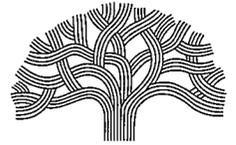


Appendix A: NOP & Comment Letters

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CITY OF OAKLAND



DALZIEL BUILDING • 250 FRANK H. OGAWA PLAZA, SUITE 3315 • OAKLAND, CALIFORNIA 94612-2032

Community and Economic Development Agency
Planning & Zoning Services Division

(510) 238-3941
FAX (510) 238-6538
TDD (510) 238-3254

NOTICE OF PREPARATION (NOP) OF A DRAFT ENVIRONMENTAL IMPACT REPORT (DEIR) ON THE LAKE MERRITT STATION AREA PLAN

The Department of Planning, Building and Neighborhood Preservation is preparing a Draft Environmental Impact Report (DEIR) on the Lake Merritt Station Area Plan, as identified below, and is requesting comments on the scope and content of the DEIR. The DEIR will address the potential physical and environmental effects of the Project for each of the environmental topics outlined in the California Environmental Quality Act (CEQA). The City has **not** prepared an Initial Study. Under CEQA, a Lead Agency may proceed directly with EIR preparation without an Initial Study if it is clear that an EIR will be required. The City has made such a determination for this project.

The City of Oakland is the Lead Agency for the Project and is the public agency with the greatest responsibility for approving the Project or carrying it out. This notice is being sent to Responsible Agencies and other interested parties. Responsible Agencies are those public agencies, besides the City of Oakland, that also have a role in approving or carrying out the Project. When the DEIR is published, it will be sent to all Responsible Agencies and to others who indicate that they would like to receive a copy.

Responses to this NOP and any questions or comments should be directed in writing to: Ed Manasse, Strategic Planning Manager, City of Oakland, Community and Economic Development Agency, 250 Frank H. Ogawa Plaza, Suite 3315, Oakland, CA 94612; 510-238-7733 (phone); 510-238-6538 (fax); or e-mailed to emanasse@oaklandnet.com. Comments on the NOP must be received at the above mailing or e-mail address **by 4:00 p.m. April 1, 2012**. Please reference case numbers **ZS11225**, **ER110017** in all correspondence. In addition, comments may be provided at the EIR Scoping Session Public Hearings to be held before the Landmarks Preservation Advisory Board and the City Planning Commission. Comments should focus on discussing possible impacts on the physical environment, ways in which potential adverse effects might be minimized, and alternatives to the project in light of the EIR's purpose to provide useful and accurate information about such factors.

EIR SCOPING SESSION PUBLIC HEARINGS:

(1) The Landmarks Preservation Advisory Board

Monday March 12, 2012

6:00 p.m.

Oakland City Hall, Hearing Room 1

1 Frank H. Ogawa Plaza

(2) City Planning Commission

Wednesday March 21, 2012

6:00 p.m.

Oakland City Hall, Hearing Room 1

1 Frank H. Ogawa Plaza

PROJECT TITLE: Lake Merritt Station Area Plan

PROJECT LOCATION: The Lake Merritt Station Planning Area is located in the heart of Oakland, part of the urban center of the San Francisco Bay Area. The Planning Area is surrounded by a variety of neighborhoods and destinations, including Downtown Oakland, Lake Merritt, the Jack London District, the Lakeside Apartment District, Old Oakland; and the Oakland Estuary and City of Alameda are located to the south. The Planning Area's context is shown in Figure 1.

The Lake Merritt Station Planning Area encompasses approximately 315 acres, and is generally bound by 14th Street to the north, I-880 to the south, Broadway and Franklin Street to the west, and 4th and 5th Avenue to the east. The Planning Area includes the Lake Merritt Bay Area Rapid Transit (BART) Station, Oakland Chinatown business and residential districts, Laney College and Peralta Community College District Administration facilities, the Oakland Public Library, the Oakland Museum of California, the Alameda County Courthouse and other County offices, the building currently occupied by the Association of Bay Area Governments (ABAG) and the Metropolitan Transportation Commission (MTC), the Lake Merritt Channel, and a portion of the East Lake district. The planning area boundary is shown in Figure 2.

PROJECT SPONSOR: City of Oakland

EXISTING CONDITIONS: The City of Oakland, Bay Area Rapid Transit (BART), and the Peralta Community College District, through a grant from the Metropolitan Transportation Commission (MTC), have come together to prepare a Station Area Plan for the general half mile area surrounding the Lake Merritt BART Station. The Lake Merritt Station Area functions as a significant citywide and regional center, with various existing hubs of activity, as described above. The Planning Area includes many diverse residents, students, employees and business owners. The Planning Area also includes several historic properties and districts, including those designated by the City of Oakland as being Areas of Primary Importance (API); Areas of Secondary Importance (ASI); properties individually rated A, B, C, or D; and Landmark Properties.

Existing physical environmental issues in the project area include, but are not limited to, air pollution and noise associated with the I-880 freeway and major arterials; air pollution from toxic air contaminants; substandard infrastructure, including roads and utilities; and soil and groundwater contamination associated with previous uses in the project area, including approximately twenty seven (27) properties identified on the California Environmental Protection Agency's Cortese List.

PROJECT DESCRIPTION:

The Lake Merritt Station Area Plan will be a 25-year planning document, with a planning horizon to the year 2035. The Plan will build on extensive community feedback to articulate a roadmap for future transit-oriented development, continued revitalization and economic growth, and community enhancements in the Station Area.

The Plan will include land use changes that seek to reduce the barriers to increased transit use from both the immediate area and surrounding neighborhoods; and to create an activity core around a rejuvenated Lake Merritt BART station. Simultaneously, the Plan will reinforce and integrate the cultural and recreational resources that make this transit station unique. The Plan will look at ways in which streets, open spaces, and other infrastructure in the area can be improved, and will establish regulations for development projects that further the area's vitality and safety. The Plan will contain policies addressing a wide range of topics, including:

- Land Use;
- Building Design Standards and Guidelines;
- Open Space and Recreational Facilities;
- Streetscape Design, Character, and Improvements;
- Cultural and Historic Preservation;
- Circulation, Access, and Parking (including BART Access Improvements);
- Community Resources, including an Affordable Housing Strategy;
- Economic Development;
- Utilities and Public Services;
- Infrastructure Financing and Phasing; and
- Implementation.

The Plan will consist of written text, maps, and diagrams that express how the Lake Merritt Station Planning Area should develop into the future, and will identify key actions the City and other entities should take to improve the Planning Area. The Plan will cover land use, development density, circulation and infrastructure, and have legal authority as a regulatory document. It will contain elements required of Specific Plans, such as:

- The distribution, location, and extent of the uses of land, including open space, within the area covered by the plan;
- The proposed distribution, location, and extent and intensity of major components of public and private transportation, sewage, water, drainage, solid waste disposal, energy, and other essential facilities proposed to be located within the area covered by the plan and needed to support the land uses described in the plan;
- Standards and criteria by which development will proceed, and standards for the conservation, development, and utilization of natural resources, where applicable; and
- A program of implementation measures, including regulations, programs, public works projects, and financing measures necessary to carry out the proposed improvements.

For more information on the project, please visit the project website at <http://www.business2oakland.com/lakemerrittsap>.

PROBABLE ENVIRONMENTAL EFFECTS:

It is anticipated that the proposed project would likely result in significant environmental effects to the following: Noise, Energy, Greenhouse Gases and Global Climate Change, Air Quality, and Transportation and Traffic. It is further anticipated that the project could potentially result in significant environmental effects to the following: Land Use and Housing, Public Services, Parks and Recreation, Cultural and Historic Resources, Aesthetics, Biological Resources, Geology and Soils, Utilities and Service Systems, Hazards and Hazardous Materials, and Hydrology and Water Quality. All of the above environmental factors will be analyzed in the EIR.

The Project has no potential for any impact on the following environmental factors. As a result, these environmental factors will not be the subject of study in this EIR: agriculture and forestry

(there are no agricultural and forest land resources in the Planning Area), and mineral resources (there are no mineral resources in the Planning Area).

The Draft EIR will also examine a reasonable range of alternatives to the Project, including the CEQA-mandated No Project Alternative, and other potential alternatives that may be capable of reducing or avoiding potential environmental effects.

March 1st, 2012
File Number - ZS11225,
ER110017


Eric Angstadt
Director, Department of Planning, Building and
Neighborhood Preservation
Environmental Review Officer

Attachments:

Figure 1: Planning Area Context
Figure 2: Planning Boundary.

Figure 1

Lake Merritt Station
 Area Plan:
 Planning Area Context

-  BART Station
-  BART
-  City Park
-  Planning Area
-  Railroad (Amtrak & Freight)

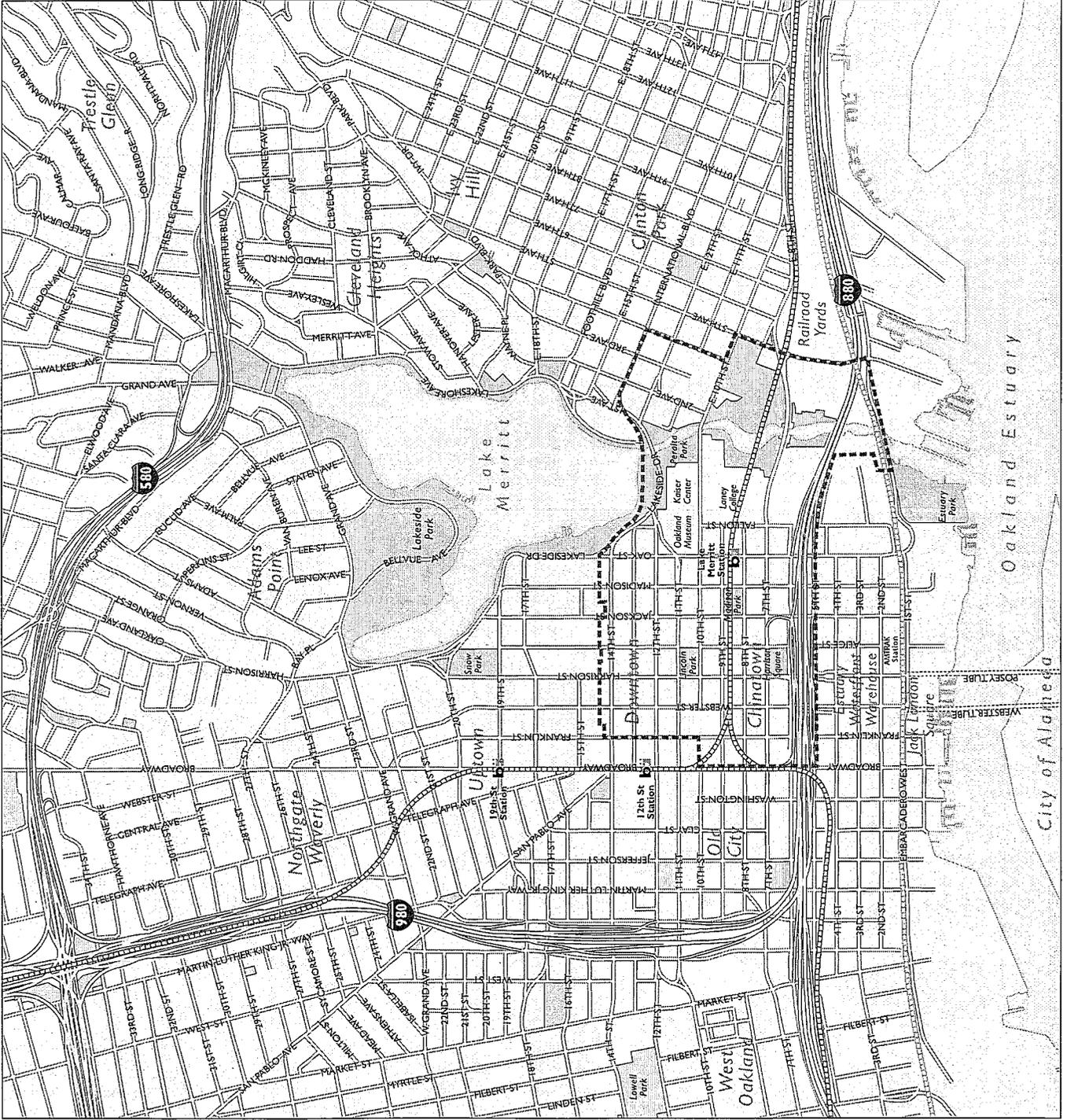
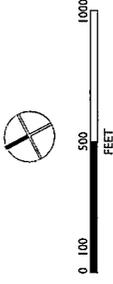
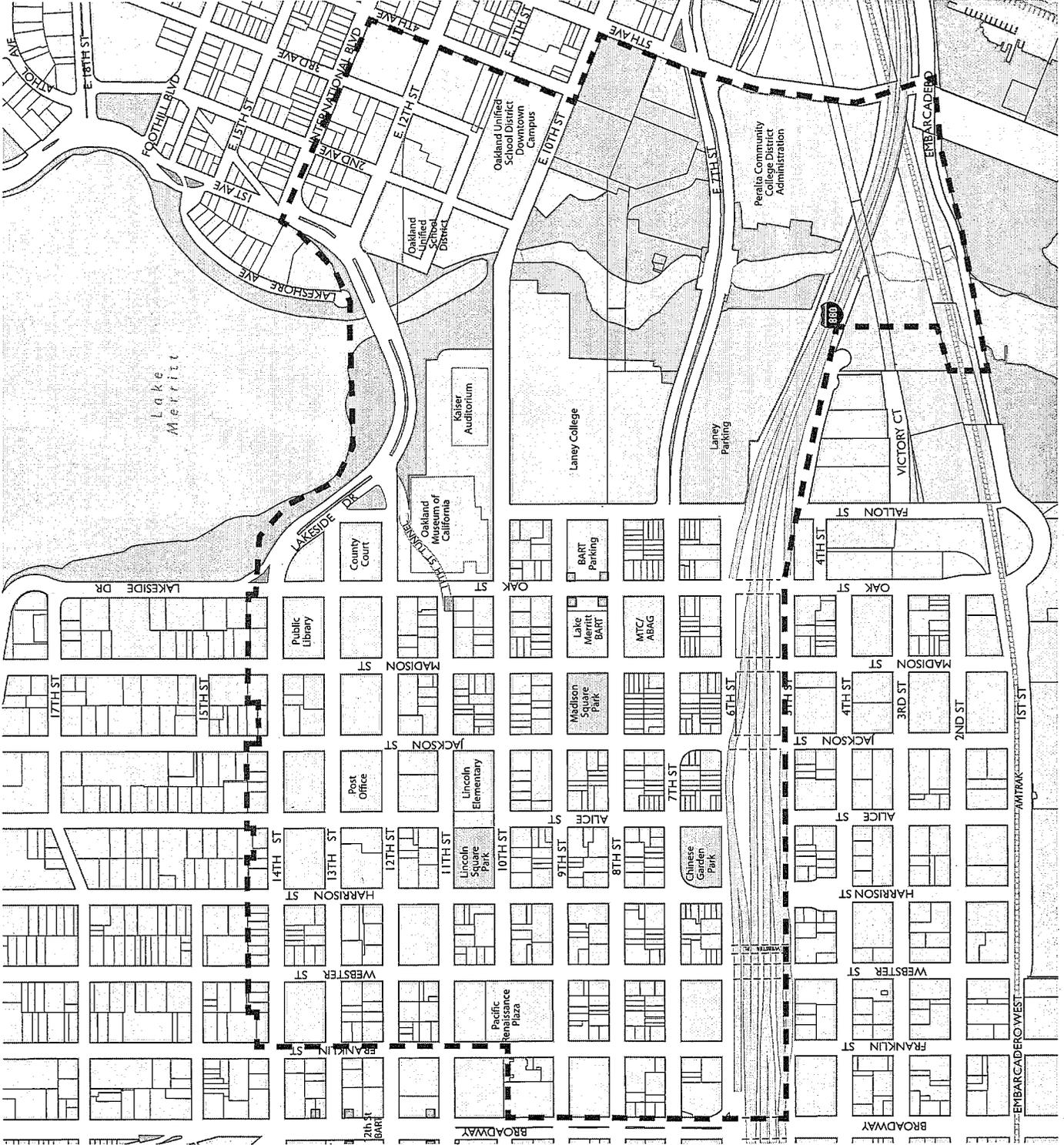


