

APPENDIX A
NOP AND COMMENT LETTERS

CITY OF OAKLAND



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NOTICE OF PREPARATION (NOP) OF A DRAFT ENVIRONMENTAL IMPACT REPORT (EIR) GENERAL ELECTRIC SITE REMEDIATION AND REDEVELOPMENT PROJECT

The Oakland Bureau of Planning, is preparing a Draft Environmental Impact Report (EIR) for the demolition of contaminated buildings, site remediation and construction of a warehouse on a site owned by General Electric (GE) at 5441 International Boulevard/State Route 185, as identified below, and is requesting comments on the scope and content of the EIR. The EIR will address the potential physical, environmental effects for each of the topics outlined in the California Environmental Quality Act (CEQA).

In 2012, the City posted a Notice of Preparation and received comments regarding a project (ER11-0011) that involved demolishing the buildings at the 5441 International Boulevard GE site, capping the site and leaving it vacant. In February of 2017, the City published and received comments on a focused Draft EIR on the GE Demolition Project (SCH No. 2012072024). Subsequent to publishing the 2017 Draft EIR, the project has substantially changed to such a degree the City determined that a new NOP be published and an EIR prepared to evaluate the additional probable environmental effects of the remediation and redevelopment project and the changes in circumstances under which the project will be undertaken.

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 Draft EIR is published, it will be sent to all Responsible Agencies and to others who have indicated that they would like to receive a copy. Responses to this NOP and any questions or comments should be directed in writing to:

Peterson Z. Vollmann, Planner IV, City of Oakland, Bureau of Planning, 250 Frank H. Ogawa Plaza, Suite 2114, Oakland, CA 94612; (510) 238-6167 (phone); (510) 238-4730 (fax); or e-mailed to pvollmann@oaklandca.gov.

Comments on the NOP must be received at the above mailing or e-mail address **by 5:00 p.m., January 22, 2018**. Please reference case number **ER18-013** in all correspondence. 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. In addition, comments may be provided at the EIR Scoping Meeting to be held before 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.

PUBLIC HEARINGS:

The Landmarks Preservation Advisory Board will conduct a public scoping hearing on the Draft EIR for the project on January 14, 2019 at 6 p.m. in City Council Chambers, City Hall, 1 Frank H. Ogawa Plaza.

The City Planning Commission will conduct a public scoping hearing on the Draft EIR for the project on January 16, 2019 at 6 p.m. in City Council Chambers, City Hall, 1 Frank H. Ogawa Plaza.

PROJECT TITLE: General Electric Site Remediation and Redevelopment

PROJECT LOCATION: 5441 International Boulevard, Assessor's Parcel Number 041-3848-001-00 (see attached **Figure 1**)

PROJECT SPONSOR: Bridge Development Partners, LLC

EXISTING CONDITIONS: The GE Oakland Facility is located at 5441 International Boulevard, Oakland, California. The site consists of approximately 24 acres on International Boulevard, between 54th and 57th Avenues, and is located east of San Leandro Street and the BART tracks. The site has a General Plan designation of General Industrial, which allows manufacturing and distribution uses, and a zoning designation of IG/S-19 General Industrial/Health and Safety Protection Overlay CN-3, Neighborhood Commercial Zone on the portion of the site fronting International Boulevard. The eight existing buildings on the site are vacant and were formerly used for manufacturing, although a portion of Building #1 fronting International Boulevard contained office uses. The Project Site is included in the list of Hazardous Waste and Substances sites in the Department of Toxic Substances Control (DTSC) EnviroStor database, one of the lists meeting the "Cortese List" requirements. The buildings and site contain hazardous chemicals in the soil and groundwater and have been undergoing remediation and monitoring. In 1993 a deed restriction was imposed on the property by the Department of Toxic Substances Control (DTSC) and only commercial or industrial uses are allowed and all other types of uses are prohibited.

