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October 6, 2017

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

Re: Re: Oak Knoll Master Planned Community: Application for Development Agreement

Dear Ms. Klein:

This letter confirms that OKVA, LLC's application for a Development Agreement for the Oak Knoll project is being withdrawn.  
Thank you for your attention.

Very truly yours,

A handwritten signature in black ink that reads 'Anne E. Mudge'.

Anne E. Mudge

AEM:mp

cc: Sam Veltri, OKVA, LLC

071670\9159825v1

**Klein, Heather**

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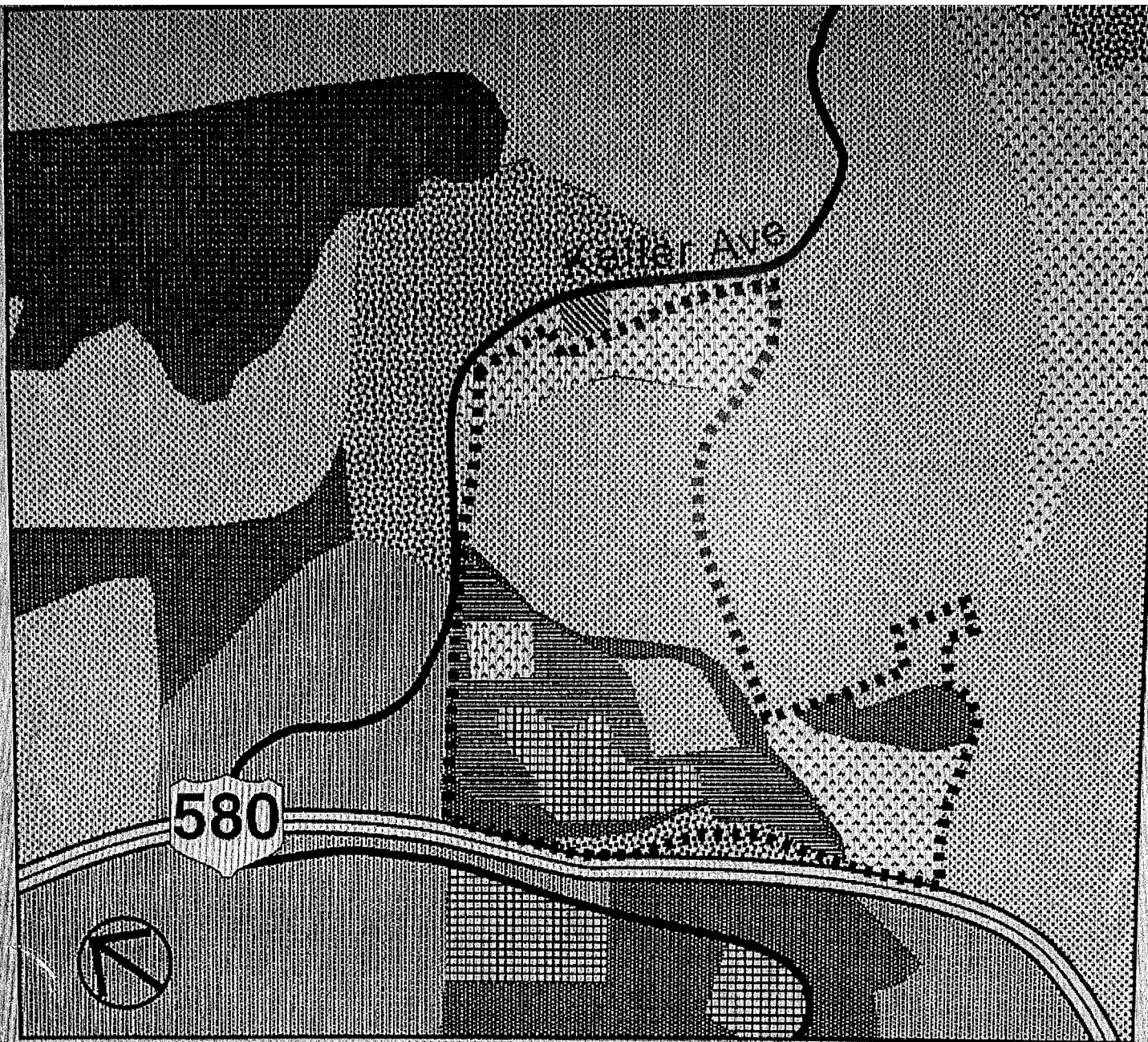
**From:** Angie Tam <havefun1000@yahoo.com>  
**Sent:** Friday, October 06, 2017 2:54 PM  
**To:** Klein, Heather; sgregory@lamphier-gregory.com  
**Cc:** Howard Dyckoff; Nedra Williams; Nedra Williams; Toler Heights  
**Subject:** Oak Knoll pln 15-378, er 15-004: redevelopment land use diagram

Hello heather and Scott









Here's the photo of the "land use diagram" from page 42 of the Redevelopment plan that was put into law by both ordinance and resolution.

Sincerely  
Angie Tam

Sent from my iPad



CEDA April 1998

- |  |  |
|--|--|
|  Hillside Residential           |  Community Commercial       |
|  Detached Unit Residential      |  Institutional              |
|  Mixed Housing Type Residential |  Resource Conservation Area |
|  Neighborhood Center Mixed Use  |  Park & Urban Open Space    |

# Oak Knoll Navy Base

## General Plan Land Use Classifications



temporary  
draft not  
Angie-pays...

**Klein, Heather**

---

**From:** Angie Tam <havefun1000@yahoo.com>  
**Sent:** Friday, October 06, 2017 2:54 PM  
**To:** Klein, Heather; Scott Gregory  
**Subject:** Oak Knoll PLN15-378 ER 15-004: Evidence not in record: Redevelopment plan and others.

Hello Heather and Scott

I hope to find you well.

Since the last Planning Commissions hearing, we found the city archive on Oak Knoll.

These documents are authentic, since they come from a city source. These statements are from the archive material:

Ordinance No 12065 - The primary purpose of the Redevelopment Plan is to implement the Final Reuse Plan, etc...

Resolution 74129 "incorporated (Navy's Final) Reuse plan as part of General Plan"

The Redevelopment Plan contain "Nondiscrimination and Nonsegregation." clause in perpetuity.

the Redevelopment Plan : "No variation shall be granted which changes a basic land use or which permits other than a minor departure from the provisions of this Plan. In permitting any such variation, the Agency shall impose such conditions as are necessary to protect the public peace, health, safety or welfare and to assure compliance with the purposes of this Plan.", etc

The Redevelopment the Land Use Diagram adds to the evidence of the existence of a park of substantial size on Mountain Blvd.. ( photo following in next email ). The diagram is found on page 42 of the Redevelopment plan.

I shall contact you for your opinion early next week.

We request that the material in the archive, consisting of the following - be entered into the record of evidence file.

- Oak Knoll Redevelopment Plan 1998
- Oak Knoll Redevelopment Plan 1998 (Table of Content)
- Oak Knoll Redevelopment Plan ordinance
- High Resolution Area Map
- Blight Report

Here's the link



<http://www2.oaklandnet.com/government/o/CityAdministration/d/NeighborhoodInvestment/o/OakKnoll/index.htm>

Thanks

Sincerely

Angie Tam

Howard Dyckoff

Nedra Williams

Residents of Toler Heights

## ATTACHMENT G – OAK KNOLL

### REPORT TO CITY COUNCIL OAK KNOLL REDEVELOPMENT PROJECT

#### HOW THE PROGRAM WILL ALLEVIATE BLIGHT IN THE PROJECT AREA

City and Agency staff has been working closely with the Master Developer, SunCal Oak Knoll, LLC, to finalize the environmental review, planning and application and conditions of approval processes for the development of the 181-acre site. The approved Development Plan will allow the developer and the Agency to implement the Final Reuse Plan. This integrated development program will:

- A. Help to eliminate physical blighting conditions which prevent the effective use of buildings or lots;
- B. Upgrade buildings and infrastructure to enhance the health, safety and welfare of the community;
- C. Create a better living and working environment for the community by providing a well balanced and economically viable neighborhood;
- D. Enhance the City's recreational facilities and opportunities, open space, cultural and arts facilities, protection of wildlife habitat;
- E. Expand the supply of affordable housing for qualifying households and families; and
- F. Increase employment opportunities.

#### BLIGHT ALLEVIATING ACTIVITIES IN FY 2008-09

Activities to reduce blight within the Oak Knoll Project Area in FY 2008-09 include:

- 1. SunCal performed vegetation management efforts to reduce blight and improve fire safety;
- 2. SunCal completed hazardous materials abatement work on more than 90 abandoned buildings within most of the site; and
- 3. The Agency performed vegetation management work on its 5.45 acre parcel and is in the process of having the 18 abandoned and blighted housing units on its site abated and demolished.

Note: SunCal Oak Knoll, LLC filed for bankruptcy in November 2008 shortly after the Lehman Brothers bankruptcy filing. City and Agency staff are working with the trustee and his representatives to release funding to mitigate blight, maintain and secure the property until it is purchased.

**REDEVELOPMENT PLAN**  
**FOR THE**  
**OAK KNOLL REDEVELOPMENT PROJECT**

**Prepared by**

**THE REDEVELOPMENT AGENCY  
OF THE CITY OF OAKLAND**



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## ATTACHMENTS

- Attachment No. 1 Legal Description of the Project Area  
Boundaries
- Attachment No. 2 Project Area Map
- Attachment No. 3 Redevelopment Land Use Map
- Attachment No. 4 Proposed Public Improvements

**REDEVELOPMENT PLAN  
FOR THE  
OAK KNOLL REDEVELOPMENT PROJECT**

**I. [§100] INTRODUCTION**

This is the Redevelopment Plan (the "Plan") for the Oak Knoll Redevelopment Project (the "Project") in the City of Oakland (the "City"), County of Alameda, State of California; it consists of the text, the Legal Description of the Project Area Boundaries (Attachment No. 1), the Project Area Map (Attachment No. 2), the Redevelopment Land Use Map (Attachment No. 3), and the Proposed Public Improvements (Attachment No. 4). This Plan was prepared by The Redevelopment Agency of the City of Oakland (the "Agency") pursuant to the Community Redevelopment Law of the State of California (Health and Safety Code Section 33000 et seq.), Chapter 4.5 of the Community Redevelopment Law (Health and Safety Code Section 33492 et seq.), the California Constitution, and all applicable local laws and ordinances.

In 1996 the Oakland Base Reuse Authority, created through a Joint Powers Agreement between the City of Oakland, the Agency, and the County of Alameda, completed and adopted the Final Reuse Plan for the Naval Medical Center, Oakland (commonly known as the Oak Knoll Naval Hospital) (the "Reuse Plan"). The proposed redevelopment of the area within the boundaries of the Project (the "Project Area") as described in this Plan conforms to the Reuse Plan. It is contemplated that the City of Oakland will prepare and adopt amendments to the General Plan for the City of Oakland (the "General Plan") to conform the General Plan to the Reuse Plan pursuant to the intent of Health and Safety Code Sections 33331 and 33492.20(a)(2) and Government Code Section 67840 et seq.

This Plan is based upon a Preliminary Plan formulated and adopted by the Planning Commission of the City of Oakland (the "Planning Commission") by Resolution No. 97-37 C.M.S., on June 24, 1997.

This Plan provides the Agency with powers, duties, and obligations to implement and further the program generally formulated in the Reuse Plan and this Plan for the redevelopment, rehabilitation, and revitalization of the area within the Project Area. Because of the long-term nature of this Plan and the need to retain in the Agency flexibility to respond to market and economic

conditions, property owner and developer interests, and opportunities from time to time presented for redevelopment, this Plan does not present a precise plan or establish specific projects for the redevelopment, rehabilitation, and revitalization of any area within the Project Area, nor does this Plan present specific proposals in an attempt to solve or alleviate the concerns and problems of the community relating to the Project Area. Instead, this Plan presents a process and a basic framework within which specific plans will be presented, specific projects will be established, and specific solutions will be proposed and by which tools are provided to the Agency to fashion, develop, and proceed with such specific plans, projects, and solutions.

The purposes of the Community Redevelopment Law will be attained through, and the major goals of this Plan are:

- A. The mitigation of the economic and social degradation that is faced by the community due to the closure of the Naval Medical Center by the federal Base Closure Commission, in accordance with the legislative intent expressed in Section 33492 of the Health and Safety Code.
- B. Implementation of the adopted Final Reuse Plan.
- C. The elimination of blighting influences and the correction of environmental deficiencies in the Project Area, including, among others, buildings in which it is unsafe or unhealthy for persons to live or work; obsolete, aged, dilapidated and deteriorated building types; substandard, faulty, inadequate or deteriorated infrastructure and utility lines; buildings that are too large or too small for modern use; inadequate parking facilities; incompatible and uneconomic land uses; noncompliance of land and buildings with modern subdivision, zoning and planning regulations; and buildings that do not meet current building, plumbing, mechanical or electrical code standards.
- D. The subdivision of land into parcels suitable for modern, integrated development with improved pedestrian and vehicular circulation in the Project Area.
- E. The replanning, redesign, and development of portions of the Project Area which are improperly utilized.



- F. The establishment of retail and other commercial functions in the Project Area.
- G. The strengthening of the economic base of the community by the construction and installation of needed site improvements to stimulate new residential, commercial, and light industrial uses, employment, and social and economic growth.
- H. The provision of adequate land for parking and open spaces.
- I. The establishment and implementation of performance criteria to assure high site design standards and environmental quality and other design elements which provide unity and integrity to the entire Project.
- J. The expansion, improvement, and preservation of the community's supply of housing available to low- and moderate-income persons and families.

## II. [§200] DESCRIPTION OF PROJECT AREA

The boundaries of the Project Area are described in the "Legal Description of the Project Area Boundaries," attached hereto as Attachment No. 1 and incorporated herein by reference, and are shown on the "Project Area Map," attached hereto as Attachment No. 2 and incorporated herein by reference.

## III. [§300] PROPOSED REDEVELOPMENT ACTIONS

### A. [§301] General

The Agency proposes to eliminate and prevent the spread of blight and deterioration in the Project Area by:

1. The acquisition and subdivision of real property to provide adequate sites for the mixed use development and construction of residential, commercial, recreational, and public benefit facilities;
2. The demolition or removal of certain buildings and improvements;

3. The management of any property acquired by and under the ownership and control of the Agency;
4. The installation, construction, or reconstruction of streets, utilities, and other public improvements;
5. The disposition of property for uses in accordance with this Plan;
6. The redevelopment of land by private enterprise or public agencies for uses in accordance with this Plan; and
7. The rehabilitation by future owners, their successors, and the Agency of structures and improvements previously owned by the federal government.

In the accomplishment of these purposes and activities and in the implementation and furtherance of this Plan, the Agency is authorized to use all the powers provided in this Plan and all the powers now or hereafter permitted by law.

B. [\$302] Participation Opportunities; Extension of Preferences for Reentry Within Redeveloped Project Area

1. [\$303] Opportunities for Owners and Business Tenants

All the property within the Project Area is included within the Naval Medical Center which was closed by order of the federal Base Closure Commission. In accordance with this Plan and the rules for participation adopted by the Agency pursuant to this Plan and the Community Redevelopment Law, persons who are or become owners of real property in the Project Area shall be given a reasonable opportunity to participate in the redevelopment of the Project Area consistent with the objectives of this Plan.

The Agency shall extend reasonable preferences to persons who are or become engaged in business in the Project Area to participate in the redevelopment of the Project Area or to reenter into business within the redeveloped Project Area if they otherwise meet the requirements prescribed in this Plan and the rules for participation adopted by the Agency.

2. [§304] Rules for Participation Opportunities, Priorities, and Preferences

In order to provide opportunities to owners to participate in the redevelopment of the Project Area and to extend reasonable preferences to businesses to reenter into business within the redeveloped Project Area, the Agency shall promulgate rules for participation by owners and the extension of preferences to business tenants for reentry within the redeveloped Project Area. If conflicts develop between the desires of participants for particular sites or land uses, the Agency is authorized to establish reasonable priorities and preferences among the owners and business tenants. Some of the factors to be considered in establishing these priorities and preferences may include a participant's length of occupancy in the area; accommodation of as many participants as possible; similarity of land use; the necessity to assemble sites for integrated, modern development; conformity of a participant's proposal with the intent and objectives of this Plan; and service to the community of a participant's proposal.

In addition to opportunities for participation by individual persons and firms, participation shall be available for two or more persons, firms, or institutions to join together in partnerships, corporations, or other joint entities.

Participation opportunities shall necessarily be subject to and limited by such factors as: (1) the elimination and changing of land uses; (2) the construction, widening, or realignment of streets; (3) the ability of participants to finance acquisition and development or rehabilitation in accordance with this Plan and development criteria adopted by the Agency in implementation of this Plan; (4) the reduction in the total number of individual parcels in the Project Area; and (5) the construction or expansion of public facilities.

3. [§305] Participation Agreements

The Agency may require that, as a condition to participation in redevelopment, each participant shall enter into a binding agreement with the Agency by which the participant agrees to rehabilitate, develop, and use and maintain the property in conformance with this Plan and to be subject to the provisions hereof. In such agreements, participants who retain real property shall be required to join in the recordation of such documents as may be necessary to make the provisions of this Plan applicable to their properties. Whether or not a participant enters into a participation agreement with the

Agency, the provisions of this Plan are applicable to all public and private property in the Project Area.

In the event a participant fails or refuses to rehabilitate, develop, and use and maintain its real property pursuant to this Plan and a participation agreement, the real property or any interest therein may be acquired by the Agency and sold or leased for rehabilitation or development in accordance with this Plan.

4. [§306] Conforming Owners

The Agency may, at its sole and absolute discretion, determine that certain real property within the Project Area presently meets the requirements of this Plan, and the owner of such property will be permitted to remain as a conforming owner without a participation agreement with the Agency provided such owner continues to operate, use, and maintain the real property within the requirements of this Plan. However, a conforming owner shall be required by the Agency to enter into a participation agreement with the Agency in the event that such owner desires to: (a) construct any additional improvements or substantially alter or modify existing structures on any of the real property described above as conforming; or (b) acquire additional property within the Project Area.

C. [§307] Cooperation with Public Bodies

Certain public bodies are authorized by state law to aid and cooperate, with or without consideration, in the planning, undertaking, construction, or operation of this Project. The Agency shall seek the aid and cooperation of such public bodies and shall attempt to coordinate this Plan with the activities of such public bodies in order to accomplish the purposes of redevelopment and the highest public good.

The Agency, by law, is not authorized to acquire real property owned by public bodies without the consent of such public bodies. The Agency, however, will seek the cooperation of all public bodies which own or intend to acquire property in the Project Area. Any public body which owns or leases property in the Project Area will be afforded all the privileges of owner and tenant participation if such public body is willing to enter into a participation agreement with the Agency. All plans for development of property in the Project Area by a public body shall be subject to Agency approval.

The Agency may impose on all public bodies the planning and design controls contained in this Plan to insure that present uses and any future development by public bodies will conform to the requirements of this Plan. To the extent now or hereafter permitted by law, the Agency is authorized to financially (and otherwise) assist any public entity in the cost of public land, buildings, facilities, structures, or other improvements (within or without the Project Area), which land, buildings, facilities, structures, or other improvements are or would be of benefit to the Project.

D. [§308] Property Acquisition

1. [§309] Real Property

Except as specifically exempted herein, the Agency may acquire, but is not required to acquire, any real property located in the Project Area by any means authorized by law.

It is in the public interest and is necessary in order to eliminate the conditions requiring redevelopment and in order to execute this Plan for the power of eminent domain to be employed by the Agency to acquire real property in the Project Area which cannot be acquired by gift, devise, exchange, purchase, or any other lawful method. Eminent domain proceedings, if used, must be commenced within twelve (12) years from the date the County Auditor certifies pursuant to Section 33492.9 of the Community Redevelopment Law.

The Agency shall not acquire real property to be retained by an owner pursuant to a participation agreement if the owner fully performs under the agreement. The Agency is authorized to acquire structures without acquiring the land upon which those structures are located. The Agency is authorized to acquire either the entire fee or any other interest in real property less than a fee.

The Agency shall not acquire real property on which an existing building is to be continued on its present site and in its present form and use without the consent of the owner unless: (a) such building requires structural alteration, improvement, modernization, or rehabilitation; (b) the site, or lot on which the building is situated, requires modification in size, shape, or use; or (c) it is necessary to impose upon such property any of the controls, limitations, restrictions, and requirements of this Plan and the owner fails or refuses to execute a participation agreement in accordance with the provisions of this Plan.



The Agency is not authorized to acquire real property owned by public bodies which do not consent to such acquisition. The Agency is authorized, however, to acquire public property transferred to private ownership before redevelopment of the Project Area is completed, unless the Agency and the private owner enter into a participation agreement and the owner completes his responsibilities under the participation agreement.

2. [§310] Personal Property

Generally, personal property shall not be acquired. However, where necessary in the execution of this Plan, the Agency is authorized to acquire personal property in the Project Area by any lawful means, including eminent domain.

E. [§311] Property Management

During such time as property, if any, in the Project Area is owned by the Agency, such property shall be under the management and control of the Agency. Such property may be rented or leased by the Agency pending its disposition for redevelopment, and such rental or lease shall be pursuant to such policies as the Agency may adopt.

F. [§312] Payments to Taxing Agencies to Alleviate Financial Burden

Pursuant to Sections 33492.15 and 33607.5 of the Community Redevelopment Law, the Agency is required to and shall make payments to affected taxing entities to alleviate the financial burden and detriment that the affected taxing entities may incur as a result of the adoption of this Plan. The payments made by the Agency shall be calculated and paid in accordance with the requirements of Sections 33492.15 and 33607.5.

G. [§313] Relocation of Persons, Business Concerns, and Others Displaced by the Project

1. [§314] Assistance in Finding Other Locations

All the property within the Project Area is included within the Naval Medical Center which was closed by order of the federal Base Closure Commission. Following conveyance of the property by the federal government to other public or private entities or persons, the Agency shall assist all future persons, business concerns, and others subsequently displaced by the Agency in

implementation of the Project as are eligible for such assistance under applicable law, in finding other locations and facilities. In order to carry out the Project with a minimum of hardship to persons, business concerns, and others, if any, displaced by the Agency in implementation of the Project and eligible under applicable law for such assistance, the Agency shall assist such persons, business concerns and others in finding new locations that are decent, safe, sanitary, within their respective financial means, in reasonably convenient locations, and otherwise suitable to their respective needs. The Agency may also provide housing inside or outside the Project Area for displaced persons.

2. [§315] Relocation Payments

The Agency shall make relocation payments to such persons, business concerns, and others displaced by the Agency in implementation of the Project as are eligible for such payments under applicable law, for moving expenses and direct losses of personal property and additional relocation payments as may be required by law. Such relocation payments shall be made pursuant to the California Relocation Assistance Law (Government Code Section 7260 et seq.) and Agency rules and regulations adopted pursuant thereto. The Agency may make such other payments as may be appropriate and for which funds are available.

H. [§316] Demolition, Clearance, and Building and Site Preparation

1. [§317] Demolition and Clearance

The Agency is authorized to demolish and clear buildings, structures, and other improvements from any real property in the Project Area as necessary to carry out the purposes of this Plan.

2. [§318] Preparation of Building Sites

The Agency is authorized to prepare, or cause to be prepared, as building sites any real property in the Project Area owned by the Agency. In connection therewith, the Agency may cause, provide for, or undertake the installation or construction of streets, utilities, parks, playgrounds, and other public improvements necessary to carry out this Plan. The Agency is also authorized to construct foundations, platforms, and other structural forms necessary for the provision or utilization of air rights sites for buildings to be used for residential, commercial, industrial, public, and other uses provided for in this Plan.

Prior consent of the City Council is required for the Agency to develop sites for commercial or industrial use by providing streets, sidewalks, utilities, or other improvements which an owner or operator of the site would otherwise be obliged to provide.

I. [§319] Property Disposition and Development

1. [§320] Real Property Disposition and Development

a. [§321] General

For the purposes of this Plan, the Agency is authorized to sell, lease, exchange, subdivide, transfer, assign, pledge, encumber by mortgage or deed of trust, or otherwise dispose of any interest in real property. To the extent permitted by law, the Agency is authorized to dispose of real property by negotiated lease, sale, or transfer without public bidding. Property acquired by the Agency for rehabilitation and resale shall be offered for resale within one (1) year after completion of rehabilitation or an annual report concerning such property shall be published by the Agency as required by law.

Real property acquired by the Agency may be conveyed by the Agency without charge to the City and, where beneficial to the Project Area, without charge to any public body. All real property acquired by the Agency in the Project Area shall be sold or leased to public or private persons or entities for development for the uses permitted in this Plan.

All purchasers or lessees of property acquired from the Agency shall be obligated to use the property for the purposes designated in this Plan, to begin and complete development of the property within a period of time which the Agency fixes as reasonable, and to comply with other conditions which the Agency deems necessary to carry out the purposes of this Plan.

b. [§322] Disposition and Development Documents

To provide adequate safeguards to ensure that the provisions of this Plan will be carried out and to prevent the recurrence of blight, all real property sold, leased, or conveyed by the Agency, as well as all property subject to participation agreements, is subject to the provisions of this Plan.

The Agency shall reserve such powers and controls in the disposition and development documents as may be necessary to prevent

transfer, retention, or use of property for speculative purposes and to ensure that development is carried out in a timely manner pursuant to this Plan.

Leases, deeds, contracts, agreements, and declarations of restrictions of the Agency may contain restrictions, covenants, covenants running with the land, rights of reverter, conditions subsequent, equitable servitudes, or any other provisions necessary to carry out this Plan. Where appropriate, as determined by the Agency, such documents, or portions thereof, shall be recorded in the office of the Recorder of Alameda County.

All property in the Project Area is hereby subject to the restriction that there shall be no discrimination or segregation based upon race, color, creed, religion, sex, marital status, national origin, or ancestry in the sale, lease, sublease, transfer, use, occupancy, tenure, or enjoyment of property in the Project Area. All property sold, leased, conveyed, or subject to a participation agreement shall be expressly subject by appropriate documents to the restriction that all deeds, leases, or contracts for the sale, lease, sublease, or other transfer of land in the Project Area shall contain such nondiscrimination and nonsegregation clauses as required by law.

c. [§323] Development by the Agency

To the extent now or hereafter permitted by law, the Agency is authorized to pay for, develop, or construct any publicly-owned building, facility, structure, or other improvement either within or without the Project Area, for itself or for any public body or entity, which buildings, facilities, structures, or other improvements are or would be of benefit to the Project Area. Specifically, the Agency may pay for, install, or construct the buildings, facilities, structures, and other improvements identified in Attachment No. 4, attached hereto and incorporated herein by reference, and may acquire or pay for the land required therefor.

In addition to the public improvements authorized under Section 318 and the specific publicly-owned improvements identified in Attachment No. 4 of this Plan, the Agency is authorized to install and construct, or to cause to be installed and constructed, within or without the Project Area, for itself or for any public body or entity for the benefit of the Project Area, public improvements and public utilities, including, but not limited to, the following: (1) over- and underpasses; (2) sewers; (3) natural gas distribution systems; (4) water distribution systems; (5) parks, plazas, and pedestrian paths; (6) playgrounds; (7) parking facilities; (8) landscaped areas; and (9) street improvements.

The Agency may enter into contracts, leases, and agreements with the City or other public body or entity pursuant to this Section 323, and the obligation of the Agency under such contract, lease, or agreement shall constitute an indebtedness of the Agency which may be made payable out of the taxes levied in the Project Area and allocated to the Agency under subdivision (b) of Section 33670 of the Community Redevelopment Law and Section 502 of this Plan or out of any other available funds.

d. [§324] Development Plans

All development plans (whether public or private) shall be submitted to the Agency for approval and architectural review. All development in the Project Area must conform to the Reuse Plan and the City design review standards.

2. [§325] Personal Property Disposition

For the purposes of this Plan, the Agency is authorized to lease, sell, exchange, transfer, assign, pledge, encumber, or otherwise dispose of personal property which is acquired by the Agency.

J. [§326] Rehabilitation, Conservation, and Moving of Structures

1. [§327] Rehabilitation and Conservation

The Agency is authorized to rehabilitate and conserve, or to cause to be rehabilitated and conserved, any building or structure in the Project Area owned by the Agency. The Agency is also authorized and directed to advise, encourage, and assist in the rehabilitation and conservation of property in the Project Area not owned by the Agency. The Agency is also authorized to acquire, restore, rehabilitate, move, and conserve buildings of historic or architectural significance.

2. [§328] Moving of Structures

As necessary in carrying out this Plan, the Agency is authorized to move, or to cause to be moved, any standard structure or building or any structure or building which can be rehabilitated to a location within or outside the Project Area.



K.     [§329] Low- and Moderate-Income Housing

1.     [§330] Replacement Housing

In accordance with Section 33334.5 of the Community Redevelopment Law, following conveyance of the property within the Project Area by the federal government to other public or private entities or individuals, whenever dwelling units subsequently housing persons and families of low or moderate income are destroyed or removed from the low and moderate income housing market as part of the Project, the Agency shall, within four (4) years of such destruction or removal, rehabilitate, develop, or construct, or cause to be rehabilitated, developed, or constructed, for rental or sale to persons and families of low or moderate income an equal number of replacement dwelling units at affordable housing costs within the Project Area or within the territorial jurisdiction of the Agency in accordance with all of the provisions of Sections 33413 and 33413.5 of said Community Redevelopment Law.

2.     [§331] Inclusionary Housing

Whenever new or rehabilitated dwelling units are developed by the Agency or by other public or private entities or persons within the Project Area, the Agency shall comply with the inclusionary housing requirements set forth in Section 33413 (in particular, subdivision (b) of that section) of the Community Redevelopment Law.

3.     [§332] Increased and Improved Housing Supply

Pursuant to Section 33334.2 of the Community Redevelopment Law, not less than twenty percent (20%) of all taxes which are allocated to the Agency pursuant to Section 33670 of the Community Redevelopment Law and Section 502 of this Plan shall be used by the Agency for the purposes of increasing, improving, and preserving the City's supply of housing for persons and families of very low, low, or moderate income unless certain findings are made as required by that section to lessen or exempt such requirement. In carrying out this purpose, the Agency may exercise any or all of its powers.

The Agency may use these funds to meet, in whole or in part, the replacement housing provisions in Section 330, above, or the inclusionary housing provisions in Section 331, above. These funds may be used inside or outside the Project Area provided, however, that funds may be used

outside the Project Area only if findings of benefit to the Project are made as required by said Section 33334.2 of the Community Redevelopment Law.

The funds for this purpose shall be held in a separate Low and Moderate Income Housing Fund until used; provided the Agency may defer the allocation of such funds for a period of up to five years after the date of adoption of this Plan if certain findings are made by the legislative body pursuant to Section 33492.16 of the Community Redevelopment Law. The amount of any such deferral shall be considered an indebtedness of the Project and shall be repaid to the Low and Moderate Income Housing Fund in accordance with Section 33492.16. Any interest earned by such Low and Moderate Income Housing Fund shall accrue to the Fund.

#### IV. [§400] USES PERMITTED IN THE PROJECT AREA

##### A. [§401] Redevelopment Land Use Map

The "Redevelopment Land Use Map," attached hereto as Attachment No. 3 and incorporated herein by reference, illustrates the location of the Project Area boundaries, major streets within the Project Area, and the proposed land uses to be permitted in the Project for all land, public, semi-public and private.

##### B. [§402] Designated Land Uses

###### 1. [§403] Residential Uses

Subject to Section 407 of this Plan, the areas shown on the Redevelopment Land Use Map (Attachment No. 3) for residential uses shall be used for residential uses consistent with the Reuse Plan, as may be amended from time to time, and any zoning regulations adopted or amended from time to time implementing the Reuse Plan.

###### 2. [§404] Commercial Uses

Subject to Section 407 of this Plan, the areas shown on the Redevelopment Land Use Map (Attachment No. 3) for commercial uses shall be used for commercial uses consistent with the Reuse Plan, as may be amended from time to time, and any zoning regulations adopted or amended from time to time implementing the Reuse Plan.

3. [\$405] Recreational Uses

Subject to Section 407 of this Plan, the areas shown on the Redevelopment Land Use Map (Attachment No. 3) for recreational uses shall be used for recreational uses consistent with the Reuse Plan, as may be amended from time to time, and any zoning regulations adopted or amended from time to time implementing the Reuse Plan.

4. [\$406] Other Uses

Subject to Section 407 of this Plan, other uses shall be permitted consistent with the Reuse Plan, as may be amended from time to time, and any zoning regulations adopted or amended from time to time implementing the Reuse Plan.

5. [\$407] Conformance With Applicable Zoning

All uses permitted under this Plan shall be subject to existing and any additional zoning regulations as may be adopted and amended from time to time implementing the Reuse Plan.

C. [\$408] Related Land Uses

1. [\$409] Public Rights-of-Way

The major public streets within the Project Area are identified on the Redevelopment Land Use Map (Attachment No. 3).

Additional public streets, alleys, and easements may be created in the Project Area as needed for proper development. Existing streets, alleys, and easements may be abandoned, closed, or modified as necessary for proper development of the Project.

Any changes in the existing interior or exterior street layout shall be in accordance with the Reuse Plan, the objectives of this Plan, and the City's design standards, shall be effectuated in the manner prescribed by state and local law, and shall be guided by the following criteria:

- a. A balancing of the needs of proposed and potential new developments for adequate pedestrian and vehicular access, vehicular parking, and delivery loading docks with the similar needs of any existing

developments permitted to remain. Such balancing shall take into consideration the rights of existing owners and tenants under the rules for owner and tenant participation adopted by the Agency for the Project and any participation agreements executed thereunder;

- b. The requirements imposed by such factors as topography, traffic safety and aesthetics; and
- c. The potential need to serve not only the Project Area and new or existing developments but to also serve areas outside the Project by providing convenient and efficient vehicular access and movement.

The public rights-of-way may be used for vehicular and/or pedestrian traffic, as well as for public improvements, public and private utilities, and activities typically found in public rights-of-way.

2. [§410] Other Public, Semi-Public, Institutional, and Nonprofit Uses

Subject to Section 407 of this Plan, in any area shown on the Redevelopment Land Use Map (Attachment No. 3), the Agency is authorized to permit the maintenance, establishment, or enlargement of public, semi-public, institutional, or nonprofit uses, including park and recreational facilities, libraries, educational, fraternal, employee, philanthropic, religious and charitable institutions, utilities, and facilities of other similar associations or organizations. All such uses shall, to the extent possible, conform to the provisions of this Plan applicable to the uses in the specific area involved and as permitted under the Reuse Plan. The Agency may impose such other reasonable requirements and/or restrictions as may be necessary to protect the development and use of the Project Area.

3. [§411] Interim Uses

Pending the ultimate development of land by developers and participants, the Agency is authorized to use or permit the use of any land in the Project Area for interim uses that are not in conformity with the uses permitted in this Plan.

4. [\$412] Nonconforming Uses

The Agency may permit an existing use to remain in an existing building in good condition which use does not conform to the provisions of this Plan, provided that such use is generally compatible with existing and proposed developments and uses in the Project Area. The owner of such a property must be willing to enter into a participation agreement and agree to the imposition of such reasonable restrictions as may be necessary to protect the development and use of the Project Area.

The Agency may authorize additions, alterations, repairs, or other improvements in the Project Area for uses which do not conform to the provisions of this Plan where such improvements are within a portion of the Project where, in the determination of the Agency, such improvements would be compatible with surrounding Project uses and development.