Figure 2

Lake Merritt Station
Area Plan:
Planning Area Boundary

-  BART Station Entrance
-  Park
-  Planning Area
-  Railroad



ATTACHMENT - MARCH 20, 2012 MEMORANDUM

LPAB ADVISORY COMMENTS – MARCH 12, 2012
Draft Environmental Impact Report Scoping Session
Lake Merritt Station Area Plan

Draft Minutes Item #2– Landmarks Preservation Advisory Board Meeting - March 12, 2012

Location:	Lake Merritt Station Planning Area is generally bounded by 14 th Street to the north, I-880 to the south, Broadway to the west and 5 th Avenue to the east.
Proposal:	Scoping session, as required by CEQA, for a Draft Environmental Impact Report (DEIR) on the Lake Merritt Station Area Plan, including the reception of public comments pertaining to cultural and/or historic resource issues that should be addressed in the Lake Merritt Station Area Plan.
Applicant:	City of Oakland
Case File Number:	ZS11225, ER110017
General Plan:	Central Business District, Institutional, Urban Open Space, Urban Residential, Business Mix, Community Commercial, Neighborhood Center Mixed Use
Zoning:	CBD-X, CBD-P, CBD-P/CH, CBD-R, CBD-C, OS-(SU), OS-(LP), OS-(NP), OS-(RCA), S-2, RU-4, RU-5, M-40/S-4
Environmental Determination:	An Environmental Impact Report will be prepared as part of the Lake Merritt Station Area Plan. A Notice of Preparation (NOP) of a Draft Environmental Impact Report (DEIR) will be issued on March 1, 2012.
Historic Status:	The Plan Area includes cultural/historic resources that may be eligible for, or are on an historical resource list (including the California Register of Historic Resources, the National Register of Historical Resources, and/or the Local Register); and several cultural/historic resources designated locally as Areas of Primary Importance (API); Areas of Secondary Importance (ASI); properties individually rated A, B, C, or D; and Landmark properties.
Service Delivery District:	Metro, 3
City Council District:	2, and a small portion of 3
Status:	A Notice of Preparation (NOP) of a Draft Environmental Impact Report (DEIR) will be issued on March 1, 2012.
Action to be Taken:	Receive public and Board member comments on the scope of the DEIR, including what information and analysis should be included pertaining to cultural and/or historical resource issues. No decisions will be made on the project at this hearing.
Finality of Decision:	N/A
Further Information:	Contact project planner Christina Ferracane at 510-238-3903 or cferracane@oaklandnet.com . Project message line: 510-238-7904 Project email address: Lake_merritt_plan@oaklandnet.com , Project website: http://www.business2oakland.com/lakemerrittsap

LPAB ADVISORY COMMENTS – MARCH 12, 2012
Draft Environmental Impact Report Scoping Session
Lake Merritt Station Area Plan

Christina Ferracane, Staff Planner for Lake Merritt Station Area Plan, explained that this meeting’s task was to discuss the scope of the EIR. The EIR will be at a program level, not evaluating specific development project(s). The details of the Area Plan are not expected to be finalized until the EIR is completed, so the final plan will have the benefit of new information and evaluation that comes out of the EIR. The EIR will study a “maximum build-out” alternative. . The value of the EIR as an information gathering process is that it might be able to suggest changes to the Plan’s policies that might reduce environmental impacts. It will not necessarily provide environmental clearance for future development projects.

Naomi Schiff, public speaker representing Oakland Heritage Alliance, Suggested that the Board may want to make some suggestions as to how to protect the City Hall Plaza oak tree in the future, especially in light of large gatherings at the Plaza. With respect to Item #2, she said the proposal to build on top of low-rise historic structures, in particular the King Block (bounded by Webster, Harrison, 12th and 13th Streets), is not a preservation strategy, it’s a mistake.” She urged paying attention to neighborhood context and “really good studies of APIs and ASIs” in relation to the impact(s) of adjacent development. High-rise construction on the BART blocks could have an impact on the 7th Street residential district, and conversely maintaining low-rise areas provides light and air to neighboring blocks and would benefit the new more dense development. “Take a good look at the extant stock of housing and other services in older buildings,” for example the apartment house row on 10th Street opposite the Museum [10th & Oak ASI]. The standard should not be “either-or, incredibly historic or teardown.” Land speculation too often results in an “interim stage” that is a parking lot. Preserving existing buildings of moderate height is a good strategy for areas like this with a high concentration of historic resources.

Board members asked for clarification of the process.

John Goins asked why the EIR would assume maximum build-out. Will it consider other alternatives?

Ferracane said that meant maximum development likely to occur; they would also analyze other alternatives including a No Project and one or two others yet to be identified.

Valerie Garry commented on the discussion of “re-use of existing historic resources” on p. 8-6 of the Plan. Concerned about the subjectivity of the EIR text and believe that it should be revised and delineated in a way that refers to the Secretary of the Interiors Standards for the Treatment of Historic Properties Guidelines for Preserving, Rehabilitating, Restoring and Reconstructing Historic Buildings, as a way to make determinations on how to reuse existing historic resources. For example, “Building on top of existing historic resources, as is mentioned as a strategy for the King Block, cannot be defined as preservation in any way.” The language in the Plan isn’t consistent with the objective to encourage the preservation of existing historic resources. **Inappropriate** additions could destroy the character of “an area so full of historic resources.” Also, the words “seeks to encourage the preservation of existing historic resources **where feasible**” is too subjective and raises alarm – there should be an objective definition of feasibility articulated in the EIR. The EIR should study the “re-use” recommendations in light of the Secretary’s Standards and good preservation practice throughout the country.

LPAB ADVISORY COMMENTS – MARCH 12, 2012
Draft Environmental Impact Report Scoping Session
Lake Merritt Station Area Plan

Ferracane reiterated that the Plan and EIR are going on as parallel processes informing each other. “We’re assuming development will happen first on other opportunity sites” rather than in APIs or historic resources; effects of new development such as the BART blocks on historic resources will be studied. Most development up to 2035 will occur on Opportunity sites, not on existing historic resource sites.

Chris Andrews said that somewhere in the process attention had to be paid to a finer-grained approach to enhance the relation of new buildings to existing historic resources. We do not really experience the environment on the level of maps and charts. How to we get to a more meaningful level through this process? He cited Portland as an example of “successful interventions.” This would be a good place to look. Design details do have an environmental impact. We need a methodology as to how we look at them. Looking at existing cases where it has been successfully done is important.

Ferracane said the next phase of the Plan would include development of design guidelines. The EIR would not be at that level of detail, though it might take into account the existence of design guidelines.

Anna Naruta asked about the note on the latest map saying that corrections were made by preservation staff.

Betty Marvin praised Kelly Cha’s work on the maps and said that the changes were mostly housekeeping and cleanup – reattaching information where parcel numbers had changed (mostly through creation of condos), refining hand-drawn district boundaries, mapping recent designations and demolitions. Maps and databases constantly need this kind of updating [and disclaimers – see language on historic resource maps in other study areas].

Anna Naruta asked for the EIR to include

- “more detailed study of the characteristics of APIs and ASIs and other historic resources (significance, integrity, impacts);
- historic parks – impacts on space for community activity – construction, shade, wind, traffic, and how impacts can be mitigated;
- Policy 3.9 of the Preservation Element (consistency of zoning with existing or eligible preservation districts);
- open-air re-use of King Block alley;
- study the housing stock of mid-rise buildings and how the uses can be supported throughout the project and impacts mitigated;
- possibility of Mills Act tax abatement program being used for historic properties in the plan area;
- ability to create lively public spaces where people will linger, e.g. impact of lack of providing public restrooms;
- impact of high-density construction at the Laney parking lot;
- consideration of previous impacts of redevelopment on the Chinatown community, as documented in studies by Willard Chow and Kelly Fong;
- restoration of historical pattern of two-way streets, per Revive Chinatown study;
- community and neighborhood benefits as mitigations;
- study of floor area ratios and possibility of a Transfer of Development Rights program;
- study how to achieve active ground floor frontage;

LPAB ADVISORY COMMENTS – MARCH 12, 2012
Draft Environmental Impact Report Scoping Session
Lake Merritt Station Area Plan

- consideration for subsurface CEQA-level archaeological resources, as in mitigations presented to the Board in November 2011 for the Emerald Views project.

Daniel Schulman said the statement that no historic resources were on the opportunity sites was not sufficient. “We should be looking at neighborhoods front and center.” The opportunity sites are at the edges of APIs and ASIs (seven in the area) because those areas have already been degraded. An API or ASI is a sum that is greater than its parts, and it has an envelope bigger than itself: if the district’s surroundings had not already been degraded, they would be part of the district. The EIR should list all districts and discuss potential impacts (such as shadows and traffic) on each one. If there are not impacts for a particular API or ASI, the EIR should note that. Design guidelines (for things like street furniture and street lighting fixtures as well as buildings) should apply to sites adjacent to historic neighborhoods, to insure appropriate transitions between the opportunity site and the district.

John Goins said the alternatives examined should include a “middle ground” as described by Valerie Garry and OHA: Secretary’s Standards, 35’ limit and pitched roofs in low-scale residential districts, etc. He noted that the Kaiser Convention Center could be a good receiving site for Transfer of Development Rights (as mentioned by Naruta). Also suggested looking at impact fees, “CUPs tied to height limits,” and mitigations.

Valerie Garry moved and **Chris Andrews** seconded that the Landmarks Board comments be forwarded for inclusion in the scoping process; the motion passed unanimously.

Ferracane stated that they want to include the comments to the Planning Commission, in the report. The Commission will hear this item on March 21, 2012.

Ref: DraftMinutes/AttachmenttoPlanningCommissionMemorandum

MEMORANDUM

TO: Members of the Planning Commission
Ed Manasse, Strategic Planning Manager

FROM: Landmarks Preservation Advisory Board
Joann Pavlinec, Secretary

**SUBJECT: LPAB Advisory Comments – March 12, 2012
Draft Environmental Impact Report (DEIR)
Scoping Session on Lake Merritt Station
Area Plan**

DATE: March 20, 2012

At a Landmarks Preservation Advisory Board (LPAB, Board) regular meeting on March 12, 2012, the Board was requested to comment on the scope of the Draft Environmental Impact Report (DEIR) for the Lake Merritt Station Area Plan. The Board unanimously voted that their comments be forwarded for inclusion in the scoping process. The Board was directed to ‘receive public comment and to comment on the scope of the DEIR, including what information and analysis should be included pertaining to cultural and/or historical resource issues.’ Based on the meeting’s Draft Minutes, the Board directed that the following information should be included and analyzed.

