.8 Effects of Cumulative Development on Regional and Local Air Quality **B-133**

The discussion of cumulative effects cannot address the substantive issues of future significant cumulative impacts because the analysis and disclosure of methods and data collection are not included in the EIR.

\Chapter 7: Noise

Page 7-3

7.2.3. Existing Noise Levels

B-134

The use of seven short-term noise measurements to study the Redevelopment area is entirely inadequate. Such a small sampling cannot provide any information that can be used to measure noise levels, particularly for the freeway noise from Routes 980 and 580.

Again the traffic modeling used for the Redevelopment Project Area did not include important busy intersections and affects the quality of the evaluation of noise levels.

Chapter 8 - Hazards and Hazardous Materials

8.2 Environmental Setting

Page 8-2 ***8.2.1 Historic Land Uses***

B-135

In the sentence beginning with: "Over the years, many industrial..." strike "due to economic decline and a move away from war time industries. As a result, some" Begin this last sentence with the word "Some."

The paragraph should either comment on all reasons for why businesses might have modernized, relocated or closed, or not at all.

Page 8-2 ***8.2.2 Current Land Uses***

In the sentence beginning with "These uses are concentrated in..." strike "the vicinity" and replace with "parts" **B-136**
The sentence is incorrect without this change as these uses are not concentrated in all parts of the areas listed.

The last sentence in this section should note that: Not always do the residents of the project area perceive this setting as a conflict. **B-137**

Page 8-3 ***8.2.3 Permitted Hazardous Materials Uses***

This section outlines current permitted HAZMAT use and refers to the appendix for locations and type of HAZMAT. A review of the appendix showed that a substantial number of locations listed are in fact NOT in the project area. Please remove all of the HAZMAT locations from this list that are not in the project area and rewrite this section accordingly. **B-138**

The first bullet mentions USTs without explaining what this term stands for. Provide explanation. **B-139**

The sixth bullet refers to pesticide producing facilities - please verify that these businesses are in fact in the project area. **B-140**

Page 8-4

First paragraph beginning with "Because the use and handling..." The conclusion that "the potential for the release of hazardous materials from these sites is considered low unless there is a documented chemical release at that same site" lacks all logic. Just because something has not yet happened does not mean that a facility should be considered low risk. Presumably, the condition of machines and whether HAZMAT is handled properly, among other things, has something to do with the risk assessment of a facility. **B-141**

Paragraph beginning with "Table 8-1" This section refers to the table on the next page, on which a summary of all hazardous materials sites is provided. As stated above, many of the HAZMAT sites listed in the Appendix and summarized in this table and referred to in this section are, in fact, not located in the project area and should hence be deleted. Please update this paragraph after deleting sites that are not in the project area. **B-142**
This section omits the request of the WOPAC to mention that there are many, as of yet undetected, underground storage tanks. These USTs need to be found and dealt with in an appropriate manner. Please include a section on this topic.
Much of the information on which this paragraph is based is outdated and needs verification. The project area has been very successful in losing some of its HAZMAT companies recently. This should be reflected here. In addition, this section should

mention that many of the HAZMAT companies that are still in the project area are located outside of residential areas.

Page 8-9

Second bullet beginning with "Elevated levels..." change the word "although" to "but" to make sense of this sentence. **B-143**

Page 8-11

8.3 Regulatory and Policy Setting

B-144

Second paragraph beginning with "Of particular relevance..."
We reject the conclusion that developers prefer greenfields for development "in outlying areas where there are no contamination concerns..." In any urban environment, a site that has never been touched would be difficult to find and obviously many developers rather develop urban than sub-urban areas! (Example: South of Market, San Francisco)

page 8-16

Footnote 10, second sentence - makes no sense: rewrite **B-145**

page 8-18

8.4.1: Potential Long-Term Impacts

Potential Impact 8.4.1: There are no projects in the WOPAC's plan whose implementation would cause this section to be applicable. **B-146**

page 8-19

Mitigation Measure 8.4.1

The WOPAC does not support bringing these types of businesses (P1 and P2 classifications) to the neighborhood and will most certainly not subsidize them in this manner. Redevelopment funds are to be used to improve the neighborhoods, not to make them more hazardous or into more of a health risk. **B-147**

Resulting Level of Significance

Add that the best protection and mitigation would be to not situate these businesses in the project area. **B-148**
The WOPAC does not support new businesses that could potentially have a hazardous material release (P1 and P2 classifications). Please rewrite this section to assure that it is clear that the WOPAC does not support these types of businesses.

page 8-21

Discussion

Provide examples of what types of hazmat might be involved in the transportation-related accidents in the area. **B-149**

Mitigation Measure 8.4.2B: Preference for New Industrial Uses along Truck Routes **B-150**

In accordance with the WOPAC's plan and the General Plan, no new industrial uses shall be permitted in the project area. No redevelopment assistance shall be provided to business' that could cause an adverse impact in the project area.

page 8-22

Resulting Level of Significance

Add to "Mitigation Measures 8.4.2A and B" the words "as amended" **B-151**
In the same sentence, change "releases" to "release."

8.4.3: Use of Hazardous Materials within 1/4 Mile of a School

Discussion

Please explain which programs, projects and other activities could facilitate the addition of new businesses that handle hazardous materials within those areas. **B-152**

page 8-23

Mitigation Measures

second paragraph, sentence beginning with: The HMARRP is... **B-153**
Please provide information and examples of when this is done and at what time in the process the public is ever informed.

Mitigation Measure 8.4.3A:
typo: change "sites" to "site"
Rather than discouraging this activity by prioritizing funding for businesses that are 1/4 mile away from the site, the mitigation should specify to not permit these businesses in the first place. **B-154**

Mitigation Measure 8.4.3B:
change this sentence to delete the last two lines, after "shall be" and end the sentence with the word "denied." **B-155**

Mitigation Measure 8.4.3C:

add to the last sentence the words: "or relocation of the business." B-156

page 8-25

Mitigation Measure 8.4.4.B
In the first sentence, change the word "should" to "may." B-157

page 8-31

8.4.6: Exposure to Hazardous Building Materials

Discussion B-158

End the first sentence with a period after "new construction." The next sentence shall read: "It might also include demolition and will include renovation of existing structures."

Mitigation Measure 8.4.6

In the first sentence, insert the words " whose costs exceed $50,000" between "activities" and "pursuant." B-159

page 8-32

8.4.7: Airport Hazards

Please explain which portion of the project area is located within two miles of the Oakland International Airport, or change this section to reflect that this is not applicable. B-160

Appendix E - Regulatory Framework for Hazardous Materials

B-161

The first page in this appendix says: Appendix F - Hazardous Materials. Please clarify whether this is Appendix E or F and organize the document accordingly.

The last page in this appendix consists of an illegible map. Please provide this map on four pages to be able to show detail that is actually decipherable.

Appendix F - Review of Environmental Databases

B-162

Many of the datasets reviewed are outdated. Please re-review these databases to ensure that the most current information about the project area is part of this EIR.

Appendix G - Table of Permitted Hazardous Materials Use Sites Identified in Area

B-163

Many of the HAZMAT sites included in this section are not located in the project area. Some of the HAZMAT sites included in this section are no longer in operation. Please

review this entire section for accuracy and delete all addresses that are not in the project area.

Chapter 11 - Cultural and Historic Resources

B-164

The Cultural Resources Section was well-written. However, it is not clear whether a Historic Property Survey Report was written. If it was, it was not made available to the WOPAC

Responses to Comment Letter "B" – West Oakland Project Area Committee, submitted via e-mail, July 28, 2003

Response to Comment B-1:

The processing of this EIR has complied with all CEQA-required public notice and review requirements as described below:

- As soon as the Draft EIR was completed, a Notice of Completion consistent with CEQA Guidelines (Section 15085) was filed with OPR. The date of this notice was June 10, 2003.

- At the same time that the Notice of Completion was submitted to the OPR (June 10, 2003), the City provided a public Notice of the Availability of the Draft EIR, consistent with the requirements of Section 15087 of CEQA Guidelines. This Notice of Availability was published, and was mailed to the last known name and address of all organizations and individuals that have previously requested such notice in writing. The notice was mailed to all responsible agencies and other public agencies which have jurisdiction by law and/or special expertise with respect to various projects and project locations and to other agencies or organizations which are included in the City's list of standard notice recipients. The Notice of Availability was also posted at the offices of the Alameda County Clerk.

- On or about June 10th, individual copies of the draft EIR were mailed or delivered to City decision-making bodies (the Oakland Redevelopment Agency, the Planning Commission and the Landmarks Preservation Advisory Board). Copies of the Draft EIR were also furnished to the Oakland Main Library and the West Oakland Branch public library. Additional copies of the Draft EIR were also made available to individuals and/or organizations as requested during the public review period.

- Copies of the Draft EIR were made available for public review throughout the duration of the public comment period during the lead agency's normal working hours at the Planning Department, 250 Frank Ogawa Plaza, Suite 3330.

- A public hearing was held on the Draft EIR at the regularly scheduled Planning Commission meeting of July 16, 2003, during which oral comments on the DEIR were received. Oral comments from that meeting are responded to in this Final EIR.

- The public comment period was closed at the end of business, 4:00 p.m. on July 25, 2003, 45 days after the Notice of Completion was filed and the Notice of Availability was provided. All comments received as of that date are included in, and responded to in this Final EIR.

Based on the City's compliance with the public review process required under CEQA, there are no legal requirements that would mandate a longer public review period. Adequate time was provided for the public to review and comment on the Draft EIR. Accordingly, the Planning Commission hearing to receive oral comments was closed on July 16, 2003, and the written comment period was closed at 4:00 p.m. on July 25, 2003.

Response to Comment B-2:

The WOPAC consultation process is a policy matter of the Redevelopment Plan (the Project), and does not materially affect an environmental issue. Pursuant to State Redevelopment Law (Section 33386) the West Oakland Project Area Committee (WOPAC) serves as an advisory body to the Redevelopment Agency. The Redevelopment Agency must consult with the WOPAC concerning policy matters which affect the residents of the Project Area, and residents potentially displaced by actions of the Redevelopment Agency under the West Oakland Redevelopment Plan. The Agency must continue to consult with the WOPAC for at least three years after the plan is adopted, subject to one-year extensions by the Agency.

The term "at the Redevelopment Agency's sole discretion" was used in several mitigation measures in the Draft EIR (Measures 6.4.6A, 6.4.6B, 9.4.2, 5.4.3, 5.4.4, 5.4.5, 10.4.1C, and 10.4.2B). This term is used to indicate that the use of redevelopment funds toward implementation of those measures is not a requirement of those recommended mitigation measures, but is an option for consideration by the Agency. This term does not materially affect nor modify the Redevelopment Agency's consultation process with the WOPAC as established in the Redevelopment Plan.

Response to Comment B-3:

See response to comment B-2 above.

Response to Comment B-4:

Existing conditions for each environmental topic addressed in the EIR is addressed in the Environmental Setting section of each chapter. The growth projections used for this EIR are described in Section 3.5.5 Consistency with Population and Employment Projections, starting on page 3-29 of the DEIR. As is provided for in CEQA Guidelines Section 15130(b)(1)(B), a summary of projections from the regional population and employment agency, the Association of Bay Area Governments (ABAG) has been used as the basis for the projections contained in this DEIR. ABAG publishes these projections every two years. Projections 2000 and 2002 were included so that a comprehensive comparison could be completed. Appendix B of the DEIR includes summary projections used in this DEIR with previous citywide growth projections as discussed in the LUTE EIR, which is incorporated by reference in this document, Alameda County CMA projections and ABAG Projections 2000 and 2002.

Response to Comment B-5:

All studies and analyses used to support the conclusions of the Draft EIR are included in that document, or are derived from sources cited in the bibliography. There are no additional special studies conducted for, but not included in the EIR. Additional traffic calculation sheets as well as all other planning documents referred to in the DEIR are on file in the Planning Department, at 250 Frank Ogawa Plaza, Suite 3330, Oakland, Ca. 94610.

Response to Comment B-6:

This comment pertains to financing issues as part of the proposed Redevelopment Plan. It does not raise an environmentally related issue for purposes of CEQA. CEQA requires that an environmental impact report identify the significant effects on the physical environment, along with feasible mitigation measures and alternatives to the project (Public Resources Code 210021).

Response to Comment B-7:

A description of existing land uses is found in Section 4.2 Environmental Setting of the Draft EIR, beginning on page 4-1. "*The Redevelopment Plan has been developed to be fully consistent with the City of Oakland General Plan, including the Land Use and Transportation Element (LUTE), the Open Space, Conservation and Recreation Element (OSCAR), the Historic Preservation Element (HPE) and the Housing Element (HE). As such, the physical development that may occur in furtherance of the Redevelopment Plan will be based on, and will be fully consistent with the land use designations, development standards and other goals, objectives and policies of the City's General Plan.*" (Draft EIR, page 3-5) as noted before in the DEIR, in section 3.5.5, growth projections for the project area have been carefully assessed and are assumed to be aggregate of all development anticipated to occur based on the development framework set forth in the General Plan LUTE.

The environmental impacts resulting from the implementation of the West Oakland Redevelopment Plan have been clearly evaluated in every relevant issue area because all of the growth within the designated Project Area has been assumed to be in place by the year 2020. The cumulative mitigation measures for historic resources, air quality, traffic and noise impacts have been assessed accordingly.

Response to Comment B-8:

The projected increase in vehicle traffic due to the Project is estimated on page 5-13 and 5-14 of the Draft EIR. As noted in that section of the DEIR, future growth and development as projected for the Project Area would generate approximately 767 a.m. peak hour trips and 985 p.m. peak hour trips. These trips were than added to the existing and projected cumulative traffic conditions within the Study Area, through the use of the CMA traffic model, to determine Project-specific impacts (see pages 5- 18 through –28 of the DEIR).

Similarly, the projected increase in demand for AC Transit and BART ridership is included on pages 5-28 through 5- 31 of the DEIR. These estimates were also based on the growth projections in the CMA traffic model, which in turn are based on ABAG projections.

Response to Comment B-9:

The Project goals and objective included in the DIER on pages 3-13 through 3-15 were provided for use in the DEIR by City staff and based on the deliberations of the WOPAC as of the date of publication of the DEIR. As these goals and objectives may change over time, these changes should be reflected in the Redevelopment Plan and the Implementation Plan. This comment does not raise an environmental issue for purposes of CEQA, but rather is a policy issue that will be reviewed and considered by the decision-makers during review of the West Oakland Redevelopment Plan.

Response to Comment B-10:

- Consistent with CEQA Guidelines (Sections 15162 and 15186), once certified, this West Oakland 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 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 these projects, programs or other activities. The use of this EIR for these purposes is consistent with Sections 15162 of the CEQA Guidelines. As required under CEQA, specific projects will be initially evaluated and a determination made about whether further CEQA review is required and whether subsequent environmental review must be completed pursuant to the criteria set forth in CEQA Guidelines Section 15162, and as described on pages 2.7 and 2.8 of the DEIR.

Response to Comment B-11:

Comment noted, see following additions/revisions to the DEIR:

Revisions to Section 1.1.1, page 1-2:

> The proposed West Oakland Redevelopment Project Area (Project Area) is located on the western side of the City of Oakland. The Project Area lies to the <u>north and</u> northwest of Oakland's central business district, immediately southeast of the eastern landing of the Oakland-San Francisco Bay Bridge, and just inland of the Port of Oakland's maritime operations along the San Francisco Bay and Oakland Estuary.
>
> The Project Area is approximately 1,546 acres in size, and includes all of the remaining portions of the West Oakland District not currently within a redevelopment area. The Project Area is bounded on the north by 40th Street and the Oakland/Emeryville city limits; on the east by I-980 and Union Street; on the south

by 18th Street and Middle Harbor Road; and on the west by Pine and Wood Streets, which run parallel.

Response to Comment B-12:

The Project goals and objective included in the DIER on pages 1-2 through 1-4, and 3-13 through 3-15 were provided by City staff and based on the deliberations of the WOPAC as of the date of publication of the DEIR. As these goals and objectives may change over time, these changes should be reflected in the Redevelopment Plan. This comment does not raise an environmental issue for response in this Final EIR.

Response to Comment B-13:

Please refer to Response to Comment B-9.

Section 1.1.3 of the Executive Summary is a brief summary of Chapter 3: Project Description. The sources of information contained in this section of the Executive Summary include the Preliminary Redevelopment Plan and or the projections of growth and development conducted pursuant to this EIR, as noted in the DEIR. The commentor's opinion that this section needs to be rewritten is acknowledged, but the preparors respectfully conclude that the information contained in this section provides an adequate summary for purposes of CEQA.

Response to Comment B-14:

The source of projections contained in Table 1-1 is noted as Hausrath Economics Group (HEG), 2002. HEG's projection methodology relied on updating the citywide cumulative growth projection database. The City has an extensive database identifying projected future cumulative land use (residential and non-residential) assumptions. That database is used in the Alameda County Congestion Management Agency (CMA) traffic model. This database is regularly updated to reflect new City projects and planning efforts, most recently updated to reflect the Oakland Army Base Redevelopment Project and Reuse Plan, pursuant to the EIR for that project. HEG updated internal West Oakland assumptions included in that database as part of this EIR to reflect more detailed projections about development projects and growth assumptions consistent with the City of Oakland General Plan (Land Use and Transportation Element, or LUTE). The update completed for this EIR enabled the City's cumulative database to be brought into consistency with currently available US Census data for the year 2000. Additionally, HEG worked to develop greater consistency between the City's cumulative growth scenario and the projections as contained in ABAG's *Projections 2002* documents. ABAG's most recent projections addressed the year 2025.

These projections were then compared to a list of projects known to City staff. These projects include those that are either under construction, that have been approved by the City but not yet built, that have development applications on file with the City, or for which pre-application meetings have been conducted with City staff and applicants. These specific development projects have not been individually listed in this DEIR.

However, this list was used to verify, or ascertain the accuracy of the projections within each sub zone of the traffic model within the project area. The comparison of know or potential project represented a reasonable "fit' within the HEG projections.

Response to Comment B-15:

The commentor's opinion is acknowledged. However, the City of Oakland's General Plan LUTE and its associated EIR note that, "as a result of historic zoning patterns, many blocks in West Oakland contain a mix of residential, industrial and commercial uses. This current mix of land uses results in portions of the Project Area containing land uses that are in conflict with adjacent or nearby uses." Examples of such existing land use incompatibilities are numerous and have been well documented as part of previous planning and land use improvement efforts in West Oakland. These include:

- housing units that are exposed to noise and air pollution associated with industrial-related traffic on adjacent roadways;
- nuisances such as odors and noise arising from existing commercial businesses operating in close proximity to residences;
- existing heavy industrial uses that are subject to complaints from neighboring uses regarding noise, dust, odor, visual quality, hours of operation, truck traffic, and various other industrial processes and operations;
- exposure of residences to on-going industrial activities; and
- manufacturing, wholesale and business uses that are located in close proximity to existing residential uses, exposing existing residents to incompatible land use.

These existing land use incompatibilities were identified in the LUTE EIR (pages III.A-24 through –27), and are incorporated into this EIR by reference.

Response to Comment B-16:

Section 1.2.1 of the Executive Summary is a brief summary of Section 2.2: Purpose of the EIR (see page 2-2 of the DIER). Please review that section for more detail.

Response to Comment B-17:

Comment noted, see following additions/revisions to the DEIR:

Revisions to Section 1.2.1, page 1-7:

Areas of Controversy

During the public scoping process for this EIR, several specific areas of controversy were identified. These areas of controversy include environmental issues of:

- air quality and impacts on health,

- increases in vehicular traffic and traffic impacts, illegal and currently legal truck parking and ~~travel~~ truck travel on non-designated truck routes through Project Area neighborhoods,
- hazardous substances (i.e., diesel exhaust and acetaldehyde) that are generated within the Project Area, and existing hazardous wastes that are located within the Project Area and their effect on existing and future residents, ~~and~~
- existing and potential land use incompatibilities between residential and industrial uses, and
- eminent domain.~~.~~

The EIR authors have concluded that an executive summary of the scoping meetings with the public is not a required part of the document with regard to CEQA provisions and because this information is contained elsewhere as part of the administrative record for the project.

Response to Comment B-18:

Section 1.3.2 of the Executive Summary contains a brief summary of Potential Impact 6.4.6, as found in Chapter 6: Air Quality, beginning on page 6-29. Please review that section (Chapter 6) in its entirety for more detail regarding growth rate projections in the Project Area as compared to other portions of the City. Please also refer to Response to Comment B-4 and B-14.

Response to Comment B-19:

Neither the City of Oakland General Plan nor the Redevelopment Plan proposes a complete ban on trucks from the Project Area. A description of existing truck prohibitions and designated truck routes within the Project Area is found on page 5-32 of the DIER, and a description of the City's truck regulation ordinance establishing special regulations applying to truck-related activities in West Oakland is found on page 4-20 of the DIER.

Response to Comment B-20:

The full discussion of cumulative traffic impacts is found in Chapter 5: Transportation on pages 5-15, and 5-18 through –28. Detailed traffic volumes and levels of service worksheets are on file at the City of Oakland Planning Department at 250 Frank Ogawa Plaza, Oakland, Ca. 94610.

Response to Comment B-21:

Please refer to response to comments on Letter "F", for a full explanation of this comment.

Response to Comment B-22:

Please see response to comment B-15. This comment does not provide an explanation as to why the alternatives identified in the Draft EIR are not viable. The public review period for the Draft EIR provided the WOPAC and the public with an opportunity to review these alternatives. As noted in Chapter 13, the purpose of the Alternatives section is to provide a reasonable range of alternatives to the project or to the location of the project which would feasibly attain most of the project objectives but would avoid or substantially lessen any of the identified significant effects (CEQA Guidelines Section 15126.6).

Response to Comment B-23:

The projected growth in population and households within the Project Area is consistent with the General Plan and General Plan land use designations. Therefore, there would be no significant land use impacts associated with the Project (see more detailed discussion in Sections 3.3.5, 4.3.2 and 4.4.3 of the Draft EIR). However, the population growth rate as projected for the Project Area is higher than the growth rate projected for the City overall. While this is not in itself a significant impact, the potential for a disproportionate increase in the number of residential receptors in proximity to existing toxic air contaminants, pollutants and odor emission sources would increase the potential for future land use conflicts with these existing emissions. This conflict is identified as a significant and unavoidable air quality impact of the Project (as identified in Section 6.4.6 of the DEIR).

Response to Comment B-24:

Industrial blight is not an environmental impact of redevelopment. Redevelopment projects, programs and other activities are intended to reduce blight of all types. Since the project will not result in further industrial blight or cause new governmental uses or utilities installations to a significant environmental extent, no mitigation measures are required.

Response to Comment B-25:

Public health concerns related to air quality, including asthma, are discussed on page 6-11 through 13 of the DEIR.

As noted on page 6-23, emissions increases attributable to growth and development within the Project Area would not exceed BAAQMD project-specific significance thresholds for reactive organic gases (ROG) and NOx. The BAAQMD threshold for PM_{10} would be approached but not exceeded.

Implementation of the Redevelopment Plan, in conjunction with the Port's Vision 2000 Program and the adjacent OARB Area Redevelopment Project would generate emissions that would cumulatively exceed BAAQMD significance criteria for NO_x and PM_{10}. These cumulative emissions would be an *unavoidable, significant cumulative impact.*

Most of the cumulative emissions affecting the Project Area can be attributed to Port-related projects. The Port of Oakland is implementing the Vision 2000 Air Quality Management Program (AQMP), a program to mitigate the potential air quality impacts of the Port's Vision 2000 Program. The primary components of the AQMP are summarized in the Draft EIR under Impact 6.4.6. The BAAQMD has concluded that implementation of the standard set of construction dust mitigation measures will reduce these impacts to a less than significant level.

Response to Comment B-26:

The rate of growth and change projected for the Project Area is a result of General Plan policies and land use designations that promote and encourage such growth. Growth control measures to reduce this potential development would need to be in the form of an amendment to the General Plan. Redevelopment Plan alternatives that focused all redevelopment activities on either public infrastructure, facility improvements or remediation of environmental hazards, with no redevelopment activities intended to assist or facilitate growth and development in the Project Area were evaluated in the DEIR. These alternatives did not include any projects, programs or other redevelopment activities specifically intended to assist in the reinvestment and redevelopment of private properties.

The range of potential housing development types that may receive either direct or indirect benefits from redevelopment would be those consistent with the General Plan.

Response to Comment B-27:

The comments and opinions of WOPAC regarding the use of redevelopment funds not being used to subsidize transportation control measures intended to reduce vehicle emissions from commercial, institutional and industrial uses is noted and will be forwarded to City decision-makers during review and consideration of the Redevelopment Plan.

Response to Comment B-28:

The opinion of the commentor is noted and this proposal will be reviewed and considered by the decision-makers during the review of the Redevelopment Plan. However, it should be noted that adoption of the Redevelopment Plan or establishment of the WOPAC does not remove the ultimate authority for land use decisions from the City of Oakland, nor can any action of the City or Redevelopment Agency tie the hands of future decision makers except in limited and special circumstances, such as a development agreement.

Response to Comment B-29:

See response to comment B-2.

Response to Comment B-30:

Pollutant emissions and odor sources are identified on page 6-29 of the DEIR. These include "*three freeways (I-880, I-580, and I-980), arterial streets (including San Pablo, West Grand Avenue, Mandela Parkway, and 7th Street), railroad operations, port facilities, industrial facilities (e.g., food and fabricated metal industries), and ancillary maritime support uses generating truck traffic.*" These sources of pollutant emissions and odors already exist.

Response to Comment B-31:

The Oakland Noise Ordinance limits construction noise levels to certain maximum levels during certain hours. The Noise Ordinance limits vary depending on the affected land use.

As noted in the DIER, page 7-12, "depending on the size of future projects, either short-term (less than 10 days) or long-term (more than 10 days) noise limits would be applied." These limits require construction noise levels to be limited to 80 dBA (short-term) or 65 dBA (long-term) at the nearest residence during the weekdays (7:00 a.m. to 7:00 p.m.) and 65 dBA (short-term) or 55 dBA (long-term) on weekends (9:00 a.m. to 8:00 p.m.). Except for emergencies or in cases where nighttime roadway construction is carried out to minimize congestion, construction is not allowed during the nighttime hours. In general, construction noise levels related to the Project would be consistent with the Noise Ordinance's weekday limits wherever construction occurs more than 50 feet from any receptor and recommended noise controls are implemented. At distances closer than 50 feet, noise generated by construction equipment would generally exceed weekday and weekend Noise Ordinance limits. Therefore, in order to comply with Noise Ordinance limits at distances of less than 50 feet, operation of heavy equipment will need to be limited to less than 10 days, or construction practices will need to be modified to comply with Noise Ordinance limits, on a case by case, project specific basis.

Response to Comment B-32:

The comments and opinions of WOPAC regarding the use of the terms "should" and "shall" is noted and will be passed along to City decision-makers. Mitigation Measure 7.4.3A places the responsibility for achieving land use compatibility guidelines regarding community noise on new development projects. Adherence to this measure would fully mitigate this potential impact. The subsequent Mitigation Measures 7.4.3B and C are recommended to address existing noise levels and are not required to address an environmental impact of redevelopment, providing that Mitigation Measure 7.4.3A can be achieved.

The comments and opinions of WOPAC regarding not using redevelopment funds to supplement the costs for sound walls is noted and will be forwarded to City decision-makers. It is noted that Caltrans would likely be the Lead Agency to undertake approval of future soundwall projects since the walls will be constructed within Caltrans right of way, and thus the City would be required to coordinate their efforts with Caltrans.

Response to Comment B-33:

The comments and opinions of WOPAC regarding not using redevelopment funds to investigate techniques for reducing BART train noise is noted and will be forwarded to City decision-makers. The EIR authors are unaware of any plans to underground BART tracks in West Oakland. Further, there are no specific funding requests that have been submitted to the State Transportation Improvement Projects List or other likely funding source and such a request is a standard first step. The likely BART project in West Oakland that the City has been actively pursuing is the redevelopment of the BART surface parking lot at the West Oakland BART station. As a matter of practicality, the under-grounding of BART tracks would need to be found economically and technologically feasible, and would likely undergo further environmental review first.

The comments and opinions of WOPAC regarding the use of redevelopment funds not being used to supplement the costs for investigating techniques to reduce the noise associated with BART trains is noted and will be forwarded to City decision-makers.

Response to Comment B-34:

See responses to comments B-10 and B-31.

Response to Comment B-35:

See response to comments B-32 and B-33.

Response to Comment B-36:

According to the Draft Redevelopment Plan, the basis for future redevelopment activity within the Project Area will be to implement and conform to the City of Oakland General Plan. The General Plan's policy framework for development and redevelopment within the Project Area are primarily included in the *Land Use and Transportation Element* (LUTE, City of Oakland, 1998).

Adoption of the Redevelopment Plan and subsequent implementation of redevelopment projects, programs and other activities is anticipated to assist in implementation of the land use strategy envisioned under the General Plan LUTE, including those strategies envisioned within the Business Mix and Industrial land use classifications. These land use classifications could provide opportunities for the introduction of new businesses which handle hazardous materials, require construction and use of on-site aboveground or underground storage tanks for the storage of hazardous materials or fuel products, or result in the production of hazardous wastes. These businesses would be required to comply with federal, state and local hazardous materials regulations, including structural requirements for handling, storing, secondary containment and disposing of hazardous materials, as stipulated in the DEIR. Further, the Redevelopment Plan and Implementation Plan are not regulatory documents. Land use regulatory authority rests with the Planning Department, Planning Commission and City Council. The matter of

redevelopment assistance for such uses is a policy matter, not an environmental issue for purposes of CEQA.

Response to Comment B-37:

See response to comment B-36.

Response to Comment B-38:

A large scale map of the diagram included in Appendix E showing the location of specific facilities permitted for hazardous materials use, environmental cases and spill sites has been provided to the Oakland Planning Department for their use. This map is available for review at 250 Frank Ogawa Plaza, Suite 3315. Please also see response to comment B-36.

Response to Comment B-39:

Please see response to comment B-36. The use of the term "sensitive receptors" as it pertains to hazardous materials is derived from the State Health and Safety Code, Section 25404 et seq.

Response to Comment B-40:

Please see response to comment B-10 regarding requirements and criteria for subsequent environmental review.

As noted in the Draft EIR (page 8-26), "Compliance with City policies and regulations requiring a Risk Management Plan and tracking of sites that have obtained conditional closure in the Oakland Permit Tracking System would reduce the risk of unacceptable exposure to hazardous materials. These requirements would ensure that facilities permitted under the CUPA program are cleaned up to levels appropriate for future land uses anticipated at the time of closure, or that the responsible party commits to an acceptable timeline for cleanup."

Response to Comment B-41:

The commentor's opinion is noted and will be considered by the decision-makers during review of the Redevelopment Plan. Required compliance with federal, state and local regulations would reduce this risk to generally acceptable thresholds as set forth in CEQA Guidelines Section 15126.4. Compliance would need to be determined on a case-by-case basis. Each of the regulations identified contains identifiable quantitative, qualitative or performance-based thresholds. Compliance with these thresholds would reduce this effect to a level of *less than significant*.

Response to Comment B-42:

As discussed in the Environmental Setting (pages 8-3 through –11), there are numerous sites permitted for hazardous materials use and many identified environmental cases of previous groundwater and soil contamination located within the Project Area. Construction activities associated with excavation, grading, and dewatering at or adjacent to these sites could encounter hazardous materials in the soil and groundwater, and mitigation measures have been incorporated accordingly.

Response to Comment B-43:

Required compliance with federal, state and local regulations would reduce this risk to generally acceptable thresholds, as set forth in the DEIR. Compliance would need to be determined on a case-by-case basis. Each of the regulations identified contains identifiable quantitative, qualitative or performance-based thresholds. Compliance with these thresholds would reduce this effect to a level of *less than significant.*

The potential benefits of redevelopment, including the use of redevelopment projects and programs to fund investigation and clean up of known hazardous materials is noted on pages 8-20, 8-30 and 8-32 of the DIER.

Response to Comment B-44:

See response to comment B-10 regarding subsequent environmental review.

Compliance with City policies and regulations as specified under Mitigation Measures 8.4.5A through 8.4.5F would reduce the risk of exposure of workers and the public to hazardous materials during redevelopment-related excavation, grading, and/or de-watering activities. In protecting the workers who would be closest to potential sources of hazardous materials, the health and safety measures would also serve to protect others who live, work, or visit the area during the temporary construction period. These measures, along with application of cleanup standards, would serve to protect human health and the environment during site activities, thus minimizing impacts associated with exposure to hazardous materials. Required compliance with federal, state and local regulations would reduce this risk to generally acceptable thresholds. Each of these regulations contains identifiable quantitative, qualitative or performance-based thresholds. Compliance with these thresholds would reduce this effect to a level of *less than significant.*

Workers compensation issues are fully addressed under existing state laws and regulations, and are not considered to be environmental issues for purposes of CEQA other than implementation of the identified mitigation measures to minimize worker safety impacts to a less than significant level.

Response to Comment B-45:

The purpose of the impact statement under Potential Impact 8.4.6 (as with all other impact statements) is to identify potentially significant impacts that could result from implementation of the Redevelopment Plan. Compliance with federal, state and City policies and regulations as specified under Mitigation Measures 8.4.6A would reduce the risk of exposure of workers and the public to hazardous building materials during demolition or renovation to a less than significant level. The program identified in Mitigation Measure 8.4.6B identifies specific assistance that might be provided to individual property owners by the Redevelopment Agency to ensure compliance with these regulations, thereby further reducing the risk of exposure to hazardous building materials during demolition and renovation to generally acceptable thresholds. Each of these regulations contains identifiable quantitative, qualitative or performance-based thresholds, as required by CEQA Guidelines Section 15126.4.

Response to Comment B-46:

The commentor's opinion is noted. There are no financial thresholds established in federal, state, or local laws that establish exemption for compliance. Rather, the specific requirements for hazardous building material abatement included in federal, state and local regulations are fully described in Appendix E of the Draft EIR. This appendix describes the applicability of laws and regulations pertaining to asbestos abatement, lead-based paint abatement, polychlorinated biphenyls (PCBs) and hazardous materials worker safety requirements. The amount of investment does not correlate with the degree of hazards or the requirements to abate those hazards to assure public health.

Response to Comment B-47:

As noted on page 3-16 of the Draft EIR, the Redevelopment Plan identifies a range of potential redevelopment programs intended to achieve the plan's goals and objectives. These programs can generally be grouped into the following four major categories:

- affordable housing and general housing improvements,
- public and civic infrastructure, and environmental improvements; and
- improvements to commercial and industrial areas and businesses activities, and increased opportunities to foster environmentally sound businesses; and
- incentive-based development programs.

These programs are more fully described on subsequent pages of the DEIR. They 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. The general strategy for each of these programs is to use public investment to attract and stimulate private investment.

The Agency is authorized to use legal agreements to form public/private partnerships leading to development of new uses. These programs are intended to serve as a catalyst to remove blighted conditions, to aid in revitalization efforts, and to spur the preservation, improvement and creation of affordable housing opportunities. They have been effectively used in other areas throughout the City.

Response to Comment B-48:

Local water and sewer pipeline extensions or replacements may be required on a site-specific, project-by-project basis, but will not be required for all new growth and development within the Project Area, as determined on a case by case basis in conjunction with the standard evaluation practices of the Public works Agency. If upgrades to existing pipelines are required due to local fire flow, it is City policy that the cost of these improvements shall be borne by project applicants.

Response to Comment B-49:

Sewer and storm drainage systems are separate systems and would not be constructed such that flows from one system could enter into another system. However, during wet weather periods inflow and infiltration of storm water runoff may enter into the sanitary sewer system, for example through cracks in the system, or improperly maintained systems, and through manhole covers. This problem is particularly prevalent in older portions of the City where old, clay pipes have grown worn or cracked over time.

Response to Comment B-50:

Comment noted, see following additions/revisions to the DEIR:

Revisions to Section 9.4.2, page 9-13:

- When capital improvement requirements for ~~this project~~ redevelopment projects are being assessed, the project sponsor shall ~~should~~ contact the Wastewater Planning Section to coordinate with EBMUD for this work. The proposed West Oakland

Response to Comment B-51:

As noted in the Project Description (page 3-13), public infrastructure, civic and neighborhood improvement programs may be funded in part or in whole via redevelopment, including the correction of utility deficiencies.

The issue pertaining to whether the Redevelopment Agency should have discretion to fund such improvements or be required to do so is not an environmental issue for purposes of CEQA. The comments and opinions of WOPAC are noted and will be forward to City decision-makers.

Response to Comment B-52:

As specifically noted on page 11-29 of the Draft EIR, "The Redevelopment Plan, as an implementation tool of the General Plan, does not, at this programmatic level of assessment, propose any specific removal or alteration of historic structures. However, future redevelopment activities may accelerate pressures to alter or replace existing buildings within the Project Area, including historic properties (underline added). The EIR contains a full assessment of cultural and historic resources (see Chapter 11 of the Draft EIR). Both the mitigation measures recommended in the EIR and City policies contained in the Historic Preservation Element provide a strong framework to minimize or avoid significant impacts to historic resources.

The comments and opinions of WOPAC regarding redevelopment funds not being used for any projects that will result in the demolition or alteration of an historic property is noted and will be forward to City decision-makers.

Response to Comment B-53:

As noted on page 11-13 of the DEIR, a portion of the Oak Center Area of Primary Importance (API) including 19 properties on the 900 block of 18th Street and 1800-1900 blocks of Filbert and Myrtle are included within the Project Area. These properties are part of an Area of Primary Importance (API) that is mostly in the Oak Center Redevelopment Area. This information was included because of the potential impacts to the API as the result of the implementation of the Redevelopment Plan.

Recommended Action item #5 (on page 11-34 of the DIER) is consistent with this recommendation.

Response to Comment B-54:

Please see response to comment B-53 above.

Response to Comment B-55:

Please see response to Letter "F".

Response to Comment B-56:

As noted on page 5-28 of the DIER, "Converting the two-way-stop-control to all-way-stop-control at the 3rd Street & Market Street intersection would mitigate the impact to a level of *less than significant*. The intersection would operate at LOS C or better during the a.m. and p.m. peak hours after converting the two-way-stop-control to all-way-stop-control. An alternative improvement at this intersection would be the installation of a traffic signal, which would also fully mitigate cumulative traffic impacts at this intersection. However, according to the Caltrans Traffic Manual, a signal should not be installed if lesser measures will provide acceptable traffic operations." Federal funding is not likely to be used for a local traffic improvement, such as a traffic signal.

Response to Comment B-57:

Consistent with City of Oakland practices and procedures for the preparation of EIRs, the Project would have (see page 5-17 of the DIER) a significant environmental effect if it would generate added transit ridership that would:

- Increase the average ridership on AC Transit lines by three (3) percent where the average load factor with the project in place would exceed 125 percent over a peak thirty minute period;
- Increase the peak hour average ridership on BART by three (3) percent where the passenger volume would exceed the standing capacity of BART trains; or
- Increase the peak hour average ridership at a BART station by three (3) percent where average waiting time at fare gates would exceed one minute.

Increased transit ridership is a goal for reducing single-occupant vehicle use and traffic congestion on local and regional roadways. However, this EIR also evaluates the potential impacts of anticipated increases in ridership on the capacity of the transit system serving the area.

Response to Comment B-58:

The comments and opinions of WOPAC regarding redevelopment funds not being used to assist AC Transit or BART operations are noted and will be forward to City decision-makers during review and consideration of the Redevelopment Plan.

Response to Comment B-59:

As noted in the DEIR (page 5-36), the City has approved a Truck Regulation Ordinance.[1] This ordinance establishes special regulations applying to truck-related activities in West Oakland, and requires a conditional use permit for the expansion of any truck or truck-related use, including truck parking. The Redevelopment Plan is intended to assist in implementation of the General Plan and its supporting ordinances, including these truck regulations. It is likely that implementation of this ordinance, as may be assisted by the Redevelopment Plan's projects, programs or other activities, will limit the expansion of industrial uses with truck-related activity in West Oakland in the future. This is regarded as a beneficial land use effect of the Project. However, limitations on the expansion of truck-related activity (including truck-parking supply) will contribute to a cumulative deficit in truck parking and support services projected to be necessary to serve the demand for such uses as generated by the Port of Oakland. The study of cumulative impacts under CEQA requires that all reasonably foreseeable projects be taken into account, including projected increases in Port related trucking activities and those related to other background growth.

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[1] Title 17.102.380 et.seq. of the Oakland Zoning Code

Response to Comment B-60:

The DEIR does not recommend any mitigation measures related to truck parking.

Response to Comment B-61:

Table 6-9, page 6-37 of the DEIR itemizes the sources of cumulative emissions of NOx, SOx and PM_{10} in the vicinity of the Project Area. Pages 6-30 through 6-33 indicate the mitigation measures that have been previously adopted by the Port of Oakland pursuant to the Vision 2000 Air Quality Monitoring Program and the OARB Reuse Plan EIR, as well as those measures recommended for this Project, to address the potential impacts of regional emissions. Both the Vision 2000 Air Quality Monitoring Program and the OARB Reuse Plan EIR include diesel truck emission reduction programs that include reducing idling times and retrofitting engines to alternative fuels.

The Draft EIR does not identify increased diesel emissions as a significant impact of implementation the West Oakland Redevelopment Plan (the Project).

Response to Comment B-62:

The statement on page 1-21 of the DEIR related to Impact 6.4.8 is not intended to be a mitigation measure, but is instead an explanation. See also response to comment B-61 above. As indicated on page 4-22 of the DIER, a portion of the Port of Oakland proposed New Intermodal Facility (NIF) is located within the boundaries of the West Oakland Redevelopment Project Area. This facility is proposed on approximately 14 acres in the western section of the Prescott/South Prescott subarea (see Figure 4-2 of the DIER). Additionally, the existing UP Intermodal Facility located adjacent to the Port's planned NIF is also located within the Project Area (as also shown on Figure 4-2 of the DIER), and is anticipated to remain in operation, potentially in tandem with the Port's NIF.

Response to Comment B-63:

The projected growth plus-Project and cumulative noise levels within the Project Area are shown on Table 7-5, page 7-18 of the DIER. These noise projections are based on the increase in vehicle traffic associated with implementation of the Redevelopment Plan contained in Chapter 5: Transportation of the DEIR. As a projection of future conditions these projections are estimates of the anticipated future conditions with the Project, as provided by CEQA Guidelines Section 15130.

Response to Comment B-64:

As noted on page 3-20 of the DEIR, subsequent and more detailed implementation plans pursuant to the Redevelopment Plan will itemize specific projects to be implemented within the Project Area, and will target the financial and other resources necessary for implementation. These implementation plans will identify the manner in which the Redevelopment Agency proposes to target its resources in 5-year increments. Subsequent discretionary actions that may be included within these implementation plans

may include property acquisitions within the Project Area for parks and recreation purposes, and may include acquiring empty lots for mini-parks, new parks, extensions to existing parks and dog parks. However, this DEIR is programmatic in nature, and no special plans have been proposed.

Response to Comment B-65:

Mitigation Measure 10.4.1B does state that joint use agreements and partnerships should maximize the use of non-park recreational facilities, including working with local churches.

Response to Comment B-66:

Please see response to comment B-2.

Response to Comment B-67:

Comment noted. The text of mitigation measure 10.4.2A and 10.4.2B, including footnote 7 on page 10-22 of the DIER is consistent with this comment.

Response to Comment B-68:

See response to comment B-2. As noted in the DIER, page 10-20, the OUSD does not project the need for new school construction in order to accommodate the classroom demands for schools within the McClymonds HSAA (the Project Area). The major school needs identified by the OUSD for the McClymonds HSAA is the modernization and renovation of existing schools (OUSD 2000, page 9-2).

Response to Comment B-69:

Please see response to Comment B-2.

Response to Comment B-70:

Comment noted, please see following additions/revisions to the DEIR:

Revisions to Section 3.1, page 3-1:

> The City of Oakland has designated a substantial portion of West Oakland as a possible new Redevelopment Project Area, and is now considering adoption of a Redevelopment Plan for this area. The *Redevelopment Plan for the West Oakland Project Area* (City of Oakland Redevelopment Agency, ~~Hausrath Economics Group.~~), known hereafter as the "Redevelopment Plan," has been prepared by the City of Oakland Redevelopment Agency in consultation with the West Oakland Project Area Committee (WOPAC), with technical assistance from the Hausrath Economics Group.

Response to Comment B-79:

Comment noted, please see following additions/revisions to the DEIR:

Revisions to Section 4.2.3, page 4-6:

> ***Vacant Land***
>
> According to County Assessor's data and as shown in Table 4-1, there are a total of 505 vacant lots in the Project Area and 129 additional parcels that do not have any assessed value attributed to buildings or structures. This data can be interpreted as meaning that there are as many as approximately 634 vacant lots or ~~highly~~ underutilized properties within the Project Area. These properties are scattered throughout the Project Area and are not grouped into any one individual sub-area. The vacant and/or underutilized parcels account for 89.4 acres of property, or about 9% of the total Project Area. ~~Together with those parcels in utility and parking uses, the amount of land in very low intensity use or vacant totals 276.8 acres and represents a substantial share (approximately 29%), of the Project Area.~~

Response to Comment B-80:

Please see response to comment B-77.