D. [\$413] General Controls and Limitations

All real property in the Project Area is made subject to the controls and requirements of this Plan. No real property shall be developed, rehabilitated, or otherwise changed after the date of the adoption of this Plan, except in conformance with the provisions of this Plan.

1. [\$414] Construction

All construction in the Project Area shall comply with all applicable state and local laws and codes in effect from time to time. In addition to applicable codes, ordinances, or other requirements governing development in the Project Area, additional specific performance and development standards may be adopted by the Agency to control and direct redevelopment activities in the Project Area.

2. [\$415] Rehabilitation and Retention of Properties

Any existing structure within the Project Area approved by the Agency for retention and rehabilitation shall be repaired, altered, reconstructed, or rehabilitated in such a manner that it will be safe and sound in all physical respects and be attractive in appearance and not detrimental to the surrounding uses.

3. [§416] Limitation on the Number of Buildings

The number of buildings in the Project Area shall not exceed the number of buildings permitted under existing and any additional zoning regulations that may be adopted or amended from time to time by the City of Oakland implementing the Reuse Plan.

4. [§417] Number of Dwelling Units

The number of dwelling units permitted in the Project Area shall not exceed the number of dwelling units permitted under existing and any additional zoning regulations that may be adopted or amended from time to time by the City of Oakland implementing the Reuse Plan.

5. [§418] Limitation on Type, Size, and Height of Buildings

Except as set forth in other sections of this Plan, the type, size, and height of buildings shall be as limited by applicable federal, state, and local statutes, ordinances, and regulations, including existing and any additional zoning regulations that may be adopted or amended from time to time by the City of Oakland implementing the Reuse Plan.

6. [§419] Open Spaces, Landscaping, Light, Air, and Privacy

The approximate amount of open space to be provided in the Project Area is the total of all areas which will be in the public rights-of-way, the public ground, the space around buildings, and all other outdoor areas not permitted to be covered by buildings. Landscaping shall be developed in the Project Area to ensure optimum use of living plant material.

Sufficient space shall be maintained between buildings in all areas to provide adequate light, air, and privacy.

7. [§420] Signs

All signs shall conform to City sign ordinances and other requirements as they now exist or are hereafter amended. Design of all proposed new signs shall be submitted to the Agency and/or the City prior to installation for review and approval pursuant to the procedures of this Plan.

8. [§421] Utilities

The Agency shall require that all utilities be placed underground whenever physically and economically feasible.

9. [§422] Incompatible Uses

No use or structure which by reason of appearance, traffic, smoke, glare, noise, odor, or similar factors, as determined by the Agency, would be incompatible with the surrounding areas or structures shall be permitted in any part of the Project Area.

10. [§423] Nondiscrimination and Nonsegregation

There shall be no discrimination or segregation based upon race, color, creed, religion, sex, marital status, national origin, or ancestry permitted in the sale, lease, sublease, transfer, use, occupancy, tenure, or enjoyment of property in the Project Area.

11. [§424] Subdivision of Parcels

No parcel in the Project Area, including any parcel retained by a participant, shall be subdivided without the approval of the Agency.

12. [§425] Minor Variations

Under exceptional circumstances, the Agency is authorized to permit a variation from the limits, restrictions, and controls established by this Plan. In order to permit such variation, the Agency must determine that:

- a. The application of certain provisions of this Plan would result in practical difficulties or unnecessary hardships inconsistent with the general purpose and intent of this Plan;
- b. There are exceptional circumstances or conditions applicable to the property or to the intended development of the property which do not apply generally to other properties having the same standards, restrictions, and controls;

- c. Permitting a variation will not be materially detrimental to the public welfare or injurious to property or improvements in the area; and
- d. Permitting a variation will not be contrary to the objectives of this Plan or of the General Plan.

No variation shall be granted which changes a basic land use or which permits other than a minor departure from the provisions of this Plan. In permitting any such variation, the Agency shall impose such conditions as are necessary to protect the public peace, health, safety, or welfare and to assure compliance with the purposes of this Plan. Any variation permitted by the Agency hereunder shall not supersede any other approval required under applicable City codes and ordinances.

E. §426 Design for Development

Within the limits, restrictions, and controls established in this Plan, the Agency is authorized to establish heights of buildings, land coverage, setback requirements, design criteria, traffic circulation, traffic access, and other development and design controls necessary for proper development of both private and public areas within the Project Area.

No new improvement shall be constructed, and no existing improvement shall be substantially modified, altered, repaired, or rehabilitated, except in accordance with this Plan and any such controls and, in the case of property which is the subject of a disposition and development or participation agreement with the Agency and any other property, in the discretion of the Agency, in accordance with architectural, landscape, and site plans submitted to and approved in writing by the Agency. One of the objectives of this Plan is to create an attractive and pleasant environment in the Project Area. Therefore, such plans shall give consideration to good design, open space, and other amenities to enhance the aesthetic quality of the Project Area. The Agency shall not approve any plans that do not comply with this Plan.

F. §427 Building Permits

No permit shall be issued for the construction of any new building or for any construction on an existing building in the Project Area from the date of adoption of this Plan until the application for such permit has been approved by the Agency as consistent with this Plan and processed in a manner consistent with all City requirements. An application shall be deemed consistent with this



Plan if it is consistent with the General Plan, applicable zoning ordinances and any adopted design for development.

The Agency is authorized to establish permit procedures and approvals in addition to those set forth above where required for the purposes of this Plan. Where such additional procedures and approvals are established, a building permit shall be issued only after the applicant for same has been granted all approvals required by the City and the Agency at the time of application.

V. [§500] METHODS OF FINANCING THE PROJECT

A. [§501] General Description of the Proposed Financing Method

The Agency is authorized to finance this Project with financial assistance from the City, the State of California, the federal government, interest income, Agency bonds, donations, loans from private financial institutions, the lease or sale of Agency-owned property, or any other available source, public or private. The Agency is further authorized to finance this Project utilizing tax increment funds provided for under Section 502 of this Plan; provided that the Agency shall not expend any tax increment funds allocated to it from the Project Area for expenses related to carrying out the Project unless and until the City has amended its General Plan, as referenced in Section 100, and the findings set forth in Health and Safety Code Section 33492.20(a)(2) have been adopted.

The Agency is also authorized to obtain advances, borrow funds, and create indebtedness in carrying out this Plan. The principal and interest on such advances, funds, and indebtedness may be paid from tax increments or any other funds available to the Agency. Advances and loans for survey and planning and for the operating capital for nominal administration of this Project may be provided by the City until adequate tax increment or other funds are available, or sufficiently assured, to repay the advances and loans and to permit borrowing adequate working capital from sources other than the City. The City, as it is able, may also supply additional assistance through City loans and grants for various public facilities.

The City or any other public agency may expend money to assist the Agency in carrying out this Project. As available, gas tax funds from the state and county may be used for street improvements and public transit facilities.

B. [§502] Tax Increment Funds

All taxes levied upon taxable property within the Project Area each year, by or for the benefit of the State of California, the County of Alameda, the City, any district, or any other public corporation (hereinafter sometimes called "taxing agencies"), after the effective date of the ordinance approving this Plan shall be divided as follows:

1. That portion of the taxes which would be produced by the rate upon which the tax is levied each year by or for each of said taxing agencies upon the total sum of the assessed value of the taxable property in the Project as shown upon the assessment roll used in connection with the taxation of such property by such taxing agency, last equalized prior to the effective date of such ordinance, shall be allocated to and when collected shall be paid into the funds of the respective taxing agencies as taxes by or for said taxing agencies on all other property are paid (for the purpose of allocating taxes levied by or for any taxing agency or agencies which did not include the territory of the Project on the effective date of such ordinance but to which such territory is annexed or otherwise included after such effective date, the assessment roll of the County of Alameda, last equalized on the effective date of said ordinance, shall be used in determining the assessed valuation of the taxable property in the Project on said effective date).
2. Except as provided in subdivision 3, below, that portion of said levied taxes each year in excess of such amount shall be allocated to and when collected shall be paid into a special fund of the Agency to pay the principal of and interest on loans, moneys advanced to, or indebtedness (whether funded, refunded, assumed, or otherwise) incurred by the Agency to finance or refinance, in whole or in part, this Project. Unless and until the total assessed valuation of the taxable property in the Project exceeds the total assessed value of the taxable property in the Project as shown by the last equalized assessment roll referred to in subdivision 1 hereof, all of the taxes levied and collected upon the taxable property in the Project shall be paid into the funds of the respective taxing agencies. When said loans, advances, and indebtedness, if any, and interest thereon, have been paid,

all moneys thereafter received from taxes upon the taxable property in the Project shall be paid into the funds of the respective taxing agencies as taxes on all other property are paid.

3. That portion of the taxes in excess of the amount identified in subdivision 1, above, which are attributable to a tax rate levied by a taxing agency which was approved by the voters of the taxing agency on or after January 1, 1989, for the purpose of producing revenues in an amount sufficient to make annual repayments of the principal of, and the interest on, any bonded indebtedness for the acquisition or improvement of real property shall be allocated to, and when collected shall be paid into, the fund of that taxing agency.

The portion of taxes mentioned in subdivision 2, above, are hereby irrevocably pledged for the payment of the principal of and interest on the advance of moneys, or making of loans or the incurring of any indebtedness (whether funded, refunded, assumed, or otherwise) by the Agency to finance or refinance the Project, in whole or in part. The Agency is authorized to make such pledges as to specific advances, loans, and indebtedness as appropriate in carrying out the Project.

The portion of taxes divided and allocated to the Agency pursuant to subdivision 2 of this Section 502 shall not exceed a cumulative total of EIGHTY-SEVEN MILLION DOLLARS (\$87,000,000).

The Agency is authorized to issue bonds from time to time, if it deems appropriate to do so, in order to finance all or any part of the Project. Neither the members of the Agency nor any persons executing the bonds are liable personally on the bonds by reason of their issuance.

The bonds and other obligations of the Agency are not a debt of the City or the state, nor are any of its political subdivisions liable for them, nor in any event shall the bonds or obligations be payable out of any funds or properties other than those of the Agency, and such bonds and other obligations shall so state on their face. The bonds do not constitute an indebtedness within the meaning of any constitutional or statutory debt limitation or restriction.

The amount of bonded indebtedness to be repaid in whole or in part from the allocation of taxes described in subdivision 2 above which can be

outstanding at any one time shall not exceed TWENTY-ONE MILLION FIVE HUNDRED THOUSAND DOLLARS (\$21,500,000).

The Agency shall not establish or incur loans, advances, or indebtedness to finance in whole or in part the Project beyond twenty (20) years from the date the County Auditor certifies pursuant to Section 33492.9 of the Community Redevelopment Law (the date of the final day of the first fiscal year in which \$100,000 or more of tax increment funds from the Project Area are paid to the Agency pursuant to subdivision (d) of Section 33675 of the Community Redevelopment Law). Loans, advances, or indebtedness may be repaid over a period of time beyond said time limit. This time limit shall not prevent the Agency from incurring debt to be paid from the Low and Moderate Income Housing Fund or establishing more debt in order to fulfill the Agency's housing obligations under Section 33413 of the Community Redevelopment Law. Further, this time limit shall not prevent the Agency from refinancing, refunding, or restructuring indebtedness after the time limit if the indebtedness is not increased and the time during which the indebtedness is to be repaid is not extended beyond the time limit for repaying indebtedness set forth immediately below in this Section 502.

The Agency shall not receive, and shall not repay loans, advances, or other indebtedness to be paid with the proceeds of property taxes from the Project Area pursuant to Section 33670 of the Community Redevelopment Law and this Section 502 beyond forty-five (45) years from the date the County Auditor certifies pursuant to Section 33492.9 of the Community Redevelopment Law.

C. [\$503] Other Loans and Grants

Any other loans, grants, guarantees, or financial assistance from the United States, the State of California, or any other public or private source will be utilized if available.

VI. [\$600] ACTIONS BY THE CITY

The City shall aid and cooperate with the Agency in carrying out this Plan and shall take all actions necessary to ensure the continued fulfillment of the purposes of this Plan and to prevent the recurrence or spread in the area of conditions causing blight. Actions by the City shall include, but not be limited to, the following:

- A. Institution and completion of proceedings for opening, closing, vacating, widening, or changing the grades of streets, alleys, and other public rights-of-way and for other necessary modifications of the streets, the street layout, and other public rights-of-way in the Project Area. Such action by the City shall include the requirement of abandonment, removal, and relocation by the public utility companies of their operations of public rights-of-way as appropriate to carry out this Plan provided that nothing in this Plan shall be construed to require the cost of such abandonment, removal, and relocation to be borne by others than those legally required to bear such cost.
- B. Provision of advances, loans, or grants to the Agency or the expenditure of funds for projects implementing this Plan as deemed appropriate by the City and to the extent funds are available therefor.
- C. Institution and completion of proceedings necessary for changes and improvements in private and publicly owned public utilities within or affecting the Project Area.
- D. Revision of zoning (if necessary) within the Project Area to permit the land uses and development authorized by this Plan.
- E. Imposition wherever necessary (by conditional use permits or other means) of appropriate controls within the limits of this Plan upon parcels in the Project Area to ensure their proper development and use.
- F. Provision for administrative enforcement of this Plan by the City after development. The City and the Agency shall develop and provide for enforcement of a program for continued maintenance by owners of all real property, both public and private, within the Project Area throughout the duration of this Plan.
- G. Preservation of historical sites.
- H. Performance of the above actions and of all other functions and services relating to public peace, health, safety, and physical development normally rendered in accordance with a schedule which will permit the redevelopment of the Project Area to be commenced and carried to completion without unnecessary delays.

- I. The undertaking and completing of any other proceedings necessary to carry out the Project.

The foregoing actions to be taken by the City do not involve or constitute any commitment for financial outlays by the City unless specifically agreed to and authorized by the City.

## VII. [§700] ENFORCEMENT

The administration and enforcement of this Plan, including the preparation and execution of any documents implementing this Plan, shall be performed by the Agency and/or the City.

The provisions of this Plan or other documents entered into pursuant to this Plan may also be enforced by court litigation instituted by either the Agency or the City. Such remedies may include, but are not limited to, specific performance, damages, reentry, injunctions, or any other remedies appropriate to the purposes of this Plan. In addition, any recorded provisions which are expressly for the benefit of owners of property in the Project Area may be enforced by such owners.

## VIII. [§800] DURATION OF THIS PLAN

Except for the nondiscrimination and nonsegregation provisions which shall run in perpetuity, the provisions of this Plan shall be effective, and the provisions of other documents formulated pursuant to this Plan may be made effective, for thirty (30) years from the date the County Auditor certifies pursuant to Section 33492.9 of the Community Redevelopment Law (the date of the final day of the first fiscal year in which \$100,000 or more of tax increment funds from the Project Area are paid to the Agency pursuant to subdivision (d) of Section 33675 of the Community Redevelopment Law); provided, however, that subject to the limitations set forth in Section 502 of this Plan, the Agency may issue bonds and incur obligations pursuant to this Plan which extend beyond the termination date, and in such event, this Plan shall continue in effect to the extent necessary to permit the full repayment of such bonds or other obligations. After the termination of this Plan, the Agency shall have no authority to act pursuant to this Plan except to pay previously incurred indebtedness and to enforce existing covenants or contracts unless the Agency has not completed its housing obligations pursuant to Section 33413 of the Community Redevelopment Law, in

which case the Agency shall retain its authority to implement requirements under Section 33413 of the Community Redevelopment Law, including its ability to incur and pay indebtedness for this purpose, and shall use this authority to complete such housing obligations as soon as is reasonably possible.

**IX. [§900] PROCEDURE FOR AMENDMENT**

This Plan may be amended by means of the procedure established in Section 33354.6 and/or 33450-33458 of the Community Redevelopment Law or by any other procedure hereafter established by law.

**ATTACHMENT NO. 1**

**LEGAL DESCRIPTION OF THE PROJECT AREA BOUNDARIES**

The boundaries of the Oak Knoll Redevelopment Project are described as set forth in the attached legal description.



REAL PROPERTY in the City of Oakland, County of Alameda, State of California, described as follows:

BEGINNING at the most western corner of that certain parcel of land described in the JUDGEMENT in Case No. 22087R in the Southern Division of the District Court of the United States for the Northern District of California, the Complaint in Condemnation, the United States of America v. Arthur L. King, et al, recorded February 24, 1942 in Book 4200 at Page 54, et seq., Official Records of Alameda County, said point being the intersection of the northwestern line of that certain 349 acre tract of land described in the deed from Ygnacio Peralta and Rafaela S. de Peralta to Ludovina Ivey recorded September 7, 1871 in Book 69 of Deeds at Page 457, Official Records of Alameda County, with the general northeastern line of Mountain Boulevard as last said line is described in the deed from Arthur D. King and Florence J. King to the City of Oakland, recorded October 5, 1937 in Book 3523 at Page 329, et seq., Official Records of Alameda County, running thence along last said line the following courses and distances: South  $24^{\circ}22'40''$  East 622.17 feet; tangent to last said course, southeasterly along the arc of a curve to the left having a radius of 1040.00 feet, through a central angle of  $23^{\circ}08'25''$ , a distance of 420.03 feet; tangent to last said curve, South  $47^{\circ}31'05''$  East 584.75 feet; tangent to last said course, southeasterly and southerly along the arc of a curve to the right having a radius of 1060.00 feet, through a central angle of  $41^{\circ}06'19''$ , a distance of 760.47 feet; tangent to last said curve, South  $6^{\circ}24'46''$  East 307.83 feet; and tangent to last said course, southerly along the arc of a curve to the left, having a radius 1140.00 feet, through a central angle of  $15^{\circ}09'00''$ , a distance of 301.44 feet; thence tangent to last said curve, continuing along said general northeastern line of Mountain Boulevard, and along the general southern line of that certain parcel of land described in the JUDGEMENT in Case No. 22276S in the Southern Division of the District Court of the United States for the Northern District of California, the Complaint in Condemnation, the United States of America v. Hutchinson Realty Company, et al., recorded August 28, 1942 in Book 4282 at Page 161, et seq., Official Records of Alameda County, South  $21^{\circ}33'46''$  274.25 feet; thence leaving said line of Mountain Boulevard and continuing along said general southern line, tangent to last said course, southerly southeasterly, easterly, and northeasterly along the arc of a curve to the left, having a central angle of  $107^{\circ}06'14''$ , a distance of 93.47 feet to an intersection with the general northwestern line of Sequoyah Road, formerly Oak Knoll Boulevard as said boulevard is shown on the map of Fairway Estates in Oak Knoll, etc., filed March 14, 1929 in Book 18 of Maps at Page 59 et

seq., Official Records of Alameda County; thence along last said line the following courses and distances: tangent to last said curve, North  $51^{\circ}20'00''$  East 51.35 feet; tangent to last said course, northeasterly along the arc of a curve to the right having a radius of 200.00 feet, through a central angle of  $14^{\circ}31'30''$ , a distance of 50.70 feet to a point of reverse curvature, tangent at last said point to a course which bears North  $65^{\circ}51'30''$  East; tangent to last said course, northeasterly along the arc of a curve to the left having a radius of 200.00 feet, through a central angle of  $21^{\circ}36'30''$ , a distance of 75.43 feet; tangent to last said curve, North  $44^{\circ}15'00''$  East 108.39 feet; tangent to last said course, northeasterly and easterly along the arc of a curve to the right having a radius of 150.00 feet, through a central angle of  $60^{\circ}31'40''$ , a distance of 158.46 feet; tangent to last said curve, South  $75^{\circ}13'20''$  East 36.79 feet; tangent to last said course, easterly and northeasterly along the arc of a curve to the left having a radius of 200.00 feet, through a central angle of  $68^{\circ}16'40''$ , a distance of 238.33 feet; and tangent to last said curve, North  $36^{\circ}30'00''$  East 162.17 feet; thence leaving last said line, at right angles to last said course, South  $53^{\circ}30'00''$  East 50.00 feet to an intersection with a line drawn parallel with and distant 50.00 feet, measured at right angles easterly from said general northwestern line of Oak Knoll Boulevard; thence along said parallel line the following courses and distances: from a tangent which bears North  $36^{\circ}30'00''$  East, northeasterly, northerly, and northwesterly along the arc of a curve to the left having a radius of 140.64 feet, through a central angle of  $68^{\circ}16'15''$ , a distance of 167.58 feet; and tangent to last said curve North  $31^{\circ}46'15''$  West 27.58 feet to an intersection with the southeastern line of Lot F12, as said lot is shown on said map of Fairway Estates in Oak Knoll (18 M 59); thence along last said line North  $58^{\circ}13'45''$  East 110.00 feet to the most eastern corner of said Lot F12; thence North  $60^{\circ}49'06''$  East 310.20 feet to the corner common to Lots 173, 174, 175, and 176 as said lots are shown on the "Map of Subdivision, Sequoyah Hills, etc." filed April 3, 1914 in Book 28 of Maps at Page 63, et seq., Official Records of Alameda County; thence along the exterior boundary line of said Lot 175 the following courses and distances: North  $74^{\circ}44'15''$  East 186.66 feet; and North  $11^{\circ}27'25''$  East 113.00 feet to an intersection with the general southern line of that certain strip of land, 24.00 feet in width, denoted as plot "P" on said map of Sequoyah Hills (28 M 63); thence along the exterior boundary line of last said strip of land, the following courses and distances: from a tangent which bears South  $78^{\circ}32'35''$  East, easterly along the arc of a curve to the right having a radius of 768.00 feet, through a central angle of  $9^{\circ}02'00''$ , a distance of 121.08 feet to a point of compound curvature, tangent at last said point to a course which bears South  $69^{\circ}30'35''$  East; tangent to last said course, easterly and southeasterly along the arc of a

curve to the right having a radius of 163.49 feet, through a central angle of  $43^{\circ}05'55''$ , a distance of 122.98 feet to a point of compound curvature, tangent at last said point to a course which bears South  $26^{\circ}24'40''$  East; tangent to last said course, southeasterly, southerly, southwesterly, and westerly along the arc of a curve to the right having a radius of 20.00 feet, through a central angle of  $100^{\circ}26'56''$ , a distance of 35.06 feet to point of cusp at an intersection with that certain strip of land 40.00 feet in width, denoted as plot "E" on said map of Sequoyah Hills (28 M 63); along the line common to said plots "P" and "E", from a tangent which bears North  $74^{\circ}02'16''$  East, northerly along the arc of a curve to the right having a radius of 327.00 feet, through a central angle of  $10^{\circ}52'09''$ , a distance of 62.03 feet to a point of cusp; leaving said common line, continuing along said exterior boundary line of plot "P", from a tangent which bears South  $84^{\circ}54'25''$  West, westerly and northwesterly along the arc of a curve to the right having a radius of 20.00 feet, through a central angle of  $73^{\circ}39'20''$ , a distance of 25.71 feet to a point of reverse curvature, tangent at last said point to a course which bears North  $21^{\circ}26'15''$  West; tangent to last said course, northwesterly and westerly along the arc of a curve to the left having a radius of 187.49 feet, through a central angle of  $48^{\circ}04'20''$ , a distance of 157.31 feet to a point of compound curvature, tangent at last said point to a course which bears North  $69^{\circ}30'35''$  West; northwesterly and westerly along the arc of a curve to the left having a radius of 792.00 feet, through a central angle of  $16^{\circ}23'00''$ , a distance of 226.47 feet; tangent to last said curve, North  $85^{\circ}53'35''$  West 284.63 feet; tangent to last said course, westerly and northwesterly along the arc of a curve to the right having a radius of 210.00 feet, through a central angle of  $33^{\circ}28'20''$ , a distance of 122.68 feet to an intersection with the direct prolongation northeasterly of the northwestern line of Lot 170 as said lot is shown on said map of Sequoyah Hills (18 M 64); thence along last said line South  $37^{\circ}34'45''$  West 214.09 feet to an intersection with the northeastern exterior boundary line of said Fairway Estates in Oak Knoll; thence along last said line North  $31^{\circ}46'15''$  West 595.17 feet to a point of intersection with the general southeastern line of said parcel of land described in the JUDGEMENT in Case No. 22087R (4200 O.R. 54), last said point being also to the most southern corner of that certain parcel of land described as "Parcel '2'" in the Quitclaim Deed from the United States of America to William A. Hardenstine and Anna-Maria Hardenstine, recorded December 4, 1978 in Reel 5703 at Image 51, Official Records of Alameda County; thence along the general northwestern line of last said parcel of land the following courses and distances: from a tangent which bears North  $31^{\circ}52'15''$  West, northwesterly, northerly, and northeasterly along the arc of a curve to the right having a radius of 150.00 feet, through a central angle of  $73^{\circ}30'00''$ , a distance of

192.42 feet; and North 41°12'14" East 88.16 feet to an intersection with the southwestern line of that certain parcel of land described in the Quitclaim Deed from Anmar Investments Incorporated to the United States of America, recorded July 16, 1980, under series number 80-119199, Official Records of Alameda County; thence along the exterior boundary of the last said parcel of land, the following courses and distances: South 48°47'46" East 22.00 feet; North 41°12'14" East 93.00 feet; and North 48°47'46" West 22.00 feet to an intersection with last said general northwestern line (Re 5703 Im 51); thence along last said line the following courses and distances: North 41°12'14" East 853.84 feet; tangent to last said course, northeasterly and easterly along the arc of a curve to the right having a radius of 975.00 feet, through a central angle of 61°00'00", a distance of 1038.03 feet to a point of compound curvature, tangent at last said point to a course which bears South 77°47'46" East; tangent to last said course, easterly and northeasterly along the arc of a curve to the left having a radius of 500.00 feet, through a central angle of 52°30'00", a distance of 458.15 feet; tangent to last said curve North 49°42'14" East 105.00 feet; and North 30°27'14" East 218.00 feet to an intersection with the general southwestern line of that certain parcel of land described as "Parcel '1'" in said Quitclaim Deed from the United States of America to William A. Hardenstine and Anna-Maria Hardenstine (Re 5703 Im 51); thence along last said line the following courses and distances: North 41°22'52" West 717.27 feet; North 47°50'05" West 299.25 feet; North 54°24'00" West 78.88 feet; tangent to last said course, northwesterly along the arc of a curve to the right having a radius of 300.00 feet, through a central angle of 14°33'36", a distance of 76.24 feet; tangent to last said curve, North 39°50'24" West 130.97 feet; North 47°18'14" West 128.56 feet; tangent to last said course, northwesterly and westerly along the arc of a curve to the left having a radius of 150.00 feet, through a central angle of 27°09'49", a distance of 71.11 feet; tangent to last said curve, North 74°28'03" West 82.72 feet; North 33°48'03" East 160.90 feet; and North 65°14'45" West 531.75 feet to an intersection with the general northwestern line of said parcel of land described in the JUDGEMENT in Case No. 22087R (4200 O.R. 54); thence along last said line the following courses and distances: South 58°51'15" West 330.33 feet; South 12°51'15" West 252.32 feet; South 58°51'15" West 240.00 feet; North 12°51'15" East 252.32 feet; and South 58°51'15" West 2532.75 feet to the point of beginning.

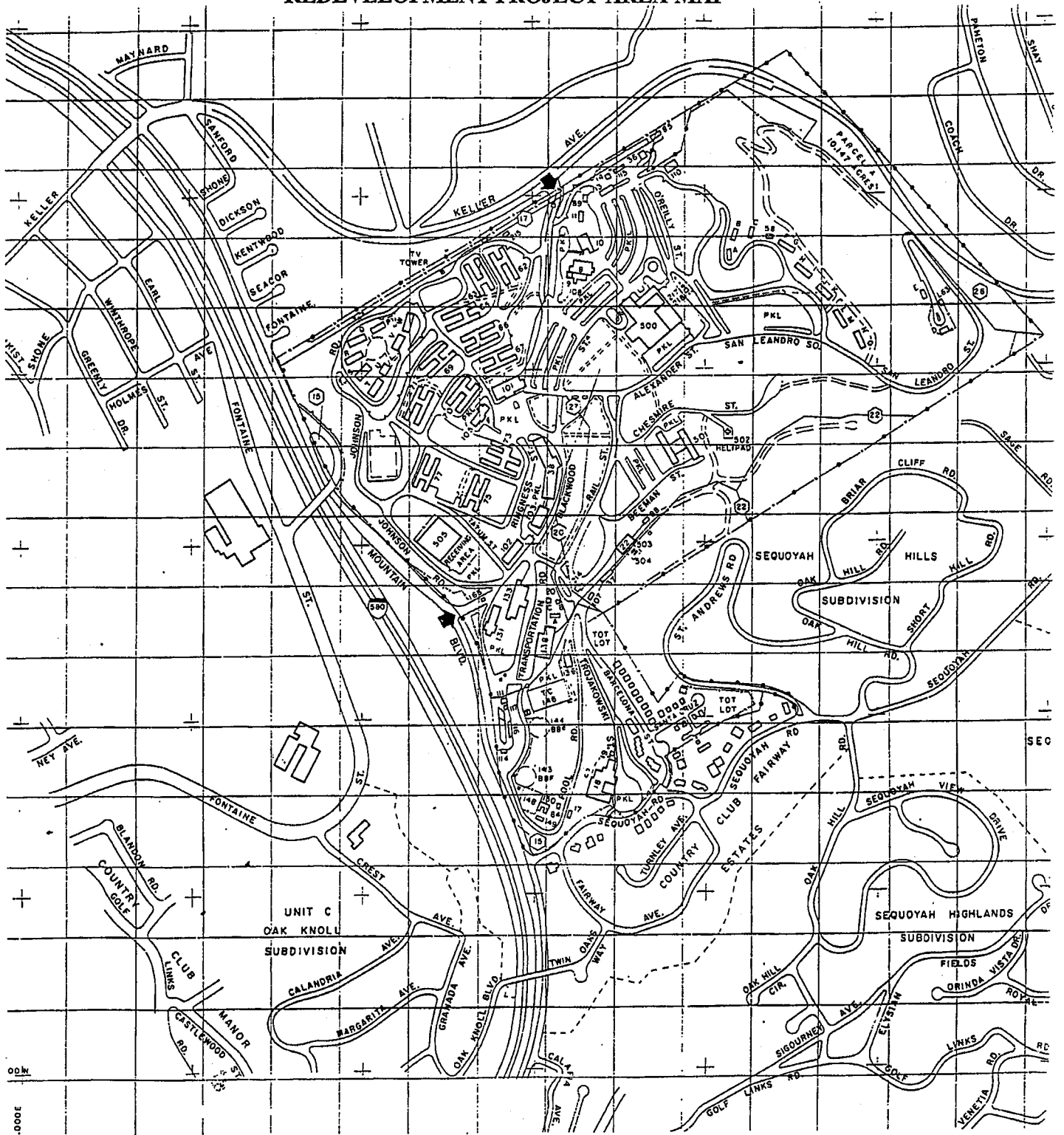
Containing 183 acres, more or less.

**ATTACHMENT NO. 2**

**PROJECT AREA MAP**

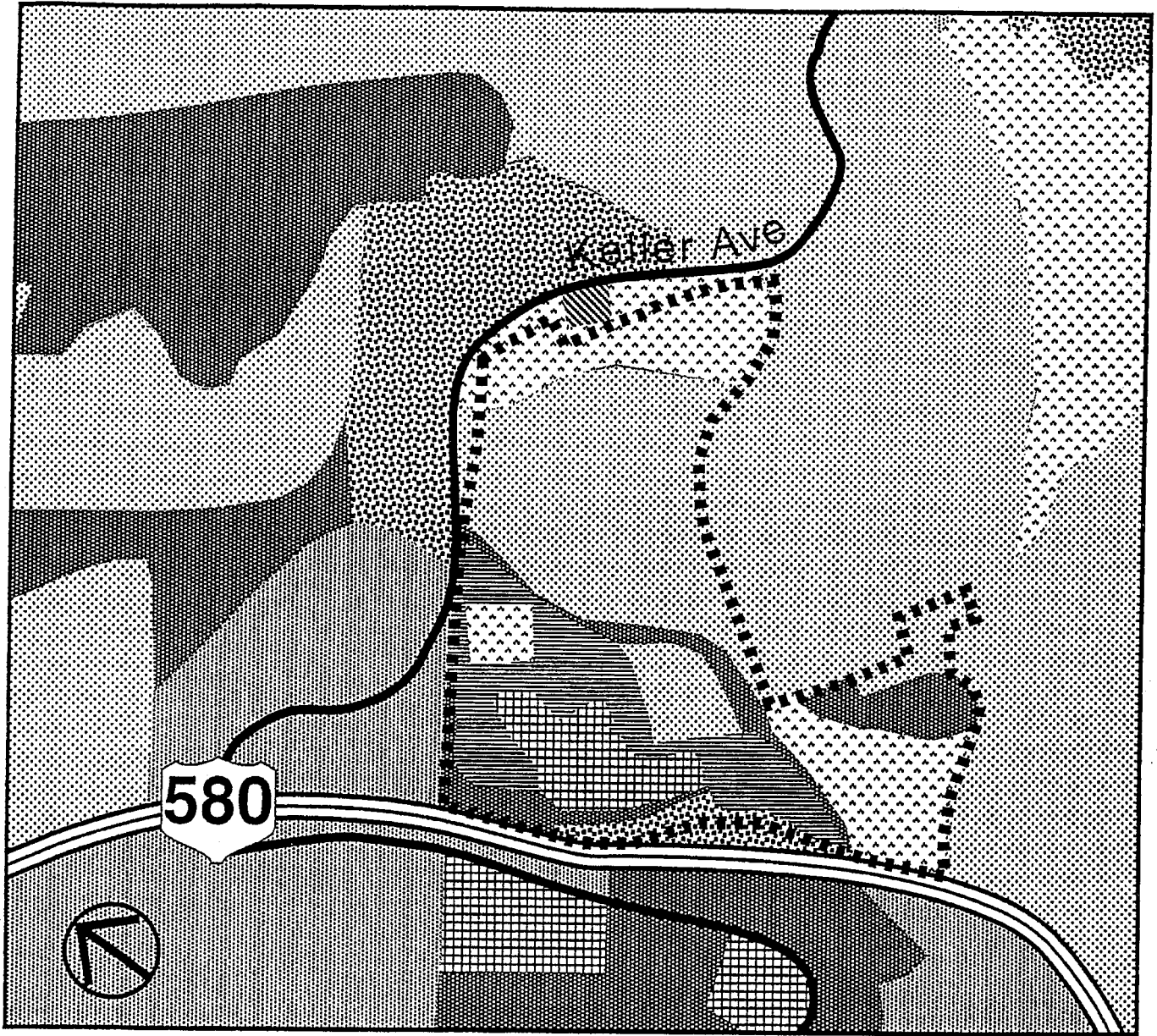
ATTACHMENT NO. 2

"OAK KNOLL"  
REDEVELOPMENT PROJECT AREA MAP











**ATTACHMENT NO. 3**

**REDEVELOPMENT LAND USE MAP**



CEDA April 1998

- |  |  |
|--|--|
|  Hillside Residential           |  Community Commercial       |
|  Detached Unit Residential      |  Institutional              |
|  Mixed Housing Type Residential |  Resource Conservation Area |
|  Neighborhood Center Mixed Use  |  Park & Urban Open Space    |

# Oak Knoll Navy Base

## General Plan Land Use Classifications

 1/2 Mile



**ATTACHMENT NO. 4**

**PROPOSED PUBLIC IMPROVEMENTS**

The public improvements set forth in the attached list of Proposed Public Improvements are anticipated to be provided in the Project Area.