- 1) Study a finer-grained alternative approach, the relationship of potential new buildings to existing historic resources, transitions between opportunity sites and historic districts, in order to insure compatible new infill, both in terms of overall design (height and massing - e.g., 35’ height limits and requirements for pitched roofs in low-scale residential districts) and design details that are compatible with and enhance neighboring individual historic resources and historic districts.
- 2) Study alternatives (e.g., Transfer of Development Rights program) to building on top of historic resources. Building on top of historic resources cannot be defined as preservation. Inappropriate additions could destroy the character of ‘an area so full of historic resources.’ For example, height additions on to the King Block are shown as an example in the current version of the Area Plan.
- 3) Study and provide the ‘*character defining features*’ of all Areas of Primary Importance (APIs) and Areas of Secondary Importance (ASIs) in order to:
 - a. understand their significance;
 - b. provide criteria to assess and analyze potential loss of integrity with new infill development; and

- c. study impacts of new infill proposals and their compatibility with these ‘*character defining features*’ of a historic district.
- 4) Study potential impacts, including construction, shade, wind, and traffic and their impacts on historic parks and historic districts and provide mitigations to avoid/reduce impacts. For example, high-rise construction on the BART blocks could impact the 7th Street Residential API (a district that appears eligible for the National Register).
 - 5) In the cumulative impacts analysis, include impacts of previous development and redevelopment on the Chinatown historic areas, as documented in studies by Willard Chow and Kelly Fong.
 - 6) Include cultural/historic community and neighborhood benefits as mitigations.
 - 7) Include the Secretary of Interior’s Standards for the Treatment of Historic Properties Guidelines as the standard to evaluate and make determinations on the reuse of and impacts on historic resources.
 - 8) Avoid or clearly define DEIR subjective language that may later provide difficulty in interpretation, such as “where feasible.”
 - 9) Study how the Plan’s use of the Mills Tax Act credit program could impact feasibility.
 - 10) Require a preconstruction archaeological study, and based on the results, prepare an archaeological treatment plan to be reviewed by the LPAB prior to the start of any sub-surface work.
 - 11) Do not study the potential impacts of ‘opportunity sites’ as isolated parcels, but at the surrounding neighborhood level (e.g., impacts on an adjoining API or ASI). The statement that no historic resources are on the opportunity sites is not sufficient. The opportunity sites are at the edges of APIs and ASIs (seven in the area) because those areas have already been degraded. An API or ASI is a sum that is greater than its parts, and it has an envelope bigger than itself: if the district’s surroundings had not already been degraded, they would be part of the district. The EIR should list all districts and discuss potential impacts on each one. If there are not impacts for a particular API or ASI, the EIR should note that.
 - 12) Require that street furniture and lighting fixtures in and adjoining historic districts are compatible with and enhance the historic district.
 - 13) Study appropriate design transitions between the opportunity sites within and adjacent to historic districts to insure appropriate transitions to avoid negative adverse impacts to historic resources.
 - 14) Study how maintaining low-rise historic areas provides light and air to neighboring blocks and benefits proposed new more dense development.
 - 15) Study a Transfer of Development Rights program. Recommend identifying sending and receiving areas.
 - 16) Evaluate the Area Plan’s compliance with Policy 3.9 of the Historic Preservation Element - ‘Consistency of Zoning with Existing or Eligible Preservation Districts’.¹

¹ This Policy recognizes that, ‘The existing zoning in many existing and potential Preservation Districts is not consistent with the Districts’ character. This sometimes encourages removal of historic properties and development of incompatible new uses. For example, some districts that contain predominantly one-family houses may be zoned for high density apartments.’

- 17) Study the potential for restoration of the historical pattern of two-way streets, as outlined in the *Revive Chinatown* study.
- 18) Study open-air use of the King Block alley.
- 19) Study how to achieve active ground floor frontage, and the ability to create lively public spaces where people will linger (e.g. by providing public restrooms).
- 20) Study the impact of high-density construction at the Laney parking lot.
- 21) Study floor area ratios, impact fees, CUPs tied to height limits, and mitigations.
- 22) Study an alternative that looks at a ‘middle ground’ level of development.

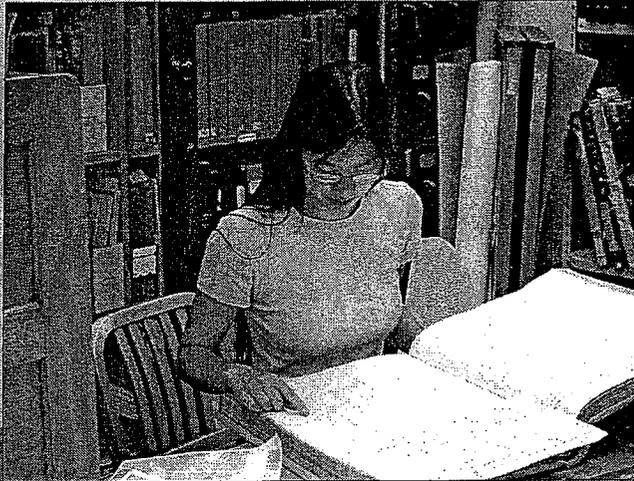
Attachment: *Draft* Minutes for March 12, 2012, Item #2 – Lake Merritt Station Planning Area, Scoping Session for a Draft Environmental Impact Report

Ref: LakeMerrittStationPlan/PlanningCommissionMemorandumFinal

Rediscovering the Bay Area's Chinese Heritage: Oakland's San Pablo Avenue Chinatown

Then Cal Berkeley senior Kelly Fong documents the existence of the San Pablo Avenue Chinatown in the census and old tax records (right).

Hearing news of the 150-year Chinese heritage of the San Pablo Avenue area, Carol Chong (below) brought forward her family's chapter.



Oaklander Edward Chew, here in his WWI officer's uniform, shared the story of the San Pablo Avenue Chinatown during Oakland's centennial in 1962. His father was the pioneering Bay Area newspaperman and civil rights activist, Reverend Ng Poon Chew.



Carol Chong stands outside the building where she was born, 1966 San Pablo Avenue. Her father immigrated from Toishan, China. Her parents ran a laundry, downstairs and made a home upstairs. The photo shows Carol Chong and her siblings in their backyard garden.

Community historians preserved the story of Oakland city fathers in the early 1860s naming an "official" Chinatown at Telegraph and 17th Street. In the following years, Edward Chew recorded, "Chinese Oaklanders would be subjected to multiple dislocations."

By the mid-1860s, city fathers declared a new "official" Chinatown site, on San Pablo Avenue near what would become 20th Street.

After locating the new City Hall nearby, city leaders then targeted the San Pablo Avenue Chinatown for redevelopment. Chinatown residents were "consigned" to live elsewhere. While some called the Chinatown community a "plague-spot," archaeological investigations of similar sites show such descriptions typically fall more about the people trying to acquire the property than about the residents themselves.

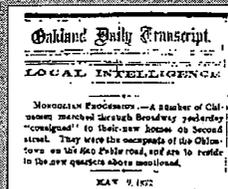
One hundred and twenty years after the destruction of the original Chinatown, a new redevelopment planned for the site made it urgent to be able to document this early community before its traces would be destroyed.

Community members and Cal Berkeley researchers worked together to activate legal protections for archaeological sites and piece together the stories of these early Oaklanders.



After the 1906 earthquake and fire destroyed San Francisco Chinatown, many San Franciscans relocated to Oakland.

Wong Yow and W. Kai Wong reestablished their merchant tailoring business, Hing Chong & Co. at 1966 San Pablo Avenue. They contributed to a thriving Chinese garment district created on the very spot of the early Chinatown.



The Chinese Historical Society of America



Historic photos, maps, archaeology, and personal stories from the site available at UptownChinatown.org



Archeology:

- 1) An archeology sensitivity study conducted prior to any ground-disturbing activity. The sensitivity study will include, and may be triggered by, a literature review of previous project reports and known sites recorded at the Northwest Info Center (Rohnert Park, CA), but must also include assessment of historic land uses in the project area, using sources including records of the OCHS as well as primary source data including Sanborn maps, historic tax assessor maps and data, census data, property records, and early historic maps and other renderings. The sensitivity study will assess likelihood of proposed project activities encountering or otherwise impacting potential archaeological remains that may be legally-significant resources under CEQA criteria. As CEQA criteria for a legally significant archaeological resource includes whether the resource has potential to provide information unavailable from other resources, this assessment of historic land uses must include evidence-based evaluation of potential for encountering archaeological remains related to pre-US Native American and/or previously unrecorded resources.
- 2) If the project's impact to potential archaeological remains that may have legal significance under CEQA cannot be avoided, an archaeological treatment plan must be designed.
- 3) City conducts review of archaeological sensitivity study and treatment plan. LPAB review conducted in role of enabling City to meet State Historic Preservation Office (SHPO)'s Certified Local Government requirements may be supplemented by peer review, especially if no City archeologist is on staff. To increase efficiency, review of sensitivity study may occur prior to development of archaeological treatment plan.
- 4) Archaeological data recovery, analysis, reporting, and curation conducted under City or SHPO oversight, with reports made to the public and cultural resource management reporting placed on file with Northwest Info Center (Rohnert Park, CA).
- 5) Storage (curation) of recovered materials, such as artifacts and soil samples, and materials generated by sensitivity study and treatment plan, such as field notes, catalogs of recovered materials, maps, or specialist studies, in monitored facility that allows access to the materials. Guidelines for storage are available from SHPO, as well as from Rohnert Park, CA (Sonoma State) and at <http://www.csub.edu/musanth/GdlnsRep.htm>
- 6) Depending on significance of archaeological remains under CEQA criteria, and/or National Register criteria, additional mitigations may be needed to offset the destruction of a site, including the destruction of a site through archaeological data recovery. Additional mitigations have included creation of or contribution to an Archaeological Preserve that preserves the integrity and provides interpretation of an archaeological resource of equivalent or greater significance.

Attachment

standardmitigations archeology20110302 overview.doc

From: Naomi Schiff [naomi@17th.com]
Sent: Tuesday, March 13, 2012 11:25 AM
To: Brunner, Jane; De La Fuente, Ignacio; Kernighan, Pat; Nadel, Nancy
Cc: info@oaklandheritage.org; Dea B; Pavlinec, Joann; Angstadt, Eric;
Ferracane, Christina; Parker, Alicia; Kernighan, Pat; Gerard, Jennie;
Manasse, Edward; leslie@dyettandbhatia.com
Subject: Oakland Heritage Alliance height recommendations on L.M.
Station Area Plan

Attachments: 2012-2-24
HistoricAreas-Height-ConsistentWithHistoricBuildings.jpg

Dear Economic Development Committee Members,

Please accept the accompanying map of Oakland Heritage Alliance height recommendations for the Lake Merritt Station Area plan. (We have submitted it before but we hope you will review it again now.)

-We would also like to emphasize the urgent need for a series of workshops or meetings to concretely lay out and agree upon a system of community benefits for the area. While the staff has been willing to discuss these issues, the City Council and Planning Commission must now ensure that a comprehensive, realistic, and binding arrangement be constructed and put in writing.

-We believe there should be a careful analysis not only of heights but of Floor to Area Ratios throughout the area. FARs are not sufficiently addressed.

-In creating a program of historic preservation incentives, a TDR (transfer of development rights) system should be considered, and a program of contributions to a city fund for the rehabilitation of historic properties.

The staff report does not clearly reflect all the comments made by the Planning Commission at the last work session. We believe that the attached map of Oakland Heritage Alliance height recommendations should be further reviewed, as requested, and that further modifications be made to the plan area height maps to reflect the historic Areas of Primary Importance and Areas of Secondary Importance, which can be key resources in stimulating neighborhood-friendly development, in preserving moderate-income housing stock, and in housing small businesses.

Thank you,

Naomi Schiff and Christopher Buckley
for Oakland Heritage Alliance

--

Naomi Schiff
Seventeenth Street Studios, Inc.
410 12th Street, Suite 300
Oakland, CA 94607
A very short walk from the 12th St./City Center BART Station.

510-835-1717

<http://www.17th.com>

From: Valerie K. Garry [vkgarry@sonic.net]
Sent: Wednesday, March 14, 2012 1:01 PM
To: Ferracane, Christina
Cc: Marvin, Betty; Pavlinec, Joann
Subject: comments re scope of Lake Merritt Plan
Christine,

I wanted to add a few comments to those I gave at the LPAB board meeting on Monday evening . My comments below may be considered a public comment:

The entire “Re-use of Historic Resources” (8-6) section of the Draft Preferred Plan is implicitly anti-preservation in its scope and runs counter to standard historic preservation practice and values. Although it states that the plan “seeks to encourage the preservation of existing historic resources where feasible” the suggestions given would more likely result in wholesale destruction of such historic resources.

Historic resources should not be bent to accommodate new development, rather new development must be planned to respect and accommodate existing historic resources.

Frankly, it rankles to read the suggestion that “Incorporating denser and larger development” on top of an historic resource (King Block) can be deemed a “particularly valuable strategy in historic districts” and would be “enhancing the overall character of the district.” Such redevelopment could in fact destroy the architectural and historic integrity of this Block.

To remedy the inadequacy of this section, **I strongly suggest that the scope of the EIR incorporate and delineate a hierarchy of preservation treatments for the re-use of historic resources within the planning area that respect and apply the Secretary of the Interior’s Standards and Guidelines for Rehabilitation, which are a nationally recognized tool for the preservation, maintenance and rehabilitation of our historic properties and have become the accepted benchmark at all levels of government – national, state, and local – for evaluating the acceptability of proposed changes to historic properties:**

The Secretary of the Interior’s Standards for Rehabilitation are:

1. A property shall be used for its historic purpose or be placed in a new use that requires minimal change to the defining characteristics of the building and its site and environment.
2. The historic character of a property shall be retained and preserved. The removal of historic materials or alteration of features and spaces that characterize a property shall be avoided.
3. Each property shall be recognized as a physical record of its time, place, and use. Changes that create a false sense of historical development, such as adding conjectural features or architectural elements from other buildings, shall not be undertaken.
4. Most properties change over time; those changes that have acquired historic significance in their own right shall be retained and preserved.

5. Distinctive features, finishes, and construction techniques or examples of craftsmanship that characterize a property shall be preserved.

6. Deteriorated historic features shall be repaired rather than replaced. Where the severity of deterioration requires replacement of a distinctive feature, the new feature shall match the old in design, color, texture, and other visual qualities and, where possible, materials. Replacement of missing features shall be substantiated by documentary, physical, or pictorial evidence.

7. Chemical or physical treatments, such as sandblasting, that cause damage to historic materials shall not be used. The surface cleaning of structures, if appropriate, shall be undertaken using the gentlest means possible.

8. Significant archeological resources affected by a project shall be protected and preserved. If such resources must be disturbed, mitigation measures shall be undertaken.

9. New additions, exterior alterations, or related new construction shall not destroy historic materials that characterize the property. The new work shall be differentiated from the old and shall be compatible with the massing, size, scale, and architectural features to protect the historic integrity of the property and its environment.

10. New additions and adjacent or related new construction shall be undertaken in such a manner that if removed in the future, the essential form and integrity of the historic property and its environment would be unimpaired.

Thank you for the opportunity to share my comments regarding the scope of the draft of the Lake Merritt Station Area Plan.