Response to Comment B-81:

Please see response to comment B-71.

Response to Comment B-82:

Please see response to comment B-72.

Response to Comment B-83:

The General Industrial/Transportation land use designation applies to the area generally south of I-880 that contains the existing UP Intermodal Facility. That facility is anticipated to remain in operation (no change in existing conditions), potentially in tandem with the Port of Oakland's planned New Intermodal Facility (NIF).

Response to Comment B-84:

A small portion of the Project Are is located within the Port of Oakland boundaries, as shown on Figure 4-2, page 4-9 of the DIER.

Response to Comment B-85:

For the purpose of development and implementation of the Redevelopment Plan, the Project Area has been divided into three subareas. However, for purposes of evaluating

the potential environmental effects of the entirety of the Redevelopment Plan in this Program EIR, these subarea divisions are not required to adequately describe the setting, existing conditions, identification of impacts and mitigation measures.

Response to Comment B-86:

None of the improvement strategies identified in the City of Oakland General Plan LUTE, and as may be facilitated through implementation of the Redevelopment Plan's programs, projects or other activities would divide the Prescott or South Prescott neighborhoods. This comment does not provide any specific indications of what types of future redevelopment plans may affect these neighborhoods, and therefore further response to this comment cannot be made.

Response to Comment B-87:

As noted on page 3-1 and 3-4 of the DIER, there are a number of prior planning efforts prepared for the West Oakland area, including the Mandela Parkway Corridor Plan (City of Oakland 1998). The Project Description and subsequent discussions of redevelopment benefits as contained in the EIR provide only brief descriptions of these prior planning efforts, but all such plans are available for review at the City of Oakland Planning Department, 250 Frank Ogawa Plaza, Suite 3315.

Response to Comment B-88:

The General Plan policies listed on page 4-16 through 4-17 of the DEIR are derived verbatim from the General Plan.

Response to Comment B-89:

Please see response to comment B-88; this is a current zoning requirement for description purpose only.

Response to Comment B-90:

The description of the "Business Mix" land use classification is derived verbatim from the General Plan, and is not subject to change without conducting City General Plan amendment procedures.

Response to Comment B-91:

The special City zoning overlays are zoning designations that provide special regulations pertaining to design review, transit-oriented development, transitional land uses and truck-related uses. These special overlay zone regulations apply in addition to the underlying zoning designations of the effected properties.

Response to Comment B-92:

This recommendation is noted, and will be reviewed by decision makers as part of consideration of the project. However, the S-4 zoning district currently applies to only those areas as indicated on Figure 4-4 in the vicinity of the Project Area. This information was provided for background and descriptive purposes only.

Response to Comment B-93:

The locations where the S-16 combining zone applies are shown on Figure 4-4 of the DEIR. The S-16 zone is a special transitional zone that was established to provide a land use buffer between industrial and residential areas.

Response to Comment B-94:

This recommendation is noted. However, the Truck Regulation Ordinance does not now contain such provisions..

Response to Comment B-95:

This recommendation is noted and will be forward on to City decision-makers. It is considered a policy issue, not an environmental issue for purpose of CEQA.

Response to Comment B-96:

Comment noted, no change to the DEIR is required.

Response to Comment B-97:

This recommendation is noted and will be forwarded on to City decision-makers; it is considered a policy issue, not an environmental issue for CEQA purposes.

Response to Comment B-98:

Comment noted, no change to the DEIR is required.

Response to Comment B-99:

According the City of Oakland General Plan LUTE (page 128) "Collector streets move traffic between local streets and the arterial street system, and carry trips within and between neighborhoods. Residential collector streets typically have two lanes with curb parking allowed, bike lanes, and traffic signals and turn lanes at intersections with arterial streets."

Response to Comment B-100:

Comment noted, see following additions/revisions to the DEIR:

Revisions to Section 5.2.3, page 5-6:

> Mandela Parkway runs north/south from 3rd Street to just north of ~~south of~~ I-580 primarily as a four-lane arterial road, with a 60 to 100 feet wide median. Mandela Parkway is a two-lane roadway south of 8th Street and east of Horton Street. Parallel parking is provided on both sides of the roadway, and the intersections at major cross streets are signalized. Mandela Parkway is designated as a local transit arterial north of 7th Street.
>
> Market Street is an arterial which runs north/south throughout West Oakland, Emeryville and later becomes Sacramento Street in Berkeley. Market Street is generally a four lane road ~~a six-lane road~~ with left-turn lanes at major intersections, and a landscaped median throughout West Oakland.

Response to Comment b-101;

Although Brush and Castro Streets are not in the Project Area, they are within the EIR's traffic Study Area and are therefore described in the DEIR, for purposes of providing a complete assessment and description of both the setting and potential impacts of the project.

Response to Comment B-102:

Pursuant to CEQA Guidelines, Section 15125, the environmental setting "must include a description of the physical environmental conditions in the vicinity of the project as they exist." This environmental setting "will normally constitute the baseline physical conditions by which the lead agency determines whether an impact is significant." Therefore, the baseline is the physical environmental conditions as they exist.

Response to Comment B-103:

As noted on page 5-8 of the DEIR, existing a.m. and p.m. peak hour traffic turning movement counts were collected at all of the Study Area intersections within the past three years, and those traffic volumes are contained in Appendix C. The methodology for projecting future traffic conditions is described on pages 5-13 through 5-15 of the DEIR. This methodology is consistent with standard City of Oakland EIR practices and procedures for environmental document preparation.

Response to Comment B-104:

Pursuant to CEQA Guidelines Section 15130, an EIR is required to analyze cumulative traffic impacts resulting from either a list of past, present and probable future projects, or a summary of growth projections. The potential area of impact is not limited to the Project Area itself, but to wherever such impacts may occur, particularly along major roadways.

Response to Comment B-105:

Please see response to Comment Letter L.

Response to Comment B-106:

Comment noted, see following additions/revisions to the DEIR:

Revisions to Section 5.4.4, page 5-29:

> Based on recent survey conducted by AC Transit, one or two buses on some lines primarily within the downtown area are approaching or currently exceed the maximum load factor of 1.25. ~~(this mainly applies in downtown Oakland).~~ However, most existing buses serving the Project Area during the peak hour have sufficient capacity to accommodate this increase in bus trips. Therefore, the increase in average ridership on AC Transit lines attributed to new growth and development within the Project Area, as may be facilitated by implementation of the Redevelopment Plan, would be less than 3 percent. This impact on AC Transit operations is considered to be less than significant.

Response to Comment B-107:

The comments and opinions of WOPAC regarding redevelopment funds not being used to assist AC Transit or BART operations other than for non-polluting mass transit and neighborhood shuttles is noted, and will be forward to City decision-makers during their review and consideration of the Redevelopment Plan. Such issues are considered to be part of implementation of the project and not an environmental impact for purposes of CEQA.

Response to Comment B-108:

The MacArthur BART station is immediately adjacent to the northeast corner of the Project Area and will likely be used by Project Area residents, businesses and patrons. The anticipated changes in BART ridership at the MacArthur station due to the Project is estimated to be only approximately a 1% increase, which is identified as a less than significant impact. This individually insignificant increase in ridership could contribute to a cumulatively considerable amount of new BART riders at this station. The mitigation measure is intended to address this cumulative effect.

Response to Comment B-109:

Comment noted. The OARB EIR does include a mitigation measure (Measure 4.3.7 of that EIR) which requires the City and the Port to work together to create a truck management plan designed to reduce the effects of transport trucks on local streets. This measure includes expanded signage of truck prohibitions and continued Port funding of two police officers to enforce truck traffic prohibitions on local streets.

Response to Comment B-110:

The sources of increased emissions associated with implementation of the Project are the subject of this EIR. These projected future sources of increased emissions are described in detail in the DIER, and meet the requirements of CEQA and the BAAQMD for assessing air quality impacts.

Response to Comment B-111:

The results of the traffic analysis using the Countywide traffic model (CMA model), including the projections of increased vehicles miles traveled (VMT) as a result of implementation of the Project, were used as inputs into the air quality modeling calculations. The daily incremental increase in mobile source emissions associated with this increase in VMT is presented in Table 6-6 of the DIER.

Response to Comment B-112:

The potential impacts related to increased emissions of $PM_{2.5}$ as contained in diesel emissions are evaluated in the Draft EIR. Section 6.4.5 evaluates the potential impact of diesel emissions related to construction activities within the Project Area. Section 6.4.3 evaluates the potential impact of diesel emissions as a component of PM_{10} related to regional emissions from Project-generated traffic. Section 6.4.8 evaluates the potential cumulative impacts of PM_{10} (including the fraction of $PM_{2.5}$) from Project emissions and near-Port projects.

The data in Table 6-3 are derived from two monitoring stations initiated by the Port of Oakland and coordinated with the BAAQMD. These two stations do not provide Bay Area-wide emissions and monitoring data, but only the data available from those two stations.

Response to Comment B-113:

The data presented in Table 6-2 is the most recent data available from the BAAQMD, the agency responsible for collecting such data within the Bay Area; this data fully meets the analysis requirements set forth in BAAQMD Guidelines for determining air quality impacts. The downtown Oakland and San Leandro monitoring stations are the two BAAQMD monitoring stations located nearest to the Project Area. No air quality sampling from within the Project Area was conducted for this EIR. The increased emissions of air pollutants projected to result from the Redevelopment Plan (both construction-related and mobile source emissions from Project-generated traffic) are compared to BAAQMD thresholds as a means of measuring their potential significance.

Response to Comment B-114:

The data presented in Table 6-1 is derived from the 1999 *BAAQMD CEQA Guidelines*, the latest publication of these guidelines available from the BAAQMD.

Response to Comment B-115:

The DEIR, page 6-5 recognizes that the largest single source of CO emissions is the motor vehicle. The methodology for using traffic information prepared for this EIR in estimating potential CO impacts is described on page 6-24 of the DEIR.

Response to Comment B-116:

The monitoring stations referenced in this portion of the DEIR (page 6-6) only monitor ambient air quality. Individual point source emissions are not reported nor are a required part of the air quality analysis per the BAAQMD criteria.

Response to Comment B-117:

No comments on this EIR have been received from the BAAQMD. BAAQMD had opportunity to comment through the Notice of Preparation and the Notice of Availability for the DEIR. After a review of the OARB Redevelopment Plan Final EIR, no comments were received from the BAAQMD on the data as presented in Table 4.4-4 of the OARB EIR (corresponding to Table 6-3 of this EIR).

The DEIR references a recent study regarding PM_{10} in the region, and cites the OARB as the source for this information. This study, which was referenced in the OARB EIR, is correctly referenced as:

- Ballanti, D., 2002. *Review of Air Quality Issues Raised Regarding the 200-228 Broadway Mixed-Use Project, City of Oakland.* June.

This change is hereby noted as one of the corrections to the DEIR. This study was used as one source of information to complete the air quality analysis, as one way to provide background and comparison.

Response to Comment B-118:

The Red Star Yeast facility was in operation at the time of publication of the Notice of Preparation, which establishes the baseline period for this EIR. The DEIR (page 6-9) clearly indicates that Red Star Yeast is no longer in operation so associated impacts have been eliminated as well.

Response to Comment 119:

The purpose of this EIR is to evaluate the potential environmental impacts related to implementation of the West Oakland Redevelopment Plan. Potential impacts related to increased truck traffic as a result of activity at the Port and at the Port's planned New Intermodal Facility (NIF) are not an impact of the West Oakland Redevelopment Plan, and these activities are not part of the Project Description for this EIR. These impacts were evaluated in the OARB Redevelopment Plan EIR and the Port's Vision 2000 EIR. Operation of the Union Pacific Intermodal facility is not anticipated to change as a result

of implementation of the Redevelopment Plan. however, to the extent required by CEQA, the Port's proposed activities have been included in the cumulative growth projections used for air quality, noise and traffic impact chapters.

Response to Comment B-120:

As noted in the DEIR (page 6-11) sensitive receptors include schools, day care center, hospitals, convalescent homes, recreation areas, and residential areas. Maps showing the location of schools and recreation areas are included in the DEIR. A list and map of sensitive receptors within the Project Area is not needed to describe the programmatic environmental effects related to implementation of the Redevelopment Plan, and is not a required part of the EIR.

Response to Comment B-121:

The Draft EIR (page 6-11 and -12) references the Pacific Institute 2002 report that indicates that in 1998, West Oakland children were seven times more likely to be hospitalized for asthma than the average child in the state of California.

Response to Comment B-122:

Section 6.3 of the DEIR thoroughly describes the authorities and responsibilities of federal agencies (the US EPA), and state and regional agencies (the CARB and BAAQMD) in regulating air pollution emissions. The Redevelopment Plan would not alter or affect the regulatory actions of these agencies. To the extent that the Redevelopment Plan may conflict with implementation of the applicable *Bay Area 2000 Clean Air Plan*, this potential effect is analyzed in Section 6.4.1 and 6.4.2 of the DEIR.

Response to Comment B-123:

The significance criteria listed on page 6-17 and 6-18 are the criteria by which the potential impacts of the Redevelopment Plan are measured. These criteria are derived from State CEQA Guidelines, federal and state regulations, and the BAAQMD CEQA Guidelines, which are the standard criteria used for air quality analysis.

Response to Comment B-124:

Future Redevelopment Plan implementation projects, programs and other activities will be required to be consistent with General Plan policies. Consistency with General Plan policies related to encouraging use of transit, alternative transportation modes, and sustainable development patterns would help reduce potential regional and local air quality emissions. This EIR has found that maintaining consistency with these General Plan policies would not be adequate to fully mitigate a potential impact, additional mitigation measures have been recommended (see Mitigation Measures 6.4.5 and 6.4.6A, B and C).

Response to Comment B-125:

The effects of Project emission on air quality are found to be a less than significant impact of the Project (see Sections 6.4.4 and 6.4.5 on pages 6-23 through 6-25 of the DIER). The compatibility of disproportionate increases in Project-related population growth (as compared to Citywide average growth) being located in proximity to existing pollutant emission and odor sources was identified in the DEIR as an *unavoidable, significant impact* of the Project. The commentor's disagreement with this determination has been noted.

Response to Comment B-126:

Chapter 6.4.4 of the Draft EIR adequately and appropriately describes the conclusions of the micro-scale CO impact analysis, comparing existing, existing-plus-Project, cumulative and cumulative-plus-Project CO concentrations at selected intersections. CEQA does not require that this information be presented in several sections throughout the Air Quality chapter.

Response to Comment B-127:

As indicated on page 6-24 of the DIER, the intersections selected for the micro-scale CO impact analysis included 11 Study Area intersections distributed throughout the Project Area and its vicinity. These 11 intersections were those where service levels changed by one service level as a result of Plan-related traffic increases, or those that operated at LOS D, E, or F under existing or future conditions (as identified in Chapter 5:Traffic and Circulation). As such, these intersections represent the locations within the Project Area where Project-related impacts due to CO emission increases were most likely to occur as the result of Project related growth. Other intersections within the Project Area are less likely to be impacted by mobile CO emissions attributable to the Redevelopment Plan.

Please also see response to Letter "F".

Response to Comment B-128:

The methodology for this study is described on page 6-24 of the DEIR, and indicate that a Caltrans screening approach, which is based on the CALINE4 model (Caltrans, 1988), was used to estimate CO concentrations along these roadway links. Carbon monoxide concentrations were calculated at a distance of 25 feet from the edge of each roadway to determine potential impacts based on worst-case conditions (peak hour traffic and theoretical minimum atmospheric mixing). The significance of localized CO emissions from mobile sources are determined by modeling the ambient CO concentration under existing and future conditions, and comparing the resulting one-hour and eight-hour concentrations, both without and with the proposed Project, to the respective state and federal CO standards. A detailed impact analysis using the BAAQMD screening model indicates that the state and federal one-hour ambient standards for CO would not be violated at study intersections during worst-case atmospheric conditions. The results of this detailed modeling effort are presented in Table 6-7 of the DEIR.

Response to Comment B-129:

As described in Chapter 3: Project Description, 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 1,850 net new households, an increase in population of approximately 4,200 people, and approximately 3,185 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, consistent with the General Plan LUTE, and thus form the basis of 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 1-1 and 3-1 of the DEIR.

Please also refer to response to comment B-4.

Response to Comment B-130:

Future Redevelopment Plan implementation projects, programs and other activities are required to be consistent with General Plan policies and ordinances. Consistency with General Plan policies and ordinances would help reduce potential air quality impacts. However, where this EIR has found that maintaining consistency with these General Plan policies and ordinances would not be adequate to fully mitigate a potential impact, additional mitigation measures have been recommended. The commentor's opinion on this issue has been noted.

Mitigation measures related to Port operations as derived from the OARB EIR or the Vision 2000 Air Quality Monitoring Program are included in this EIR to indicate that even with implementation of these measures, air quality emissions related to these activities are projected to be significant and unavoidable. These impacts are not attributable to the West Oakland Redevelopment Plan, but have been included to help identify what measures have been instituted to date by both the City and the Port to reduce cumulative air emission impacts.

Response to Comment B-131:

The comments and opinions of WOPAC regarding redevelopment funds not being used to mitigate vehicle emissions from commercial, industrial or institutional development within the Project Area are noted, and will be forward to City decision-makers during the review and consideration of the Redevelopment Plan.

Response to Comment B-132:

The comments and opinions of WOPAC regarding redevelopment funds not being used to fund transportation control measures pursuant to the Clean Air Plan is noted, and will be forward to City decision-makers during the review and consideration of the Redevelopment Plan.

Response to Comment B-133:

Please refer to response to comments B-110 through B-116 regarding methods and data.

Response to Comment B-134:

The seven short-term noise measurements collected, as well as two other measurements taken previously within the Project Area pursuant to the OARB EIR, do provide a general indication of the existing noise environment within the Project Area. As noted on page 2-3 of the DEIR, this Program EIR does not provide a detailed analysis of specific impacts associated with a construction project. The degree of specificity required in this EIR is more broad and general, and is focused on the secondary effects associated with implementation activities expected to follow from adoption of the Redevelopment Plan. This level of specificity corresponds to the broad framework of the Redevelopment Plan itself, and is consistent with CEQA Guidelines for preparation of a programmatic EIR as provided under Section 15146 of the Guidelines.

Response to Comment B-135:

Comment noted, see following additions/revisions to the DEIR:

Revisions to Section 8.2.1, page 8-2:

8.2.1 Historic Land Uses

Historically, the Redevelopment Area was one of the first industrial areas of Oakland. Because of its excellent access by rail and sea, the area has been a major transportation node and location of large industrial plants, many of which involved food processing, since the late 1800s. During the First and Second World Wars, West Oakland also became a center for defense related industries because of its port and rail facilities. Over the years, many industrial operations have modernized and relocated or closed. ~~due to economic decline and a move away from war time industries. As a result, many~~ Some of the industrial properties have been abandoned and left in dilapidated and contaminated condition. As this occurred, transportation uses became more prevalent because of increased activities at the Port of Oakland and because of West Oakland's central location and freeway accessibility.

Response to Comment B-136:

Comment noted, see following additions/revisions to the DEIR:

Revisions to Section 8.2.2, page 8-2:

> These uses are concentrated along parts of ~~in the vicinity of~~ West Grand Avenue, Mandela Parkway, and Peralta Street. Commercial and auto-related uses are distributed throughout the project area, particularly along portions of ~~in the vicinity of~~ San Pablo Avenue and West Grand Avenue

Response to Comment B-137:

This land use conflict is recognized in the City of Oakland General Plan and its EIR (LUTE EIR, pages III.A-24 through –27). The commentor's opinion concerning other residents' perceptions are noted.

Response to Comment B-138:

Comment noted. The mechanics of the environmental data base research methodology rely on a search of sites within ¼ mile of a selected location. The boundaries of the record search do in fact cover certain areas that are outside of, but in the immediate vicinity of, the Project Area. The following additions/revisions are made to the DEIR:

Revisions to Section 8.2.3, page 8-3:

> Permitted uses of hazardous materials within the Project Area and its immediate vicinity are tracked by regulatory agencies and include facilities that:

Response to Comment B-139:

Comment noted. UST is an acronym for underground storage tanks.

Response to Comment B-140:

The term used in the DEIR as registered pesticide-producing facilities is more specifically described on page 8-4 of the DEIR as "sites undergoing administrative, enforcement, and compliance actions related to the Federal Insecticide, Fungicide, and Rodenticide Act." The 14 sites that fall within this category are either within the Project Area or within its immediate vicinity. See response to comment B-138.

Response to Comment B-141:

This comment refers to a point made further on in the DEIR, page 8-4. "Permitted sites without documented releases are nevertheless potential sources of hazardous materials to the soil and/or groundwater (compared to sites where there are no hazardous materials) because of accidental spills, incidental leakage or spillage that may have gone undetected."

Response to Comment B-142:

Please see response to comment B-138. The following additions/revisions are made to the DEIR:

Revisions to Section 8.2.3, page 8-4 and 8-5:

> **Table 8-1** summarizes the total number of permitted facilities within the Project Area and its immediate vicinity identified in the record search for each regulatory database.
>
> As indicated in **Table 8-1**, the primary permitted uses of hazardous materials identified within the Project Area and its immediate vicinity include
>
> **Table 8-1: Summary of Permitted Facilities Using Hazardous Materials in the Project Area** and its Immediate Vicinity

Response to Comment B-143:

Comment noted, no change is required to the DEIR.

Response to Comment B-144;

This sentence specifically says; "Faced with these unknowns, developers have often preferred development of "greenfields" in outlying areas where there are no contamination concerns but where there is generally a greater overall burden on the environment (underline added). The opinion of the commentor is noted.

Response to Comment B-145:

Comment noted. The following additions/revisions are made to the DEIR:

Revisions to Section 8.3.3, footnote 10:

> An industrial facility that changes ownership is also required to disclose whether it will handle, store or~~,~~ produce any substance presenting a threat to public health. If so, then the facility ~~is also required to~~ can also be required to prepare an HMARRP.

Response to Comment B-146:

The comments and opinions of WOPAC regarding redevelopment projects, programs or activities not being used to assist in the introduction of new businesses that handle hazardous materials is noted, and will be forward to City decision-makers during the review and consideration of the Redevelopment Plan.

For purposes of this EIR, the Project Description has assumed that the Redevelopment Plan's implementation projects, programs and other activities are intended to promote and facilitate growth and development within the Project Area, provided that such growth

and development is consistent with the City of Oakland General Plan. The General Plan land use designations within the Project Area include "Business Mix" uses. This land use classification requires a mix of light industrial, commercial business, and office uses. It is possible that some of these new businesses could include the use of hazardous materials, require construction and use of on-site aboveground or underground storage tanks for the storage of hazardous materials or fuel products, or result in the production of hazardous wastes.

Response to Comment B-147:

Please see response to comment B-146.

Response to Comment B-148:

Please see response to comment B-146. Sites classified by the City as P2 include auto body shops and drycleaners.

Response to Comment B-149:

The types of hazardous materials that may be involved in a transportation-related accident are extensive. A full description of hazardous materials that are regulated by the state, known as "regulated substances", is contained in the State of California Health and Safety Code, Section 25531(g) and in Title 40 of the Code of Federal Regulations. Hazardous materials are generally considered under the California Code of Regulations to be substances with certain chemical or physical properties that may pose a substantial present or future hazard to human health or the environment when improperly handled, stored, disposed or otherwise managed.

Response to Comment B-150:

Please see response to comment B-146.

Response to Comment B-151:

Comment noted.

Response to Comment B-152:

Please see response to comment B-146.

Response to Comment B-153:

Hazardous Materials Business Plans. The California State Legislature has declared (pursuant to Sections 25500-25520 of the Health and Safety Code) that, in order to protect the public health and safety and the environment, it is necessary to establish business and area plans relating to the handling and release or threatened release of

hazardous materials. The establishment of minimum statewide standards for these plans is a statewide concern. The information provided by business and area plans is necessary in order to prevent or mitigate the damage to the health and safety of persons and the environment from the release or threatened release of hazardous materials into the workplace and environment. The City of Oakland has assumes the authority and responsibility for implementation of the California Health and Safety Code regulations as to the handling of hazardous materials in the City. The City of Oakland's Office of Fire Services ("Fire Department") is designated as the administering department responsible for the administration and enforcement of these regulations.

According to Section 25503.5(a), any business (with certain exceptions as specifically described) that handles a hazardous material shall establish and implement a Hazardous Materials Business Plan (HMBP) for emergency response to a release or threatened release of a hazardous material. HMBPs shall include all of the following:

- An inventory of all hazardous materials (as more specifically described by Section 25509). The California Office of Emergency Services (OES) has adopted a single comprehensive hazardous material reporting form for businesses to submit to administering local agencies.

- Emergency response plans and procedures in the event of a reportable release or threatened release of a hazardous material,

- Training for all new employees and annual training, including refresher courses, for all employees in safety procedures in the event of a release or threatened release of a hazardous material,

Each hazardous materials handler shall submit its HMBP to the Office of Fire Services and certify that the business plan meets the state requirements. Whenever a substantial change in the handler's operations occurs that requires a modification of its HMBP, the handler shall submit a copy of the HMBP revisions to the Office of Fire Services within 30 days from the date of the operational change. The Office of Fire Services maintains records of all business plans received and indexes them by street address and company name. The HMBPs are available for public inspection during the regular working hours of the Office of Fire Services, except that those portions of the business plan specifying the precise location where hazardous materials are stored and handled onsite, including any maps of the site. The Office of Fire Services also conducts inspections of every business subject to these requirements at least once every three years to determine if the business is in compliance with their HMBP.

Risk Management Plans. The California State Legislature has also found and declared (pursuant to Sections 25531-25543.3 of the Health and Safety Code) that a significant number of chemical manufacturing and processing facilities generate, store, treat, handle, refine, process, and transport hazardous materials. Because of the nature and volume of chemicals handled at these facilities, some of those operations may represent a threat to public health and safety if chemicals are accidentally released.

The U.S. Environmental Protection Agency has developed a program to prevent accidental releases of those substances determined to potentially pose the greatest risk of immediate harm to the public and the environment. This federal risk management program is implemented by the State Office of Emergency Services (OES) and the appropriate administering agency in each city or county (the Office of Fire Services in Oakland).

For any stationary source that uses regulated substances in excess to threshold limits, the Office of Fire Services makes a preliminary determination as to whether there is a significant likelihood that the use of these regulated substances may pose an accident risk. If the Office of Fire Services determines that there is a significant likelihood of an accident risk, it requires the stationary source to prepare and submit a Risk Management Plan (RMP). Each RMP shall give consideration to the proximity of the facility or proposed facility to populations located in schools, residential areas, general acute care hospitals, long-term health care facilities, and child day care facilities. The Office of Fire Services reviews the RMP and may authorize the BAAQMD to conduct a technical review of the RMP. Upon implementation of an RMP, the stationary source notifies the Office of Fire Services that the RMP has been implemented and summarizes the steps taken in preparation and implementation of the RMP. The owner or operator of the stationary source is required to implement all programs and activities in the RMP before operations commence (in the case of a new stationary source), or before any new activities involving regulated substances are taken (in the case of a modified stationary source).

Within 15 days after the Office of Fire Services determines that an RMP is complete, the Office of Fire Services makes the RMP available to the public for review and comment for a period of at least 45 days. A notice briefly describing and stating that the RMP is available for public review is placed in the daily local newspaper and mailed to interested persons and organizations. The Office of Fire Services reviews the RMP, and any comments received.

The Office of Fire Services inspects every stationary source that is required to be registered at least once every three years to determine whether the stationary source is in compliance.

Response to Comment B-154:

Comment noted. See response to comment B-146.

Response to Comment B-155:

Comment noted.

Response to Comment B-156:

Comment noted. The following additions/revisions are made to the DEIR:

Revisions to Section 8.4.3, Mitigation Measure 8.4.3C:

> **Mitigation Measure 8.4.3C: Technical Assistance - Hazardous Materials Assessment Report and Remediation Plan.** Implementation programs pursuant to the Redevelopment Plan should include redevelopment assistance for existing businesses within the Project Area that handle hazardous materials within ¼ mile of a school, hospital or residence. Such assistance may be in the form of loans, grants and/or technical assistance from the OES toward the preparation of a required Hazardous Materials Assessment Report and Remediation Plan or relocation of the business.

Response to Comment B-157:

Comment noted, no change is required in the DEIR.

Response to Comment B-158:

Comment noted. The following additions/revisions are made to the DEIR:

Revisions to Section 8.4.6, Discussion:

> Implementation of the Redevelopment Plan's projects, programs and other activities would promote new construction. ~~within the Project Area, which would likely~~ It might also include demolition, and will include ~~/or~~ renovation of existing structures.

Response to Comment B-159:

Please see response to comment B-46.

Response to Comment B-160:

Comment noted. The following additions/revisions are made to the DEIR:

Revisions to Section 8.4.7:

> The Project Area is not located within an airport land use planning area. Implementation of the Redevelopment Plan would not result in a safety hazard for people residing or working in the Project Area. ~~, even though portions of the Project Area are within two miles of the Oakland International Airport.~~ The Project Area is not located within the vicinity of a private airstrip. Airport-related safety hazards are not a significant effect associated with implementation of the Redevelopment Plan.

Response to Comment B-161:

Comment noted. Appendix E is the Regulatory Framework for Hazardous Materials, and Appendix F is the review of Environmental Databases.

Response to Comment B-162:

The data base review was conducted in 2002 and represents the most current information available at that time.

Response to Comment B-163:

See response to comment B-138 and 162.

Response to Comment B-164:

A Historic Property Survey Report was not prepared for this EIR. The status of Oakland Cultural Heritage Survey information pertaining to the Project Area is described in detail on page 11-25 of the DEIR.

West Oakland
Environmental Indicators Project
providing environmental information for positive neighborhood change

HAND DELIVERED

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JUL 28 2003
City of Oakland
Planning & Zoning Division

July 28, 2003

Claudia Cappio, Manager, Major Development Projects
Oakland Redevelopment Agency
250 Frank Ogawa Plaza, Suite 3330
Oakland, CA 94612

Re: Draft Environmental Impact Report for the West Oakland Redevelopment Plan

Dear Ms. Cappio,

LETTER C

On behalf of the West Oakland Environmental Indicators Project Committee (WO EIP), we would like to thank you for the opportunity to comment on the West Oakland Redevelopment Plan Draft EIR.

The WO EIP is driven by a committee of West Oakland residents and community organizations and works closely with local nonprofits, including the Pacific Institute, Urban Strategies Council, and Urban Habitat, as well as the Department of Health Services, Environmental Protection Agency, and Office of Councilwoman Nancy Nadel. The EIP Committee has worked over the past three years to address inequities in the distribution of services, resources, and burden of environmental problems within West Oakland. The EIP Committee has sought to identify residents' greatest concerns about environmental health, economic equity, and civic engagement, and create a body of research to address these concerns, make a case for improving neighborhood conditions, and track whether or not these conditions are improving over time. This research culminated in a series of "indicators" of neighborhood health and was published in a report entitled *Neighborhood Knowledge for Change*. This document has led the EIP to pursue a number of campaigns within West Oakland to promote positive community change.

Over the past year, the EIP Committee has shared its findings from *Neighborhood Knowledge for Change* with the West Oakland Project Area Committee (WOPAC) and has made recommendations for a successful and inclusive redevelopment agenda. We have been delighted to see this effort unfold, and for the opportunity to help provide information to shape WOPAC's goals and objectives.

At this point in time, the EIP Committee would like to offer some comments on the West Oakland Redevelopment Plan Draft EIR.

Community Participation and the EIR Process

We are concerned that community members have not been granted substantive opportunities to participate in a fully informed way in the redevelopment decisionmaking C-1

process. For this reason, we have provided the following comments on how the process to obtain community input on the EIR has unfolded to date.

1) Residents must be adequately informed that this EIR will serve as a master EIR for all subsequent redevelopment project proposals in the redevelopment area. On page 2-7 under *Subsequent Projects*, the draft EIR states that "all future projects, programs, and other activities that may be used to implement the Redevelopment Plan will use this EIR" and that "no subsequent environmental review for individual implementation activities is required unless the City determines" that certain conditions are present. However, the nature and importance of this EIR has not been adequately conveyed to community residents and even some members of the WOPAC, who remain unaware that once this EIR is certified the burden of proof for anticipating the significant adverse impacts of a proposed project will be shifted onto City staff or informed community members, instead of the developer. We believe that a more substantive educational process must occur to fully inform residents and WOPAC members about these implications of the use of this draft EIR as the master EIR for the West Oakland Redevelopment Area. C-2

2) Extend the EIR Comment Period
The comment period for the draft EIR must be extended for at least another 75 days, because not enough community residents are even aware that the draft EIR has been released and is available for comment. We believe that this is the shortest reasonable extension period that would grant residents a meaningful opportunity to become informed about the importance of this EIR (see previous paragraph), obtain the EIR, review it, and prepare informed comments. C-3

3) Provide a Community Workshop on the EIR for Residents
To prepare for that extended comment period, the Redevelopment Agency and consultants should implement a community workshop on the EIR for residents in late August/early September. This workshop would serve to provide an overview of key findings and recommendations in the draft EIR, as well as to inform residents about the implications of this EIR for site-specific projects that are proposed down the line within the redevelopment area. The workshop would also provide a critical opportunity for residents to testify and share their concerns about the redevelopment process. C-4

4) Demonstrate how solicited community input has been incorporated into the EIR
The Final EIR should clearly address how input from residents that was raised during the EIR scoping session last summer, as well as at other venues in the past where community participation on the EIR process has been solicited, have been included the EIR. Examples of solicited public input that we feel has gone unaddressed in the draft EIR include: 1) Creating adequate mechanisms for increasing community education and participation in the EIR process and the larger redevelopment decisionmaking process; 2) Proposing measures to ensure that positive economic impacts generated through redevelopment would benefit existing residents; and 3) Proposing anti-displacement measures to mitigate the negative impacts of redevelopment activities on existing residents by increasing gentrification pressures. C-5

EIR Content

5) The EIR does not consider the social and economic impacts of redevelopment:

A) The EIR should address the adverse social and economic effects that may result from redevelopment activities on meeting the housing needs of the existing resident base, 79% of whom are renters according to the 2000 Census. The EIP's *Neighborhood Knowledge for Change* report has identified West Oakland as a community that is particularly vulnerable to displacement.

- In 1999 only 35% of West Oakland residents could afford to buy the median priced home in the neighborhood, and only 31% could afford the median rent on available housing units.

- This threat of displacement in West Oakland is compounded by real estate speculation pressures. Out of the 1,276 West Oakland parcels sold from January 1997 to June 1999, nearly a quarter of them (23.6%) were being sold for the second time within two years.

These Indicators illustrate the pressing need for an EIR analysis of potential economic and social impacts that may accompany redevelopment, including gentrification and real estate speculation. Moreover, mitigation measures must be proposed to address the impacts of redevelopment on the affordability of existing and future housing stock, as well as to curtail real estate speculation and displacement pressures that will become intensified as property values rise within the redevelopment area over the lifetime of the project. C-6

B) The EIR should address the social and economic impacts associated with new business development. Despite the fact that interest in these impacts was repeatedly raised by community residents and other members of the public during the EIR process, the draft EIR does not include chapters that speak specifically and thoroughly to these expressed areas of community concern.

The EIR should address what types of businesses may be attracted to the project area by redevelopment activities and their potential impacts on the existing social and economic fabric of the community. The EIR should include mitigation measures that ensure that redevelopment activities serve neighborhood needs, do not displace local businesses, and support locally based entrepreneurial efforts, environmentally responsible businesses, and cooperative business ventures. Moreover, the EIR should examine how many and what kinds of jobs will be created as a result of redevelopment activities, and ensure that residents have access to the quality jobs created through local hiring, local contracting policies, and community benefits agreements. C-7

Legal precedents reinforce the importance of proactively addressing the social and economic impacts of redevelopment in an EIR for the project area. "In *Citizens Association for Sensible Development of Bishop Area v. Inyo* (1985) 172 Cal. App. 3d 151, the court held that "economic or social change may be used to determine that a physical change shall be regarded as a significant effect of the environment. Where a physical change is caused by economic or social effects of a project, the physical change may be regarded as a significant effect in the same C-8

manner as any other physical change resulting from the project. Alternatively, economic and social effects of a physical change may be used to determine that the physical change is a significant effect on the environment." In this case, the Court held that an EIR for a proposed shopping center located away from the downtown shopping area must discuss the potential economic and social consequences of the project, if the proposed center would take business away from the downtown and thereby cause business closures and eventual physical deterioration of the downtown." (CEQA Title 14 Article 9- 15131.)

6) The EIR does not discuss impacts on current cultural and historical resources: The EIR focuses much of its cultural impacts discussion in Chapter 11 on historical archeological and human remains that may be unearthed during construction. The EIP would like this section expanded to include measures for preserving existing cultural resources associated with West Oakland's ethnically diverse existing resident base, particularly the African-Americans who comprise 60% of its current population. **C-9**

7) The Hazardous Materials section (Chapter 8) is inadequate: The focus of the Hazardous Materials section of the EIR should be expanded beyond listing facilities that currently hold permits to handle hazardous materials, to incorporate a neighborhood-level inventory of "brownfields" (former industrial or commercial facilities and vacant lots that could be contaminated). Closed facilities whose operations used or generated hazardous materials in the past, such as Red Star Yeast and AMCO/DC Metals, must also be addressed in this section because they may harbor contamination that poses a present health hazard to current residents and constitutes a significant barrier to future redevelopment. **C-10**

8) The Air Quality section (Chapter 6) is inadequate: The Air Quality section of the EIR does not address how mobile sources of air pollution associated with the neighboring freeways and diesel truck traffic from the Port contribute to air toxins in the neighborhood. The EIR instead focuses primarily on fixed sources like Red Star Yeast, which is inadequate given that mobile sources have as great or even greater of an impact on neighborhood air quality. **C-11**

This section does not address how redevelopment would increase pollution associated with diesel truck traffic and fails to propose measures to mitigate this. There are in fact numerous ways to mitigate the "significant, non-mitigable" air quality impacts of redevelopment, as they are characterized in Chapter 6 of the EIR. A few examples are: 1) Re-routing trucks off the 7th street corridor; 2) Relocating truck-related businesses from the Project Area and the neighborhood to the Port of Oakland property; 3) Implementing emissions reduction measures (including particulate traps, alternative fuels, etc.) for trucks traveling near the Project Area, and; 4) Ensuring that machinery used in construction in the Project Area uses diesel emissions control technology, as well as limits idling time. It is also possible to measure the diesel fraction of particulate matter through the use of an aethelometer, a device that measures the black carbon fraction of particulate matter. Diesel particulate matter is a very toxic fraction of particulate matter as a whole, and has been linked to cancer, asthma, and other respiratory diseases.

9) The Red Star Yeast site is still an issue though the facility is now closed: Though Red Star Yeast is no longer an active source of air emissions, this facility remains an issue because: 1) The site itself may harbor other types of contamination (like soil and groundwater); 2) The presence **C-12**

of the closed facility continues to contribute to blight along the 7th Street corridor, which will impact the market values and redevelopability of surrounding properties; 2) Both of the above stated conditions may impair community-based redevelopment efforts along 7th Street, such as the Mandela Transit Village project. The EIR should address these additional impacts of the Red Star Yeast site in the Hazardous Materials section (Chapter 8) and other relevant chapters.

10) Eminent domain is not adequately addressed in the EIR: The EIR does not address the potential impacts of the very limited eminent domain policy put forth in the Redevelopment Plan, such as impairing revitalization efforts along 7th Street, and failing to address other polluting businesses and operations currently in the Project Area. Given that eminent domain is such a critical tool in implementing redevelopment, the EIR must incorporate a more detailed analysis of this policy as outlined in the West Oakland Redevelopment Plan. **C-13**

We thank you for considering our comments. We look forward to participating in a process that ensures meaningful input from our community in the coming future.

Sincerely,

The West Oakland Environmental Indicators Project Committee

Co-Chairs:
Allen Edson
Mary Lake

Coordinating Team:
Monsa Nitoto
James "Tim" Thomas
Brian Beveridge

General Members:
Margaret Gordon
Arnold Perkins
Carl Lester
Fenix Barbour
Dana Harvey
Marilyn Williams-Reynolds
Ray Kidd
Norma Dillard

Pacific Institute Staff:
Meena Palaniappan
Jaclyn Kohleriter
Catalina Garzon

Responses to Comment Letter "C" – Environmental Indicators Project – July 28, 2003

Response to Comment C-1:

As noted in CEQA Guidelines, Section 15201, "Public participation is an essential part of the CEQA process. Each public agency should include provisions in its CEQA procedures for wide public involvement, formal and informal, consistent with its existing activities and procedures, in order to receive and evaluate public reactions to the environmental issues related to the agency's activities." Specific guidance under CEQA regarding public participation, and the City's efforts to comply with these guidelines, are briefly summarized below:

1. Scoping. Prior to completing the draft EIR, the lead agency may consult directly with any persons it believes will be concerned with the environmental effects of the project. This early consultation may be called scoping (CEQA Guidelines, Section 15083).

    - The City of Oakland conducted a scoping meeting on the Environmental Impact Report (EIR) for the West Oakland Redevelopment Project at a Town Hall meeting sponsored by Councilmember Nadel. The meeting was held at the West Oakland Senior Center, 1724 Adeline Street, Oakland, California on Wednesday, May 29, 2002, at 6:00 p.m. The public was invited. At this meeting, attendees were provided with an opportunity to learn more about the West Oakland Redevelopment Project and the EIR process. The meeting was designed as an "open house", providing opportunity for the public to provide comments on the scope of the EIR. Comments received at this meeting are included in Appendix A of this Final EIR (see also response to comment B-4).

    - On June 24, 2002 City staff and EIR consultants met with the West Oakland Project Area Committee (WOPAC) to provide additional opportunity to comment on the scope of the EIR. A summary of comments from this meeting are also attached in Appendix A to this FEIR (see also response to comment B-4). This meeting was open to the public.

    - On March 20, 2003 City staff and EIR consultants met with the WOPAC EIR subcommittee to provide an overview of the Project objectives, growth projections, intended uses and purpose of the EIR, EIR process, and preliminary identification of environmental issues and mitigation strategies. This meeting was open to the public.

2. Notice of Availability. The lead agency shall provide notice of the availability of a draft EIR at the same time as it sends a notice of completion to OPR (CEQA Guidelines, Section 15087).

    - At the time of submittal of the EIR to the State Office of Planning and Research (OPR) on June 10, 2003, the City provided all required notices as

called for under CEQA and the Oakland Zoning and Subdivision regulations. A copy of the certificate of mail deposit for public notices is enclosed as Appendix B of this Final EIR.

3. Copies of the EIR. Among other requirements, the notice shall disclose the address where copies of the EIR and all documentation referenced in the EIR will be available for public review. This location shall be readily accessible to the public during the lead agency's normal working hours. To make copies of the EIR available to the public, lead agencies should furnish copies of the Draft EIR to public library systems serving the area involved. Copies of the EIR should also be available in the offices of the lead agency (CEQA Guidelines, Section 15087 (c)).

    - On or about June 10th, individual copies of the Draft EIR were mailed or delivered to City decision-making bodies (the Oakland Redevelopment Agency, the Planning Commission and the Landmarks Preservation Advisory Board). Copies of the Draft EIR were also furnished to the Oakland Main Library and the West Oakland Branch public library. Additional copies of the Draft EIR were also made available to individuals and/or organizations as requested during the public review period.

    - Copies of the Draft EIR were made available for public review throughout the duration of the public comment period during the lead agency's normal working hours at the Planning Department, 250 Frank Ogawa Plaza, Suite 3330.

4. Public Hearing. Public hearings may be conducted on the environmental document, either in separate proceedings or in conjunction with other proceedings of the lead agency. Public hearings are encouraged, but not required as an element of the CEQA process (CEQA Guidelines, Section 15087 (i)).

    - The City of Oakland Planning Commission held a public hearing on July 16, 2003 for the purposes of receiving comments on the Draft EIR. A copy of the transcript of this hearing is included as Comment "M".

5. Review of Final EIR. Lead agencies may provide an opportunity for review of the Final EIR by the public or by commenting agencies before approving the project. The review of a final EIR should focus on the response to comments on the Draft EIR (CEQA Guidelines, Section 15089).

    - This Final EIR has been made available to the public for a minimum of 10 days prior to the public hearing scheduled for September 15, 2003. At this public hearing, the Planning Commission shall consider certification of the EIR.

Based on the information presented above, the City has complied with all required CEQA guidelines and City procedures regarding public participation during the EIR process, and has exceeded those requirements where staff has found to be in the best interest of informed pubic participation.

Response to Comment C-2:

The comment is correct in noting that, once certified, this West Oakland 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 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. The use of this EIR for these purposes is specifically consistent with Sections 15162 of the CEQA Guidelines.

However, the use of this EIR for such purposes in no way shifts the lead agency's responsibility for analyzing whether subsequent projects may cause a significant effect on the environment, or for requiring mitigation measures to reduce or avoid such effects. The City of Oakland is the lead agency responsible for preparation of this EIR, and would continue to be the lead agency responsible for any projects pursuant to its implementation. The "'burden of proof for anticipating significant adverse effects of a proposed project" will continue to rest with the City of Oakland as the lead agency, and is never delegated to developers or private parties.