## PROPOSED PUBLIC IMPROVEMENTS

The following public improvements are anticipated to be provided in the Project Area:

### I. Demolition/Removal of Buildings and Infrastructure

- Demolition/removal of Buildings
- Demolition/removal of Infrastructure

### II. Construction of Backbone Infrastructure

- Water Supply Lines
- Electrical Utilities
- Sanitary Sewer Mains
- Major Street Arterials
- Minor Arterials

### III. Payment to Homeless Collaborative

**REPORT TO CITY COUNCIL FOR THE  
OAK KNOLL REDEVELOPMENT PROJECT**

Prepared for:

**OAKLAND REDEVELOPMENT AGENCY**

**APRIL 1998**

Prepared By

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*E-1-01A-F  
CAED Cont  
5-12-98*

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INTRODUCED BY COUNCILMEMBER \_\_\_\_\_

APPROVED AS TO FORM AND LEGALITY

  
CITY ATTORNEY

**ORDINANCE NO. 12065 C.M.S.**

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**AN ORDINANCE APPROVING AND ADOPTING THE REDEVELOPMENT PLAN FOR THE  
OAK KNOLL REDEVELOPMENT PROJECT**

**WHEREAS**, the City Council (the "Council") has received from the Redevelopment Agency of the City of Oakland (the "Agency") the proposed Redevelopment Plan (the "Redevelopment Plan") for the Oak Knoll Redevelopment Project (the "Project"), as approved by the Agency, a copy of which is on file at the office of the Agency at 250 Frank H. Ogawa Plaza, 5<sup>th</sup> Floor, Oakland, California, and at the office of the City Clerk, City Hall, Frank H. Ogawa Plaza, Oakland, California, together with the Report of the Agency (prepared in accordance with the requirements of Section 33352 of the Health and Safety Code and hereafter referred to as the "Report to Council"), including: the reasons for the selection of the Project Area; a description of the physical and economic conditions existing in the Project Area; an implementation plan; the proposed method of financing the redevelopment of the Project Area; rules for the relocation of property owners and tenants who may be temporarily or permanently displaced from the Project Area; an analysis of the Preliminary Plan; a summary of consultations with residents and community organizations surrounding the Project Area; and the report of the County Fiscal Officer and the Agency's analysis thereof; and

**WHEREAS**, the Oak Knoll Redevelopment Project Area is the former Naval Medical Center Oakland, a former military base which was designated for closure by the federal Base Closure Commission and for which the Redevelopment Plan is being adopted pursuant to special provisions of the California Community Redevelopment Law for military base closures (see Sections 33492 through 33492.20 of the Health and Safety Code); and

**WHEREAS**, the primary purpose of the Redevelopment Plan is to implement the Final Reuse Plan to be adopted by the Oakland Base Reuse Authority, a joint powers authority created by the City of Oakland, the County of Alameda, and the Agency under which the Agency has been the entity designated with the responsibility for implementing the Final Reuse Plan; and

**WHEREAS**, this Ordinance conforms with the requirements of CEQA, the State CEQA Guidelines and the City of Oakland Environmental Review Regulations, and the Planning Commission of the City of Oakland certified an environmental impact statement/report ("EIS/EIR") for the proposed Final Reuse Plan on June 17, 1998 and recommended the City Council and Agency adopt a Statement of Overriding Considerations, a Mitigation Monitoring Program, and make all other environmental findings for the proposed Final Reuse Plan; and

**WHEREAS**, the Council and the Agency held a joint public hearing on June 30, 1998, on adoption of the Redevelopment Plan; and

**WHEREAS**, a notice of said hearing was duly and regularly published in a newspaper of general circulation in the City of Oakland, once a week for four successive weeks prior to the date of said hearing; and

**WHEREAS**, copies of the notice of joint public hearing were mailed by certified mail with return receipt requested to the last known address of each assessee of each parcel of land in the proposed Project Area as shown on the last equalized assessment roll of the County of Alameda; and

**WHEREAS**, copies of the notice of joint public hearing were mailed by certified mail with return receipt requested to the governing body of each taxing agency which receives taxes from property in the Project Area; and

**WHEREAS**, the Council has considered the Report to Council, the Redevelopment Plan and its economic feasibility, has provided an opportunity for all persons to be heard and has received and considered all evidence and testimony presented for or against any and all aspects of the Redevelopment Plan;

**NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF OAKLAND DOES HEREBY ORDAIN AS FOLLOWS:**

**Section 1.** The purpose and intent of the Council with respect to the Project Area is to accomplish the following:

- a. The mitigation of the economic and social degradation that is faced by the community due to the closure of the Naval Medical Center Oakland by the federal Base Closure Commission, in accordance with the legislative intent expressed in Section 33492 of the Health and Safety Code;
- b. The implementation of the Reuse Plan to be finally adopted by the Oakland Base Reuse Authority ("Final Reuse Plan");
- c. The elimination of blighting influences and the correction of environmental deficiencies in the Project Area, including, among others, buildings in which it is unsafe or unhealthy for persons to live or work; obsolete, aged, dilapidated and deteriorated building types; substandard, faulty, inadequate or deteriorated infrastructure and utility lines; buildings that are too large or too small for modern use; inadequate parking facilities; incompatible and uneconomic land uses; non compliance of land and buildings that do not meet current building, plumbing, mechanical or electrical code standards;
- d. The subdivision of land into parcels suitable for modern, integrated development with improved pedestrian and vehicular circulation in the Project Area;
- e. The replanning, redesign and development of portions of the Project Area which are improperly utilized;
- f. The establishment of appropriate retail and/or other commercial functions in the Project Area as determined to be feasible;



- b. The Redevelopment Plan will redevelop the Project Area in conformity with the Community Redevelopment Law and in the interests of the public peace, health, safety and welfare. This finding is based upon the fact that redevelopment of the Project Area will implement the objectives of the Community Redevelopment Law by aiding in the elimination and correction of the conditions of blight, providing for planning, development, redesign, clearance, reconstruction or rehabilitation of properties which need improvement and providing for higher economic utilization of potentially useful land.
- c. The adoption and carrying out of the Redevelopment Plan is economically sound and feasible. This finding is based on the fact that under the Redevelopment Plan the Agency will be authorized to seek and utilize a variety of potential financing resources, including tax increments; that the nature and timing of public redevelopment assistance will depend on the amount and availability of such financing resources, including tax increments generated by new investment in the Project Area; and that under the Redevelopment Plan no public redevelopment activity will be undertaken unless the Agency can demonstrate that it has adequate revenue to finance the activity.
- d. The Redevelopment Plan conforms to the General Plan of the City of Oakland. This finding is based on the City Council's recent amendment of the General Plan of the City of Oakland on March 24, 1998, Resolution No. 74129 which, among other things, incorporated the Reuse Plan as part of the General Plan for the proposed Project Area.
- e. The carrying out of the Redevelopment Plan will promote the public peace, health, safety and welfare of the City of Oakland and will effectuate the purposes and policy of the Community Redevelopment Law. This finding is based on the fact that redevelopment will benefit the Project Area by correcting conditions of blight and by coordinating public and private actions to stimulate development and improve the economic, social and physical conditions of the Project Area.
- f. The condemnation of real property, as provided for in the Plan, is necessary to the execution of the Plan, and adequate provisions have been made for payment for property to be acquired as provided by law. This finding is based upon the need to ensure that the provisions of the Plan will be carried out and to prevent the recurrence of blight.
- g. The Agency has a feasible method and plan for the relocation of families and persons who might be displaced, temporarily or permanently, from housing facilities in the Project Area. This finding is based on the fact that there are no housing facilities in the Project Area that are occupied by families or persons.
- h. There are, or are being provided, within the Project Area or within other areas not generally less desirable with regard to public utilities and public and commercial facilities and at rents or prices within the financial means of the families and persons who might be displaced from the Project Area, decent, safe and sanitary dwellings equal in number to the number of and available to such displaced families and persons and reasonably accessible to their places of employment. This finding is based upon the fact that no person or family will be required to move from any

dwelling unit because there are no dwelling units in the Project Area that are occupied by any persons or families.

- i. Inclusion of any lands, buildings or improvements in the Project Area which are not detrimental to the public health, safety or welfare is necessary for the effective redevelopment of the entire area of which they are a part; and any area included is necessary for effective redevelopment and is not included solely for the purpose of obtaining the allocation of tax increment revenues from such area pursuant to Section 33670 of the Community Redevelopment Law without other substantial justification for its inclusion. This finding is based upon the fact that the boundaries of the Project Area were chosen to conform with the boundaries of the former Naval Medical Center Oakland military base, and the former military base includes lands that were under-utilized because of blighting influences, or affected by the existence of blighting influences, and land uses significantly contributing to the conditions of blight, whose inclusion is necessary to accomplish the objectives and benefits of the Redevelopment Plan.
- j. The elimination of blight and the redevelopment of the Project Area could not reasonably be expected to be accomplished by private enterprise acting alone without the aid and assistance of the Agency. This finding is based upon the existence of blighting influences, including the lack of adequate public improvements and facilities, and the inability of individual developers to economically remove these blighting influences without substantial public assistance in providing adequate public improvements and facilities, the inability of low- and moderate-income persons to finance needed improvements, and the inadequacy of other governmental programs and financing mechanisms to eliminate blight, including the provision of necessary public improvements and facilities.
- k. The time limitation and the limitation on the number of dollars to be allocated to the Agency contained in the Redevelopment Plan is reasonably related to the proposed projects to be implemented in the Project Area and to the ability of the Agency to eliminate blight in the Project Area.
- l. The Redevelopment Plan contains adequate safeguards so that the work of redevelopment will be carried out pursuant to the Redevelopment Plan, and it provides for the retention of controls and the establishment of restrictions and covenants running with the land sold or leased for private use for periods of time and under conditions specified in the Redevelopment Plan, which this Council deems necessary to effectuate the purposes of the Community Redevelopment Law.

**Section 3.** The Council is satisfied that permanent housing facilities will be available within three years from the time occupants of the Project Area are displaced, if any, and that pending the development of the facilities, there will be available to the displaced occupants, if any, adequate temporary housing facilities at rents comparable to those in the City of Oakland at the time of their displacement. No persons or families of low or moderate income shall be displaced from residences unless and until there is a suitable housing unit available and ready for occupancy by such displaced persons or families at rents comparable to those at the time of their displacement. Such housing units shall be suitable to the needs of such displaced persons or families and must be decent, safe, sanitary and otherwise standard dwellings. The Agency shall not displace any such persons or families until such housing units are available and ready for occupancy.

**Section 4.** The Council is satisfied that all written objections received before or at the noticed public hearing have been responded to in writing. In addition, written findings have been adopted in response to each written objection of an affected property owner or taxing entity which has been filed with the City Clerk either before or at the noticed public hearing, and all objections are hereby overruled.

**Section 5.** The Council, as the lead agency under CEQA, further finds and determines as follows:

- a. That the statements made in the Recitals of this Ordinance above are true and correct and are incorporated hereinbelow as if restated in their entirety; and
- b. The Draft EIS/EIR for the proposed Reuse Plan was circulated for public review and comment, and the Final EIS/EIR was independently reviewed and analyzed by this governing body and reflects the independent judgment of this governing body and that such review, analysis and consideration occurred prior to approval of the Redevelopment Plan; and
- c. That the Final EIS/EIR is certified and the Redevelopment Plan conforms with the requirements of CEQA; and
- d. The June 17, 1998 Planning Commission Report, attached hereto as Exhibit A and incorporated herein by reference as if fully set forth, is adopted, including without limitation the Environmental Findings, the Statement of Overriding Considerations; and
- e. The Mitigation Monitoring Program attached hereto as Exhibit B is incorporated into the proposed redevelopment of the Project Area for implementation and enforcement by the Agency; and
- f. The Environmental Review Officer is directed to file a Notice of Determination with the County Clerk and the Governor's Office of Planning and Research.

**Section 6.** That certain document entitled "Redevelopment Plan for the Oak Knoll Redevelopment Project," the maps contained therein and such other reports as are incorporated therein by reference, a copy of which is on file in the office of the City Clerk, having been duly reviewed and considered, is hereby incorporated in this Ordinance by reference and made a part hereof, and as so incorporated is hereby designated, approved and adopted as the official "Redevelopment Plan for the Oak Knoll Redevelopment Project."

**Section 7.** In order to implement and facilitate the effectuation of the Redevelopment Plan hereby approved, the Council hereby (a) pledges its cooperation in helping to carry out the Redevelopment Plan, (b) requests the various officials, departments, boards and agencies of the City having administrative responsibilities in the Project Area likewise to cooperate to such end and to exercise their respective functions and powers in a manner consistent with the redevelopment of the Project Area, (c) stands ready to consider and take appropriate action upon proposals and measures designed to effectuate the Redevelopment Plan, and (d) declares its intention to undertake and complete any proceeding necessary to be carried out by the City under the provisions of the Redevelopment Plan.

**Section 8.** The City Clerk is hereby directed to send a certified copy of this Ordinance to the Agency, whereupon the Agency is vested with the responsibility for carrying out the Redevelopment Plan.

**Section 9.** The City Clerk is hereby directed to record with the County Recorder of Alameda County a description of the land within the Project Area and a statement that proceedings for the redevelopment of the Project Area have been instituted under the Community Redevelopment Law.

**Section 10.** The City Clerk is hereby directed to transmit a copy of the description and statement recorded by the Clerk pursuant to Section 9 of this Ordinance, a copy of this Ordinance and a map or plat indicating the boundaries of the Project Area to the auditor and assessor of the County of Alameda, to the governing body of each of the taxing agencies which receives taxes from property in the Project Area and to the State Board of Equalization.

**Section 11. Severability.** If any part of this Ordinance or the Redevelopment Plan which it approves is held to be invalid for any reason, such decision shall not affect the validity of the remaining portion of this Ordinance or of the Redevelopment Plan, and this Council hereby declares that it would have passed the remainder of this Ordinance or approved the remainder of the Redevelopment Plan if such invalid portion thereof had been deleted.

**Section 12. Effective Date.** This Ordinance shall be in full force and effect immediately upon its passage, subject to Section 216 of the City Charter.

*Introduced = 6-30-98*

IN COUNCIL, OAKLAND, CALIFORNIA, (DATE), 19(YEAR)

**PASSED BY THE FOLLOWING VOTE:**

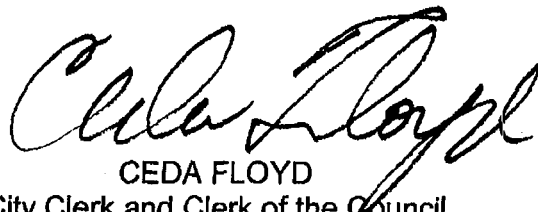
AYES- BRUNNER, CHANG, DE LA FUENTE, MILEY, NADEL, REID, RUSSO,  
SPEES, AND PRESIDENT HARRIS *-9*

NOES- *None*

ABSENT- *None*

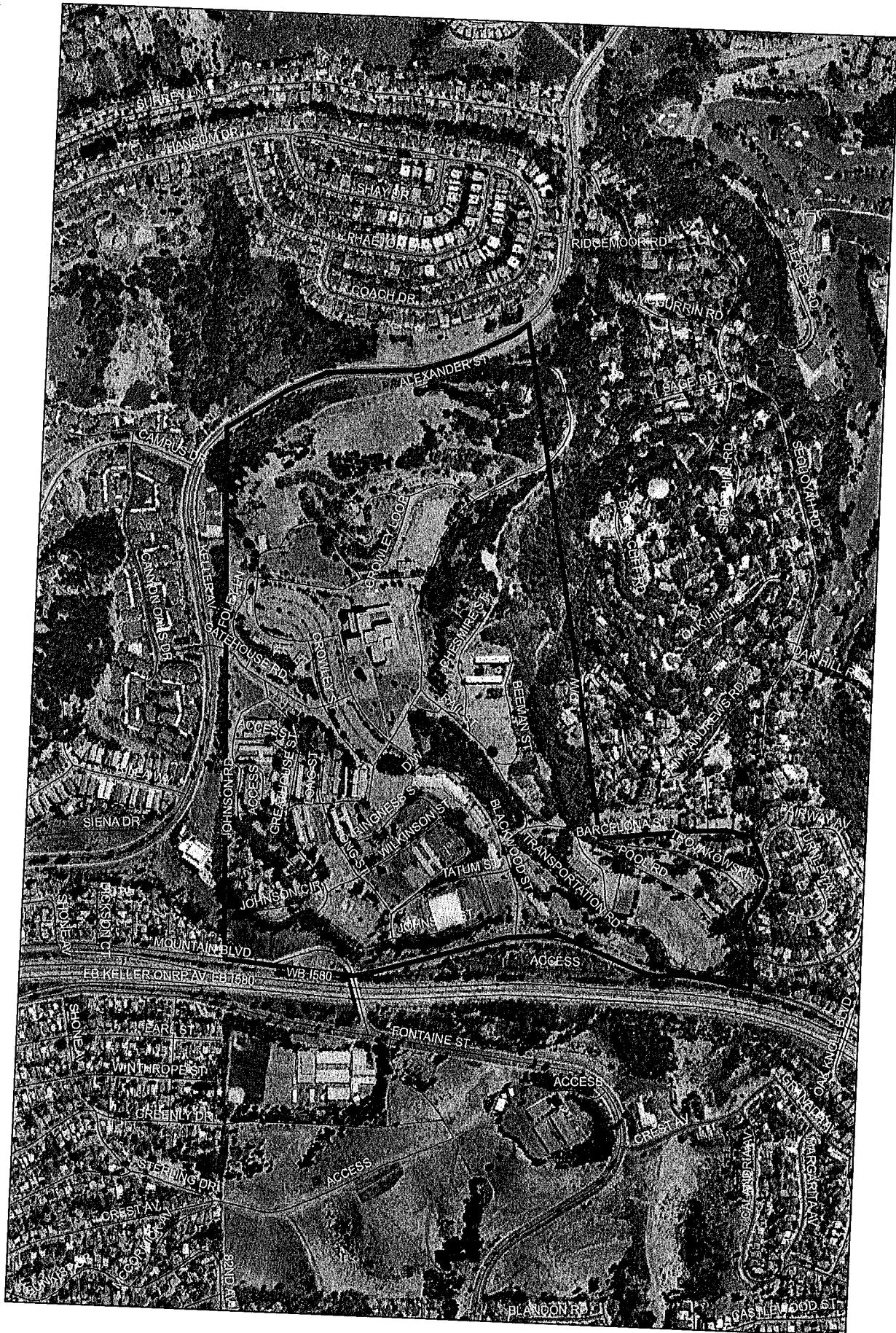
ABSTENTION- *None*

ATTEST:



CEDA FLOYD  
City Clerk and Clerk of the Council  
of the City of Oakland, California

# Oak Knoll Redevelopment Area



**Klein, Heather**

---

**From:** gvpatton@comcast.net  
**Sent:** Monday, October 02, 2017 11:33 AM  
**To:** Klein, Heather  
**Subject:** RE: Upcoming Planning Commission Hearing for Oak Knoll

Thanks Heather,  
Long term maintenance will be critical for this neighborhood, I would not want that to be left up to Public Works, I'm just saying.

Gary

----- Original Message -----

**From:** Heather Klein <HKlein@oaklandnet.com>  
**To:** gvpatton@comcast.net, Scott Gregory (sgregory@lamphier-gregory.com) <sgregory@lamphier-gregory.com>  
**Sent:** Mon, 02 Oct 2017 17:11:49 -0000 (UTC)  
**Subject:** RE: Upcoming Planning Commission Hearing for Oak Knoll

Gary,

I hope you are doing well. We are only approving FDP's for the Master Developer improvements (roads, parks, signage, monuments, etc.) and Club Knoll. The residential and retail builders will need to submit separate FDP's that conform to the PUD and the Design Guidelines.

Yes, I believe that the streets will be public. We are still anticipating the formation of a CFD to address maintenance of the streets. In addition, the GHAD will also be responsible for many items related to geologic hazards and Stormwater/erosion.

How that answers your questions.

Best,

**Heather Klein,**

Planner IV

| City of Oakland | Bureau of Planning | 250 Frank H. Ogawa, Suite 2114 | Oakland, CA 94612 | Phone: (510)238-3659 | Fax: (510) 238-6538 | Email:

[hklein@oaklandnet.com](mailto:hklein@oaklandnet.com) | Website:

[www.oaklandnet.com/planning](http://www.oaklandnet.com/planning)

**From:** gvpatton@comcast.net [mailto:gvpatton@comcast.net]

**Sent:** Saturday, September 30, 2017 2:06 PM

**To:** Klein, Heather <HKlein@oaklandnet.com>

**Subject:** Re: Upcoming Planning Commission Hearing for Oak Knoll

HK,

I hope you are doing well and thanks for keeping me in the loop. I have a couple of questions for you. I know I am getting old and my memory is fading, but I thought that under the code, you had to have actual architecture for the homes in order to approve a FDP? The Design Guidelines go with the PDP and real plans are supposed to accompany the FDP? Sun Cal will spin off parcels of the VTM to different developers. How will the city control specific designs for each lot if the FDP and VTM's have already been approved? Secondly, it appears that the streets are now going to be public. That is a MAJOR change of position from Public Works. My concern is that PW can't maintain the existing streets of Oakland and everybody knows that to be true. How are they going to maintain a whole new neighborhood with bridges, landscaping and specialized paving shown in the guidelines? Is the CFD still required or some other special assessment district being formed to pay for the maintenance? Without that, PW won't maintain the streets and right of ways and this neighborhood will quickly deteriorate.

Gary

----- Original Message -----

From: Heather Klein <[HKlein@oaklandnet.com](mailto:HKlein@oaklandnet.com)>

Sent: Sat, 30 Sep 2017 17:54:44 -0000 (UTC)

Subject: Upcoming Planning Commission Hearing for Oak Knoll

Dear Interested Parties,

The purpose of this e-mail is to let you know that the Planning Commission will consider a recommendation to the City Council regarding the requested entitlements and the Final Supplemental EIR for the Oak Knoll Mixed Use Community Plan

Project. The meeting details are as follows and the agenda is attached:

**Date: October 18, 2017**

**Time: 6:00 pm**

**Location: City Council Chambers, City Hall, 1 Frank H Ogawa Plaza, Oakland**

**Item number: 6**

The Response to Comments/Final EIR may also be reviewed at the following website:

<http://www2.oaklandnet.com/government/o/PBN/OurServices/Application/DOWD009157> This is item 30.

The updated project description and additional information can be found on the project webpage at the link below.

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

Please don't hesitate to call or e-mail Scott Gregory or myself if you have any questions regarding this project. Scott Gregory can be reached at (510) 535-6671 or at [sgregory@lamphier-gregory.com](mailto:sgregory@lamphier-gregory.com).

Best Regards,

**Heather Klein,**

Planner IV

| City of Oakland | Bureau of Planning | 250 Frank H. Ogawa, Suite 2114 | Oakland, CA 94612 | Phone: (510)238-3659 | Fax: (510) 238-6538 | Email:

[hklein@oaklandnet.com](mailto:hklein@oaklandnet.com)

| Website: [www.oaklandnet.com/planning](http://www.oaklandnet.com/planning)



## **Klein, Heather**

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**From:** Lolita Morelli <lmorelli8130@sbcglobal.net>  
**Sent:** Saturday, September 30, 2017 11:28 AM  
**To:** Klein, Heather  
**Subject:** Re: Upcoming Planning Commission Hearing for Oak Knoll

I am not able to attend the Oct. 18th meeting, BUT I am very concerned about the main entrance to the Oak Knoll Community Plan Project being on Keller. Mountain Blvd has very little traffic as most cars are on the 580 freeway. The main entrance should be on Mountain Blvd. Traffic on Keller is very heavy! All hill area residents use Keller as their descent to 580.

I've driven Mountain Blvd. at various times of the day and I see less than 3 cars, going either way, between Keller and Sequoyah Rd.

Please consider my recommendation that the main entrances must be on Mountain Blvd.

Thank you,

Lolita Morelli  
51 year resident of Surrey Lane in Sequoyah Hills.

n Sep 30, 2017, at 10:54 AM, Klein, Heather <[HKlein@oaklandnet.com](mailto:HKlein@oaklandnet.com)> wrote:

Dear Interested Parties,

The purpose of this e-mail is to let you know that the Planning Commission will consider a recommendation to the City Council regarding the requested entitlements and the Final Supplemental EIR for the Oak Knoll Mixed Use Community Plan Project. The meeting details are as follows and the agenda is attached:

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

Please don't hesitate to call or e-mail Scott Gregory or myself if you have any questions regarding this project. Scott Gregory can be reached at (510) 535-6671 or [atsgregory@lamphier-gregory.com](mailto:atsgregory@lamphier-gregory.com).

Best Regards,

**Heather Klein**, Planner IV | City of Oakland | Bureau of Planning | 250 Frank H. Ogawa, Suite 2114  
| Oakland, CA 94612 | Phone: (510)238-3659 | Fax: (510) 238-6538 | Email: [hklein@oaklandnet.com](mailto:hklein@oaklandnet.com) |  
Website: [www.oaklandnet.com/planning](http://www.oaklandnet.com/planning)

<10-18 PC Agenda.pdf>

## Klein, Heather

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**From:** Cappio, Claudia  
**Sent:** Friday, September 22, 2017 11:56 AM  
**To:** Klein, Heather; Scott Gregory; Lee, Heather  
**Cc:** Mudge, Annie  
**Subject:** email from Alameda Co Labor Council re transit  
**Attachments:** DOC092217.pdf

Hi All -- got this email via Winnie re: transit concerns about the Oak Knoll Project. For your information and likely response in some way or another. Thanks, C

## Woo, Winnie

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**From:** Josie Camacho <josie@alamedalabor.org>  
**Sent:** Sunday, September 17, 2017 11:06 AM  
**To:** Claudia Albano; Woo, Winnie  
**Cc:** Allison Lasser; Yvonne Williams; Martha Kuhl; Gary Jimenez  
**Subject:** EBRRD Transit Language

Claudia, below is "transit language" with accompanying article from EBRRD, working with the Alameda Labor Council.

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Please confirmed you've received. Thank you and Happy Sunday.

Josie

Below is a link to the public transit op-ed ATU wrote for the Oakland Conduit.

[http://www.oaklandconduit.com/opinion\\_oak\\_knoll\\_must\\_present\\_transit\\_plan](http://www.oaklandconduit.com/opinion_oak_knoll_must_present_transit_plan)

Here are some important points:

- Only AC Transit's hourly 46 bus line, which drops people off at Coliseum BART, stops at the Oak Knoll site.
- The NX4 line, which is the only Transbay line serving the area, begins and ends in Castro Valley and has stops 0.8 and 1.2 miles away from the Oak Knoll development site.
- Though SunCal and AC Transit both recommend adding bus stops and expanding service to the site, as well as providing bus passes to residents to encourage their transit use, none of the details for these proposals have been worked out as of yet.
- SunCal also plans to charge the Oak Knoll homeowners association to run a shuttle to and from Coliseum Bart. No plans for that yet either.
- The developer is not required to present details of a public transit plan to the Planning Commission or City Council before the two bodies vote on whether to approve the project.
- The Environmental Impact Report for the Oak Knoll project currently estimates that the development's 2,293 new residents will generate 11,250 daily car trips to and from the site, while adding just 765 daily public transit trips.

Here also is a link to a recent Oakland Conduit story about neighbor concerns about traffic around the project:

[http://www.oaklandconduit.com/oak\\_knoll\\_traffic\\_issues\\_still\\_worry\\_residents](http://www.oaklandconduit.com/oak_knoll_traffic_issues_still_worry_residents)

EBRRD

## Klein, Heather

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**From:** Office of the Mayor  
**Sent:** Tuesday, September 05, 2017 3:05 PM  
**To:** Klein, Heather  
**Subject:** FW: Oak Knoll Development

**From:** Diane Powe [mailto:shomilove@aol.com]  
**Sent:** Tuesday, September 05, 2017 3:03 PM  
**To:** Office of the Mayor <OfficeoftheMayor@oaklandnet.com>; Reid, Larry <LReid@oaklandnet.com>  
**Cc:** sharoncornu@opportunity-partners.net; dalrymplej1602@gmail.com  
**Subject:** Oak Knoll Development

Good Afternoon Mayor Schaaf and Councilman Reid,

I am sending this communication on behalf of myself ( Diane Powe) and my mother ( Betty Goodlow-Gaines). I grew up in the Toler Heights neighborhood and have a very special attachment to the entire area, which includes the Oak Knoll Naval Base. My brother who also grew up in the community received care at the hospital when he was in the United States Navy. My mother has resided in Toler Heights for more than forty years. Although I now live in another area of Oakland, I can not over emphasize how deeply connected my family and I are to the Oak Knoll/ Toler Heights areas of the city and community. It has recently come to our attention that there is a plan to re-purpose the land formerly the Oak Knoll Naval Base to luxury housing. I originally heard that the land was going to be transitioned into a park for the local residents of the area. My family and I are not fully in favor of either option. Having lived in Oakland the majority of my life, I have watched as it slowly devolves into "San Francisco East". Homes in West Oakland are being sold for a million dollars. Long time Oakland residents are being priced out and even those with decent paying jobs are unable to pursue the dream of home ownership. Luxury housing is only going to serve to further gentrify a city that seems to already be moving in that direction at break neck speed. You have a responsibility to the citizens that you represent to consider more than the almighty dollar when making decisions on their behalf. I have also heard that the company being considered to develop the property is planning to do so minus Union labor! ( Surely this can't be true. If it is, shame on you!) In case you were not aware, Oakland is a Union town.

My family and I would like to put forth our suggestions for what should be done with the property. It is as follows:

We would like to propose that 13.5 acres of the property be re-purposed as a city park. ( Three acres of the park should be used as art spaces/studios for local artists and artisans. It would be a fitting way to honor those who died in the Ghost Ship tragedy.)

We would like to propose that 13.5 acres of the property be re-purposed as **affordable housing with the goal of making Oakland residents homeowners.** Preference in purchasing should be given to residents of Oakland and or residents of Oakland and Alameda County who are public employees. It is also our understanding that there is a concern regarding the additional traffic that housing on the land would cause. We believe that the traffic concerns could be mitigated with a new bus route, BART Shuttle, and some sort of ride sharing program within the community. ( It might even be able to be shared with the community at Leona Quarry.)

It is absolutely short sighted to only be concerned about additional traffic entering the freeway at Keller Ave. People are rapidly being displaced to bedroom communities like Stockton, Tracy and Brentwood. Those 11,000 commuters that local residents seem to be concerned about are simply going to enter the freeway at another location. The resulting congestion and air pollution will still make it's way through Oakland. The best way to deal with the congestion is to have people live closer to their jobs and create public transportation commute options. Unused, undeveloped land is far too precious a commodity to not convert some of it into housing.

Feel free to reach out to us with any additional questions or concerns.

Regards,

Diane Powe  
5023 Congress Ave.  
Oakland, CA 94601

Betty Goodlow-Gaines  
2716 99th Ave.  
Oakland, CA 94605

## Klein, Heather

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**From:** Office of the Mayor  
**Sent:** Friday, September 01, 2017 9:47 AM  
**To:** Klein, Heather  
**Cc:** Lujan, Albert; Schuerholz, Keith  
**Subject:** FW: Missing 27 acre park in Oak Knoll Development

-----Original Message-----

**From:** Rosita Jennings [mailto:Jennings062010@yahoo.com]  
**Sent:** Thursday, August 31, 2017 7:05 PM  
**To:** Office of the Mayor <OfficeoftheMayor@oaklandnet.com>; Reid, Larry <LReid@oaklandnet.com>  
**Subject:** Missing 27 acre park in Oak Knoll Development

Good evening,

My name is Rosita Jennings and my husband and two children, under the age of seven, are residents in the Toler Heights neighborhood.

We purchased our home, in this neighborhood, seven years ago because we wanted a better quality of life for our young family. We feel that a better quality of life comes by way of a high walk ability score, low crime, great schools and access to great parks.

Several years back, there was a promise made to continue to use some of the land, in the former Oak Knoll Naval development, as a park for children and seniors. This is a promise that need to be kept for the District 7 residents in the flats. We demand the promised 27 acre park on Mountain Blvd, in the Oak Knoll development. We also want to be treated fairly in any traffic mitigation plan going forward.

I would like to thank you for your time and attention to this very important matter.

In partnership,

Mr. and Mrs. Jennings

## Klein, Heather

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**From:** Mudge, Annie <amudge@coxcastle.com>  
**Sent:** Monday, August 14, 2017 6:15 PM  
**To:** Gallegos, Larry; Klein, Heather  
**Cc:** Sam Veltri (sveltri@suncal.com)  
**Subject:** Letter regarding Barcelona Parcel and the ENA  
**Attachments:** 20170814134446.pdf

Dear Larry and Heather—attached please find a letter authorizing the City to remove the Barcelona Parcel from the ENA with Oak Knoll Venture Acquisitions.

Thanks very much,

Annie

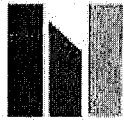
**Anne E. Mudge**



*direct:* 415.262.5107

amudge@coxcastle.com | [vcard](#) | [bio](#) | [website](#)





**COX CASTLE  
NICHOLSON**

**Cox, Castle & Nicholson LLP**  
50 California Street, Suite 3200  
San Francisco, California 94111  
P: 415.262.5100 F: 415.262.5199  
Anne E. Mudge  
415.262.5107  
amudge@coxcastle.com

File No. 71670

August 7, 2017

**BY CERTIFIED MAIL**

Mr. Larry Gallegos  
Area Manager, City of Oakland Project Implementation Division  
Office of Economic and Workforce Development  
250 Frank H. Ogawa Plaza, 5th Floor  
Oakland, CA 94612

**Re: Authorization to Exclude the Barcelona Property from the Exclusive  
Negotiating Agreement adopted by City Council Resolution No. 86582**

Dear Mr. Gallegos:

Our client, Oak Knoll Venture Acquisitions, LLC ("Developer"), has determined that it is no longer interested in negotiating for the purchase of the Barcelona Parcel (assessor's parcel number 048-6870-002) as anticipated in the Exclusive Negotiating Agreement (the "Agreement") adopted by City Council Resolution No. 86582 dated February 7, 2017. Developer thus authorizes the City to exclude the Barcelona Parcel from the Agreement and to pursue other disposition of the property at its election. Oak Knoll Venture Acquisitions, LLC would like to continue negotiations for the other two parcels covered by the Agreement, consistent with the terms of the Agreement and looks forward to reaching agreement regarding purchase of those properties on mutually agreeable terms.

Sincerely,

Anne E. Mudge

071670\9035386v1

cc: Sam Veltri, Oak Knoll Venture Acquisitions, LLC  
Daniel Rossi, Deputy City Attorney, City of Oakland  
Kimani Rogers, Project Manager, City of Oakland

## Klein, Heather

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**From:** Philip Dow <pdow@mindspring.com>  
**Sent:** Friday, August 04, 2017 9:08 AM  
**To:** Ford, Michael  
**Cc:** Mossburg, Pat; Klein, Heather  
**Subject:** RE: Fontaine Traffic

Hi Michael,

I'd be happy to make a request, if I knew what to request. As I suggested, a bike lane of the magnitude suggested in the attached report is going to be very expensive and probably never installed. These folks need some help now. Reconfiguring the lanes adjacent to the Fontaine residents would be the easiest and most economical. I'll see if I can get some direction from the call center.