Valerie Garry, M.S. Historic Preservation



EAST BAY BICYCLE COALITION

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

March 16, 2012

Ed Manasse
Strategic Planning Manager
250 Frank H. Ogawa Plaza, Suite 3315
Oakland, CA 94612

Re: Public comment on the Lake Merritt Station Area Plan EIR scoping process

Dear Ed Manasse:

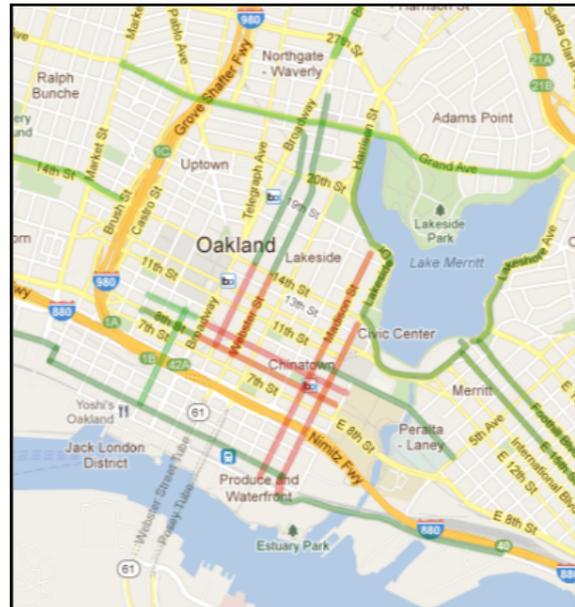
Thank you again for the work of your staff to include within the Lake Merritt Station Area Plan all of the bikeway projects called for in the 2007 Oakland Bicycle Master Plan. As shown in the Map below, the bikeways marked in "red" are proposed in this Plan, and will provide much needed bikeway connections with adjacent existing/future bikeways shown in "green." Demand for safe bike access in Oakland is increasing rapidly and in response Oakland has made good progress toward completing its bikeway network. The inclusion of the bikeways in the Lake Merritt Station Area Plan is essential to keeping up with the substantial increases in number of people who are biking in the City. Our goal is to complete the bikeway network by 2020 and the Lake Merritt Station Area Plan is needed to get us there.

Specifically, we support the Plan's proposes bike lanes and vehicle lane reductions, with green bike lanes as have been shown to the public, for Madison and Oak streets, 8th and 9th streets up to Chinatown, and Webster and Franklin streets down to 8th St. These are important bikeways and provide needed connections to fill in the network of bikeways of Oakland's Bicycle Master Plan.

We also thank you for including in the Plan the bikeways on 8th and 9th streets through Chinatown. We are happy to work with our community in the Chinatown area on what the final design of the bikeways look like. We understand that the City still has to do a truck loading/unloading study for Chinatown and that the results of this study will influence the best approach to safely accommodating all users of 8th and 9th streets in Chinatown.

On the issue of traffic studies necessary for the lane reductions and bike lane striping, the City should include in the scoping of the Environmental Impact Report all necessary traffic studies associated with reducing lanes on one-way streets and striping bike lanes. Monies for these studies needs to be identified so that this first phase of improvements of the Plan can happen as soon as possible after adoption of the Final EIR. The bikeway improvements are a very real project that can come out of this Plan and be implemented quickly, and thereby show the community that the City can deliver on its goals of making Oakland a better city for everyone.

Furthermore, we also want to request that the EIR include study and development of a first phase pedestrian and streetscape improvement project. This Fall, voters will be asked to support an increase in the Alameda County transportation sales tax and if this measure passes, Oakland will be eligible to start





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receiving funds from this sales tax as early as 2013. The expenditure plan for the sales tax includes millions for transit-oriented development projects and local streets and roads projects and the City needs to be ready to apply for funds for an identified project as soon as possible. This is another real opportunity to deliver a project in the near term to an area of the City that needs much improvement to its streets.

Thank you again for working to improve an area of Oakland the much needs it. We look forward to the seeing the final scoping document.

Thank you for your consideration of these important issues.

Dave Campbell
Program Director

March 21, 2012

Ed Manasse

City of Oakland, Community and Economic Development Agency

250 Frank H. Ogawa Plaza, Suite 3315

Oakland, CA 94612

Sent via email to emanasse@oaklandnet.com

**RE: Draft Environmental Impact Report on the Lake Merritt Station Area Plan
Preliminary Written Comments for Case Number ZS11225, ER110017**

Dear Mr. Manasse:

On behalf of the Oakland Chinatown Coalitionⁱ, we are submitting preliminary written comments in response to the Notice of Preparation of a Draft Environmental Impact Report (DEIR) for the Lake Merritt Station Area Plan. These written comments include points that will be provided at the March 21 Planning Commission hearing on the issue, and a subsequent finalized version will be submitted by the April 2 deadline.

As the community most directly affected by the proposed plan, we want to see equity as the path to economic growth in our neighborhoods. Chinatown is a vibrant district that must be supported with equitable development. We are seeking an EIR of a plan that will require new development to make contributions to our community, study different alternatives, adequately assess and analyze the range of potential development impacts on our neighborhood, and offer a range of mitigations to address those impacts. The plan also affects the three blocks of our neighborhood that were taken from the community by eminent domain in the 1960's by BART and MTC. The taking resulted in the loss of much need housing, a church and school, and an orphanage.

Oakland's Chinatown represents an important and vital community in Oakland, both as an economic engine and a cultural asset. In this EIR scoping process, we strongly urge you to:

- ❖ **Base the project description for the programmatic EIR on a re-drafted plan that incorporates the Planning Commission recommendation.** The Planning Commission, at a meeting on February 25, 2012 with the community, directed the staff to re-draft the preferred zoning plan so that height and intensity standards are tied to community benefits. The connection of development intensity standards to community benefits must be included in the plan. We would like the EIR to study a proposal that links development intensity to community benefits contributions. Our proposal would be to study a plan where heights are 45/55 feet by right with contributions for community benefits beyond that and density is the pre-CBD re-zoning levels of 3.0 and 7.0 FAR with contributions for community benefits beyond that.
- ❖ **Ensure the scope of the EIR studies any negative impacts on community members as well as cumulative impacts.** CEQA says that “environmental effects which will cause substantial adverse effects on human beings, either directly or indirectly” must be considered.ⁱⁱ Therefore, the EIR must consider the human health and social impacts, and there is precedent in case law and with local jurisdictions to do so.ⁱⁱⁱ This letter outlines the need for analyzing impacts on the neighborhood in the areas of population and housing, air quality, transportation and traffic, employment and business, noise, cultural and historic resources, parks and recreation, and greenhouse gases and global climate change.

- ❖ **Study a wide range of mitigations to address the impacts on the neighborhood.** These mitigations could include two-way street conversions, additional park space, affordable housing, impact fees, etc.
- ❖ **If the programmatic EIR does not identify linkages to community benefits and mitigations for the impacts brought on by the plan, the proposed BART development should be required to undergo a separate EIR process once the project is more clearly defined.** The three blocks owned by BART are given preferential treatment in the current plan, allowing the private development planned by BART to build with heights and density not allowed for other landowners. The lack of specificity in the BART project makes it difficult to analyze for impacts and mitigations fully. Given the BART project will probably be the largest development in the study area, it should be segregated and have its own complete EIR if community benefits are not sufficiently addressed.

The development potential that is laid out in the Lake Merritt Station Area Plan will result in profound impacts on the neighborhood's residents and businesses over the next 25 years. It is imperative that the DEIR include an analysis of these impacts, including those affecting the health of the neighboring community, and outlines mitigations to address the negative impacts. The EIR should study a wide range of impacts and several alternatives.

Population and Housing

Historically, Oakland Chinatown has borne the negative impact of “urban renewal” efforts, with previous instances resulting in displacement of residents and a loss of area and businesses. Displacement, higher housing costs, and their impact on the ability to afford other necessities has profound health effects on tightly knit communities, including the elimination of social cohesion, higher stress levels, and increased rates of illness.

Given the importance of protecting the vibrancy of Chinatown and growing Oakland in an economically diverse way, the DEIR should study the impact that the plan will have on the housing environment for residents in the neighboring area. Both direct and indirect mechanisms that result in displacement should be studied. Some questions include the following:

- How would the proposed plan affect housing prices and availability in the surrounding area? In particular, how would the project affect the affordability of housing (both rental and for sale) to the income groups that currently live in the area? What proportion of households will have to pay greater than 50% of their household income on housing? What proportion of the area's housing stock is deed restricted, public, inclusionary, or rent-controlled?
- Is the proposed plan likely to lead to residential direct or indirect displacement? How many residents are at risk? What percent of residents are extremely low income (below 30% AMI), very low income (below 50% AMI), and low income (below 80% AMI)? What is the proportion of renter to owner-occupied housing?
- Will total future housing stock match sizes of current and future households?
- What proportion of households is living in overcrowded conditions? Is the proposed plan likely to lead to overcrowding? How would overcrowded conditions put people at higher risk for disease and health issues?
- How is the proposed plan anticipated to impact post-housing cost income available for resources and services, including those essential to health (e.g. ability to afford healthy foods, transportation, utilities, health care, etc.)?

- How will the proposed plan change prevalence of stress and mental health issues due to displacement and increased housing cost burden?
- How will the proposed plan change social cohesion as a result of displacement? How will this impact residents' participation in community events and cultural resources (e.g. tai chi, community center activities, community groups, etc.)
- What disparate impact will the proposed plan have on different ethnic and age groups? Will the proposed plan change the distribution of health outcomes due to differences in impact on housing between ethnic and age groups?
- How would any population changes of the proposed plan affect the commercial uses that serve Chinatown? Would their consumer preferences prompt a shift in the types of retail stores that are located in the area?

Air Quality and Greenhouse Gas Emissions

The potential increase in traffic resulting from greater density and population growth will result in increased emissions from mobile sources. Increases in respiratory disease, heart disease, and diabetes are all well-documented outcomes from exposure to air pollution from cars and trucks.^{iv} It is clear from the scientific literature as well as other Oakland planning process documentation that residents living within 0' – 500' of freeways are at increased risk for health problems.^v The EIR should include quantification of the risk of health problems from exposure to freeway emissions in the long-term as well as construction-related dust and pollutants in the short-term.

- How will the proposed plan impact the city of Oakland in reaching its greenhouse gas reduction goals?
- How would changes in vehicle volumes as a result of the proposed plan affect air quality in the surrounding neighborhoods?
- What are the current levels of air pollution? What are the concentrations of air pollutants, including PM 2.5?
- What are current asthma rates? How would changes in air quality resulting from the proposed plan be expected to impact asthma risk? How would changes in asthma rates be expected to impact missed school and work days?
- How do demographics of populations living, working, or attending school near air pollution sources (i.e., I-880) compare to characteristics of people living, working, or going to school further away?
- Will projected changes in air pollution exposure adversely impact people with social, economic, or education-related vulnerabilities?
- What are mortality rates associated with air pollution in impacted areas compared to county and state?
- How would changes in air quality resulting from the plan be expected to impact mortality risk?
- Research illustrates that transit-oriented development targeted at wealthy, car-owning residents can displace public transit uses, defeating the goal of reducing greenhouse gas emissions. What will the impact be on public transit ridership and greenhouse gas reductions with car-owning residents displacing public transit riders?

Employment and Business

The Chinatown retail and office core provides vital jobs for neighboring residents. Income level is one of the strongest and most consistent indicators of a variety of health outcomes, and the impacts of the proposed plan on businesses and jobs will have health consequences.

- How will the proposed plan impact the number of businesses in the area? How will it impact business size, ownership, and hiring in the area? How many jobs would be lost due to businesses moving?
- How will it impact the business sectors represented in the area, including those with growth opportunity?
- How will the proposed plan affect the availability of jobs likely to have health insurance, a living wage, and a low risk for occupational safety?
- How will the proposed plan affect the training and English language fluency required for jobs in the area?
- How will the proposed plan affect the income, part-time/full-time status, and tenure of available jobs in the area?
- How will the proposed plan impact existing workers?
- How might changes in the quantity and type of jobs resulting from the proposed plan impact unemployment?

Transportation and Traffic

In addition to assessing the important environmental effects that a project might have on Level of Service (LOS) of roadways and the probable change in vehicle trips, it is as important to assess the impacts on pedestrian, bicycle, and motor vehicle injuries associated with the LOS and vehicle trip generation. Chinatown has a high rate of pedestrian injuries and deaths, so it is particularly important to see how the plan will affect traffic and safety.

- What are the origins and destination of existing traffic? How will this change with additional development?
- Given the mix of congestion and pedestrian safety concerns in Chinatown, how will the proposed plan impact traffic through the planning area and the heart of Chinatown?
- What is the level of accessibility and degree of traffic safety associated with streets and public transit for specific populations, especially elderly populations?
- How will changes in car volume impact the rate of injuries & fatalities from motor vehicle collisions with pedestrians and bicycles?
- An area's walkability and bikeability, and thus a project's ability to increase physical activity and "eyes on the street" in an area, can decrease Oakland residents' risk of heart disease, diabetes, and osteoporosis.^{vi} How would the proposed plan impact walkability and bikeability in the area?
- What's the impact of traffic going to and from Alameda through Chinatown?
- What are the mitigations to address traffic issues, such as two-way street conversions? How can traffic be re-routed?
- How will development impact commute times and distances, especially for the large number of low-wage workers in the area?
- Will the EIR have a complete traffic analysis of every intersection in the entire study area with maximum build out?

Parks and Recreation

The proposed plan will bring thousands of additional residents to and increase the density in the neighborhood. Chinatown is already a dense neighborhood with insufficient neighborhood parks, community centers, and schools.

- What is the impact of the population growth on existing parks, community centers, and schools?

- What is the projected growth of children and youth in the neighborhood?
- How will the open space and community center needs of the population growth be addressed?
- What is the impact of the plan on OSCAR? The OSCAR should be calculated with neighborhood parks, and not include overall regional open space which is not easily accessible for neighborhood residents.
- What is the loss of recreational space and community services to the Chinatown community due to the displacement of the open recreational space on the BART administration building block?
- How will the plan improve the baseline conditions of park space and community center space in the area, in addition to the mitigation of impacts?
- How will the population growth from development affect access to public services?