The Oakland Cultural Heritage Survey (OCHS) assigned a property rating of "A1+" to Building #1 on the site and "Dc1+" to Building #2, indicating that Building #1 is of "Highest Importance" and that both Building #1 and Building #2 are contributing elements to the 57th Avenue Industrial District Area of Primary Importance (API), and are therefore CEQA historic resources.

PROJECT DESCRIPTION: The remediation and redevelopment project would include demolition of the eight existing structures, foundations and associated equipment, including Building #1 (other than the façade) and Building #2. The façade of Building #1 would be preserved, treated to contain any contaminated materials, and incorporated into the design of the new building. The site would be sufficiently remediated to permit its reuse. The demolition and abatement would be conducted with appropriate regulatory agency oversight by the U.S. Environmental Protection Agency (EPA) and DTSC.

After demolition and remediation, an approximately 538,744 square-foot industrial building, with 528,744 square feet of warehousing, 10,000 square feet of office and mezzanine, 110,446 square feet of landscaping, 93 dock doors and 360 parking stalls would be constructed. Building construction would include soil vapor barriers, clean utility corridors and other protections for construction workers and employees of the new facility and will be overseen by the EPA and DTSC. No offsite work is proposed as part of the project other than connections to existing utility systems.

PROBABLE ENVIRONMENTAL EFFECTS:

Probable environmental effects to be addressed and evaluated in the EIR include: historic resources, air quality, geology and soils, greenhouse gas emissions, hazards and hazardous materials, hydrology and water quality, noise, and transportation and traffic.

Environmental factors that have been determined to have no impact or a less-than-significant impact will be discussed in the EIR, and are expected to include: aesthetics, agricultural and forestry resources, biological resources, archeological and tribal cultural resources, paleontological resources, land use, mineral resources, population and housing, recreation, public services, and utilities and service systems.

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 capable of reducing or avoiding potential significant environmental effects.

December 21, 2018

File Number ER18-013

Attachments: Figure 1 – Site Location



ED MANASSE
Environmental Review Officer



GE Site Remediation and Redevelopment Project

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DEPARTMENT OF TRANSPORTATION

DISTRICT 4

OFFICE OF TRANSIT AND COMMUNITY PLANNING

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*Making Conservation
a California Way of Life.*

January 17, 2019

Peterson Vollmann
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Oakland, CA 94612

SCH# 2018122043
GTS # 04-ALA-2019-00382
GTS ID: 13888
ALA – 185 – 9.818

General Electric Site Remediation and Redevelopment Project (ER18-013) – Notice of Preparation

Dear Peterson Vollmann:

Thank you for including the California Department of Transportation (Caltrans) in the environmental review process for the above referenced project. In tandem with the Metropolitan Transportation Commission's (MTC) Sustainable Communities Strategy (SCS), Caltrans' mission signals a modernization of our approach to evaluate and mitigate impacts to the State Transportation Network (STN). Caltrans' *Strategic Management Plan 2015-2020* aims to reduce Vehicle Miles Traveled (VMT) by tripling bicycle and doubling both pedestrian and transit travel by 2020. Our comments are based on the Notice of Preparation (NOP).

Project Understanding

The site owner is proposing a site remediation and redevelopment project that would include demolition of the eight existing structures, foundations and associated equipment on the site, including Building #1 that has a City of Oakland historic rating of A 1 + and is therefore a CEQA historic resource. The facade of Building #1, would be preserved, treated to contain any contaminated materials, and incorporated into the design of the new building. The site would be sufficiently remediated to permit its reuse. The demolition and abatement would be conducted with appropriate regulatory agency oversight by the Environmental Protection Agency (EPA) and Department of Toxic Substances Control (DTSC). After demolition and remediation, an approximately 538,744 square-foot industrial building, with 528,744 square feet of warehousing, 10,000 square feet of office and mezzanine, 110,446 square feet of landscaping, 93 dock doors and 360 parking stalls would be constructed. Building construction would include soil vapor barriers, clean utility corridor and other protections for construction workers and employees of the new facility and will be overseen by the EPA and DTSC. The site is located adjacent to State

Route (SR) 185 and 1.6 miles from the Interstate (I)-880 / 66th Avenue interchange.