Philip

-----Original Message-----

**From:** Ford, Michael [mailto:MFord@oaklandnet.com]  
**Sent:** Thursday, August 03, 2017 2:43 PM  
**To:** Philip Dow <pdow@mindspring.com>  
**Cc:** Mossburg, Pat <PMossburg@oaklandnet.com>; Klein, Heather <HKlein@oaklandnet.com>  
**Subject:** Re: Fontaine Traffic

This kind of request will be assigned to our Safe Streets Division, so please submit to Call Center if you haven't already and let me know the SR#.

Best,  
Michael

Sent from my iPhone

- > On Aug 3, 2017, at 8:52 AM, Philip Dow <pdow@mindspring.com> wrote:
- >
- > Good Morning Mr. Ford,
- >
- > I'm writing you this morning because of an additional problem in our neighborhood that could use your attention.
- >
- > Attached is a petition from the residents between 7901 – 8115 Fontaine Street. They have a long-standing problem of entering and exiting their driveways because of the speed of vehicles and obstructed sightlines. They are asking that the through-traffic lanes be reconfigured with one through lane and a buffer between it and the parking lane.
- >
- > This petition was submitted to Councilmember Reid's office and his staff have had a number of conversations with Heather Klein of the Planning Department. Below is an email tree that includes a traffic study that shows that eliminating one of the through lanes is not a problem.
- >
- > The studies proposal is for a full-blown bike lane from Keller to Crest Avenue and Crest Avenue to the Fontaine overpass. This is going to be very expensive and most likely will never be installed.
- >

> There must be other traffic designs that could be implemented that would have the same effect but be concentrated in the 7901 – 8115 Fontaine Street area. Therefore, reducing the costs and increasing the likelihood that it might be installed.

>  
> If you could help us with this problem I'd very much appreciate it.

>  
> Philip Dow  
> Chair, OKNIA  
> [www.oknia.org](http://www.oknia.org)<<http://www.oknia.org>>  
> 510.427.4496

>  
> From: Philip Dow [mailto:[pdow@mindspring.com](mailto:pdow@mindspring.com)]  
> Sent: Monday, June 12, 2017 1:31 PM  
> To: 'Mossburg, Pat' <[PMossburg@oaklandnet.com](mailto:PMossburg@oaklandnet.com)>  
> Cc: 'Reid, Larry' <[LReid@oaklandnet.com](mailto:LReid@oaklandnet.com)>  
> Subject: RE: FW: Fontaine Traffic

> Hi Pat,

> Well, this is kind of mixed news, but it certainly appears to be physically possible. Anything to slow traffic down along Fontaine is a good thing. It's currently like a drag strip as vehicles leave the stop sign at Keller and Fontaine.

> How do we make this happen?

> Phil

> From: Mossburg, Pat [mailto:[PMossburg@oaklandnet.com](mailto:PMossburg@oaklandnet.com)]  
> Sent: Monday, June 12, 2017 12:37 PM  
> To: Phil Dow <[pdow@mindspring.com](mailto:pdow@mindspring.com)<<mailto:pdow@mindspring.com>>>  
> Cc: Reid, Larry <[LReid@oaklandnet.com](mailto:LReid@oaklandnet.com)<<mailto:LReid@oaklandnet.com>>>  
> Subject: FW: FW: Fontaine Traffic

> Phil,

> I received this yesterday. I will also forward your email to Heather.

> Thanks,

> Pat

> Pat Mossburg  
> Office of Council President  
> Larry E. Reid  
> 510.238.7573

> Click here<<http://eepurl.com/cFHdBX>> to sign up to District 7  
> Newsletter

> From: Klein, Heather  
> Sent: Sunday, June 11, 2017 2:09 PM  
> To: Mossburg, Pat

> <PMossburg@oaklandnet.com<mailto:PMossburg@oaklandnet.com>>

> Subject: RE: FW: Fontaine Traffic

>

> Pat,

> Sorry for the late response. We have received the following from the traffic consultant. TSD has reviewed it as well, agrees with the consultant, and they have asked me to forward.

>

> Heather

>

> Comment

>

> Comment Response

>

> Comments from Residents on Fontaine Street

>

>

> 1. Does the traffic volume on Keller/Fontaine truly warrant the signal and 2 lanes of traffic approaching the intersection?

>

> As summarized in Table 4.13-27 of the Draft SEIR, the I-580 EB Off-Ramp/Fontaine Street/Keller Avenue intersection is expected to meet the peak hour signal warrant under Existing Plus Project, 2040 No Project and 2040 Plus Project Conditions.

>

> Providing a single left-turn lane and a single through lane on the I-580 EB Off-Ramp approach to Keller Avenue/Fontaine Street would provide adequate capacity for the Existing and forecasted 2040 Plus Project AM and PM peak hour volumes.

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>  
>  
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> From: Mossburg, Pat  
> Sent: Friday, May 26, 2017 1:23 PM  
> To: Klein, Heather  
> <HKlein@oaklandnet.com<mailto:HKlein@oaklandnet.com>>; Wang, Joe  
> <JWang@oaklandnet.com<mailto:JWang@oaklandnet.com>>; Wlassowsky, Wlad  
> <wwlassowsky@oaklandnet.com<mailto:wwlassowsky@oaklandnet.com>>;  
> Oluwasogo, Ade  
> <AOluwasogo@oaklandnet.com<mailto:AOluwasogo@oaklandnet.com>>; Fine,  
> Sarah <SFine@oaklandnet.com<mailto:SFine@oaklandnet.com>>; Chun, Peter  
> <PChun@oaklandnet.com<mailto:PChun@oaklandnet.com>>  
> Subject: RE: FW: Fontaine Traffic

>  
> What is the status?

>  
> Thanks,

>  
> Pat

>  
> Pat Mossburg  
> Office of Council President  
> Larry E. Reid  
> 510.238.7573

>  
> Click here<<http://eepurl.com/cFHdBX>> to sign up to District 7  
> Newsletter

>  
> From: Klein, Heather  
> Sent: Thursday, May 4, 2017 12:01 PM  
> To: Wang, Joe <JWang@oaklandnet.com<mailto:JWang@oaklandnet.com>>;  
> Mossburg, Pat  
> <PMossburg@oaklandnet.com<mailto:PMossburg@oaklandnet.com>>;  
> Wlassowsky, Wlad  
> <wwlassowsky@oaklandnet.com<mailto:wwlassowsky@oaklandnet.com>>;  
> Oluwasogo, Ade  
> <AOluwasogo@oaklandnet.com<mailto:AOluwasogo@oaklandnet.com>>; Fine,  
> Sarah <SFine@oaklandnet.com<mailto:SFine@oaklandnet.com>>; Chun, Peter  
> <PChun@oaklandnet.com<mailto:PChun@oaklandnet.com>>  
> Subject: RE: FW: Fontaine Traffic

>  
> This is for the Oak Knoll EIR which we have been working with Sarah, Jason and the EIR consultant on.

>  
> From: Wang, Joe  
> Sent: Thursday, May 04, 2017 12:00 PM

> To: Mossburg, Pat; Wlassowsky, Wlad; Oluwasogo, Ade; Fine, Sarah;  
> Chun, Peter  
> Cc: Klein, Heather  
> Subject: RE: FW: Fontaine Traffic  
>  
> Wlad/Ade,  
>  
> I don't know the history. Can you advise?  
>  
>  
> Joe Wang, P.E.  
> Supervising Transportation Engineer  
>  
> City of Oakland | Public Works Department | APWA Accredited Agency  
> 250 Frank H. Ogawa Plaza, Suite 4344, Oakland CA 94612  
> (510)238-6107  
>  
> Report A Problem | Public Works Call Center | (510) 615-5566  
> [www.oaklandpw.com](http://www.oaklandpw.com)<<http://www2.oaklandnet.com/Government/o/PWA/Connect/ReportaProblem/index.htm>> |  
> [opwcallcenter@oaklandnet.com](mailto:opwcallcenter@oaklandnet.com)<<mailto:opwcallcenter@oaklandnet.com>> |  
> Mobile app: SeeClickFix<<http://www.seeclickfix.com/oakland/>>  
>  
> From: Mossburg, Pat  
> Sent: Thursday, May 04, 2017 11:04 AM  
> To: Wang, Joe  
> Cc: Klein, Heather  
> Subject: FW: FW: Fontaine Traffic  
>  
> Joe,  
>  
> Can you help me with this issue?  
>  
> Thanks,  
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> Pat  
>  
> Pat Mossburg  
> Office of Council President  
> Larry E. Reid  
> 510.238.7573  
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> Click here<<http://eepurl.com/cFHdBX>> to sign up to District 7  
> Newsletter  
>  
> From: Klein, Heather  
> Sent: Tuesday, April 25, 2017 4:57 PM  
> To: Mossburg, Pat  
> Subject: RE: FW: Fontaine Traffic  
>  
> Got it. Let's touch base tomorrow.  
>

> From: Mossburg, Pat  
> Sent: Tuesday, April 25, 2017 4:54 PM  
> To: Klein, Heather  
> Subject: FW: FW: Fontaine Traffic  
>  
> fyi  
>  
> Pat Mossburg  
> Office of Council President  
> Larry E. Reid  
> 510.238.7573  
>  
> Click here<<http://eepurl.com/cFHdBX>> to sign up to District 7  
> Newsletter  
>

> From: Philip Dow [mailto:pdow@mindspring.com]  
> Sent: Tuesday, April 25, 2017 4:53 PM  
> To: Mossburg, Pat  
> Subject: RE: FW: Fontaine Traffic  
>

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> The Fontaine residents realize the signal is a mitigation measure. That's not an issue. And, they also understand that the traffic load on Fontaine in front of their residents probably won't be affected by Oak Knoll traffic.  
>

> However, the way traffic is released from a signal is somewhat different than the release from the existing stop controls.  
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> Regardless, these residents feel that the current traffic conditions on this stretch of Fontaine needs to be addressed. All they are asking is whether this section of Fontaine can be restriped to create a safe zone so they can get in and out of their driveways.  
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> If you'd like to witness the current conditions I'd be happy to meet you there.  
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> Sent: Tuesday, April 25, 2017 2:47 PM  
> To: Phil Dow <pdow@mindspring.com<mailto:pdow@mindspring.com>>  
> Cc: Reid, Larry <LReid@oaklandnet.com<mailto:LReid@oaklandnet.com>>  
> Subject: FW: FW: Fontaine Traffic  
>

> Phil,  
>  
> Please response below.  
>

> Thanks,  
>

> Pat  
>

> Pat Mossburg  
> Office of Council President  
> Larry E. Reid

> 510.238.7573

>

> Click here<<http://eepurl.com/cFHdBX>> to sign up to District 7

> Newsletter

>

> From: Klein, Heather

> Sent: Tuesday, April 25, 2017 12:58 PM

> To: Mossburg, Pat

> Subject: FW: FW: Fontaine Traffic

>

> Pat,

> Please see the response below. This is a mitigation measure for the overall project.

> Does this help?

>

> Heather

>

> From: Scott Gregory [mailto:[sgregory@lamphier-gregory.com](mailto:sgregory@lamphier-gregory.com)]

> Sent: Tuesday, April 25, 2017 12:00 PM

> To: Klein, Heather

> Cc: Lee, Heather; Crescentia

> Subject: Re: FW: Fontaine Traffic

>

> Yes, this is a mitigation measure (Trans-3) and it includes: re-stripe

> westbound Keller Avenue approach to provide one left-turn lane and one

> shared through/right-turn lane,

> b) Signalize intersection providing actuated operations, with

> protected left-turn phasing on the westbound Keller Avenue approach

>

> Needed because this intersection would continue to satisfy the MUTCD peak hour volume traffic signal warrant during the PM peak hour (Criterion f). This intersection operates at LOS F during the AM and PM peaks, and meets the peak hour signal warrant during the PM peak hour under Existing conditions.

>

> On Mon, Apr 24, 2017 at 6:29 PM, Klein, Heather <[HKlein@oaklandnet.com](mailto:HKlein@oaklandnet.com)<<mailto:HKlein@oaklandnet.com>>> wrote:

> Is this light a mitigation?

>

> From: Mossburg, Pat

> Sent: Monday, April 24, 2017 2:38 PM

> To: Klein, Heather

> Cc: Reid, Larry

> Subject: FW: Fontaine Traffic

>

> Heather,

>

> Per my VM, here is the email Larry & I received today. Should the residents meet with City or Sun Cal?

>

> Thanks,

>

> Pat

>

> Pat Mossburg

> Office of Council President

> Larry E. Reid



> 510.238.7573<tel:(510)%20238-7573>

>

> Click here<<http://eepurl.com/cFHdBX>> to sign up to District 7

> Newsletter

>

> From: Philip Dow [mailto:pdow@mindspring.com]

> Sent: Monday, April 24, 2017 1:06 PM

> To: Reid, Larry; Mossburg, Pat

> Subject: Fontaine Traffic

>

> Hi Larry and Pat,

>

> As you may recall, OKNIA held a meeting at the Holy Redeemer Center regarding the proposed Oak Knoll traffic mitigations. A very interesting idea emerged from that meeting. Residents along Fontaine, between 7901 and 8115, were concerned about the way in which traffic was going to be impacted by the proposed signalization of Keller and Fontaine. They have been experiencing great difficulty getting in and out of their driveways and feel that the new signal will complicate the situation.

>

> The residents feel that there is no need for two through lanes along that section of Fontaine and are requesting that the City of Oakland traffic engineers review their proposal and help them resolve this public safety problem. Please see the attached petition.

>

> I'm writing you with the hope that you will facilitate a meeting between these Fontaine residents and City of Oakland traffic engineers.

>

> Thanks,

>

> Phil

>

>

>

> --

> Scott Gregory

> Lamphier-Gregory

> 1944 Embarcadero, Oakland, CA 94606

> (510) 535-6671

> <Fontaine Traffic Petition\_042417.pdf>

## Klein, Heather

---

**From:** Philip Dow <pdow@mindspring.com>  
**Sent:** Thursday, August 03, 2017 8:52 AM  
**To:** Ford, Michael  
**Cc:** Mossburg, Pat; Klein, Heather  
**Subject:** FW: FW: Fontaine Traffic  
**Attachments:** Fontaine Traffic Petition\_042417.pdf

Good Morning Mr. Ford,

I'm writing you this morning because of an additional problem in our neighborhood that could use your attention.

Attached is a petition from the residents between 7901 – 8115 Fontaine Street. They have a long-standing problem of entering and exiting their driveways because of the speed of vehicles and obstructed sightlines. They are asking that the through-traffic lanes be reconfigured with one through lane and a buffer between it and the parking lane.

This petition was submitted to Councilmember Reid's office and his staff have had a number of conversations with Heather Klein of the Planning Department. Below is an email tree that includes a traffic study that shows that eliminating one of the through lanes is not a problem.

The studies proposal is for a full-blown bike lane from Keller to Crest Avenue and Crest Avenue to the Fontaine overpass. This is going to be very expensive and most likely will never be installed.

There must be other traffic designs that could be implemented that would have the same effect but be concentrated in the 7901 – 8115 Fontaine Street area. Therefore, reducing the costs and increasing the likelihood that it might be installed.

If you could help us with this problem I'd very much appreciate it.

Philip Dow  
Chair, OKNIA  
[www.oknia.org](http://www.oknia.org)  
510.427.4496

---

**From:** Philip Dow [mailto:pdow@mindspring.com]  
**Sent:** Monday, June 12, 2017 1:31 PM  
**To:** 'Mossburg, Pat' <PMossburg@oaklandnet.com>  
**Cc:** 'Reid, Larry' <LReid@oaklandnet.com>  
**Subject:** RE: FW: Fontaine Traffic

Hi Pat,

Well, this is kind of mixed news, but it certainly appears to be physically possible. Anything to slow traffic down along Fontaine is a good thing. It's currently like a drag strip as vehicles leave the stop sign at Keller and Fontaine.

How do we make this happen?

Phil

**From:** Mossburg, Pat [mailto:PMossburg@oaklandnet.com]  
**Sent:** Monday, June 12, 2017 12:37 PM  
**To:** Phil Dow <pdow@mindspring.com>  
**Cc:** Reid, Larry <LReid@oaklandnet.com>  
**Subject:** FW: FW: Fontaine Traffic

Phil,

I received this yesterday. I will also forward your email to Heather.

Thanks,

Pat

*Pat Mossburg  
Office of Council President  
Larry E. Reid  
510.238.7573*

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---

**From:** Klein, Heather  
**Sent:** Sunday, June 11, 2017 2:09 PM  
**To:** Mossburg, Pat <PMossburg@oaklandnet.com>  
**Subject:** RE: FW: Fontaine Traffic

Pat,  
Sorry for the late response. We have received the following from the traffic consultant. TSD has reviewed it as well, agrees with the consultant, and they have asked me to forward.

Heather

Comment	Comment Response
<b>Comments from Residents on Fontaine Street</b>	
1. Does the traffic volume on Keller/Fontaine truly warrant the signal and 2 lanes of traffic approaching the intersection?	As summarized in Table 4.13-27 of the Draft SEIR, the I-580 EB Off-Ramp/Fontaine Street/Keller Avenue intersection is expected to meet the peak hour signal warrant under Existing Plus Project, 2040 No Project and 2040 Plus Project Conditions.  Providing a single left-turn lane and a single through lane on the I-580 EB Off-Ramp approach to Keller Avenue/Fontaine Street would provide adequate capacity for the Existing and forecasted 2040 Plus Project AM and PM peak hour volumes.

<p>2. Would signalization of Keller/Fontaine make it more or less difficult for residents along Fontaine to get in and out of their driveway?</p>	<p>Implementing a traffic signal at the I-580 EB Off-Ramp/Fontaine Street/Keller Avenue intersection would increase the amount of vehicle platooning that departs the intersection onto SB Fontaine Street, which may provide more gaps between vehicle platoons for residents to exit their driveway compared to maintaining the existing all-way stop control.</p>
<p>3. Would a road diet on Fontaine with 1 travel lane to the approach improve, or make the situation worse?</p>	<p>Providing a single left-turn lane and a single through lane on the I-580 EB Off-Ramp approach to Keller Avenue/Fontaine Street would provide adequate capacity for Existing and forecasted 2040 Plus Project AM and PM peak hour volumes.</p> <p>A road diet along Fontaine Street would increase the vehicle density due to the reduction in roadway capacity. As a result, the higher density may provide fewer gaps between vehicle platoons departing the I-580 EB Off-Ramp/Fontaine Street/Keller Avenue intersection for residents along Fontaine Street to pull out of their driveways. However, narrowing Fontaine Street to a single lane would lower the travel speeds along Fontaine Street.</p>
<p>4. If traffic volumes only need one lane, can this road be re-striped to fit a bikeway and still satisfy all concerns - signal or not?</p>	<p>Generally, a single traffic lane can accommodate up to 800 vehicles per hour. The Existing and forecasted 2040 Plus Project AM and PM peak hour volumes along Fontaine Street indicate that one lane per direction would be adequate.</p> <p>A review of the cross-sectional widths along Fontaine Street shows adequate right-of-way to implement buffered Class 2 bike lanes by repurposing the second SB travel lane between the I-580 EB On-Ramp and Crest Avenue, and repurposing the second NB travel lane between Crest Avenue and the I-580 overcrossing.</p>

**From:** Mossburg, Pat

**Sent:** Friday, May 26, 2017 1:23 PM

**To:** Klein, Heather <[HKlein@oaklandnet.com](mailto:HKlein@oaklandnet.com)>; Wang, Joe <[JWang@oaklandnet.com](mailto:JWang@oaklandnet.com)>; Wlassowsky, Wlad <[wwlassowsky@oaklandnet.com](mailto:wwlassowsky@oaklandnet.com)>; Oluwasogo, Ade <[AOLuwasogo@oaklandnet.com](mailto:AOLuwasogo@oaklandnet.com)>; Fine, Sarah <[SFine@oaklandnet.com](mailto:SFine@oaklandnet.com)>; Chun, Peter <[PChun@oaklandnet.com](mailto:PChun@oaklandnet.com)>

**Subject:** RE: FW: Fontaine Traffic

What is the status?

Thanks,

Pat

*Pat Mossburg  
Office of Council President*

*Larry E. Reid*  
510.238.7573

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---

**From:** Klein, Heather  
**Sent:** Thursday, May 4, 2017 12:01 PM  
**To:** Wang, Joe <[JWang@oaklandnet.com](mailto:JWang@oaklandnet.com)>; Mossburg, Pat <[PMossburg@oaklandnet.com](mailto:PMossburg@oaklandnet.com)>; Wlassowsky, Wlad <[wwlassowsky@oaklandnet.com](mailto:wwlassowsky@oaklandnet.com)>; Oluwasogo, Ade <[AOLuwasogo@oaklandnet.com](mailto:AOLuwasogo@oaklandnet.com)>; Fine, Sarah <[SFine@oaklandnet.com](mailto:SFine@oaklandnet.com)>; Chun, Peter <[PChun@oaklandnet.com](mailto:PChun@oaklandnet.com)>  
**Subject:** RE: FW: Fontaine Traffic

This is for the Oak Knoll EIR which we have been working with Sarah, Jason and the EIR consultant on.

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**Sent:** Thursday, May 04, 2017 12:00 PM  
**To:** Mossburg, Pat; Wlassowsky, Wlad; Oluwasogo, Ade; Fine, Sarah; Chun, Peter  
**Cc:** Klein, Heather  
**Subject:** RE: FW: Fontaine Traffic

Wlad/Ade,

I don't know the history. Can you advise?

Joe Wang, P.E.  
Supervising Transportation Engineer

City of Oakland | Public Works Department | APWA Accredited Agency  
250 Frank H. Ogawa Plaza, Suite 4344, Oakland CA 94612  
(510)238-6107

Report A Problem | Public Works Call Center | (510) 615-5566  
[www.oaklandpw.com](http://www.oaklandpw.com) | [opwcallcenter@oaklandnet.com](mailto:opwcallcenter@oaklandnet.com) | Mobile app: [SeeClickFix](#)

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**Cc:** Klein, Heather  
**Subject:** FW: FW: Fontaine Traffic

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Can you help me with this issue?

Thanks,

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*Pat Mossburg*  
*Office of Council President*  
*Larry E. Reid*

510.238.7573

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**From:** Klein, Heather  
**Sent:** Tuesday, April 25, 2017 4:57 PM  
**To:** Mossburg, Pat  
**Subject:** RE: FW: Fontaine Traffic

Got it. Let's touch base tomorrow.

---

**From:** Mossburg, Pat  
**Sent:** Tuesday, April 25, 2017 4:54 PM  
**To:** Klein, Heather  
**Subject:** FW: FW: Fontaine Traffic

fyi

*Pat Mossburg*  
*Office of Council President*  
*Larry E. Reid*  
*510.238.7573*

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**From:** Philip Dow [<mailto:pdow@mindspring.com>]  
**Sent:** Tuesday, April 25, 2017 4:53 PM  
**To:** Mossburg, Pat  
**Subject:** RE: FW: Fontaine Traffic

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**Subject:** FW: FW: Fontaine Traffic

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*Pat Mossburg  
Office of Council President  
Larry E. Reid  
510.238.7573*

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**To:** Mossburg, Pat  
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Does this help?

Heather

**From:** Scott Gregory [<mailto:sgregory@lamphier-gregory.com>]  
**Sent:** Tuesday, April 25, 2017 12:00 PM  
**To:** Klein, Heather  
**Cc:** Lee, Heather; Crescentia  
**Subject:** Re: FW: Fontaine Traffic

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*Office of Council President*

*Larry E. Reid*

*510.238.7573*

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**From:** Philip Dow [<mailto:pdow@mindspring.com>]  
**Sent:** Monday, April 24, 2017 1:06 PM  
**To:** Reid, Larry; Mossburg, Pat  
**Subject:** Fontaine Traffic

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The residents feel that there is no need for two through lanes along that section of Fontaine and are requesting that the City of Oakland traffic engineers review their proposal and help them resolve this public safety problem. Please see the attached petition.

I'm writing you with the hope that you will facilitate a meeting between these Fontaine residents and City of Oakland traffic engineers.

Thanks,

Phil

--

Scott Gregory

**Lamphier-Gregory**

1944 Embarcadero, Oakland, CA 94606

(510) 535-6671

We, the undersigned residents of Fontaine Street, request that the City of Oakland reconfigure the through-traffic lanes between 7901 Fontaine Street and 8115 Fontaine Street to make it safer for people to enter and exit their driveways. Our request is based on the following:

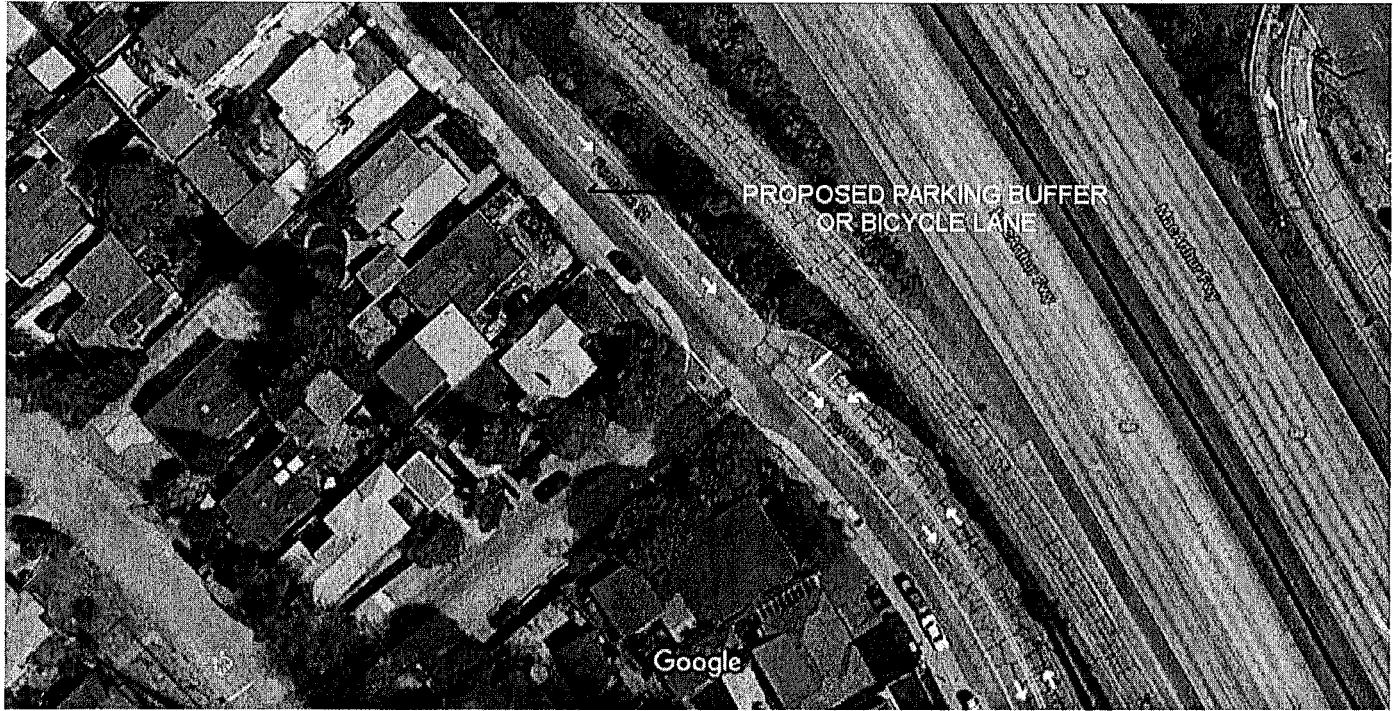
1. The exiting traffic load is not of a volume that necessitates two lanes of through traffic on eastbound Fontaine Street.
2. The proposed signalization of Keller Avenue and Fontaine Street, while not impacting the volume, is going to significantly impact the flow of traffic by (a) releasing all the stored vehicles in one pulse and (b) allowing vehicles to proceed, on green, at speed with no stop.

	Name	Address	Signature
1	Samuel Herrera	8017 Fontaine St.	Samuel Herrera
2	Aleña Card	8017 Fontaine St.	Aleña Card
3	Wanda Torres	8009 Fontaine St.	Wanda Torres
4	Gene Torres	8009 Fontaine St.	Gene Torres
5	Angelina Borja	7901 Fontaine	Angelina Borja
6	Naima Walls-Hanson	7909 Fontaine St.	Naima Walls-Hanson
7	Diana	7925 Fontaine	Diana
8	Jasoo Phung	7941 Fontaine	Jasoo Phung
9	RYAN MUÑOZ	7949 FONTAINE ST	Ryan Muñoz
10	NICOLE PHUNG	7949 FONTAINE ST	Nicole Phung
11	Quil Lopez	8041 Fontaine St.	Quil Lopez
12	Rosa Lopez	8041 Fontaine St.	Rosa Lopez
13	AARON Coleman	8051 Fontaine	Aaron Coleman
14	Ana Vazquez	8081 Fontaine St.	Ana Vazquez
15	HANNAH	8109 Fontaine St.	Hannah
16	NAK NITH	8073 Fontaine	Nak Nith

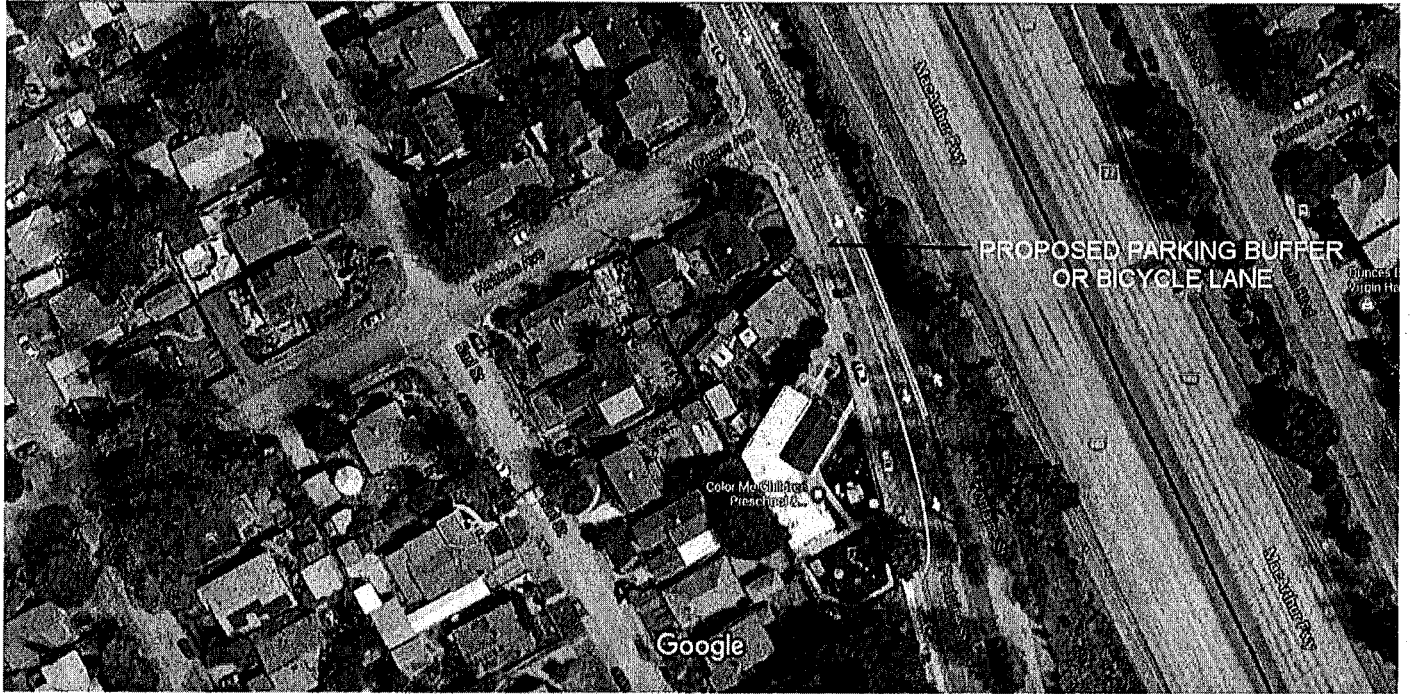
	Name	Address	Signature
17	Cynthia Demar	8025 Fontaine St	Cynthia Demar
18	Udo Richter	8025 Fontaine St	Udo Richter
19	Marilyn Horn	7965 Fontaine St	Marilyn Horn
20	ERNIE BONILLA	7933 FONTAINE ST.	Ernie Bonilla
21	Anika Edwards	7917 Fontaine St	Anika Edwards
22	LEWIS DUCKWORTH	8061 FONTAINE ST.	Lewis Duckworth
23	Allen Wong	4023 Fontaine St	Allen Wong
24	Yiu Lan Wong	4033 Fontaine St	Yiu Lan Wong
25	Qian Xia	5033 Fontaine St	Qian Xia



KELLER AVENUE AND FONTAINE STREET



FONTAINE STREET AND SHONE AVENUE



FONTAINE STREET AND HOMES AVENUE

## Klein, Heather

---

**From:** Dave Campbell <dave.campbell62@gmail.com>  
**Sent:** Monday, June 26, 2017 12:08 PM  
**To:** Klein, Heather  
**Subject:** Fwd: Oak knoll and bikeways

Heather

Have time to take a look at bike access at Oak Knoll?

Dave Campbell  
Advocacy Director  
Bike East Bay  
(c) 510.701.5971  
sent from my iPhone

Begin forwarded message:

**From:** "Ferracane, Christina" <CFerracane@oaklandnet.com>  
**Date:** June 26, 2017 at 11:55:32 AM PDT  
**To:** Dave Campbell <dave.campbell62@gmail.com>  
**Cc:** "Klein, Heather" <HKlein@oaklandnet.com>  
**Subject:** RE: Oak knoll and bikeways

Dave, I recommend you reach out to the Project Planner:

Heather Klein  
Planner IV  
City of Oakland  
250 Frank H. Ogawa Plaza, Suite 2214  
Oakland, CA 94612  
(510)238-3659  
[hklein@oaklandnet.com](mailto:hklein@oaklandnet.com)

**Christina Ferracane**, Planner III | City of Oakland | Bureau of Planning | 250 Frank H. Ogawa, Suite 3315 | Oakland, CA 94612 | Phone: (510)238-3903 | Fax: (510) 238-6538 | Email: [cferracane@oaklandnet.com](mailto:cferracane@oaklandnet.com) | Website: [www.oaklandnet.com/planning](http://www.oaklandnet.com/planning)

\*\* I will be OUT OF THE OFFICE between June 29 and July 4, and between July 25 and August 11.  
\*\*

**From:** Dave Campbell [<mailto:dave.campbell62@gmail.com>]  
**Sent:** Monday, June 26, 2017 9:14 AM  
**To:** [dranelletti@oaklandnet.com](mailto:dranelletti@oaklandnet.com)  
**Cc:** Ferracane, Christina <CFerracane@oaklandnet.com>  
**Subject:** Oak knoll and bikeways

Darin and Christina

I see the Oak Knoll Plan is moving toward the finish line. Can we sit down and take a look at bike access issues?

<http://www.sfchronicle.com/bayarea/article/Massive-development-may-come-to-long-blighted-11244005.php>

Dave Campbell  
(c) 510.701.5971  
sent from my iPhone



## Klein, Heather

---

**From:** Karen Whitestone <conservation@ebcnps.org>  
**Sent:** Wednesday, June 21, 2017 4:02 PM  
**To:** Klein, Heather  
**Subject:** Oak Knoll comments  
**Attachments:** Oak Knoll Final SEIR-comments-20170621.pdf

Hello Ms. Klein,

Please accept attached comments (submitted before 4:00pm) regarding the Oak Knoll project, from the East Bay California Native Plant Society.