As required under the California Environmental Quality Act, the City of Oakland will conduct an environmental review on any subsequent project proposed pursuant to implementation of the Redevelopment Plan. Future studies will analyze whether the subsequent project may cause any significant effect on the environment that was not examined in this EIR, and whether the subsequent project was described as being within the scope of this EIR.

- If the City of Oakland determines that the proposed subsequent project will have no additional significant effect on the environment not already disclosed in this EIR, and that no new mitigation measures or alternatives may be required, then the City shall make written findings that the subsequent project is within the scope of the project covered by this EIR. In such a case, no new environmental document or findings shall be required. However, prior to approving or carrying out the proposed subsequent project, the City shall provide notice of this fact, and shall incorporate all feasible mitigation measures as set forth in this EIR.

- If the City cannot make the findings that the subsequent project is within the scope of the Project covered by this EIR, then the City will prepare either a mitigated negative declaration or an EIR on the proposed subsequent project.

Response to Comment C-3:

The City of Oakland, as lead agency for this EIR, has complied with all CEQA Guidelines concerning public notice and the public review period. These guidelines (Section 15105) provide that; "the public review period for a draft EIR should not be less than 30 days nor longer than 60 days except in unusual circumstances. When a draft EIR is submitted to the State Clearinghouse for review by state agencies, the public review

period shall not be less than 45 days, unless a shorter period, not less than 30 days, is approved by the State Clearinghouse." The processing of this EIR has complied with CEQA's public review regulatory requirements as follows:

- As soon as the Draft EIR was completed, a Notice of Completion consistent with CEQA Guidelines (Section 15085) was filed with OPR. The date of this notice was June 10, 2003.

- At the same time that the Notice of Completion was submitted to the OPR (June 10, 2003), the City provided a public Notice of the Availability of the Draft EIR, consistent with the requirements of Section 15087 of CEQA Guidelines. This Notice of Availability was published in the Oakland Tribune, and was mailed to the last known name and address of all organizations and individuals who have previously requested such notice in writing. The notice was mailed to all responsible agencies and other public agencies which have jurisdiction by law and/or special expertise with respect to various projects and project locations and to other agencies or organizations which are included in the City's list of standard notice recipients. The Notice of Availability was also posted at the offices of the Alameda County Clerk.

- On or about June 10th, individual copies of the Draft EIR were mailed or delivered to City decision-making bodies (the Oakland Redevelopment Agency, the Planning Commission and the Landmarks Preservation Advisory Board). Copies of the Draft EIR were also furnished to the Oakland Main Library and the West Oakland Branch public library. Additional copies of the Draft EIR were also made available to individuals and/or organizations as requested during the public review period.

- Copies of the Draft EIR were made available for public review throughout the duration of the public comment period during the lead agency's normal working hours at the Planning Department, 250 Frank Ogawa Plaza - Suite 3330.

- A public hearing was held on the Draft EIR at the regularly scheduled July 16th meeting of the Planning Commission, during which oral comments on the EIR were received. Oral comments from that meeting are responded to in this Final EIR.

- The public comment period was closed at the end of business, 4:00 p.m. on July 25, 2003, 45 days after the Notice of Completion was filed and the Notice of Availability was provided. All comments received as of that date are included in, and responded to in this final EIR.

Based on the City's compliance with the public review process required under CEQA, there are no legal requirements that would mandate a longer public review period. Adequate time was provided for the public to review and comment on the Draft EIR. Accordingly, the Planning Commission hearing to receive oral comments was closed on July 16th, and the written comment period was closed at 4:00 p.m. on July 25th.

Response to Comment C-4:

See response to comment C-3 above regarding extended comment period. The Planning Commission will hold a public hearing to determine whether to certify this EIR. Additional public comment on the EIR will be accepted at that time. Following that EIR certification hearing, the City of Oakland Redevelopment Agency will conduct two additional hearings to consider the Redevelopment Plan (the Project). These hearings will provide additional opportunity for residents to testify and share their concerns about the Redevelopment Plan (the Project) and its approval process.

Response to Comment C-5:

A summary of comments from the May 29, 2002 public scoping meeting are included in Appendix A of this Final EIR, together with a summary of comments from the June 24, 2002 West Oakland Project Area Committee (WOPAC) meeting. The following list identifies how public input during the scoping meeting and other public meetings has been addressed in the Draft EIR:

Summary of comments from the May 29, 2002 scoping meeting:

1. *Concern about potential traffic volumes on Peralta Street, West Grand Avenue, Wood Street, Mandela Parkway, 7th Street and 14th Street.*

    - Key intersections along each of these roadway segments have been analyzed for project-specific and cumulative impacts in Section 5.4.2 of Chapter 5: Transportation.

2. *General concern about truck/auto emissions on air quality, especially near where children play (e.g., parks).*

    - The air quality impacts associated with traffic generated by new growth and development within the Project Area have been analyzed in Section 6.4.4. The air quality impacts associated with cumulative traffic have been analyzed in Section 6.4.8 of Chapter 6: Air Quality. Additionally, the potential exposure of sensitive receptors (such as residential areas and parks) has been analyzed in Section 6.4.6 of Chapter 6: Air Quality.

3. *Suggests that Red Star Yeast should be required to reduce their emissions, even if they are in compliance with existing regulations. Red Star Yeast should be required to move out. Approximately 25% of West Oakland school kids are on inhalers, asthma rates are extremely high in West Oakland. Red Star Yeast emits respiratory and cancer-causing agents as noted in a meeting at Clawson School regarding their BAAQMD permit (June 25, 6 p.m.).*

    - Although Red Star Yeast has since ceased operations, an analysis of the compatibility of redevelopment activity with the prior emissions from the former facility is included in Section 6.4.7 of Chapter 6: Air Quality.

4. *Recommend consideration of redevelopment of park sites, especially "poison park", contaminated by vinyl chloride. Most parks are not clean and should be cleaned-up.*

   - A description of the AMCO Chemical site's vinyl chloride plume is contained on page 8-8 of the DEIR. Section 3.4.1 of Chapter 3: Project Description references the Community/Civic Facilities Program as a component of the Redevelopment Plan, whereby redevelopment activities may include programs to provide new or improved community facilities, including parks. Specific hazardous materials remediation programs, including the redevelopment powers authorized under the Polanco Act, to require investigation and clean up of identified releases of hazardous materials is addressed in Sections 8.3.2, and analyzed in Sections 8.4.3 and 8.4.5 of the DEIR.

5. *The Redevelopment Plan should include plans for removal of abandoned railroad tracks and abandoned underground utility lines, fixing sidewalks and lighting, and undergrounding utilities.*

   - Section 3.4.1 of Chapter 3: Project Description references the Neighborhood Improvement Program as a component of the Redevelopment Plan, whereby redevelopment activities may include programs to improve the physical conditions of Project Are neighborhoods, including the types of improvements recommended in this comment.

6. *Specific comments on the Redevelopment Plan:*

   a) *Not enough community input into the Redevelopment Plan process.*

   - See response to comment C1 above regarding public participation efforts pursuant to the EIR as being consistent with CEQA Guidelines. Comments on the Redevelopment Plan are noted and shall be forwarded to City decision-makers.

   b) *The area has already been studied in the General Plan.*

   - As noted in Section 2.2.1 of the DEIR, this document tiers from, or relies upon previously prepared and certified documents including the *General Plan Land Use and Transportation Element EIR* (City of Oakland 1998), but then provides a more narrowly defined focus of analysis specifically on redevelopment-related activities.

   c) *Commercial areas that should be considered but that are not included in this plan include West Grand Avenue/Mandela Parkway, Mandela Parkway/7th Street and Downtown.*

   - As noted in Section 3.5 of the DEIR, the basis for future redevelopment activity within the Project Area will be to implement and conform to the City of Oakland General Plan. The General Plan designated the area in the vicinity of West Grand/Mandela as "Business Mix", it designated the area in the vicinity of

Mandela/7th as "Neighborhood Center Mixed Use" (see Figure 4-3, page 4-1 of the DEIR). The downtown is outside of the Redevelopment Project Area.

d) Community is already talking to Caltrans about a dog park under I-580.

- Section 10.4.1 of the DEIR addresses the potential impacts of redevelopment activities on parks and recreation activities, recommends mitigation measures to address these impacts, and describes the potential benefits of redevelopment in assisting in park improvements.

e) West Oakland needs affordable housing.

- Section 3.3.2, page 3-11 describes the community needs and issues related to affordable housing and home ownership within the Project Area. The Affordable Housing and Housing Improvement Program as included in the Redevelopment Plan is described in Section 3.4.1 of the DEIR.

f) A Land Trust should be used as a vehicle to improve the local community. Examples include where the community buys land and residents own the house; long-term agreements and resale restrictions required; rental agreements whereby equity interests can be earned over time.

- The Affordable Housing and Housing Improvement Program as included in the Redevelopment Plan is described in Section 3.4.1 of the DEIR, and includes numerous strategies for providing direct assistance in increasing the affordability of housing in the Project Area. The City of Oakland Redevelopment Agency has already committed to working with the Oakland Citywide Community Land Trust (OCCLT) to produce newly constructed or substantially rehabilitated ownership housing in Oakland for low-income families and individuals. It has recently committed approximately $4.7 million to the OCCLT for this purpose, and OCCLT has announced that it is requesting proposals from developers. As a citywide land trust, the OCCLT may explore affordable housing opportunities within the Project Area or elsewhere within the City.

g) Community revitalization money should go first to on-site owners, not absentee landlords.

- These comments are noted, and will be forwarded on to City decision-makers. Comments regarding funding priorities for the Redevelopment Plan do not raise environmental issues and are not relevant to the CEQA document.

h) Want to see more community gardens, not just parking lots and buildings.

- This comment is noted but not specifically addressed as an environmental issue.

i) Illegal buildings go up all the time.

- This comment is noted but does not specifically address as an environmental issue.

Summary of comments from WOPAC meeting, June 24, 2002

1. *Air Quality - Do fumes from idling diesel trucks and buses contribute to asthma? Is there a connection between these idling vehicles and asthma in children? These vehicles are parked, idling, throughout West Oakland, often near schools and day cares. Assess asthma rates for adolescents and young children and determine if there is a need for increased teen/child health services to deal with the problem.*

   - The air quality impacts associated with traffic generated by new growth and development within the Project Area have been analyzed in Section 6.4.4. The air quality impacts associated with cumulative traffic have been analyzed in Section 6.4.8 of Chapter 6: Air Quality. Additionally, the potential exposure of sensitive receptors (such as residential areas and parks) has been analyzed in Section 6.4.6 of Chapter 6: Air Quality. Specific discussion about asthma can also be found in section 6.2.3 of the DEIR.

2. *Hazardous Materials - Are Phase I and II reports planned? Concerns about cumulative effects of toxics.*

   - Section 8.2 of the DEIR addresses hazardous materials that may be encountered during implementation of the Redevelopment Plan's projects, programs and other activities, and Section 8.4 provides a program-level analysis of potential impacts with respect to hazards and hazardous materials, together with identification of program-level mitigation measures. Phase I and Phase II environmental site assessments have not been prepared pursuant to this program EIR. Requirements for these studies are addressed and described in Mitigation Measure 8.4.5A.

3. *Transportation - Install bike lanes on Market, Adeline, West Grand Ave. Install light rail or fast bus lines similar to SF Muni. Proposed shuttle from Mandela Transit Village at 7th/Mandela to Army Base (using Army Base funds?).*

   - Mitigation Measures 6.4.6A and 6.4.6B in the DEIR recommends that major new development projects pursuant to or in furtherance of the Redevelopment Plan to fund, on a fair share basis, some or all of the BAAQMD-recommended feasible Transportation Control Measures. These measures include, but are not limited to providing improved bicycle access and facilities, and providing shuttle service between the West Oakland BART station and major employment centers. Alternatively, redevelopment funds could potentially be used to subsidize these fair-share funding contributions or to implements these measures.

4. *Infrastructure - Provide family-friendly sidewalks that contain trees and wide streets. Provide trees on major corridors such as Market and Adeline. Underground power lines. Study and increase safety through installation of lights, stop signs, and by making streets handicap safe.*

- Section 3.4.1 of Chapter 3: Project Description references the Neighborhood Improvement Program as a component of the Redevelopment Plan, whereby redevelopment activities may include programs to improve the physical conditions of Project Are neighborhoods, including the types of improvements recommended in this comment.

5. *Housing - Address mold/mildew in housing.*

- Although mold and mildew may be an existing problem within certain individual homes, it is not an impact associated with redevelopment activity and not addressed in this EIR.

6. *Parks and Open Space - Combine open space and educational use, for example, as at McClymonds High School.*

- Mitigation Measures 10.4.1A and 10.4.2B in the DEIR recommend that the City of Oakland Redevelopment Agency coordinate with the City Office of Parks and Recreation and the OUSD to promote joint use agreements and joint use partnerships that maximize the use of educational and park/recreational facilities.

7. *Land Use - Support high density and commercial on West Grand and San Pablo Avenues, similar to other large cities such as Georgetown, SF, Austin, London, Barcelona, etc.*

- As noted in Section 3.5 of the DEIR, the basis for future redevelopment activity within the Project Area will be to implement and conform to the City of Oakland General Plan. The General Plan designates the West Grand Avenue corridor within the Project Area as either "Business Mix" or "Community Commercial", and it designates the San Pablo Avenue corridor within the Project Area as either "Community Commercial" or "Urban Residential" (see Figure 4-3, page 4-11 of the DEIR).

8. *Other concerns regarding the Redevelopment Plan and process-*

a) *Can the consultants support the current legislative bill (Sacramento) that addresses idling around ports in California? Can the consultants request that the City support this legislation? Should the PAC advocate for an ordinance to stop idling, or should the PAC gather data to support such a measure?*

- Truck idling around the Port is not an environmental impact that would result from implementation of the Redevelopment Plan and therefore the EIR does not address this issue with mitigation measures. However, Table 6-9, page 6-37 of the DEIR itemizes the sources of cumulative emissions of NOx, SOx and PM_{10} in the vicinity of the Project Area. Pages 6-30 through 6-33 indicate the mitigation measures that have been previously adopted by the Port of Oakland pursuant to the Vision 2000 Air Quality Monitoring Program and the OARB Reuse Plan EIR, as well as those measures recommended for this Project, to address the potential impacts of regional emissions. Both the Vision 2000 Air Quality Monitoring

Program and the OARB Reuse Plan EIR include diesel truck emission reduction programs that include reducing idling times and retrofitting engines to alternative fuels.

b) *Include a social capital component that assesses the social services that exist and those that are lacking, as well as the cultural history of West Oakland, and the community's ability to preserve it.*

- CEQA Guidelines do not require an analysis of social and economic issues that are unrelated to an environmental effect to be addressed in an EIR. Potential impacts on public services including schools and parks are analyzed in this EIR (Chapter 10), as are potential impacts on cultural resources (Chapter 11).

c) *Assess the rate of displacement in West Oakland. Is gentrification affecting the ability of long-time West Oakland residents to keep their homes?*

- CEQA Guidelines do not require an analysis of social and economic issues that are unrelated to an environmental effect to be addressed in an EIR. See further discussion of this topic under response to comment C-6.

d) *Assess how commercial development will contribute to job creation for West Oakland residents. Army Base may provide new jobs.*

- A summary of projected households, population and employment growth within the Project Area by subarea is as shown on Table 3.2, page 3-30 of the DEIR. As shown on this table, the number of net new employment opportunities is expected to increase by approximately 3,184 jobs within the Project Area. 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.

e) *Concerns about how contracts were awarded to do environmental impact assessment work, specifically, how was the community involved in awarding contracts. Concerns about how the redevelopment plan and EIR are being funded.*

- These comments do not raise an environmental issue or pertain to the analysis performed for this EIR. Comments about the City's contracting procedures should be addressed to the appropriate City departments.

Response to Comment C-6:

California Redevelopment Law, as incorporated into the West Oakland Redevelopment Plan, provides measures specifically intended to address direct residential and business

displacement that may occur as a result of redevelopment activities. Additionally, Redevelopment Law and City ordinance as incorporated into the Redevelopment Plan provide measures that address the potential indirect displacement of economically disadvantaged residences as a result of economic pressures related to increased property values.

Direct Displacement/Relocation Program[2]

In order to carry out the goals and objectives of the Redevelopment Plan, the Redevelopment Agency may acquire, assemble and dispose of properties that may result in direct displacement of residents or businesses. These potential actions are disclosed in the Draft EIR under Section 3.4.2: Implementation Plans and Strategies. According to State Redevelopment Guidelines,[3] the Redevelopment Agency may not proceed with any phase of a project or program that will result in displacement of any residents until it determines that:

- Fair and reasonable relocation payments will be provided to eligible persons
- A relocation assistance program will be established. This program must include measures, facilities or services that will enable the Agency to:
  - Determine the needs and preferences of the person to be displaced,
  - Provide current and continuing information on the availability, sales price and rentals of comparable replacement dwellings,
  - Inform all eligible persons to be displaced of the availability of relocation benefits and assistance and eligibility requirements,
  - Assure eligible persons displaced from their dwellings that within a reasonable period of time prior to displacement, comparable replacement housing will be available, and assist these displaced persons in obtaining and moving to comparable replacement dwellings,
  - Advise displaced persons of the Agency's grievance procedures and eviction policies,
  - Assist displaced persons in completing applications for payments and benefits, and provide other services to help minimize their hardship
- Eligible persons will be adequately informed of the assistance, benefits, practices, and procedures provided for in the State Guidelines

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[2] The information contained in this response has been derived from the book, *Redevelopment in California*, 1995 (Second) Edition, Beatty, David, et al, Solano Press Books.

[3] These requirements are found in the California Code of Regulations, Title 25, Section 6000 et seq.

- Based on a recent survey and analysis of both the housing needs of displaced persons and the availability of comparable replacement housing (and considering competing demands for that housing), comparable replacement dwellings sufficient in number, size and cost for the eligible persons who require them will be available or provided prior to displacement

- Adequate provisions have been made to provide orderly, timely and efficient relocation of eligible persons to comparable replacement housing that is available without regard to race, color, religion, sex, marital status or national origin, with minimal hardship to those affected.

Additionally, any business that meets the qualifications and eligibility requirements is entitled to relocation payments for the following:

- Actual moving and related expenses

- Direct losses of tangible personal property as a result of moving or discontinuing a business

- Actual and reasonable expenses in searching for a replacement business

- Actual and reasonable expenses necessary to reestablish a small business (500 or fewer employees) at its new site

- If the Agency determines that a business cannot be relocated without substantial loss of patronage, the business may elect to receive an alternative payment in lieu of the actual moving expenses in an amount equal to the average annual rent earnings of the business.

It should be noted that the Redevelopment Plan does not currently contain any specific proposal for acquiring, assembling or disposing of properties that may result in direct displacement of residents or businesses.

Indirect Displacement

As noted in this comment, it is possible that economic pressures resulting in indirect displacement of existing residents may increase within the Project Area as property values rise, with associated increases in housing costs and rents. As described in Section 3.4.1 of the DEIR (page 3-16), the Redevelopment Plan itself contains several programs specifically intended to address the issues of affordable housing.

As required by State law and increased under Redevelopment Agency resolution, 25% of the gross tax increment funds received by the Agency must be deposited into a restricted fund for the purpose of developing housing affordable to low, moderate income households.[4] This fund, potentially together with other redevelopment funds, is to be

[4] City of Oakland Resolution, 2000.

used to assist in the production and preservation of affordable housing opportunities, and to make home ownership available to more low- and moderate-income residents in the Project Area. Redevelopment funds may be used to support a variety of programs designed to increase the supply of housing, make housing more affordable, and improve existing housing stock. As identified in the Draft EIR, such programs are contained within the Redevelopment Plan, and include the following:

- *Housing Improvement Programs.* These programs may be used to offer low interest or no interest loans or grants to assist low- and moderate-income homeowners in making repairs to existing residences, thereby preserving the current stock of affordable housing. Such repair and improvement programs may include rehabilitation and seismic retrofit programs especially for older homes and homes owned or occupied by seniors; preservation and restoration programs for Victorian housing stock and historic homes; support for energy efficiency improvements; and improving and correcting problems at existing public housing sites. These programs may also include residential neighborhood improvements such as community restoration programs that purchase and/or rehabilitate vacant and/or deteriorated residential properties; removal of blight and debris from residential areas; and acquisition and relocation of properties contributing to conflicts between residential areas and adjacent industrial uses.

- *Increased Housing Supply Programs.* These programs may include Redevelopment Agency participation in land acquisition, land cost write-down, developer recruitment, credit enhancement and other forms of participation resulting in development of additional supply of affordable housing. This increased housing supply may consist of artist housing especially for low-income artists; construction of additional owner-occupied housing on residentially-zoned vacant sites; replacement of condemned, unsafe properties or properties beyond cost-effective repair; and/or the provision of additional senior housing and housing for disabled persons.

- *Affordable Housing Programs.* These programs are intended to provide direct assistance in increasing the affordability of housing in the Project Area. They may include providing direct subsidies to developers to lower the cost of producing housing. Additionally, first-time homebuyer programs may assist very low- to moderate-income families with down payments and closing costs for the purchase of a home; and renter-to-owner assistance programs.

Response to Comment C-7:

A summary of projected employment growth within the Project Area is shown on Table 3.2, page 3-30 of the DEIR. As shown on this table, the number of net new employment opportunities is expected to increase by approximately 3,184 jobs within the Project Area by year 2020. These projections represent the aggregate of all development anticipated to occur within the Project Area. 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. As noted in Section 3.5.5 of the DEIR, the basis for these projections is the land use designations of properties within the Project Area under the City of Oakland General Plan.

As noted in Section 3.5 of the DEIR, the basis for future redevelopment activity within the Project Area will be to implement and conform to the City of Oakland General Plan. The General Plan designates various portions of the Project Area as appropriate for different types of employment generating land uses. The employment generating land use categories that are present within the Project Area include:

1) Neighborhood Center Mixed Use,
2) Community Commercial;
3) Housing Business Mix;
4) Business Mix;
5) General Industrial/Transportation;
6) Regional Commercial; and
7) Institutional.

The types of businesses that are permitted within each of these land use designations are specifically described on pages 4-8 through 4-13 of the DEIR. The Redevelopment Plan does not propose any changes or modifications to these land use designations or the types of businesses that are permitted within the land use categories. However, the Redevelopment Plan does include specific programs intended to improve commercial and industrial areas and business activities, and increase opportunities to foster environmentally sound businesses. These programs are described on page 3-18 and 3-19 of the DEIR, and include the following:

- *Desirable Business Recruitment/Retention Program.* This program may provide low or no-interest loans, grants and technical assistance to business owners trying to improve or make additions to the types of businesses that meet neighborhood goals. Business assistance may be in the form of business retention and attraction programs; programs in support of neighborhood commercial revitalization; providing capital for business expansion, equipment replacement or modernization; and marketing and client attraction programs. The types of businesses that may qualify for such assistance may include neighborhood serving shops and stores, businesses willing to locate into mixed use projects with housing above commercial space; businesses that provide neighborhood jobs and needed services to the community; and neighborhood business incubator industries. Assistance may also be provided to those businesses attempting to remain in, or willing to locate to preferred sites. Such sites may include locations that would develop and/or revitalize commercial corridors, that would support the Mandela Transit Village near the West Oakland BART station, and that would help establish community connections west of the freeway to the MacArthur Transit Village near the MacArthur BART station. The primary purposes of this program is to attract businesses to the area to provide a wider range of retail and commercial uses in the Project Area, and to attract new business tenants to underutilized and vacant buildings.

- *Façade and Building Improvement Program.* This program would provide matching grants to businesses for storefront improvements and façade treatments to enhance the attractiveness and visibility of the area. Improvements may include general building repair/rehabilitation, landscaping, providing handicap access, installing security improvements, redevelopment of vacant and/or blighted property, and litter removal and graffiti eradication programs. By eliminating physical deterioration and improving the appearance of buildings, this program is designed to increase patronage, improve sales, slow business closures and increase property values.

- *Employer Incentive Program.* Under this program the Agency would give loans, grants or tax rebates as incentives to employers who would either reuse and rehabilitate existing buildings within the Project Area, or would reduce neighborhood impacts and/or relocate to a better location those polluting or detrimental businesses and uses. This program may also include land acquisition, environmental assessment, site cleanup, site preparation and/or land write-down to facilitate the reuse of obsolete and/or vacant properties. These incentives are designed to overcome impaired investment properties that may not otherwise be rehabilitated due to a lack of an adequate rate of return on investments.

Response to Comment C-8:

CEQA Guidelines, Section 15064 (e) are quite specific, stating that, "Economic and social changes resulting from a project shall not be treated as significant effects on the environment" (underline added). Therefore, these effects have specifically not been treated as environmental impacts in the Draft EIR.

The subsequent portion of this guideline, and the case law interpretation cited in this comment, provide that lead agencies may use economic or social change to determine that a physical change would be a significant effect on the environment. The potential physical effects of growth and development, as may be assisted either directly or indirectly be redevelopment, are the subjects of this EIR, and are fully analyzed herein.

Response to Comment C-9:

CEQA Guidelines, Section 15064.5, as noted on page 11-27 of the Draft EIR, specifically provide that a project would have a significant environmental impact if it would:

- Directly or indirectly destroy a unique paleontological resource or site or unique geologic feature;

- Disturb any human remains, including those interred outside of formal cemeteries; or

- Cause a substantial adverse change in the significance of a historical resource including unique archaeological resources as defined by CEQA Guidelines Section 15064.5. A substantial adverse change includes physical demolition,

destruction, relocation, or alteration of the resource or its immediate surroundings such that the significance of the historical resource would be materially impaired.

- Section 15064.5 of the CEQA Guidelines further defines that the significance of an historical resource is materially impaired when a project demolishes or materially alters, in a adverse manner, those physical characteristics of the resource that:

  - convey its historical significance and that justify its inclusion on, or eligibility for inclusion on, the California Register of Historical Resources as determined by the State Historical Resources Commission;

  - account for its inclusion on a Local Register of historical resources or its identification in an historical resources survey form (DPR Form 523); or

  - convey its historical significance and that justify its inclusion on, or eligibility for inclusion on, the California Register of Historical Resources, as determined by the lead agency.

Social and cultural values other than those included in the listing of historic and cultural resources contained in Section 11.2.3 of the DEIR do not fall within the purview of CEQA.

Response to Comment C-10:

The Setting section of Chapter 8: Hazardous Materials (together with Appendix F) discloses all known sites where hazardous materials have been used either currently or in the past. The process for determining the potential for a hazardous material to be present at a site proposed for redevelopment activity is described within Mitigation Measure 8.4.5A, beginning on page 8-27 of the DEIR. The potential for closed operations to harbor contamination is identified in Sections 8.4.4 and 8.4.5 of the DIER, along with mitigation measures consistent with federal, state and City ordinances and regulations.

Response to Comment C-11:

Cumulative Impact 6.4.8 of the DEIR identifies unavoidable and significant cumulative impacts on regional and local (neighborhood) air quality due to implementation of the Redevelopment Plan (the Project) when considered with projected Port-related emissions (including diesel trucks and equipment). Project as well as Port-related emissions increases are quantified and presented in Table 6-9 of the DEIR. Existing and future freeway-related emissions are accounted for in existing air quality monitoring data (presented in the Setting section) as well as in projected Port-related emissions (since the freeways are used to access the Port). Impact 6.4.6 of the DEIR identifies significant and unavoidable impacts related to Project-related population increases in proximity to existing pollutant emission sources. These existing sources include freeways (I-880, I-580, and I-980), arterial streets (including San Pablo, West Grand Avenue, Mandela Parkway, and 7th Street), railroad operations, port facilities, industrial facilities (e.g., food

and fabricated metal industries), and ancillary maritime support uses generating truck traffic.

The primary source of projected cumulative increases in diesel emissions is from Port-related uses, not from redevelopment activity pursuant to the Redevelopment Plan. Since Port uses are the primary contributors of diesel emissions, it is the Port's mitigation programs that address reducing diesel emissions. As discussed under Impact 6.4.6 in the DEIR, the Port of Oakland is implementing the Vision 2000 Air Quality Mitigation Program (AQMP), a program to mitigate the potential air quality impacts of the Port's Vision 2000 Program. The AQMP projects are intended to reduce emissions from a variety of maritime and other local sources. In addition to the Vision 2000 AQMP, the Port is required to implement a Criteria Pollutant Reduction Program as part of implementation of the OARB Reuse Plan. The Port also continues to implement an air quality and meteorological monitoring program to measure the levels of particulate matter (PM_{10} and $PM_{2.5}$) in West Oakland.

In addition, the DEIR (under Impact 6.4.6) identifies two City ordinances that help and will continue to help reduce exposure of West Oakland residents to diesel emissions. Sections 10.52.060 and 10.52.120 of the Oakland Traffic Code prohibit trucks from specific street segments, and establish truck routes on other roads. The City of Oakland's S-16 Industrial-Residential Transition Combining Zone (Ordinance 17.102.380) will eventually reduce ancillary maritime support uses within the Project Area. Many of these uses may relocate to the OARB Redevelopment Area (see also further discussions of this issue in Chapter 4: Land Use and Chapter 5:Traffic and Circulation).

Mitigation Measure 6.4.5 in the DEIR (page 6-28) does recommend that exhaust emission control measures, including alternatively fueled construction equipment and minimized idling times be implemented at construction sites.

Response to Comment C-12:

The former Red Star Yeast facility is a previously permitted facility that used hazardous materials and is included in the list of such facilities in Appendix F of the DEIR. The presence of this facility may continue to contribute to blight along the 7th Street corridor, and may harbor soil and groundwater contaminants, as suggested in this comment. However, the presence of this facility is not an environmental impact of the Redevelopment Plan, which is the purpose of analysis of this EIR.

Potential redevelopment of this site pursuant to the Redevelopment Plan could potentially expose workers, the surrounding community and future occupants to unacceptable levels of hazardous materials. This impact is identified in Sections 8.4.4 and 8.4.5 of the DIER. These sections of the DEIR include appropriate mitigation measures for the closure of permitted hazardous materials sites and the remediation of hazardous materials, procedures for disposal of contaminated soil and groundwater, and procedures for de-watering of contaminated groundwater. Mitigation measure 8.4.4A also identifies the potential for redevelopment powers (i.e., the Polanco Act) to be used in the identification, monitoring and closure of permitted hazardous materials use sites.

Response to Comment C-13:

The commentor's opinion on the Redevelopment Plan's eminent domain policy is noted, and will be forwarded to City decision-makers. The comment specifically addressing the need for eminent domain to address revitalization efforts is a comment on the merits of the Project, and does not address a physical impact of the Project or the adequacy of the EIR.

The DEIR does identify a number of regulatory tools in addition to eminent domain that are available to the Redevelopment Agency to address polluting businesses and hazardous material releases. These tools include such "brownfield" programs as the Polanco Redevelopment Act and the California Land Environmental Restoration and Reuse Act (CLERRA) that provide for the assessment, investigation and remediation of hazardous materials. Other benefits of redevelopment in addressing hazardous materials impacts are identified on pages 8-20, 8-30 and 8-32. These additional benefits include:

- greater compliance with current hazardous materials regulations,
- implementation of newer and improved technology for handling and storage of hazardous materials, and replacement of older businesses that use older technology, and
- assisting in the transition of land use over time that would result in a "buffer zone" consisting of a mix of light industrial, commercial business, and office uses to separate residential uses from heavier industrial uses.

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City of Oakland
Planning & Zoning Division

June Gin
351 Lester Ave. Apt. #3E
Oakland, CA 94606

Claudia Cappio, Manager, Major Development Projects
City of Oakland—CEDA, Planning Division
250 Frank Ogawa Plaza, Ste. 3330
Oakland, CA 94612
28 July 2003

LETTER D

Comments on Draft Environmental Impact Report for West Oakland Redevelopment

These comments pertain to the EIR for West Oakland Redevelopment and suggestions for the final EIR. I support the comments in the Environmental Indicators Project on the draft EIR. In addition, I would like to elaborate with my own comments.

1) **The EIR does not consider the social and economic impacts of redevelopment.** Section 15131 of the California Environmental Quality Act (CEQA) defines the consideration of social and economic impacts of projects such as redevelopment. Part (b) of that section says that if there are economic or social impacts, that is the basis for determining whether environmental impacts are significant. Because West Oakland is a historically disadvantaged community of color, the lasting effects of employment and housing discrimination that may be exacerbated by the redevelopment process need to be considered. Redevelopment causes rising property values and real estate speculation and the effects of residential displacement on this vulnerable community are significant, even if the displacement impacts are indirect, i.e., rising property values cause homes to become too expensive to current residents. In 1985, the California Court of Appeals held that the EIR for a proposed shopping center far from downtown was required to discuss the possibility that the proposed center would take business away from downtown and cause business closures. **D-1**
2) **The EIR does not consider cultural impacts of redevelopment.** 60 percent of West Oakland is African-American. This population also represents many residents who are most vulnerable to displacement due to gentrification pressures that may accompany rising property values. While the section on cultural resources takes into account Native American burial grounds, it does not take into consideration the living African-American cultures and other cultures that may be lost through displacement. **D-2**
3) **The Cumulative Impacts section fails to discuss community vulnerability.** Given the disproportionate environmental, social, and economic impacts that West Oakland residents have suffered, the cumulative impacts section should be expanded to consider the greater community vulnerability to environmental and socio-economic impacts of redevelopment. New agency rules about environmental justice currently under consideration at Cal-EPA speak to these considerations; however, the required consideration of cumulative impacts is also currently relevant. **D-3**

Sincerely,
June Gin

Responses to Comment Letter "D" – June Gin – July 28, 2003

Response to Comment D-1:

CEQA Guidelines, Section 15064 (e) and Section 15131 are quite specific, stating that, "Economic and social changes resulting from a project shall not be treated as significant effects on the environment" (underline added). Therefore, these effects have specifically not been treated as environmental impacts in the Draft EIR.

Section 15131 does provide that an EIR "may trace a chain of cause and effect from a proposed decision on a project through anticipated economic or social changes resulting from the project, to physical changes caused in turn by the economic or social changes. The intermediate economic or social changes need not be analyzed in any detail greater than necessary to trace the chain of cause and effect. The focus of analysis shall be on the physical changes" (underline added).

The potential physical changes of growth and development, as may be assisted either directly or indirectly be redevelopment, are the subjects of this EIR and are fully analyzed herein.

Response to Comment D-2:

CEQA Guidelines, Section 15064.5, as noted on page 11-27 of the Draft EIR, specifically provide that a project would have a significant environmental impact if it would:

- Directly or indirectly destroy a unique paleontological resource or site or unique geologic feature;
- Disturb any human remains, including those interred outside of formal cemeteries; or
- Cause a substantial adverse change in the significance of a historical resource including unique archaeological resources as defined by CEQA Guidelines Section 15064.5. A substantial adverse change includes physical demolition, destruction, relocation, or alteration of the resource or its immediate surroundings such that the significance of the historical resource would be materially impaired.
- Section 15064.5 of the CEQA Guidelines further defines that the significance of an historical resource is materially impaired when a project demolishes or materially alters, in a adverse manner, those physical characteristics of the resource that:
    - convey its historical significance and that justify its inclusion on, or eligibility for inclusion on, the California Register of Historical Resources as determined by the State Historical Resources Commission;
    - account for its inclusion on a Local Register of historical resources or its identification in an historical resources survey form (DPR Form 523); or

- convey its historical significance and that justify its inclusion on, or eligibility for inclusion on, the California Register of Historical Resources, as determined by the lead agency.

Social and cultural values other than those represented by the listing of historic and cultural resources contained in Section 11.2.3 of the Draft EIR do not fall within the purview of CEQA.

Response to Comment D-3:

Cumulative environmental effects are fully addressed in Section 12.5 of the Draft EIR. Social and economic effects, either direct or cumulative, are not considered to be significant effects on the environment under CEQA, and therefore have not been addressed in the cumulative impact section of the EIR.

Environmental justice provisions have not yet been incorporated into the California Environmental Quality Act and are not addressed in CEQA Guidelines. The California Governor's Office of Planning and Research (OPR) has been identified as the coordinating agency in state government responsible for environmental justice programs pursuant to National Environmental Protection Act (NEPA) projects. This Project is not a federal project under NEPA. The OPR uses a definition of environmental justice similar to the U.S. Environmental Protection Agency (EPA) Office of Environmental Justice (1997), which defines environmental justice as:

> *The fair treatment and meaningful involvement of all people regardless of race, color, national origin, or income with respect to the development, implementation, and enforcement of environmental laws, regulations, and policies. Fair treatment means that no group of people, including a racial, ethnic, or a socioeconomic group should bear a disproportionate share of the negative environmental consequences resulting from industrial, municipal, and commercial operations or the execution of federal, state, local, and tribal programs and policies. Meaningful involvement means that: (1) potentially affected community residents have an appropriate opportunity to participate in decisions about a proposed activity that will affect their environment and/or health; (2) the public's contribution can influence the regulatory agency's decision; (3) the concerns of all participants involved will be considered in the decision making process; and (4) the decision makers seek out and facilitate the involvement of those potentially affected.*

If these federal definitions were to apply to CEQA (or this EIR), then the issues that would need to be addressed would include:

1) Would a group of people, including a racial, ethnic, or a socioeconomic group bear a disproportionate share of the negative environmental consequences resulting from implementation of the project (i.e., adoption of the Redevelopment Plan)? Given the large extent of the City that has previously been designated as Redevelopment Project Areas (as shown on Figure 3-2, page 3-3 of the DEIR), the potential environmental consequences associated with redevelopment are distributed throughout a wide range of racial, ethnic and socioeconomic groups.

2) Has the process involved opportunities for meaningful involvement of all people? The public participation process for this EIR is fully described in response to comment B-1. Based on the information presented in that response, the City has complied with all required CEQA guidelines and City procedures regarding public participation and notice during the EIR process, and has exceeded those requirements where staff has found it to be in the best interest of informed pubic participation.

In regards to City policy on the issue of environmental justice, the City of Oakland General Plan land Use and Transportation Element (LUTE) contains the following environmental justice policy:

Policy N5.1: *Environmental Justice. The City is committed to the identification of issues related to the consequences of development on racial, ethnic, and disadvantaged socio-economic groups. The City will encourage active participation of all its communities, and will make efforts to inform and involve groups concerned about environmental justice and representatives of communities most impacted by environmental hazards in the early stages of the planning and development process through notification and two-way communication.*

The City of Oakland has encouraged active participation and has made efforts to inform and involve concerned groups during the formation of the Redevelopment Plan, and has encouraged active participation, information exchange and public participation in the scoping for this EIR (see response to comment B-1 regarding public participation).

Pavlinec, Joann

From: Gilmartin, Una [UGilmartin@wje.com]
Sent: Monday, July 28, 2003 2:20 PM
To: bmarvin@oaklandnet.com; jpavlinec@oaklandnet.com
Subject: Comments on West Oakland EIR

LETTER E

Dear Betty and Joann,

The Historic Resources component for this EIR and the mitigations read very well and seem appropriate to me. I think that the work that went into Central City East really benefited this EIR.

I would specifically like to see as part of Action Item #7 some interpretive information/monument signs in West Oakland that show the development of the neighborhoods and commercial areas relative to the natural waterfront and the man-made changes to the waterfront. I took Betty Marvin's OHA walking tour of Prescott and found these maps very interesting. **E-1**

In terms of comments on the wording of the EIR, I have a mere two. Comments:

* Page 11-1 last paragraph: It would be nice to mention that extensive historic information is also available for areas of West Oakland that are outside the redevelopment area (Oak Center). **E-2**
* Page 1-3 Geographic Setting: A series of maps (akin to what I am requesting above, see Betty Marvin) would really make this explanation understandable. **E-3**

By the way, I really like the PDHP, District and Existing Rating maps-they really add to the content of the chapter.

Una M. Gilmartin, P.E.
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Responses to Comment Letter "E" – Una Gilmartin – July 28, 2003

Response to Comment E-1:

Comment noted. Recommended Action Item #7 is hereby revised as follows:

> 7. As part of the first two 5-year Implementation Plans for the West Oakland Redevelopment Plan, design and implement a set of historic markers and other interpretive information demarcating the Oak Center District and the Oak Point District, including monument signs on landmark buildings. The interpretive information should show the development of the neighborhoods and commercial areas relative to the natural waterfront and the man-made changes to the waterfront.

Response to Comment E-2:

Comment noted. Page 11-1, last paragraph is amended to include this recommendation, as follows:

> An overview of the history and development of the City of Oakland is contained in the *Historic Preservation Element of the Oakland General Plan* (1994, as amended in 1998, pages 1-2 through 1-9), and is hereby incorporated by reference. A brief history and description of the Project Area and its resources is provided below. The Oakland City Planning Department's Cultural Heritage Survey project has prepared extensive neighborhood histories, thematic context statements, and individual property and district documentation that can be consulted for further information. Existing inventory forms for the Oakland Point, South Prescott, and Clawson districts, covering over 1,100 properties, are available for review at the City Planning Department. Extensive historic information is also available for areas of West Oakland that are outside of the Project Area, such as Oak Center.

Response to Comment E-3:

Comment noted. Copies of these maps are available at the Oakland City Planning Department, 250 Frank Ogawa Plaza, Suite 3315.

West Oakland Redevelopment Plan
Draft Environmental Impact Report

COMMENT ON MITIGATION OF CUMULATIVELY SIGNIFICANT IMPACT TO TRAFFIC FLOW AT THE INTERSECTION OF 40TH STREET AND SAN PABLO AVENUE

LETTER F

By Larry Rice
7/13/03

COMMENT ON DRAFT EIR
San Pablo Avenue and 40th Street Traffic Impact Mitigation

OVERVIEW

The West Oakland Redevelopment Plan Draft EIR finds a cumulatively significant impact to traffic flow at the intersection of San Pablo Avenue and 40th Street.[1] The plan further finds that "no feasible mitigation measures have been identified that would reduce cumulative impacts at the San Pablo Avenue and 40th Street intersection to a level that is less than significant."[2] One measure that was not investigated, and which could result in significant mitigation to this impact, would be improvement to MacArthur Boulevard between Hollis and Peralta. If done intelligently, such improvement would allow shoppers leaving Emeryville shopping centers to avoid the eastbound congestion at 40th and San Pablo altogether by turning from southbound Hollis onto eastbound MacArthur Boulevard, traversing underneath San Pablo using the existing underpass, and emerging at MacArthur and Market. It would also assist West MacArthur Boulevard businesses, which are heavily oriented toward auto uses (tire stores, detail yards, oil changers etc.), by funneling more potential customers past their places of business.

DESCRIPTION OF PROPOSAL

Currently, West MacArthur Boulevard between Market and Hollis consists of surface street lanes that allow cars to turn onto or off of San Pablo, but which do not allow cars to cross San Pablo. It also consists of three lanes (two eastbound, one westbound) that pass underneath San Pablo via an underpass. The two eastbound lanes are fed by the MacArthur-San Pablo exit from eastbound 580. The westbound lane allows speedy access to Emeryville shopping by connecting Market St. with Hollis. Unfortunately, the shopper has no corresponding, speedy method to return from Emeryville. This proposal would reconfigure the stretch of West MacArthur from the underpass to Hollis to make it two-way, not just westbound.

The MacArthur-San Pablo exit from eastbound 580 consists of two lanes. Both lanes feed onto eastbound West MacArthur Blvd., while the right-hand of the two lanes also allows cars to exit to Peralta, Watts and southbound San Pablo Ave. Existing traffic flow on this exit is not of sufficient volume to necessitate dedicating two lanes feeding onto West MacArthur Blvd. The leftmost of the two lanes would be better utilized as a connecter from Hollis to West MacArthur.

The onramp to westbound 580 was damaged during the Loma Prieta earthquake and is no longer in use.