Transportation Impact Fees

The Lead Agency should identify project-generated travel demand and estimate the costs of transit and active transportation improvements necessitated by the proposed project; viable funding sources such as development and/or transportation impact fees should also be identified and incorporated in the Conditions of Approval. We encourage a sufficient allocation of fair share contributions toward multimodal and regional transit improvements to fully mitigate cumulative impacts to regional transportation. For example, providing a Class II bikeway along SR 185 (International Boulevard) – see *Caltrans District 4 Bike Plan's* Appendix A – would improve connectivity in the proposed project area and encourage active transportation. We also strongly support measures to increase sustainable mode shares, thereby reducing VMT. http://www.dot.ca.gov/d4/bikeplan/docs/D4BikePlan_ProjectList.pdf

Vehicle Trip Reduction

Given the project's intensification of use, the project should include a robust Transportation Demand Management (TDM) Program to reduce VMT and greenhouse gas emissions. Such measures will be critical to facilitate efficient transportation access to and from the project site and reduce transportation impacts associated with the project. The measures listed below will promote smart mobility and reduce regional VMT.

- Project design to encourage walking, bicycling and convenient transit access;
- Secured bicycle storage facilities located conveniently near entrances to minimize deterrent of bicycle use due to weather conditions;
- Bicycle parking;
- Subsidize transit passes on an ongoing basis;
- Shuttle service for employees to the Fruitvale or Coliseum BART Station;
- Fix-it bicycle repair station(s);
- Charging stations and designated parking spaces for electric vehicles;
- Carpool and clean-fuel parking spaces conveniently located to encourage carpooling and clean-fuel vehicles;
- Lower parking ratios;
- Transportation and commute information kiosk;
- Showers, changing rooms and clothing lockers for bike commuters;
- Bicycle route mapping resources and bicycle parking incentives;
- Employee transportation coordinator;
- Emergency Ride Home program;
- Participation/Formation in/of a Transportation Management Association (TMA) in partnership with other developments in the area; and
- Aggressive trip reduction targets with annual Lead Agency monitoring and enforcement.

Transportation Demand Management programs should be documented with annual monitoring reports by an onsite TDM coordinator to demonstrate effectiveness. If the project does not

achieve the VMT reduction goals, the reports should also include next steps to achieve those targets. Also, reducing parking supply can encourage active forms of transportation, reduce regional VMT, and lessen future transportation impacts on nearby State facilities. These smart growth approaches are consistent with the MTC's Regional Transportation Plan/SCS goals and would meet Caltrans Strategic Management Plan sustainability goals.

For additional TDM options, please refer to the Federal Highway Administration's *Integrating Demand Management into the Transportation Planning Process: A Desk Reference* (Chapter 8). The reference is available online at:

<http://www.ops.fhwa.dot.gov/publications/fhwahop12035/fhwahop12035.pdf>.

Encroachment Permit

Please be advised that any work such as tree removal or traffic control that encroaches onto the State right-of-way requires an encroachment permit that is issued by Caltrans. To apply, a completed encroachment permit application, the adopted environmental document, and six (6) sets of plans clearly indicating State right-of-way must be submitted to: Office of Permits, California DOT, District 4, P.O. Box 23660, Oakland, CA 94623-0660. Traffic-related mitigation measures should be incorporated into the construction plans prior to the encroachment permit process. See the website link below for more information.

<http://www.dot.ca.gov/hq/traffops/developserv/permits/>

Lead Agency

As the Lead Agency, the City of Oakland is responsible for all project mitigation, including any needed improvements to the STN. The project's fair share contribution, financing, scheduling, implementation responsibilities and lead agency monitoring should be fully discussed for all proposed mitigation measures.

Thank you again for including Caltrans in the environmental review process. Should you have any questions regarding this letter, please contact Jannette Ramirez at (510) 286-5535 or jake.freedman@dot.ca.gov.