Please confirm receipt of comments at your earliest convenience. Thank you for clarification that the project will be discussed tonight at planning commission.

Karen Whitestone

--

Karen Whitestone  
Conservation Analyst

California Native Plant Society, East Bay Chapter PO Box 5597 Elmwood Station Berkeley CA 94705  
510-734-0335  
[www.ebcnps.org](http://www.ebcnps.org)  
<http://ebcnps.wordpress.com>

"dedicated to the conservation of native flora"

June 21, 2017

City of Oakland  
Bureau of Planning, Planning and Zoning Division  
250 Frank H. Ogawa Plaza, Suite 2214, Oakland CA  
Attn: Heather Klein, Planner IV

*Submitted by email to: hklein@oaklandnet.com.*

**RE: Notice of Availability and Release of a Response to Comments/ Final Supplemental Environmental Impact Report (Final SEIR)**

Dear Heather Klein, Planner:

The following are the comments of the East Bay California Native Plant Society (EBCNPS) in regard to the Response to Comments and Final Supplemental Environmental Impact Report (Final SEIR) for the Oak Knoll Mixed Use Community Plan Project.

The California Native Plant Society (CNPS) is a non-profit organization of more than 10,000 laypersons and professional botanists organized into 34 chapters throughout California. The Society's mission is to increase the understanding and appreciation of California's native plants and to preserve them in their natural habitat through scientific activities, education, and conservation.

Pursuant to the mission of protecting California's native flora and vegetation, EBCNPS submits the following comments:

### **Avoid and mitigate for impacts to the Oakland star tulip**

The City of Oakland is the namesake home for the Oakland star tulip (*Calochortus umbellatus*), a special-status plant species. A perennial bulb which flowers March through May, it is included in the CNPS Inventory of Rare and Endangered Plants on list 4.2 (limited distribution), and is also considered locally rare.

The entire population on this project site (723 plants) is still at risk of elimination, even though the Draft and Final SEIR (DSEIR pg 4.3-18) recognize Oakland star tulip as a special-status species. None of the bulbs are avoided, even in open space areas where they could be protected in place. And the commitment to preserve Oakland star tulip is promised in response to comments but not upheld within the Final SEIR text revisions—the Final SEIR language does not obligate the project sponsor to follow the recommended mitigations.

The bottom line is that it is extremely uncommon to encounter such a large population of Oakland star tulip in all of the East Bay region. Certainly, the occurrence on the Oak Knoll

property is one of the largest (if not the largest) population within the City of Oakland, of the Oakland star tulip.



*Calochortus umbellatus*, CNPS, 1980.

Finally, the Final SEIR concludes that “no significant impact” will occur to the Oakland star tulip, which is based on incorrect analysis that the species is “regionally prevalent.” By assuming the tulip is regionally prevalent, the project is allowed to inflict greater impacts on the tulip by disregarding the option to avoid it and proposing some minor but incomplete mitigation actions. If the Oakland star tulip’s rarity was valued appropriately, the project would not be permitted to impact the species so heavily, or would be required to mitigate adequately for impacts. The argument for regional prevalence needs correction.

1. Mitigation for impacts to Oakland star tulip should be “enforceable measure of approval”

**Response N2** to our organization’s comment letter on the Draft SEIR, explicitly says that “the applicant has agreed to implement this measure as an enforceable measure of approval” (also appears on other responses). However, language specifying this guarantee is not carried through to revisions to the Final SEIR, **Section 4.3**, which discusses the Oakland star tulip. Paragraphs of discussion located immediately before **Recommendation BIO-1.1**, appear to state that the project sponsor agrees mitigation should probably take place. But, this language does not actually commit the project sponsor to perform the mitigation as described (or, any mitigation at all).

This demonstrates a significant inconsistency between promised revisions in comment responses and actual revisions to the Final SEIR. **Section 4.3** and **Recommendation BIO-1.1** of the Final SEIR must be revised to read that fulfilling adequate mitigation measures for Oakland star tulip is an “enforceable measure of approval.”

Importantly, we also recommend Oakland star tulip mitigations need to apply to all the project alternatives. All protection would be absent for the Oakland star tulip, if the proposed mitigations did not happen to apply to the selected project alternative.

## 2. Retain Oakland star tulips in preserved Open Space areas

The project sponsor proposes to harvest 100% of the bulbs, which is an increase from 50% planned harvest in the Draft SEIR. This increased commitment to responsibility for every individual is a positive change in the Final SEIR. (The project no longer proposes to harvest half the bulbs, and bulldoze the rest.) However, harvesting every individual would unnecessarily increase impacts to the species.

The Final SEIR proposes to harvest every single bulb on the property. We recommend avoiding altogether the bulbs located within open space areas.

Oakland star tulip is currently growing where it grows best. It is a reasonable measure to avoid disturbing as many bulbs as possible. The Final SEIR reasons that removing all bulbs is necessary to prepare for siting recreational trails in the open space areas. The potential hiking trail alignments are included in concept drawings but not yet finalized (DEIR, Figure 3-11, pg 3-22). Future trail plans should be routed to avoid the Oakland star tulip where it occurs.

East Bay CNPS does not endorse mitigation as a substitute for avoidance. However, none of the project alternatives present a scenario which completely avoids the Oakland star tulip. So, should avoiding all the Oakland star tulip across the entire project site be completely impossible, we recommend harvesting Oakland star tulip bulbs only in the developed areas of the project.

We note also that it is impossible to determine the number of bulbs which may be avoided and thus protected in these open space areas. Unfortunately, a map overlaying the Oakland star tulip occurrences with the proposed development does not exist. A rough estimate from examining EIR maps (not to scale), reveals that close to 150 individuals may be avoided and protected in this manner.

## 3. Mitigation "success" means Monitoring needs more time and survival rates higher, when defining mitigation "success"

We suggest many improvements to **Recommendation BIO-1.1**, see also Attachment A.

For the harvested bulbs, the project proposes only 50% of these need survive the first two (2) years after replanting. When the replanting effort will take place is not specified. Potential on-site locations are not specified. And, the entire recommendation for a mitigation and monitoring plan only applies for on-site locations—no monitoring is required if the plants are transported and planted at an off-site location. Given all these unknowns, the current wording of the Final SEIR allows for complete removal of this population, with the very real possibility of either: considering the loss of 366 bulbs "fully successful," or, no reporting on the outcome for 100% of the population because reports are not required on the success rate of replanting elsewhere.

We recommend required monitoring for the replanted Oakland star tulip for five (5) years to establish a survival trend. Two years of monitoring is insufficient. The project should set goals for this beautiful Oakland-indigenous plant to survive, and thrive.

We recommend increasing the survival rate to greater than 50%. A success rate of only 50% may be acceptable for other, less rare species in the *Calochortus* genus, but is not an acceptable survival rate for a special-status species. The Final SEIR states a success rate of only 50%, and thus, any future mitigation and monitoring plan based on achieving this outcome will be inherently flawed.

We recommend revising **Recommendation BIO-1.1** to state that it applies both to on-site and off-site mitigation. The Final SEIR currently states that mitigation recommendations only apply to on-site replanting plans. If application of a mitigation plan depends on where the population is replanted, this leaves the project sponsor with the easier option of simply planting the bulbs and walking away

We would also like to see a time frame defined for when this replanting effort will take place. Lacking a time frame leaves open the possibility that these bulbs may be planted many significant impact to the species. The Final SEIR and a future mitigation and monitoring plan should both describe a time frame for when mitigation will take place.

We recommend that a future mitigation and monitoring plan describes storage techniques for the harvested bulbs, so as to avoid post-harvest loss before replanting and mitigation can take place. Additionally, enough is known about the physical requirements of the Oakland star tulip and attributes of the project open space areas, for the project sponsor to accurately describe which on-site locations are being considered for on-site mitigation.

We recommend describing in detail the process of selecting a relocation site. A qualified botanist should oversee the selection of the transplant location. When replanting these bulbs, other quality native plant communities or sensitive natural communities should be avoided.

#### 4. Oakland star tulip is locally rare, not regionally abundant

The calculations justifying regional prevalence of the Oakland star tulip, do not accurately represent species distribution for ease of public understanding. Thus, regional prevalence should not be used as justification for weak or nonexistent mitigation for impacts to the Oakland star tulip.

Response N2 contains extensive explanation of the existing occurrence records of Oakland star tulip, and attempts to show prevalence by breaking down percentages of the records in several ways. These explanations only further illustrate the fact that impacts to the Oakland star tulip at this site would be significant. At a population of 732 plants, the occurrence at Oak Knoll ranks near the top of the ten largest sites in the East Bay. Usually, a record indicates just a few plants at a given location.

Response N2 states, "in total, we are aware of four populations in the East Bay with more than 1,000 plants, six populations in the East Bay with 500 or more plants, and nine populations in the East Bay described as being several hundred plants or more (excluding the Project site)..." The response continues by offering the percentages of occurrence records with abundance estimates. This misleads the reader to perceive the species population size as larger than what actually exists.

For example, the statement that "three populations (17 percent of those with abundance estimates) have more than 1,000 plants," leads the reader to assume that approximately 20% of the species are occurrences of this large size. When actually, only five (5) confirmed locations of Oakland star tulip with 500+ plants exist throughout the San Francisco Bay Area, so impacts to just one of these populations may affect as much as 20% of the entire population of Oakland star tulip.

Also, the Final SEIR attempts to illustrate regional prevalence by presenting the gross number of regional records (reported as 69 in the two county area). The Final SEIR acknowledges that the majority of these records may consist of just one or a few plants each, but then hypothesizes that some records might represent other populations of hundreds of plants. Although documenting the extent of this population required focused surveys, assuming that many more large sized populations of Oakland star tulip is not supported by the verified records. It is inadequate analysis to analysis to err on the side of assuming a special-status species (with inconsistent occurrence records) is abundant.

## Identify and protect existing sensitive natural communities

Appropriate identification of sensitive natural communities is necessary to avoid or mitigate potentially significant impacts. **Response N2** is inaccurate when it says that the "Manual of California Vegetation is not a regulatory document and does not by itself provide any recommendations regarding appropriate 'protections' for vegetation types." The second edition of a Manual of California Vegetation (Sawyer, Keeler-Wolf and Evens 2009) does classify vegetation, provides rarity rankings, and stipulates that anything that is ranked as S3 or lower in this manual qualifies for protection under California Department of Fish and Wildlife (CDFW).

The *Arctostaphylos (crustacea, tomentosa)* Shrubland Alliance has a sensitivity ranking of G2 S2, indicating it is "imperiled" both globally and in California. Even small amounts of this community (such as scattered and degraded populations in the East Bay) qualifies for protection. EBCNPS's statement that 1–2% of *A. crustacea* ssp. *crustacea* cover qualifies as the rare community type *Arctostaphylos (crustacea, tomentosa)* Shrubland Alliance stems from the following quote from the Manual of California Vegetation (Sawyer et al. 2009, page 348):

"Some stands [of the *Arctostaphylos (crustacea, tomentosa)* Shrubland Alliance] in the East Bay Hills are fragmented and degraded, with only remnant scattered individuals of *A. crustacea*

and a significantly higher cover of *Adenostema fasciculatum*. We still consider such stands as members of the *A. crustacea* alliance.”

Todd Keeler-Wolf of the Biogeographic Data Branch of the California Department of Fish and Wildlife has confirmed this statement on a variety of occasions including to verify occurrence of this same vegetation type at Knowland Park where the percentages of *A. crustacea* ssp. *crustacea* are similarly low but represent remnant stands that do qualify for protection.

The Draft SEIR acknowledges that the very species which define this sensitive natural community are widely prevalent on the project site, especially noting presence of the hairy manzanita (*Arctostaphylos crustacea* ssp. *crustacea*). Draft SEIR, page 4.3-6 states, “California sagebrush scrub covers 4.53 acres of the Project site in two locations on steep slopes within coast live oak woodland in the southeastern portion of the site. California sagebrush, coyote brush (*Baccharis pilularis* ssp. *consanguinea*), chamise (*Adenostoma fasciculatum* var. *fasciculatum*), and hairy manzanita (*Arctostaphylos crustacea* ssp. *crustacea*) are dominant within this alliance.”

In addition, all purple needlegrass grasslands on the project site qualify for status as a protected sensitive natural community. The project sponsor has mapped all areas that met the minimum requirements for consideration (membership rules) as needlegrass grassland. However, regardless of quality, both naturally occurring should receive protection as a sensitive natural community, and either be avoided or impacts mitigated.

The Manual of California Vegetation does not differentiate between native and planted vegetation communities. All purple needlegrass grasslands should be classified as sensitive natural communities, or known sensitive resource area as protected under Impact BIO-1 and Impact BIO-2. The project would then have to account for significance of impacts and mitigation measures for all purple needlegrass grasslands.

Protection of these sensitive natural community fragments are valuable their recovery and resiliency. For example, we strongly recommend reanalyzing potential impacts to areas of the project site where either of these communities occur, and avoiding completely grading and removing these communities (as is planned), and evaluating how changes to the surrounding hydrology (due to runoff or stormwater basin placement) impacts these sensitive natural communities.

## Conclusions:

We recognize overall improvements to restoration efforts proposed by this project. However, several native plant protections and mitigations remain inadequate to the level of net significant impact. These special-status species and sensitive natural communities merit protection and impact analysis, as defined by the California Environmental Quality Act (CEQA) Guidelines §15125 (c) and §15380. Revisions to the Final Supplemental EIR (Final SEIR) are essential to successfully mitigate and avoid impacts to special-status plant species and sensitive natural communities.

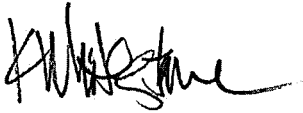
For example, significant changes to the proposed mitigation of the special-status species Oakland star tulip (*Calochortus umbellatus*) are necessary to ensure realistic survival for the large population of a locally rare native plant that occurs on the project site. As currently written, the Final SEIR allows for complete elimination of Oakland star tulip from the entire project area. Plans for mitigation and monitoring of this species should be improved.

Sections of coastal scrub on the project site qualify for protection as a sensitive natural community, the *Arctostaphylos (crustacea, tomentosa)* Shrubland Alliance. The membership rules for the alliance as well as the author of those membership rules (Keeler-Woolf) both unequivocally state that degraded stands in the East Bay qualify for protection. As currently written, the Final SEIR does not consider any protection or mitigation for this community whatsoever, and thus they are at risk of significant impacts.

We also recommend including plans to enhance native plant habitat in the preserved open space areas on the project site, such as non-native invasive plant control efforts. Removal of invasive weedy plant species including non-native annual grasses in conserved open space areas would assist with maintaining the health of native plant groupings and sensitive natural communities such as the purple needlegrass grasslands. We recommend avoidance of further disturbance to all native plant habitat at every opportunity.

If you have any questions, please contact me at [conservation@ebcnps.org](mailto:conservation@ebcnps.org) or at 510-734-0335.

Sincerely,

A handwritten signature in black ink, appearing to read 'Karen Whitestone', written in a cursive style.

Karen Whitestone  
Conservation Analyst  
East Bay California Native Plant Society



## ATTACHMENT A

The following are EBCNPS's recommendations for revisions (highlighted) to the Final SEIR Ch 3, Changes and Errata to Draft SEIR, Pg 3-14 to 15:

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

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

**Recommendation BIO-1.1:** The following measures ~~should~~ shall be implemented prior to construction to avoid or minimize impacts to Oakland star tulip within the Project site. The applicant agrees to implement this measure as an enforceable condition of approval.

a) A qualified botanist shall flag the location of Oakland star tulip plants during the flowering period prior to site grading. Under the direction of the qualified botanist, bulbs and associated soil plugs from areas to be graded shall be harvested from ~~at least 50~~ 100 percent the Oakland star tulip plants within the Project site following flowering and withering of leaves. Oakland star tulip plants located in open space areas of the Project site (and outside defined limits of disturbance), shall be flagged and avoided instead of harvested and removed/ transplanted.

b) Harvested bulbs shall be ~~1) replanted on site in an area designated for open space preservation, stored for reintroduction into suitable habitat within upland woodland portions the creek restoration area of the Project site; or 2) made available to a reputable organization for reintroduction into suitable locations near the Project vicinity, such the East Bay Regional Park District, East Bay Chapter of the California Native Plant Society, UC Berkeley Botanical Garden, or Merritt College Horticultural Department.~~ The chosen location for transplanting shall be appropriate to the biological requirements of the species, and free from the soil pathogen *Phytophthora*. After transplantation, impacts to this area shall be avoided indefinitely. Any further impacts to this transplanted population are not allowed.

c) ~~If plants are reintroduced within t~~ The Project sponsor shall prepare a Monitoring Plan for relocated / transplanted Oakland star tulip plants within the Project site. The plan shall detail methods and location for relocating or reintroducing Oakland star tulip population, annual monitoring ~~methods and maintenance~~ for successful establishment, and reporting protocols. The ~~recommended~~ success criteria for relocated plants is 0.5:1 ratio [number of plants established: number of plants impacted] after two years. The Monitoring Plan will monitor successful establishment and recovery over a period of ten years, and periodically provide habitat enhancement especially invasive weed removal (similar to Rifle

Range Creek monitoring). Additionally, this Monitoring Plan will also apply to relocated / transplanted Oakland star tulip plants, should they be located outside the Project site.

d) Contingency measures such as obtaining bulbs from other locations should be included in the plan if it appears the success criterion will not be met after two years. Disturbance of otherwise- unaffected populations for the purposes of obtaining bulbs or transplantation, especially sensitive serpentinite habitats at which this species is typically located, shall be avoided.

e) The plan shall be developed in consultation with the appropriate agencies prior to the start of local construction activities.

f) Monitoring reports shall include photo-documentation, planting specifications, a site layout map, descriptions of materials used, and justification for any deviations from the monitoring plan.

g) The Monitoring Plan shall be prepared with stakeholder input, finalized, and made available to the public, prior to site grading and before any project-related impacts to any Oakland star tulip.

h) The Monitoring Plan shall be implemented as soon as possible, within one year of harvest of the Oakland star tulip bulbs.

i) The master developer (Oak Knoll Venture Acquisition LLC (OKVA)) and all developers, merchants, and contractors involved with this project are subject to successful implementation of the Monitoring Plan. The Monitoring Plan shall be implemented as an enforceable measure of approval, regardless of project CEQA Alternative chosen.

[M12]

## Klein, Heather

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**From:** Karen Whitestone <conservation@ebcnps.org>  
**Sent:** Wednesday, June 21, 2017 4:15 PM  
**To:** Klein, Heather  
**Subject:** Re: Oak Knoll comments  
**Attachments:** Oak Knoll project-ebcnps comments-20170621.pdf

Hello again Ms. Klein,

The letter I recently submitted had some aesthetic formatting issues. I apologize for the oversight. Attached is a duplicate of our letter with the formatting resolved. I would appreciate if the letter attached to this email is used as a replacement.

I also note that I sent my email before 4:00pm, but the timestamp for arrival says a few minutes after. I do not know why this occurred. I hope you will still receive the comments.

Thank you.

Karen Whitestone

On 6/21/2017 4:02 PM, Karen Whitestone wrote:

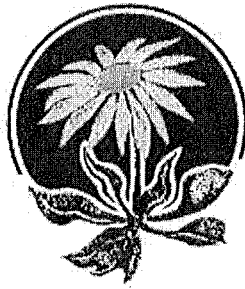
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>  
> Karen Whitestone  
>

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Karen Whitestone  
Conservation Analyst

California Native Plant Society, East Bay Chapter PO Box 5597 Elmwood Station Berkeley CA 94705  
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[www.ebcnps.org](http://www.ebcnps.org)  
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“dedicated to the conservation of native flora”



# CALIFORNIA NATIVE PLANT SOCIETY

East Bay Chapter, [www.ebcnps.org](http://www.ebcnps.org)  
PO Box 5597, Elmwood Station, Berkeley, CA 94705

June 21, 2017

City of Oakland  
Bureau of Planning, Planning and Zoning Division  
250 Frank H. Ogawa Plaza, Suite 2214, Oakland CA  
Attn: Heather Klein, Planner IV

*Submitted by email to: [hklein@oaklandnet.com](mailto:hklein@oaklandnet.com).*

**RE: Notice of Availability and Release of a Response to Comments/ Final Supplemental Environmental Impact Report (Final SEIR)**

Dear Heather Klein, Planner:

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The entire population on this project site (723 plants) is still at risk of elimination, even though the Draft and Final SEIR (DSEIR pg 4.3-18) recognize Oakland star tulip as a special-status

*Protecting California's native flora since 1965*

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*Protecting California's native flora since 1965*

This demonstrates a significant inconsistency between promised revisions in comment responses and actual revisions to the Final SEIR. **Section 4.3** and **Recommendation BIO-1.1** of the Final SEIR must be revised to read that fulfilling adequate mitigation measures for Oakland star tulip is an "enforceable measure of approval."

Importantly, we also recommend Oakland star tulip mitigations need to apply to all the project alternatives. All protection would be absent for the Oakland star tulip, if the proposed mitigations did not happen to apply to the selected project alternative.

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## 3. Mitigation "success" means more time for monitoring and higher survival rates

We suggest many improvements to **Recommendation BIO-1.1**, see also Attachment A.

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For the harvested bulbs, the project proposes only 50% of these need survive the first two (2) years after replanting. When the replanting effort will take place is not specified. Potential on-site locations are not specified. And, the entire recommendation for a mitigation and monitoring plan only applies for on-site locations—no monitoring is required if the plants are transported and planted at an off-site location. Given all these unknowns, the current wording of the Final SEIR allows for complete removal of this population, with the very real possibility of either: considering the loss of 366 bulbs “fully successful,” or, no reporting on the outcome for 100% of the population because reports are not required on the success rate of replanting elsewhere.

We recommend required monitoring for the replanted Oakland star tulip for five (5) years to establish a survival trend. Two years of monitoring is insufficient. The project should set goals for this beautiful Oakland-indigenous plant to survive, and thrive.

We recommend increasing the survival rate to greater than 50%. A success rate of only 50% may be acceptable for other, less rare species in the *Calochortus* genus, but is not an acceptable survival rate for a special-status species. The Final SEIR states a success rate of only 50%, and thus, any future mitigation and monitoring plan based on achieving this outcome will be inherently flawed.

We recommend revising **Recommendation BIO-1.1** to state that it applies both to on-site and off-site mitigation. The Final SEIR currently states that mitigation recommendations only apply to on-site replanting plans. If application of a mitigation plan depends on where the population is replanted, this leaves the project sponsor with the easier option of simply planting the bulbs and walking away

We would also like to see a time frame defined for when this replanting effort will take place. Lacking a time frame leaves open the possibility that these bulbs may be planted many years later or not at all, which would significantly impact the species. The Final SEIR and a future mitigation and monitoring plan should both describe a time frame for when mitigation will take place.

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The calculations justifying regional prevalence of the Oakland star tulip, do not accurately represent species distribution for ease of public understanding. Thus, regional prevalence

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should not be used as justification for weak or nonexistent mitigation for impacts to the Oakland star tulip.

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For example, the statement that "three populations (17 percent of those with abundance estimates) have more than 1,000 plants," leads the reader to assume that approximately 20% of the species are occurrences of this large size. When actually, only five (5) confirmed locations of Oakland star tulip with 500+ plants exist throughout the San Francisco Bay Area, so impacts to just one of these populations may affect as much as 20% of the entire population of Oakland star tulip.

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Todd Keeler-Wolf of the Biogeographic Data Branch of the California Department of Fish and Wildlife has confirmed this statement on a variety of occasions including to verify occurrence of this same vegetation type at Knowland Park where the percentages of *A. crustacea* ssp. *crustacea* are similarly low but represent remnant stands that do qualify for protection.

The Draft SEIR acknowledges that the very species which define this sensitive natural community are widely prevalent on the project site, especially noting presence of the hairy manzanita (*Arctostaphylos crustacea* ssp. *crustacea*). Draft SEIR, page 4.3-6 states, "California sagebrush scrub covers 4.53 acres of the Project site in two locations on steep slopes within coast live oak woodland in the southeastern portion of the site. California sagebrush, coyote brush (*Baccharis pilularis* ssp. *consanguinea*), chamise (*Adenostoma fasciculatum* var. *fasciculatum*), and hairy manzanita (*Arctostaphylos crustacea* ssp. *crustacea*) are dominant within this alliance."

In addition, all purple needlegrass grasslands on the project site qualify for status as a protected sensitive natural community. The project sponsor has mapped all areas that met the minimum requirements for consideration (membership rules) as needlegrass grassland. However, regardless of quality, both naturally occurring should receive protection as a sensitive natural community, and either be avoided or impacts mitigated.

The Manual of California Vegetation does not differentiate between native and planted vegetation communities. All purple needlegrass grasslands should be classified as sensitive natural communities, or known sensitive resource area as protected under Impact BIO-1 and Impact BIO-2. The project would then have to account for significance of impacts and mitigation measures for all purple needlegrass grasslands.

Protection of these sensitive natural community fragments are valuable their recovery and resiliency. For example, we strongly recommend reanalyzing potential impacts to areas of the project site where either of these communities occur, and avoiding completely grading and removing these communities (as is planned), and evaluating how changes to the surrounding hydrology (due to runoff or stormwater basin placement) impacts these sensitive natural communities.

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## Conclusions:

We recognize overall improvements to restoration efforts proposed by this project. However, several native plant protections and mitigations remain inadequate to the level of net significant impact. These special-status species and sensitive natural communities merit protection and impact analysis, as defined by the California Environmental Quality Act (CEQA) Guidelines §15125 (c) and §15380. Revisions to the Final Supplemental EIR (Final SEIR) are essential to successfully mitigate and avoid impacts to special-status plant species and sensitive natural communities.


For example, significant changes to the proposed mitigation of the special-status species Oakland star tulip (*Calochortus umbellatus*) are necessary to ensure realistic survival for the large population of a locally rare native plant that occurs on the project site. As currently written, the Final SEIR allows for complete elimination of Oakland star tulip from the entire project area. Plans for mitigation and monitoring of this species should be improved.

Sections of coastal scrub on the project site qualify for protection as a sensitive natural community, the *Arctostaphylos (crustacea, tomentosa)* Shrubland Alliance. The membership rules for the alliance as well as the author of those membership rules (Keeler-Woolf) both unequivocally state that degraded stands in the East Bay qualify for protection. As currently written, the Final SEIR does not consider any protection or mitigation for this community whatsoever, and thus they are at risk of significant impacts.

We also recommend including plans to enhance native plant habitat in the preserved open space areas on the project site, such as non-native invasive plant control efforts. Removal of invasive weedy plant species including non-native annual grasses in conserved open space areas would assist with maintaining the health of native plant groupings and sensitive natural communities such as the purple needlegrass grasslands. We recommend avoidance of further disturbance to all native plant habitat at every opportunity.

If you have any questions, please contact me at [conservation@ebcnps.org](mailto:conservation@ebcnps.org) or at 510-734-0335.

Sincerely,



Karen Whitestone  
Conservation Analyst  
East Bay California Native Plant Society

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# ATTACHMENT A

The following are EBCNPS's recommendations for revisions (highlighted) to the Final SEIR Ch 3, Changes and Errata to Draft SEIR, Pg 3-14 to 15:

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

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

**Recommendation BIO-1.1:** The following measures ~~should~~ shall be implemented prior to construction to avoid or minimize impacts to Oakland star tulip within the Project site. The applicant agrees to implement this measure as an enforceable condition of approval.

a) A qualified botanist shall flag the location of Oakland star tulip plants during the flowering period prior to site grading. Under the direction of the qualified botanist, bulbs and associated soil plugs from areas to be graded shall be harvested from ~~at least 50~~ 100 percent the Oakland star tulip plants within the Project site following flowering and withering of leaves. Oakland star tulip plants located in open space areas of the Project site (and outside defined limits of disturbance), shall be flagged and avoided instead of harvested and removed/ transplanted.

b) Harvested bulbs shall be ~~1) replanted on site in an area designated for open space preservation, stored for reintroduction into suitable habitat within upland woodland portions the creek restoration area of the Project site; or 2) made available to a reputable organization for reintroduction into suitable locations near the Project vicinity, such the East Bay Regional Park District, East Bay Chapter of the California Native Plant Society, UC Berkeley Botanical Garden, or Merritt College Horticultural Department.~~ The chosen location for transplanting shall be appropriate to the biological requirements of the species, and free from the soil pathogen *Phytophthora*. After transplantation, impacts to this area shall be avoided indefinitely. Any further impacts to this transplanted population are not allowed.

c) ~~If plants are reintroduced within~~ The Project sponsor shall prepare a Monitoring Plan for relocated / transplanted Oakland star tulip plants within the Project site. The plan shall detail methods and location for relocating or reintroducing Oakland star tulip population, annual monitoring ~~methods and maintenance~~ for successful establishment, and reporting protocols. The ~~recommended~~ success criteria for relocated plants is 0.5:1 ratio [number of plants established: number of plants impacted] after two years. The Monitoring Plan will monitor successful establishment and recovery over a period of ten years, and periodically provide habitat enhancement especially invasive weed removal (similar to Rifle Range Creek monitoring). Additionally, this Monitoring Plan will also apply to relocated / transplanted Oakland star tulip plants, should they be located outside the Project site.

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d) Contingency measures such as obtaining bulbs from other locations should be included in the plan if it appears the success criterion will not be met after two years. Disturbance of otherwise- unaffected populations for the purposes of obtaining bulbs or transplantation, especially sensitive serpentinite habitats at which this species is typically located, shall be avoided.

e) The plan shall be developed in consultation with the appropriate agencies prior to the start of local construction activities.

f) Monitoring reports shall include photo-documentation, planting specifications, a site layout map, descriptions of materials used, and justification for any deviations from the monitoring plan.

g) The Monitoring Plan shall be prepared with stakeholder input, finalized, and made available to the public, prior to site grading and before any project-related impacts to any Oakland star tulip.

h) The Monitoring Plan shall be implemented as soon as possible, within one year of harvest of the Oakland star tulip bulbs.

i) The master developer (Oak Knoll Venture Acquisition LLC (OKVA)) and all developers, merchants, and contractors involved with this project are subject to successful implementation of the Monitoring Plan. The Monitoring Plan shall be implemented as an enforceable measure of approval, regardless of project CEQA Alternative chosen.

[M12]

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## Klein, Heather

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**From:** Karen Whitestone <conservation@ebcnps.org>  
**Sent:** Wednesday, June 21, 2017 4:35 PM  
**To:** sgregory@lamphier-gregory.com  
**Cc:** Klein, Heather  
**Subject:** Oak Knoll comments  
**Attachments:** Oak Knoll project-ebcnps comments-20170621.pdf

Hello Mr. Gregory,

I see from Ms. Klein's vacation email response that Oak Knoll comment letters should be sent to you. (Is that in addition to Ms. Klein, as she listed on the notice?)

Please accept the attached comments on the Oak Knoll project from East Bay California Native Plant Society, and confirm receipt at your earliest convenience.

Notwithstanding a few technical difficulties, I did submit the content of our letter to Ms. Klein before the 4:00pm deadline.

Thank you.

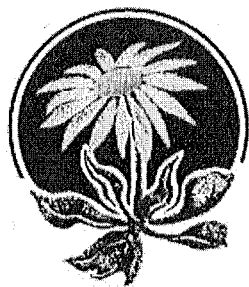
Karen Whitestone

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Karen Whitestone  
Conservation Analyst

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“dedicated to the conservation of native flora”



# CALIFORNIA NATIVE PLANT SOCIETY

East Bay Chapter, [www.ebcnps.org](http://www.ebcnps.org)  
PO Box 5597, Elmwood Station, Berkeley, CA 94705

June 21, 2017

City of Oakland  
Bureau of Planning, Planning and Zoning Division  
250 Frank H. Ogawa Plaza, Suite 2214, Oakland CA  
Attn: Heather Klein, Planner IV

*Submitted by email to:* [hklein@oaklandnet.com](mailto:hklein@oaklandnet.com)

**RE: Notice of Availability and Release of a Response to Comments/ Final Supplemental Environmental Impact Report (Final SEIR) for Oak Knoll Mixed Use Community Project**

Dear Heather Klein, Planner:

The following are the comments of the East Bay California Native Plant Society (EBCNPS) in regard to the Response to Comments and Final Supplemental Environmental Impact Report (Final SEIR) for the Oak Knoll Mixed Use Community Plan Project.

The California Native Plant Society (CNPS) is a non-profit organization of more than 10,000 laypersons and professional botanists organized into 34 chapters throughout California. The Society's mission is to increase the understanding and appreciation of California's native plants and to preserve them in their natural habitat through scientific activities, education, and conservation.

Pursuant to the mission of protecting California's native flora and vegetation, EBCNPS submits the following comments:

## **Avoid and mitigate for impacts to the Oakland star tulip**

The City of Oakland is the namesake home for the Oakland star tulip (*Calochortus umbellatus*), a special-status plant species. A perennial bulb which flowers March through May, it is included in the CNPS Inventory of Rare and Endangered Plants on list 4.2 (limited distribution), and is also considered locally rare.

The entire population on this project site (723 plants) is still at risk of elimination, even though the Draft and Final SEIR (DSEIR pg 4.3-18) recognize Oakland star tulip as a special-status

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species. None of the bulbs are avoided, even in open space areas where they could be protected in place. And the commitment to preserve Oakland star tulip is promised in response to comments but not upheld within the Final SEIR text revisions—the Final SEIR language does not obligate the project sponsor to follow the recommended mitigations.

The bottom line is that it is extremely uncommon to encounter such a large population of Oakland star tulip in all of the East Bay region. Certainly, the occurrence on the Oak Knoll property is one of the largest (if not the largest) population within the City of Oakland, of the Oakland star tulip.



*Calochortus umbellatus*, CNPS, 1980.

Finally, the Final SEIR concludes that “no significant impact” will occur to the Oakland star tulip, which is based on incorrect analysis that the species is “regionally prevalent.” By assuming the tulip is regionally prevalent, the project is allowed to inflict greater impacts on the tulip by disregarding the option to avoid it and proposing some minor but incomplete mitigation actions. If the Oakland star tulip’s rarity was valued appropriately, the project would not be permitted to impact the species so heavily, or would be required to mitigate adequately for impacts. The argument for regional prevalence needs correction.

1. Mitigation for impacts to Oakland star tulip should be “enforceable measure of approval”

**Response N2** to our organization’s comment letter on the Draft SEIR, explicitly says that “the applicant has agreed to implement this measure as an enforceable measure of approval” (also appears on other responses). However, language specifying this guarantee is not carried through to revisions to the Final SEIR, **Section 4.3**, which discusses the Oakland star tulip. Paragraphs of discussion located immediately before **Recommendation BIO-1.1**, appear to state that the project sponsor agrees mitigation should probably take place. But, this language does not actually commit the project sponsor to perform the mitigation as described (or, any mitigation at all).

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This demonstrates a significant inconsistency between promised revisions in comment responses and actual revisions to the Final SEIR. **Section 4.3** and **Recommendation BIO-1.1** of the Final SEIR must be revised to read that fulfilling adequate mitigation measures for Oakland star tulip is an "enforceable measure of approval."

Importantly, we also recommend Oakland star tulip mitigations need to apply to all the project alternatives. All protection would be absent for the Oakland star tulip, if the proposed mitigations did not happen to apply to the selected project alternative.