Cultural and Historic Resources

Chinatown is a unique neighborhood with character and history. This vibrancy promotes cultural and social cohesion and promotes positive health effects. With the proposed development in the neighborhood, there is a danger that important cultural and historic resources could be lost.

- How will the proposed plan affect existing cultural and historic resources?
- What current cultural and historic resources are already threatened?
- What impact will the loss of cultural and historic resources have on the Chinatown community?

Noise, Wind, and Shadows

- Exposure to constant and intermittent noise can cause sleep disturbance, decreased concentration in children and thus poorer educational outcomes, annoyance, stress, and heart disease.^{vii} The EIR should measure the health impacts associated with the potential increase in traffic from the plan.
- What kind of wind tunnels would be created with the proposed height map?
- What is the impact of wind on the pedestrian experience?
- What potential shadow impacts are there on Madison Park, Lincoln Recreation Center, and other open space in the neighborhood?
- How much should towers be set back from podium perimeters to maintain wind tunnel effects at a non-significant level?

Mitigations

Because there are numerous other land use and plan projects occurring in the vicinity of the neighborhood, we strongly recommend the DEIR assess the cumulative impact of the areas discussed above and identify mitigations for the negative impacts on our neighborhood. For example, the EIR should study the reconversion of 7th, 8th, Webster, Franklin, and other one-way streets to two-way streets as feasible methods of mitigating the impact of proposed development and land use on traffic congestion and pedestrian safety to the Chinatown community. The San Francisco Public Health Department also developed a research document that identified potential mitigation measures to address housing impact, such as impact fees and construction of replacement affordable housing.^{viii}

Project and Project Alternatives

We demand that the EIR should study a project that strongly links development with contributions for community benefits. The value of the EIR is to provide greater analysis and understanding of the impacts associated with different development variables. We propose that the EIR study a zoning plan that a) allows building heights by right to 45/55 feet with taller heights in exchange for community benefits and b) allows

building density to the pre-CBD re-zoning FAR levels of 3.0 and 7.0, with greater densities in exchange for community benefits. We also would support the EIR studying an additional project that studies development intensity at a level in between the above project and the current draft plan. It is important to have an analysis of impacts for a range of conditions.

We appreciate your consideration of our comments and urge you to adopt them in the scope of the DEIR. If you have any questions, please contact us – Ener Chiu (EBALDC) at (510) 287-5353 ext 338/echiu@ebaldc.org, Vivian Huang (APEN) at (510) 834-8920 ext 304/ vivian@apen4ej.org, Julia Liou (AHS) at (510) 986-6830 ext. 267/ jliou@ahschc.org. Thank you.

CC: Members, Oakland Planning Commission

ⁱ The Oakland Chinatown Coalition is comprised of Asian Health Services, Asian Pacific Environmental Network, East Bay Asian Local Development Corporation, Oakland Asian Cultural Center, Buddhist Church of Oakland, National Council on Crime and Delinquency, The Spot Chinatown Youth Center, Colland Jang Architecture, Clad Architects, Business Owners and Residents of Chinatown.

ⁱⁱ City and County of San Francisco, The Case for Housing Impacts Assessment: The Human Health and Social Impacts of Inadequate Housing and Their Consideration in CEQA Policy and Practice,” PHEs Technical Research Report, May 2004.

ⁱⁱⁱ Ibid.

^{iv} Gauderman WJ, Avol E, Gilliland F, Vora H, Thomas D, Berhane K, McConnell R, Kuenzli N, Lurmann F, Rappaport E, Margolis H, Bates D, Peters J. 2004. The effect of air pollution on lung development from 10 to 18 years of age. *N Engl J Med* 351(11):1057-67. Erratum in: *N Engl J Med* 352(12):1276. And Lin S, Munsie JP, Hwang SA, Fitzgerald E, Cayo MR. 2002. Childhood asthma hospitalization and residential exposure to state route traffic. *Environmental Research* 88(2):73-81.

^v City of Oakland. 2010. Lake Merritt BART Station Area Plan and Oakland Central Estuary. Existing Conditions and Key Issues Report, <http://www2.oaklandnet.com/Government/o/CEDA/o/Redevelopment/s/Projects/DOWD008198>. and <http://www2.oaklandnet.com/Government/o/CEDA/o/PlanningZoning/DOWD008415>.

^{vi} CDC. 1999. Physical Activity and Health At A Glance. Available at <http://www.cdc.gov/nccdphp/sgr/ataglan.htm>.

^{vii} Bluhm G, Nordling E, Berglind N. Road traffic noise and annoyance—an increasing environmental health problem. *Noise Health* 2004;6:43-49. Aasvang GM, Moum T, Engdahl B. 2008. Self-reported sleep disturbances due to railway noise: Exposure-response relationships for nighttime equivalent and maximum noise levels. *J. Acoust Soc Am* 124(1):257 – 268. London Health Commission, 2003 Noise and Health: <http://www.phel.gov.uk/hiadocs/noiseandhealth.pdf>. And Selander J, Milsson ME, Gluhm G, Rosenlund M, Lindqvist M, Nise G, Pershagen G. 2009. Long-term exposure to road traffic noise and myocardial infarction. *Epidemiology* 20(2).

^{viii} City and County of San Francisco, The Case for Housing Impacts Assessment: The Human Health and Social Impacts of Inadequate Housing and Their Consideration in CEQA Policy and Practice,” PHEs Technical Research Report, May 2004.

Planning Commission - EIR scoping session – March 21, 2012

Public Comment:

- Naomi Schiff (Oakland Heritage Alliance) – see LPAB letter, plus OHA letter forthcoming; study the effects of over-zoning (land banking), study alternatives that reduce development potential, historic resources should be held to Secretary of Interior Standards.
- Joel Ramos – consider the effect of proposed parking ratios on trip generation
- Ana Naruta – see LPAB comments memo
- Julia Liou – see Coalition letter
- Vivian – see Coalition letter
- Darren Yee – see Coalition letter
- Christine Winn – see Coalition letter
- Nathan Landau – EIR should study impacts of development and lane reductions on bus travel time (and delays)

Commissioner Comment (Pattillo and Zayas-Mart recused themselves; Truong, Colbruno and Whales were present):

- Colbruno – We should study the effect of community-based organizations taking over ground floor retail space. Any proposed zoning should come before the Zoning Update Committee (of the Planning Commission).
- Whales – Asked what detail of development standards will be studied in the EIR?
 - Response – We will study the level of detail that we have.
- Truong – Agrees that we need to study items mentioned in Coalition letter. Mentioned study done by SF Dept. of Public Health linking lack of affordable housing to increased VMT. Offered to sit down with Ed and consultants to review NOP comments to understand what will and will not be included as a study in the EIR.



March 26, 2012

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

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

Dear Mr. Manasse:

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

WATER SERVICE

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

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

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

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

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

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

WASTEWATER SERVICE

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

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

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

WATER RECYCLING

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

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

WATER CONSERVATION

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

Ed Manasse, Strategic Planning Manager

March 26, 2012

Page 4

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

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

Sincerely,



For William R. Kirkpatrick
Manager of Water Distribution Planning

WRK:AMW:sb

sb12_058.doc



March 27, 2011

Ed Manassee
Strategic Planning Manager
City of Oakland Community and Economic Development Agency
250 Frank Ogawa Plaza, Suite 3315
Oakland, CA 94612
emanassee@oaklandnet.com

SUBJECT: Comments on the Notice of Preparation of a Draft Environmental Impact Report (DEIR) on the Lake Merritt Station Area Plan in the City of Oakland

Dear Mr. Manassee:

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

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

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

- The City of Oakland adopted Resolution No. 69475 on November 19, 1992 establishing guidelines for reviewing the impacts of local land use decisions consistent with the Alameda County Congestion Management Program (CMP). It appears that the proposed project will generate at least 100 p.m. peak hour trips over existing conditions and therefore the CMP Land Use Analysis Program requires the City to conduct a traffic analysis of the project using the Countywide Transportation Demand Model for projection years 2020 and 2035

conditions. Please note the following paragraph as it discusses the responsibility for modeling.

- The CMP was amended on March 26th, 1998 so that local jurisdictions are responsible for conducting the model runs themselves or through a consultant. The Alameda CTC has a Countywide model that is available for this purpose. The City of Oakland and the Alameda CTC signed a Countywide Model Agreement on May 28, 2009. Before the model can be used for this project, a letter must be submitted to the Alameda CTC requesting use of the model and describing the project. A copy of a sample letter agreement is available upon request.
- The DEIR should address all potential impacts of the project on the MTS roadway and transit systems. These include MTS roadways as shown in the attached map as well as BART and AC Transit. The MTS roads in the city of Oakland in the project study area are: I-880, 14th Street, Harrison Street, 7th Street, 8th Street, Webster Street, Harrison Street, and Broadway. (See 2011 CMP Figure 2). Potential impacts of the project must be addressed for 2020 and 2035 conditions.
- Please note that the Alameda CTC has *not* adopted any policy for determining a threshold of significance for Level of Service for the Land Use Analysis Program of the CMP. Professional judgment should be applied to determine the significance of project impacts (Please see chapter 6 of 2011 CMP for more information).
- For the purposes of CMP Land Use Analysis, 2000 Highway Capacity Manual is used.
- Document assumptions and cite studies justifying modifications to the amount of anticipated traffic generated from the Lake Merritt Station Area Plan due to the Plan area being a Transit Oriented Development that will provide proximity and access to transportation options.
- Evaluate impacts of the Plan on the planned Broadway/Jackson area improvements, and identify mitigation measures as necessary.
- The adequacy of any project mitigation measures should be discussed. On February 25, 1993, the ACCMA Board (one of the predecessors to Alameda CTC) adopted three criteria for evaluating the adequacy of DEIR project mitigation measures:
 - Project mitigation measures must be adequate to sustain CMP service standards for roadways and transit;
 - Project mitigation measures must be fully funded to be considered adequate;
 - Project mitigation measures that rely on state or federal funds directed by or influenced by the Alameda CTC must be consistent with the project funding priorities established in the Capital Improvement Program (CIP) section of the CMP or the Regional Transportation Plan (RTP).

The DEIR should include a discussion on the adequacy of proposed mitigation measures relative to these criteria. In particular, the DEIR should detail when proposed roadway or

transit route improvements are expected to be completed, how they will be funded, and what would be the effect on LOS if only the funded portions of these projects were assumed to be built prior to project completion.

- Potential impacts of the project on CMP transit levels of service must be analyzed. (See 2011 CMP, Chapter 4). Transit service standards are 15-30 minute headways for bus service and 3.75-15 minute headways for BART during peak hours. The DEIR should address the issue of transit funding as a mitigation measure in the context of the Alameda CTC/ACCMA policies discussed above.
- The DEIR should also consider demand-related strategies that are designed to reduce the need for new roadway facilities over the long term and to make the most efficient use of existing facilities (see 2011 CMP, Chapter 5). The DEIR should consider the use of TDM measures, in conjunction with roadway and transit improvements, as a means of attaining acceptable levels of service. Whenever possible, mechanisms that encourage ridesharing, flextime, transit, bicycling, telecommuting and other means of reducing peak hour traffic trips should be considered. The Site Design Guidelines Checklist may be useful during the review of the development proposal. A copy of the checklist is enclosed.
- The EIR should consider opportunities to promote countywide bicycle and pedestrian routes identified in the Alameda Countywide Bicycle and Pedestrian Plans, which were approved in October 2006. The approved Countywide Bike Plan and Pedestrian Plan are available at http://www.actia2022.com/app_pages/view/58.
- For projects adjacent to state roadway facilities, the analysis should address noise impacts of the project. If the analysis finds an impact, then mitigation measures (i.e., soundwalls) should be incorporated as part of the conditions of approval of the proposed project. It should not be assumed that federal or state funding is available.
- Additionally, please consider that there is an existing, approved Deficiency Plan for SR 260/Posey Tube eastbound to I-880 northbound freeway connection Deficiency Plan: The 1998 and 2008 Level of Service (LOS) Monitoring studies identified SR 260/Posey Tube eastbound to I-880 northbound freeway connection as operating at LOS F during the p.m. peak period. A Deficiency Plan was prepared and adopted by the City as well as the participating jurisdictions of Berkeley and Alameda and approved by the Alameda CTC Board in 1999.

Thank you for the opportunity to comment on this Notice of Preparation. Please do not hesitate to contact me at 510.208.7405 if you require additional information.

Sincerely,



Beth Walukas
Deputy Director of Planning

Cc: Diane Stark, Senior Transportation Planner
File: CMP – Environmental Review Opinions – Responses - 2012



1600 Franklin Street, Oakland, CA 94612 - Ph. 510/891-4754 - Fax. 510/891-7157

March 29, 2012

Ed Manasse
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EManasse@Oaklandnet.com

Subject: Notice of Preparation (NOP) of a Draft Environmental Impact Report (EIR) on the Lake Merritt Station Area Plan

Dear Mr. Manasse:

Introduction

Thank you for the opportunity to comment on the Notice of Preparation on the Draft Environmental Impact Report for the Lake Merritt Station Area Plan. As you know, the Lake Merritt Station Area Plan lies at the very heart of the AC Transit district, and encompasses some of the most transit-oriented areas in the entire East Bay. As such, the evolution of the plan area's transportation system and land uses are critical to the future of AC Transit.

Project Description:

The Lake Merritt Station Area Plan will be a 25-year area plan (planning horizon 2035) for a 315 acre area (approximately .5 square mile) in and around Downtown Oakland and Oakland Chinatown. The plan area is bordered approximately by 14th Street in the north, Interstate 880 in the south, Broadway and Franklin Street in the west, and 4th and 5th Avenues in the east. The Plan was initially conceived as a tripartite effort between the City, BART, and Laney College.

The document states that, "The Plan will build on extensive community feedback to articulate a roadmap for future transit-oriented development, continued revitalization and economic growth, and community enhancements in the Station Area." In addition, "The Plan will include land use changes that seek to reduce the barriers to increased transit use from both the immediate area and surrounding neighborhoods ..." and "...will look at ways in which streets, open spaces and other infrastructure in the area can be improved, and will establish regulations for development projects that further the area's vitality and safety." The Plan envisions an upgraded surface "transit hub" at Lake Merritt BART station.