The surface stretch of West MacArthur from Hollis to the underpass currently consists of two westbound lanes. One lane allows a right turn only onto Hollis, the other a left turn only. If direction of traffic on the left-hand lane was reversed, cars leaving Home Depot, Expo, Best Buy, Pet Club, Michael's and Toys R Us

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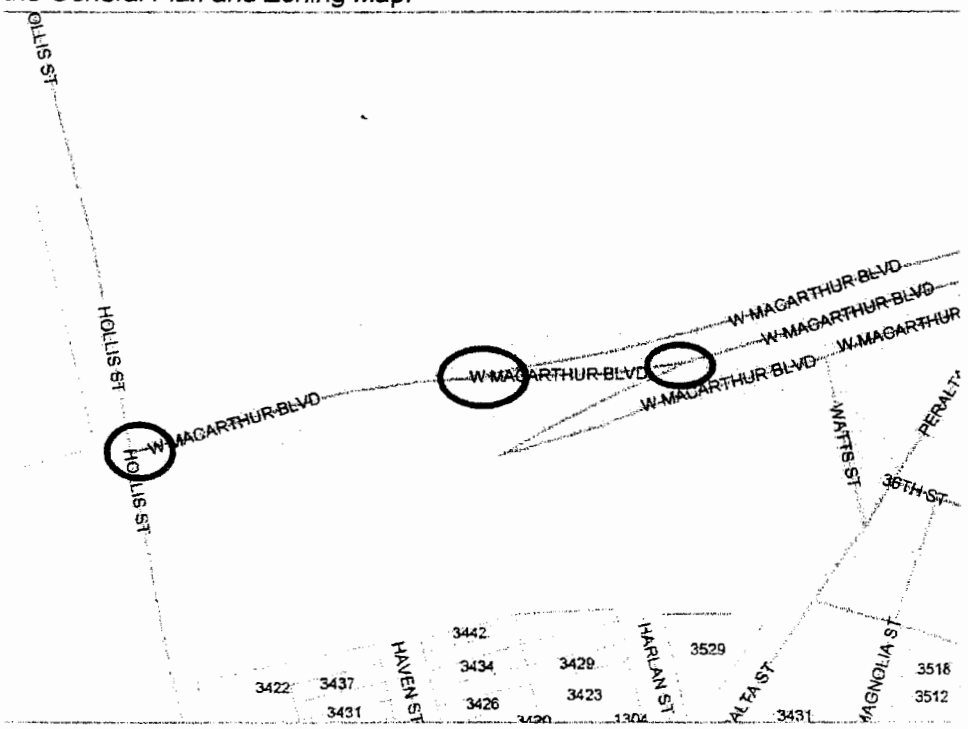
[1] Chapter 5: Transportation, 5.4.2 (page 5-25).
[2] Page 5-26.

could reach eastbound West MacArthur by turning east from southbound Hollis onto West MacArthur.

Prior to construction of the 580 freeway, West MacArthur Boulevard was the gateway to Oakland from the Bay Bridge and, before that, from the ferries. It has since declined into an underutilized six-lane strip frequented by prostitutes and drug dealers. This proposal would help restore some of the street's lost glory by making it the principal gateway to Oakland from Emeryville.

EXHIBITS

Exhibit A: Schematic drawing of West MacArthur Boulevard as it is today, from the General Plan and Zoning Map.



COMMENT ON DRAFT EIR
San Pablo Avenue and 40th Street Traffic Impact Mitigation

Exhibit B: Current configuration and traffic flow.

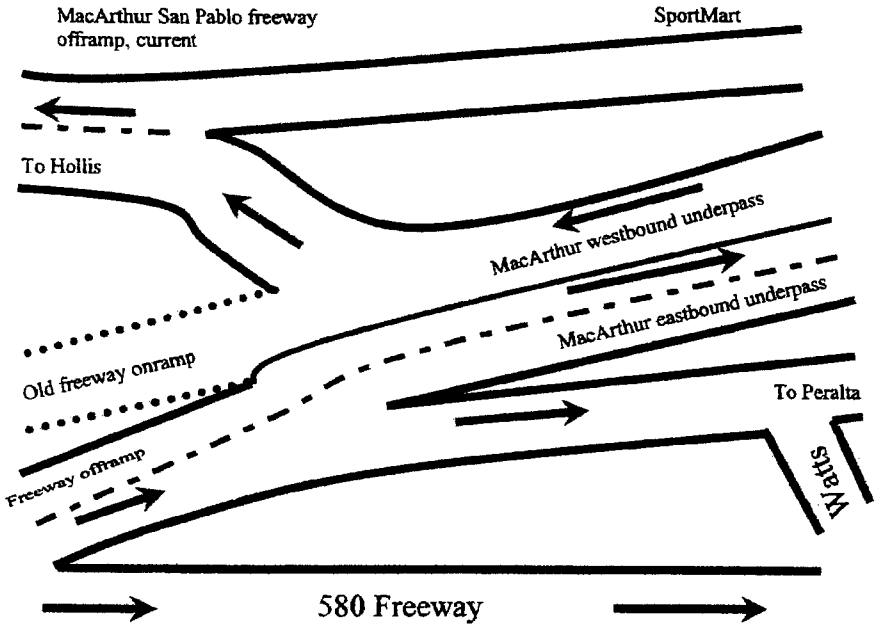
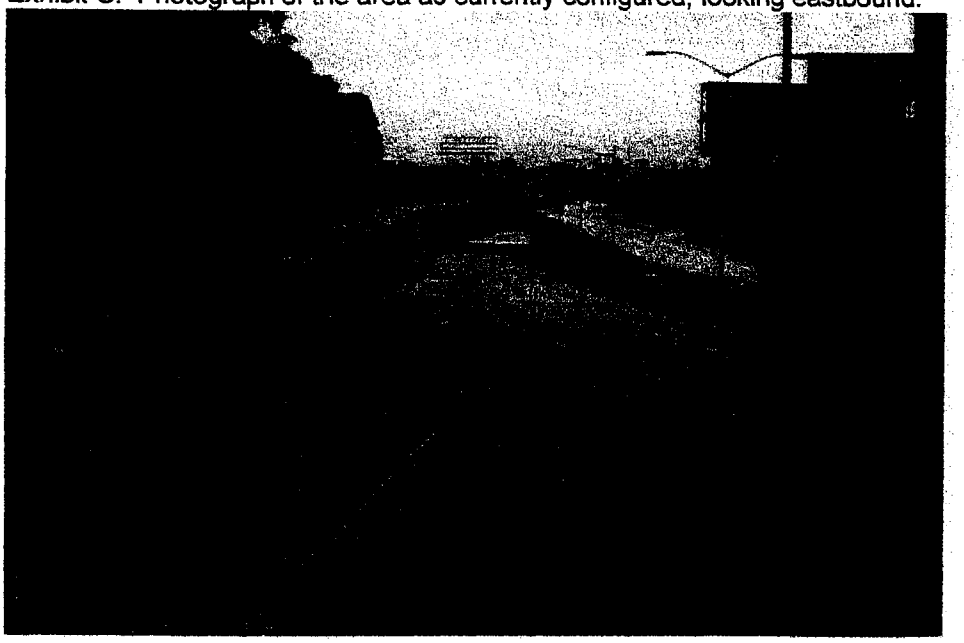
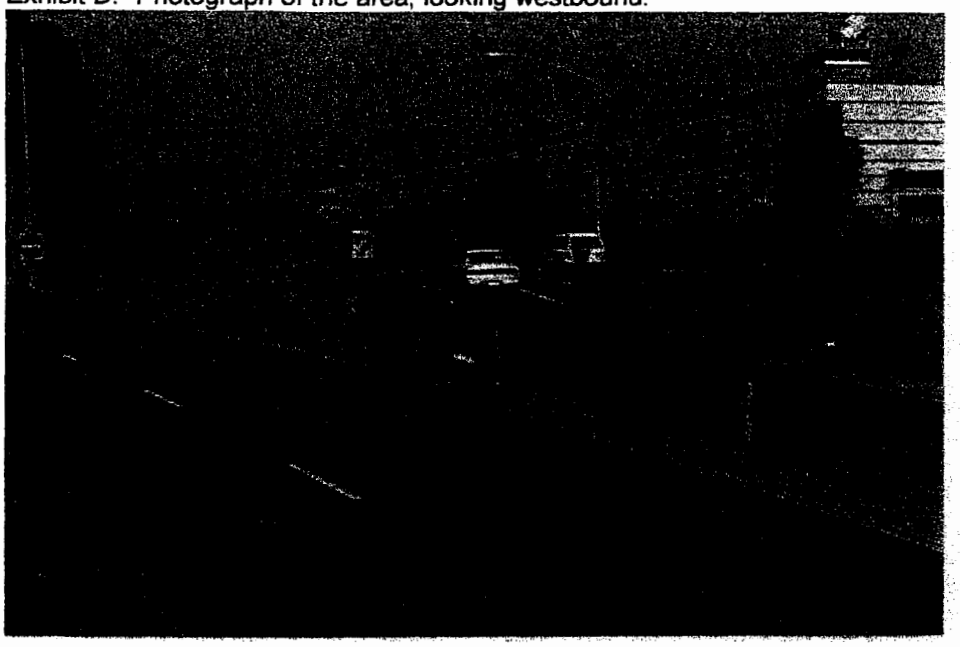


Exhibit C: Photograph of the area as currently configured, looking eastbound.



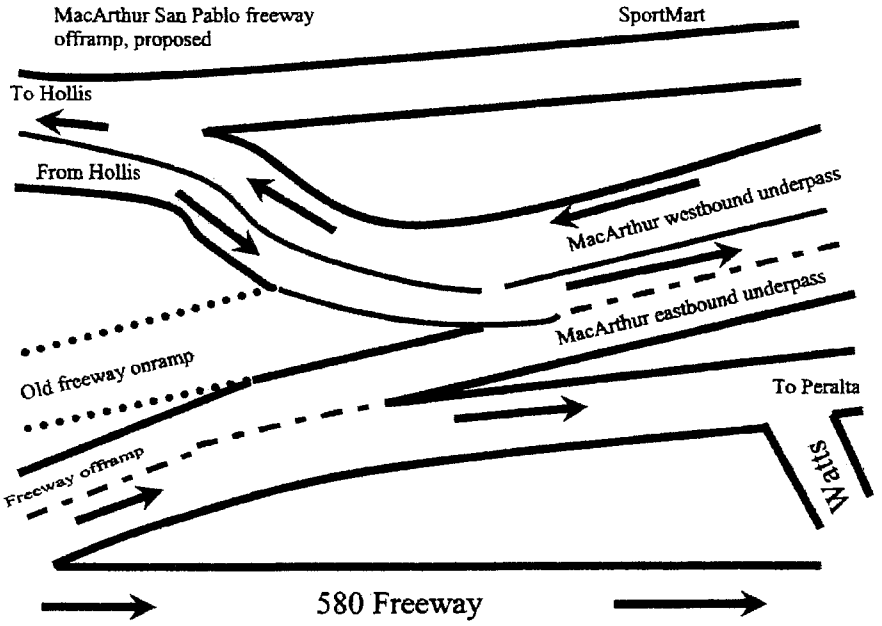
COMMENT ON DRAFT EIR
San Pablo Avenue and 40th Street Traffic Impact Mitigation

Exhibit D: Photograph of the area, looking westbound.



COMMENT ON DRAFT EIR
San Pablo Avenue and 40th Street Traffic Impact Mitigation

Exhibit E: Proposed reconfiguration of West MacArthur just west of the San Pablo underpass.



COMMENT ON DRAFT EIR
San Pablo Avenue and 40th Street Traffic Impact Mitigation

Exhibit F: Image of West MacArthur at the I-580 ramp as it might appear if the proposed changes are completed, looking eastbound.

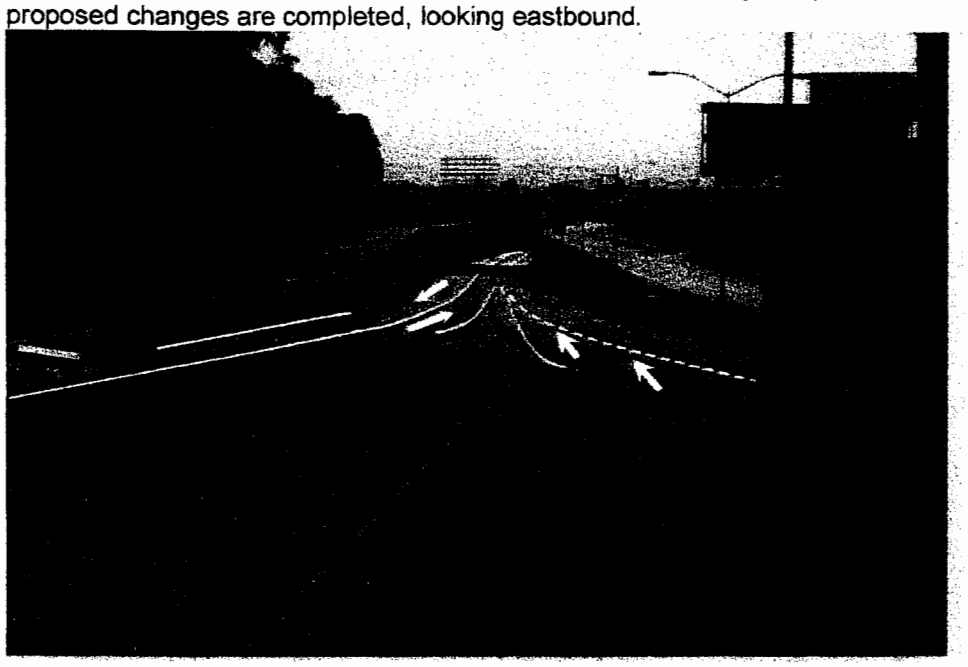


Exhibit G: Image of West MacArthur at the I-580 ramp, as it might appear if the proposed changes are completed, looking westbound.

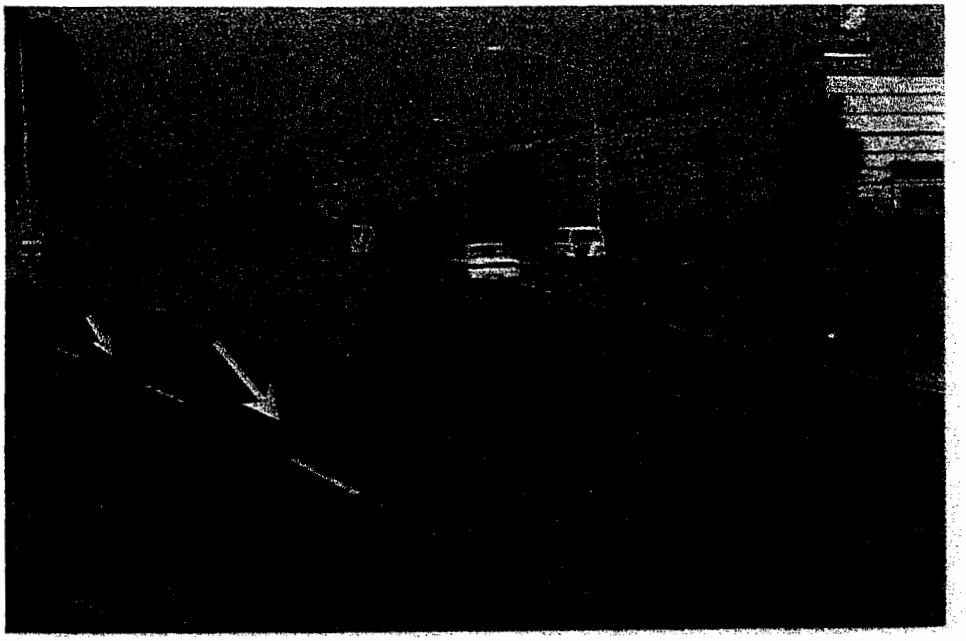
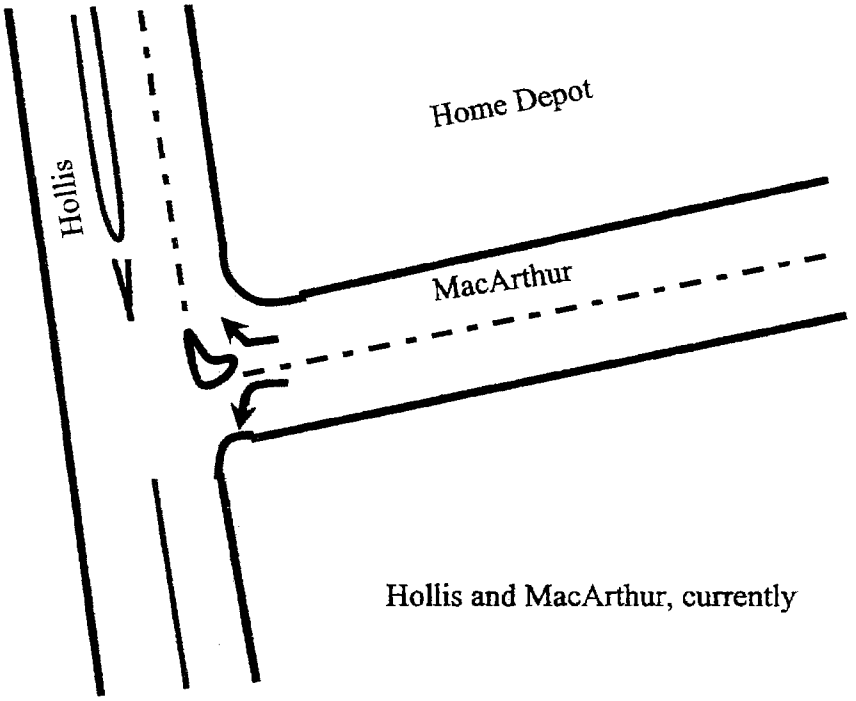
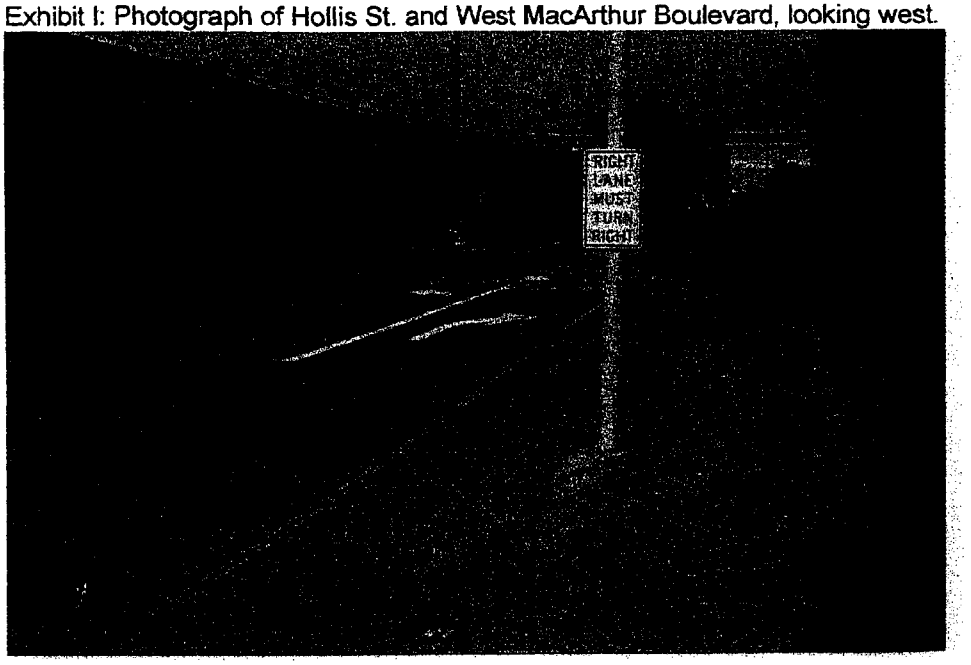


Exhibit H: Schematic of the intersection of Hollis St. and West MacArthur Boulevard, as currently configured.



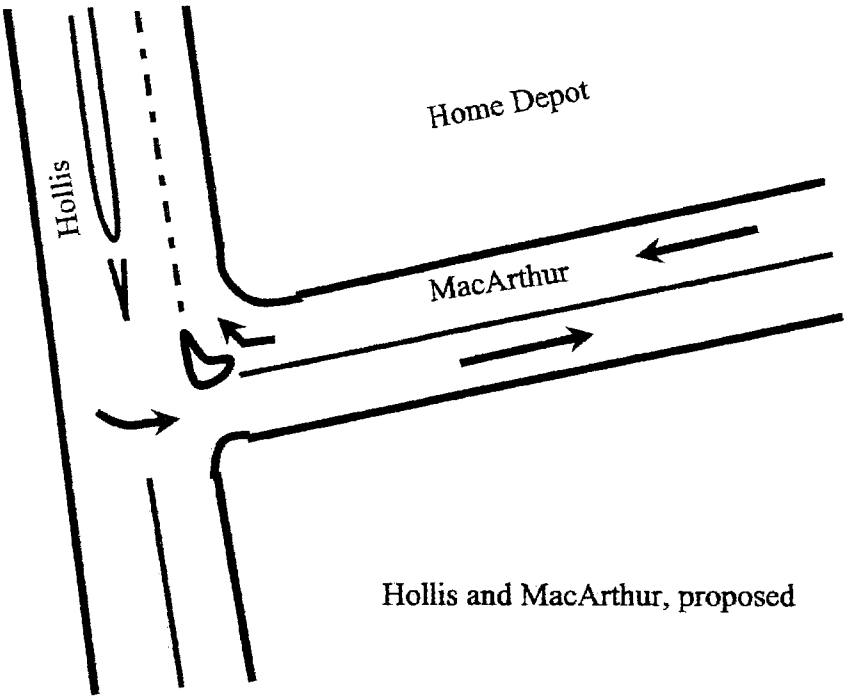
COMMENT ON DRAFT EIR
San Pablo Avenue and 40th Street Traffic Impact Mitigation

Exhibit I: Photograph of Hollis St. and West MacArthur Boulevard, looking west.



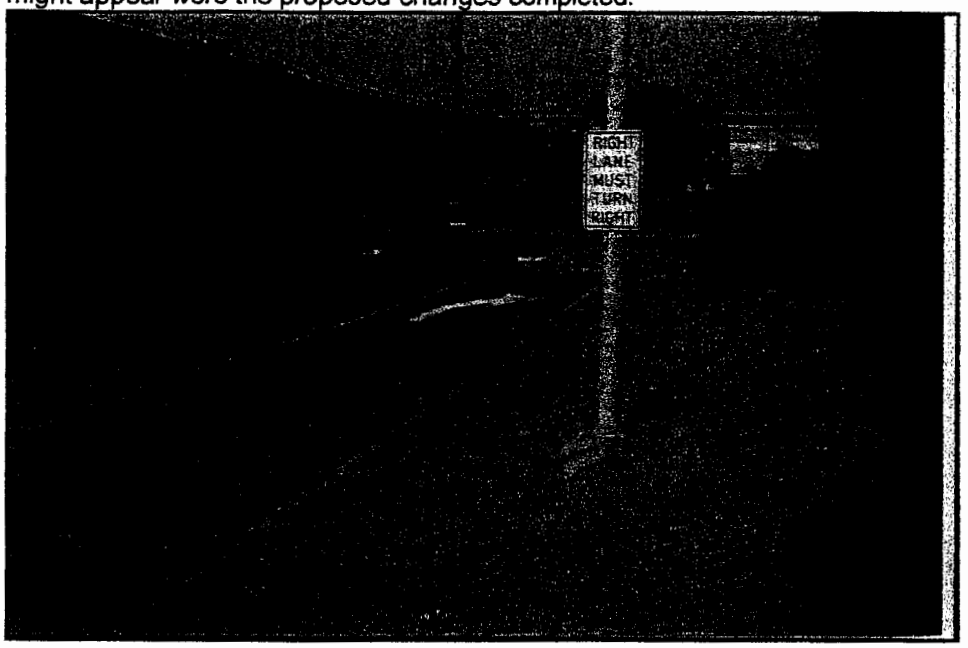
COMMENT ON DRAFT EIR
San Pablo Avenue and 40th Street Traffic Impact Mitigation

Exhibit J: Suggested changes to configuration and traffic flow at the intersection of Hollis St. and West MacArthur Boulevard.



COMMENT ON DRAFT EIR
San Pablo Avenue and 40th Street Traffic Impact Mitigation

Exhibit K: Image of Hollis St. and West MacArthur Boulevard, looking west, as it might appear were the proposed changes completed.



Responses to Comment Letter "F" – Larry Rice – July 13, 2003

Response to Comment F-1:

It is possible that the proposal described in this comment letter to modify West MacArthur Boulevard between Market and Hollis Street could reduce delay at the San Pablo Avenue & 40th Street intersection and may have the potential to mitigate the identified cumulative traffic impacts at this intersection. However, there are several issues with the proposal that would have to be addressed:

1. The capacity of the West MacArthur Boulevard intersections could be affected and would need to be analyzed to determine if the secondary impacts of the proposal would be significant.

2. Coordination with Caltrans would be required with regard to several issues.

    - Caltrans normally requires two lane ramps where the length of the ramp exceeds 1,000 feet. The proposed layout (Exhibit E) shows the right lane from the exit ramp would terminate as a mandatory exit to the Peralta off-ramp. The proposed configuration may not be feasible due to safety concerns unless measures can be implemented to prevent trapping vehicles in the exit lane.

    - Exhibit F of this comment letter indicates the left lane from the freeway off-ramp would be terminated, which would possibly solve the vehicle trap concern, but which raises another concern. The loss of a lane may not be feasible due to its close proximity to the freeway off ramp.

    - Finally, the eastbound lane from Hollis Street that is proposed to be added to the eastbound freeway off-ramp could cause a reduction in safety for the exit ramp.

3. A substantial portion of these proposed improvements is located within the City of Emeryville, and the City of Oakland's jurisdiction is therefore limited. The City of Oakland would not have the authority to fully implement this measure.

The proposal may have merit if the traffic safety and operations issues described above could be resolved, and if the jurisdictional coordination needs could be resolved. However, the proposal cannot be listed as a mitigation measure for cumulative traffic impacts because of uncertain feasibility.

LETTER G

As a member of the West Oakland Area Project Area Committee (WOPAC), I am submitting to the City of Oakland and the WOPAC the following comments on *Initial Study and Environmental Checklist* (Initial Study), File Number ER 02-0014. Please note these are comments were written only to address the adequacy of the Initial Study which should be revised.

General Comments

This document exhibits many of the problems that are systematic in the redevelopment process so far. It does not appear adequately researched nor does it present a vision of what this redevelopment project is, what it will be in the future and most importantly how that may be measured in environmental impacts against current conditions. We are continue to remonstrated for any criticisms of the process with assurances that any problems in the process, the project description or the documents will be address in the next step. I would suggest that we refrain from accepting these promises. This Initial Study is a legal documentation of the redevelopment process and acceptance of the document also implies tacit approval. If it is worth while to participate in this process and involve people in large meetings for their input into the process, then it is worth doing well. We are early in the process and now is the time to correct some of the deficiencies in the process, particularly the project description. They will otherwise be with us for a long time. **G-1**

While this document attempts to define parts of what should be a description of a new redevelopment area and its associated activities, the project description does not represent the interests of the WOPAC. The stated goals drawn up by the Hausrath Economics Group , 2001 (Initial Study, page 3) as a preliminary list should not have been included in the document without consultation with WOPAC, the main community body assembled to comment on the redevelopment process. The only opportunity that WOPAC has had to input on this project description was at a meeting of the Environmental Impact Report (EIR) Committee held on August 7, 2002. At that time, the EIR Committee was informed that the project description could only be changed by adding items or activities we which to list to it. This is contrary to the legal requirement that the City consider comments on the EIR that raise substance issues. I am proposing that the project description be changed with input from the WOPAC. I would also like to propose that the comment period be extended to allow the WOPAC more than two days before the end of the comment period to consider the comments of the EIR Committee that will be presented at the WOPAC August 14' 20002 meeting. **G-2** **G-3**

The information contained in this document is unfortunately so incomplete in its analysis that it is difficult to accept the conclusions it contains as credible. The purpose of an Initial Study under the California Environmental Quality Act (CEQA) is "to determine if the project may have a significant effect on the environment." For the information of the WOPAC, the consideration of potential significant effects is organized around responses to an environmental check list of items: aesthetics, biological resources, hazardous materials, agricultural resources, cultural resources, hydrology, air quality, geology, land use and planning, mineral resources, public services, utilities, noise, recreation, **G-4**

population and housing, transportation, traffic, and mandatory findings of significance. The entire CEQA statute is available through this web page:
http://ceres.ca.gov
Follow the links to environmental law and CEQA guidelines.

An initial study should establish two sets of information: G-5
1. The affected environment
2. The potential impacts on the affected environment

While this can be carried out in different ways, the clearest way to present the information is to provide information relevant to the location of the project in West Oakland, describing the existing conditions or affected environment as the benchmark for any impacts. This is normally followed with responses to the CEQA checklist such as the one included in this Initial Study that evaluate the potential responses in the areas noted above.

While I would not claim to have expertise in all the environmental issues in West Oakland, there are clear indications in this Initial Study that not even nominal research was conducted to arrive at the conclusions in the document. For example, there is at least one very large historic district within the project area, the Oakland Point Historic District. Cultural resource specialists in the Community Economic Development Agency of the City of Oakland have carefully surveyed this historic district, yet the writers of this Initial Study do not address potential impacts on this important resource. To overlook such a large and important resource indicates a lack of method and knowledge about environmental issues that should be addressed under aesthetics, cultural resources, and land use/planning. Additionally, there certainly could other historic districts within the project area, and there are undoubtedly other historic resources that are potentially eligible for listing on the National Register of Historic Places and subject to protection under historic preservation law. This is just one example of the lack of good documentation of environmental issues that raises questions about the credibility of the information presented. G-6

Like the Notice of Preparation, the Initial Study focuses on procedural information such as the project's conformity to the Land Use and Transportation Element of the General Plan that makes little sense without a fuller presentation of information about the affected environment. References are made to CEQA without addressing issues. There is little about West Oakland in this document, and there should be information that defines its environmental resources that worthy of protection and preservation. G-7

We are all aware that there are some blockbuster issues, yet statements about housing, traffic, hazardous waste, noise, and air quality are presented without supporting data analysis or appropriate references.

Specific comments

Page 2 The mapping has so few details and street names, it is difficult to understand exactly where the boundaries of the project area. Please provide a regional location map, G-8

a project vicinity map and a map with street names and at a larger scale. An 11 x 17 size map would be a more appropriate for a project of this size.

Page 3 Speaking for the West MacArthur Hoover area, we do not want any very low income housing in our neighborhoods. G-9

As has been conveyed to our City Council members, the Mayor and the General Manager over many years, we have a flood of *very low income housing* in our area. We are doing our part to maitain a reasonable quality of live with this predominance of poorly maintained rental housing netting above-market rents, such as $1,300 for a two-bedroom apartment, paid for by our tax dollars.

Public safety is the right of every citizen in Oakland and one of the services that the City should provide without redevelopment. We should not necessarily have to pay for these services or infrastructure, transportation, and public facilities out of redevelopment funds. West Oakland has long suffered from a lack of services, because it has historically housed the poor and people of color. Such environmental injustice should be balanced by City spending from the General Fund, not redevelopment funds. It is an item for which we pay taxes that go into the General Fund, not redevelopment funds. The redevelopment funds should not in any way be used for items that should be paid for by the General Fund. G-10

Page 7 Aesthetics. This section does not address potential impacts to historic properties General Plan guidelines are just that and do not guarantee their application. G-11

Page 9 Air Quality. Where is the data analysis for this section? Conjectural statements about air quality without any data analysis lack credibility. G-12

Page 10. Biological Resources. What methodology was used to determine that absence of protected species. The most recent State and Federal lists should be consulted and cited. G-13

Page 11 Cultural Resources. As noted, this section seems lacking in any specificity. G-14

Page 12 Hazardous materials. Please provide the mapping and listings for these sites. The discussion should be more specific about the types of hazardous waste sites in West Oakland. G-15

Page 17 Hydrology and water quality. The potential for environmental impacts associated with storm water runoff appears to contradict the conclusion that no protected species will be affected by the project. The discussion of Lake Temescal appears to be irrelevant. Please provide copies of the FEMA flood insurance maps to demonstrate where there might or might not be floodplains in the project area. G-16

Page 19 Land Use and Planning. The specific projects are so vaguely defined, these CEQA checklist questions. There should be some reference to how the impacts of G-17

specific projects will be addressed. In addition, some analysis of the densities or numbers of housing units that might be proposed in reference to activities listed as part of the project description should be included in this section. Baseline information is certainly available through the 2000 Census. In the EIR Committee meeting held on August 7, 2002, Ellen Wyrick Parkinson mentioned nearly a dozen programs and plans in process in West Oakland. Please include these and analyze their relationship to the proposed project. Karin MacDonald noted the

Page 21 Noise. Where is the data? Traffic data should be part of this analysis. Are there no available current projections? The Public Works traffic engineers should have some of this data such as current volumes that could be used for traffic projections. **G-18**

Page 22 Population and Housing Again, the data to support these conclusions is missing. What are the ABAG (please explain to the public the meaning of ABAG) figures and how do they compare to an analysis of 2000 Census data for the West Oakland? Where is the analysis of the 2000 Census data? The 2000 data would be particularly useful for defining housing conditions. As the EIR Committee has commented, the data and analysis to support the findings is lacking. **G-19**

Page 23 Public Services Please see the comment above on public safety and services. This document should provide the benchmark for existing services for West Oakland. **G-20**

Page 24 Transportation. Some history of the transportation services in West Oakland must be included here to provide a framework for the analysis of changes to the transportation system, i.e. the development of the West Oakland Bay Area Rapid Transit Station. There have been significant recent changes to the transportation services in West Oakland that should be noted, i.e. the destruction and rebuilding of the Cypress section of Interstate Route 880, the changes to Mandela Parkway, **G-21**

Page 25 Utilities and Service Systems. This is an important section that should be linked to land use, population and housing. **G-22**

Page 26 Mandatory Findings of Significance. While we may all agree on these findings, there seems to be little information or data that would shed light on how the West Oakland Redevelopment project may potentially impact our neighborhoods. Moreover finding a) seems to contradict the conclusions in the document. What are the cumulative impacts? Is the statement that there will be cumulative impacts on air quality, for example, adequate for understanding what these cumulative impacts are? This Initial ends with a typical statement that we have heard from City Staff in WOPAC meetings promising that issues will be addressed in future documents: "The EIR will analyze cumulative impacts..." **G-23**

I am appending a list of additional projects for inclusion in the project description that the EIR Committee Members submitted to the City of Oakland in their August 7, 2002 meeting

I will be unable to attend the WOPAC meeting of August 14, 2002, so I am passing these comments to Karin MacDonald and asking her to present them to the WOPAC.

Best regards,

Lynne Horiuchi
West Oakland Project Area Committee (WOPAC) Member
WOPAC Environmental Impact Report Committee Member
Hoover/West MacArthur Subarea Committee Member

Responses to Comment Letter "G" – Lynne Horiuchi – via e-mail

Response to Comment G-1:

The Initial Study is a preliminary analysis prepared by the City, used in this case to identify the potential impacts associated with implementation of the Redevelopment Plan that are to be analyzed in greater detail in the EIR. Use of an initial study for this purpose is consistent with CEQA Guidelines, Section 15063. The Initial Study is neither intended nor required to include the level of detail required in an EIR [Section 15063 (a)(3)].

Together with the Notice of Preparation (NOP), the Initial Study included a description of the project, its location on a map, and a statement of the projects' probable environmental consequences [Section 15082(b)]. The City's primary purpose for distributing this information was to provide the public and public agencies with sufficient information to enable them to make meaningful responses as to the scope of the EIR. There is no process for accepting or approving an Initial Study.

Response to Comment G-2

The Project Description contained in the Initial Study lists the goals and objectives of the Preliminary Redevelopment Plan. The goals and objectives prepared for the Preliminary Redevelopment Plan were intended to "*attain the purposes of the California Redevelopment Law, meet existing community needs and stimulate improvement and revitalization of the area in a manner that is socially and environmentally acceptable. They have been drawn from community input regarding what is to be accomplished by redevelopment, and from adopted plans and policies of the City of Oakland that govern and apply to the West Oakland area, including the Oakland General Plan. The list of goals and objectives is a preliminary list that can be refined and augmented throughout the Redevelopment Plan adoption process.*" (Hausrath Economics Group, June 2001, page 28).

These preliminary goals and objectives were prepared prior to establishment of the West Oakland Project Area Committee (WOPAC). Since that time, City staff has met with the WOPAC to further refine and augment the goals and objectives of the Redevelopment Plan. The goals and objectives as contained in the Draft EIR (pages 3-13 through 3-15) reflect additional public input and the deliberations of the WOPAC.

Response to Comment G-3:

See response to comment C-2. Based on the City's compliance with the public review process required under CEQA, there are no legal requirements that would mandate a longer public review period. Adequate time was provided for the public to review and comment on the Draft EIR. Accordingly, the Planning Commission hearing to receive oral comments was closed on July 16, 2003, and the written comment period was closed at 4:00 p.m. on Friday, July 25th.

Additional opportunity for public comment on the Final EIR will be provided prior to consideration of certification at a public hearing before the Planning Commission.

Response to Comment G4:

According to CEQA Guidelines, Section 15063(d) the contents of an Initial Study "shall contain in brief form (*underline added*):

1) A description of the project including its location;

2) An identification of the environmental setting;

3) An identification of environmental effects by use of a checklist, matrix or other method, provided that entries on a checklist or other form are briefly explained (*underline added*) to indicate that there is some evidence (*underline added*) to support the entries. The brief explanation (*underline added*) may be either through a narrative or a reference to another information source such as an attached map, photograph or an earlier EIR or negative declaration;

4) A discussion of ways to mitigate the significant effects identified, if any;

5) An explanation of whether the project would be consistent with existing zoning, plans, and other applicable land use controls;

6) The name of the person or persons who prepared or participated in the initial study.

The Initial Study prepared for this Project is in compliance with these guidelines, containing brief explanations as to potential environmental effects. Given that the City had already determined to prepare an EIR for this Project, these brief explanations were all that was necessary to provide the public and public agencies with sufficient information to receive meaningful responses as to the scope of the EIR.

Response to Comment G-5:

The purpose of the Initial Study (as derived from CEQA Guidelines Section 15063[c]) was to assist in the preparation of the EIR by:

- Focusing the EIR on the effects determined to be significant. Based on the conclusions of the Initial Study, the EIR was focused on the issues of air quality, cultural resources, hazards and hazardous materials, hydrology and water quality (see Chapter 9:Public Infrastructure), noise, transportation and utilities and service systems. Additionally, based on input received on the Initial Study, the EIR included the topics of land use and planning, recreation and schools. Brief explanations as to why these effects were determined to be significant are included in the Initial Study, but described in more detail in the EIR.

- Identifying the effects determined not to be significant. The effects not found significant as a result of implementation of the Redevelopment Plan included

aesthetics, agricultural resources, biological resources, geology and soils, mineral resources, and population and housing.

- Explaining the reasons for determining that potentially significant effects would not be significant. Explanations for why certain effects were not found significant are included in the Initial Study, along with citations to previously prepared CEQA documents and technical studies on which these conclusions were based.

- Identifying whether a program EIR, tiering, or another appropriate process can be used for analysis of the project's effects. Page 5 of the Initial Study identifies that a Program EIR will be used for analysis of the effects of implementation of the Redevelopment Plan.

Response to Comment G-6:

The brief discussion on cultural resources contained in the Initial Study was all the information necessary to determine that this effect was potentially significant and would be studied in greater detail in the EIR. This more detailed analysis, including detailed descriptions of historic resources present within the Project Area is included in Chapter 11: Cultural and Historic Resources of the DEIR.

Response to Comment G-7:

As noted in response to comment G-4, the Initial Study is required to include an explanation of whether the Project would be consistent with existing zoning, plans, and other applicable land use controls. The Initial Study was prepared in compliance with CEQA guidelines, containing brief descriptions of environmental resources and brief explanations as to potential environmental effects. Given that the City had already determined to prepare an EIR for this project, these brief descriptions and explanations were sufficient to obtain meaningful responses as to the scope of the EIR from the public and public agencies.

Response to Comment G-8:

CEQA Guidelines require an initial study to contain a description of the project, including the location of the project. Figure 1 of the Initial Study fulfills that requirement. More detailed maps and descriptions of the Project are included in Chapter 3: Project Description of the DEIR.

Response to Comment G-9:

The goals and objectives listed on page 3 of the Initial Study are a preliminary list derived from the *Preliminary Redevelopment Plan* (Hausrath Economics Group, June 2001, page 28). These preliminary goals and objectives were prepared prior to establishment of the West Oakland Project Area Committee (WOPAC). Since that time, City staff has met with the WOPAC to further refine and augment the goals and objectives for the Redevelopment Plan. The goals and objectives as contained in the

Draft EIR (pages 3-13 through 3-15) reflect additional public input and the deliberations of the WOPAC. The goals and objectives as contained in the Draft EIR regarding affordable housing include:

2. Maintain and improve the condition of the existing affordable housing in the Project Area.

24. Not concentrate any affordable housing as stand-alone high-density projects, but rather as infill projects on scattered sites and/or mixed-income projects.

Response to Comment G-10:

This comment expresses an opinion as to what redevelopment funds should be used to pay for, and what they should not be used to pay for. It is not a comment on the EIR or on environmental issues. The comment is noted.

Response to Comment G-11:

Page 11 of the Initial Study identifies impacts to historic resources as being potentially significant. This issue is discussed more fully in Chapter 11: Cultural and Historic Resources, of the DEIR. As noted in that chapter (page 11-34), with implementation of existing General Plan policies, adverse effects on historic resources throughout the Project Area could be avoided or substantially lessened to levels of *less than significant.* The additional action items recommended in the DEIR are not required to reduce or avoid an identified significant environmental effect, but could serve to reduce future impacts or provide beneficial environmental consequences for historic resources.

Response to Comment G-12:

Detailed analysis of potential air quality impacts, including data pertaining to ambient air quality, state and federal standards, and projected emission rates are included in Chapter 6: Air Quality of the DEIR.

Response to Comment G-13:

CEQA Guidelines, Section 15063 (d) requires an initial study to contain an identification of environmental effects by use of a checklist, matrix or other method, provided that entries on a checklist or other form are briefly explained to indicate that there is some evidence to support the entries. The brief explanation may be either through a narrative or a reference to another information source such as an attached map, photograph or an earlier EIR or negative declaration. The findings of the *Oakland General Plan Open Space, Conservation and Recreation Element* and its Negative Declaration (City of Oakland 1996) and the *Oakland General Plan Land Use and Transportation Element EIR* (City of Oakland, 1998) are cited as references in regard to there being no special status or sensitive plant or animal communities, sensitive habitat or wetland resources within the Project Area.

Response to Comment G-14:

Detailed analyses of potential impacts to historic and cultural resources are included in Chapter 11: Cultural and Historic Resources of the DEIR.

Response to Comment G-15:

Detailed listing of sites within the Project Area that appear on one or more lists or databases of known users or handlers of hazardous materials, or sites known or suspected of having soil or groundwater contamination are provided in Appendix F of the Draft EIR. A small map is also included in that Appendix, but a larger sale map is available at the City of Oakland Planning Department, 250 Frank Ogawa Plaza, Suite 3330.

Response to Comment G-16:

The potential impact related to stormwater runoff, including polluted runoff that could be carried to the Estuary and eventually into the Bay, is discussed in detail in Section 9.4.4 starting on page 9-15 of the Draft EIR. This section of the DEIR describes the previously identified mitigation measures, ordinances and regulation that would apply to all redevelopment activities that would effectively mitigate such impacts.

Figure 2-10: Flood Hazards of the OSCAR Element Technical Appendix is attached, indicating the boundaries of 100-year and 500-year flood boundaries and tsunami inundation areas. As indicated on this map, there are no portions of the Project Area contained within either the 100-year or 500-year flood boundary, although a portion of the Project Area lies within the potential tsunami impact zone. The discussion in the Initial Study regarding the potential for flooding as a result of dam failure at Lake Temescal is also derived from the OSCAR Element Technical Appendix, page 2-44 (City of Oakland 1993).

Response to Comment G-17:

Existing, or baseline information regarding population, household and employment within the Project Area as derived from the U.S. Census and other sources is shown on Table 3.2, page 3-30 of the Draft EIR.

As noted on page 3-29 of the Draft EIR, the growth projections for the Project Area are based on the land use designations contained in the City General Plan, as well as City of Oakland and ABAG projections of growth within individual sub-areas (or traffic analysis zones) throughout the City. These projections indicate that the Redevelopment Plan may assist either directly or indirectly in the growth and development of approximately 1,838 net new households, an increase in population of approximately 4,209 people, and approximately 3,184 net new employment opportunities. This projected net growth in population and households accounts for all anticipated infill development opportunities as well as construction of new and more densely developed housing opportunities replacing existing blighted properties. Net growth in employment opportunities represents infill commercial/industrial development, intensification of uses within existing

commercial/industrial space, and construction of new employee-generating uses to replace existing blighted properties. These projections represent the aggregate of all development anticipated to occur within the Project Area and form the basis of subsequent environmental analysis. While redevelopment is not expected to provide direct assistance to all such new development activity; any number of individual projects that comprise this overall development projection may receive direct or indirect redevelopment benefits by virtue of their location within the Redevelopment Project Area.

As noted in this comment there are a number of potential development projects within the Project Area. These potential projects include those that are either under construction, that have been approved by the City but have not yet built, that have filed development applications with the City, or for which pre-application meetings have been conducted with City staff. The aggregate buildout of these potential development projects, referred to in Chapter 13 of the DEIR as "likely development projects," are included in the projections of total growth and development anticipated to occur within the Project Area. It is reasonable to assume that these potential projects may move forward through the entitlement and development process with or without the benefits of redevelopment. As noted on page 13-9 of the DEIR, these "likely development projects" comprise approximately 560 net new housing units including approximately 328 affordable housing units, and approximately 188,000 square feet of net new or reused commercial/industrial space and parking facilities that would generate approximately 370 net new employment opportunities. Based on regional demographic trends as forecasted for the area, these "likely development projects' would result in an overall net increase in population of approximately 1,560 people.