## 2. Retain Oakland star tulips in preserved Open Space areas

The project sponsor proposes to harvest 100% of the bulbs, which is an increase from 50% planned harvest in the Draft SEIR. This increased commitment to responsibility for every individual is a positive change in the Final SEIR. (The project no longer proposes to harvest half the bulbs, and bulldoze the rest.) However, harvesting every individual would unnecessarily increase impacts to the species.

The Final SEIR proposes to harvest every single bulb on the property. We recommend avoiding altogether the bulbs located within open space areas.

Oakland star tulip is currently growing where it grows best. It is a reasonable measure to avoid disturbing as many bulbs as possible. The Final SEIR reasons that removing all bulbs is necessary to prepare for siting recreational trails in the open space areas. The potential hiking trail alignments are included in concept drawings but not yet finalized (DEIR, Figure 3-11, pg 3-22). Future trail plans should be routed to avoid the Oakland star tulip where it occurs.

East Bay CNPS does not endorse mitigation as a substitute for avoidance. However, none of the project alternatives present a scenario which completely avoids the Oakland star tulip. So, should avoiding all the Oakland star tulip across the entire project site be completely impossible, we recommend harvesting Oakland star tulip bulbs only in the developed areas of the project.

We note also that it is impossible to determine the number of bulbs which may be avoided and thus protected in these open space areas. Unfortunately, a map overlaying the Oakland star tulip occurrences with the proposed development does not exist. A rough estimate from examining EIR maps (not to scale), reveals that close to 150 individuals may be avoided and protected in this manner.

## 3. Mitigation "success" means more time for monitoring and higher survival rates

We suggest many improvements to **Recommendation BIO-1.1**, see also Attachment A.

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For the harvested bulbs, the project proposes only 50% of these need survive the first two (2) years after replanting. When the replanting effort will take place is not specified. Potential on-site locations are not specified. And, the entire recommendation for a mitigation and monitoring plan only applies for on-site locations—no monitoring is required if the plants are transported and planted at an off-site location. Given all these unknowns, the current wording of the Final SEIR allows for complete removal of this population, with the very real possibility of either: considering the loss of 366 bulbs “fully successful,” or, no reporting on the outcome for 100% of the population because reports are not required on the success rate of replanting elsewhere.

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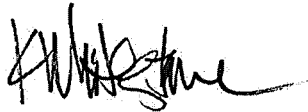
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Sincerely,



Karen Whitestone  
Conservation Analyst  
East Bay California Native Plant Society

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

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

**Recommendation BIO-1.1:** The following measures ~~should~~ shall be implemented prior to construction to avoid or minimize impacts to Oakland star tulip within the Project site. The applicant agrees to implement this measure as an enforceable condition of approval.

a) A qualified botanist shall flag the location of Oakland star tulip plants during the flowering period prior to site grading. Under the direction of the qualified botanist, bulbs and associated soil plugs from areas to be graded shall be harvested from ~~at least 50~~ 100 percent the Oakland star tulip plants within the Project site following flowering and withering of leaves. Oakland star tulip plants located in open space areas of the Project site (and outside defined limits of disturbance), shall be flagged and avoided instead of harvested and removed/ transplanted.

b) Harvested bulbs shall be ~~1) replanted on site in an area designated for open space preservation, stored for reintroduction into suitable habitat within upland woodland portions the creek restoration area of the Project site; or 2) made available to a reputable organization for reintroduction into suitable locations near the Project vicinity, such the East Bay Regional Park District, East Bay Chapter of the California Native Plant Society, UC Berkeley Botanical Garden, or Merritt College Horticultural Department.~~ replanted on site in an area designated for open space preservation, stored for reintroduction into suitable habitat within upland woodland portions the creek restoration area of the Project site; or 2) made available to a reputable organization for reintroduction into suitable locations near the Project vicinity, such the East Bay Regional Park District, East Bay Chapter of the California Native Plant Society, UC Berkeley Botanical Garden, or Merritt College Horticultural Department. The chosen location for transplanting shall be appropriate to the biological requirements of the species, and free from the soil pathogen *Phytophthora*. After transplantation, impacts to this area shall be avoided indefinitely. Any further impacts to this transplanted population are not allowed.

c) ~~If plants are reintroduced within t~~ The Project sponsor shall prepare a Monitoring Plan for relocated / transplanted Oakland star tulip plants within the Project site. The plan shall detail methods and location for relocating or reintroducing Oakland star tulip population, annual monitoring methods and maintenance for successful establishment, and reporting protocols. The recommended success criteria for relocated plants is 0.5:1 ratio [number of plants established: number of plants impacted] after two years. The Monitoring Plan will monitor successful establishment and recovery over a period of ten years, and periodically provide habitat enhancement especially invasive weed removal (similar to Rifle Range Creek monitoring). Additionally, this Monitoring Plan will also apply to relocated / transplanted Oakland star tulip plants, should they be located outside the Project site.

*Protecting California's native flora since 1965*

- d) Contingency measures such as obtaining bulbs from other locations should be included in the plan if it appears the success criterion will not be met after two years. Disturbance of otherwise- unaffected populations for the purposes of obtaining bulbs or transplantation, especially sensitive serpentinite habitats at which this species is typically located, shall be avoided.
- e) The plan shall be developed in consultation with the appropriate agencies prior to the start of local construction activities.
- f) Monitoring reports shall include photo-documentation, planting specifications, a site layout map, descriptions of materials used, and justification for any deviations from the monitoring plan.
- g) The Monitoring Plan shall be prepared with stakeholder input, finalized, and made available to the public, prior to site grading and before any project-related impacts to any Oakland star tulip.
- h) The Monitoring Plan shall be implemented as soon as possible, within one year of harvest of the Oakland star tulip bulbs.
- i) The master developer (Oak Knoll Venture Acquisition LLC (OKVA)) and all developers, merchants, and contractors involved with this project are subject to successful implementation of the Monitoring Plan. The Monitoring Plan shall be implemented as an enforceable measure of approval, regardless of project CEQA Alternative chosen.

[M12]

*Protecting California's native flora since 1965*

## Klein, Heather

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**From:** Randima Fernando <randy.fernando@gmail.com>  
**Sent:** Wednesday, June 21, 2017 3:46 PM  
**To:** Scott Gregory; Klein, Heather  
**Subject:** Sequoyah Residents' Comments on Oak Knoll Project

Dear Scott and Heather,

I hope you are both doing very well.

I did a quick online survey of our Sequoyah neighbors yesterday evening and already got 39 responses. I'm sharing the highlights below for you both as well as the City Planning Council:

**Overall, 66% of respondents are against the development.**

40% are strongly against it.

26% are somewhat against it.

5% are neutral.

13% are somewhat for it.

16% are strongly for it.

**Biggest concerns (% of respondents):**

90% - Increased traffic

62% - Construction noise

54% - Environmental impact

36% - Increased crime

**The strongest actionable theme across all the comments is the concern about traffic.**

Many of us feel that there will be much more significant impact on traffic than the proposal discusses, especially because no action is being taken to address onramp/offramp interactions with the 580 freeway -- which is where the biggest traffic issues will be.

Already the on and off ramps are very busy on weekdays. The Golf Links Road and Keller exits in particular \*already\* back up into the 580 freeway at times, and these lines are going to get several times longer with 900+ new units added.

The proposal also states: "In addition, even though Zoo traffic is highest on the weekends, the SEIR is assessing the Project's impacts on traffic, not the Zoo's impacts on traffic."

This is a very inconsiderate statement -- the SEIR needs to be about the Project's impact on the **COMMUNITY**. And that does include interaction with the zoo traffic, just like it includes interaction with nearby stores, the church, and anything else.

**There is also a strong sense that our voices are not going to be heard at the expense of money.**

The concern is that the city and the developer have too much skin in the game for the voices of the actual residents to be listened to. All of us hope that is not the case, and we hope the city council will take these concerns to heart.

**As you listen to the various resident concerns, please "do unto others"** and consider how you would feel if you bought a house far south of the Oakland city center in order to live in peace and quiet, and someone wanted to build a 900+ unit development that would negatively impact your life.

Thank you for your consideration.

Sincerely,  
Randy Fernando & Geetika Sengupta

## Klein, Heather

---

**From:** Aly Bonde <abonde@oaklandchamber.com>  
**Sent:** Wednesday, June 21, 2017 3:46 PM  
**To:** nagrajplanning@gmail.com; 'EW.Oakland@gmail.com'; jfearnopc@gmail.com; tlimon.opc@gmail.com; cmanusopc@gmail.com; amandamonchamp@gmail.com; jkmyres@gmail.com  
**Cc:** sgregory@lamphier-gregory.com; Klein, Heather; Merkamp, Robert  
**Subject:** Chamber letter re: Oak Knoll  
**Attachments:** Chamber Oak Knoll Letter of Support 6.21.17.pdf

Dear Members of the Oakland Planning Commission,

Please see the attached letter of support for the Oak Knoll development on tonight's agenda.

Thanks,  
Aly

Aly Bonde  
*Public Policy Director*  
Oakland Chamber of Commerce  
Direct: 510 874 4817  
Cell: 925 639 1810  
[www.oaklandchamber.com](http://www.oaklandchamber.com)



# OAKLAND

CHAMBER of COMMERCE

June 21, 2017

Chair Adhi Nagraj  
Members of the Oakland Planning Commission  
City of Oakland  
250 Frank H. Ogawa Plaza, Suite 3315  
Oakland, CA94612

**RE: Oak Knoll, Item #11 June 21, 2017 Planning Commission Agenda**

Dear Chair Nagraj and Members of the Oakland Planning Commission,

On behalf of the members of the Oakland Chamber of Commerce, I write today in support of the proposed Oak Knoll development, which would be a landmark project for Oakland.

The regional housing crisis is at a critical juncture. Over the last five years, the Bay Area has added about 476,000 people, yet built only 76,000 new units of housing. That's about 1 new unit of housing for every 6 new people since 2012, according to Cushman and Wakefield. Oakland has performed similarly, building only 1 new unit for every 5 new residents between 2005 and 2015, according to the Chamber's Annual Economic Analysis of Oakland.

In addition to adding over 900 much-needed new residences in Oakland, this project will bring 72,000 square feet of neighborhood commercial space, 14,000 square feet of civic/commercial use, open space, creek restoration and trails. This would create a new community for Oakland and new opportunity for Oakland families, businesses, and workers. When fully built out, Oak Knoll will generate \$36.8 million in annual revenue including \$3.4 million to the City of Oakland alone and another \$4.1 million to OUSD, BART, and East Bay Regional Parks. This isn't even including the \$20 million in affordable housing in-lieu fees.

The Chamber supports projects that increase the housing supply, foster a thriving businesses community, and add to the overall economic and geographic vitality to our city. For these reason, the Chamber urges you to move this project along without delay.

Sincerely,



Barbara Leslie  
President & CEO



## Klein, Heather

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**From:** Angie Tam <havefun1000@yahoo.com>  
**Sent:** Wednesday, June 21, 2017 2:42 PM  
**To:** Scott Gregory; Klein, Heather  
**Cc:** Adhi Nagraj; Emily Weinstein; jfearnopc@gmail.com; Tom Limon; cmanusopc@gmail.com; amandamonchamp@gmail.com; Jahmese Myres  
**Subject:** Oak Knoll PLN15-378: ER 15-004 Toler Heights Comments

Subject: Oak Knoll PLN15-378: ER 15-004

June 21, 2017, 2:41 pm

Dear decision makers

There's overt inequity with this new 2016 plan. Changes were made, differing from previous plans to the disadvantage of Toler Heights. There's misinformation, and non-disclosure by omission that bias decision making.

The open space in the hills INCREASED, while a park that best serves residents below i580 has DISAPPEARED

30.4 acres of parks closest to resident below i580 to the south disappeared, and no disclosure or explanation is provided in the new 2016 SEIR. The park was there in all renditions of this project site for 18 years. Access to parks is an environmental justice issue which is a stated goal of both the 1998 Reuse plan and the Redevelopment Agency.

The 15 acre Hardenstine parcel is not an adequate substitute for the southwestern park. Hardenstine is a steep, hilly terrain. It's not suitable to be a park / recreation. The southwestern park is relatively flat. Residents can build playing fields and community gardens on it. It will be actively used because it's right next to a commercial area, adding to the viability of the commercial area. Toler Heights and Castlemont neighborhoods are in high, and very high need for a park. In general it's a city policy to create more parks for residents below i580, because we have less park per person than residents in the hills. In general, there's more children under 10 years old below i580 than above i580. There's above average senior citizens living above i580 than CA average. They need a senior center / library that serves their needs. Club Knoll can be that center. and at the same time, we preserve a scenic spot.

We are not saving Admiral Hill by preserving the North Eastern area. Admiral Hill is on the south side, Toler Heights' side. North eastern area is a residential area in the event of higher density housing. The request to make the Northeastern area open space was denied 2X by the Reuse Authority, the Redevelopment agency. It's now open space. Misinformation in this area is on the City's website, claiming this area to be "Admiral Hill."

"Admiral Hill is one of two scenic area, designated by the 1998 Reuse Plan. It's on the south side ( the side of Toler Heights )and it has the highest elevation, with the exception of the man made "knoll" which the redevelopment agency wanted it graded for vehicular and pedestrian stability. The "bump" was made by burying of equipment.

2006 plan EIR has disclosures of environmental changes that's disadvantaged Toler Heights residents and that are not disclosed in this new 2016 EIR.

The closing off of Sequoyah Rd, will lead to a environmental change of traffic pattern.( analyzed in 2006 SEIR) I hate to pit neighbors against neighbors. However if this is allowed to occur, Toler Heights neighborhood which is already bearing higher traffic burden will be made worse unnecessarily. . It will route extra traffic down to Mountain Blvd which functions antagonistically toward Golf Links / 98<sup>th</sup>. Either the residents from the hill turn right or residents below i580 turn left to get to San Francisco. Extra traffic on Mountain will cause tweaking of the traffic lights unfairly, when the cause is artifically, inequitably, and unnecessarily created. Keller and Skyline has more capacity to take on new traffic.

Closing of Keller St. to make this into a gated community will also cause the same problem of artificially routing more traffic down to Mountain Blvd by the same logic.

Stanley St., will meet traffic warrant, and LOS F, but it's not slated for improvement.

The truck route for construction materials and to remove debris, through Toler Heights (98<sup>th</sup> Ave) residential area, has not being disclosed. The beginning phase will bring in 3800 trucks. This means a truck for every 15 min. six days a week, for 90 days. That does not include workers and return trips. This goes on for 5-7 years. The construction and operation plan need to be disclosed. And we request the trucks be routed to i580 / Golf Link Entrance / exit so residential areas are not needlessly disturbed by worsening air quality, more potholes, noise and pollution.

Club Knoll was approved for moving from the Land Mark Commission base on erroneous information. There wasn't any residential area around Club Knoll which is now being used for the basis for moving it. Once again, things of consequence and beauty are planned to move from the south to the north for no valid reason.

Business analysis is needed of the negative economic effect on Foothill Square Mall due to competition with Oak Knoll commercial district. This can led to urban decay and under service for residents below 580. Again , this is an Equity issue.

Sincerely

Angie Tam

Howard Dyckoff

## Toler Heights Residents

### Evidence on file:

Oak Knoll information on City's web site

1998 Reuse plan Vol I and II, appendix

SEIR of 2006, 2016 and all appendix

FOST

Oakland Planning Code

2006 Director of Planning conformity determination

SunCal request for 2006 determination

Oak Knoll Coalition of appeal for open space in northeastern area

Missing: Planning Commission decision ( City says: denied appeal)

The Trust for Public Land: ParkScore 2017

Ordinance No. 12065 - Resolution 74129

Census Tract data from California EPA and CalEnviroScreen

Oak Knoll Community Newsletter

The Oak Knoll Development Petition, June 2017.

## Klein, Heather

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**From:** Angie Tam <havefun1000@yahoo.com>  
**Sent:** Wednesday, June 21, 2017 8:07 AM  
**To:** nagrajplanning@gmail.com; ew.oakland@gmail.com; jfearnopc@gmail.com; tlimon.opc@gmail.com; cmanusopc@gmail.com; amandamonchamp@gmail.com; Jahmese Myres  
**Cc:** Klein, Heather; Scott Gregory; Andrea Fournier; Toler Heights; Nedra Williams; M. Beck; Howard Dyckoff  
**Subject:** Oak Knoll PLN15-378: ER15-004, disappearance of 30 acres of parks

Dear Planning Commission, PLN15-378: ER15-004

The city is engaging in willful ignorance in the details of the disappearance of 30.4 acres of Parks / Recreation space in the southwest corner of the Oak Knoll project.

The new 2016 EIR needs to be corrected and resend to the public for circulation. The Land Use Diagram in the new 2016 proposal **does not conform** to any of the Oak Knoll General Plan Land Use Diagram.

The public is not informed, nor a CEQA alternative presented and analysed. Upon discovery and enquiry by me, due process collapsed. There was only five days between "the content of the Amendment of the General Plan" is disclosed to today's meeting. No community meeting was held for such an important change. Government document such as an EIR needs to be written in good faith and full disclosure.

There's a contradiction in the city's decision making.

In July 27, 2016's Design Review Committee staff report, the city claimed "no General Plan amendments are proposed or necessary for the (new 2016) project."

Yet 10 months later, by processing the General Plan Amendment, it has **implicitly agree** the new 2016 proposal does not conform to the General Plan. In the planning code decision tree, **General Plan Admendment is processed only when** "17.01.120 the proposal clearly not in conformance with the General Plan or the Land Use Diagram."

The planning code also stated that:

"Any proposal determined to clearly not conform to the General Plan **shall not be allowed** and no application shall be accepted, nor shall any permits be approved or issued, for any such proposal, ..."

By recommending the approval of the Amendment, the city is also showing favoritism for one set of neighborhoods and developer, again another set of neighborhoods. This could be discrimination, and certainly inequity which is against the policies and guidelines of all the Oak Knoll General Plans.

This important change deserves community hearings and full public disclosure, and a separate process before decisions can be made.

The question to ask is that, " how does the 2006 conformity determination, legally speaking, has anything to do with the new 2016 proposal." It was written for another proposal which is different, and it was written to different legal entities, SunCal Cos vs. SunCal LLC.

Closer look of the 2006 determination letters show that the determination examined 2 requests which had nothing to do with the southwest area. The southwest area was never mentioned in the text, nor the analysis, but somehow, the land use was changed and some Park space was gone. There's assertion that there isn't any parcel to parcel specificity to the General Plans. But parcel to parcel specificity was disclosed in the FOST, which is one of three documents mentioned in the Director's report.

Sincerely  
Angie Tam,  
Howard Dyckoff,  
Toler Heights Residents

## Clevenger, Ann

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**From:** Angie Tam <havefun1000@yahoo.com>  
**Sent:** Wednesday, June 21, 2017 3:05 PM  
**To:** Clevenger, Ann  
**Subject:** Fw: Oak Knoll PLN15-378: ER15-004, disappearance of 30 acres of parks

Hello Ms. Clevenger  
Please put this on file in absence of Ms. Heather Klein  
TIA  
Angie Tam  
Toler Heights

----- Forwarded Message -----

**From:** Angie Tam <havefun1000@yahoo.com>  
**To:** nagrajplanning@gmail.com <nagrajplanning@gmail.com>; ew.oakland@gmail.com <ew.oakland@gmail.com>; jfearnopc@gmail.com <jfearnopc@gmail.com>; tlimon.opc@gmail.com <tlimon.opc@gmail.com>; cmanusopc@gmail.com <cmanusopc@gmail.com>; amandamonchamp@gmail.com <amandamonchamp@gmail.com>; Jahmese Myres <jkmyres@gmail.com>  
**Cc:** Heather Klein <hklein@oaklandnet.com>; Scott Gregory <sgregory@lamphier-gregory.com>; Andrea Fournier <drea3050@gmail.com>; Toler Heights <tolerheightscouncil@gmail.com>; Nedra Williams <nedrat131@yahoo.com>; M. Beck <melvynbeck@gmail.com>; Howard Dyckoff <howarddy@gmail.com>  
**Sent:** Wednesday, June 21, 2017, 8:07:08 AM PDT  
**Subject:** Oak Knoll PLN15-378: ER15-004, disappearance of 30 acres of parks

Dear Planning Commission, PLN15-378: ER15-004

The city is engaging in willful ignorance in the details of the disappearance of 30.4 acres of Parks / Recreation space in the southwest corner of the Oak Knoll project.

The new 2016 EIR needs to be corrected and resend to the public for circulation. The Land Use Diagram in the new 2016 proposal **does not conform** to any of the Oak Knoll General Plan Land Use Diagram.

The public is not informed, nor a CEQA alternative presented and analysed. Upon discovery and enquiry by me, due process collapsed. There was only five days between "the content of the Amendment of the General Plan" is disclosed to today's meeting. No community meeting was held for such an important change. Government document such as an EIR needs to be written in good faith and full disclosure.

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Closer look of the 2006 determination letters show that the determination examined 2 requests which had nothing to do with the southwest area. The southwest area was never mentioned in the text, nor the analysis, but somehow, the land use was changed and some Park space was gone. There's assertion that there isn't any parcel to parcel specificity to the General Plans. But parcel to parcel specificity was disclosed in the FOST, which is one of three documents mentioned in the Director's report.

Sincerely  
Angie Tam,  
Howard Dyckoff,  
Toler Heights Residents



**Klein, Heather**

---

**From:** Naomi Schiff <Naomi@17th.com>  
**Sent:** Tuesday, June 20, 2017 5:41 PM  
**To:** Klein, Heather; Scott Gregory; Merkamp, Robert; Adhi Nagraj; Emily Weinstein; jfearnopc@gmail.com; Tom Limon; cmanusopc@gmail.com; amandamonchamp@gmail.com; jkmyres@gmail.com  
**Cc:** Weintraub, Matthew; Marvin, Betty  
**Subject:** Re: Oak Knoll-Oakland Heritage Alliance Comment letter to Planning Commission  
**Attachments:** Club Knoll-OHA-Planning Commission 9-20-2017.pdf

Dear City Staff and Planning Commissioners,

Attached are comments on the Oak Knoll development from Oakland Heritage Alliance, related to the historic structure.

-----  
**Naomi Schiff**  
238 Oakland Avenue  
Oakland, CA 94611

Telephone: 510-835-1819  
Email [naomi@17th.com](mailto:naomi@17th.com)

cell: 510-910-3764



June 20, 2017

*By electronic transmission*

Heather Klein, Scott Gregory  
Adhi Nagraj, Chairperson, and members of the Planning Commission

Subject: Oak Knoll PLN15378; PLN15378-ER01; PLN15378-PUDF01;  
PLN15378-PUDF02; CP15032; PLN1715378-DA07; TTM8320

Dear Ms. Klein, Mr. Gregory, Chair Nagraj, and Planning Commissioners,

Dear Commissioners and staff,

We greatly appreciate the efforts by the staff, developer, and community to find a solution to retaining Club Knoll, the remaining historic building on the site, and to preserving a physical connection to the site's history.

In general, building relocation is not the preferred solution to preserving historic buildings. We still believe that the Club Knoll building could be preserved in place, and we feel that the study of that possibility is inadequate and insufficient in the SEIR. While there were assertions of impracticability, and statements about noise concerns among the nearby residents, we don't think the case was really made, or even ever fully studied. Assertions and opinions are not studies. We have read Attachment O, the findings for approval, and Attachment Q, the Findings for SEIR approval. We continue to point out that the case is not really made for relocating the Club Knoll building. It would be wise for the Planning Commission to pause before approving the SEIR, and require a more thorough rationale for moving a highly-rated historic building.

However, if the City staff and policymakers wish to support the developer's plan for relocation, Oakland Heritage Alliance strongly supports the proposed Conditions of Approval 21, 22, 23, 24, 25, as strengthened by the Landmarks Board, and 26-29 in general. **We support the measures listed in the mitigation program (CUL 1-6)**, and we urge that all of them be followed meticulously, including those dealing with subsurface resources or artifacts. We suggest one modest addition to these mitigations: an historical display element on the site, as a modest further step in interpreting the site's importance. Since thorough documentation is required in the mitigation plan, materials would be readily available from which to construct such an exhibit or display.

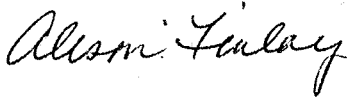
We still have some questions about the proposed relocation of the Oak Knoll Officers' Club, as listed below, and urge that the Planning Commission to require that they be answered by the developer and/or staff. We hope that the answers to numbers 1-4 below are affirmative, and that details can be provided. We also would urge the Planning Commission to require that moving

Club Knoll occur in the first phase of the project, on the earliest practical date, to arrest further damage to the historic building.

1. Can the **basement level design** be better replicated, using the extant arch, perhaps preserving more of the original look of the building as seen from the downhill side?
2. Will the **existing thickness of the walls** be maintained?
3. Will any further design alterations and or changes to the workplan be **reviewed by the Landmarks Board**?
4. Will an appropriate interpretive display be included in the project design? We urge that the Planning Commission add a condition to **incorporate a historic display** into the project at a publicly visible location, such as in a public area of the relocated Club Knoll.
5. What is the timetable or schedule for moving and completion? When will it commence? We ask because of the history of ongoing deterioration and neglect, notwithstanding recent efforts to halt damage to the building. **Please require that the preservation project occur as part of the first phase.**

We thank you for the opportunity to comment, and we hope to work closely with the developer, the consultants, and the city as the project moves forward.

Thank you,



Alison Finlay  
President

## Klein, Heather

---

**From:** gvpatton@comcast.net  
**Sent:** Saturday, June 17, 2017 9:10 AM  
**To:** Klein, Heather  
**Subject:** Re: Oak Knoll Upcoming June 21, 2017 Planning Commission and Staff Report

Heather,

Thanks for keeping me in the loop. I only have a couple of comments. The first is less important and probably reflects my vanity more than anything else (lol). I could be wrong, but my recall is that the 2006 GP determination letters went out under the Deputy Directors signature (me), not the Planning Director (lol). Secondly and more importantly, Conditions #6 and #7 related to the recommendations regarding the timing and review of the DA and the CFD. The report recommends that the Council approve the project, but that the DA and CFD language be provided prior to the public hearing. I don't know how that works? As written, those conditions are confusing as to the actions and sequence recommended by staff. Also, there will need to be a process for both the review and construction of the detailed improvements proposed for the officers club and creek, as well as the timing and process for the transfer of those properties to the HOA. I assume that would be covered in the DA, but since they are requesting FDP approvals now, it might be good to include some general parameters in the conditions of approval. For instance, the triggers could be tied to specific final map approvals for those portions of the site containing the creek and officers club. That could allow some development to proceed in the north portions of the site, while the more complicated details are worked out for the club and creek. The city should anticipate that there will be multiple builders with different products and multiple time schedules. Staff and Sun Cal may, in the DA, want to consider hiring contract building inspectors. Oakland Building Services does not have experience with new neighborhoods of this size. The pace of construction and need for fast and consistent inspections will be important. I also agree with staff, no drive thru's in the commercial district. Good job, the baby's appearance has not changed very much.

Gary

----- Original Message -----

**From:** Heather Klein <HKlein@oaklandnet.com>  
**Sent:** Sat, 17 Jun 2017 15:01:13 -0000 (UTC)  
**Subject:** Oak Knoll Upcoming June 21, 2017 Planning Commission and Staff Report

Dear Interested Parties:

The purpose of this email is to let you know that that the staff report for the June 21<sup>st</sup> Oak Knoll project is now available on the City's website.

<http://www2.oaklandnet.com/government/o/PBN/OurOrganization/PlanningZoning/o/Commissions/index.htm>

See June 21<sup>st</sup> Planning Commission Agenda-Item 11

Public comments that were received prior to the publishing of the staff report were included. Additional comments may be submitted up until 4:00 on June 21<sup>st</sup>, printed and provided to the Planning Commission. However, I will be

out on vacation starting Tuesday June 20<sup>th</sup> and any comments from today on should be sent to Scott Gregory to ensure that they will be provided.

Please don't hesitate to call or e-mail Scott Gregory if you have any questions regarding this project. Scott Gregory can be reached at (510) 535-6671 or at [sgregory@lamphier-gregory.com](mailto:sgregory@lamphier-gregory.com).

Best,

**Heather Klein,**

Planner III

| City of Oakland | Bureau of Planning | 250 Frank H. Ogawa, Suite 2114 | Oakland, CA 94612 | Phone: (510)238-3659 | Fax:

(510) 238-6538 | Email:

[hklein@oaklandnet.com](mailto:hklein@oaklandnet.com)

| Website: [www.oaklandnet.com/planning](http://www.oaklandnet.com/planning)

## **Klein, Heather**

---

**From:** Philip Dow <pdow@mindspring.com>  
**Sent:** Wednesday, June 14, 2017 8:24 AM  
**To:** Scott Gregory; Klein, Heather  
**Subject:** Oak Knoll Mixed Use Community Plan Project  
**Attachments:** Dow\_PC\_PLN15378\_061417.pdf

Hi Scott and Heather,

Attached is a letter to the Planning Commission for the 6/21/17 meeting.

Thanks,

Philip Dow  
510.427.4496

June 14, 2017

Philip Dow  
3417 Oak Knoll Blvd.  
Oakland, CA 94605

City of Oakland Planning Commission  
City Hall, One Frank H. Ogawa Plaza  
Oakland, CA 94619

Re: Oak Knoll Mixed-Use Community Plan Project PLN15378

Dear Planning Commissioners,

As a longstanding area resident and current chair of the Oak Knoll Neighborhood Improvement Association ([www.oknia.org](http://www.oknia.org)), I have had both the pleasure and frustration of being involved in the public aspect of the Naval Medical Center, Oakland, closure and subsequent development schemes.

Because of Councilmember Larry Reid's insistence, master developer SunCal has included citizens from the surrounding neighborhoods in formulation of its plans. The development plan before you reflects a tremendous amount of community involvement, and, in general, I support it. My neighborhood's primary concern is traffic; however, I will touch on a few additional points as well.

The SEIR has determined the traffic mitigations. The Southeast Oakland Area Traffic Fund impact fees will be approximately \$3-4M. However, it is unclear whether or when the mitigations would be installed. The final SEIR clings to the same evasive and ambiguous language in the draft SEIR, using traffic warrants that could forestall installation for decades. SunCal has publicly stated that they want to execute all the SEIR traffic mitigations during the build-out of the project, in exchange for a credit toward the traffic impact fees. This is the only way that my neighborhood will get these overdue improvements executed in a timely manner, and I encourage you to demand this exchange be reflected in the Development Agreement.

During the land conveyance process, the surrounding community identified open space with hiking trails, parks, and Rifle Range Creek restoration as public benefits. Once the land was sold to a private developer, the residents of the surrounding neighborhoods continued to lobby for these benefits, even though they would be privately funded. These features have been embedded in SunCal's plans. When SunCal returned to the property after the economic recession, they submitted a plan that had some significant changes. No longer was the knoll and adjoining oak woodland going to be developed. Fourteen acres of adjacent private property was going to be purchased, with ten acres added to the open space, bringing the total up to approximately eighty acres. What is

not clear is how public access is assured to these privately-owned amenities. Some legal mechanism—perhaps a deed of trust or a conservation easement—must be employed to guarantee public access to the trails and parks (and specified in the Development Agreement).

Many in the community have supported for decades the restoration of Club Knoll. However, it was always conditional on the understanding that public funds would be available for the project. With the dissolution of Redevelopment Districts, Club Knoll restoration would have had to be privately funded, and at a prohibitively expensive price. I ultimately found that a new, centrally located HOA clubhouse was a better use of the land and supported the demolition.

Since then, the preservation community has applied political pressure, and SunCal has proposed a compromise. The current plan calls for thirteen-thousand square feet (the original golf club) to be moved to the HOA clubhouse location and rebuilt to meet current seismic and building codes. To maintain a building of this size, the HOA would have to engage in some kind of economic activity to generate maintenance funds. Therefore, ten thousand square feet are being designated commercial, even though the building's new location is nowhere near the commercial/retail center. The latest staff report to the Landmarks Preservation Advisory Board states that one permitted use could be a full service restaurant. This means that the HOA would become engaged in a business activity with one of the highest failure rates in the nation, compounding this risky scheme. The Oakland Coliseum and Arena, designed by world-renowned Skidmore, Owings, and Merrill, has a provenance and emotional history that Club Knoll can only dream of. Yet, it will be torn down in the blink of an eye.

If SunCal stays the course with the Club Knoll move, so be it. However, if SunCal presents a plan to the City Council that includes demolition of Club Knoll, I will support this as well.

Sincerely,

  
Philip Dow



**Klein, Heather**

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**From:** Robert Masciola <robert@masciola.com>  
**Sent:** Monday, June 12, 2017 9:13 AM  
**To:** Klein, Heather  
**Subject:** Oak Knoll

Hi Heather - can you please let me know if any kind of economic impact report is available on the project. I have searched some but cannot locate anything. Thanks.

Robert

Sent from my iPad

## Klein, Heather

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**From:** Angie Tam <havefun1000@yahoo.com>  
**Sent:** Wednesday, June 07, 2017 8:22 AM  
**To:** Klein, Heather  
**Cc:** Lee, Heather; Howard Dyckoff; Scott Gregory; Toler Heights; Andrea Fournier; Nedra Williams  
**Subject:** Re: RE: Oak Knoll: General Plan conformity determination

Sorry> in Question 1. I did not ask the question. I meant to write:

Question 1. The "general plan conformity determination" you sent is for the 2006 conceptual plan / process which was not approved. How does the 2006 process apply to the 2016 process?

Sincerely  
Angie Tam

On Wednesday, June 7, 2017, 8:14:16 AM PDT, Angie Tam <havefun1000@yahoo.com> wrote:

Hello Heather

Your conclusion that the present plan is consistent with the General Plan(1998) or the 2006 plan IS NOT supported by evidence in the record.

Fact: The 2006 plan STILL shows open space / Urban park in the southwestern area, residential on the northeastern area. In the present 2016 plan, the opposite occurs: southwestern area is residential and the northeastern area is open space.

Question 1: The "general plan conformity determination" you sent is for the 2006 conceptual plan / process. It does not apply to the present process of 2016.

The 2006 plan was not approved. Therefore the " Refinements to LUTE Landuse diagram with proposed boundary adjustments" was not approved by the City Council.

Fact: There is parcel to parcel specificity of the Maximum Capacity Plan in the 1998 General Plan shown in the FOST, {( Figure 3-1) Reuse map}, which is a document mentioned in Director Flynn's Report (Sept, 2016).

Question 2: Is the current General Plan Amendment reverting the Southwestern area back to Urban Park AND northeastern part back to residential, as in keeping with the General Plan of 1998?

Question 3: When will the 2017 General Plan Amendment be published for public reading?

TIA  
Sincerely  
Angie Tam  
Toler Heights

On Friday, June 2, 2017, 4:27:52 PM PDT, Klein, Heather <HKlein@oaklandnet.com> wrote:

Angie,

The applicant has submitted a request for a General Plan amendment to clean up the Land Use Diagram. While the project is still consistent with the 2006 Plan and General Plan Conformity Memo, they and staff believe that it is important to clean up the Land use classifications to match the zoning as the project proceeds. We will not be doing a General Plan Conformity memo but will going straight to the Planning Commission with the General Plan amendment and then City Council.

You are correct that, per your subsequent email, that written comments and issues should be received by June 21st at 4:00 pm, "for challenging the decision in court". I'll try to make this change and e-mail out another notice today along with the Planning Commission agenda.