In the service of these goals, the Plan will identify intended land uses and transportation improvements/changes. The Plan will consider a wide range of topics including "Streetscape Design, Character and Improvements" and "Circulation, Access, and Parking (including BART Access Improvements)." The Plan will meet the legal requirements for a Specific Plan under

California law, but not use “Specific Plan” as its title. The City intends to complete the Plan, zoning amendments and EIR by the end of 2012, to meet a deadline set by the Metropolitan Transportation Commission (MTC), who is funding for the Plan.

Plan staff have indicated that they intend to propose significant revisions to the Draft Preferred Plan, even as the EIR is being prepared. Given this iterative process, we are somewhat uncertain about what specifically will be proposed in the final Plan for review in the EIR. Lacking another authoritative source, we will generally use the Draft Preferred Plan as the basis for our comments on the NOP.

AC Transit’s Interest and Activity in the Lake Merritt Plan Area

AC Transit is profoundly interested in the Lake Merritt Plan area. Within the area, there are numerous destinations, origins, and transfer points for our passengers (both bus-bus and bus-BART). AC Transit operates heavily used lines between North Oakland and East Oakland via the Plan area.

AC Transit currently operates 15 bus lines in the Plan area (not including lines that operate on Broadway only, but do not go further east). The routes operate a total of 1,401 trips to and through the area every weekday. Together with the 407 weekday BART trains serving Lake Merritt station, the buses provide a major transit resource for the station area. The bus lines that serve the Plan area are listed below:

Rapid Route

- 1R Bayfair BART-International Blvd.-Downtown Oakland-Berkeley

Trunk routes

- 1 Bayfair BART-San Leandro BART-International Blvd.-Downtown Oakland-Berkeley
- 40 Bayfair BART-Eastmont Transit Center-Foothill Blvd.-Downtown Oakland
- 51A Fruitvale BART-Alameda-Downtown Oakland-Pill Hill-Rockridge BART

Major corridor routes

- 18 Montclair-Downtown Oakland-MacArthur BART-Berkeley-Albany
- 88 Lake Merritt BART-West Oakland-Market St.-Sacramento St.-Berkeley

Local routes

- 11 Dimond District-Downtown Oakland-Oakland Ave.-Piedmont
- 14 Fruitvale BART-High St.-Eastlake-Downtown Oakland
- 20 Alameda South Shore-Webster St.-Downtown Oakland
- 31 Alameda Point-Downtown Oakland-Peralta St.-Macarthur BART
- 62 Frutivale BART-23rd Ave.-7th St.-Downtown Oakland-West Oakland BART

Allnighter routes (service between midnight and 5 am, when BART is not running)

- 801 Fremont BART-Hayward BART-Bayfair BART- -Downtown Oakland
- 840 Eastmont Transit Center-Foothill Boulevard-Downtown Oakland
- 851 Fruitvale BART-Alameda-Downtown Oakland-Rockridge BART-Berkeley

The most important corridors for AC Transit operations in the Plan area are the following street couplets:

- 11th and 12th Streets, served by lines 1, 1R, 14, 18, 40, 88, 801, and 840

- 7th and 8th Streets, especially west of Harrison St.--lines 11, 20, 31, 51A, 62, and 851
- Harrison & Webster Streets south of 8th St., served by lines 20, 31, 51A, and 851.

AC Transit is seeking to implement the East Bay Bus Rapid Transit (BRT) in the Plan area by 2016, which would at least partially replace lines 1 and 1R in the Plan area.

Potential Impacts of the Plan on AC Transit

Taken as a whole, if the Plan is approved and substantially realized, the impact on AC Transit will be positive. More people will live, work, and do business in Chinatown and the Plan area as a whole. The larger base population would make it more feasible to provide high levels of transit service to the area. The larger residential and employee population would also support more businesses and services, facilitating non-automotive trips in the area.

The Plan envisions numerous improvements to the walking environment of the Plan area. AC Transit is benefitted by improvements in walkability, so long as they do not compromise bus operations. The overwhelming majority of AC Transit passengers—particularly in Chinatown and adjacent areas—walk to the bus.

Traffic Impacts--Delay: If the Plan is implemented, the most significant potential negative impact on AC Transit is added delay of buses. The average speed of AC Transit buses has fallen over the last decade, due primarily to the impact of traffic congestion. Additional delays can both slow the travel time of buses and disrupt their reliability. Slowed travel time increases the operating cost of buses, and in a worst case scenario can force AC Transit to reduce service levels. Both slowed travel time and disrupted reliability make bus service less attractive to riders, which in turn makes service less feasible to run, instituting a downward spiral, which contradicts the goals of this Plan.

Overcrowding vs. Delay as Impacts: EIR analyses of transit impacts have typically focused on the potential for overcrowding. This can be a problem, particularly with rapid and trunk routes at peak periods in a core area. However, problems with delay are far more common for AC Transit.

Urban Trunk Program: In recognition of the delay problem, MTC has developed the Urban Trunk Pilot Program, designed to test strategies to improve trunk bus speed and reliability. In consultation with the City of Oakland, AC Transit has applied for funding for improvements on the 51A-51B corridor, including those in the Plan area. These grants will be awarded while the EIR is being prepared, so the EIR can take them into account.

Bus Specific Analysis of Traffic Delay: The EIR should include analysis of—and potential mitigations for—additional delay on all transit routes. Traffic congestion is already a problem on a number of Plan area streets including segments of 7th and 8th Streets, Webster Street, and Harrison Street.

The EIR's traffic analysis should recognize that traffic congestion affects buses differently from other vehicles, and that the impacts on buses are generally more severe. Buses—unlike other motor vehicles--generally have to pull to the curb to stop, then pull back out into traffic. Thus

overall changes in roadway Level of Service (LOS) often do not adequately describe impacts on bus traffic and specific analyses are needed. Nor are gross calculations of roadway vehicle capacity adequate. AC Transit is happy to work with the City to develop appropriate methodology for this analysis.

Transit as a Mitigation for Traffic Impacts: AC Transit urges the City of Oakland to make full use of transit as a mitigation for projected traffic impacts. Diverting trips from automobiles to transit would reduce congestion, improve air quality, and increase pedestrian safety. Transit mitigations could come in the form of transit facilities, transit-supportive changes to roadways, operating funds for transit, and transit subsidies for passengers.

Parking Management: Parking management is critical to a traffic mitigation strategy. Appropriate parking management can encourage travelers to use non-automotive modes, can generate funds for environmentally superior travel modes through parking pricing, and reduce the amount of on-street and off-street space devoted to parking. The parking management measures discussed on pp. 7-29—7-31 of the Draft Preferred Plan should be implemented. Setting parking maximums for new development is particularly useful in sending a signal about the desired character of new buildings, and by extension their occupants.

Cumulative Impacts on Bus Lines: In addition to localized impacts in the Plan area, bus operations can suffer the cumulative impacts of delay generated along an entire bus route. Analysis of impacts should consider not only those within the Plan area, but also impacts of projects along transit routes outside the Plan area. To the extent that the City is planning projects outside the Plan area that could delay transit routes serving the Plan area, these should be analyzed. AC Transit is aware of two such projects: The proposed road diet on Broadway between 38th Street and College Avenue served by line 51A; and, roadway reconfiguration on Peralta Street, served by line 31. However, there may be additional projects that could create cumulate impacts and should be analyzed.

Road Diets: The Draft Preferred Plan includes a number of so-called “road diets,” reductions in the number of motor vehicle travel lanes on a street. AC Transit is particularly concerned about proposals for road diets on the primary transit corridors listed above. There are road diets proposed for both Webster Street at the approach to the Posey Tube and 8th Street, which is the main westbound street through already congested Chinatown.

AC Transit has suffered negative impacts from road diets implemented elsewhere in Oakland and elsewhere in our district. Bus service has suffered both loss of speed and loss of operational reliability. Given that the City will be revising the Lake Merritt Plan during the EIR process, we urge the City to formulate methods to improve the walking environment that do not impact bus operations.

If road diets remain in the Plan, the EIR must analyze their impact on bus operations specifically. These impacts must then be mitigated. This approach is consistent with the policy direction of the Oakland General Plan, Policy T 3.7, that reads in part “The City, in constructing and maintaining its transportation infrastructure, should resolve any conflicts between public transit

and single occupant vehicles in favor of the transportation mode that has the potential to provide the greatest mobility and access for people, rather than vehicles ...”

Each roadway would need a specific mitigation package, but potential tools include transit signal priority, queue jump lanes, bus bulbs, stop relocations, and other measures. Any such mitigation package should be prepared in close consultation with AC Transit.

Converting One-Way Streets to Two-Way Operation: There has been considerable discussion in the plan process of converting one-way streets in the Plan area to two-way operation. To date, the City has indicated that it intends to consider this issue after the completion of the Plan and EIR. AC Transit believes that this issue requires careful study. Conversions to two-way can benefit transit by providing greater legibility of service but can also result in increased congestion.

Oak Street has been suggested as a candidate for two-way conversion, which may have particular benefit to us. Such a conversion would allow bus stops on both sides of the street at Lake Merritt BART, helping to create a more visible transit center there. It would allow less circuitous bus circulation in the area of the station. It would also facilitate possible future service to the Oak to 9th project and the Jack London Square area. Study would be needed to confirm traffic impacts, but traffic volumes on Oak Street seem relatively low.

Transit as Part of a Community Benefits Package

Pending final Council action, it appears likely that the Plan will be revised to include a “short term” program for community benefits from large scale new construction. Multiple types of community benefits could be provided. Affordable housing has been identified frequently as such a benefit. The Plan does not currently include a community benefits program--it will need to be developed. The EIR will need to consider the potential impacts of that program—positive and negative—on the Plan. City staff has indicated that they intend to develop a revised long-term community benefits program that may include items requiring nexus studies. BART has issued a Request for Qualifications (RFQ) for development at its former headquarters site on Madison Street. This project is the one most likely to be affected by the short-term community benefits program.

Recognizing that there are multiple community needs and interests, AC Transit feels strongly that transit should be part of the community benefits package. Creating a transit-oriented community is a central goal of the Plan. To achieve this goal, transit will need to be improved. The Lake Merritt station area is served by a robust network of bus lines, but they are not necessarily optimal in terms of frequency, reliability, or travel time. These deficiencies should be addressed by both additional transit service and by transit-friendly streetscape improvements, such as bus bulbs. There is also a need for improved transit facilities such as bus shelters and informational signage. Subsidized pass programs do not directly fund transit, but can introduce new passengers to transit, and can help to increase transit ridership. All of these types of actions should be eligible for support from a community benefits program.

It is important to recognize that community benefits levied from new development will not be adequate to make all needed and desired transit improvements. Therefore, we urge the City, in

conjunction with AC Transit and BART, to begin planning now for long term, sustainable sources of transit funding.

Thank you for your interest in our comments. We look forward to continuing to work with the City, BART, and other entities for the improvement of this vital area.

Sincerely,

A handwritten signature in blue ink, consisting of several overlapping, fluid strokes that form a cursive-style name.

Tina Spencer
Director of Service Development and Planning

April 2, 2012

Ed Manasse
City of Oakland, Community and Economic Development Agency
250 Frank H. Ogawa Plaza, Suite 3315
Oakland, CA 94612
Sent via email to emanasse@oaklandnet.com

**RE: Draft Environmental Impact Report on the Lake Merritt Station Area Plan
Written Comments for Case Number ZS11225, ER110017**

Dear Mr. Manasse:

On behalf of the Oakland Chinatown Coalitionⁱ, we are submitting written comments in response to the Notice of Preparation of a Draft Environmental Impact Report (DEIR) for the Lake Merritt Station Area Plan.

As the community most directly affected by the proposed plan, we want to see equity as the path to economic growth in our neighborhoods. Chinatown is a vibrant district that must be supported with equitable development. We are seeking an EIR of a plan that will require new development to make contributions to our community, study different alternatives, adequately assess and analyze the range of potential development impacts on our neighborhood, and offer a range of mitigations to address those impacts. The plan also affects the blocks of our neighborhood that were taken from the community by eminent domain in the 1960's by BART and MTC. The taking resulted in the loss of much need housing, a church and school, and an orphanage.

Oakland's Chinatown represents an important and vital community in Oakland, both as an economic engine and a cultural asset. In this EIR scoping process, we strongly urge you to:

- ❖ **Base the project description for the programmatic EIR on a re-drafted plan that incorporates mechanisms for community benefits.** The Planning Commission, at a meeting on February 25, 2012 with the community, directed the staff to re-draft the preferred zoning plan so that height and intensity standards are tied to community benefits. There was also a Community & Economic Development Committee motion that would direct a community benefits program linked to development intensity standards to be developed. We would like the EIR to study the proposal that links development intensity to community benefits contributions.
- ❖ **Ensure the scope of the EIR studies any negative impacts on community members as well as cumulative impacts.** CEQA says that "environmental effects which will cause substantial adverse effects on human beings, either directly or indirectly" must be considered.ⁱⁱ Therefore, the EIR must consider the human health and social impacts, and there is precedent in case law and with local jurisdictions to do so.ⁱⁱⁱ This letter outlines the need for analyzing impacts on the neighborhood in the areas of population and housing, air quality, transportation and traffic, employment and business, noise, cultural and historic resources, parks and recreation, and greenhouse gases and global climate change.
- ❖ **Study a wide range of mitigations to address the impacts on the neighborhood.** These mitigations could include two-way street conversions, additional park space, affordable housing, impact fees, etc.

- ❖ **There should be a clearly defined future entitlement process for all large projects such as the BART project, and that they be subject to a supplemental EIR review of major impacts under the City’s entitlement process.** The Community & Economic Development Committee motion outlined that large projects will be subject to city review. The three blocks owned by BART are given preferential treatment in the current plan, allowing the private development planned by BART to build with heights and density not allowed for other landowners. The lack of specificity in the BART project makes it difficult to analyze for impacts and mitigations fully. Given the BART project will probably be the largest development in the study area, it should be subject to further city review as part of future entitlement processes.