This list of "likely development project" was prepared in consultation with knowledgeable City staff, including Ms. Lederer-Prado. However, the specific projects included in this list were not itemized in the DEIR because the City did not want there to be any assumption or implication that any City approvals not already granted were necessarily forthcoming for any of the individual projects included in this list. This list is only intended to indicate that current market demand appears to support the development potential represented by these "likely development projects". Each of these project's will be required to undergo the City of Oakland's development review process and be evaluated based on their individual merits. However, as noted on page 2-7 of the Draft EIR; "All future projects, programs and other activities that may be used to implement the Redevelopment Plan (potentially including these "likely development projects") will use this EIR, once certified, as a base of environmental information and analysis."

Response to Comment G-18:

Detailed analysis of potential noise impacts resulting from redevelopment activities, including data pertaining to existing and projected future traffic levels are included in Chapter 7: Noise of the DEIR.

Response to Comment G-19:

The Association of Bay Area Governments (ABAG) is a regional planning agency working to help solve problems in areas such as land use, housing, environmental quality, and economic development. ABAG is owned and operated by the cities and counties of the San Francisco Bay Area. It was established in 1961 to protect local control, plan for the future, and promote cooperation on area-wide issues. Through its role as an association of cities and counties, ABAG has been designated by the state and federal governments as the official comprehensive planning agency for the Bay Area. Its locally adopted Regional Plan provides a policy guide for planning the region's housing, economic development, environmental quality, transportation, recreation, and health and safety. ABAG released *Projections 2002* in June 2003. That report includes land use, population and employment data for cities and counties in the nine-county San Francisco Bay Region. ABAG's *Projections 2003 by Census Tract* is a separate, companion series of projections for each of the 1,405 Census Tracts in the Bay Area.

Appendix B of the Draft EIR contains summary tables of projected changes in employment, households and population over time for the Project Area and for the City of Oakland overall. It also contains a table comparing the cumulative growth scenario developed for the West Oakland Redevelopment Plan EIR to the data contained in ABAG's *Projections 2000* and *Projections 2002*, as well as a comparison to data included in the Alameda County Congestion Management Agency's (CMA) traffic model.

Response to Comment G-20:

Detailed analysis of potential impacts to public services resulting from redevelopment activities is included in Chapter 10: Public Services of the DEIR.

Response to Comment G-21:

Detailed descriptions of transportation facilities serving the Project Area, and an analysis of potential impacts on transportation facilities resulting from redevelopment activities are included in Chapter 5: Transportation of the DEIR.

Response to Comment G-22:

Detailed analysis of potential impacts to public utilities including water, wastewater and storm drainage resulting from redevelopment activities is included in Chapter 9: Public Infrastructure of the DEIR.

Response to Comment G-23:

The conclusions reached under the Mandatory Findings of Significance portion of the DEIR indicate that:

(a) The Project has the potential to degrade the quality of the environment. This potential is addressed in the DEIR in Chapter 4 through 11, addressing the issue areas of land use, transportation, air quality, noise, hazards and hazardous materials, public infrastructure, public services, and cultural and historic resources. In each of the Chapters 4 through 11, existing conditions are discussed in the Environmental Setting, followed by an evaluation of potentially significant impacts that may be associated with implementation of the Redevelopment Plan. Where potentially significant impacts are identified, appropriate mitigation measures are recommended.

(b) The Project has potential impacts that are considered cumulatively considerable. Cumulative effects are addressed in each topic area within Chapters 4 through 11, and summarized in Chapter 12. Some chapters may not contain a discussion of cumulative effects if they are not relevant.

(c) The Project has the potential to have environmental effects which will cause adverse effects on human beings. This potential is addressed in the DEIR in Chapter 4 through 11, addressing the issue areas of land use, transportation, air quality, noise, hazards and hazardous materials, public infrastructure, public services, and cultural and historic resources, each of which have the potential to affect human beings either directly or indirectly.

Scott Gregory

From: "Thornton, Elois A" <EAThornton@oaklandnet.com>
To: "'Terry O'Hare'" <bartolanzo@aol.com>; <sgregory@lamphier-gregory.com>
Cc: "Cappio, Claudia" <CCappio@oaklandnet.com>; "Vanderpriem, Daniel" <DVanderpriem@oaklandnet.com>; "Gallo, Aliza" <AGallo@oaklandnet.com>
Sent: Tuesday, July 29, 2003 3:32 PM
Subject: FW: WOPAC DEIR COMMENTS:appendix 3

LETTER H

To All:

Appendix 3 of 5 as per my earlier message.

Elois

-----Original Message-----
From: Karin Mac Donald [mailto:karin@cain.berkeley.edu]
Sent: Monday, July 28, 2003 3:41 PM
To: Thornton, Elois A
Cc: Lynne Horiuchi
Subject: appendix 3

I am forwarding to you my original comments regarding the blight study, which I wrote in February 2003. Since the blight study is a part of the EIR, I assume that these comments should be resubmitted at this time.

The blight study, as I have been reviewing it in detail over the past few days, seems to me to be a severely flawed document. I must admit, that I am seriously concerned that the city would hire a consultant, pay said consultant upwards of $300,000, and accept a report that seems to have little understanding of the West Oakland area, or worse be a sorry excuse to justify the City's forgone conclusions. The City is eager for the redevelopment dollars, which in and of itself is contradictory if the funds are ostensibly for the community, and it seems that there was never a question of IF we are blighted, but rather the charge to go out and prove it. Hausrath Economics Group has submitted a blight study that has attempted to demonstrate examples of blight and to ignore, or hide, any evidence to the contrary. This is a critical point, since ALL communities have examples of blight. Admittedly, there are many independent examples of blight in West Oakland, but these examples must be understood in the broader context of the economy and of many other contextual factors. Because this document is to be the basis for our redevelopment plan, I am going to itemize my concerns, as tedious as that may seem, but I feel it is very important to get my concerns on the record.

The blight study says that vacant buildings in the project area are "both abandoned buildings and space in buildings that is vacant and available for lease" (pg. II-7). This sounds pretty terrible if one imagines an economic situation where the commercial vacancy rate was very low in the region. Of course, this is not the case. This information is meaningless without an understanding of what the vacancy rates are regionally. Considering the overwhelming interest in West Oakland from speculators and investors, even during this economic downturn, I find the blight study's information to be suspect. On page I-2 it is stated that "project area data are compared to data for the City of Oakland, and the County of Alameda, and other geographic areas, to place the project area within the proper context for comparison and evaluation". Interestingly, this "proper context" is hardly mentioned in the blight study. Are we to infer that such comparisons actually were not made, or are we to take Hausrath at their word? Considering the fact that such specifics were not forthcoming despite repeated requests from the WOPAC, I think it very unwise for us to do so. The report goes on to say that if one combines vacant parcels with land used for utilities and parking that it equals 26% of the project area (pg. II-7). Is this a standard measure of blight? (add vacant land to utilities and parking and represent as a percentage that is meant to represent - what?) 26% sure sounds like a high number - it is clearly meant to sound like one quarter of our land is blighted, or maybe underutilized. However, later in the report it is stated that a lack of public utilities and parking is a measure of blight. On page III-3 the third definition of blight is described as "characterized by the existence of inadequate public improvements, parking facilities, or utilities". So which one is it - are we blighted because we have a high percentage of utilities and parking, or are we not blighted because we indeed have adequate utilities and parking? It cannot be both.

Page III-2 lists the physical conditions of blight, and we are told that West Oakland must be characterized by one or more of these conditions:

Item 33031. (a) (1) "buildings in which it is unsafe or unhealthy for persons to live or work. These conditions can be caused by serious building code violations, dilapidation and deterioration..." yes, we have examples of such. But in what percentage must this condition exist to condemn a whole neighborhood blighted. We also have numerous examples of freshly painted and newly renovated properties, which are never mentioned in this blight study.

Item 33031. (a) (2) "factors that prevent or substantially hinder the economically viable use or capacity of buildings or lots. This condition can be caused by a substandard design, inadequate size given present standards and market conditions, lack of parking, or other similar factors". The overwhelming fear of "gentrification", the incredible rise in property values, and the trend towards creative/adaptive reuse all demonstrate that this is not the case in West Oakland.

Item 33031. (a) (3) "adjacent or nearby uses that are incompatible with each other and which prevent the economic development of those parcels or other potions of the project area". While West Oakland certainly has residential, commercial, and industrial uses in close proximity to one another, and there are surely examples of that being problematic in extreme cases, the very character of our neighborhood is defined by our mixed-use history. This character is considered an asset, and nationwide this very mixed-use character has lead to the renaissance of many neighborhoods (think of SOMA and Potrero Hill in San Francisco, Tribeca and SOHO in New York City, and other live-work booms). Such a renaissance is already in full swing in West Oakland.

Item 33031.(a) (4) "the existence of subdivided lots of irregular form and shape and inadequate size for proper usefulness and development that are in multiple ownership". This one is very squirrely - it seems to imply that unless properties are under single ownership they are useless (an implicit argument for eminent domain). Well, as West Oakland has one of the highest concentrations of historical homes in the Bay Area, it seems odd to worry over the size of the remaining lots. There are many architects finding new and inventive ways to build on substandard lots. The City of Oakland has the ability to issue variances to allow for building on sites that are not as large as a modern subdivision of land would require. Vacant lots are being adapted into community gardens. Land trusts are being established to build affordable homes on vacant substandard parcels. The very definition of a residential lot in West Oakland would have to be substandard by modern terms. This is not a fair indicator of blight.

Page III-2 lists the economic conditions of blight:

33031 (b) (1) "depreciated or stagnant property values or impaired investments, including, but not necessarily limited to, those properties containing hazardous wastes that require the use of agency authority..." this one seems to be at the core of what defines blight, and in West Oakland it most certainly is NOT the case. In my experience as a real estate broker working in the Bay Area, I would estimate that property values have gone up about 300% in the past 5 years. 5 years ago it was more than possible to expect to pay in the ballpark of $100,000 for a single family home. Today, it is reasonable to expect to pay in the ballpark of $300,000 for a single family home. There are homes in West Oakland today that are selling for well over $300,000, which is astonishing and may well represent the greatest increase in property value in the entire Bay Area in recent years. As far as the hazardous wastes are concerned, I do not think this is a fair indicator of blight. There are contaminated parcels in the project area as there are throughout the county.

33031 (b) (2) " abnormally high business vacancies, abnormally low lease rates, high turnover rates, abandoned buildings, or excessive vacant lots..." again, one needs to compare the vacancy rates to those regionally to determine if West Oakland is an anomaly. As far as lease rates are concerned, rents in the West Oakland area have also increased significantly

in recent years. So much so, that many residents are no longer able to afford living here. What exactly constitutes an excessive number of vacant lots? Yes, there are vacant lots in West Oakland, and many of these are being adaptively reused as described above. Many have a much brighter future thanks to plans for conversion by the City, private developers, and the land trusts that are now being established. The blight study states on page III-37 that "with the help of redevelopment, the vacant parcels can become opportunity sites for new development and investment in the area". Did the consultant look into what development and investment already is underway in the project area? Is it the job of the consultant to determine whether or not market forces or redevelopment is the best approach towards improving vacant parcels? Is Hausrath an economic think tank?

33031 (b) (3) "a lack of necessary commercial facilities that are normally found in neighborhoods, including grocery stores, drug stores, and bands and other lending institutions" West Oakland certainly does not have all the amenities of some other more affluent neighborhoods. However, by this definition half the county would be blighted. We do now have a supermarket in West Oakland, and we have access to many in the nearby environs. We also have a new credit union. There are current negotiations for a major chain drugstore at the new Hope VI housing project at 7th and Center Streets. It is very curious that Hausrath did not do any research to determine what indeed exists or is currently being planned for the neighborhood.

33031 (b) (4) "residential overcrowding or an excess of bars, liquor stores, or other businesses that cater exclusively to adults, that has lead to problems of public safety and welfare" West Oakland does not suffer from overcrowding. We do have an excess of liquor stores, and there are many in the neighborhood who are concerned about this and who are working with the police, and the Alcohol Policy Network to begin to find solutions to the problem.

33031 (b) (5) "a high crime rate that constitutes a serious threat to the public safety and welfare." this is a far more complicated question than I think this blight study allows for understanding. We have a high murder rate in West Oakland - though the police reports to the community that most of the murders involve drug dealers killing drug dealers. We have a problem with drug dealing in the neighborhood. However, if one were to study our crime rates vis a vis our median income and unemployment rates, our crime rate is surprisingly low. Many people consider Rockridge to be a high crime area, because there is more affluence and a bustling commercial corridor providing more opportunity for criminals. Further, what does redevelopment propose to do about crime? It is also important to note that the murder rate in the Prescott subarea is BELOW the citywide average.

More important than the itemization of the redevelopment list of physical and economic conditions that cause blight above, is the fact that we absolutely DO NOT meet the "overarching requirements for urbanization, prevalence, and necessity for redevelopment" which on page III-3 states that "(a)n area that is predominantly urbanized, as that term is defined in

section 33320.1, and is an area in which the combination of conditions set forth in section 33031 is so prevalent and so substantial that it causes a reduction of, or lack of, proper utilization of the area to such an extent that is constitutes a serious physical and economic burden on the community which cannot reasonably be expected to be reversed or alleviated by private enterprise or governmental action, or both, without redevelopment". It is simply unbelievable that the consultant could be completely unaware of the amazing amount of private and public funds that have in recent years and are currently in play to improve properties and community services in West Oakland. It is precisely this kind of glaring oversight that makes the study so suspect, and make me fear that this is all just a rouse to funnel the very funds that result from our increasing property values and sales to the City, diverting them from the County. Let me list some of the projects in West Oakland that are recently completed or underway, and which directly contradict the findings of this blight study:

-Mandela Parkway
This is a nearly $15,000,000 plan, currently under construction, for a massive landscaping project that extends along the median of the former cypress freeway. This will create a greenbelt of open space for the community, and easily promises to be the most beautiful street in the city. As the Mandela extension plan makes a more direct connection to Emeryville, this "grand landscaped boulevard" will be an excellent connector acting as a principal north-south access to and from West Oakland. Scheduled to be completed by 2005.

-Bridge Housing Hope VI project
This is another project currently under construction that will create 168 new rental housing units at mixed income levels. There will be 18,000 commercial/retail spaces at the ground level, which will provide many opportunities for new business in our neighborhood, and which will be a key component in the revitalization of 7th Street. Bridge housing is currently in negotiations with major drug store chains to occupy the largest retail space at the corner of 7th and Center Streets as the anchor tenant.

-there are new town homes currently under construction at the corner of Martin Luther King, Jr. Way and 32nd Street.

-Jubilee West, apparently in partnership with EBALDC, has recently and is currently renovating much of its rental housing stock which is greatly contributing to the revitalization of the community.

-the Alliance for West Oakland Development has a fully developed plan to created a mixed-use development of housing over retail with addition parking at their site at 5th and Mandela

-the old PG&E building at the corner of West Grand and Mandela Parkway has been successfully converted into live/work and office space and is occupied.

-countless numbers of properties are currently being rehabbed and renovated.

Were the consultants to have checked with the city's permit records, I am certain they would find many active permits for major projects in West Oakland.

-the poplar park recreation center has been transformed into a very exciting community space that it put to good use by the community in the Clawson district.

-the Clawson school was converted to live/work units that sold out quickly a few years ago at market rates comparable to other live/work neighborhoods in the region.

-the magnolia row development of town homes was recently completed, and has sold spaces at a premium to eager buyers.

-live/work units are booming throughout the project area, but particularly in South Prescott and Clawson.

The aforementioned list is off the top of my head. Were we to search the city's permit records, and do a parcel by parcel survey, I am certain that there are many more projects that I have not mentioned here. It is sad that the consultant didn't check with the city to learn more about what is really happening in West Oakland. In any event, I feel I have clearly helped to demonstrate that West Oakland is most definitely NOT in need of redevelopment to clean up whatever blight we might have. Time and time again at our community meetings we hear great concern about "gentrification" and displacement - which shows that people can see clearly the fact that more and more people are paying market prices for properties in the area, thus further driving up prices and therefore making the neighborhood less affordable. These are not the kinds of issues that plague a blighted neighborhood that cannot count on the market and governmental actions to cure said blight. I am arguing that we are not blighted to the degree that is required by redevelopment law, and that what blight we do have is currently being addressed by development in the community. The consultants state on page III-43 that the problems in the project area have "discouraged higher value uses from locating in the area" which is in direct contradiction to the many "market rate" developments such as the Clawson School lofts and the Magnolia Row town homes, to name 2 examples. The consultants go on to say that "these conditions are beyond the ability of individual property owners and developers to overcome and require investments beyond the ability of the private and public sectors". I wonder what information they used to make such a strong determination. Almost every house in my immediate area has recently or is currently being rehabbed through private and public efforts. This is unmistakably and immediately apparent to anyone who cares to look. I am extremely troubled and saddened by the fact that the consultants would jump to conclusions without getting the real story. For example, the consultants state that "even the perception of a high crime rate adversely affects economic conditions in a community" (pg. III-41) - did they ever stop to think about the "perceptions" of West Oakland that they are attempting to legitimize

with this report, which will certainly be taken as gospel by City officials who need "official" data to support and realize their agendas for our community?

To continue, the list of sources provided by the consultant seems very flimsy, indeed. I am not an expert in this field, but I have a hard time imagining that 15 sources can be construed as comprehensive. Further, the sources that are cited are not specific - for example to say "windshield survey of project area" , "review of available documents, and discussions with the City of Oakland and Redevelopment Agency Staff", and "aerial photographs and maps" are so unspecific as to be absurd and meaningless. Survey of parcels performed by whom and when? Review of what available documents regarding what? Discussions with whom at the city and the redevelopment agency? And about what? Photographs and maps taken when and of what and by whom? Are we to trust that all this is legitimate without proper documentation? When these questions are asked of the consultant time and time again, the answers are never forthcoming, which makes us even more suspicious. In Appendix A there is an extremely lame attempt to explain: "a drive-by windshield survey was conducted by the blight survey team during a two-day period in December 2000" (pg. A-1). Is 2 days is enough time to map an area of approximately 1,565 acres? The consultant told us that they took "sample" information and then extrapolated. Well, considering the need to prove that West Oakland is blighted, perhaps they went to the worst looking streets they could find, and used that as the sample. If they came to my street, or ANY of the streets around me, they would have been forced to conclude that we are not blighted. Also in Appendix A, the consultant describes their field survey as comprehensive. How can it be comprehensive if it is based on a method of taking samples? The consultant explains that based on "statistical sampling methodology" and their "collective experience" that the choice to study a limited pool of properties as a representative sample is "reliable". I do not concur. For three weeks these surveyors made observations from "sidewalks or public right of ways" - last time I checked it is really difficult to evaluate a foundation, electrical system, or structural support of a home from the sidewalk. Another criteria for the field survey was exterior lighting. Was the field survey performed at night? I'd imagine it would be difficult to evaluate exterior lighting during the day. I cannot possibly accept these findings using these criteria - it is largely impossible for the surveyors to get the information they need by looking at a house from the sidewalk, no matter how much training, education, or graduate degrees they may have. Also, Appendix A discusses the right-of-way survey which shows where West Oakland has missing curbs, gutters, or sidewalks. That seems reasonable, since we expect curbs, gutters, and sidewalks to be a component of basic infrastructure. However, missing curbs, gutters, and sidewalks are a problem because the city has not honored its obligations to West Oakland. Is redevelopment to be used to relieve the city of its obligations? The right-of-way survey also maps above ground pole-mounted wiring. Is this now a measure of blight? Electric utilities and phone lines are above ground and pole-mounted in most of the City of Oakland, and probably in most of the country. Are we blighted because we are not leading the pack to underground

our utilities? I think these methods and sources seem sorely inadequate, and would suggest a professional evaluate them to determine whether this report meets industry standards. I call to question all of the results outlined in chapter III of the blight study.

The blight study continues to list "conditions of blight" in the project area without any context. Unreinforced masonry buildings are listed as unsafe or unhealthy, which may be the case, but unreinforced masonry buildings are certainly not limited to West Oakland, but instead are quite common regionally. The consultant also lists asbestos shingles under the unsafe and unhealthy category, again with the implication that this is a problem specific to West Oakland. Again, the blight study inflates the percentages of "blight" by adding URM buildings and asbestos shingles to boarded up and fire damaged buildings. This makes no sense and seems very unfair.

The study lists that West Oakland has tiny percentages of properties without complete plumbing, kitchens, or phone service. While complete plumbing service is never defined, I think it is particularly unfair to use the lack of phone service in a few households as evidence of blight. West Oakland is fully serviced by utilities, and to represent otherwise seems manipulative. Do a few households not have phone service because they didn't pay their bill, or because they choose not to pay for the service, or other possible reasons? I think this is possible, but again, the goal does not seem to be to get the real information, but rather, to justify blight in any way possible.

The study suggests that old industrial and commercial buildings are functionally obsolete. This suggests that the consultant is totally out of touch as such buildings are extremely desirable to developers and artists for live/work conversion.

The study suggests that a significant factor hindering economically viable use of buildings and lots is the lack of "an effective circulation and land use pattern". This, too, simply seems absurd. They describe the abandoned right-of-way which is now Mandela parkway with no mention of the current construction to landscape it, and without any mention of the Mandela extension which provides excellent access for West Oaklanders to Emeryville and beyond. Does this lack of information represent laziness on the part of the consultant demonstrated by their lack of making any effort to get readily available information, or does it represent deliberate withholding of pertinent information? To argue that circulation is a major problem in West Oakland is also absurd.

Trash and debris are also listed as proof of blight. While this may indeed be a problem in the project area, most of the dumping comes from outsiders. But more important than that and than the fact that the city does little to combat illegal dumping in West Oakland, is the fact that that has NOT hindered development in West Oakland, as evidenced by the short list of ongoing projects in the community listed above, the continued demand for

housing in the area, and the increasing property values.

The study goes on to describe incompatible uses, and that truck traffic is a real problem. This is true, but the vast majority of the truck traffic is a result of activities at the Port of Oakland, not due to business activity within the project area. Truck laws are not enforced well in West Oakland by either the Port or the City, if they were, we would not have nearly as many problems with trucks. But again, these problems cannot be proven to have a negative impact on residential property values. The study continuously makes such claims, that some "issue" negatively impacts property values without any proof. The fact of the matter is that property values have continued to increase at staggering rates in spite of various problems in the community. On pages III-25 and III-26 the blight study claims that the "existence of physical blight as documented above portends depreciated property values and impaired investments". The proof of this, so far as I can tell, is in an economic theory that simply doesn't hold true in West Oakland. An analysis of average assessed parcel value is totally incomplete, and this should be obvious. Property values in the project area historically were very low, and the incredible increase in recent years has brought the average up, but not enough to impress the consultants, who I assume do not have any extensive real estate experience. One would need to look at recent sales rather than look at the average value of parcels to get a true understanding of property value trends. Foot note 3 page III-26 essentially admits that assessed property value is an imperfect measure of property value, but then states that there is no consistent source for date for the more important measure - market value. This, too, is simply not true. The MLS, multiple listing service, is the system by which real estate agents share listing and sales information. Had the consultants contacted a real estate broker, they may have been able to gain access to this data base for public purposes. Even better, the consultant could have looked up property sale information at the County - all property sales, including the sales price, is a matter of public record. The entire analysis and assessment of property value in West Oakland clearly demonstrate a complete lack of understanding. The claim that "low average values for property in the Project area reflect depreciated values and slow long-term growth in value relative to the city and county areas overall" is not true. Again, as a real estate broker working in the Bay Area, I would venture that property values in West Oakland have increased more and at a faster rate than anywhere else in the city and the county. How all this information alluded the consultant is unbelievable, and seems further evidence of the fact that they were not even looking.

Regarding underutilized property, abandoned/boarded up buildings, and vacant buildings, I think that it is shortsighted of the consultants to evaluate these without any consideration for the trends in West Oakland. So many of these properties are currently cued up for improvement, renovation, or adaptive reuse. We also know that the land trust is hungry for any properties they can get their hands on. We know that investors and speculators are holding out for better economic times to spur more meaningful developments. And we know that many developments are already

underway. Information should be readily available through the city - particularly through the building permit department, planning and zoning, and at CEDA. There are city employees who specialize in determining what are acceptable uses for various sites, such as Margot Lederer-Prada. Were the consultants to speak with someone like her, I'm sure they would find a great deal of information to contradict their assumptions with specific data.

The blight study states that "adopting a redevelopment plan for this project area will help eliminate this burden on the community" (pg III-44) referring to all the "findings of blight". Well, I am very surprised to see the consultant use a term like WILL. That sounds stronger than a prediction. Is Hausrath to guarantee that redevelopment WILL improve the community? According to the city, we are looking at somewhere in the range of 5 million dollars in the first 5 years, 10 million if we float bonds. Assuming the higher range, can Hausrath be so sure that 2 million dollars a year can turn a community around? With these kinds of projections, it seems more likely that the City with redevelopment funds will NOT be able to compete with private monies to influence development in West Oakland. The only advantage the City might have is the power of eminent domain. The blight study then makes the point again by stating that "redevelopment is necessary for the elimination of blight in the project area" (pg. III-45). Well, I feel I need a lot more information about the consultant and their experience in economic theory, real estate development, and the dozens of other fields in which a great expertise would be needed to make such a statement. The consultants review of the need for redevelopment on pg. III-45 has no basis in reality as far as my experiences in the West Oakland community for the past 10 years have shown. There is NO evidence, no data, no discussion, no explanation, no citing of sources, nothing that explains why redevelopment is needed. They may have demonstrated examples of blight, but no comprehensive analysis of why that necessitates redevelopment in a community with many signs of improvement.

Thank you,
Stefanie Parrott

Responses to Comment Letter "H" - Stephanie Parrott, via e-mail July 28, 2003

Response to Comment Letter H:

The entirety of this comment letter pertains to the *West Oakland Redevelopment Project Area, Draft Blight Study* (Blight Study) as prepared for the City of Oakland Redevelopment Agency by Hausrath Economics Group, February 27, 2002. As noted on page 2-2 of the Draft EIR, the Blight Study was prepared pursuant to Section 33344.5 of the California Redevelopment Law, and is one of the legally required documents leading to adoption of a proposed redevelopment plan. Specific comments about the Blight Study's findings and conclusions are relevant pursuant to consideration of approval of the Redevelopment Plan (i.e., the Project). However, unless these comments raise environmental issues, then they are not pertinent to the EIR. As noted in the CEQA Guidelines, Section 15204, "*When responding to comments, lead agencies need only respond to significant environmental issues and do not need to provide all information requested by reviewers, as long as a good faith effort at full disclosure is made in the EIR.*"

The Draft EIR references the Blight Study in four places. However, any potential flaws or inaccuracies in the Blight Study, as referenced in the Draft EIR do not materially affect the environmental analysis or the conclusions of the EIR, as noted below:

- Page 2-2 (Introduction) cites the Blight Study as one of the documents prepared pursuant to the proposed Redevelopment Plan. This is simply a statement of fact.

- Page 3-11 (Project Description) cites information prepared by Vernazza Wolfe Associates as contained in the Blight Study regarding general housing conditions in the Project Area. This information is contained under Subsection 3.3.2: Community Needs and Issues, and pertains to the purpose and need for the Redevelopment Plan. This information is relevant pursuant to consideration of the need for the Redevelopment Plan (i.e., the Project), but does not raise environmental issues pertinent to the EIR, nor does it affect the EIR's assessment of potential environmental impacts related to redevelopment.

- Page 3-12 (Project Description) references the Blight Study's conclusions that "*the City's capital budget does not include funding for all needed public improvements, site development costs, improved affordable housing opportunities, streetscape improvements, business reinvestments and other types of economic development activity within the Project Area.*" This page also cites the Blight Study's conclusion that "*additional funding is required above what can be covered by the values of adjacent properties.*" These conclusions are contained under Subsection 3.3.2: Community Needs and Issues, and pertains to the purpose and need for the Redevelopment Plan. This information is relevant pursuant to consideration of the need for the Redevelopment Plan (i.e., the Project), but does not raise environmental issues pertinent to the EIR, nor does it affect the EIR's assessment of potential environmental impacts related to redevelopment.

- Page 13-8 (Alternatives) references the Blight Study's assumption that "*enhancement of the Project Area's function, appearance and economic vitality would not be possible through the normal workings of government or the private sector alone.*[5] *Under this definition, it would only be through adoption of the Redevelopment Plan and implementation of its financial, regulatory and other assistance programs that the physical and economic burdens caused by blighted conditions in the Project Area can be overcome.* This assumption is the basis for one of the variants of the No Project Alternative (Section 13.3) included in the EIR. However, the EIR contains two variants of the No Project Alternative:

  - The first variant under the No Project Alternative assumes that full implementation of the General Plan is possible without a redevelopment program, and that growth and development within the Project Area would be generally the same as projected for the proposed Project. The potential environmental consequences associated with growth and development under this variant of the No Project Alternative would generally be the same as identified in this EIR for the Project.

  - The second variant of the No Project Alternative recognizes that current market demand appears to support at least a certain amount of "likely development" that is likely to occur within the Project Area with or without the benefits of redevelopment. This "likely development" variant, or scenario, was derived based on conversations with City staff and their awareness of a number of development projects within the Project Area that are either under construction, that have been approved by the City but not yet built, that have development applications on file with the City, or for which pre-application meetings have been conducted with City staff and applicants. These specific development projects have not been individually listed in the EIR because the City staff did not want to imply that discretionary City approval not already granted is necessarily forthcoming for any of these individual projects. This No Project variant, or scenario was developed for the EIR to recognize that the current market demand appears to support the development potential represented by these likely development projects. The potential environmental consequences associated with this "likely development" are also evaluated in the EIR and compared to the potential impacts of the Project.

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[5] This assumption was fundamental to the preparation of the Redevelopment Plan and is not an assumption made by the EIR preparers.

LETTER I

I am responding to the draft EIR for the proposed West Oakland Project Area.

The following comments are directed at the Blight Study that is referenced and included as a part of the DEIR.

I will begin my comments by reviewing the state law on Blight. I offer my apologies if such a review of the relevant law redundant or unnecessary. I am doing so because the blight report claims to demonstrate blight, but completely fails to do so. It is important for the relevance of my comments to state what the law requires for a finding of bight.

Section 33030 states:

(b) A blighted area is one that contains both of the following:

(1) An area that is predominantly urbanized, as that term is defined in Section 33320.1, and is an area in which the combination of conditions set forth in Section 33031 is so prevalent and so substantial that it causes a reduction of, or lack of, proper utilization of the area to such an extent that it constitutes a serious physical and economic burden on the community which cannot reasonably be expected to be reversed or alleviated by private enterprise or governmental action, or both, without redevelopment.

(2) An area that is characterized by either of the following:

(A) One or more conditions set forth in any paragraph of subdivision (a) of Section 33031 and one or more conditions set forth in any paragraph of subdivision (b) of Section 33031.

(B) The condition described in paragraph (4) of subdivision (a) of Section 33031.

(c) A blighted area also may be one that contains the conditions described in subdivision (b) and is, in addition, characterized by the existence of inadequate public improvements, parking facilities, or utilities.

It is important for us to realize that there must be much more than just the existence of certain blighting conditions. The conditions of blight must be:

a. Growing and winning out over the better conditions,
b. Provable and not just claimed.
c. Such that the combination of these conditions keeps the area from being properly used.
d. These conditions cannot be improved by either private enterprise or government or a combination of the two.

The law then goes on to define the physical conditions of blight in section 33031.(a)(1)

(1) Buildings in which it is unsafe or unhealthy for persons to live or work. These conditions can be caused by serious building code violations, dilapidation and deterioration, defective design or physical construction, faulty or inadequate utilities, or other similar factors.

The law is very clear that the mere existence of dilapidation, deterioration etc. alone do not constitute blight. These conditions must make it unsafe or unhealthy for people to live or work in. So let us ask ourselves what are the conditions that buildings have to be in to fulfill the legal condition of blight?

The legal condition of blight requires that the number of buildings that are unsafe to live or work in are growing in number to the point that the unsafe buildings dominate the safe buildings; that it can be proven that these buildings are unsafe to live and work in; that this dominance of unsafe buildings is preventing the area from being properly used. (For example is there a dominance of unsafe homes that prevents people from having safe homes?), and finally can it be demonstrated that private enterprise or government cannot improve these unsafe buildings?

We see that the law has intentionally set the bar high for the legal definition of blight. This is because redevelopment gives the city very broad powers that it does not otherwise have.

Let us continue the same analysis with the other conditions of physical blight. Section 33031.(a) (2) states

(2) Factors that prevent or substantially hinder the economically viable use or capacity of buildings or lots. This condition can be caused by a substandard design, inadequate size given present standards and market conditions, lack of parking, or other similar factors.

The law is clear that substandard design, inadequate size, etc. are not conditions of blight in themselves. They must prevent the economically viable use of the property. Economically viable does not mean the use that would make the most money in the most ideal conditions, it simply means that it is profitable, or economically alive. We must remember that the law also makes it clear that even if there were factors that hindered the economically viable use of buildings or lots, then those factors also must be:

a. Growing and winning out over the better conditions,
b. Provable and not just claimed.
c.That the combination of these conditions keeps the area from being properly used.
d. These conditions cannot be improved by either private enterprise or government or a combination of the two.

The law continues with conditions that cause blight

(3) Adjacent or nearby uses that are incompatible with each other and which prevent the economic development of those parcels or other portions of the project area.

The law is clear that nearby or incompatible uses are not conditions of blight in themselves. They must prevent the economic development of those parcels. Even if the incompatible uses prevented the economic development of those parcels, then those parcels must also be subject to the standards of a-e above.

Lets look at particular sections of the blight report.

Page III-7, Buildings which are unsafe or unhealthy.
Not a single specific building was identified by the report as being "unsafe or unhealthy" for persons to live or work. Criteria used included chipped paint, broken glass, security bars on windows that have no bearing on being unsafe or unhealthy. Claims of blight must be supported by substantial evidence in the administrative record. No such substantiation is given. The report lacks any discussion of specific defects in specific properties. Instead the report repeatedly refers in general terms to the field survey of the project

area. The field survey data consists of a list of some, but not all of the parcels in the project are. There were categories to be checked off such as condition of paint, condition of windows, noise, odors, etc., however the report fails to show that these factors characterize the area or are prevalent or substantial or that they prevent the economic viability of the properties or that they cannot be improved by private enterprise or government.

The data from the surveyed properties is highly questionable. The field survey was performed from the sidewalk or public rights-of-way or even possibly just from the surveyor's car. Thus, at the end of the day, the raw data in the blight report consists of a series of checkmarks reflecting the field surveyor's ultimate conclusions. The field surveyor's conclusions do not amount to tangible proof, which can be scrutinized in a meaningful way.

To underscore this point, I asked to see the data from the report so that I could see for myself what the conditions are of the properties that are summarized in the blight report. Even though I am an elected member of the WOPAC, I was told by the consultant that it was impossible to provide this information. I don't know of a better example of a failure to substantiate, as is required by law, than refusing to make the data on the specific properties available. After much insisting I was finally able to get the data on the particular properties that were studied. I looked at a number of the properties in my own neighborhood to see how they were rated in the survey versus observable reality. Most subjective conditions such as condition of paint, trash etc. seemed to just have been assigned at random, bearing no relation to any observable condition. In South Prescott there were four houses that were reported as uninhabitable. Curiously there were no criteria given for uninhabitability. Of the four houses reported as being uninhabitable, three are in perfectly normal condition and are fully occupied. The fourth house does indeed appear dilapidated and has a high sheet metal fence in front of it, but there is no reason to call it uninhabitable, especially since it is inhabited. These properties are shown in the data as APN numbers: 004 009900100,004 007500700, 004 010300900, 004 007503100 . There is something very seriously wrong with a report if an attempt to validate claims of such an important category as unihabitability shows 75% in gross error and the remaining 25% as highly questionable.

The same criticism applies to all of the section of the report shown as "Buildings that are Unsafe or Unhealthy" (pages III-7 – III-12) The report does not specifically conclude whether the buildings were unsafe or unhealthy for human occupancy (as is required by law). The survey concluded that some of the buildings were deteriorated or dilapidated, or whether some of the buildings complied with seismic safety codes, or whether some of the buildings were near railroad tracks, or were near sources of noise or odors, however this does not constitute substantial evidence of the existence of buildings which are unsafe or unhealthy for human occupancy. Moreover, the report fails to demonstrate, or for that matter even claim, that these conditions are any of the following that are required by the redevelopment law.

a. Growing and winning out over the better conditions,
b. Provable and not just claimed.
c. That the combination of these conditions keeps the area from being properly used.
d. These conditions cannot be improved by either private enterprise or government or a combination of the two.

Comments on the section of the report "Factors that hinder proper use of buildings or lots":

The report fails to accurately represent the requirements of the statute. Physical conditions of blight do not result just from factors that *limit* a parcels economic viability; they arise from factors that *"prevent or substantially hinder"* a parcel's economic viability. Furthermore, the report fails to explain how

redevelopment would solve these problems. Surely, determination of blight should be made on the basis of an area's existing use, not its potential use.

Comments on the section of the report "Incompatible uses"

The report fails to show that the Project Area is characterized by "adjacent or nearby uses that are incompatible with each other and which prevent the economic development of those parcels." Adjacent incompatible land use is itself not a finding for blight. They must be substantial, prevalent and prevent the economic development of those parcels. The report states "these types of effects have had negative impacts on residential property values and have adversely affected investment in surrounding properties" There is no evidence or documentation for this claim, and it flies in the face of the much ballyhooed sky rocketing property values in the project area.

Comments on the section of the report "Irregular Lots"

This is one of the clearest examples of the reports trying to find blight at any cost. The law states that the irregular (non-rectangular) lots are only a symptom of blight if they are "of irregular form and shape or inadequate size for proper usefulness and development that are in multi ownership"

Surely it is self-evident that non-rectangular shape alone is not a symptom of blight. Otherwise most of the Oakland hills and Piedmont would be blighted, and so would Market Street in San Francisco. The report makes no attempt to claim or demonstrate that these non-rectangular lots are preventing usefulness, only that they exist. The survey includes two houses on Peralta as examples of this. However all the lots on Peralta between 3rd and 5th are non-rectangular because the street is at an angle. A small house on Peralta recently sold for close to $300,000, proving that the shape of the lot is not preventing proper usefulness. Another example is a business property that has its main location on a rectangular shaped property. Later it purchased a lot that touched their property from another street. The owners of the property considered that the acquisition of the adjoining lot added value to their operation, yet the report tries to use this an example of blight.

Comments on the section of the report "Public Improvement Deficiencies"

The report states "the project area has deficiencies in some very basic public improvements, notably sidewalks, curbs and gutters and street paving" The plan fails to quantify how this lack has unduly burdened the nearby properties. I do not see anywhere in the redevelopment law that states that lack of public improvements is a cause of blight. After all curbs, gutters, and street paving are the responsibility of the city. Originally there were redwood curbs, they deteriorated and the city failed to replace them with concrete. Why should redevelopment funds be used to relieve the city of their responsibility? The report fails to mention very significant public improvements in the project area such as the South Prescott Park, the landscaping on the Mandela Corridor, Westwood Gardens and Bridge Housing.

Comments on the section of the report, Economic Conditions, (1) Depreciated Values/Impaired Investments.

There is no part of the report that is further from the truth than this section. The most consistent complaint we on the WOPAC have hear from some community members is problems caused by skyrocketing property values and new residents moving in and fixing up houses. We have also heard complaints about changes in demographics caused by artists developing live-work units and moving into previously non-residential buildings. Skyrocketing property values and new residents of a higher economic status

may cause social problems, but they are contra indicators for blight. You cannot have skyrocketing property values and blight as redevelopment law defines it.

The report attempts to skirt this issue by using average residential parcel assessed value comparison with other cities and other areas of Oakland. This is clearly an attempt to misrepresent the facts. It is easy to document any number of cases of houses that sold for $2,000 in the early '70's, $50,000 in the early '80's, $100,000 in the early '90's and $300,000 recently. These are not special houses or Victorian gems, these are standard West Oakland houses on 25" wide lots. This is an increase in residential property values of fifteen thousand percent.

There is no other part of Oakland that has shown this kind of increase in property values. There is reason to believe that one of the factors that is driving the city's push for redevelopment is to capture the tax increment from this spectacular increase in property values that is taking place without redevelopment. You cannot have it both ways. You cannot have skyrocketing property values and gentrification and claim "the combination of physical and economic conditions causing blight is so prevalent and so substantial that it causes a reduction of, or lack of, proper utilization of the area to such an extent that it constitutes a serious physical and economic burden on the community which cannot reasonably be expected to be reversed or alleviated by private enterprise or governmental action, or both, without redevelopment.", as is required by law. The private sector is reversing and alleviating the negative conditions in West Oakland, and the results are skyrocketing property values and gentrification.

The report says on page III-26 "As illustrated in Figure 14, average assessed values for residential property in the three sub areas of the Project Area are lower than *(or depreciated relative to)* the average assessed values of residential property in the cities of Oakland and Emeryville..." This is a perfect example of the deceptive nature of this report. Knowing that property values have skyrocketed the report is trying to squeeze this into a situation of blight by saying *"or depreciated relative to"* Let's try to analyze what is being said here. Webster's defines "depreciate" as "to lessen in price". Therefore when state law 33031.(b) states the one of the economic conditions that cause blight is "Depreciated or stagnant property values" this means that property values that go down or fail to grow are a condition that causes blight. However the project area has skyrocketing property values so the report tries to wiggle out of this incontrovertible but fact by saying the property values are *" depreciated relative to some other city or part of Oakland"* What is the report trying to say? Is it trying to say that the property values in the project area have not increased as much as other places? First of all, the property values in the project area have increased more than in other areas. But the law does not say that if property values in one area are less than another area that is a cause of blight. That would mean that all the East Bay property not in Blackhawk is blighted. No, the law says that property values going down is a cause of blight. Since that is so clearly not the case in the project area the report sets out to intentionally misstate both the law and the condition.

Conclusion:

This blight report has all of the symptoms of a report whose purpose is to demonstrate blight rather than investigate bight. It misstates the truth. The data are unclear and cannot be substantiated. After careful reading of the report, it is clear that there is little substantive material to be gleaned. Although the report uses the statutory language used to define blight, the report offers little concrete evidence of actual conditions of blight. In fact the report misrepresents conditions. The asserted conditions of blight are set forth as conclusions and summaries. The purported blight is discussed only in generalities, without any showing of the extent to which the alleged blighting conditions have prevented or substantially hindered the
Economically viable use of the properties.

The report simply reports the existence of some unfavorable conditions. The report does not even try to demonstrate what the law requires that the conditions are:

1.Growing and winning out over the better conditions,
2. Provable and not just claimed.
3. That the combination of these conditions keeps the area from being properly used.
4. These conditions cannot be improved by either private enterprise or government or a combination of the two.

The Blight Study for Proposed West Oakland Redevelopment Project Area fails on every count to demonstrate blight as defined by California law.

To invoke the extraordinary powers of community development, it is not sufficient to issue a report filled with the jargon of the statutory language claiming that blight exists. Within redevelopment the term "blight" has very real legal meanings. It does not mean that there are some dilapidated properties or some trashy vacant lots, or that the property values are less than in some other city. Redevelopment is not intended to be a vehicle for a cash strapped city to finance community improvements at the expense of other taxing agencies that provide valuable services that will be inevitably reduced as a consequence of redevelopment.

Bruce Beasley
Neighborhood Organization member of the WOPAC representing Prescott and South Prescott sub-areas.

Responses to Comment Letter "I" – Bruce Beasley, via e-mail July 28, 2003

Response to Comment Letter I:

The entirety of this comment letter pertains to the *West Oakland Redevelopment Project Area, Draft Blight Study* (Blight Study) as prepared for the City of Oakland Redevelopment Agency by Hausrath Economics Group, February 27, 2002. As noted on page 2-2 of the Draft EIR, the Blight Study was prepared pursuant to Section 33344.5 of the California Redevelopment Law, and is one of the legally required documents leading to adoption of a proposed redevelopment plan. Specific comments about the Blight Study's findings and conclusions are relevant pursuant to consideration of approval of the Redevelopment Plan (i.e., the Project). However, unless these comments raise environmental issues, then they are not pertinent to the EIR. The Draft EIR does reference the Blight Study is four places. However, any potential flaws or inaccuracies in the Blight Study as referenced in the Draft EIR do not materially affect the environmental analysis or the conclusions of the EIR, as noted in response to letter "H" above.

LETTER J

The following are my comments on the methodological issues of the studies that resulted in the document entitled "Blight Study" which gave rise to the Draft EIR. I am submitting it again as part of my comments on the DEIR. J-1

I am writing to add a few methodological concerns to the general comment list referring to the document entitled "Blight Study." My comments mainly focus on the Appendix.

First let me say that this document would more accurately be labeled "Blight Show" because it is obvious that the consultants did not set out to 'study' blight, but rather to 'show' it. This presents one of the more serious methodological problems I find with this document as it biases everything that follows from that assumption toward the hypothesis that Ho (Null Hypothesis) is true, while no alternative hypothesis H1 is presented. In other words: if you look for it, you'll find it.
This point alone should raise serious doubt about the accuracy of this document and call into question any and all of its supposed findings and conclusions.

Having said this, I will draw out a few items that further call into question the accuracy and hence the validity of the document.