Finally, the Fire Prevention Bureau staff have reviewed the plans numerous times over the course of wo years. Specifically, we discussed the matter with the Fire Marshal and Assistant Fire Marshall. They do not approve the plan. They review it and provide comments/conditions which then get forwarded on to the decision to the City Council. These will be part of the staff report.

Best,

Heather

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**From:** Angie Tam [mailto:havefun1000@yahoo.com]  
**Sent:** Wednesday, May 24, 2017 10:08 AM  
**To:** Klein, Heather <HKlein@oaklandnet.com>; Scott Gregory <sgregory@lamphier-gregory.com>  
**Cc:** Howard Dyckoff <howarddy@gmail.com>; Nedra Williams <nedrat131@yahoo.com>; Toler Heights <tolerheightscouncil@gmail.com>; Andrea Fournier <drea3050@gmail.com>  
**Subject:** Oak Knoll: General Plan conformity determination

Hello Heather

I hope to find you well.

Got your notice about moving Oak Knoll Planning Commission meeting from June 7th to June 21th, and the agenda changed from final EIR approval to " Land Entitlement".

When will the Director of Planning ( or interim Directory of Planning ) do a " General Plan Conformity Determination for present 2016 Oak Knoll Design ( conceptual ) Plan"?

TIA

Sincerely

Angie Tam

Toler Heights Neighborhood

510-562-9934

## **Klein, Heather**

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**From:** joe <19jd71@sbcglobal.net>  
**Sent:** Sunday, June 04, 2017 4:06 PM  
**To:** Klein, Heather; sgregory@lamphier-gregory.com  
**Subject:** RE: Upcoming Planning Commission Hearing for Oak Knoll - Change of Public Hearing Date  
**Attachments:** Oaknoll-Planning Commission 20170605.pdf

A few comments attached in advance of the meeting -- thanks  
Sent from [Mail](#) for Windows 10

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**From:** [Klein, Heather](#)  
**Sent:** Friday, June 2, 2017 4:50 PM  
**To:** [Klein, Heather](#)  
**Subject:** RE: Upcoming Planning Commission Hearing for Oak Knoll - Change of Public Hearing Date

Dear Interested Parties:

The purpose of this email is to let you know that the Planning Commission agenda for the June 21, 2017 meeting is now available. Please see the attached link.

Also if you have comments, the deadline for submittal is June 21 at 4:00. Those comments need be sent to Scott Gregory.

Please don't hesitate to call or e-mail Scott Gregory or myself if you have any questions regarding this project. Scott Gregory can be reached at (510) 535-6671 or at [sgregory@lamphier-gregory.com](mailto:sgregory@lamphier-gregory.com).

Best,

**Heather Klein**, Planner IV | City of Oakland | Bureau of Planning | 250 Frank H. Ogawa, Suite 2114 | Oakland, CA 94612 | Phone: (510)238-3659 | Fax: (510) 238-6538 | Email: [hklein@oaklandnet.com](mailto:hklein@oaklandnet.com) | Website: [www.oaklandnet.com/planning](http://www.oaklandnet.com/planning)

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**From:** Klein, Heather  
**Sent:** Thursday, May 18, 2017 1:30 PM  
**To:** Klein, Heather <HKlein@oaklandnet.com>  
**Subject:** Upcoming Planning Commission Hearing for Oak Knoll - Change of Public Hearing Date

Dear Interested Parties:

The purpose of this email is to let you know that the City has **changed the date of the Oakland City Planning Commission public hearing** to consider the Oak Knoll project.

The **new** date and time for the Planning Commission hearing is:

**June 21, 2017, at 6:00 p.m. in City Council Chambers, City Hall, 1 Frank H. Ogawa Plaza.**

I'm sorry for the confusion and change of plans. We will be sending out revised mailings and notices later this week.

Please don't hesitate to call or e-mail Scott Gregory or myself if you have any questions regarding this project. Scott Gregory can be reached at (510) 535-6671 or at [sgregory@lamphier-gregory.com](mailto:sgregory@lamphier-gregory.com).

Best Regards,

**Heather Klein**, Planner IV | City of Oakland | Bureau of Planning | 250 Frank H. Ogawa, Suite 2114 | Oakland, CA 94612 | Phone: (510)238-3659 | Fax: (510) 238-6538 | Email: [hklein@oaklandnet.com](mailto:hklein@oaklandnet.com) | Website: [www.oaklandnet.com/planning](http://www.oaklandnet.com/planning)

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**From:** Klein, Heather

**Sent:** Friday, April 21, 2017 4:54 PM

**Subject:** ADVANCED NOTICE - Upcoming Release of the Response to Comments and Final Supplemental EIR for Oak Knoll

Dear Interested Parties,

The purpose of this e-mail is to provide you with **advance notice** that the City is completing preparation of a Response to Comments/Final Supplemental EIR for the Oak Knoll Mixed Use Community Plan Project. Attached is the Notice of Availability and Release of the Draft Supplemental EIR.

**Starting on Thursday, April 27, 2017 after noon**, copies of the Response to Comments/Final Supplemental EIR will be available to the public. In addition, the Response to Comments/Final EIR may also be reviewed at the following website: <http://www2.oaklandnet.com/government/o/PBN/OurServices/Application/DOWD009157> This is item 30.

Two public hearings have been scheduled to discuss the Planning entitlements of the project and the Response to Comments/Final EIR. In addition, this project will also be heard at subsequent City Council meetings to be scheduled.

Public Hearing on the Response to Comments/Final EIR document and the Project:

1. The Oakland Landmarks Preservation Advisory Board will conduct a public hearing on the historic resources aspect of the project on May 8, 2017 at 6:00 p.m. in City Council Chambers, City Hall, 1 Frank H. Ogawa Plaza;
2. ~~The Oakland City Planning Commission will conduct a public hearing on June 7, 2017, at 6:00 p.m. in in City Council Chambers, City Hall, 1 Frank H. Ogawa Plaza to consider certification of the Final EIR and project approvals and recommendations to City Council.~~

Please don't hesitate to call or e-mail Scott Gregory or myself if you have any questions regarding this project. Scott Gregory can be reached at (510) 535-6671 or at [sgregory@lamphier-gregory.com](mailto:sgregory@lamphier-gregory.com).

Best Regards,

**Heather Klein**, Planner IV | City of Oakland | Bureau of Planning | 250 Frank H. Ogawa, Suite 2114 | Oakland, CA 94612 | Phone: (510)238-3659 | Fax: (510) 238-6538 | Email: [hklein@oaklandnet.com](mailto:hklein@oaklandnet.com) | Website: [www.oaklandnet.com/planning](http://www.oaklandnet.com/planning)



Virus-free. [www.avast.com](http://www.avast.com)

Dated: June 5, 2017  
From: Joe Brown  
3978 Sequoyah Rd Oakland Ca 94605 – 415-310-918

Thanks for the opportunity to comment – first I want to acknowledge that you have an incredible task before you considering this is only one of many projects you see during the year and this project alone has generated over a thousand pages of documentation – so will try and keep this brief. I appreciate the work of staff in giving proper notice and packaging material ahead of the many government meetings. While I have read most of it I can't say I'm an expert and with a project like this I am not sure there is - so whatever recommendations the Planning Commission makes to the City Council will obviously not please everyone and perhaps not even a majority of constituents who might be ultimately affected by the project including the developer.

Second, I want the Planning Commission to know that some of the surrounding neighborhood associations' comments are only the views of a few and do not represent the large number of residents they are supposedly representing. While I am not contesting the size of their membership I am contesting that the membership officers that sign their opinion letters do not always or necessarily represent the collective views of the individual residents in the area even though their memberships maybe quite large. So I trust you will not weight the views of associations more than those of individual residents.

Similarly while its laudable that the developer has held numerous public meetings with the community these meetings are often more marketing oriented from the developers point of view and not an open forum where issues have been objectively presented and debated. Additionally, please consider the following as you make your recommendations.

**Traffic issues** – let's not get boxed in. A number of the traffic concerns that precede this development will be exacerbated if the development proceeds. This is no fault of the developer necessarily but a matter of circumstance that needs to be addressed prior to development. Plans with funding and timetables for completion agreed to by CalTrans and the City should be executed to address specific areas of concern such as but not limited to the Golf Links access to the Zoo and Mountain Blvd from both the East and West bound directions. Also due to the recent opening of the elevated gondola ride and restaurant at the Zoo a refreshed traffic study is warranted.

**Reduce the housing density** – let's reduce the environmental impact. Alternatives that reduce the housing component in the draft SEIR should be considered in view of the numerous environmental concerns noted. Alternatives A, B and C in the Draft SEIR study reduced density alternatives to the project and these should be considered.

**Rehabilitate and retain the Club Knoll facility as a Public Library** – let's restore not cutup and relocate pieces of this historic site. Consider rehabilitating the facility for use as a City of Oakland public library. This historic and impressive landmark which serves as a signpost for the OakKoll - Sequoyah neighborhood could memorialize exhibits of the former Oak Knoll Naval facility and include a community police substation.

**Provide for financial guarantees to ensure smooth completion of the project.** - while for some of us the great recession is maybe a distant memory for those who reside in the area we saw the property abandoned by the developer and its financial partner and left to vandals. Only within the last 18 months has the developer found competent security for its site and only after repeated complaints by neighbors. It's only prudent that the City require and that the developer willingly provide adequate financial guarantees to ensure the project if approved gets completed in an orderly fashion.

**Klein, Heather**

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**From:** Damonte, Giacomo  
**Sent:** Wednesday, May 24, 2017 10:35 AM  
**To:** Klein, Heather; Kari Dupler  
**Subject:** FW: Hello My name is Nathaniel Euclid I contest Tree Removal PermitT1500124

Would either of you care to respond to this citizen regarding the Oak Knoll tree removals?

Thank you,

Giacomo

**From:** Nathaniel Euclid [mailto:loekanle@gmail.com]  
**Sent:** Tuesday, May 23, 2017 2:44 PM  
**To:** TreeServices <TreeServices@oaklandnet.com>  
**Subject:** Hello My name is Nathaniel Euclid I contest Tree Removal PermitT1500124

Hello My name is Nathaniel Euclid

I believe The Removal of 3600 trees can be an a great economic mistake as well as a natural-causes-and-effects-of-deforestation disaster to ever happen to oakland. I am wholeheartedly against the application for a tree removal permit at mountain blvd and would like to know the steps to block such a move

if you can please contact me  
at 510-927-0573

Nathaniel Euclid



## Klein, Heather

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**From:** Merkamp, Robert  
**Sent:** Friday, May 19, 2017 9:54 AM  
**To:** Klein, Heather  
**Subject:** FW: Oak Knoll Project

For the record

**Robert D. Merkamp**, Development Planning Manager | City of Oakland | Bureau of Planning | 250 Frank H. Ogawa, Suite 2214 | Oakland, CA 94612 | Phone: [\(510\) 238-6283](tel:5102386283) | Fax: [\(510\) 238-4730](tel:5102384730) | Email: [rmerkamp@oaklandnet.com](mailto:rmerkamp@oaklandnet.com) | Website: [www.oaklandnet.com/planning](http://www.oaklandnet.com/planning)

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**From:** Kim Varner [<mailto:KVarner@fallschurchva.gov>]  
**Sent:** Friday, May 19, 2017 8:53 AM  
**To:** Merkamp, Robert  
**Cc:** [kdvarner@aol.com](mailto:kdvarner@aol.com)  
**Subject:** RE: Oak Knoll Project

Robert,

Thank you for the suggestion. If the meeting is videotaped, please disregard my request to send me the minutes, I will watch the video. I appreciate your taking the time to respond. I am in the preparation stage of relocating back home to Oakland. Oak Knoll caught my attention as an interesting and exciting place to reside at.

Kim Varner  
Development Services Inspector  
Department of Development Services  
City of Falls Church  
703-248-5488 (TTY 711)

The City of Falls Church is committed to the letter and to the spirit of the Americans with Disabilities Act. To request a reasonable accommodation for any disability, call 703-248-5080 (TTY 711).

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**From:** Merkamp, Robert [<mailto:RMerkamp@oaklandnet.com>]  
**Sent:** Friday, May 19, 2017 11:18 AM  
**To:** Kim Varner  
**Subject:** Re: Oak Knoll Project

Kim,

I'll forward your name to my support staff who works on the minutes but be advised A) we're generally not set up to track these requests but we'll do our best B) minutes are unlikely to be available for several weeks at earliest as they're not published until voted on and C) minutes are typically done in "action style" due to workload and volume so the details, beyond who spoke and what the outcome was, will be lacking. You might simply want to refer to the video that is usually posted on the Planning Commission webpage within a day or two of the meeting to see what happened.

Thanks,  
Robert

Sent from my iPhone

On May 19, 2017, at 5:24 AM, Kim Varner <[KVarner@fallschurchva.gov](mailto:KVarner@fallschurchva.gov)> wrote:

Mr. Merkamp,

Thank you for the notification of the upcoming Planning Commission to discuss the Oak Knoll Project. I will not be able to attend, but do request to receive if possible, electronically the minutes from this meeting.

Thank you.

Kim Varner

Development Services Inspector

Department of Development Services

City of Falls Church

703-248-5488 (TTY 711)

The City of Falls Church is committed to the letter and to the spirit of the Americans with Disabilities Act. To request a reasonable accommodation for any disability, call 703-248-5080 (TTY 711).

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## Klein, Heather

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**From:** Tim Little <threeoars@me.com>  
**Sent:** Saturday, May 06, 2017 6:42 PM  
**To:** Klein, Heather  
**Subject:** Re: ADVANCED NOTICE - Upcoming Release of the Response to Comments and Final Supplemental EIR for Oak Knoll

Dear Ms. Klein: Thank you for sending this along. Im very impressed with the detail given to all of this and with most of interest, The Club Knoll relocation. Im very impressed by the attention to every detail including it's siting and how it will sit on the topography. The full and detailed plans for its deconstruction, sorting, cataloging and preparing for the move. This makes me proud to be an Oaklander and see that we really do care about our architectural heritage. I am a past president of Keep Oakland Beautiful having served 6 years on that board, I got a real taste for the resolve of the people of Oakland. Im so excited by this project, something that Oakland has needed for a long time on this scale and to include so many peoples and Oakland jobs. Thumbs up here! Thanks for sending all of this out. Sincerely: Tim Little

On May 5, 2017, at 4:47 PM, Klein, Heather <[HKlein@oaklandnet.com](mailto:HKlein@oaklandnet.com)> wrote:

Dear Interested Parties,

The purpose of this email is let you know that the Staff Report for the Landmarks Board in now available.

See the link below.

<http://www2.oaklandnet.com/oakca1/groups/ceda/documents/agenda/oak063853.pdf>

Please don't hesitate to call or e-mail Scott Gregory or myself if you have any questions regarding this project. Scott Gregory can be reached at (510) 535-6671 or at [sgregory@lamphier-gregory.com](mailto:sgregory@lamphier-gregory.com).

**Heather Klein**, Planner IV | City of Oakland | Bureau of Planning | 250 Frank H. Ogawa, Suite 2114  
| Oakland, CA 94612 | Phone: (510)238-3659 | Fax: (510) 238-6538 | Email: [hklein@oaklandnet.com](mailto:hklein@oaklandnet.com) |  
Website: [www.oaklandnet.com/planning](http://www.oaklandnet.com/planning)

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**From:** Klein, Heather  
**Sent:** Thursday, April 27, 2017 11:02 AM  
**To:** Klein, Heather  
**Subject:** RE: ADVANCED NOTICE - Upcoming Release of the Response to Comments and Final Supplemental EIR for Oak Knoll

Dear Interested Parties,

The City has published the Response to Comments/Final Supplemental EIR for the Oak Knoll Mixed Use Community Plan Project. Hard or CD copies are ready to be picked up at the Zoning Permit Counter at 250 Frank H. Ogawa Plaza.

Digital versions are available via the following links.

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

<http://www2.oaklandnet.com/government/o/PBN/OurServices/Application/DOWD009157> (item 30)

Public hearings on the project have been scheduled and are indicated below. Please don't hesitate to call or e-mail Scott Gregory or myself if you have any questions regarding this project. Scott Gregory can be reached at (510) 535-6671 or at [sgregory@lamphier-gregory.com](mailto:sgregory@lamphier-gregory.com).

**Heather Klein**, Planner IV | City of Oakland | Bureau of Planning | 250 Frank H. Ogawa, Suite 2114  
| Oakland, CA 94612 | Phone: (510)238-3659 | Fax: (510) 238-6538 | Email: [hklein@oaklandnet.com](mailto:hklein@oaklandnet.com) |  
Website: [www.oaklandnet.com/planning](http://www.oaklandnet.com/planning)

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**From:** Klein, Heather

**Sent:** Friday, April 21, 2017 4:54 PM

**Subject:** ADVANCED NOTICE - Upcoming Release of the Response to Comments and Final Supplemental EIR for Oak Knoll

Dear Interested Parties,

The purpose of this e-mail is to provide you with **advance notice** that the City is completing preparation of a Response to Comments/Final Supplemental EIR for the Oak Knoll Mixed Use Community Plan Project. Attached is the Notice of Availability and Release of the Draft Supplemental EIR.

**Starting on Thursday, April 27, 2017 after noon**, copies of the Response to Comments/Final Supplemental EIR will be available to the public. In addition, the Response to Comments/Final EIR may also be reviewed at the following website:<http://www2.oaklandnet.com/government/o/PBN/OurServices/Application/DOWD009157> This is item 30.

Two public hearings have been scheduled to discuss the Planning entitlements of the project and the Response to Comments/Final EIR. In addition, this project will also be heard at subsequent City Council meetings to be scheduled.

Public Hearing on the Response to Comments/Final EIR document and the Project:

1. The Oakland Landmarks Preservation Advisory Board will conduct a public hearing on the historic resources aspect of the project on May 8, 2017 at 6:00 p.m. in City Council Chambers, City Hall, 1 Frank H. Ogawa Plaza;
2. The Oakland City Planning Commission will conduct a public hearing on June 7, 2017, at 6:00 p.m. in in City Council Chambers, City Hall, 1 Frank H. Ogawa Plaza to consider certification of the Final EIR and project approvals and recommendations to City Council.

Please don't hesitate to call or e-mail Scott Gregory or myself if you have any questions regarding this project. Scott Gregory can be reached at (510) 535-6671 or at [sgregory@lamphier-gregory.com](mailto:sgregory@lamphier-gregory.com).

Best Regards,

**Heather Klein**, Planner IV | City of Oakland | Bureau of Planning | 250 Frank H. Ogawa, Suite 2114  
| Oakland, CA 94612 | Phone: (510)238-3659 | Fax: (510) 238-6538 | Email: [hklein@oaklandnet.com](mailto:hklein@oaklandnet.com) |  
Website: [www.oaklandnet.com/planning](http://www.oaklandnet.com/planning)

**Klein, Heather**

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**From:** Angie Tam <havefun1000@yahoo.com>  
**Sent:** Wednesday, May 03, 2017 9:59 AM  
**To:** Klein, Heather  
**Cc:** Nedra Williams; Howard Dyckoff; Toler Heights; Andrea Fournier; Scott Gregory  
**Subject:** Re: Oak Knoll General Plan Conformity Documents

Hello Heather

I maintain that the present Oak Knoll Design plan does not conform with the General Plan even after reading what you send me. The changes were done without disclosure to the public.

There are two places:

one on the southwestern part of the plan should be open space / park recreation. ( roughly in front of Club Knoll, to Mountain Blvd, closest to Toler Heights neighborhood). See Exhibit 1 in DOC042817.pdf.

The denied appeal (DOC042817.pdf): the area on the northeastern part of the plan should not be open space ( The Reuse plan authority knew about it back in the 1990s and denied it also)

To start, I think the EIR needs to be amended and recirculated...and equity is involved in General Plan changes.

Sincerely  
Angie Tam

On Friday, April 28, 2017, 12:25:48 PM PDT, Klein, Heather <HKlein@oaklandnet.com> wrote:

Angie,

As discussed please find the Notice of Determinations regarding the Oak Knoll General Plan conformity for the 2006 Plan as well as the notice of the appeal. I can't find the decision letter right now from the Planning Commission hearing in March of 2007 but the appeal was denied by the Planning Commission and the Determination stood.

Best,



Oak Knoll : PLN 15378

June 7, 2017

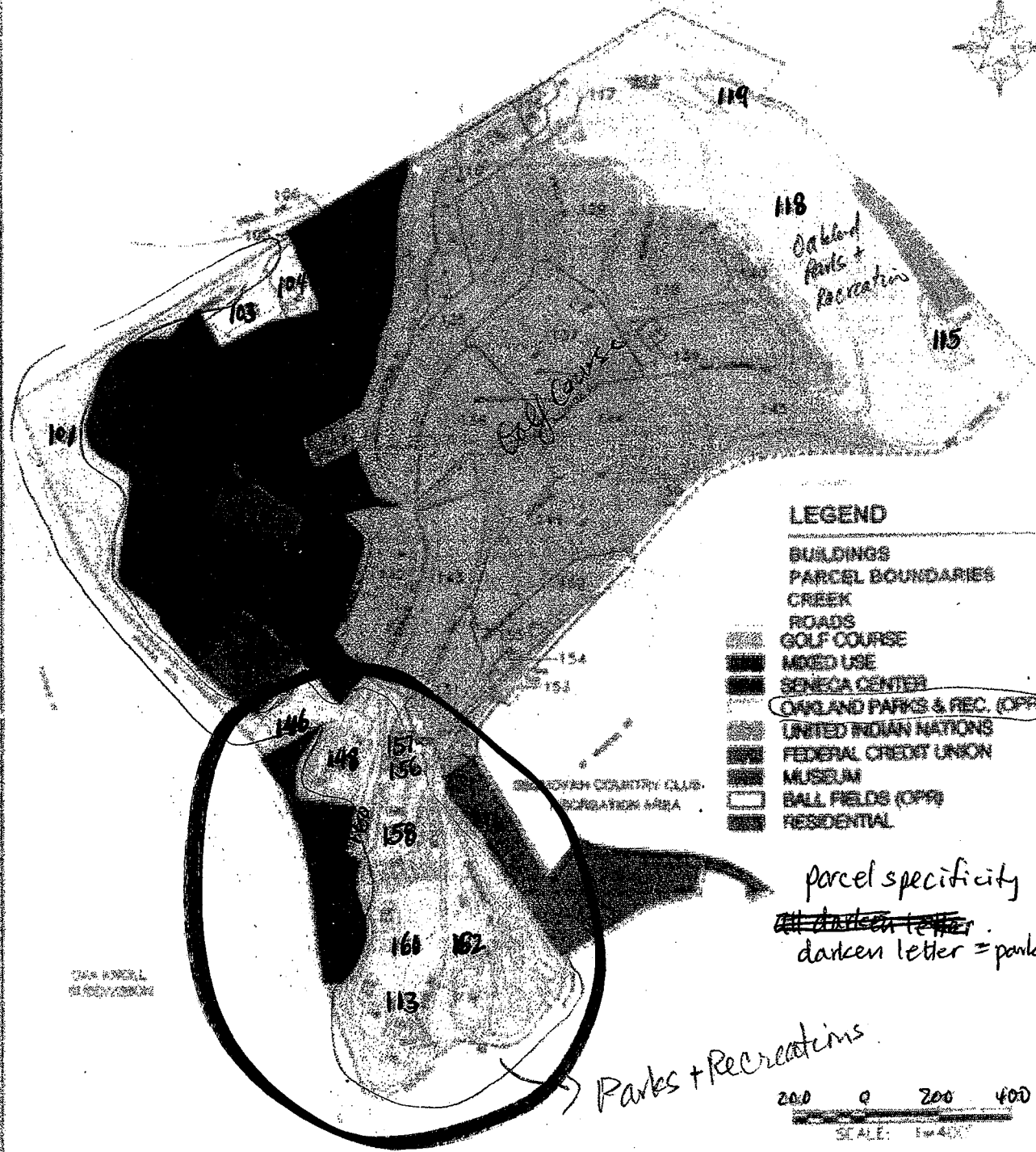
Dear Planning Commissioners  
Summary:

- 1) All plan. before the present 2016 plan showed Urban Park on the southwestern side, most accessible to residents below 1580 on the south side
- 2) Present 2016 plan <sup>→ in my opinion</sup> is not in conformity with the General Plan (1998 Reuse Plan) at the southwestern side and (northeastern side, will explain in future communication)
- 3) The 1998 Reuse plan is the General plan by ordinance and resolution.
- 4) Present 2016 plan has houses on the southwestern side

Sincerely,  
Cep H. L.  
Angie Tam  
Toler Height.

FOST

P16-FOST  
(1547) Coln  
map.



LEGEND

- BUILDINGS
- PARCEL BOUNDARIES
- CREEK
- ROADS
- GOLF COURSE
- MIXED USE
- SENECA CENTER
- OAKLAND PARKS & REC. (OPR)
- UNITED INDIAN NATIONS
- FEDERAL CREDIT UNION
- MUSEUM
- BALL FIELDS (OPR)
- RESIDENTIAL

parcel specificity  
~~darken letter~~  
darken letter = parks/recreation

Parks + Recreation

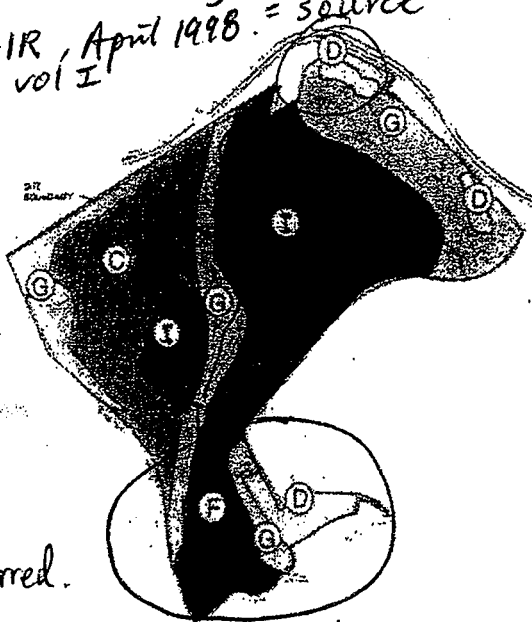
200 0 200 400  
SCALE: 1"=400'

FIGURE 3-1  
REUSE MAP  
NAVAL MEDICAL CENTER  
OAKLAND, CALIFORNIA

E1

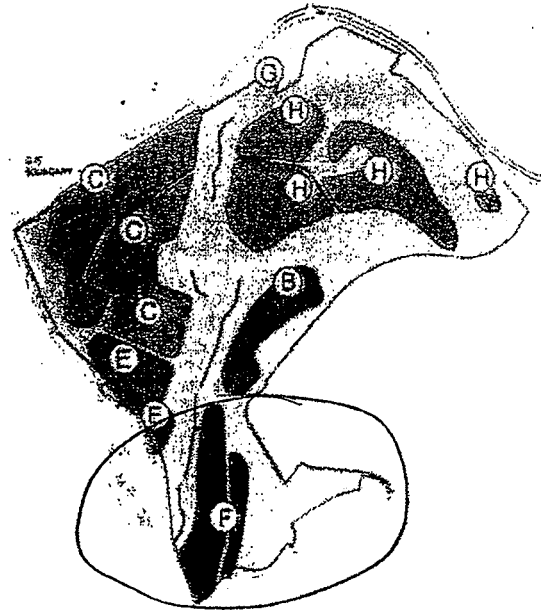


F = parks/recreation  
 the only consistent element in all 4 alternatives  
 EIR, April 1988. = source  
 vol I

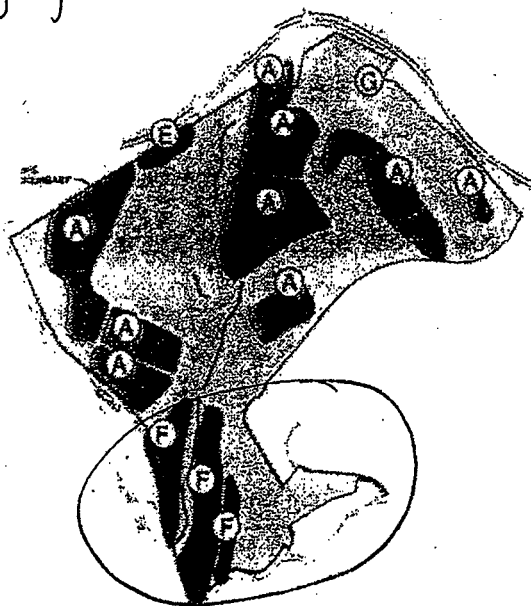


preferred  
 by  
 FAST  
 (Naval)

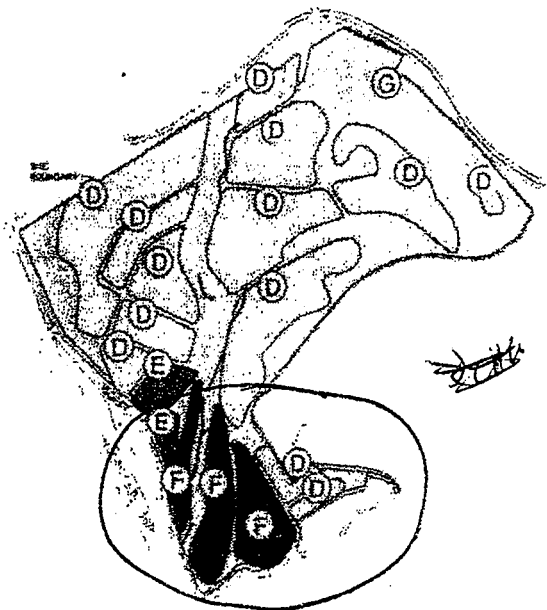
Maximum Capacity Alternative



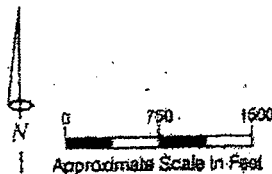
Mixed Use Village Alternative



Single Use Campus Alternative



Residential Alternative



E2

In this figure, the variation in land use configurations of the four community reuse alternatives can be compared at a glance.

Legend:



Educational



Cultural Meeting



Mixed Use



Housing



Retail



Active Recreation



Open Space



Office/Research



Residential/Golf Course

Comparison of  
 Reuse Alternatives

Naval Medical  
 Center Oakland

Resolution 74129, incorporated Reuse Plan as part of  
General Plan " p4

INTRODUCED BY COUNCIL MEMBER \_\_\_\_\_

APPROVED AS TO FORM AND LEGALITY

  
CITY ATTORNEY

**ORDINANCE NO. 12065 C.M.S.**

**AN ORDINANCE APPROVING AND ADOPTING THE REDEVELOPMENT PLAN FOR THE  
OAK KNOLL REDEVELOPMENT PROJECT**

**WHEREAS**, the City Council (the "Council") has received from the Redevelopment Agency of the City of Oakland (the "Agency") the proposed Redevelopment Plan (the "Redevelopment Plan") for the Oak Knoll Redevelopment Project (the "Project"), as approved by the Agency, a copy of which is on file at the office of the Agency at 250 Frank H. Ogawa Plaza, 5<sup>th</sup> Floor, Oakland, California, and at the office of the City Clerk, City Hall, Frank H. Ogawa Plaza, Oakland, California, together with the Report of the Agency (prepared in accordance with the requirements of Section 33352 of the Health and Safety Code and hereafter referred to as the "Report to Council"), including: the reasons for the selection of the Project Area; a description of the physical and economic conditions existing in the Project Area; an implementation plan; the proposed method of financing the redevelopment of the Project Area; rules for the relocation of property owners and tenants who may be temporarily or permanently displaced from the Project Area; an analysis of the Preliminary Plan; a summary of consultations with residents and community organizations surrounding the Project Area; and the report of the County Fiscal Officer and the Agency's analysis thereof; and

**WHEREAS**, the Oak Knoll Redevelopment Project Area is the former Naval Medical Center Oakland, a former military base which was designated for closure by the federal Base Closure Commission and for which the Redevelopment Plan is being adopted pursuant to special provisions of the California Community Redevelopment Law for military base closures (see Sections 33492 through 33492.20 of the Health and Safety Code); and

**WHEREAS**, the primary purpose of the Redevelopment Plan is to implement the Final Reuse Plan to be adopted by the Oakland Base Reuse Authority, a joint powers authority created by the City of Oakland, the County of Alameda, and the Agency under which the Agency has been the entity designated with the responsibility for implementing the Final Reuse Plan; and

**WHEREAS**, this Ordinance conforms with the requirements of CEQA, the State CEQA Guidelines and the City of Oakland Environmental Review Regulations, and the Planning Commission of the City of Oakland certified an environmental impact statement/report ("EIS/EIR") for the proposed Final Reuse Plan on June 17, 1998 and recommended the City Council and Agency adopt a Statement of Overriding Considerations, a Mitigation Monitoring Program, and make all other environmental findings for the proposed Final Reuse Plan; and

**WHEREAS**, the Council and the Agency held a joint public hearing on June 30, 1998, on adoption of the Redevelopment Plan; and

Reuse Plan<sup>1</sup> is the general  
plan

E3a

- b. The Redevelopment Plan will redevelop the Project Area in conformity with the Community Redevelopment Law and in the interests of the public peace, health, safety and welfare. This finding is based upon the fact that redevelopment of the Project Area will implement the objectives of the Community Redevelopment Law by aiding in the elimination and correction of the conditions of blight, providing for planning, development, redesign, clearance, reconstruction or rehabilitation of properties which need improvement and providing for higher economic utilization of potentially useful land.
- c. The adoption and carrying out of the Redevelopment Plan is economically sound and feasible. This finding is based on the fact that under the Redevelopment Plan the Agency will be authorized to seek and utilize a variety of potential financing resources, including tax increments; that the nature and timing of public redevelopment assistance will depend on the amount and availability of such financing resources, including tax increments generated by new investment in the Project Area; and that under the Redevelopment Plan no public redevelopment activity will be undertaken unless the Agency can demonstrate that it has adequate revenue to finance the activity.
- d. The Redevelopment Plan conforms to the General Plan of the City of Oakland. This finding is based on the City Council's recent amendment of the General Plan of the City of Oakland on March 24, 1998, Resolution No. 74129 which, among other things, incorporated the Reuse Plan as part of the General Plan for the proposed Project Area.
- e. The carrying out of the Redevelopment Plan will promote the public peace, health, safety and welfare of the City of Oakland and will effectuate the purposes and policy of the Community Redevelopment Law. This finding is based on the fact that redevelopment will benefit the Project Area by correcting conditions of blight and by coordinating public and private actions to stimulate development and improve the economic, social and physical conditions of the Project Area.
- f. The condemnation of real property, as provided for in the Plan, is necessary to the execution of the Plan, and adequate provisions have been made for payment for property to be acquired as provided by law. This finding is based upon the need to ensure that the provisions of the Plan will be carried out and to prevent the recurrence of blight.
- g. The Agency has a feasible method and plan for the relocation of families and persons who might be displaced, temporarily or permanently, from housing facilities in the Project Area. This finding is based on the fact that there are no housing facilities in the Project Area that are occupied by families or persons.
- h. There are, or are being provided, within the Project Area or within other areas not generally less desirable with regard to public utilities and public and commercial facilities and at rents or prices within the financial means of the families and persons who might be displaced from the Project Area, decent, safe and sanitary dwellings equal in number to the number of and available to such displaced families and persons and reasonably accessible to their places of employment. This finding is based upon the fact that no person or family will be required to move from any