The development potential that is laid out in the Lake Merritt Station Area Plan will result in profound impacts on the neighborhood’s residents and businesses over the next 25 years. It is imperative that the DEIR include an analysis of these impacts, including those affecting the health of the neighboring community, and outlines mitigations to address the negative impacts. The EIR should study a wide range of impacts and several alternatives.

Population and Housing

Historically, Oakland Chinatown has borne the negative impact of “urban renewal” efforts, with previous instances resulting in displacement of residents and a loss of area and businesses. Displacement, higher housing costs, and their impact on the ability to afford other necessities has profound health effects on tightly knit communities, including the elimination of social cohesion, higher stress levels, and increased rates of illness.

Given the importance of protecting the vibrancy of Chinatown and growing Oakland in an economically diverse way, the DEIR should study the impact that the plan will have on the housing environment for residents in the neighboring area. Both direct and indirect mechanisms that result in displacement should be studied. Some questions include the following:

- How would the proposed plan affect housing prices and availability in the surrounding area? In particular, how would the project affect the affordability of housing (both rental and for sale) to the income groups that currently live in the area? What proportion of households will have to pay greater than 50% of their household income on housing? What proportion of the area’s housing stock is deed restricted, public, inclusionary, or rent-controlled?
- Is the proposed plan likely to lead to residential direct or indirect displacement? How many residents are at risk? What percent of residents are extremely low income (below 30% AMI), very low income (below 50% AMI), and low income (below 80% AMI)? What is the proportion of renter to owner-occupied housing?
- Will total future housing stock match sizes of current and future households?
- What proportion of households is living in overcrowded conditions? Is the proposed plan likely to lead to overcrowding? How would overcrowded conditions put people at higher risk for disease and health issues?
- How is the proposed plan anticipated to impact post-housing cost income available for resources and services, including those essential to health (e.g. ability to afford healthy foods, transportation, utilities, health care, etc.)?
- How will the proposed plan change prevalence of stress and mental health issues due to displacement and increased housing cost burden?

- How will the proposed plan change social cohesion as a result of displacement? How will this impact residents' participation in community events and cultural resources (e.g. tai chi, community center activities, community groups, etc.)
- What disparate impact will the proposed plan have on different ethnic and age groups? Will the proposed plan change the distribution of health outcomes due to differences in impact on housing between ethnic and age groups?
- How would any population changes of the proposed plan affect the commercial uses that serve Chinatown? Would their consumer preferences prompt a shift in the types of retail stores that are located in the area?

Air Quality and Greenhouse Gas Emissions

The potential increase in traffic resulting from greater density and population growth will result in increased emissions from mobile sources. Increases in respiratory disease, heart disease, and diabetes are all well-documented outcomes from exposure to air pollution from cars and trucks.^{iv} It is clear from the scientific literature as well as other Oakland planning process documentation that residents living within 0' – 500' of freeways are at increased risk for health problems.^v The EIR should include quantification of the risk of health problems from exposure to freeway emissions in the long-term as well as construction-related dust and pollutants in the short-term.

- How will the proposed plan impact the city of Oakland in reaching its greenhouse gas reduction goals?
- How would changes in vehicle volumes as a result of the proposed plan affect air quality in the surrounding neighborhoods?
- What are the current levels of air pollution? What are the concentrations of air pollutants, including PM 2.5?
- What are current asthma rates? How would changes in air quality resulting from the proposed plan be expected to impact asthma risk? How would changes in asthma rates be expected to impact missed school and work days?
- How do demographics of populations living, working, or attending school near air pollution sources (i.e., I-880) compare to characteristics of people living, working, or going to school further away?
- Will projected changes in air pollution exposure adversely impact people with social, economic, or education-related vulnerabilities?
- What are mortality rates associated with air pollution in impacted areas compared to county and state?
- How would changes in air quality resulting from the plan be expected to impact mortality risk?
- Research illustrates that transit-oriented development targeted at wealthy, car-owning residents can displace public transit uses, defeating the goal of reducing greenhouse gas emissions. What will the impact be on public transit ridership and greenhouse gas reductions with car-owning residents displacing public transit riders?

Employment and Business

The Chinatown retail and office core provides vital jobs for neighboring residents. Income level is one of the strongest and most consistent indicators of a variety of health outcomes, and the impacts of the proposed plan on businesses and jobs will have health consequences.

- How will the proposed plan impact the number of businesses in the area? How will it impact business size, ownership, and hiring in the area? How many jobs would be lost due to businesses moving?

- How will it impact the business sectors represented in the area, including those with growth opportunity?
- How will the proposed plan affect the availability of jobs likely to have health insurance, a living wage, and a low risk for occupational safety?
- How will the proposed plan affect the training and English language fluency required for jobs in the area?
- How will the proposed plan affect the income, part-time/full-time status, and tenure of available jobs in the area?
- How will the proposed plan impact existing workers?
- How might changes in the quantity and type of jobs resulting from the proposed plan impact unemployment?

Transportation and Traffic

In addition to assessing the important environmental effects that a project might have on Level of Service (LOS) of roadways and the probable change in vehicle trips, it is as important to assess the impacts on pedestrian, bicycle, and motor vehicle injuries associated with the LOS and vehicle trip generation. Chinatown has a high rate of pedestrian injuries and deaths, so it is particularly important to see how the plan will affect traffic and safety.

- What are the origins and destination of existing traffic? How will this change with additional development?
- Given the mix of congestion and pedestrian safety concerns in Chinatown, how will the proposed plan impact traffic through the planning area and the heart of Chinatown?
- What is the level of accessibility and degree of traffic safety associated with streets and public transit for specific populations, especially elderly populations?
- How will changes in car volume impact the rate of injuries & fatalities from motor vehicle collisions with pedestrians and bicycles?
- An area's walkability and bikeability, and thus a project's ability to increase physical activity and "eyes on the street" in an area, can decrease Oakland residents' risk of heart disease, diabetes, and osteoporosis.^{vi} How would the proposed plan impact walkability and bikeability in the area?
- What's the impact of traffic going to and from Alameda through Chinatown?
- What are the mitigations to address traffic issues, such as two-way street conversions? How can traffic be re-routed?
- How will development impact commute times and distances, especially for the large number of low-wage workers in the area?
- Will the EIR have a complete traffic analysis of every intersection in the entire study area with maximum build out?

Parks and Recreation

The proposed plan will bring thousands of additional residents to and increase the density in the neighborhood. Chinatown is already a dense neighborhood with insufficient neighborhood parks, community centers, and schools.

- What is the impact of the population growth on existing parks, community centers, and schools?
- What is the projected growth of children and youth in the neighborhood?
- How will the open space and community center needs of the population growth be addressed?

- What is the impact of the plan on OSCAR? The OSCAR should be calculated with neighborhood parks, and not include overall regional open space which is not easily accessible for neighborhood residents.
- What is the loss of recreational space and community services to the Chinatown community due to the displacement of the open recreational space on the BART administration building block?
- How will the plan improve the baseline conditions of park space and community center space in the area, in addition to the mitigation of impacts?
- How will the population growth from development affect access to public services?

Cultural and Historic Resources

Chinatown is a unique neighborhood with character and history. This vibrancy promotes cultural and social cohesion and promotes positive health effects. With the proposed development in the neighborhood, there is a danger that important cultural and historic resources could be lost.

- How will the proposed plan affect existing cultural and historic resources?
- What current cultural and historic resources are already threatened?
- What impact will the loss of cultural and historic resources have on the Chinatown community?

Noise, Wind, and Shadows

- Exposure to constant and intermittent noise can cause sleep disturbance, decreased concentration in children and thus poorer educational outcomes, annoyance, stress, and heart disease.^{vii} The EIR should measure the health impacts associated with the potential increase in traffic from the plan.
- What kind of wind tunnels would be created with the proposed height map?
- What is the impact of wind on the pedestrian experience?
- What potential shadow impacts are there on Madison Park, Lincoln Recreation Center, and other open space in the neighborhood?
- How much should towers be set back from podium perimeters to maintain wind tunnel effects at a non-significant level?

Mitigations

Because there are numerous other land use and plan projects occurring in the vicinity of the neighborhood, we strongly recommend the DEIR assess the cumulative impact of the areas discussed above and identify mitigations for the negative impacts on our neighborhood. For example, the EIR should study the reconversion of 7th, 8th, Webster, Franklin, and other one-way streets to two-way streets as feasible methods of mitigating the impact of proposed development and land use on traffic congestion and pedestrian safety to the Chinatown community. The San Francisco Public Health Department also developed a research document that identified potential mitigation measures to address housing impact, such as impact fees and construction of replacement affordable housing.^{viii}

Project Alternatives

The value of the EIR is to provide greater analysis and understanding of the impacts associated with different development variables. The EIR should study project alternatives that have lower densities and heights so that we can use the information to make the best decisions for the planning process. The Community & Economic Development Committee proposed the plan to be redrafted with a community benefits mechanism. It is unclear whether this will be in the plan to be studied by the EIR, but we believe it should be. In addition, it is critical that we study project alternatives that are at different levels of development intensity so that we can have an analysis of impacts for a range of conditions. We propose

that the EIR study a zoning plan that a) allows building heights by right to 45/55 feet with taller heights in exchange for community benefits and b) allows building density to the pre-CBD re-zoning FAR levels which ranged from 3.0 to 7.0, with greater densities in exchange for community benefits. This does not mean these are the levels to be adopted by the community benefits mechanism, but will provide us with important analysis and data to better understand the impacts of different levels of development intensity.

We appreciate your consideration of our comments and urge you to adopt them in the scope of the DEIR. If you have any questions, please contact Vivian Huang (APEN) at (510) 834-8920 ext 304/ vivian@apen4ej.org or Julia Liou (AHS) at (510) 986-6830 ext. 267/ jliou@ahschc.org. Thank you.

CC: Members, Oakland Planning Commission

ⁱ The Oakland Chinatown Coalition is comprised of Asian Health Services, Asian Pacific Environmental Network, East Bay Asian Local Development Corporation, Oakland Asian Cultural Center, Buddhist Church of Oakland, National Council on Crime and Delinquency, The Spot Chinatown Youth Center, Colland Jang Architecture, Clad Architects, Business Owners and Residents of Chinatown.

ⁱⁱ City and County of San Francisco, The Case for Housing Impacts Assessment: The Human Health and Social Impacts of Inadequate Housing and Their Consideration in CEQA Policy and Practice,” PHEs Technical Research Report, May 2004.

ⁱⁱⁱ Ibid.

^{iv} Gauderman WJ, Avol E, Gilliland F, Vora H, Thomas D, Berhane K, McConnell R, Kuenzli N, Lurmann F, Rappaport E, Margolis H, Bates D, Peters J. 2004. The effect of air pollution on lung development from 10 to 18 years of age. *N Engl J Med* 351(11):1057-67. Erratum in: *N Engl J Med* 352(12):1276. And Lin S, Munsie JP, Hwang SA, Fitzgerald E, Cayo MR. 2002. Childhood asthma hospitalization and residential exposure to state route traffic. *Environmental Research* 88(2):73-81.

^v City of Oakland. 2010. Lake Merritt BART Station Area Plan and Oakland Central Estuary. Existing Conditions and Key Issues Report, <http://www2.oaklandnet.com/Government/o/CEDA/o/Redevelopment/s/Projects/DOWD008198>. and <http://www2.oaklandnet.com/Government/o/CEDA/o/PlanningZoning/DOWD008415>.

^{vi} CDC. 1999. Physical Activity and Health At A Glance. Available at <http://www.cdc.gov/nccdphp/sgr/ataglan.htm>.

^{vii} Bluhm G, Nordling E, Berglind N. Road traffic noise and annoyance—an increasing environmental health problem. *Noise Health* 2004;6:43-49. Aasvang GM, Moum T, Engdahl B. 2008. Self-reported sleep disturbances due to railway noise: Exposure-response relationships for nighttime equivalent and maximum noise levels. *J. Acoust Soc Am* 124(1):257 – 268. London Health Commission, 2003 Noise and Health: <http://www.phel.gov.uk/hiadocs/noiseandhealth.pdf>. And Selander J, Milsson ME, Gluhm G, Rosenlund M, Lindqvist M, Nise G, Pershagen G. 2009. Long-term exposure to road traffic noise and myocardial infarction. *Epidemiology* 20(2).

^{viii} City and County of San Francisco, The Case for Housing Impacts Assessment: The Human Health and Social Impacts of Inadequate Housing and Their Consideration in CEQA Policy and Practice,” PHEs Technical Research Report, May 2004.



April 2, 2012

Edward Manasse
Strategic Planning Manager
Planning & Zoning Division
250 Frank H. Ogawa Plaza, Suite 2114
Oakland, CA 94612

SUBJECT: ZS11225, ER110017 – DRAFT ENVIRONMENTAL IMPACT REPORT ON THE
LAKE MERRITT STATION AREA PLAN

Dear Mr. Manasse:

The Alameda County General Services Agency appreciates the opportunity to comment on the scope and content of the Draft Environmental Impact Report (DEIR) for the Lake Merritt Station Area Plan (“Plan”). Although no specific development projects are proposed by the Plan at this time, we anticipate that the final Plan will improve the quality of life for residents and employees who work in the area. Our comments are as follows.

We understand that the California Environmental Quality Act (CEQA) will require that the DEIR study the Land Use issues addressed by the Plan along with associated zoning and Building Design Standards and Guidelines, even though these have yet to be fully defined. The County owns seven properties within the Study Area that comprise nearly five city blocks, including the Opportunity Sites #11 and #13 identified in the Station Area Plan. These buildings provide essential services to citizens of the City of Oakland as well as the entirety of Alameda County. We would ask that the DEIR look at the County properties as a whole with a zoning designation that reflects both the unique County multi-building campus environment and its special status as a separate and independent governmental entity. Specifically, the County is not obligated to follow the Plan pursuant to California Government Code Sections 53090 and 53091.