Sample Selection
The consultants say on page A-3 that they have refined the parcel database from the County Assessor, but they don't tell us what that means. They then draw a random sample, which is a good thing, from that database, which results in roughly 1600 parcels. THEN they test the sample by comparing its characteristics to that of the overall population of parcels by land use category and say they find that the sample distribution is equal to the distribution in the overall population. Given that they are dealing with different strata with different probability of selection, this should have tipped them off that there was something wrong with their sample. I would like to see the statistic they used that shows this assumption to be true. What they should have done is drawn a stratified random sample in the first place. I will add that they might have been lucky in drawing this sample, since the sample size is large. "Luck" however, does not make me more confident about the "collective experience of the consultant team" nor about their conclusions.

The report then seems to imply that this sample is large enough to throw out parcels that are found to be problematic. Are these the roughly 5 percent of parcels that have missing data in the Assessor file for West Oakland? Does this mean that these parcels were not surveyed? What if those parcels all had characteristics that were similar and hence further biased the sample? We can only assume since no data are provided that explain this method of 'luck sampling with eliminating parts of the sample without replacement.'

Throughout the document we find footnotes on methods that are either vague or impossible to understand. Examples are the tables on Median Rent and Property Values. As a side note on the supposed Property Values in the area, the report fails to reason that low assessed value means lack of turnover in property. This means in many cases that

there is a very stable population in our neighborhood that has lived here for many years. Most likely, we are talking about Senior Citizens who have lived here and owned their homes for most of their lives. I would interpret this as an asset to the neighborhood. What does the consultant propose to do about this population? Gentrify them out so that there is more turnover in the housing stock and consequently those assessed property values increase? Is this what redevelopment proposes to do for us?

On the 'Development of the Survey Instrument' Section, the consultants go to great length to describe what types of equipment they were using. We are perfectly enlightened from the handheld computer to the camera. What we would want to know is: who was the building inspector who trained the surveyors on how to evaluate a building for things like structural soundness? And who was the psychic who taught them how to do all of this without leaving the sidewalk? I am sure it is beneficial to have someone with a Masters degree in urban planning when working on this type of a project, and its nice that a couple of the other surveyors took a few graduate level classes (in Geographic Information Systems!) before working on it. But how does this qualify them to do the work that they were contracted to do? Answer: they were trained by a Power Point presentation that included photos but was not provided to the WOPAC for evaluation.

I am going to assume that these surveyors were not trained in the history of West Oakland and consequently missed most of the logic of why some things are the way they are. For example the category of heavy industrial use next to residential; often times one will find that the operator of the heavy industrial property lives next door in the residence? Incompatible? No, this would be considered smart growth by some definitions. For many of the residents, this contributes to the unique nature of our neighborhood and it has been a mixed-use area since its inception.
What about the description in Figure A-5 of 'Warehouse' - even a San Francisco based consultant should have known that in general Warehouses and especially 'obsolete' ones are often used for live-work space and not 'primarily to store products for distribution.' This is certainly true in the project area. What about the criterion 'noise/vibrations'? Does this mean that Mayor Brown's warehouse in Jack London Square is considered Blight because it is situated right next to the Amtrak station? West Oakland is a noisy place due to its proximity to the Port. By some of the standards invoked in this document, the only conclusion one can arrive at is to bulldoze the entire place and start from scratch!

In addition, the survey is out of date. At the time of this writing, it is February 18, 2003. The report states that the survey was conducted more than 2 years ago. In a rapidly changing environment like West Oakland's, this equates outdated data.

The Right-of-Way-Survey (ROW) is simply ridiculous in its claim that the City of Oakland has been undergrounding utilities and the resulting assumption that since West Oakland has not yet benefited from that program, we are blighted. As a News-Blitz to the consultants, a lot of homeowners in West Oakland are undergrounding their utilities at remodel even without the City's help.

In the final paragraph for the ROW survey, the consultants describe all kinds of data and map files that were specifically created for the purpose of this document. I have asked repeatedly, since last August, for map files and data files that were created as part of this project to be forwarded to me, so I could plot the maps on larger scale and/or print out the datasets for the WOPAC's evaluation and verification. I have yet to receive a single file or map from the consultant.
IF these data were created - where are they? Why is this project so secretive? Generally speaking, researchers like the challenge of having their data analyzed by someone else - what are these consultants hiding?

Secondary Data

The sources listed are incomplete. There are numerous references throughout the document that are either not documented at all or are inadequately documented.
When I asked Ms Hausrath to tell me who Hinterliter is, for example, her answer was: "Oh, everyone knows those are the people the City of Oakland goes to for data."
Super! Everyone does not know and moreover that is an unheard of answer to a request to fully document sources. Ms. Hausrath also suggested to me that she could not be expected to document every tiny little thing.
Failure to fully document sources would earn one a failing grade in any undergraduate course at UC Berkeley. I would hope that people who make that much money are held to higher standards than the one displayed by this consultant.
Equally troublesome is the lack of explanation of what the secondary data sources actually are comprised of, and the lack of documentation on whether they were verified for accuracy. Is it true because it's published? Lets ask the people at the National Enquirer that question. Again, paid or not, where are the standards? There is simply no way given the citations supplied, to verify any of the conclusions the consultant drew.

In conclusion, this document suffers from a number of problems that are significant enough to call into question the entire "study." If there is significant Blight in West Oakland, this document did not prove it. As a social scientist, I certainly hope that this document is not representative of the 'industry standard,' it is most certainly substandard to and not representative of any research I have ever evaluated.

.
My comments should be viewed in addition to those submitted by my fellow WOPAC members. I have attempted not to duplicate any concerns previously raised on this document.

Thank you for your attention to this matter.

Sincerely,

.
Karin Mac Donald

Responses to Comment Letter "J" – Karin Mac Donald, via e-mail, July 28, 2003

Response to Comment Letter J:

The entirety of this comment letter pertains to the *West Oakland Redevelopment Project Area, Draft Blight Study* (Blight Study) as prepared for the City of Oakland Redevelopment Agency by Hausrath Economics Group, February 27, 2002. Specific comments about the Blight Study's findings and conclusions are relevant pursuant to consideration of approval of the Redevelopment Plan (i.e., the Project). However, these comments do not raise environmental issues and are therefore not pertinent to the EIR. As noted in the CEQA Guidelines, Section 15204, "*When responding to comments, lead agencies need only respond to significant environmental issues and do not need to provide all information requested by reviewers, as long as a good faith effort at full disclosure is made in the EIR.*"

See also response to Comment Letter H and Letter I.

Louie P. Martinez
Email: jlmartinez@alumni.ucr.edu

A
s a member of Summary
Proforma
Project Description
Not about West Oakland, about process and only a small sliver of it
Potential environmental impacts as defined in the CEQA checklist

LETTER K

Practically no analysis. Facts out of thin air. No studies. In some cases, not even minimal investigation carried out. In other cases where there are significant impacts but no analysis or information provided—noise, hazardous waste, traffic. Where are the studies for these items? **K-1**

Language requires definition. As an architectural historian, I would like to know what the writer considers "Victorian" architecture. This is an outdated moniker that has little descriptive value.... **K-2**

For example, missed a historic district. Probably more than one. Historic archaeology extremely important.

Biology, out of hand conclusion. Based on what data bases? There are no underground creeks? What about runoff directly into the Bay or or the Oakland Inner Harbor? **K-3**

Comment period should be extended. These are formative moments in this process should not be rushed by a City staff that has not much interest in the community and is trying to meet the deadlines that their bosses have set for them. Not an adequate acceptable document; Comment period should not close **K-4**

Responses to Comment Letter "K" – Louie P. Martinez, via e-mail, July 28, 2003

This comment letter was received by the City via e-mail, and may not have been received in its entirety.

Response to Comment K-1:

This comment appears to pertain to the Initial Study. As noted in response to comment G-1, the Initial Study is a preliminary analysis prepared by the City, used in this case to identify the potential impacts associated with implementation of the Redevelopment Plan that are to be analyzed in greater detail in the EIR. Use of an initial study for this purpose is consistent with CEQA Guidelines, Section 15063. The Initial Study is neither intended nor required to include the level of detail required in an EIR [Section 15063 (a)(3)].

Response to Comment K-2:

Comment noted. This comment also appears to pertain to the Initial Study. A more detailed description of historic resources is included in Section 11.2.3 of the DEIR beginning on page 11-8.

Response to Comment K-3:

The findings of the *Oakland General Plan Open Space, Conservation and Recreation Element* and its Negative Declaration (City of Oakland 1996) and the *Oakland General Plan Land Use and Transportation Element EIR* (City of Oakland, 1998) are cited as references in regard to there being no special status or sensitive plant or animal communities, sensitive habitat or wetland resources within the Project Area.

The potential impact related to stormwater runoff, including polluted runoff that could be carried to the Estuary and eventually into the Bay, is discussed in detail in Section 9.4.4 starting on page 9-15 of the Draft EIR. This section of the DEIR describes the previously identified mitigation measures, ordinances and regulation that would apply to all redevelopment activities that would effectively mitigate such impacts.

Response to Comment K-4:

See response to comment B-2. Based on the City's compliance with the public review process required under CEQA, there are no legal requirements that would mandate a longer public review period. Adequate time was provided for the public to review and comment on the Draft EIR. Accordingly, the Planning Commission hearing to receive oral comments was closed on July 16, 2003, and the written comment period was closed at 4:00 p.m. on Friday, July 25th.

Additional opportunity for public comment on the Final EIR will be provided prior to consideration of certification at a public hearing before the Planning Commission.

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24 June 2003

RECEIVED
JUN 27 2003
City of Oakland
Planning & Zoning Division

Claudia Cappio, Manager
Major Development Projects
Community & Economic Dev. Agency
Planning Division, Suite 3330
250 Frank Ogawa Plaza
Oakland, Calif. 94612-2034

LETTER L

Re: West Oakland Redevelopment Plan

Dear Ms. Cappio:

This office represents Lewis Epstein. Mr. Epstein challenges the Environmental Impact Report for the West Oakland Redevelopment plan and wishes to preserve his rights to file appropriate claims and/or suits, if any, on grounds including but not limited to: 1) the lack of East Bay Municipal Sewer District Plant stench control; 2) the lack of control of trash burning in West Oakland; 3) preservation of public streets; 4) preservation of all access from private property to public streets; 5) obstruction and blocking of public streets; 6) inadequate control of street dumping; 7) the long time, i.e., duration of the redevelopment, 25 years! 8) the lack of specificity in the redevelopment plan; 9) zoning. **L-1**

Thank you.

Very truly yours,

Debra Bridges

Responses to Comment Letter "L" – Debra L. Bridges, representing Lewis Epstein – June 24, 2003

Response to Comment L-1:

The comments contained in this letter are noted, but generally lack the specificity needed for a more detailed response.

- No evidence is provided to support the claim that odor emissions from the EBMUD wastewater treatment plan would substantially effect redevelopment efforts.
- Current City ordinances prevent trash burning and dumping of trash in City streets.
- No public streets are proposed for closure, and no access to private property would be blocked or obstructed by the Project.
- The duration of the Redevelopment Plan is established pursuant to state law.
- The degree of specificity required in a Redevelopment Plan Program EIR is intended to be broad and general, focused on the secondary effects associated with implementation activities anticipated to follow from adoption of the Redevelopment Plan.

1 WEST OAKLAND REDEVELOPMENT PLAN
2 DRAFT ENVIRONMENTAL IMPACT REPORT
3
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12
13
14
15 Wednesday, July 16, 2003
16 REPORTER'S TRANSCRIPT OF PROCEEDINGS
BY STACY L.D. RODRIGUEZ
17

LETTER M

CLARK REPORTING
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Berkeley, California 94704
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Michael Lighty, Vice Chair
Nicole Franklin
Colland Jang
Suzie W. Lee
Mark McClure
Anne Mudge
City of Oakland Staff:
Elois Thornton
Dan Vanderpriem, Redevelopment Manager
Claudia Cappio
Leslie Gould, Planning Director
Mr. Patton, Clerk
City Attorney

Public Speakers - In Order of Speaking:

Jerry Huff
Deborah Castle
Esther Mabry
George Butti
Jane Gin
Brother Jimmy Mack
Monsa Nitoto
Jumoke Hinton Hodge
Sanjiv Handa
Virian Douze
Bruce Beasley
Lynne Horiuchi
Karin MacDonald
Darrell Ford
Jabara Herbert
Margaret Gordon
Marcel Diallo
Ellen Wyrick Parkinson

---oOo---

(ON THE RECORD 7:19 p.m.)

MS. THORNTON: Thank you. Good evening Chairperson Killian, and members of the Planning Commission. My name Elois Thornton, I'm representing CEQA West Oakland Redevelopment Unit. I'd also like to acknowledge the presence of Mr. Dan Vanderpriem who is the Regional Manager of CEQA, as well as members of the West Oakland Project Committee, many of whom have submitted speaker cards and will be discussing this item in more detail.

Tonight we are seeking consideration of two very important documents that are related to the city's redevelopment efforts. The comments on the draft West Oakland redevelopment plan, which I will summarize, and comments on the draft Environmental Impact Report, or EIR, which will be highlighted by Ms. Claudia Cappio.

This effort, West Oakland Redevelopment, is the second of a two-phase approach that we embarked upon in the late 1990's in order to address blight and other difficult challenges in the West Oakland district.

The first phase, as you may recall, was a designation of the Oakland Army base as a redevelopment area, and that occurred in the year 2000. We immediately began pursuit of a redevelopment area in the West Oakland district, which is covered by the area on the blue map. The last time

this particular effort-- the West Oakland Redevelopment effort came to you was in late 2001, when you reviewed and approved a preliminary redevelopment plan for the area. Since that time, and pursuant to the redevelopment process, the redevelopment agency has formed, and this was in the Spring of 2002. A Project Area Committee, known as WOPAC, the West Oakland Project Area Committee, to provide input into the preparation of the final redevelopment plan, as well as the general redevelopment process.

The WOPAC has 17 members representing the areas shown on the blue map who are elected by the West Oakland Community. The project areas are divided into three sub areas for planning purposes. We have the Prescott/South Prescott area, Clawson/McClymonds/Ralph Bunche, and West MacArthur/Hoover area. Each area elected a homeowner, a tenant representative, a business representative, and two neighborhood-oriented organizations to represent them, and additionally, there are two area-wide community organizations that represent the district. And this was done through an election process, where members of the West Oakland community voted to identify these individuals by subarea.

The definition of the project area and the subareas become more important by defining the eminent domain proposals, which we will cover in just a second. WOPAC has been extremely involved in the process, forming various

subcommittees that are focused on particular elements of the redevelopment plan adoption. They have met in one form or another, either as a general body, or as a subcommittee, at least five times a month, consistently over a year to come to the point where we are today.

Today we have a draft redevelopment plan that is very probably the most personalized redevelopment plan that you've seen to date, in that it heavily reflects the WOPAC's intents from the initial goal statements, to the provisions of eminent domain.

The goals for the redevelopment area are summarized on page 3 of the plan. I won't go into them in detail, but in general they request a concern for improving housing, civic infrastructure improvements, commercial business extension, industrial development, restore preservation, minimizing relocation of existing residents, particularly tenants, and eliminating the environmental hazards which have characterized some portions of the project area.

One of the key features of the redevelopment plan is the eminent domain provision. Again, crafted with heavy input involvement from the West Oakland community. West Oakland, as you may know, is very familiar with the application of eminent domain, having seen the impacts of it over the last 40 years, as practiced by Cal Trans in the freeway reconstruction, and to a certain extent, the most recent reconstruction of the 880

1 freeway, the urban renewal, by BART, by the Post Office, and
2 those instances they've seen in many cases blocks and blocks
3 of property taken for eminent domain for public purposes.
4 There are still very strong feelings against the use
5 eminent domain within our project area, however, many members
6 who recognize this area feel some purpose there may be
7 beneficial uses of eminent domain, and for that reason we've
8 crafted what's called, "The Limited Eminent Domain
9 Provisions," that are only going to apply in a particular
10 geographic area, and even then under certain circumstances,
11 which I'd like to summarize. If I could put this up--
12 Basically the provisions of the eminent domain
13 provisions are as follows:
14 First of all, eminent domain would be limited to
15 acquiring three acres or less of property, and this was done--
16 and then members of the WOPAC are free to elaborate on the
17 intent in more detail.
18 This was really intended to prevent the wholesale
19 taking of block after block. Again, things that they have
20 become used to, or seen practiced in other projects, and so we
21 have a three acre limitation on similar properties.
22 A disposition and development agreement, or DDA,
23 will be required prior to our using eminent domain, and this
24 was put in place-- again, to prevent certain circumstances
25 where the agency has acquired property, and then that property

1 has lain fallow for years and years until a developer has come
2 forward. In this provision, we would know exactly what the
3 intended use of this site would be before we began the eminent
4 domain proceedings.
5 Prior to the use of eminent domain, the WOPAC would
6 be involved. One of the committees of the WOPAC forum is an
7 eminent domain committee, which we anticipate would be useful
8 as we begin to bring the project to them.
9 The key feature is that the eminent domain provision
10 would only apply in the Clawson/McClymonds and Ralph Bunche
11 area-- not the entire project area. This would be the center
12 of the project area, if you recall the other map. We are
13 targeting eminent domain to the green area, which would be the
14 _____ Corridor-- that's where you would want
15 to use eminent domain for redevelopment property project.
16 The remainder of the Clawson area also can be
17 potentially subject to eminent domain, but it has to meet very
18 high standards, which are summarized in the redevelopment
19 plan, before we can proceed. Basically there has to be a very
20 clear and eminent domain-- health and safety person, there has
21 to be some kind of contamination proven in the site. The
22 property has to be a documented source of air or water
23 quality, or in violation of other federal, state, or local
24 environmental laws, or the property has to be found to be used
25 for illegal purposes. And so, again, it would be under very

1 selective circumstances that we would exercise the use of
2 eminent domain.
3 In addition to the provisions that are covered in
4 the Redevelopment Plan, which are covered in the staff report,
5 staff is asking that you consider two additional changes which
6 we didn't run through WOPAC, that we would like your
7 consideration. I'd like now, to ask Dan Vanderpriem to
8 summarize those issues.
9 MR. VANDERPRIEM: Thank you, Elois. Honorable
10 Chair, Member of the Commission, Dan Vanderpriem, Development
11 Manager, City of Oakland.
12 The-- as Elois indicated, the plan before you has
13 been very well thought out. The PAC has worked very hard in
14 personalizing this plan.
15 They're really just two areas that we wanted to
16 bring to your attention. We are suggesting some consideration
17 be given to modifying the plan as it's been recommended by the
18 PAC.
19 The first of those has to do with notification.
20 The-- this matter was discussed at length with PAC. There
21 were different opinions on them regarding this, but the
22 recommendations from the PAC currently is that the agency
23 would track anyone displaced in the West Oakland area for the
24 life of the plan, and when any property became available, that
25 preferences would be made available for relocation back to

1 sites that become available, would be made to anyone who had
2 been relocated. And that-- that-- there would be no time
3 limit on that. So, 5, 10, 15, 20, 25, 30 years from now, we
4 would be maintaining a list, tracking everyone who has been
5 relocated, at any time during the plan life, and then
6 notifying them of the opportunity to come back to the plan
7 area.
8 I think that the idea of notifying people about the
9 opportunity to move back to the area is a valid one. The
10 issue that we talked about with the PAC that staff brought up,
11 was putting some sort of a time limit on that notification
12 process. So, we think the most valuable period of time for
13 notifying people of the opportunity to move back is within
14 perhaps the first three to five years when they've been
15 relocated. After that, you begin getting into a sort of a
16 decreasing return to your effort. It becomes harder to track
17 people. We allocate staff resources, we allocate time to an
18 effort to track people who eventually will have moved away 10,
19 15, 20 years ago. And there is the factor of that possibly
20 being an annoyance to people who have moved 10 or 20 years ago
21 out of the area are still getting notification from the
22 redevelopment agency about moving back. So, it isn't really a
23 cost factor, it's more a matter of how practical that is, if
24 that's the best way to allocate staff time and the resources
25 that the agency has, and how we might do this most effectively

1 to give people the opportunity to consider moving back to the
2 area.
3 It should be noted that the agency would only pay to
4 move people one time, and that would be the first relocation.
5 So anyone who's being given notice of opportunities to move
6 back would have to do that on their own dime, basically, would
7 have to pay for that themselves. So, we're recommending a
8 modification whereby the notification list would be maintained
9 on sort of a rolling basis, and anyone that had been moved
10 within the last five years from-- into an area outside of the
11 plan boundaries, would be given an opportunity to bid on or
12 preference to relocate on any property when available. That's
13 what the redevelopment agency was involved in. And then after
14 five years, we would no longer send those notifications. Not
15 an important change, but just more of a practical-- practical
16 change that we're recommending.
17 The second item is probably more critical, and that
18 has to do with the basis to utilize the rather limited eminent
19 domain provisions that have been constructed in the
20 recommended plan for the PAC.
21 The-- the issue involves whether violations to
22 building codes can be considered as a basis for eminent
23 domain, and we would not be looking at broken windows and that
24 sort of thing as the basis for eminent domain, but there is
25 the exclusion of a reference to building codes as the basis in

1 your current-- the current version recommended for the PAC.
2 That means that under certain circumstances you'd only be able
3 to rely upon state and federal health and safety laws, and
4 there are no-- all the building code requirements and
5 restrictions are local, so you can have a situation with an
6 earthquake damaged building or hazardous building that you
7 would-- and you would not be able to utilize the hazardous
8 building code which is local, as the basis for eminent domain
9 taking that over or removing that-- health and safety. So we
10 felt it was an important factor. Those that seemed generally
11 in support of this-- I can't speak for all members of the PAC,
12 but my impression was those where that represented the
13 interests where the eminent domain would apply, were in favor
14 of this. The vote, as indicated in my report, which was
15 before the PAC, was a very close six to seven vote. So, we
16 felt because it was such a close vote on it, it was important
17 to bring the issue before the planning commission for some
18 further discussion.
19 We would recommended adding in-- add local building
20 codes to the criteria under which you'd be able to utilize for
21 relocating and for using eminent domain for the project.
22 I might add in the last 15 years, eminent domain has
23 only been used twice in the City of Oakland for redevelopment,
24 and one of those times was for the Bermuda Building which was
25 a seriously damaged earthquake building, that had 15-year-old

1 shoring inside that was intended to be temporary, and it was a
2 danger and that building could come down, and we were able to
3 use that as the basis for proceeding with eminent domain in
4 the area so I think it's an important factor to be considered,
5 and are recommending that that be included-- that that factor
6 be included in the redevelopment plan.
7 I should indicate any changes that you would make
8 and recommend to the City Council would trigger a requirement
9 for the council to utilize the two-thirds vote to include
10 something that the PAC has recommended. If through your
11 deliberations, you decide that you want to make one or both of
12 those changes, we would bring the matter back to the PAC
13 before it gets to the council to see if we can resolve the
14 issue with them so that we're all giving the same common
15 recommendation that the council says we need to use that
16 two-thirds vote. Any questions?
17 CHAIRMAN KILLIAN: Any questions of the
18 speaker? Commissioner Franklin.
19 COMMISSIONER FRANKLIN: Can I get a list of the
20 WOPAC members? That's the first question. The second
21 question is: I'd like to meet with you guys. I'm not feeling
22 comfortable about a lot of things. Specifically, this eminent
23 domain piece. And I totally understand it-- but I want to
24 talk about that a little further.
25 This is much further down the road, but are there

1 going to be any mortgage assistance programs, or that kind of
2 thing for people who want to buy property?
3 MR. VANDERPRIEM: I'm going to let Elois answer
4 that. The quick answer is yes. There are the number of
5 programs intended to assist ownership opportunities in the
6 area.
7 COMMISSIONER FRANKLIN: The credit-- the
8 tracking system, where in the CRL-- where in the CRL is that
9 addressed?
10 MR. VANDERPRIEM: That-- there is no
11 requirement in the California redevelopment law to track
12 people who have relocated out of the area. So this would be
13 above and beyond that requirement.
14 COMMISSIONER FRANKLIN: And can you just
15 clarify for me the piece when you said that these people that
16 you track, you give them the first right of refusal to return,
17 but how does that effect the locations that are under the CRL?
18 MR. VANDERPRIEM: Well, it doesn't, actually.
19 Because once they've been relocated, they waive all of their
20 relocation benefits. So any future notice to them would
21 simply be notifying them of the opportunity of their own
22 volition to move back into the area. And then some
23 preferences that are yet to be defined would be advanced to
24 them. Maybe in terms of lower rents or other incentives.
25 But the agency would probably not be in the position of paying

to relocate people twice. And I hope you would agree with that.

COMMISSIONER FRANKLIN: Okay. Just like you have this diagram with the areas of possible eminent domain. Do we have any properties that we're thinking about would be-- I think it's in the report, but do we have some type of chart that kind of shows those properties?

MR. VANDERPRIEM: I think that's an inventory of the EIR. He can address that. There are also some specific protections that the PAC built in for any historic properties, that if they needed to be relocated, that they would be relocated within the West Oakland neighborhood-- the West Oakland community.

COMMISSIONER FRANKLIN: And like I said, I just want to set up a time to talk before the final comes back to you.

CHAIRMAN KILLIAN: Okay. Yes, Commissioner Mudge?

COMMISSIONER MUDGE: I've got a question. I know I explained this two-thirds override by the City Council if the PAC does not agree to something, how that was set up?

MR. VANDERPRIEM: Yes. In the California Redevelopment law there's a provision that stipulates that any action by the council on a redevelopment plan that is different than what is recommended by the PAC requires a

two-thirds vote. So, for example, a change to the eminent domain policy that is not recommended by the PAC, would require a two-thirds vote to incorporate it into the plan.

COMMISSIONER MUDGE: So this is part of the government code?

MR. VANDERPRIEM: That's correct

CHAIRMAN KILLIAN: Okay, any other questions of these two speakers? Okay if not, Mr. Patton, how many speakers do we have?

MR. PATTON: There's 12.

CHAIRMAN KILLIAN: Claudia, I'm sorry, did you have a presentation?

MS. CAPPIO: I'm the first speaker.

CHAIRMAN KILLIAN: Okay.

MS. CAPPIO: I just want to give you a brief overview of the EIR, to make sure that we have that context that-- you have the draft EIR in front of you, it's been prepared based on an initial study that was released in 2002, where we did identify potentially significant impacts, and so an EIR was produced, and the draft is currently in circulation. The date of circulation-- it began on June 13th, and ends on July 28th. So part of this hearing tonight will be your input and comments to me regarding the draft, as well as the redevelopment plan. You may note in the staff report that this is the programatic EIR prepared under the PEIR in

the CEQA guidelines, meaning that it is prepared at a level of detail that allows us to look at the issues very broadly, because no specific projects are being proposed at this time.

I will note that the EIR identified some significant and unavoidable impacts during our review, and those include air quality, for-- because the growth expected is going to exceed our caps under the air quality plan, truck parking, which has previously been identified in the port environmental documents, but still is a problem in this community. Noise, given the projected growth in the area and the proximity of major transportation corridor, and finally, the intersection of San Pablo and 40th, which is actually in Emeryville, so I guess that's okay, but, we did need to identify that this is a significant and unavoidable impact.

So with that, I will be glad to address any specific questions you have about the draft-- know that in response to Commissioner Franklin's question, Chapter 11 contains actually some very nice maps of all the historic properties, and potentially historic properties in the area, and in fact this chapter of the EIR is developed a little bit more than usual just because of the significant and very deep historic resources we have in this portion of Oakland. So, we did a particularly careful job with the assistance of our historic preservation planner.

With that, I will end my comments and be glad to

address any questions.

CHAIRMAN KILLIAN: Okay. Commissioner McClure?

COMMISSIONER MC CLURE: How are the specific details or the borders decided? I had-- I'm looking at the Prescott/South Prescott area for instance, and the border on the right, and on the left for that matter, they look like they go from block to block, and then there's a little piece-- a little island out there--

MS. CAPPIO: I think that Elois can address that. I know on the left that's the boundary with the army base redevelopment area.

MS. THORNTON: As Claudia mentioned, on the left would be where you see the 880 freeway, from that point going westward is the Oakland Army Base redevelopment area. On the right hand side, basically the boundary is set at the edge of the Oak Center and Acorn redevelopment area. And so the white areas underneath where it says Clawson/McClymonds/Ralph Bunche would be Oak Center and the Acorn.

COMMISSIONER MC CLURE: So the transit station-- the transit village-- the West Oakland Transit Village is within the army base redevelopment area?

MS. THORNTON: No, it would be within this redevelopment area.

COMMISSIONER MC CLURE: Okay.

CHAIRMAN KILLIAN: Any other questions regarding the draft EIR? Okay, none appearing. I think that's all the staff speakers. So Mr. Patton, how many public speakers do we have?

MR. PATTON: I have about 15 public speakers.

CHAIRMAN KILLIAN: Okay. What we're going to do is, Mr. Patton is going to call five names at a time. Please lineup on my right in front of the podium in any order that you wish. You will have two minutes to speak, and Mr. Patton, would you call the first five names, please?

MR. PATTON: Jerry Huff, Deborah Castle, Esther Mahry, George Burtt, June Gin.

MR. HUFF: Good evening. My name is Jerry Huff. I'm on the WOPAC as a representative to West Oakland neighbors.

The problem I have with including building codes is having both ends of the process in the same hands. In Venice Beach around the turn of the century, they built some really nice small apartment units that were owned by elderly people for small retirement income. In the early 70's, they changed the building codes and they declared them to be in immediate danger of falling down, used eminent domain, and sold them to developers. We'd like to not see that in West Oakland.

COMMISSIONER MC CLURE: Thank you.

CHAIRMAN KILLIAN: Next speaker, please.

MS. CASTLE: Good evening. My name Deborah Castle. I am an employee of Agis Realty, and I'm here representing our interest as property owners at 533 Kirkham. Our property is included within the boundaries of the redevelopment area. I want to let you know much we appreciate the hard work of WOPAC and the staff in putting together this redevelopment plan. It's been countless hours, and it was a Herculean task and we really support the goals of the plan.

I'm here to speak on one issue which is our only concern really tonight, and it has to do with eminent domain, and Sections 303 to 305 of the plan.

We're business people in Oakland, and property owners, and so we share the concern of the community that there are times when eminent domain is a tool that can run amuck and cause heartache when it shouldn't. But we also think that there are times when eminent domain is a very valuable tool for a city and redevelopment agency to have, and one that helps the plan's goal to actually be implemented.

We would like to see there be application of the limited eminent domain powers to include the geographic area around the West Oakland BART station where we own property, so we're saying put the ax to us as well. And the reason is because we'd like to see the area become developed in a way that's consistent with the plan's goals, and shows the transit village development in that area. And our concern quite

frankly, is that if the city doesn't have the tool of eminent domain, that vision may be thwarted, and the community as a whole will suffer as a result. Maybe I'm over stating and not understanding how it will all work, and I'm very open to having my concerns put aside, but that's what on our minds tonight. Thanks.

CHAIRMAN KILLIAN: Thank you. Next speaker, please?

MS. MAHRY: Good evening. My name is Esther Mahry. I've been in West Oakland for 60 years, and I'm here to seek redevelopment to help me to get my place going back again, and see something happen while I'm living. It is the height of my ambition to have it going like it was when I first came here 60 years ago. And I worked hard and struggled, and-- it's been really hard-- and helped to build, and to get the people-- the neighbors, and owners to redevelop that property too, and keep it going, and help keep it clean. We have so much-- they-- dumpyard for me. I've been in eminent domain twice when I was across the street, and had things go under the post office with eminent domain. We were across the street from BART-- Cal Train-- and they uprooted me. And my roots are there, and I don't want them to die. And I want to see something going, and I would like to ask for you to help me get something going-- rebuild, and develop the rest of the property under eminent domain. I'm on 7th Street,

and that's been the prime property for years. I'm the only one that's still struggling there, and it's been really hard to keep things going, and keep the youngsters away. You can build stuff up, but they are going tear it down. Where you try to build, they tear it down, and I'm seeking help. And I would like very much for you to help me. Thank you.

CHAIRMAN KILLIAN: Thank you. Next speaker, please.

MR. BURTT: Good evening, Chair Killian and members of the commission. My name is George Burtt. I'm representing the West Oakland Commerce Association.

I'd like to-- the main reason I'm up here tonight is to talk about the eminent domain provisions, but I will note a couple of things, and I can't carry water, but it is something I think we all should be concerned about as we are as a business community.

There's a multiplicity of taxing agencies as you're aware, including the general plan of the City of Oakland. They get impacted by every one of these redevelopment areas. I'm not privy to any information that may be going on right now between the county and the city, however, at some point I'd like to see it addressed by this body, by the City Council if it is, on some sort of pass through basis.

We do get concern because BART, AC Transit, and other taxing agencies do in fact give service to West Oakland,

we're in fact taking money away from them for 30 years.
That being said-- I don't want to use up all my time on that, but it is a concern of ours.
Primarily what it is, the eminent domain policy, as limited as it may be, it seems to not make sense for us. The business community, it's preference in the beginning and at the end is no eminent domain on anybody's property, period. We think the process is underway, the market forces are occurring now, and others are substantially significant enough to accomplish the revitalization. However, the community, the PAC has decided to do what it's doing, so on that basis it's simply this: We understand that zoning is a separate process, it's not what's before you tonight. This is not an economic development plan. It's in fact-- as we talked about it I think this afternoon in committee-- what this about is a plan to abate blight and to make revitalization move toward. Simply speaking, that if that is the only function of this plan is very limited in a specific small geographical area makes absolutely no sense to the business community, and I think it makes no sense to you. I would ask you to ask the staff, or perhaps others, as to why on a logical basis it's being done. But again, the business community feels it will articulate at length why eminent domain is not a good thing have in the plan. However, if you do move forward with it, it should be applied uniformly. Thank you.

CHAIRMAN KILLIAN: Thank you. Next speaker, please.
MS. GIN: Hi, I'm June Gin. I'm an Oakland resident, and I've attended many of the WOPAC meetings regularly in the last six months, and I have some comments about the redevelopment process.
First, I want to make it clear that I support the redevelopment process which can build liveable and sustainable communities in West Oakland to a historically disadvantaged community of color.
The first point is during the process there was a lot of discussion about eminent domain in West Oakland, and there's a lot of fear because as we've heard what's happened to communities of color in the 1960's and in the 1970's, but it's also important to recognize many community members who support eminent domain, they recognize its beneficial use, and they want to expand eminent domain to be a vitalized chemistry.
The second point is affordable housing. It's really, really desperately needed in the West Oakland. 69 percent of residents cannot not afford the median monthly payment of a home. The opposition that I have heard on the WOPAC seems almost reminiscent of redevelopment sentiment in West Oakland in the 1960's, or the 1940's when the redevelopment of the Acorn-- you know, only wanted moderate

income housing in West Oakland. And it's seems to me that we really, really need to recognize the input of low income community members and seems-- it's a clear threat to historically low-income communities of color, not eminent domain, but land use decisions that are made by wealthy powerful interests, displaces and marginalizes the land uses of low-income people of color, and there's a real need to incorporate the input of those low-income people of color.
And the final point I want to make is in EIR, CEQA specifies that the existence of social and economic and cultural impacts determine whether there are any significant environmental impacts. We don't see the recognition of the threat of the displacement of low-income people of color in the EIR. Thank you.

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CHAIRMAN KILLIAN: Thank you. Mr. Patton, would you call the next five speakers, please?
MR. PATTON: Jimmy Mack, Jimoke Hinton Hodge, Monsa Nitoto, Fred Merritt, and Sanjiv Handa.
MR. MACK: Good evening, Commissioner Killian. How you doing? Ladies and gentlemen of the Commission.
My name is Jimmy Mack, and I'm a long-time resident of West Oakland. I was raised down there on 9th and Wood, and I spent most of my entire life around here watching the city change, philosophically.
Right now, most of the low-income residents-- they

have been forced out of West Oakland and they-- they're-- they have not had a fair chance to present their case. SEWAR is an organization that has been kind of a representative of that. So, we think that eminent domain would be a good key to redevelop a lot of the portion of the land and give them equity, even if they have to put together a trust program, so that these people have a fair share, and shake at it.
I'd like to turn the rest of my time over to Brother Monsa.
MR. NITOTO: Thank you--
MR. MACK: Again-- I'm sorry, one other thing. This WOPAC organization that was put together, a lot of us residents didn't even know that it exists, and those that-- those that did, didn't have access to the process, and those-- and the people that do come down to participate, they feel isolated. So I think it should be a lot of changes made so that it represent everybody, just not a few of the powerful interests. But the few people that live there, and to get impact, and getting pushed out of they dwelling, and some of the other key aspects that are causing them a lot of discomfort. Thank you.
CHAIRMAN KILLIAN: Thank you. Next speaker, please.
MR. NITOTO: Once again, thank you. My name is Monsa-- and SEWAR, and I'm happy to be here this evening.

Again, I want to state that I understand WOCER. I'm going to say WOCER, because WOCER's got six votes on the PAC, and clearly that's a leadership effort, and other folks are influenced-- other-- WOCER has not been-- they got some business interest, and I've watched Cal Trans push some businesses out of West Oakland. I worked with George and other people during that period to try to help stabilize some of the businesses and get some back on 3rd Street-- you know, that Cal Trans took out.

My aunt's house was removed with eminent domain in 1958, so I'm aware of the threat of eminent domain. But I've also seen eminent domain used in Florida and in Boston where the community had control of it. I don't expect that this community is going to let a community organization get control of eminent domain, so I'm not here asking for that. I just want to see the newly-formed Merchants Association have an opportunity to invest in other people's homes, and have an opportunity to get their property developed, and adjacent properties that are downtrodden and raggedy, that they have the chance to impress the owners to do something about it, and we'll try to use eminent domain to get total control of it so we can fix them up.

So I know the businesses are concerned, and they're very concerned about eminent domain, and they have all kind of high-level arguments about it, and, you know, we-- I'm

sometimes an alternate at the meeting, but the access in terms of the community-- did I mention three or four hundred people? I know one night 40 or 50 people came in and said they wanted eminent domain. The next night there was no consideration for that inside the PAC, you know? They're one or two folks, Jimoke, and other people that-- you know-- support the process. And again, we're talking about limiting eminent domain on 7th Street with one of the main corners. We are not talking about taking people's home. Nobody wants to see anybody's home go, and that type of stuff, we're talking about businesses. We just shut down Red Star East. We worked for ten years to close Red Star East, so-- can I have your time?

MR. MERRITT: You may have my time.

MR. NITOTO: Fred Merritt?

CHAIRMAN KILLIAN: Go ahead. You have two more minutes.

MR. NITOTO: Okay. We worked for ten years to shut down that factory. No businesses came out to help us. They kept coming to us saying we're wasting our time, and we're going to be here for a 100 years, and we're gonna be here forever. But they were wrong, you know?

The community needs the transit village, and we want to put this master plan piece together so all that property is now fluent, except for a piece on 7th Street. And I won't get into the names, but, we would love to see a limited eminent

domain on that particular corner.

I think it's important also to mention that in the CEQA it says that a California Environmental action required that ERI consider social and cultural consideration. I once worked out in Lockwood Gardens. There were roaches and rats and everything, running around, and we were trying to get the place fixed up and remodeled, you know? And the city was concerned that we weren't going to do a good job. We hired a guy to paint and remodel, but the point I'm making is that when people's living conditions get down, you need to do something about it, and that's not inside of this EIR that they got here. And the Environmental Executive Order requires that principals of environmental justice distribution impacts be considered. That Red Star East factory pumped out 33,000 pounds of carcinogen. We shut it down. Nobody helped us. And still, we may be smited for doing that, because we are trying to help develop this transit village process, and that would be the final decision for you.

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But I mention this because there are diesel trucks-- 22,000 diesel trucks a day is what we're talking about in West Oakland over the next eight or nine years. Right? Right now there's 12,000 trucks through, everyday. We've got a truck counter going on for diesel trucks. Mr. Fred Merritt is one of the people counting the trucks out there. He counted on one day, 5,000 trucks at one corner. So the EIR is not

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considering that, and I think it should. It should talk about what the cumulative effects of diesel, of gasoline, and other factories, and also toxic fumes that are in West Oakland. For instance, there is a superfund in West Oakland. Mr. Bouze, can I have your time.

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MR. BOUZE: I give my time, yes.

CHAIRMAN KILLIAN: That is your last seat.

MR. NITOTO: Oh, you're going to allow three? That's fine.

I'm just saying there's a vital-- in West Oakland, right? And we're trying to mitigate this, now. We've got two projects going on with the EPA to mitigate it. I'm simply saying that there are a lot of environmental inequities in the community.

Now in terms of housing, the PAC is ultimately against any more low-income housing. And that's ridiculous. I understand putting them all in one huddled spot is bad because the poor feeds on each other and creates all kind of problems. We know that. But a mixed income with low-income inside of it, so that we got some zoning that includes, you know, low income housing, this PAC is like a right wing PAC somewhere out of Idaho. You understand what I'm saying? And it's not paying attention to the needs in this community. It has forgotten that this is the only community in the state of California where there was a majority of African-Americans.

1 That's why we want to put the project down there. We would
2 hope that they would respect the history of work around it,
3 but that respect is not there. Right now there are three or
4 four tenants on it, they come sometimes, and they are not
5 involved in the process. They need some more tenants there,
6 and we will this time vigorously get out and try to get some
7 people elected that would raise the tenant's concerns. We
8 made the error of being involved in the 7th Street and Mission
9 and other things like that, which is not a mistake by itself.
10 But we were involved in it, trying to help do some stuff for
11 the community. We did not have enough forces to deal with
12 this election of the PAC. But WOCER, you know, they did their
13 job, and so now we're up against a business wall. We don't
14 want to hurt the business, don't get me wrong. No, not at
15 all. But we know their concerns are a little bit outdated,
16 and we don't think that the way to fight the city on eminent
17 domain is to strip the community like they done. They got it
18 split-- this group over here, and the rest of us over here.
19 So I'm just saying if you want to fight the city,
20 you've got to invite the united community in to deal with it.
21 And we're at odds. And so we've been saying to them all the
22 time. You've got to unite this thing, make some compromises,
23 we'll make some compromises, and we can get together. And
24 then we'll make some decisions then, we can deal with it.
25 All right. Thank you.

1 CHAIRMAN KILLIAN: Thank you. Next speaker,
2 please.
3 MS. HINTON-HODGE: Good evening. My name is
4 Jimoke Hinton-Hodge and I'm a member of the WOPAC, and I
5 represent the 7th Street Neighborhood Leadership Engagement
6 Initiative-- we've changed our name. Since I'm a
7 community-based representative, I'm a little bit nervous, and
8 a lot has been said. I almost want to kind of react and
9 respond, and I'm sorry that Commissioner Franklin, is it, is
10 not in her seat, 'cause I know that she raised some concerns
11 and questions about eminent domain and wanted to talk to staff
12 about it.
13 There was clearly a split on the WOPAC around
14 eminent domain. I think that Brother Monsa actually spoke to
15 some of the dated ideas around eminent domain. It was amazing
16 that so many people came and presented from the Urban
17 Strategies Council, from Urban Habitat, many people that are
18 working on regional issues, development issues throughout the
19 Bay Area began to talk about how one could use in communities,
20 in particular, low-income, communities of color, brown, black,
21 could use eminent domain to their benefit. It was a very
22 difficult conversation to have. There was a lot of
23 resistance. And what was, I think, most painful about that is
24 how fear was created within the community, and that there's
25 still quite a bit of speculation that's going on in our

1 neighborhood. There's still quite a bit of gentrification
2 that's going on in our neighborhood, without paying attention
3 to the cultural dynamics that are changing. Not paying
4 attention to education issues that are horrible within West
5 Oakland.
6 So it's hard to have that fear argument on one hand,
7 and then have a valuable tool that doesn't get utilized. So
8 this limited eminent domain is going to be a difficult thing
9 to utilize because it is so limited. There's a way in which
10 it needs to be extended to look at the 7th Street corridor.
11 We did not speak about that.
12 And quickly, the implementation plan and the
13 development of an equitable development subcommittee, the
14 eminent domain subcommittees are all forces and tools that we
15 will use to monitor and make sure that this is a
16 community-driven process of redevelopment. We want to balance
17 redevelopment with gentrification and negative impacts and
18 want to see the positive impact through these sources driven
19 by the community. Thank you.
20 CHAIRMAN KILLIAN: Thank you. Mr. Patton,
21 would you call-- oh, one more speaker, and then the next five.
22 MR. HANDA: For the record, I'm Sanjiv Handa,
23 East Bay News Service, and I just want to speak to three
24 process issues.
25 The first one is that there are clearly obligations

1 as you know, under redevelopment law, and that is what staff
2 has been attending to. But there are also overriding
3 requirements under both the Ralph M. Brown Act, and the City
4 of Oakland Sunshine Ordinance.
5 The PAC as it has been created, the Project Area
6 Committee for the benefit of the viewing public, is a
7 legislative body as defined by the Ralph M. Brown Act.
8 Therefore, it is required to post notices of all of its
9 meetings, and it is required to provide the agenda and
10 agenda-related materials to all subscribers, or others who may
11 so request, can be subscribers. What is prescribed by the
12 City of Oakland procedures and by law in the Oakland Sunshine
13 Ordinance, which is cited in the Municipal code, is that
14 anybody may make a request on or after the first of January of
15 each calendar year to the City Clerk, to be added to either
16 the agendaed list, or the agenda and related materials list of
17 all legislative bodies that are under the authority or the
18 control of the City of Oakland.
19 East Bay News serves-- and it has done so every year
20 since January of 1992, and it's no secret to any city official
21 who's even halfway awake, that East Bay News Service makes
22 that request, because that letter is copied to every division
23 in the city, and more than 75 copies are sent of that letter,
24 as well as to every elected official, and a number of others.
25 So more than a hundred people in city's workforce, all

managers, receive this-- as I said, and all elected officials. And East Bay News Service has not received notices from either the West Oakland or the East Oakland project area committees. We certainly have not received these general related materials that are going to committee members, and while the committee is not subject to the expansive requirements of the Sunshine Ordinance, it must comply with the requirements of the Brown Act, which says that agenda subscribers must receive those materials the earlier of when an agenda is posted, or when the materials are made available to a form of the legislative body. So I want to read that as an issue, that is still not happening, and the remedy of providing law, is that somebody can write a letter requesting correcting-- and ask to have all the previous meetings voided, and then have you correct your meetings, where the body ratifies what it has done in past, or starts all over, and I think that's the request I'm making at this point. I'll be sending out a letter very shortly.