Reuse Plan  
is part of  
General plan



# EXHIBIT 2 PREFERRED CONCEPT PLAN

## LEGEND

- o o o o o o Trails
- █ Retail
- █ Mixed Use Residential Over Retail (Affordable)
- █ Apartments (Affordable)
- █ Apartments (Senior)
- █ Live Work Townhomes
- █ Standard Townhomes
- █ Small Lots Single Family
- █ Traditional Single Family Lots
- █ Civic
- █ Parks
- █ Open Space

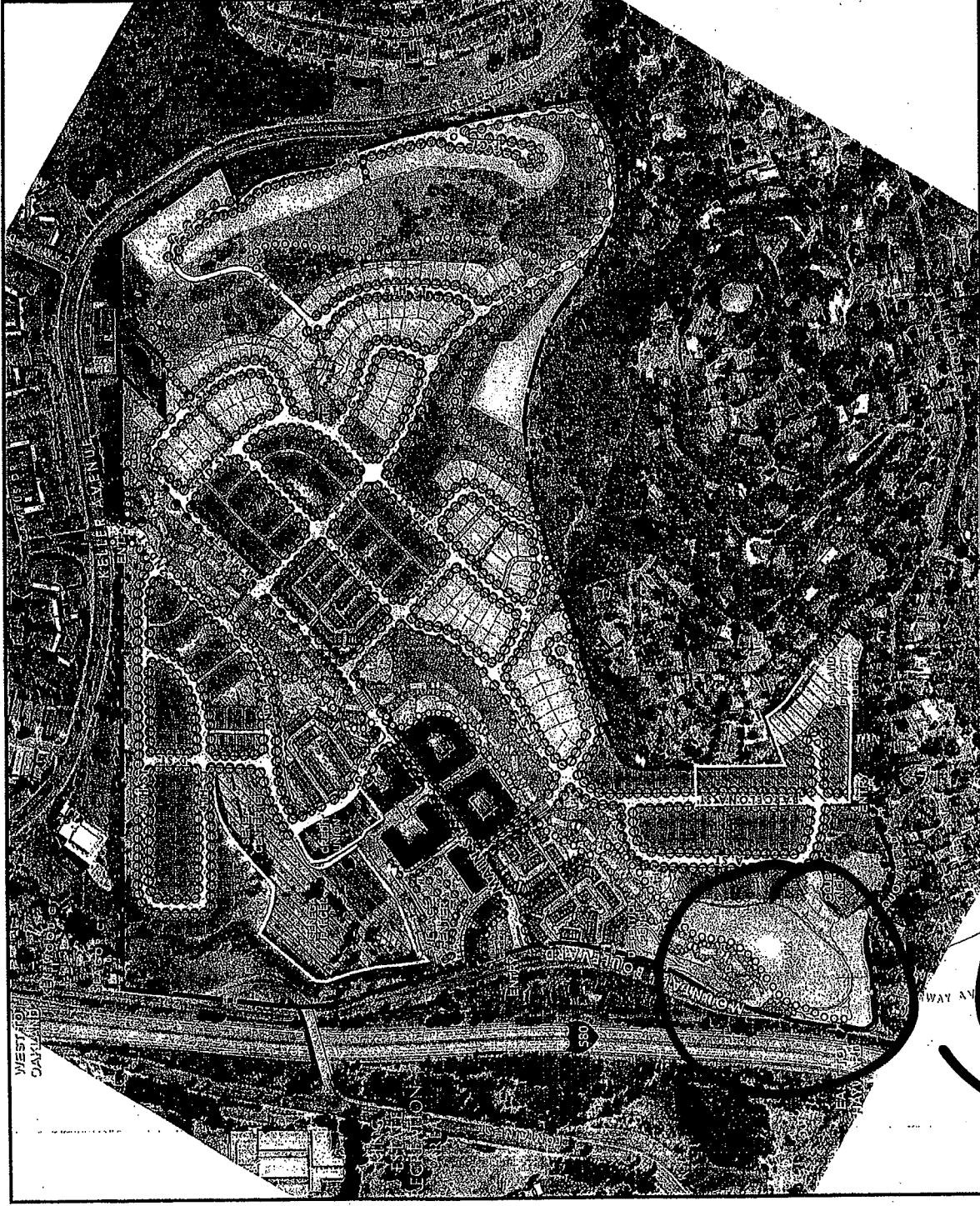
**OAK KNOLL  
COMMUNITY PLAN**  
Oakland, California  
November 20, 2006



Another SunCal Community



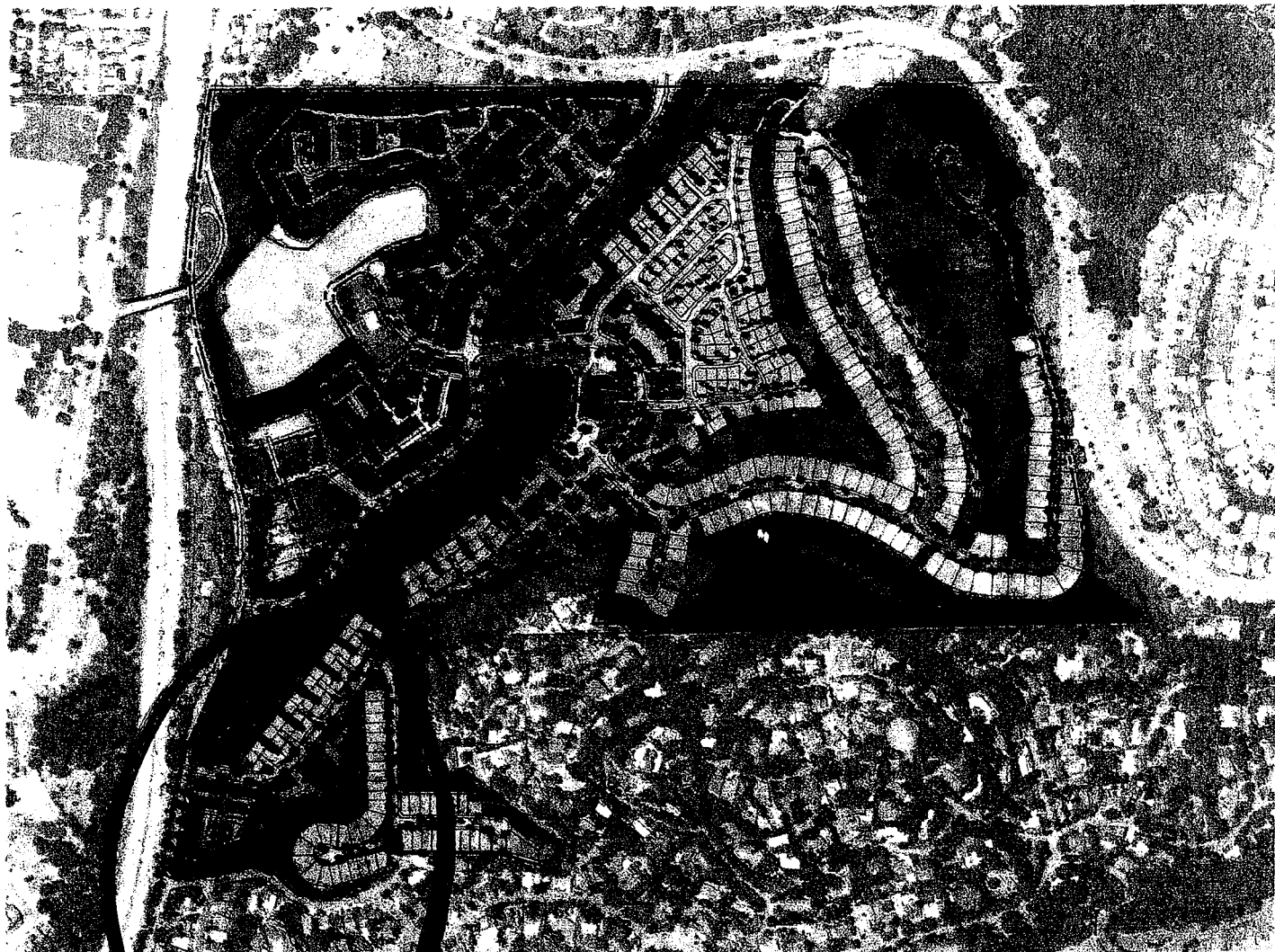
ASSOCIATES  
URBAN PLANNERS ARCHITECTS ENGINEERS



No houses  
says PARK

E4

# 2016 plan OAK KNOLL



## Oak Knoll Planned Features

→ Houses

- 187-acre property in the Oakland Hills offering views of San Francisco and surrounding area
- 935 homes in a master-planned community with a diversity of housing types -- single family homes, town homes and estate homes
- 72,000 square feet of commercial retail uses in a lifestyle center. The center will provide retail specialty shops and restaurants, as well as serve the daily needs of residents
- 76 acres of public parks and open space; a network of publicly accessible trails
- Creek running through the property will be restored to a natural condition; 16 surrounding acres will be rehabilitated. New shaded walkways, cycling and running paths will flank the creek
- New community center that will be available for events for residents as well as the general public. Studying ways to possibly save and reuse Club Knoll.
- Monument honoring military personnel who served or were treated at the Naval Hospital

E5



# INTERNATIONAL ASSOCIATION OF FIRE FIGHTERS

## LOCAL 55

Affiliated with:  
AFL-CIO  
CALIFORNIA LABOR FEDERATION  
CENTRAL LABOR COUNCIL  
OF ALAMEDA COUNTY  
INTERNATIONAL ASSOCIATION  
OF FIRE FIGHTERS  
CALIFORNIA  
PROFESSIONAL FIREFIGHTERS



DAN ROBERTSON, General President  
ZAC UNGER, Vice President  
JIM WHITTY, Secretary-Treasurer

369 - 15th Street  
OAKLAND, CA 94612  
(510) 834-9672  
FAX (510) 834-0812  
[www.iaff55.org](http://www.iaff55.org)

September 7, 2017

Claudia Cappio  
Assistant City Administrator  
Oakland City Hall

Via email [ccappio@oaklandnet.com](mailto:ccappio@oaklandnet.com)

Dear Ms. Cappio:

### **Re: Oak Knoll Mixed Use Community Plan Project**

We are writing on behalf of the International Association of Firefighters, Local 55 ("Firefighters"), regarding the Oak Knoll Mixed Use Community Plan Project ("Project" or "Oak Knoll Project"). The Firefighters are concerned that the City of Oakland is considering approving the Project without ensuring that critical Project fire safety and wildfire management plans are in place – the *Fire Safety Plan* ("Fire Plan") and the *Wildfire Prevention Area – Vegetation Management Plan* ("Wildfire Plan"). These plans are required by CEQA and are necessary to ensure that the City will be able to provide adequate safety and fire protection for Oakland residents *prior to Project approval*.

The Oak Knoll Project will cover 188 acres of land in the Oakland Hills, with 935 new residences and 72,000 square feet of commercial space. A project of this type, size, and in this location presents a variety of fire safety issues:

- The Project site is surrounded by urban lands and vegetated open space areas that can get very dry during the summer months. These conditions create increased risk of fires from dense and fire-prone vegetation, poor access to fire-fighting equipment because of slopes or inadequate roads, lack of adequate water pressure and service in fire-prone locations, and seasonal atmospheric conditions that result in warm, dry fire seasons with strong afternoon winds.<sup>1</sup> The Project site and its surrounding lands are identified on the CAL FIRE Alameda County Fire Hazard Severity Zone Map as "Very High Fire Hazard Severity Zones" (CAL FIRE, 2008).<sup>2</sup>

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<sup>1</sup> See DSEIR, p. 4.7-16.

<sup>2</sup> See DSEIR, p. 4.7-16.



- The Project Applicant is not planning to do any of its own vertical building. It will sell lots to individual merchant builders, who will thereafter build the project. The uncertainty of the timing, quality, and components that may be used in the Project's subsequent build outs make it even more crucial that clear fire safety standards be set for the entire Project before final approvals are given to proceed with its development.
- The majority of houses being built at the Project site will be constructed with wood frames. As we've seen recently, wood framed buildings are extremely vulnerable to fires. Due to the flammability of the Project's proposed building materials, the Project would pose a significant fire risk from ground breaking to completion and beyond.

The Oakland Fire Department ("OFD") is one of two certified unified program agencies ("CUPA") within the City that is charged with implementing Cal EPA's statewide Unified Fire Code hazardous materials management plans and inventories.<sup>3</sup> OFD is also responsible for ensuring compliance with the Oakland fire codes, and is the first emergency responder for the majority of fire, medical, and hazardous materials emergencies within the City.<sup>4</sup> OFD's resources are already heavily impacted. OFD maintains 25 Fire Stations, located throughout the City and at the Oakland Airport. OFD operates a fleet of just 24 engines, and 7 trucks, in its 3 Battalions. With those resources, OFD responds to approximately 60,000 emergency calls annually, with over 80% being emergency medical services calls.<sup>5</sup>

The Project would generate 935 new residential units and approximately new 2,236 people occupying the Project site.<sup>6</sup> The City's Supplemental Impact Report ("SEIR") acknowledges that the Project would result in an increase in demand for fire protection as well as emergency calls.<sup>7</sup> However, the SEIR concludes that this increased demand will not require the addition of new or physically altered fire protection facilities in order to maintain acceptable performance objectives for the City's fire protection services.<sup>8</sup> The Firefighters are extremely concerned by this conclusion because the SEIR relies entirely on the future development of the Fire Plan and Wildfire Plan to ensure that the Project will not pose a significant fire risk or unduly burden existing OFD and Cal Fire resources.<sup>9</sup> This is both improperly deferred analysis and improperly deferred mitigation.<sup>10</sup>

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<sup>3</sup> See DSEIR, p. 4.7-18.

<sup>4</sup> See <http://www2.oaklandnet.com/Government/o/OFD/index.htm>.

<sup>5</sup> See <http://www2.oaklandnet.com/Government/o/OFD/index.htm>.

<sup>6</sup> DSEIR, p. 4.12-9.

<sup>7</sup> DSEIR, Table 1, p. 2-36; p. 4.12-9.

<sup>8</sup> *Id.*

<sup>9</sup> *Id.* (fire safety risks are "Less than Significant with SCAs," including SCA PSR-1: Compliance with Other Requirements, SCA HAZ-4: Fire Safety Plan, SCA HAZ-5: Wildfire Prevention Area – Vegetation Management.)

<sup>10</sup> 14 CCR § 15126.4(a)(1)(B); *POET v. CARB*, 218 Cal.App.4th at 735; *Comtys. for a Better Env't v. City of Richmond* (2010) 184 Cal.App.4th 70, 95; *Cal. Native Plant Socy' v. City of Rancho Cordova* (2009) 172 Cal.App.4th 603, 621.



Although the SEIR contends that the Fire Safety Plan will specify “all of the fire safety features incorporated into each phase of the Project and the schedule for implementation of the features” and that the Wildfire Plan “will incorporate several measures specific to minimizing fire risk associated with vegetation or wildland fires,”<sup>11</sup> the SEIR contains no evidence to support these conclusions, and no analysis of the severity of the Project’s underlying fire impacts without these mitigation measures in place. Therefore, neither the City, the Firefighters, or the public have any way of knowing whether the Project’s proposed fire safety prevention and response plans will be even reasonably adequate to ensure public safety and mitigate any potentially significant impacts that wildfires may cause. Once the Project is approved, it may also be too late to make significant changes to the Project and require the Applicant to adequately fund any additional fire safety services that may be required.

For example, the closest fire station to Oak Knoll is located at 2603 98th Avenue. Engines from the station would need to cross the 580 Freeway just to reach the entrance to the Project site. This may prove difficult or impossible during heavy traffic hours. In addition to the distance from the project this station already responds to roughly 3,300 calls last year. The Firefighters believe that reliance on this existing fire station alone would create a significant risk of inadequate fire response capabilities by OFD. However, it would be difficult to redesign the Project site following approval to build an additional on-site fire station if deemed necessary. The City’s Fire Safety Division is currently reviewing and commenting on the Project’s proposed Vesting Tentative Map, and has required various changes to the Project design, and additional conditions of approval, to ensure that the Vesting Tentative Map complies with fire codes.<sup>12</sup> The City must similarly require the Applicant to prepare, and the City must meticulously review, the Fire Plan and Wildfire Plan to ensure that the plans will adequately mitigate all potential fire risks prior to Project approval.

No incident makes it more clear than the recent Ghost Ship fire just how essential adequate fire prevention and response measures are to include in all development projects within the City. It is crucial that the proposed Oak Knoll Project not move another step forward until a *Fire Safety Phasing Plan* and a *Vegetation Management Plan* are completed, reviewed and approved by the City, with input from OPD, the Firefighters, and all interested members of the public.

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<sup>11</sup> DSEIR, p. 4.12-9.

<sup>12</sup> See Attachment A.



Thank you for your attention.

Sincerely,

A handwritten signature in blue ink, appearing to read 'D. Robertson', with a large, sweeping flourish extending to the right.

Daniel C. Robertson  
President

CC: Mayor Libby Schaaf  
William Gilchrist, Planning and Building Director  
Oakland City Councilmembers  
Oakland Planning Commissioners  
Interested Parties





**The Oak Knoll Project:  
The Truth behind SunCal's Economic Benefit Report**

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# The Oak Knoll Project: The Truth behind SunCal's Economic Benefit Report



## Executive Summary

The massive Oak Knoll project proposed for the Oakland Hills could be the second largest development in the city.

*Every Oakland resident should be asking their City Council representative what Oakland stands to win, or lose, if the proposed Oak Knoll project is built.*

East Bay Residents for Responsible Development has analyzed the Economic Benefit Report prepared as part of the project's approval process. Based on our analysis, the **Economic Benefit Report contains exceedingly optimistic assumptions** concerning job creation, worker earnings, and new retail tax dollars for the City.

Here is what we found:

- ▶ SunCal presents no evidence to back up its claim that Oak Knoll will generate an \$876 million "investment into [the] local economy." There are no guarantees that any economic output from this project would stay within the region or directly benefit Oakland.
- ▶ SunCal's claim that 5,000 new jobs would be created from the project appears to be overstated. A more reasonable assumption is that about 2,500 jobs, mostly very short term jobs, would result from building Oak Knoll.
- ▶ If only 2,500 jobs are created, the one-time increase in Oakland residents' household earnings would also be smaller – \$127 million, rather than the \$335 million projected by SunCal. Because SunCal will not commit to hiring locally, the majority of employees on the project are not guaranteed to be local workers, and therefore much of the \$127 million is unlikely to be recirculated within Oakland's local economy. Moreover, almost all those jobs would be temporary in nature.
- ▶ Because SunCal has made no commitments to use apprentices enrolled in State of California-approved apprenticeship programs to build the housing on this project, there will be few opportunities for youth, ex-offenders, or at-risk workers to gain pathways into middle-class construction jobs
- ▶ Based on available information, the workers who build the housing at Oak Knoll will not be paid family-supporting wages. In addition, according to the developer, there will be no local job program for the contractors who may be hired to build Oak Knoll's housing.
- ▶ SunCal's Economic Benefit Report predicts retail leakage of 35% for the project. Another recent analysis in Oakland shows retail leakage rates of 63%. If retail leakage is substantially higher than SunCal estimates, local retail sales and sales tax revenue to Oakland's general fund to pay for the services needed by future Oak Knoll residents will be much lower than projected.
- ▶ Oak Knoll will be a very exclusive community. Its units will cost between \$700,000 and \$1.4 million, and the average projected family income for future Oak Knoll residents is \$220,000. From 2011-15, the median Oakland household income was just \$55,000 and the median value of owner occupied homes was \$459,000. Since there is NO on-site below market rate housing being proposed, this project will exacerbate the housing crisis, particularly for African-American, Latino, and Asian families.



It is clear that Oak Knoll will not produce the benefits our community needs.

- › Few local jobs and fewer still that will support working families.
- › An exclusive community with housing only the wealthy can afford, which particularly impacts residents of color in Oakland.
- › A lack of opportunity for at-risk youth, ex-offenders, single parents and others to gain a career pathway to the middle class through participation in construction apprenticeship programs.
- › Inflated sales tax revenues calls into question how prospective Oak Knoll residents' needs for city services may impact current Oakland residents.
- › Though not addressed in the Economic Benefit Report, the developer acknowledges traffic impacts that they have no intention of mitigating.

There is a solution.

Oakland residents and community leaders have insisted that the Oakland Army Base and Brooklyn Basin developments provide a comprehensive package of community benefits. We must hold SunCal and King Street Capital Management, the massive New York hedge fund behind the Oak Knoll project, to the same standards by insisting the City Council negotiate a Development Agreement that addresses our community concerns.

*For an Oakland for Everyone:*

*The 500 Oakland Families of the East Bay Residents for Responsible Development: [www.ebrrd.org](http://www.ebrrd.org)*

## **Defining the Potential Impact of the Oak Knoll Project**

The Economic Benefit Report prepared for the Oak Knoll Project by the developer, dated June 13, 2017, (hereinafter referred to as the EBR) portrays the new development as a major jobs creator and one that "will produce significant economic benefits to the local economy."<sup>1</sup> While no one disputes the addition of 935 new residential units would provide some value to our local economy, we believe the EBR vastly overestimates the benefits that working people and the City may accrue if the project is approved.

Our analysis primarily focuses on the projections made for construction benefits, job creation, and earnings. A secondary focus is directed at projections made on sales tax benefits for the City, which we also believe to be inflated.

To determine the economic impacts of the project, the EBR used a modeling system called IMPLAN.

Our analysis in this report is based on an alternative economic impact model called RIMS II. Both types are widely used for economic impact analyses. However, we believe RIMS II provides much more genuine assumptions. As we discuss in detail below, the RIMS II model produces considerably lower, but more realistic estimates for the economic impact for the Oak Knoll project.

RIMS II was developed by the Bureau of Economic Analysis/US Department of Commerce and is commonly used in both the public and private sector. In fact, it is the modeling system used by the Bay Area Council Economic Institute to forecast the impact of a new Oakland baseball stadium.<sup>2</sup>

RIMS II was also used on the Oakland Army Base/Gateway Redevelopment Project<sup>3</sup> and on Restoring Oakland's Working Waterfront.<sup>4</sup> It has been used by the US Department of Defense to estimate the regional impacts of military base closings, and on private sector projects like new shopping malls and sports stadiums.<sup>5</sup>



Both the IMPLAN model and our analysis (using RIMS II) estimate direct, indirect, and induced effects for:

- › Total economic output;
- › New job creation; and
- › Worker Earnings.

The EBR estimates direct economic output for the project at \$512 million. Based on information the developer, SunCal, has already made public, we know construction costs (essentially materials, labor, equipment and contractor's overhead and profit) are estimated to be \$180 million.

Indirect, or soft costs (all other costs including design, marketing, financing, legal fees, lobbying, insurance, government fees, etc.) should be approximately \$332 million. These figures do not include any infrastructure costs which we believe are captured elsewhere.

While \$512 million may be an accurate representation of the overall value/spending for the project, there are no guarantees on how much of that economic activity would directly benefit Oakland. We already know that there are no requirements that contractors and their workers must be local. This is also true of the building materials and supplies, marketing firms, lawyers, lobbyists, and insurers. In fact there is no solid evidence that any of the \$512 million direct economic benefit will be retained locally.

In addition to the total direct economic effect, there are also forecasts for indirect impacts. These are the increased sales of the businesses that supply goods and services to the project. A third category is the induced effects, or the increase in the output of local businesses due to job creation and a rise in household wages – due to the project. We will discuss the indirect and induced effects shortly.

## The Oak Knoll Project and the Oakland Housing Crisis

Oak Knoll would add 569 townhouses and 366 single-family detached homes to the City's housing stock. But as the EBR makes clear, these new units would not be affordable to the vast majority of Oakland's current residents. Furthermore, these new units would be even further out of reach for Oakland's families of color.

The EBR predicts buyers of potential units will have household incomes between \$180,000 and \$350,000. That level of income places this group, as a whole, squarely in the 95<sup>th</sup> percentile in terms of household income for the City.<sup>6</sup> The EBR also states the potential assessed value of each unit would range from \$700,000 to almost \$1.4 million.

According to recent statistics from the US Census Bureau, from 2011-15, the median annual Oakland household income was \$55,000 and the median value of owner occupied homes was \$458,500.<sup>7</sup> Annual median incomes for minority households in Oakland are even lower: in 2015, Latino households in Oakland had a median income of \$50,000, Asian households were at \$48,000, and black households had a median income of \$35,000.<sup>8</sup>

As currently conceived, Oak Knoll threatens to exacerbate these inequities. Prospective buyers' household income would be between three and almost seven times higher than current Oakland households. When broken down by race and ethnicity, the disparity would be even greater.

## Oak Knoll and Job Creation

In terms of Oak Knoll-related job creation, the EBR forecasts the creation of more than 5,000 new jobs – although **about 50% would be temporary construction jobs** (these would be considered the direct jobs); just over one quarter of the 5,000 would be for employees of supporting businesses (the indirect jobs);



and just under one-quarter based on the induced effect. Almost all the indirect jobs and induced jobs are generated during the construction process.

As the EBR points out, the vast majority of jobs would exist only during the project's build-out. Once the construction is completed, the only jobs to remain would be the lower-wage jobs in the retail component of the project.

Our projections using the RIMS II model show a figure much closer to 2,500 new jobs. Our analysis shows:

- › 1,172 new direct (construction) jobs;
- › 816 new indirect jobs; and
- › 449 induced jobs.

In total, we believe 2,437 new – albeit primarily temporary – jobs will be created if the Oak Knoll Project is built. This is a ratio of 2.6 jobs per unit. The EBR appears to use a shockingly high ratio of 5.36 new jobs per unit (5,013 jobs / 935 new units).

Our lower estimate of 2.6 jobs per unit is still more optimistic than what was found by the Center for Housing Policy (CHP). In a 2010 report, prepared for and funded by the California Department of Real Estate, the California Department of Housing and Community Development, and the California Housing Finance Agency, the CHP determined that the construction of a median-priced home in California is enough to support, on average, the creation of 2.1 new jobs per unit. That ratio drops further when looking at the Bay Area, where the study found only 1.7 jobs created per new home.<sup>9</sup>

While on this topic, we want to highlight what appears to be an inconsistency found in the EBR. The EBR is clear that 5,013 jobs would be created by the project. But it also shows the IMPLAN total jobs multiplier at 2.87 jobs per unit. At 935 units, it seems like the EBR should be forecasting that 2,683 new jobs would be created. This is a difference of 2,330 jobs. We cannot explain this discrepancy, or why a ratio of 5.36 jobs created per new unit was used.<sup>10</sup>

Even if approximately 2,500 new jobs are created, there is no evidence at this time that many of these jobs will impact the local economy.<sup>11</sup> The Oak Knoll Project is exempt from regulations that require local hiring. Furthermore, SunCal has not committed to requiring the contractors building the housing to employ workers who live in Oakland.<sup>12</sup>

As important as the number of new jobs that may be created is the potential value of these jobs – the overall earnings increase.

And based on available information, **these will NOT be well-paying jobs.** According to the EBR, their 5,013 jobs would add \$335 million in total earnings increases “within the local economy.”

It is very hard to understand what this potential earnings impact could mean to workers. According to the draft Supplemental EIR, SunCal estimates that construction will take about six years, organized around three phases of development.<sup>13</sup> Therefore, the estimated \$335 million earnings impact will be spread over a six year period, or about \$56 million per year.

SunCal's EBR does not explain how the jobs or additional earnings will be distributed. Based upon the limited information SunCal has provided to the public, these 5,013 jobs would produce average annualized incomes of about \$11,200 each.

We realize this figure is absurdly low. However, without any further explanation from SunCal about how the project's benefits would be distributed, it appears that the project's impact on individual workers' earnings would be minimal, and far below area standard wages.



On average, Alameda County construction workers currently earn about \$32 per hour, which equals annual earnings of \$66,000, based on data from the State of California for the first quarter of 2017.<sup>14</sup> But this figure does not tell the whole story.

A recent study found minorities employed in the construction trades in the Bay Area make considerably less than white workers. It was found that, on average, Asian construction workers were paid 22% less than whites, Latino workers paid 29% less, and African-American construction workers were earning less than half of their white counterparts.<sup>15</sup>

Based on the limited information SunCal is making public, it appears that SunCal's plans will do nothing to reduce this inequality and could even exacerbate it further. Is it their intention to drive down wages for Oakland construction workers? Or is SunCal thinking construction workers would be recruited from far outside Alameda County, workers who might be willing to accept very low wages?

We do know that many Alameda County builders take this route. Data from the US Census Bureau shows local development projects have an extremely high dependence on workers who live outside of the Oakland metropolitan region. In fact, more than 50% of construction industry jobs in Alameda County are held by workers who live elsewhere.<sup>16</sup>

Finally, without a requirement that the construction workforce be paid the Area Standard Wage, this project would likely reinforce the inability of non-white construction workers to gain economic self-sufficiency since non-white construction workers are concentrated in the lower wage trades.

## Oak Knoll and Local Economic Stimulus

As described above, the EBR suggests this project would jumpstart the local economy by adding hundreds of millions in new worker earnings, creating thousands of jobs, and being a serious boon to the City and surrounding areas. But these claims also appear to be overstated.

In terms of the Project's estimated overall economic output, the EBR states if the project is built, an additional \$876 million would be pumped into the local economy. That output figure is based upon the \$512 million price tag of the project, of which just \$180 million is direct construction costs, and \$332 million of indirect costs (stemming from fees, along with other hard and soft costs – essentially every other cost that is not included in physically building these 935 new units).

As stated earlier, the EBR provides no explanation to show that the money spent to cover these \$332 million in indirect costs will stay within the local economy. One has to make that assumption. Without details, we are dubious of this claim. If misleading, all projections derived from the \$512 million Oak Knoll price tag are inaccurate.

Since at present we have no other information available, we are using the EBR's base figure of a \$512 million construction spend for our analysis. Using that figure, and the RIMS II multipliers, our forecasted overall economic output is **\$48 million less** than the EBR's forecast.

While the EBR forecasts \$876 million, our analysis reflects an \$829 million change. Moreover, while the EBR states that the \$876 million would be an "investment into the local economy," it fails to explain how this would be so.<sup>17</sup>

The EBR also predicts a one-time earnings increase of \$335 million. Nearly 60%, or \$198 million, of this increase would be due to the direct effect of the project. One cannot forget that this \$198 million includes both workers' earnings and the corporate profits for SunCal, its financiers, and the home-builders that would eventually construct these new homes.



IMPLAN's own materials state that profits, savings, and taxes do not necessarily generate economic activity for the region in question because, "profits and savings represent monies set aside for later usage."<sup>18</sup>

Based on the RIMS II model for residential structures, a project valued at \$512 million would increase household earnings by \$127 million – more than 60% less than what the EBR has forecast. We believe this lower figure makes more sense when combined with the RIMS II projection of 2,437 new jobs – rather than the 5,013 new jobs predicted in the EBR.

And where would these more modest increased earnings go? Without commitments to local hiring, few of the workers gaining these wages are likely to live in Oakland. As a result, based on the currently available information, little of the increase in household earnings is likely to benefit Oakland's local economy.

It is our belief that the \$335 million figure for additional earnings overstates the case. Moreover, there is no evidence that all these earnings will stay within the local economy.

## **Oak Knoll and Retail Sales**

The EBR predicts that annual retail sales will increase by nearly \$60 million if the Project is built. However, the EBR assumes that retail leakage – purchases by new Oak Knoll residents taking place outside the City limits – would occur at a rate of 35%. This would lower the annual retail sales impact for Oakland to \$44 million.

The EBR's figures are derived from a few assumptions: 95% of the units at Oak Knoll being occupied; an approximately \$220,000 average household income at Oak Knoll; and a consistent spending of 23% of household income on retail sales.<sup>19</sup>

One last item to note: The increased sales in Oakland wouldn't happen for many years. As mentioned above, the EBR forecast for increased retail sales is only after 95% of the units are occupied. If construction takes six years, and it takes another year for the phase III units to be occupied, that means the City won't see the full projected increase until, at earliest, 2025.

In addition, in terms of the full increase, we believe the EBR's assumed 35% retail leakage rate is much lower than what should be expected. A 2010 Market Demand Analysis for the Broadway Valdez District Specific Plan found that rather than 35% retail leakage, the City's loss of potential retail sales was 63%. This was due to the limited options residents had in Oakland for items including apparel, home furnishings, appliances, and sporting goods.<sup>20</sup>

And since the Oak Knoll Project is less than five miles from San Leandro, shopping there would likely be a serious consideration for new Oak Knoll residents. For example, in terms of household goods, the closest Wal-Mart and Target are in San Leandro; for clothing, the closest Macy's and Banana Republic are also in San Leandro. For those interested in a new car, the closest dealers for Honda, Nissan, Ford and Volvo are found in San Leandro.

Finally, any sound analysis in 2017 must also factor in the increasing amount of retail goods purchased through on-line sales at businesses such as Amazon, Apple, Home Depot, and Staples. Over the last 10 years, quarterly on-line sales, as a percentage of overall US retail sales, increased by nearly 150%.<sup>21</sup> Further, it should not come as a surprise that by 2020, growth in this sector is predicted to be more than 30%.<sup>22</sup>

Nonetheless, it is not clear if the EBR factored in on-line sales with its assumption of a 35% retail leakage.

Taking these factors into consideration, and using the more conservative retail leakage assumptions found in the Broadway Valdez plan, SunCal's projected annual \$44 million retail sales increase for Oakland may be significantly overstated.



## Oak Knoll: Two Very Different Potential Outcomes

Category	Economic Benefit Report	Counter Analysis
Total Job Creation	5,013	2,437
<i>Variance from EBR</i>	--	- 51%
Direct Jobs	2,513	1,172
<i>Variance from EBR</i>	--	- 53%
Indirect Jobs	1,301	816
<i>Variance from EBR</i>	--	- 37%
Induced Jobs	1,199	449
<i>Variance from EBR</i>	--	- 63%
One-time Earnings Increase (millions)	\$335	\$127
<i>Variance from EBR</i>	--	- 62%
Retail Leakage	35%	63%
Sales Tax Benefits (millions)	\$44	\$24
<i>Variance from EBR</i>	--	- 45%
Jobs Created Per Unit	5.36	2.6
Home Value <sup>23</sup>	\$700,000 - \$1.4 million	\$459,000
Median Household Income <sup>24</sup>	\$180,000 - \$350,000	\$55,000

### Conclusion

Based on our review, we conclude that assumptions made in the EBR are overly optimistic. We don't believe 5,000 new jobs will be created, or that the local economy will experience an earnings influx of \$335 million.

Local construction workers will likely not be the primary beneficiary of the direct jobs that could be created by the Oak Knoll Project. Without any local hire requirements, Oak Knoll housing developers can, and in all likelihood will, recruit workers from anywhere.

As detailed in the developer's own EBR, the project is not likely to create jobs that pay family-supporting wages.

Oak Knoll will be a lost opportunity for Oakland's youth, ex-offenders looking to a brighter future, and other at-risk workers. Under different circumstances, about 20% of workers on the Project could be enrolled in state-approved apprenticeship programs. These programs help turn construction jobs into careers and put workers on a path to the middle class.



The exclusive nature of the Oak Knoll project will intensify the housing crisis for Oakland residents, particularly for families of color who would be economically frozen out with no affordable workforce housing being built on-site.

We should expect more from Oakland developers. If approved, we are confident this project will generate hefty profits. Investment managers like King Street don't make commitments like this lightly. They could invest their money elsewhere. But they must believe this project will provide a good return on their investment.

It is not too late to change the existing dynamics. We urge our elected leaders to sit down with SunCal management and hammer out a better deal for Oakland. Let's build an Oakland for all of us.

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