Please also consider Alameda County’s Real Estate Master Plan (“Master Plan”) which has previously been provided and can be accessed at <http://www.acgov.org/pdf/acremp.pdf>. While it is likely that some of the precise development plans for the County will differ from what is presented in the Master Plan, it is the best current resource for identifying what should be included in the alternatives considered in the DEIR. Among other things, the Master Plan identifies a need over the next twenty five year period for the construction of 560,000 gross square feet of office and retail space along with 1,400 parking spaces. This part of the Master Plan assumes the replacement of the Alco Park Structure which is Opportunity Site #11.

If you have any questions concerning this response, please contact Kathleen Kennedy at (510) 208-9529.

Sincerely,



Aki K. Nakao
Director, General Services Agency

cc: Caroline Judy, Assistant Director, General Services Agency
Kathleen Kennedy, Real Estate Projects Manager



April 2, 2012

(By electronic transmission)

Ed Manasse
City of Oakland Planning and Zoning Division
250 Frank H. Ogawa Plaza, Suite 3330
Oakland, CA. 94612

Subject: Lake Merritt BART Station Plan EIR- - Response to Notice of Preparation

Dear Mr. Manasse:

In response to the Notice of Preparation for the Draft Environmental Impact Report (DEIR), Oakland Heritage Alliance (OHA) recommends that the following Project Alternatives and Mitigation Measure be included in the DEIR:

1. Project Alternatives:

- A. Alternative A: Restore the zoning height limits, Floor Area Ratios (FARs) and residential density limits that were in effect prior to the 2009 CBD rezoning.** These included by-right FARs ranging from 3.0 to 7.0 for most of the Plan area. The more intense by-right zoning (including FARs ranging from 14.0 to 20.0) resulting from the 2009 rezoning, were described as “temporary” for the Plan area during the 2009 rezoning process and were to be subject to revision as part of the lake Merritt BART Station Plan.

No EIR was prepared for the 2009 Rezoning. It is therefore appropriate that development intensity changes and resulting transportation, air quality, noise and other impacts related to the 2009 rezoning be evaluated for the Plan area by comparing the level of development (and anticipated environmental impacts) resulting from the 2009 Rezoning (reflected in the “No Project” alternative) with the level of development resulting if the pre-2009 zoning had been left in place.

Since greater FARs and development intensities as set forth by the General Plan for the CBD were allowed pre-2009 with a Conditional Use Permit (CUP), Alternative A should include two analyses - - one based on the by-right pre-2009 zoning standards and the other based on the CUP standards.

- B. Alternative B: Amend the Plan’s height map and other Plan provisions to reflect the zoning standard recommendations in OHA’s 12-7-11 letter to Planning and Zoning staff.** See the attached revised height map attached to the 12-7-11 letter and the related height, setback and other zoning standards recommendations set forth Items 1, 2, 3 and 6 of the letter.
- C. Alternative C: amend the Plan’s height map and other Plan provisions to establish a by-right height limit of 45’ (55’ with a 10’ setback from the property line for the extra 10’ in height), with greater height allowed with community benefits based on a Conditional Use Permit (CUP) as proposed by the Chinatown Coalition.** As with alternative A, this alternative should include at least two analyses - -one based on the by-right development standards and the second based on the CUP-allowed standards.

2. Mitigation Measure: Wind acceleration effects caused by tall buildings. The Plan proposes two-tiered height limits - -the first for podiums and the second for towers on top of the podiums.

Include as a mitigation measure that towers be set back sufficiently from all sides of podiums to reduce wind accelerations caused by the towers to a nonsignificant level at the ground. The analysis should identify how far towers will need to be set back from podium perimeters to achieve nonsignificance. The amount of setback will need to increase as tower heights increase.

Please inform us of which alternatives you intend to include in the DEIR before you commence work on the DEIR. We would be happy to meet with the staff to discuss the alternatives selection.

Thank you for the opportunity to comment. Please contact Christopher Buckley at cbuckleyaicp@att.net or Naomi Schiff at naomi@17th.com if you would like to discuss these comments.

Sincerely,

A handwritten signature in black ink that reads "Dea Bacchetti". The signature is written in a cursive, flowing style.

Dea Bacchetti,
President

Naomi Schiff and Christopher Buckley
Oakland Heritage Alliance Preservation Committee

Attachment: Marked-up Plan height map (Figure 4.5) attached to OHA's 12-7-11 letter (map revised 2-24-12)

By electronic transmission:

cc: Oakland Heritage Alliance Board and Preservation Committee
Alicia Parker, Christina Ferracane
Leslie Gould, Dyett and Bhatia



April 2, 2012

Edward Manasse
Strategic Planning Manager
Planning & Zoning Division
250 Frank H. Ogawa Plaza, Suite 2114
Oakland, CA 94612

SUBJECT: ZS11225, ER110017 – DRAFT ENVIRONMENTAL IMPACT REPORT ON THE
LAKE MERRITT STATION AREA PLAN

Dear Mr. Manasse:

The Alameda County General Services Agency appreciates the opportunity to comment on the scope and content of the Draft Environmental Impact Report (DEIR) for the Lake Merritt Station Area Plan (“Plan”). Although no specific development projects are proposed by the Plan at this time, we anticipate that the final Plan will improve the quality of life for residents and employees who work in the area. Our comments are as follows.

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Please also consider Alameda County’s Real Estate Master Plan (“Master Plan”) which has previously been provided and can be accessed at <http://www.acgov.org/pdf/acrempp.pdf>. While it is likely that some of the precise development plans for the County will differ from what is presented in the Master Plan, it is the best current resource for identifying what should be included in the alternatives considered in the DEIR. Among other things, the Master Plan identifies a need over the next twenty five year period for the construction of 560,000 gross square feet of office and retail space along with 1,400 parking spaces. This part of the Master Plan assumes the replacement of the Alco Park Structure which is Opportunity Site #11.

If you have any questions concerning this response, please contact Kathleen Kennedy at (510) 208-9529.

Sincerely,



Aki K. Nakao
Director, General Services Agency

cc: Caroline Judy, Assistant Director, General Services Agency
Kathleen Kennedy, Real Estate Projects Manager



City of Alameda • California

April 4, 2012

Ed Manassee
Strategic Planning Manager
City of Oakland Community and Economic Development Agency
250 Frank Ogawa Plaza, Suite 3315
Oakland, CA 94612
emanassee@oaklandnet.com

Re: Comments on the Notice of Preparation of a Draft Environmental Impact Report (DEIR)
on the Lake Merritt Station Area Plan in the City of Oakland

Dear Mr. Manassee:

Thank you for the opportunity to comment on the Notice of Preparation of a Draft Environmental Impact Report (DEIR) on the Lake Merritt Station Area Plan (Plan) in the City of Oakland. The project is on a 315-acre site, which is generally bound by 14th Street to the north, I-880 to the south, Broadway and Franklin Street to the west, and 4th Avenue and 5th Avenue to the east. The proposed Plan will be a 25-year plan, which proposes modification to land use, buildings, circulation, BART and AC Transit operations, streetscape, parks, and public spaces. It will evaluate the addition of between 3,700 and 5,600 new housing units, up to 5,755 new jobs, and up to 412,000 square feet of additional retail.

The City of Alameda Public Works Department has the following comments for your consideration:

- Due to the close proximity of the Plan area to the freeway, regional transit system, and ingress and egress for the City of Alameda, the transportation analysis should evaluate potential impacts to the City of Alameda's access to these regional facilities. It is also recommended that the Plan evaluate other developments in proximity to the Plan area in the cities of Oakland and Alameda, especially Priority Development Areas (PDA). These development projects include: the Oak Street to Ninth Street project; Jack London Square PDA; West Oakland Army Base redevelopment; Alameda's Northern Waterfront PDA along the Estuary; Alameda Point PDA, at the former Alameda Naval Air Station; and various infill developments within the impacted areas of the Plan in both cities.

Public Works Department
950 West Mall Square, Room 110
Alameda, California 94501-7575
510.747.7930 • Fax 510.769.6030 • TDD 510.522.7538

- Potential impacts of the Plan to transit levels of service should be analyzed. The City of Alameda is proposing transit connectivity to 12th Street BART from Alameda Point PDA to reduce vehicular traffic in Alameda and Oakland Chinatown. Similarly other transit projects in the area should be analyzed for potential impacts due to the changes in street network and land uses.
- The EIR should consider opportunities to promote bicycle and pedestrian access across the estuary and connectivity to the regional bicycle and pedestrian system.
- The Plan analysis should include the 6th Street corridor as a potential transportation option to address traffic circulation and capacity needs associated with significant land use intensification and economic development in the cities of Oakland and Alameda.
- The Plan analysis should address and provide mitigations consistent with the existing approved Deficiency Plan for SR260/Posey Tube/Jackson Street eastbound to I-880 northbound freeway connection Deficiency Plan. The 1998 and 2008 Level of Service (LOS) Monitoring studies identified SR260/Posey Tube eastbound to I-880 northbound freeway connection as operating at LOS F during the p.m. peak period. A Deficiency Plan was prepared and adopted by the City of Oakland and approved by the Alameda CTC Board in 1999.

Please feel free to contact Mr. Obaid Khan, Supervising Civil Engineer, at 510-747-7930 to discuss this letter and the City of Alameda Public Works' requested additional analyses.

Sincerely,

Matthew T. Naclerio
Public Works Director



Barbara Hawkins
City Engineer

BH:gc

DEPARTMENT OF TRANSPORTATION

111 GRAND AVENUE
P. O. BOX 23660
OAKLAND, CA 94623-0660
PHONE (510) 286-5541
FAX (510) 286-5559
TTY 711



*Flex your power!
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April 3, 2012

ALA880701
ALA-880- 31.3
SCH#2012032012

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

Dear Mr. Manasse:

Lake Merritt Station Area Plan – Notice of Preparation (Case #ZS11225, ER110017)

Thank you for including the California Department of Transportation (Department) in the environmental review process for the Lake Merritt Station Area Plan (Plan). The following comments are based on the Notice of Preparation. As lead agency, the City of Oakland (City) is responsible for all project mitigation, including any needed improvements to State highways. The project's fair share contribution, financing, scheduling, and implementation responsibilities as well as lead agency monitoring should be fully discussed for all proposed mitigation measures and the project's traffic mitigation fees should be specifically identified in the environmental document. Any required roadway improvements should be completed prior to issuance of project occupancy permits. An encroachment permit is required when the project involves work in the State right of way (ROW). The Department will not issue an encroachment permit until our concerns are adequately addressed. Therefore, we strongly recommend that the lead agency ensure resolution of the Department's CEQA concerns prior to submittal of the encroachment permit application; see the end of this letter for more information regarding the encroachment permit process.

Transportation Demand Management

The proposed Plan should locate any needed housing, jobs and neighborhood services near major mass transit nodes, and connect these nodes with streets configured to facilitate walking and biking, as a means of promoting mass transit use and reducing regional vehicle miles traveled and traffic impacts on the state highways. In addition, the City should also consider extending the existing Free Broadway Shuttle to the Lake Merritt area to provide greater connectivity between downtown Oakland, Jack London Square and the Lake Merritt BART Station areas. Not only will this reduce the number of vehicle miles travelled but will also stimulate economic development within the planned area.

In addition, the Department recommends including policies within the Plan to reduce the number of parking spaces to serve the various uses. The Plan should utilize existing underused parking spaces within the vicinity and coordinate with various public and private parking operators to serve the needs of future development before any new parking spaces are provided. Further, the

Mr. Ed Mannasse/City of Oakland
April 3, 2012
Page 2

City may also consider other parking reduction strategies such as implementing maximum parking ratios, encouraging the use of shared parking between the various uses, and unbundling parking for residential units.

Traffic Impact Study

The environmental document should include an analysis of the impacts of the proposed project on State highway facilities in the vicinity of the project site. Please ensure that a Traffic Impact Study (TIS) is prepared providing the information detailed below:

1. Information on the plan's traffic impacts in terms of trip generation, distribution, and assignment. The assumptions and methodologies used in compiling this information should be addressed. The study should clearly show the percentage of project trips assigned to State facilities.
2. Current Average Daily Traffic (ADT) and AM and PM peak hour volumes on all significantly affected streets, highway segments and intersections.
3. Schematic illustration and level of service (LOS) analysis for the following scenarios: 1) existing, 2) existing plus project, 3) cumulative and 4) cumulative plus project for the roadways and intersections in the project area.
4. Calculation of cumulative traffic volumes should consider all traffic-generating developments, both existing and future, that would affect the State highway facilities being evaluated.
5. The procedures contained in the 2000 update of the Highway Capacity Manual should be used as a guide for the analysis. We also recommend using the Department's *Guide for the Preparation of Traffic Impact Studies*; it is available on the following web site:
<http://www.dot.ca.gov/hq/traffops/developserv/operationalsystems/reports/tisguide.pdf>.
6. Mitigation measures should be identified where plan implementation is expected to have a significant impact. Mitigation measures proposed should be fully discussed, including financing, scheduling, implementation responsibilities, and lead agency monitoring.

We encourage the City of Oakland to coordinate preparation of the study with our office, and we would appreciate the opportunity to review the scope of work.

We look forward to reviewing the TIS, including Technical Appendices, and environmental document for this project. Please send two copies to the address at the top of this letterhead, marked ATTN: Yatman Kwan, Mail Stop #10D.

Encroachment Permit

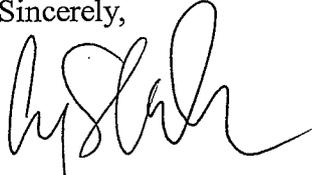
Any work or traffic control within the State ROW requires an encroachment permit that is issued by the Department. Traffic-related mitigation measures will be incorporated into the construction plans during the encroachment permit process. See the following website link for more information: <http://www.dot.ca.gov/hq/traffops/developserv/permits/>

Mr. Ed Mannasse/City of Oakland
April 3, 2012
Page 3

To apply for an encroachment permit, submit a completed encroachment permit application, environmental documentation, and five (5) sets of plans which clearly indicate State ROW to the address at the top of this letterhead, marked ATTN: Michael Condie, Mail Stop #5E.

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

Sincerely,

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

GARY ARNOLD
District Branch Chief
Local Development - Intergovernmental Review

c: State Clearinghouse