The only other procedural point is that all of the agenda-related materials need to be made available archively, and, as well all of the meetings-- the packets need to be as a minimum audiotapes, and those tapes preserved and made available to the public for review at no charge. I am finding that that is also not happening. The City Clerk has not been able to provide us with audiotapes of those meetings. Thank you.

CHAIRMAN KILLIAN: Thank you. Mr. Patton, call the next five.

MR. PATTON: The last group: Vivian Bouze, I believe. Darrell Ford, Bruce Beasley, Marcel Diallo, Lynne, I believe it's Horri (sic), Ellen Parkinson, Jabari Herbert.

MR. BOUZE: Hi. My name is Virian Bouze. Say I'm a business owner, I'm a project area committee member. I have a business-- well, I'm a member of the-- a business representative for the MacArthur/Hoover District. I have an auto repair school. I have an auto repair shop. I've designed a program to go back in the high schools to set people up so they can make auto shop part of their curriculum. Also, I've got a program designed for incarcerated people to come out on parole, to align themselves with a vocational school.

The automotive world is the largest business in the world. We-- my-- after doing-- I've been working on this draft impact report, and the way I'm looking at it is the port is growing in leaps and bounds. We got ports digging for more-- bigger ships coming in here, dropping bigger containers in here. We got a $38 million redevelopment program going on with the railroad, which is in the report. I didn't get a big enough map for it. And 580 doesn't allow trucks on there. The way they were describing earlier, 5,000 trucks a day is little bit low on the volume. I spent 10 years in the

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trucking business. I was an independent owner/operator. The only access you have is 80, and then you're going to have 880. And today-- or daily, the trucks are parked on Maritime from 7th Street all the way to the Grand Avenue. That's a large volume of trucks just sitting there waiting to come in or go out.

cont.

I'm designing a program to put a truck stop in this area to accomplish the volume of trucks sitting around where there's money for the ports, money for the City of Oakland, housing for truckers when they come in and out, fueling. And I think that it's going to be in your best interest to start looking at the volume of the traffic that will go in and out of here, and still not create a problem for your housing. And I think it's important to realize that it's an important factor to--

CHAIRMAN KILLIAN: Sir, excuse me. Could you wrap your comments up? Your time has expired.

MR. BOUZE: Basically, the way we're looking at this is-- I think that the way it's structured, we're looking at people moving too close to the airport for the kind of industry and growth that we're having here, and I think that we need to readdress that issue. Thank you very much.

CHAIRMAN KILLIAN: Thank you. Next speaker, please.

MR. BEASLEY: Good evening. My name is Bruce

Beasley, and I'm not from Idaho, I'm from West Oakland.

I'm a member of the WOPAC, elected as a representative of a community-based organization in an election run by the city.

I don't think that there's any member of the WOPAC that thinks this is a perfect plan, and that's probably a good thing, since it demonstrates how much compromise and accommodation went into the plan.

The WOPAC has met for more than a year and a half drafting this plan. We have met regularly, seemingly endlessly at times, and frequently with non-PAC members of the community. The results of these many meetings, the disagreements, the compromises are what is before you. No aspect of the plan was more difficult or contentious than the use of eminent domain. The section on eminent domain is a result of lengthy, painful, and sometimes fractious discussions, both within the WOPAC and the general public with us.

The position on eminent domain in the plan is a fragile compromise that leaves nobody completely satisfied. There were strong voices both in the community on the PAC that argued for no eminent domain, and there were others that argued for a more extended use. I believe that the democratic process is inherently one of compromise and give and take. And that is how the WOPAC arrives at its decision.

At the hearing tonight, you are seeing an end-run and attempt to change the plan on an issue of extending the eminent domain onto 7th Street at the last minute. This did not come up to the WOPAC, it was not voted on. This is an end-run attempt to sabotage at the last minute.

We in the PAC are asking the Planning Commission to not overrule us, and to not alter the position of the WOPAC on eminent domain. This would completely undermine the 18-month process the PAC has gone through, and would leave basically, a political train wreck. Thank you.

CHAIRMAN KILLIAN: Thank you. Next speaker, please.

MS. HORIUCHI: Good evening. My name is Lynn Horiuchi, and I represent the West MacArthur Neighborhood Council on the WOPAC. And I wanted to first of all extend apologies for Larry Rice, the Chair of the WOPAC, who is our Chair. He could not make it tonight because an emergency came up, and he could not get back from San Diego in time.

I'm also on the WOPAC EIR Committee, and we're going through the EIR page by page, very carefully. A pretty intensive process. And we will have a lot of comments on the EIR. One of our real concerns at the moment is the data. We don't-- we are not finding the support for the data, and we've asked for the special studies five times, and not received them. So we don't even know whether the special studies for

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this data exist.

We have concerns, of course, about all of the significant and unavoidable impacts-- the air quality, the traffic, the truck parking, the traffic noise, hazardous waste is of major concern, and the impact on the schools and parks as well. We're concerned about such statements that implementation of the redevelopment plans, projects programs, and other activities could result in the introduction into-- could result in the introduction of new businesses that involve transport of hazardous material. Those kinds of things are really red flags for us that we'll be giving to you in written comment, that we hope that you will carefully consider.

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For the-- for the West Hoover/MacArthur area, I would like to say that we are-- we are very much against eminent domain and that is as a result of our-- speaking with our constituents, and we feel that we've done our fair share of providing very low-income housing in the area. We have like, probably the greatest-- one of the greatest preponderances of very low-income housing in Oakland. Thank you.

CHAIRMAN KILLIAN: Thank you. Next speaker, please.

MS. MC DONALD: Good evening Mr. Chair, Commissioners. My name is Karin McDonald, and I represent

West Oaklanders on and around 7th Street on the WOPAC. It's a Prescott Neighborhoods Organization. I'm an immigrant. I'm not an immigrant from Idaho. I was probably-- I was actually the highest vote getter in a single project area to be elected to the WOPAC, and I wanted to say a couple of things about sore losers and things that may kind of seem like a recall right now, because we have people coming in here at the very last minute, trying to undermine the process.

This is the first time that a process such as this one has succeeded in West Oakland, and many, many attempts have been made to come to some type of consensus. It's a very, very difficult community to do something like this, and you've heard a lot of the reasons from-- in staff presentations there's just a lot of distrust in government, and things really haven't got a lot better.

Many of the presentations you've also heard tonight, and some of presentations that we've as the PAC heard, were made by members that don't live in the community. Particularly, they don't live in the Prescott or South Prescott neighborhoods, and Prescott and South Prescott is where the 7th Street development are located, about which people were speaking. The transit village and all the streets that border it.

I would like you to know that we did a lot of outreach-- an incredible amount of outreach. As much as we

could, in fact. People-- I mean, we did everything except for going door-to-door and forcing people to come to one or our meetings, and we've had sometimes three meetings a week, and they were pretty lengthy, too. So we've held town hall meetings, we've put a newsletter together, we went door-to-door, we have members of the WOPAC standing on street corners trying to get people to come and participate, and a lot of people did.

Prescott/South Prescott was pretty solidly opposed to eminent domain, and still remains such. And, the reason for that is we talked to our neighbors, we talked to our constituents, and everybody is opposed to it.

The compromise that you have before you is due to fact that people from the subarea that now has limited eminent domain came out and asked for it, but the people in the other two subareas were opposed to it, and we've come to a compromise-- this is what we have, this is the very best we can do, and we really hope you respect that. Thank you, very much.

CHAIRMAN KILLIAN: Thank you. Next speaker, please.

MR. FORD: Good evening. My name is Darrell Ford, West Oakland resident.

It's just kind of really difficult keeping up with this process, and just all the lengthy meetings, so many in

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cont.

1 fact, talking about the eminent domain issue, that the EIR
2 wasn't adopted until last week.
3 As a community we see the document, we really
4 haven't had enough time to digest the document and read and
5 get back coherently-- and clearly, with the information
6 inside.
7 Also, just speaking on the issue of living in the
8 Prescott area, and having a family business in that area, it
9 seems that some things can be done with eminent domain, seeing
10 that's it's done geographically in other areas. I don't feel
11 that my voice was heard in trying to get that thought out. I
12 feel that this process in which you see is, yes, you do see
13 last minute, you do see that because there's a desperation in
14 this community saying that our voice was not heard. We were
15 shut out of the process. You can generalize and say, yeah
16 there's some people not the area or whatever, living in the
17 area, but also, hey, these businesses-- a lot of those owners
18 do not live in the West Oakland community, although they have
19 an interest there, they should be part of the community,
20 although they feel obligated to separate themselves.
21 In this process, as you can see, it is not perfect.
22 As you can see, there-- there are some bugs that need to be
23 worked out. And having said that, it seems clear that maybe
24 this body should have that body come back a little while later
25 with a little bit more work under its belt, and say, hey, if

1 you think you've reached a final place where you can't make
2 any type of, you know, leeway, or type of deals or whatever,
3 think again. Because these are communities. I mean, your
4 business is only operating if you have a community that's able
5 to function and purchase there.
6 Also, about relocation, it's only-- you leave, but
7 you're never afforded to come back.
8 CHAIRMAN KILLIAN: Thank you. Mr. Patton, are
9 there any other speakers? I have one final card, Margaret
10 Gordon.
11 MS. HERBERT: Hi, my name wasn't called. My
12 name is Jabari Herbert. I am a resident of West Oakland. I
13 actually am a member of the PAC. I represented the Ralph
14 Bunche/McClymonds/Clawson area as a residential tenant.
15 First or all, you know, I do want to commend both
16 staff and members of the PAC, because it took a lot of effort
17 to get this far with the process. It was very devisive, and
18 it took a lot of time on members that was involved.
19 In regards to representation, clearly, if you look
20 at just the numbers alone, members of the PAC was made up of
21 residential tenants, homeowners, business owners, and
22 community organizations. If you look at the amount of
23 residents in West Oakland, 79 percent are residential tenants.
24 So it wasn't democratically represented, it's on the PAC,
25 based on the folks who live in West Oakland. You might be a

1 homeowner, but historically, that's only represented less than
2 30 percent over the lasted 30 years. If you look at the map,
3 the highest growth group in West Oakland, a minute away from
4 7th and Mandela, the statistic has been households making over
5 $150,000. So clearly there are some dynamics and changes
6 occurring in West Oakland, so cases like gentrification are
7 serious, and there have been concerns. There were strong
8 votes done on the issue of eminent domain, and for once you've
9 had the community who has been urban or black renewal actually
10 support as a tool, you know, the use of eminent domain.
11 My time the limit-- I'm now going to speak on behalf
12 of the employee for the West Oakland development, which has
13 championed the transit-- the Mandela Transit Village Project.
14 Clearly as a tool, I believe eminent domain would be
15 beneficial to the city. It was a much needed tool by the
16 Oakland Housing Authority to enable themselves to create the
17 Mandela Gateway Project. It was the only reason J & A was
18 able to be moved out of the area. And I think that project
19 has the gateway of the transit village, needed eminent domain,
20 and clearly 7th Street, would need the tools. And I have to
21 concur with WOCER. As a member of WOCER it was through the
22 alliance, it should be applied uniformly. Thank you.
23 CHAIRMAN KILLIAN: Thank you. Next speaker,
24 please.
25 MS. GORDON: My name is Margaret Gordon. I was

1 one of the people who organized the process to have a WOPAC.
2 I did not expect the WOPAC to be 75 percent homeowners. And
3 that's what happened. When they said CBO's, they said it was
4 neighborhood associations. It was community organizations
5 sitting at that table. That's number one.
6 Number two, there was no Latinos.
7 Number three, a lot of stuff did not go out to the
8 Latino community to be engaged in what was going on in
9 Prescott, Hoover/Foster, Ralph Bunche/McClymonds area. So,
10 you know, if looking at that fact, you need to be clear. 75
11 percent of the people who sit on that PAC are homeowners.
12 And another thing, when we start talking about
13 eminent domain, we had a strong poll vote of individuals from
14 all over, all of the eight-- six neighborhoods, seven
15 neighborhoods who came and said they wanted to limit this
16 eminent domain, and they refused to deal with the community
17 saying what they wanted. Individuals on the PAC said we get--
18 what the people said, I don't want eminent domain because it's
19 going to take away my housing rights, it's going to take away
20 my ownership away from me of being a homeowner, all this fear
21 factor. They never use it as a tool to support or access the
22 community as the whole, and give everybody something. It's
23 all about the homeowners or the businesses, it's not about
24 everybody getting a piece of the pie like redevelopment is
25 supposed to do. So, let's be clear. They don't even want to

1 talk about the equity benefits or social equity process that
2 would give everybody something inside of the redevelopment.
3 So the-- you know, like, this has been my nightmare as
4 organizer. I have organized this stuff, and is done nothing
5 but gave heartburn, because everybody is not getting something
6 out of it.
7 CHAIRMAN KILLIAN: Any further speakers, Mr.
8 Patton?
9 MR. PATTON: Okay. Yes.
10 MS. PARKINSON: See I'm the youngest one out
11 here. So, since I'm the youngest one out here, they forgot
12 me. But anyway, I want to say that I'm Ellen Wyrick
13 Parkinson, and I represent the business people in the Prescott
14 area-- the small business people. And I did talk to some of
15 the small business people, and they did not want eminent
16 domain. But that's not the issue. The issue is that we're
17 working on a plan for West Oakland-- the rest of West Oakland.
18 I went through the plan for the Oak Center area. We
19 had a lot of problems, but we worked the problems out, and I'm
20 sure most of you know where Oak Center is and what it looks
21 like after redevelopment. So, if all of us work together
22 rather than trying to divide ourselves, I think we will have a
23 beautiful rest of West Oakland. It's the idea that we all
24 agree, and we all disagree. But if we take our interests
25 where it should be, and that is betterment of Oakland and West

1 Oakland. And by working together, we can make it happen.
2 That includes you, and me, and you, and you. It doesn't
3 matter how it was put together. I'm sure it was the city
4 officials that put together how we should work on this
5 redevelopment plan. I'm sure it wasn't me that said it should
6 be done this way. I'm sure it came from some official here in
7 the city that organized the West Oakland PAC the way that it
8 was organized. I want you to you understand this.
9 So since it was done this way, this is the way it
10 was supposed to have been done, and this is what we did. And
11 as I say, we're all here working for one purpose, and that is
12 to beautify and make a better West Oakland for each and every
13 one of us. And we can do it if we have the backing of the
14 people that we supposed to. Together we stand, divided you
15 fall. Don't ever forget that.
16 CHAIRMAN KILLIAN: Thank you. Mr. Patton, any
17 further cards?
18 MR. PATTON: I have no more speaker cards.
19 CHAIRMAN KILLIAN: We're going to close the
20 public hearing now.
21 MR. DIALLO: I just walked in. Can I speak?
22 CHAIRMAN KILLIAN: Bring your card up, sir. Go
23 ahead and state your name for the record, but you need to fill
24 out the card so we have an accurate written record.
25 MR. DIALLO: Marcel Diallo. Property owner

1 down in West Oakland. And-- just my few thoughts on the
2 WOPAC, 'cause I kind of sat in on the majority of meetings,
3 and, you know, watched this plan come about. It wasn't that
4 much representation from the renters, the tenants, things like
5 that. It was a lot of us owners who live there, and who don't
6 live there kind of drafting this thing that's going to
7 basically effect everyone. So, I think it needs a little more
8 time for us to be able to pull in some other opinions, or to
9 even hash out amongst ourselves a plan that would be a little
10 more lenient towards residents. 'Cause I hear a lot of things
11 being talked about, well, resident owners are protected.
12 Resident owners. And although I'll be a resident owner, and a
13 pretty good one, and wealthy one at that, I still wouldn't
14 want anything less for somebody who couldn't afford to be
15 there once this gentrification takes hold, because that's what
16 this redevelopment plan is ultimately going to support. If we
17 don't watch out for the residents that's already there, it's
18 going to basically like impair the gentrification, and that
19 wouldn't be a good thing right now in West Oakland.
20 So that's just my little piece to the pie. I need a
21 pen.
22 CHAIRMAN KILLIAN: Thank you. Any further
23 speakers, Mr. Patton?
24 MR. PATTON: None.
25 CHAIRMAN KILLIAN: Okay. Hearing none, the

1 public hearing is now closed. Before we start discussion of
2 the commissioners, Ms. Cappio, could you just give us a brief
3 outline of when the comment period will close, and a
4 projection of when you file, and when the EIR report will be
5 before us.
6 MS. CAPPIO: Certainly. The EIR public comment
7 period ends Monday, July 28th at 4:00 o'clock. Written
8 comments are encouraged, and can be either sent or submitted
9 by hand to this-- to our offices at 250 Frank Ogawa Plaza.
10 Alternatively, there's also e-mail. So we'll accept them any
11 way, and we have to encourage them, because they provide a
12 better, more thoughtful response, because we see it in
13 writing.
14 After that, all comments will be compiled and
15 responded to, which is required by CEQA, and we expect to have
16 the final EIR out sometime in September.
17 CHAIRMAN KILLIAN: So, just to be clear, the
18 public comment period closes July 28th?
19 MS. CAPPIO: Monday, July 28th at 4:00 o'clock.
20 CHAIRMAN KILLIAN: And where should those
21 comments be sent?
22 MS. CAPPIO: They should be sent to 250 Frank
23 Ogawa Plaza, Suite 3330, Oakland California 94612. And-- I
24 always remember my own zip code-- and attention Elois
25 Thornton, or alternatively myself, Claudia Cappio.

1 CHAIRMAN KILLIAN: Thank you, very much. Now
2 we're going to have comments from the commissioners. Just
3 remember, we're not taking a vote tonight, and we're not
4 reaching a conclusion tonight. But we certainly want to have
5 our comments addressed in the EIR in any direction you wish to
6 give staff.
7 So why don't we start from the left and go to my
8 right, and just comments from the commissioners. Commissioner
9 McClure?
10 COMMISSIONER MC CLURE: Just as a point of
11 clarification. The green area in the McClymonds map there,
12 that's the only area that has been designated for eminent
13 domain?
14 MS. THORNTON: No. Actually the entire
15 subarea, Clawson/McClymonds/Ralph Bunch, is potentially
16 subject to eminent domain. We simply have two standards, if
17 you will, and that's why they're two different colors.
18 For redevelopment purposes, if you want to pursue a
19 redevelopment project, we would use eminent domain within the
20 green areas, and these are major commercial thoroughfares.
21 Basically growth and change areas that were defined in the
22 general plan.
23 However, there may be instances where the property
24 is blighted that's off the corridor, and they would have to
25 meet those four criteria that are identified in the plan, and

1 then summarize them in the staff report.
2 So the entire area is subject to eminent domain,
3 there's just different standards depending on if you're in the
4 green area or the gray area?
5 COMMISSIONER MC CLURE: But we don't-- but--
6 if I understand then, that the Prescott and South Prescott
7 area, and the West MacArthur/Hoover area have no designated
8 eminent domain area?
9 MS. THORNTON: That's right. So under no
10 circumstances would we have eminent domain in those two
11 subareas.
12 COMMISSIONER MC CLURE: But here in
13 McClymonds-- in the McClymonds area, one of the designations,
14 or one of the considerations was that if it's a major
15 commercial corridor, eminent domain should be invoked. And--
16 7th Street has been brought up quite a bit, and I can't think
17 of a more major commercial corridor in West Oakland than 7th
18 Street, so how was 7th Street left off?
19 MS. THORNTON: Initially, the limited eminent
20 domain provision was discussed to apply throughout the area.
21 As many of the members have said, we've had countless meetings
22 on this topic, town hall meetings, discussions in the eminent
23 domain committee, and consistently among the WOPAC members
24 there was a split, where the WOPAC members who represented
25 Clawson/McClymonds/Ralph Bunche almost consistently said we

1 want eminent domain as has been defined. And the WOPAC
2 members in the other two subareas almost consistently said, we
3 do not want it under any circumstances. So, as a compromise,
4 the representatives of the WOPAC who wanted it, we decided to
5 cover that area.
6 COMMISSIONER MC CLURE: Maybe I'm from another
7 planet, that just doesn't make any sense to me.
8 MS. THORNTON: Again this--
9 CHAIRMAN KILLIAN: Hold on. Hold on one
10 second. Please keep your comments to yourselves, please. Do
11 not interrupt speakers. This is not a sporting event. We
12 don't base our votes on how loud you cheer, or affirm what is
13 said. Everyone here listened politely to your comments, and I
14 request that you do the same for the Commission.
15 MS. THORNTON: I just wanted to close by saying
16 we do understand your point. The map is shown to reflect
17 really the concerns of the WOPAC membership.
18 COMMISSIONER MC CLURE: How-- how-- how is it
19 that the WOPAC membership got divided into three separate
20 communities?
21 MS. THORNTON: Historically, the West Oakland
22 district has had these neighborhoods. Going back to block
23 grants in the 60's, the district has been designed by
24 Prescott, South Prescott, etc. And so we took the existing
25 neighborhoods, because in different areas, if you're familiar

1 with land use patterns, sometimes there are different
2 interests within the different areas, and so we wanted to make
3 sure that each area, with its unique characteristics, had some
4 representation. So we continued with the boundaries that have
5 been defined years and years ago, and then crafted the
6 membership representation, so that each subarea would have a
7 person on the board to speak about his or her intensive
8 community.
9 COMMISSIONER MC CLURE: And do the members of
10 the Prescott and South Prescott WOPAC understand the
11 importance of the West Oakland Transit Village?
12 MS. THORNTON: I believe they do. You have
13 members here from that district that you may want to direct
14 that question to.
15 COMMISSIONER MC CLURE: I just think there's
16 specific properties in that area that they could stay there
17 for 30 years. If you want to come up, please come up. I
18 mean--
19 CHAIRMAN KILLIAN: No. Hold it. Hold it.
20 Hold it. The public hearing is closed. We're not trying to
21 debate or reach a finalization. We are keeping comments, and
22 we're addressing concerns. Remember this is just a draft EIR,
23 we're not taking any vote tonight, so let's keep this sort of
24 orderly. There's going to be a several month process in
25 response by staff. So what we're trying to do now is get the

1 issues out so that they can be addressed in the final EIR.
2 COMMISSIONER MC CLURE: I'm done.
3 CHAIRMAN KILLIAN: Thank you. Commissioner
4 Franklin?
5 COMMISSIONER FRANKLIN: I just have one
6 question for staff, and I think this a point of clarification.
7 One of the gentlemen back there, with the hat on
8 talking right now, said this is a final. It's actually a
9 draft, and that's why we need you to have a comment. And with
10 that being said, it sounded like the public comment period is
11 over July 28th, and my question to staff is are there any
12 WOPAC meetings scheduled before then? And can we see when
13 they are, what time, and where?
14 MS. THORNTON: Our WOPAC meetings occur on the
15 second Wednesday of each month, and so we've had the meeting
16 for July. There would not be another general body WOPAC
17 meeting prior to July 28th. There will be WOPAC meetings in
18 August and in September and really throughout the remainder of
19 this process.
20 I just want to clarify that the comment period for
21 the EIR ends on July 28th. And then as Ms. Cappio said, we
22 want to bring the EIR to you for clarification. But there are
23 other opportunities to comment on the plan beyond July 28th.
24 Our next step would be to go the City Council,
25 specifically the Community and Economic Development Committee,

1 and that is going to occur sometime in October. I think
2 October 4th, but I have to check the date. And that is a
3 public hearing. And at that point, we will expand
4 notification to every property owner and tenant in the project
5 area. We've done so before, and that covers about 16,000
6 individuals that received notices of those meetings. And so
7 you have that opportunity.
8 Additionally you have an opportunity before the City
9 Council, full council redevelopment agency, and that's going
10 to happen on two Tuesdays in November. And so the comments on
11 the redevelopment plan will continue, really up until the time
12 that the agency takes action-- city council takes action.
13 CHAIRMAN KILLIAN: Anything else? Okay.
14 Commission Jang.
15 COMMISSIONER JANG: I'd like to return to
16 Commissioner McClure's comments and questions, 'cause I'm kind
17 of confused myself about the issue of eminent domain. Because
18 it seems to me that-- and I like to try and craft it in such a
19 way that it can be addressed by staff and in the final EIR.
20 Because it seems to me that by using the limited eminent
21 domain, all you're doing is basically addressing blight, and
22 not addressing revitalization. I don't know if that's the
23 other commissioners' sentiment on this. So, as I understand
24 it, it's really used only for clear and immediate danger,
25 which, as you said, if one of the staff people could address

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1 that. Because I think the issue that we're looking at, and
2 it's probably key to what we want to see revitalization. And
3 I know that it's voted on by a committee of the-- of concerned
4 citizens, but then I'm wondering about the other areas which
5 potentially could enhance West Oakland.
6 MR. VANDERPRIEM: With regards to eminent
7 domain, there was quite a bit of discussion about the
8 advantages of having eminent domain, particularly in the BART
9 station areas, and I was one of the people that brought this
10 issue, and tried to advance the discussion on this with the
11 PAC.
12 The-- and examples were given of properties that
13 were underutilized in the BART station area that could be
14 continued to be utilized for years, and the advantages of
15 possibly assembling the property to be able to implement the
16 transit village there.
17 There was-- as has been indicated by speakers, a lot
18 of concern about past abuse of eminent domain from the 60's
19 and 70's, etc. And at the same time there were outreaches in
20 public town hall meetings where eminent domain was discussed,
21 and there was a divergence of views. It wasn't a pure view on
22 eminent domain, there was a divergence of views throughout the
23 community. Members of the public came seeing some of the
24 benefits and some of the downsides of eminent domain.
25 We could, at the direction of the Commission,

1 provide a supplemental report with some pros and cons of the
2 use of eminent domain, and some more history behind this
3 discussions of the outreach. If that would assist in making a
4 decision.
5 COMMISSIONER JANG: That would help me.
6 CHAIRMAN KILLIAN: Any other comments?
7 COMMISSIONER JANG: No, I'm fine.
8 COMMISSIONER FRANKLIN: Can I ask a quick a
9 question about that?
10 COMMISSIONER LIGHTY: He's the Chair.
11 CHAIRMAN KILLIAN: I'll defer it to you.
12 COMMISSIONER LIGHTY: Please, go ahead.
13 COMMISSIONER FRANKLIN: Just a question for
14 you. And in that, can you have a more of a detailed
15 discussion about the violations of buildings codes? What
16 specific building codes would you want to have in there? Or
17 would it be any arbitrary building code? I think we need to
18 kind of define that, to have a better understanding of that
19 piece.
20 MR. VANDERPRIEM: Yes.
21 CHAIRMAN LIGHTY: That was certainly worth--
22 Commissioner Lighty?
23 CHAIRMAN KILLIAN: It's always worth hearing
24 from Commissioner Franklin.
25 Just to start off with. I think we're-- aren't we

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1 confusing the draft EIR with the redevelopment plan? And that
2 eminent domain is not an issue in the draft EIR, if I'm-- is
3 that correct?
4 MS. CAPPIO: I'm going to take a shot at this.
5 I don't know whether I'll do it.
6 Eminent domain is a tool of redevelopment. And as
7 such, it must be studied with regard to the physical impacts
8 that might result from the use of eminent domain. But we do
9 not have a particular site we're looking at, we're just
10 looking at an area, and eminent domain being the tool. As Dan
11 said before, it's used very rarely, twice in the last 15
12 years, so we're not talking very standard, and we need to look
13 at the results, and part of that is looking at what some of
14 the speakers said, is there a potential to disrupt or divide
15 an established community? And quite often eminent domain, if
16 you're looking at that as a tool, you're thinking, what am I
17 going to do if I buy this property and lose all of it?
18 In that regard we have not done site specific
19 analysis, but we have generally looked at the impact that may
20 result from the use of various tools, grant programs, long
21 programs, developer assistance, and obviously too, in a
22 general way, eminent domain.
23 COMMISSIONER LIGHTY: Right, but what we've got
24 here-- really what the crux of the issue is here, it is not on
25 the EIR side, it's on where can you do it, and under what

cont.

1 conditions can you do it.
2 MS. CAPPIO: Right. That's clearly and
3 classically a redevelopment issue, but this is both your
4 initial hearing on the redevelopment plan, or the draft
5 redevelopment plan, and the draft EIR. I've been thankful for
6 one, that the speakers who have talked about the draft EIR
7 have done so quite clearly, and the redevelopment issues have
8 been discussed in a distinct-- in a distinctive way as well.
9 COMMISSIONER LIGHTY: Yeah. So, what I look at
10 in terms of the redevelopment is-- and-- and I understand the
11 fear factor, and the history factor, which I think is real.
12 But if you look at what is laid out in as the criteria for any
13 eminent domain action, the WOPAC is involved, there are
14 certain areas targeted for physical blight, and then there's
15 that specific area, the Clawson/McClymonds/Bunche or parcel
16 assemblage, essentially redevelopment project use, and then
17 there's the three acre limit. So it's hard to imagine-- given
18 those parameters-- it's hard to imagine approaching the level
19 of use that's historically been associated with eminent
20 domain, given those parameters. I'm having a hard time seeing
21 that as a reality under those parameters, particularly given
22 that you can't take away owner-occupied residences. So--
23 which has obviously been-- well, I don't want to dismiss the
24 business concerns, but I know that certainly a lot of the fear
25 factor comes from the residents.

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1 So it seemed to me that then you have to look at it
2 in terms of essentially economic development. And I don't--
3 I would really praise the WOPAC, I think they've done an
4 incredible job. I think that it's hard to make the case, I
5 guess like the brother from another planet down there,
6 Commissioner McClure, who-- I mean it's hard to make the case
7 on the economic development side, where-- where the lines are
8 drawn for the use of the tool, right? And you've got-- you
9 got the transit corridor that's got blighted properties, that
10 are going to interfere-- that is the transit village-- you've
11 got blighted properties that are going to interfere with the
12 development of that project, what exactly is the rationale for
13 not applying eminent domain under these restrictions? Is it--
14 so what we've heard is that the WOPAC is democratically
15 elected. We've also heard that the majority of the population
16 that lives in the neighborhood is not proportionately
17 represented. Right? The stakeholders are well-represented,
18 79 percent of the population are tenants, they are not 79
19 percent of the WOPAC. How then, are we to evaluate that body
20 as a democratic body, and what privilege would we give to it?
21 I think that's-- I think it's a tough case to make that that
22 in and of itself-- the decision of WOPAC in and of itself, can
23 be privileged as a democratic decision.
24 So then we go back to the policy issues, and it
25 seems to me in that case that WOCER's concern let's apply

1 equally-- uniformly. If there is an economic developmental
2 reason to do so. I think that's right. Where has the
3 redevelopment planning process identified that? Are there
4 other areas of the sides demonstrated where there is a clear
5 economic development rationale? I'd be open to hearing that.
6 I haven't heard it. I think it's compelling in the case of
7 7th Street. I would apply, you know, formally on that
8 criteria. Where is there an economic development rationale to
9 do it? Given-- given these strictures, I would keep these
10 restrictions, but I would-- I think the building code
11 violation with some great specificity, I think broken
12 windows-- I don't think we're really talking about that, if
13 that were to provide a reassurance factor, we ought to specify
14 the building code issue, and hopefully the end result is not
15 the city having to pay another-- for another building that is
16 torn down. I think the Bermuda building is a mixed result
17 there in one sense. But I think that we do need to look at
18 that building code.
19 Then just-- I just had a quick question on the low
20 and moderate income housing. It's basically, as some of the
21 speakers said, it's essentially the redevelopment process
22 that's going to be used to continue gentrification in the
23 neighborhood, right? We then have the provisions for support
24 for low and moderate income housing. So the question is: Can
25 all of those provisions for low and moderate income housing,

with the exception of the replacement provisions. So, I know the replacement provision basically means if you live in a low and very low income housing, you have to replace it, right? It says that. And it says also, if you eliminate moderate income housing, you have to replace it. Okay, so that's distinct.

Then though, it talks about public improvement and support for low or moderate income housing. The question is: Could you fulfill those requirements, and simply limit your support to moderate income housing? And does that mean, effectively if there is no requirement to support any very low, or low income housing? Because it says "or moderate," so if you simply do moderate income housing, can you fulfill that requirement? I think that's-- I mean is that a question that can be answered tonight?

MR. VANDERPRIEM: Well, we'll put it in the supplemental report to you. But quickly, the answer is there is a requirement to spend a portion of this money to either add to, or improve the stock of the low and the very low income housing as well. So, one could-- and that's a requirement of state law that the money needs to be spent that way. So one could have a rehabilitation program, let's say, that part is fixing up the very low income housing, preserving that stock, putting the fee restrictions on, so it remains affordable at that level, and then build additional mixed

income housing. For example, for a moderate income housing. So there is some latitude, but you cannot just focus that money on that one moderate income group. We'll give you a more complete explanation in our supplemental report.

COMMISSIONER LIGHTY: So I think that there's got to be the counter balance. In a plan where you're consciously trying to gentrify the neighborhood, enhance it socioeconomically, I think you have to make provisions for the very low and low income housing.

On the draft-- finally on the draft Environmental Impact Report, I think that we still have, you know, the fundamental issue of trucking in West Oakland. And we're not getting away from that, right?

MR. VANDERPRIEM: Right.

COMMISSIONER LIGHTY: So, the question is: What specifically is part of redevelopment? What kind of mitigation measures are going to be undertaken so that as truck traffic flows through the neighborhood, or around the neighborhood on the freeway, we're going to reduce the impact, right? And how are we going to use the redevelopment process to create mitigation measures or economic opportunities that are going to lessen the truck traffic impact? And I don't-- so, I would think we would want to be-- and maybe I haven't reviewed it closely enough, but I would hope we could be proactive and take the opportunity of redevelopment to lessen

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cont.

the impact of trucking. 'Cause we have an opportunity here, let's take it.

CHAIRMAN KILLIAN: Okay. Thank you. Commissioner Lee?

COMMISSIONER LEE: Correct me-- it seems to me that this area-- I guess if Claudia could help me understand that-- is that-- the eminent domain area is only this area. It seems to be community opinion driven, but the-- I think the--

MS. THORNTON: Yes.

COMMISSIONER LEE: I just want to understand it better. It seemed to be community opinion driven decision making?

MS. THORNTON: Yes. At the--

COMMISSIONER LEE: So, it looks like the Grand Avenue corridor, and the Mandela Parkway corridor is the focus?

MS. THORNTON: Uh-huh.

COMMISSIONER LEE: For that, okay? So the decision to have this area designated as redevelopment area is based on the community opinion.

MS. THORNTON: Just one clarification, the entire area, Prescott/South Prescott/Clawson/McClymonds/Ralph Bunch/West MacArthur/Hoover would be a redevelopment area.

COMMISSIONER LEE: Will be--

MS. THORNTON: The entire area. It's just that eminent domain provisions would only apply to that middle section.

COMMISSIONER LEE: Okay. The-- the theory of the 7th Avenue-- and I hear many times about this transit village theory-- you know, the development in the future, and the focus in that area, and that will still be intact, in this area, right?

MS. THORNTON: Well, it is within our project area. WOPAC and staff have not looked specifically at that particular development. Our focus has been on establishing a redevelopment area. Our next step would be after adoption, to look at specific projects, and I'm sure that would be one of them.

COMMISSIONER LEE: Okay. And the other thing I'd like to understand is has there been any sort of like a master planning, or any research done or looked at as a whole West Oakland, what the direction is driven?

MS. THORNTON: Actually, I'd like to defer to the Planning Department for that type of question.

COMMISSIONER LEE: Well, maybe it's too early to ask that question. I'd like to understand the different direction that it's going, you know--

COMMISSIONER GOULD: There really hasn't been a master planning or sometimes it's called a neighborhood plan

1 done recently for West Oakland. There are lots of projects
2 and programs, ongoing. Housing programs, code enforcement
3 programs, you know, we're working on zoning. There are lots
4 of different things going on to really target revitalization
5 efforts in West Oakland, but there isn't one coordinated plan
6 that's been put together in the document.
7 COMMISSIONER LEE: Okay. Is there any
8 potential-- is there any plan later on--
9 COMMISSIONER GOULD: There is a general plan.
10 The general plan in terms of land use, in the zoning there is
11 a lot of effort going on that way, and probably that's the
12 closest thing to what might constitute a neighborhood plan in
13 terms of how-- what's the future of this, for this for
14 development of the area. But in terms of a comprehensive plan
15 for West Oakland that looks at all the public infrastructure,
16 all the private development, all the zoning, all the land use,
17 it's not quite-- we haven't got the research in a way to
18 package that together. That's not to say that's not
19 happening, it's just happening a different sort of functional
20 areas.
21 CHAIRMAN KILLIAN: Okay. Thank you.
22 Commissioner Mudge?
23 COMMISSIONER MUDGE: One of the issues that
24 came up in the zoning update was that this redevelopment plan
25 doesn't change any of the land uses in West Oakland, that

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1 they're all still going to be designated the way they're
2 designated under the current job plan. So this redevelopment
3 plan is more of a financing mechanism, so that tax increment
4 financing can be used in this area for redevelopment purposes
5 and revitalization.
6 And I-- I had a question, though. We have to find
7 that the area of West Oakland is blighted before we can put it
8 into a redevelopment area. Is that not one of the legal
9 requirements before you can even adopt a redevelopment plan
10 for an area? So-- so that is sort of a-- when the city
11 council ultimately adopts a redevelopment plan, there have to
12 be findings of blight; is that correct?
13 MS. CAPPIO: That's correct.
14 COMMISSIONER MUDGE: The other concern I have--
15 and this is the first time I have ever seen this redevelopment
16 plan, but I was very struck by the restrictions on eminent
17 domain in here. I'm both concerned about the lack of
18 uniformity throughout the entire area, and the limitations
19 on-- on the power within the area where it's being allowed at
20 all. And I'm curious as to whether there's any other model in
21 California for redevelopment plans that put these types of
22 restrictions on the power of eminent domain. I know
23 reasonable people can differ over the power of eminent domain,
24 and I'm very sympathetic to the fact that in the 60's, whole
25 blocks were basically razed and paved over and made very

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1 unfriendly to human beings. And it's been-- the power has not
2 always been well used. But it is an important tool, and I had
3 some-- some real concerns about tying the community's hands
4 later, by putting both geographic descriptions in these types
5 of size. Three acres seems very small to me as a sandwich
6 parcel, and I don't know how that was reached-- that three
7 acre limit was reached, but I'm sure there were debates about
8 that size, but it seems kind of small to me.
9 The other issue that really popped out at me was
10 this eight year limit for blighted properties in the grey
11 area, that unless eminent domain was instituted within eight
12 years of the adoption of the plan, it couldn't be used. And
13 I'm very puzzled by that, because it would seem to me,
14 particularly in that grey area, the use of eminent domain
15 would principally be for blight, if I understand it correctly,
16 or violation of safety and health. And for instance, if there
17 were to be a major earthquake, which was an example I think
18 you gave earlier, nine years after the adoption of the plan,
19 does that mean that the agency couldn't the power of eminent
20 domain at that point? So if you could-- with those concerns
21 in mind, tell me if there are other redevelopment plans in
22 California that have taken this approach?
23 MR. VANDERPRIEM: All right. And we'll provide
24 again, a more thoughtful answer to your response. I quickly
25 wrote out a list of questions.

1 Frankly, the redevelopment-- the limitations that
2 individual communities adopt on eminent domain, range all the
3 way from whatever the state law would allow, which is a full
4 use of eminent domain all the way down to no eminent domain at
5 all. So, it's not unusual there would be limitations with
6 eminent domain. These limitations are certainly more complex
7 than you would normally see in the redevelopment plan, but
8 then again, there were a lot of competing interests that tried
9 to come to an agreement on this that was well expressed by
10 members-- PAC members and the negotiations that have gone on
11 to arrive at this.
12 So it's-- it's not unusual to have locations with
13 eminent domain. These are very high standards to be able to
14 use eminent domain. And we expressed that to the PAC, and
15 they know and they want that high standard, but there's a very
16 high threshold to meet. For example, the eminent danger to
17 health and safety is a fairly high standard to meet in the use
18 of eminent domain.
19 Secondly, that the three acre limitation-- I think
20 we originally recommended five acres. But the idea behind
21 that was to avoid wholesale clearance, which was one of the
22 things that happened in the 60's that people were concerned
23 about. And I believe that that number, what was chosen by the
24 PAC, was the intent behind that was to allow enough-- to some
25 neighborhood commercial developments, but not a big box type

of development. That won't be neighborhood served. I that's-- that's pretty much what the discussion was.

Regarding the eight year limitations. The-- I think the main issue just looking at it from a redevelopment manager standpoint, you're limiting your ability to use eminent domain to the years when you have the least amount of money, because the money increases every year. So, the first year you have zero money coming in, the second year is when you get your first payment, and then it ramps up pretty significantly. So, you've reduced-- the 30 percent you've reduced-- 30 percent going from 12 years down to 8, may represent 50 percent of the money that you would have in a 12 year period. So, that's a fairly significant limiting factor. And one could argue if you have the right limitations of policy built into the plan, why limit the time frame and the money to implement those policies? So, I-- I'm not-- I have to admit I was not at-- and I don't know all the discussions behind why that limitation occurred, but we can detail that in a report back to you.

But again-- and frankly, we might very well-- show you that the first 8 years may be about-- my guess would be 40 or 50 percent of the money you would get over 12 years. So, seriously cutting down the amount of money you would have to implement that policy.

So, the bottom line is if you have faith in the

policy you adopt to limit eminent domain, then there shouldn't be a lot of fear that applying it over a longer period of time, there is more money in it. That's my opinion.

CHAIRMAN KILLIAN: Okay. Thank you. That's going to conclude this public hearing, and as Ms. Cappio stated, public comment on the draft EIR is open until July 28th. And Ms. Cappio, once again, could you please tell both the public here, as well as our viewing audience where the comments can be sent?

MS. CAPPIO: Thank you, Chairman Killian. The comments can be sent to the Planning Department at 250 Frank Ogawa Plaza, Suite 3330 in Oakland, and it's 94612, to my attention, Claudia Cappio, or to Elois Thornton. Thank you.

CHAIRMAN KILLIAN: Thank you. Thank you very much, and thank you each of you for coming out. We appreciate your comments and your involvement in improving this part of Oakland.

(OFF THE RECORD)

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"M" - Transcripts of the City of Oakland Planning Commission hearing on the West Oakland Redevelopment Project Draft EIR – July 16, 2003

On July 16, 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 West Oakland Redevelopment Project Draft EIR. Numerous speakers were in attendance on this item, and many comments were received. However, as indicated in the following transcript, the majority public comments and the Planning Commission's comments and questions focused on topics such as the Redevelopment Plan's eminent domain policy and other issues relevant to the merits of the Project. Few comments were raised about environmental issues contained in the Draft EIR document. The following responses to the comments and questions raised at the Planning Commission are focused solely on those comments and questions related to environmental issues. No responses to comments on the merits of the Project are included in this Final EIR, but instead will be addresses under separate cover by City staff.

Response to Comment M-1:

CEQA Guidelines, Section 15064 (e) and Section 15131 are quite specific, stating that, "Economic and social changes resulting from a project shall not be treated as significant effects on the environment" (underline added). Therefore, these effects have specifically not been treated as environmental impacts in the Draft EIR. Section 15131 does provide that an EIR "may trace a chain of cause and effect from a proposed decision on a project through anticipated economic or social changes resulting from the project, to physical changes caused in turn by the economic or social changes. The intermediate economic or social changes need not be analyzed in any detail greater than necessary to trace the chain of cause and effect. The focus of analysis shall be on the physical changes" (underline added). The potential physical changes of growth and development, as may be assisted either directly or indirectly be redevelopment, are the subjects of this EIR and are fully analyzed herein.

California Redevelopment Law, as incorporated into the West Oakland Redevelopment Plan, provides measures specifically intended to address direct residential and business displacement that may occur as a result of redevelopment activities. It should be noted that the Redevelopment Plan does not currently contain any specific proposal for acquiring, assembling or disposing of properties that may result in direct displacement of residents or businesses.

It is possible that economic pressures resulting in indirect displacement of existing residents may increase within the Project Area as property values rise, with associated increases in housing costs and rents. As described in Section 3.4.1 of the DEIR (page 3-16), Redevelopment Law and City ordinance as incorporated into the Redevelopment Plan provide measures that address the potential indirect displacement of economically disadvantaged residences as a result of economic pressures related to increased property values. These measures include establishing a restricted fund for the purpose of developing housing affordable to low, moderate income households. This fund,

potentially together with other redevelopment funds, is to be used to assist in the production and preservation of affordable housing opportunities, and to make home ownership available to more low- and moderate-income residents in the Project Area. Redevelopment funds may be used to support a variety of programs designed to increase the supply of housing, make housing more affordable, and improve existing housing stock.

Response to Comment M-2:

See response to comment M-1 above regarding social and economic impacts.

Environmental justice provisions have not been incorporated into the California Environmental Quality Act and are not addressed in CEQA Guidelines. The California Governor's Office of Planning and Research (OPR) does use a definition of environmental justice for NEPA-related projects (which the Project is not), that defines environmental justice as:

> *"The fair treatment and meaningful involvement of all people regardless of race, color, national origin, or income with respect to the development, implementation, and enforcement of environmental laws, regulations, and policies. Fair treatment means that no group of people, including a racial, ethnic, or a socioeconomic group should bear a disproportionate share of the negative environmental consequences resulting from industrial, municipal, and commercial operations or the execution of federal, state, local, and tribal programs and policies. Meaningful involvement means that: (1) potentially affected community residents have an appropriate opportunity to participate in decisions about a proposed activity that will affect their environment and/or health; (2) the public's contribution can influence the regulatory agency's decision; (3) the concerns of all participants involved will be considered in the decision making process; and (4) the decision makers seek out and facilitate the involvement of those potentially affected."*

Under such a definition, the environmental justice issues that would need to be addressed would include:

1) Would a group of people, including a racial, ethnic, or a socioeconomic group bear a disproportionate share of the negative environmental consequences resulting from implementation of the project (i.e., adoption of the Redevelopment Plan)?

   Given the large extent of the City that has previously been designated as Redevelopment Project Areas (as shown on Figure 3-2, page 3-3 of the DEIR), the potential environmental consequences associated with redevelopment are distributed throughout a wide range of racial, ethnic and socioeconomic groups.

2) Has the process involved opportunities for meaningful involvement of all people?

   The public participation process for this EIR is fully described in response to comment C-1. Based on the information presented in that response, the City has complied with all required CEQA guidelines and City procedures regarding public

participation and notice during the EIR process, and has exceeded those requirements where staff has found it to be in the best interest of informed pubic participation.

In regards to City policy on the issue of environmental justice, the City of Oakland General Plan land Use and Transportation Element (LUTE) contains the following environmental justice policy:

Policy N5.1: *Environmental Justice. The City is committed to the identification of issues related to the consequences of development on racial, ethnic, and disadvantaged socio-economic groups. The City will encourage active participation of all its communities, and will make efforts to inform and involve groups concerned about environmental justice and representatives of communities most impacted by environmental hazards in the early stages of the planning and development process through notification and two-way communication.*

The City of Oakland has encouraged active participation and has made efforts to inform and involve concerned groups during the formation of the Redevelopment Plan, and has encouraged active participation, information exchange and public participation in the scoping for this EIR.

Response to Comment M-3:

The purpose of this EIR is to evaluate the potential environmental impacts related to implementation of the West Oakland Redevelopment Plan. As noted on page 6-23, emissions increases attributable to growth and development within the Project Area would not exceed BAAQMD project-specific significance thresholds for reactive organic gases (ROG) and NOx. The BAAQMD threshold for PM_{10} would be approached but not exceeded.

Potential impacts related to increased truck traffic as a result of activity at the Port is not an impact of the West Oakland Redevelopment Plan, and these activities are not part of the Project Description for this EIR. However, implementation of the Redevelopment Plan, in conjunction with the Port's Vision 2000 Program and the adjacent OARB Area Redevelopment Project would generate emissions that would cumulatively exceed BAAQMD significance criteria for NO_x and PM_{10}. The impacts of Port-related truck activity were evaluated in the *OARB Redevelopment Plan EIR* and the *Port's Vision 2000 EIR*. These cumulative emissions would be an *unavoidable, significant cumulative impact.* Most of the cumulative emissions affecting the Project Area can be attributed to Port-related projects. The Port of Oakland is implementing the Vision 2000 Air Quality Management Program (AQMP), a program to mitigate the potential air quality impacts of the Port's Vision 2000 Program. The primary components of the AQMP are summarized in the Draft EIR under Impact 6.4.6.

Response to Comment M-4:

Table 8-2, page 8-7 of the DEIR identifies environmental cases within the Project Area and its immediate vicinity. Environmental cases are those sites suspected of releasing hazardous substances or that have had cause for hazardous substances investigations and

are identified on regulatory agency lists. After compiling information from numerous database sources by address, a total of 208 distinct properties were identified as environmental cases. Appendix F includes a summary of each regulatory database reviewed and the date of the database, and Appendix G includes a compilation of environmental cases by address. As summarized in Table 8-2, the database review identified four (4) potential Superfund sites (CERCLIS) within, or in the immediate vicinity of, the Project Area.

Sections 8.4.1 through 8.4.6 of the Draft EIR identify potential impacts of the Redevelopment Plan's implementation related to hazardous materials and hazardous waste. These sections of the DEIR also recommend mitigation measures consistent with federal, state and local regulations for the identification, investigation and remediation of these impacts, potentially including the use of redevelopment agency funds and powers granted under California Redevelopment Law.

Response to Comment M-5:

Potential impacts related to increased truck traffic, shipping activity and dredging as a result of activity at the Port is not an impact of the West Oakland Redevelopment Plan, and these activities are not part of the Project Description for this EIR. The impacts of these Port-related activities were evaluated in the *OARB Redevelopment Plan EIR* and the *Port's Vision 2000 EIR*. The cumulative effects of these activities related to traffic congestion, traffic safety, air quality and noise on the Project Area are addressed in the DEIR in Sections 5.4.2, 5.4.6, 6.4.6 and 6.4.8, and 7.4.5 respectively.

Response to Comment M-6:

All studies and analyses used to support the conclusions of the Draft EIR are included in that document, or are derived from sources cited in the bibliography. There are no additional special studies conducted for, but not included in the EIR.

Response to Comment M-7:

The comments expressing the concerns of the WOPAC EIR Committee regarding significant and unavoidable impacts related to implementation of the Redevelopment Plan are noted and will be forwarded on the City decision-makers.

Response to Comment M-8:

For purposes of this EIR, the Project Description has assumed that the Redevelopment Plan's implementation projects, programs and other activities are intended to promote and facilitate growth and development within the Project Area, provided that such growth and development is consistent with the City of Oakland General Plan. The General Plan land use designations within the Project Area include "Business Mix" and "Community Commercial" uses. These land use classifications enable a mix of light industrial, commercial business, and office uses. It is likely that some of these new businesses could include the use of hazardous materials, require construction and use of on-site

aboveground or underground storage tanks for the storage of hazardous materials or fuel products, or result in the production of hazardous wastes.

Response to Comment M-9:

As a point of technical clarification, Environmental Impact Reports (EIRs) are not adopted by the lead agency, but are considered for certification as technically adequate. This certification process has not yet occurred as of the writing of this document, but will be considered by the Oakland Planning Commission once this Final EIR has been reviewed and considered.

Response to Comment M-10:

Comments about the Redevelopment Plan's (the Project's) eminent domain policy are relevant to the merits of the Project, but do not raise environmental issues pertinent to the environmental review of the Project. Responses to comments on the merits of the Project are not included in this Final EIR, but instead will be addresses under separate cover by City staff.

Response to Comment M-11:

For purposes of this EIR, the Project Description has assumed that the Redevelopment Plan's implementation projects, programs and other activities (which may include the limited use of eminent domain) are intended to promote and facilitate growth and development within the Project Area. However, such growth and development must be consistent with the goals, policies and land use designations of the City of Oakland General Plan. No potential impact related to the disruption or division of an established community has been identified in this EIR or in the City of Oakland *General Plan Land Use and Transportation Element EIR* (City of Oakland 1998). All new growth and development, as may be assisted by redevelopment activity, is required to be consistent with the goals, policies and land use designations of the General Plan.

Response to Comment M-12:

The use of eminent domain as a tool to assist in implementation of the Redevelopment Plan and the General Plan are relevant as to the merits of the Project, and thus are critical to City decision-making. However, this EIR is required to evaluate only the potential environmental impacts of eminent domain to the extent that such use is done consistent with the goals, policies and land use designations of the General Plan.

Response to Comment M-13:

The Redevelopment Plan (the Project) does not generate substantial additional new truck traffic, and the trucks that would be generated by the Project would not result in a significant environmental impact. Existing truck traffic within the Project Area is an existing condition not subject to mitigation through this EIR. However, the DEIR (page

5-32) does recognize that, to the extent that implementation of the West Oakland Redevelopment Plan assists in the development of new land uses along designated truck traffic routes, such new development could contribute to the exacerbation of existing traffic safety and land use compatibility issues.

The DEIR (page 5-32) does identify existing truck prohibitions enacted within the Project Area, as well as mitigation measures adopted in the OARB EIR intended to reduce the effects of truck traffic on local Project Area streets. California Redevelopment Law enables the Redevelopment Agency to allocate funds toward public infrastructure improvements such as transportation and circulation system improvements intended to enhance public safety, such as those mitigation measures adopted in the OARB EIR. As a proactive measure, redevelopment funds could be allocated toward implementation of these circulation safety improvements.

Response to Comment M-14:

Page 3-1 and 3-4 of the DIER provide a list of previously prepared planning documents pertaining to the West Oakland Project Area. The City of Oakland General Plan provides the comprehensive land use plan for the area, as shown on Figure 3-4 (page 3-22) of the DIER.

Response to Comment M-15:

For purposes of this EIR, the Project Description has assumed that the Redevelopment Plan's implementation projects, programs and other activities are intended to promote and facilitate growth and development within the Project Area, provided that such growth and development is consistent with the City of Oakland General Plan.

Clearing House 1

Clearing House 2

STATE OF CALIFORNIA

Governor's Office of Planning and Research

State Clearinghouse

Gray Davis
GOVERNOR

Tal Finney
INTERIM DIRECTOR

July 25, 2003

Elois A. Thornton
City of Oakland Redevelopment
250 Frank H. Ogawa Plaza, Suite 5513
Oakland, CA 94612-2032

LETTER N

Subject: West Oakland Project Area Redevelopment Plan
SCH#: 2002072065

Dear Elois A. Thornton:

The State Clearinghouse submitted the above named Draft EIR to selected state agencies for review. The review period closed on July 24, 2003, and no state agencies submitted comments by that date. 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 call the State Clearinghouse at (916) 445-0613 if you have any questions regarding the environmental review process. If you have a question about the above-named project, please refer to the ten-digit State Clearinghouse number when contacting this office.

Sincerely,

Terry Roberts

Terry Roberts
Director, State Clearinghouse

1400 TENTH STREET P.O. BOX 3044 SACRAMENTO, CALIFORNIA 95812-3044
916-445-0613 FAX 916-323-3018 www.opr.ca.gov

Document Details Report
State Clearinghouse Data Base

SCH#	2002072065
Project Title	West Oakland Project Area Redevelopment Plan
Lead Agency	Oakland, City of

Type	EIR Draft EIR
Description	The Redevelopment Plan is designed to eliminate blighting influences and revitalizes 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.

Lead Agency Contact

Name	Elois A. Thornton		
Agency	City of Oakland Redevelopment		
Phone	510-238-6284	***Fax***	
email			
Address	250 Frank H. Ogawa Plaza, Suite 5513		
City	Oakland	***State*** CA	***Zip*** 94612-2032

Project Location

County	Alameda		
City	Oakland		
Region			
Cross Streets	Emeryville Boundary		
Parcel No.			
Township	***Range***	***Section***	***Base***

Proximity to:

Highways	I-880, I-980,
Airports	Oakland In'tl Airport
Railways	Union Pacific
Waterways	San Francisco Bay
Schools	Prescott Elem. McClymonds H.S.
Land Use	Residential; Non-Residential

Project Issues	Aesthetic/Visual; Agricultural Land; Air Quality; Archaeologic-Historic; Drainage/Absorption; Geologic/Seismic; Minerals; Noise; Population/Housing Balance; Public Services; Recreation/Parks; Sewer Capacity; Soil Erosion/Compaction/Grading; Solid Waste; Toxic/Hazardous; Traffic/Circulation; Vegetation; Water Quality; Water Supply; Wildlife; Growth Inducing; Landuse; Cumulative Effects
Reviewing Agencies	Resources Agency; Department of Fish and Game, Region 3; Department of Parks and Recreation; San Francisco Bay Conservation and Development Commission; Department of Water Resources; Caltrans, Division of Aeronautics; 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 06/10/2003 ***Start of Review*** 06/10/2003 ***End of Review*** 07/24/2003

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4

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 1: Executive Summary

Revisions to Section 1.1.1, page 1-2:

> The proposed West Oakland Redevelopment Project Area (Project Area) is located on the western side of the City of Oakland. The Project Area lies to the north and northwest of Oakland's central business district, immediately southeast of the eastern landing of the Oakland-San Francisco Bay Bridge, and just inland of the Port of Oakland's maritime operations along the San Francisco Bay and Oakland Estuary.
>
> The Project Area is approximately 1,546 acres in size, and includes all of the remaining portions of the West Oakland District not currently within a redevelopment area. The Project Area is bounded on the north by 40th Street and the Oakland/Emeryville city limits; on the east by I-980 and Union Street; on the south by 18th Street and Middle Harbor Road; and on the west by Pine and Wood Streets, which run parallel.

Revisions to Section 1.2.1, page 1-7:

> ***Areas of Controversy***
>
> During the public scoping process for this EIR, several specific areas of controversy were identified. These areas of controversy include environmental issues of:
>
> - air quality and impacts on health,
> - increases in vehicular traffic and traffic impacts, illegal and currently legal truck parking and ~~travel~~ truck travel on non-designated truck routes through Project Area neighborhoods,
> - hazardous substances (i.e., diesel exhaust and acetaldehyde) that are generated within the Project Area, and existing hazardous wastes that are located within the Project Area and their effect on existing and future residents, ~~and~~

- existing and potential land use incompatibilities between residential and industrial uses, and
- eminent domain.

Text Revisions to Chapter 3: Project Description

Revisions to Section 3.1, page 3-1:

> The City of Oakland has designated a substantial portion of West Oakland as a possible new Redevelopment Project Area, and is now considering adoption of a Redevelopment Plan for this area. The *Redevelopment Plan for the West Oakland Project Area* (City of Oakland Redevelopment Agency, ~~Hausrath Economics Group,~~ February 2003), known hereafter as the "Redevelopment Plan," has been prepared by the City of Oakland Redevelopment Agency in consultation with the West Oakland Project Area Committee (WOPAC), with technical assistance from the Hausrath Economics Group.

Revisions to Section 3.1, page 3-1:

> ***Prescott/South Prescott Subarea***
>
> This subarea is located in the southern portion of the Project Area and is generally bordered by Mandela Parkway on the east, Wood Street on the west, and Middle Harbor Road to the south. A large share of the land in this subarea (approximately 60% of the total area and on properties generally located in the southern portion of this subarea) is owned and used by utilities, government and institutional uses including the Union Pacific Railroad (UPRR) right-of-way. The central portion of this subarea is primarily residential, and the northern portion is primarily industrial, connecting to the larger industrial areas further to the north. This area has large sections of residential land use with a large historic district eligible for the National Register of Historic Places. The main commercial arterial, 7th Street, is dominated by linear infrastructure - the BART tracks and the Post Office that split the residential land use into two areas. Route 880 separates the rest of this subarea and the section allocated for the development of the Union Pacific Intermodal facility.

Revisions to Section 3.1, page 3-1:

> ***Clawson/McClymonds/Bunche Subarea***
>
> This subarea is located in the central portion of the Project Area and is generally bordered by San Pablo Avenue on the east, the Oakland Army Base on the west, and the Oakland/Emeryville city limits on the north. Industrial and residential uses mix throughout this subarea, without a clear transition from one use to another. Approximately 41% of this subarea is devoted to older industrial uses concentrated in the southwest portion along Grand Avenue, Mandela Parkway and Peralta Street.

Approximately 30% of the subarea is devoted to residential uses. Commercial, auto, and trucking-related uses are located throughout this subarea, primarily along the major arterial streets. While the land uses in this area are diverse, they are also organized around main commercial corridors including West Grand Avenue, San Pablo Boulevard and Peralta Street.

Text Revisions to Chapter 4: Land Use

Revisions to Section 4.2.3, page 4-6:

Vacant Land

According to County Assessor's data and as shown in Table 4-1, there are a total of 505 vacant lots in the Project Area and 129 additional parcels that do not have any assessed value attributed to buildings or structures. This data can be interpreted as meaning that there are as many as approximately 634 vacant lots or ~~highly~~ underutilized properties within the Project Area. These properties are scattered throughout the Project Area and are not grouped into any one individual sub-area. The vacant and/or underutilized parcels account for 89.4 acres of property, or about 9% of the total Project Area. ~~Together with those parcels in utility and parking uses, the amount of land in very low intensity use or vacant totals 276.8 acres and represents a substantial share (approximately 29%), of the Project Area.~~

Text Revisions to Chapter 5: Transportation

Revisions to Section 5.2.3, page 5-6:

Mandela Parkway runs north/south from 3rd Street to just north of ~~south of~~ I-580 primarily as a four-lane arterial road, with a 60 to 100 feet wide median. Mandela Parkway is a two-lane roadway south of 8th Street and east of Horton Street. Parallel parking is provided on both sides of the roadway, and the intersections at major cross streets are signalized. Mandela Parkway is designated as a local transit arterial north of 7th Street.

Market Street is an arterial which runs north/south throughout West Oakland, Emeryville and later becomes Sacramento Street in Berkeley. Market Street is generally a four lane road ~~a six-lane road~~ with left-turn lanes at major intersections, and a landscaped median throughout West Oakland.

Revisions to Section 5.4.4, page 5-29:

Based on recent survey conducted by AC Transit, one or two buses on some lines primarily within the downtown area are approaching or currently exceed the maximum load factor of 1.25 ~~(this mainly applies in downtown Oakland).~~ However, most existing buses serving the Project Area during the peak hour have sufficient

capacity to accommodate this increase in bus trips. Therefore, the increase in average ridership on AC Transit lines attributed to new growth and development within the Project Area, as may be facilitated by implementation of the Redevelopment Plan, would be less than 3 percent. This impact on AC Transit operations is considered to be less than significant.

Text Revisions to Chapter 8: Hazardous Materials

Revisions to Section 8.2.1, page 8-2:

8.2.1 Historic Land Uses

Historically, the Redevelopment Area was one of the first industrial areas of Oakland. Because of its excellent access by rail and sea, the area has been a major transportation node and location of large industrial plants, many of which involved food processing, since the late 1800s. During the First and Second World Wars, West Oakland also became a center for defense related industries because of its port and rail facilities. Over the years, many industrial operations have modernized and relocated or closed. ~~due to economic decline and a move away from war time industries. As a result, many~~ Some of the industrial properties have been abandoned and left in dilapidated and contaminated condition. As this occurred, transportation uses became more prevalent because of increased activities at the Port of Oakland and because of West Oakland's central location and freeway accessibility.

Revisions to Section 8.2.2, page 8-2:

These uses are concentrated along parts of ~~in the vicinity of~~ West Grand Avenue, Mandela Parkway, and Peralta Street. Commercial and auto-related uses are distributed throughout the project area, particularly along portions of ~~in the vicinity of~~ San Pablo Avenue and West Grand Avenue

Revisions to Section 8.2.3, page 8-3:

Permitted uses of hazardous materials within the Project Area and its immediate vicinity are tracked by regulatory agencies and include facilities that:

Revisions to Section 8.2.3, page 8-4 and 8-5:

Table 8-1 summarizes the total number of permitted facilities within the Project Area and its immediate vicinity identified in the record search for each regulatory database.

As indicated in **Table 8-1**, the primary permitted uses of hazardous materials identified within the Project Area and its immediate vicinity include

Table 8-1: Summary of Permitted Facilities Using Hazardous Materials in the Project Area and its Immediate Vicinity

Revisions to Section 8.2.5, page 8-11:

> Hazardous building materials are included in this discussion because future implementation of projects, programs and other activities associated with redevelopment would likely involve demolition or renovation of existing structures. Some building materials commonly used in older buildings could present a public health risk if disturbed during demolition or renovation of an existing building. Hazardous building materials often present in older buildings include asbestos, electrical equipment such as transformers and fluorescent light ballasts that contain PCBs, fluorescent lights containing mercury vapors and lead-based paints. Asbestos and lead-based paint may also present a health risk to existing building occupants if they are in a deteriorated condition. Soils in the vicinity of older buildings may also contain lead and other metals, and pesticides such as chlordane and DDT. If removed during demolition of a building, these materials would also require special disposal procedures.

Revisions to Section 8.3.2, page 8-12:

> The California Department of Toxic Substances Control (DTSC) and the Regional Water Quality Control Board (RWQCB) are the primary state agencies regulating hazardous materials in California. These agencies are part of the California EPA. The RWQCB is authorized by the State Water Resources Control Board to enforce provisions of the Porter - Cologne Water Quality Control Act of 1969. This act gives the RWQCB authority to require groundwater investigations when the quality of groundwater or surface waters of the state is threatened, and to require remediation of the site, if necessary. The DTSC is authorized by the U.S. EPA to regulate the management of hazardous substances including the remediation of sites contaminated by hazardous substances. DTSC's regulatory authority to regulate hazardous substances sites is contained in the California Health and Safety Code, Division 20, Chapter 6.8.

Revisions to Section 8.3.3, footnote 10:

> An industrial facility that changes ownership is also required to disclose whether it will handle, store or~~,~~ produce any substance presenting a threat to public health. If so, then the facility ~~is also required to~~ can also be required to prepare an HMARRP.

Revisions to Section 8.4.3, Mitigation Measure 8.4.3C:

> **Mitigation Measure 8.4.3C: Technical Assistance - Hazardous Materials Assessment Report and Remediation Plan.** Implementation programs pursuant to the Redevelopment Plan should include redevelopment assistance for existing businesses within the Project Area that handle hazardous materials within ¼ mile of a school, hospital or residence. Such assistance may be in the form of loans, grants and/or technical assistance from the OES toward the preparation of a required Hazardous Materials Assessment Report and Remediation Plan or relocation of the business.

Revisions to Section 8.4.5, page 8-26:

Potential Impact 8.4.5: Future construction activities pursuant to implementation of the Redevelopment Plan that involve excavation, grading, pile driving, pile hole drilling and/or de-watering could encounter hazardous materials in the soil and groundwater. This impact is considered to be *potentially significant.*

Discussion

As discussed in the Environmental Setting, there are numerous sites permitted for hazardous materials use and many identified environmental cases located within the Project Area. Construction activities associated with excavation, grading, pile driving, pile hole drilling and dewatering at or adjacent to these sites could encounter hazardous materials in the soil and groundwater. Without implementation of proper precautions, workers and/or the community may be exposed to hazardous materials.

Revisions to Section 8.4.5, page 8-28, 3rd bullet item:

- If the agreed-upon clean-up levels were exceeded, a remedial action plan would be prepared to describe remedial alternatives considered for the site. This remedial action plan and the proposed remedial approach would be presented for review and approval by the lead regulatory agency. The plan would include proposed methods to remove or treat identified chemicals to the approved cleanup levels or containment measures to prevent exposure to chemicals left in place at concentrations greater than approved cleanup levels. Pursuant to Title 22, Division 4.5, Chapter 39 of the California Code of Regulations, Section 67391.1, a land use covenant must be executed and recorded when hazardous materials, hazardous waste or constituents, or hazardous substances will remain at the property at levels which are not suitable for unrestricted use of the land. Other institutional control mechanisms may be used if it is not feasible to establish a land use covenant as a component of the remedy for such a site.

Revisions to Section 8.4.6, page 8-31:

Implementation of the Redevelopment Plan's projects, programs and other activities would promote new construction within the Project Area, which would likely include demolition and/or renovation of existing structures. Hazardous building materials are likely to be present in older structures within the Project Area and could include asbestos-containing material, lead-based paint, PCBs, and fluorescent lights containing mercury vapors. Demolition and renovation of existing structures could result in potential exposure of workers or the community to hazardous building materials during construction, without proper abatement procedures, and future building occupants could be exposed if hazardous building materials are left in place. Hazardous building materials such as lead and other metals around buildings painted with lead-based paint, as well as pesticides such as chlordane and DDT could also be present in soils ~~contaminate soils~~ around structures. Failure to conduct sampling for such materials may result in the

spreading of hazardous substances across the site, and/or exposure to workers or the community during site demolition and grading if these materials were released to the environment.

Mitigation Measures

Mitigation Measure 8.4.6A: Hazardous Building Material Abatement Process. All projects, programs or other implementation activities pursuant to the redevelopment Plan that involve demolition or renovation to existing structures and facilities shall conduct a hazardous building material survey(s) or audit(s).

- The survey shall be completed by a Registered Environmental Assessor or a registered engineer prior to construction or demolition activities.
- If hazardous building materials were identified during the survey, compliance with state and federal regulations regarding abatement of hazardous building materials would be required.
- The Project Sponsor shall be required to comply with BAAQMD requirements for the removal of friable and non-friable asbestos-containing materials as well as other requirements of Cal/OSHA, BAAQMD, and the Contractors Licensing Board for abatement of asbestos prior to demolition. Any PCB-containing equipment or fluorescent lights containing mercury vapors would also be removed and disposed of properly. The Project Sponsor shall also investigate soils for the potential of containing lead and other metals around buildings painted with lead-based paint, as well as pesticides such as chlordane and DDT.

Revisions to Section 8.4.6, Discussion:

Implementation of the Redevelopment Plan's projects, programs and other activities would promote new construction. ~~within the Project Area, which would likely~~ It might also include demolition, and will include ~~/or~~ renovation of existing structures.

Revisions to Section 8.4.7:

The Project Area is not located within an airport land use planning area. Implementation of the Redevelopment Plan would not result in a safety hazard for people residing or working in the Project Area. ~~, even though portions of the Project Area are within two miles of the Oakland International Airport.~~ The Project Area is not located within the vicinity of a private airstrip. Airport-related safety hazards are not a significant effect associated with implementation of the Redevelopment Plan.

Text Revisions to Chapter 9: Public Infrastructure

Revisions to Section 9.4.2, page 9-13:

- When capital improvement requirements for ~~this project~~ redevelopment projects are being assessed, the project sponsor shall ~~should~~ contact the Wastewater Planning Section to coordinate with EBMUD for this work. The proposed West Oakland

Text Revisions to Chapter 11: Cultural and Historic Resources

Page 11-1, last paragraph is amended to include this recommendation, as follows:

> An overview of the history and development of the City of Oakland is contained in the *Historic Preservation Element of the Oakland General Plan* (1994, as amended in 1998, pages 1-2 through 1-9), and is hereby incorporated by reference. A brief history and description of the Project Area and its resources is provided below. The Oakland City Planning Department's Cultural Heritage Survey project has prepared extensive neighborhood histories, thematic context statements, and individual property and district documentation that can be consulted for further information. Existing inventory forms for the Oakland Point, South Prescott, and Clawson districts, covering over 1,100 properties, are available for review at the City Planning Department. Extensive historic information is also available for areas of West Oakland that are outside of the Project Area, such as Oak Center.

5

EIR Preparation

REPORT PREPARERS

City of Oakland Community Development and Redevelopment Agency Staff

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City Staff:	Elois A Thornton
	Betty Marvin, Historic Preservation Planner
	David Ralston

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Climatologist:	Hans Giroux
Geologist:	Mary Lucas McDonald

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Archaeology and Cultural Resources
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Orinda, CA 94563

WSA Principal:	Bill Self
Archaeo/Historian:	Leigh Martin

Appendix A

Public Meeting Comments

Summary of comments from WOPAC meeting, June 24, 2002

A. Physical Concerns (EIR)

Air Quality

Do fumes from idling diesel trucks and buses contribute to asthma? Is there a connection between these idling vehicles and asthma in children? These vehicles are parked, idling, throughout West Oakland, often near schools and day cares.

Red Star (Yeast).

Hazardous Materials

Are Phase I and II reports planned?
Concerns about cumulative effects of toxics.

Transportation

Install bike lanes on Market, Adeline, West Grand Ave, etc.
Install light rail or fast bus lines similar to SF Muni.
Proposed shuttle from Mandela Transit Village at 7th/Mandela to Army Base (using Army Base funds?)

Infrastructure

Provide family-friendly sidewalks that contain trees and wide streets.
Provide trees on major corridors such as Market, Adeline, etc.
Underground power lines.
Study and increase safety through installation of lights, stop signs, and (make streets) handicap safe.

Housing

Address mold/mildew in housing.

Parks and Open Space

Combine open space and educational use, for example, as at McClymonds High School.

Land Use

Support high density and commercial on West Grand and San Pablo Avenues, similar to other large cities such as Georgetown, SF, Austin, London, Barcelona, etc.

B. Social Concerns (Redevelopment Plan)

Air Quality

Assess asthma rates for adolescents and young children and determine if there is a need for increased teen/child health services to deal with the problem.

Can the consultants support the current legislative bill (Sacramento) that addresses idling around ports in California? Can the consultants request that the City support this legislation?

Should the PAC advocate for an ordinance to stop idling, or should the PAC gather data to support such a measure?

Cultural Resources

Include a social capital component that assesses the social services that exist and those that are lacking, as well as the cultural history of West Oakland, and the community's ability to preserve it.

Housing

Assess the rate of displacement in West Oakland. Is gentrification affecting the ability of long-time West Oakland residents to keep their homes?

Jobs

Assess how commercial development will contribute to job creation for West Oakland residents.

Army Base may provide jobs.

C. Process

Concerns about how contracts were awarded to do environmental impact assessment work, specifically, how was the community involved in awarding contracts. Concerns about how the redevelopment plan and EIR are being funded.

D. Proposed Meetings

7th St/McClymonds Neigborhood Improvement Initiative would like to host a community forum to present the report to its constituency, which is made up of 650 West Oakland residents, service providers, and faith-based

institutions. Contact: Margaret Gordon, Rosalinda Palacios or Tsedey Betru to reply: (510) 835-0833, 835-0157, 835-0158.

6/24/02, Notes from WOPAC meeting

Who did you meet with from the community before getting contracts?
Where's the lawyer?
Funds to pay for this?

EDAW, Army Base 600,000
Step serving area. There maybe a potential to work in the area.

Red Star. Union Pacific bobo yard ground
Cumulative chemical site. What group are you talking of?
Sound chemical.

22 thousand, 2009.
10-12 today at Port. Don't let ..... publicize

Mold/mildew in housing.
Credence clearwater, other contracts, various, booze.

Do you plan to do EIR and phase 1 and 2 report.
Did you pay Allen for using his (hazardous waste) map?

There is a proposed shuttle from the Mandela Transit Village site at 7th/Mandela to Army Base with money from the base (west of transit village).

Switzer Steel.

Monsa Nitoto
1801 Adeline Street
94607
451-2967

Appendix B

Certificate of Mail Deposit of Public Notices

APPENDIX "A"

CERTIFICATE OF MAIL DEPOSIT FOR PUBLIC NOTICES

I certify that on (SEE BELOW), 2003 the notices called for under the Oakland Zoning and Subdivision Regulations for the following cases were placed into the U.S. Mail system:

CASE FILE NO:	***(PUBLIC HEARINGS) JULY 16, 2003***
1. ER03-0017	***1. MAILED "AGENDAS" TO THE***
2.	***ATTACHED MAILING LIST.***
3.	
4.	***-- JULY 1, 2003***
5.	
6.	***2. MAILED "STAFF REPORTS" TO***
7.	***THE ATTACHED MAILING LIST.***
8.	
9.	***-- JULY 10, 2003***
10.	
11.	
12.	
13.	
14.	
15.	

FILE COPY

(Name of Person Placing Notices in Mail)

(SEE BELOW)

1. 7/1/03

2. 7/10/03

CASE FILE NO: ER03-0017

CITY OF OAKLAND
REDEVELOPMENT AGENCY
250 FRANK OGAWA PL 5TH FL.
INTER-OFFICE
ER03-0017

EMERSON ANNIE P
C/O ROBERT WELCH
1202 WOOD ST
OAKLAND CA 94607
ER03-0017

MAIL AGENDAS ONLY:

NEIGHBORHOOD GROUPS:
CENSUS TRACT 4001 – 4104:

(SEE ATTACHMENTS)

NEIGHBORHOOD LIST

REVISED: 7/8/03

(118)

A-3
RODGER SHEPHERD MD
10592 ENGLEWOOD DR
OAKLAND CA 94605

A-6
A.P.P.S.
RON MORRA
BARBARA NEUSTADTER
PO BOX 10823
OAKLAND CA 94610-0823

A-7
LEVERN HOLMES
11060 APRICOT ST
OAKLAND CA 94603

A-12
MS KAREN ABOIRALOR
272 EUCLID AVE APT 201
OAKLAND CA 94610

A-13
A.A.B.A.
DEBBIE HAUSER
PO BOX 14123
OAKLAND CA 94614

A-14
SANDRA MALMSTROM
7224 ALTURA PL
OAKLAND CA 94605

B-3
BRUNO BRANDLI
2106 9TH AVE
OAKLAND CA 94606

B-9
STEPHEN G PARMELEE
5658 BROADWAY
OAKLAND CA 94618

B-12
DON LINDLEY
3830 ENOS AVE
OAKLAND CA 94619-2810

B-13
MIKE BOYLE
5720 BALMORAL DR
OAKLAND CA 94619

B-15
BEAT 8 NCPC
ATTN: CHAIRPERSON
PO BOX 21288
OAKLAND CA 94620

B-16
SPARKY CARRANZA
7400 GREENLY DR
OAKLAND CA 94605

B-17
CYNTHIA A COLINDRES
505 BERGEDO DR
OAKLAND CA 94603

C-24
ELLEN PETERSON
58 ROBLE RD
BERKELEY CA 94705

C-25
TOM HAW
105 ALPINE TER
OAKLAND CA 94618

C-33
FR TIMOTHY K JOHNSON
176 RIDGEWAY AVE
OAKLAND CA 94611

C-34
MR ARTHUR O'NEAL
1801 ADELINE ST STE 209
OAKLAND CA 94607

D-1
D.I.A.
KAREN MARIE SCHROEDER
PO BOX 27355
OAKLAND CA 94602

D-4
SHARI GODINEZ
3544 FRUITVALE AVE
OAKLAND CA 94602

D-6
NICOLAS SAKKIS
570 14TH ST
OAKLAND CA 94612

E-4
CHARLES D HILL
1256 1/2 99TH AVE
OAKLAND CA 94603

E-11
CALVIN FREDERICK
300 CLARA ST
OAKLAND CA 94603

E-12
CHUONG K NGUYEN
C/O EBALDC
310 8TH ST STE 200
OAKLAND CA 94607

E-15
MONICA ANGELES
310 8TH ST STE 200
OAKLAND CA 94607

F-11
JOHN JAY
10700 MACARTHUR BLVD STE 200
OAKLAND CA 94605

F-12
ROBIN BARTOO
499 EMBARCADERO STE 2/16
OAKLAND CA 94606

F-13
EMY MENDOZA
SPANISH SPEAKING UNITY COUNCIL
1900 FRUITVALE AVE #2A
OAKLAND CA 94601

(PAGE 2)

F-15
CAROL BERNAN
AMY EVANS MCCLURE
PMB 227
6114 LASALLE AVE
OAKLAND CA 94611-2802

F-16
SHARRON Q WILSON
REV AMA ZENJA LEWIS
2501 HARRISON ST
OAKLAND CA 94612

G-2
GWIN RICHARDS
6601 GLEN OAKS WAY
OAKLAND CA 94611

G-3
MICHAEL GABRIEL
3945 GREENWOOD AVE
OAKLAND CA 94602

G-5
STEVEN MENDE
5940 GRIZZLY PEAK BLVD
OAKLAND CA 94611-1029

G-10
DAVID FLACK
915 YORK ST
OAKLAND CA 94610

H-3
PAUL E GARRISON
614 HADDON RD
OAKLAND CA 94610

H-4
H.C.H.A.
VIVIAN THOMAS
PO BOX 13315 PMB-261
OAKLAND CA 94661

H-8
SONJA PROULX
MARY WARREN
123 KIMBERLIN HEIGHT DR
OAKLAND CA 94619

H-10
NATALYA NICOLOFF
2519 FRANCES ST
OAKLAND CA 94601

H-11
JON WACTOR
5550 FERNHOFF RD
OAKLAND CA 94619-3113

H-12
JEFFREY E FRANZEN
6259 RIDGEMONT DR
OAKLAND CA 94619

H-13
CLARENCE JOHNSON
2225 EAST 25TH STREET
OAKLAND CA 94606

J-4
JOSEFINA VAZQUEZ
1485 8TH ST
OAKLAND CA 94607

J-5
WILDA L WHITE
247 FOURTH ST LOFT 201
OAKLAND CA 94607

J-6
CHRISTINE ANDERSON
5095 DUBLIN AVE
OAKLAND CA 94602

K-1
MICHAEL STEWART
3035 CHAPMAN ST
OAKLAND CA 94601

L-1
CLAUDIA SKAPIK
J L MORRIS-WILLIAMS
907 UNDERHILLS RD
OAKLAND CA 94610

L-2
L.B.A.
NANCY STRANGE
PO BOX 10787
OAKLAND CA 94610

L-3
GORDON L LAVERTY
4540 MOUNTAIN VIEW AVE
OAKLAND CA 94605

L-9
KIRSTEN HANSON
3248 DAKOTA ST
OAKLAND CA 94619

L-10
ROBERT PITTMAN
1524 1ST AVE #203
OAKLAND CA 94606

L-11
KENNETH O HARVEY
9937 LONGFELLOW AVE
OAKLAND CA 94603

L-12
CHERYL CHRISTIAN
7565 ALTURA PL
OAKLAND CA 94605-3107

L-13
LEASE WONG/KOMODO TOYS
4004 MACARTHUR BLVD
OAKLAND CA 94619

L-14
CAYREN M KING
1727 CLEMENS RD
OAKLAND CA 94602-1801

M-2
JERRY ROSE
5724 THORNHILL DR
OAKLAND CA 94611-2145

M-4
M.V.A.
LIZ SILVERMAN
PO BOX 13192
OAKLAND CA 94661

M-12
MRS HAZEL JONES
5535 FLEMING AVE
OAKLAND CA 94605

M-16
NANCY S SIDEBOTHAM
6375 HILLMONT DR
OAKLAND CA 94605

M-17
HELMUT JACOBI
SCHLEICHER MOTORS
7956 MACARTHUR BLVD
OAKLAND CA 94605

M-19
COLLEEN BROWN
3027 56TH AVE
OAKLAND CA 94605

M-20
CHRIS FLEMING
M.S.C.N.S.
PO BOX 3626
OAKLAND CA 94609

N-3
N.O.V.A.
ROBERT BROKL
PO BOX 20486
OAKLAND CA 94620

N-5
N.H.P.A.
C/O BARRY PILGER
2625 ALCRATRAZ STE 281
BERKELEY CA 94705

N-7
LENA DUCKETT
3653-39TH AVE
OAKLAND CA 94619

N-8
BETH BERGEN
420 BURK ST #400
OAKLAND CA 94610

N-9
SUSAN L CASTELLANOS
3321 COLUMBIAN DR
OAKLAND CA 94605

N-10
TIMOTHY HILER
3935 NEVIL ST
OAKLAND CA 94601

O-1
BARBARA SUTHERLAND
8033 GREENLY DR
OAKLAND CA 94605

O-3-1
GORDON (DON) LINK
6510 RAYMOND ST
OAKLAND CA 94609

O-3-2
BEVERLY REEVES
1811 8TH AVE #G
OAKLAND CA 94606

O-3-3
BARBARA MONTGOMERY
953 FILBERT ST
OAKLAND CA 94607

O-3-4
WILLIAM R MILLER
3026 TEXAS ST
OAKLAND CA 94602

O-3-5
MONICA TELL
3915 AQUA VISTA
OAKLAND CA 94601

O-3-6
CHARLES CHILES
21 KINGSLAND PL
OAKLAND CA 94619

O-3-7
GLADYS GREEN
1187 78TH AVE
OAKLAND CA 94621

O-6
VERN SULLIVAN
1801 CLEMENS RD
OAKLAND CA 94602-1801

O-15
ELLEN WYRICK PARKINSON
1420 MAGNOLIA ST
OAKLAND CA 94607

O-19
O.D.C.P.A.
KURT A BARBIERI
PO BOX 13315 PMB-195
OAKLAND CA 94661

O-20
O.H.A.
ROBERT THYKEN
PO BOX 27321
OAKLAND CA 94602

P-1
P.H.A.
JANICE THOMAS
PO BOX 5428
BERKELEY CA 94705

P-3
P.A.N.I.L.
VALERIE WINEMILLER
PO BOX 20375
OAKLAND CA 94620-0375

P-5
MARJ SAUNDER
9301 SKYLINE DR
OAKLAND CA 94611

P-9
ANN KRAYNAK
3871 PIEDMONT AVE
OAKLAND CA 94611

P-10
DONALD R BINGGELI
5149 SADDLE BROOK DR
OAKLAND CA 94619

P-13
P.D.N.A.
HARRY KENDALL/KEVIN MONROE
PO BOX 9263
OAKLAND CA 94613-0263

R-1
R.H.I.A.
JAMES HODGKINS
PO BOX 18469
OAKLAND CA 94619

R-2
ERIC NEVILLE
5409 THOMAS AVE
OAKLAND CA 94618-1749

R-3
R.G.N.P.A.
RUTH CUMING
PO BOX 20780
OAKLAND CA 94620-0780

R-12
LOUISE ROTHMAN-RIEMER
/LAKEND WALLACE
5435 COLLEGE AVE
OAKLAND CA 94618

R-13
LIZ MILOTA
3458 RICHMOND BLVD
OAKLAND CA 94611

R-14
LIZ MILOTA
3458 RICHMOND BLVD
OAKLAND CA 94611

S-2
S.H.H.A.
ATTN: JOHN HERRERO
PO BOX 18586
OAKLAND CA 94619-8586

S-6
JIM GLOSLI
2300 ARROWHEAD DR
OAKLAND CA 94611

S-7
DIANE BARTOO
6032 SKYLINE BLVD
OAKLAND CA 94611

S-8
VALERIA DONALD
11140 ROBLEDO DR
OAKLAND CA 94603

S-11
GARY KNECHT
229 HARRISON ST
OAKLAND CA 94607

S-15
DON DAVENPORT
2228 E 15TH ST
OAKLAND CA 94606

S-17
STEPHANIE WOODBURY
3165 SHEFFIELD AVE
OAKLAND CA 94602

S-18
SUSAN MILLER
17 EVERGREEN LANE
BERKELEY CA 94705

S-19
CHARLES PORTER
1079-53RD ST
OAKLAND CA 94608-3005

S-20
JEROME HUNT
10751 HELLMAN ST
OAKLAND CA 94605

S-21
DON LINK
6510 RAYMOND ST
OAKLAND CA 94609-1127

S-22
MARGARET ELIZARES
7501 SUNKIST DR
OAKLAND CA 94605-3022

S-23
REV DR KATHERINE L WARD
525-29TH ST
OAKLAND CA 94609

S-24
REV ALEXANDRA CHILDS
12540 SKYLINE BLVD
OAKLAND CA 94619

T-11
TINA SUK
2510 TELEGRAPH AVE
OAKLAND CA 94612

T-12
HANS W BOERNER
6400 TELEGRAPH AVE
OAKLAND CA 94609

T-14
PAULETTE HILL
5221 COLE ST
OAKLAND CA 94601

U-1
ELLIE KINCZEL
10015 BROADWAY TER
OAKLAND CA 94611

U-2
GEORGE MARINO
MAMA'S ROYAL CAFÉ
4012 BROADWAY
OAKLAND CA 94611

U-3
JANIS KNOX
3129 LYNDE ST
OAKLAND CA 94601

V-1
JANE BARRETT
170 VICENTE RD
BERKELEY CA 94705

V-3
MAXINE OLIVER-BENSON
10481 WEST COURT
OAKLAND CA 94603

V-4
MICHAELA POPOFF
651 OAKLAND AVE #3A
OAKLAND CA 94611

W-3
JACQUEE CASTAIN
1633 84TH AVE
OAKLAND CA 94621

W-4
W.O.C.A.
GEORGE BURTT
PO BOX 1947
ORINDA CA 94563

W-5
KEN GIBSON
5090 KEARNEY AVE
OAKLAND CA 94602-2607

W-6
WILLIE KEYES
1223 34TH ST STE 1000
OAKLAND CA 94608

W-8
DAVID P BORN
275-28TH STREET
OAKLAND CA 94611