Sincerely,



PATRICIA MAURICE
District Branch Chief
Local Development - Intergovernmental Review

c: State Clearinghouse

NATIVE AMERICAN HERITAGE COMMISSION

Cultural and Environmental Department
1550 Harbor Blvd., Suite 100
West Sacramento, CA 95691
Phone (916) 373-3710
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December 27, 2018

Peterson Vollmann
City of Oakland, Bureau of Planning
250 Frank H. Ogawa Plaza, Suite 2114
Oakland, CA 94612

RE: SCH# 2018122043 General Electric Site Remediation and Redevelopment Project (ER18-013), Alameda County

Dear Mr. Vollmann:

The Native American Heritage Commission (NAHC) has received the Notice of Preparation (NOP), Draft Environmental Impact Report (DEIR) or Early Consultation for the project referenced above. The California Environmental Quality Act (CEQA) (Pub. Resources Code §21000 et seq.), specifically Public Resources Code §21084.1, states that a project that may cause a substantial adverse change in the significance of a historical resource, is a project that may have a significant effect on the environment. (Pub. Resources Code § 21084.1; Cal. Code Regs., tit.14, §15064.5 (b) (CEQA Guidelines §15064.5 (b)). If there is substantial evidence, in light of the whole record before a lead agency, that a project may have a significant effect on the environment, an Environmental Impact Report (EIR) shall be prepared. (Pub. Resources Code §21080 (d); Cal. Code Regs., tit. 14, § 5064 subd.(a)(1) (CEQA Guidelines §15064 (a)(1)). In order to determine whether a project will cause a substantial adverse change in the significance of a historical resource, a lead agency will need to determine whether there are historical resources within the area of potential effect (APE).

CEQA was amended significantly in 2014. Assembly Bill 52 (Gatto, Chapter 532, Statutes of 2014) (AB 52) amended CEQA to create a separate category of cultural resources, "tribal cultural resources" (Pub. Resources Code §21074) and provides that a project with an effect that may cause a substantial adverse change in the significance of a tribal cultural resource is a project that may have a significant effect on the environment. (Pub. Resources Code §21084.2). Public agencies shall, when feasible, avoid damaging effects to any tribal cultural resource. (Pub. Resources Code §21084.3 (a)). **AB 52 applies to any project for which a notice of preparation, a notice of negative declaration, or a mitigated negative declaration is filed on or after July 1, 2015.** If your project involves the adoption of or amendment to a general plan or a specific plan, or the designation or proposed designation of open space, on or after March 1, 2005, it may also be subject to Senate Bill 18 (Burton, Chapter 905, Statutes of 2004) (SB 18). **Both SB 18 and AB 52 have tribal consultation requirements.** If your project is also subject to the federal National Environmental Policy Act (42 U.S.C. § 4321 et seq.) (NEPA), the tribal consultation requirements of Section 106 of the National Historic Preservation Act of 1966 (154 U.S.C. 300101, 36 C.F.R. §800 et seq.) may also apply.

The NAHC recommends consultation with California Native American tribes that are traditionally and culturally affiliated with the geographic area of your proposed project as early as possible in order to avoid inadvertent discoveries of Native American human remains and best protect tribal cultural resources. Below is a brief summary of portions of AB 52 and SB 18 as well as the NAHC's recommendations for conducting cultural resources assessments.

Consult your legal counsel about compliance with AB 52 and SB 18 as well as compliance with any other applicable laws.

AB 52

AB 52 has added to CEQA the additional requirements listed below, along with many other requirements:

1. Fourteen Day Period to Provide Notice of Completion of an Application/Decision to Undertake a Project: Within fourteen (14) days of determining that an application for a project is complete or of a decision by a public agency to undertake a project, a lead agency shall provide formal notification to a designated contact of, or tribal representative of, traditionally and culturally affiliated California Native American tribes that have requested notice, to be accomplished by at least one written notice that includes:
 - a. A brief description of the project.
 - b. The lead agency contact information.
 - c. Notification that the California Native American tribe has 30 days to request consultation. (Pub. Resources Code §21080.3.1 (d)).
 - d. A "California Native American tribe" is defined as a Native American tribe located in California that is on the contact list maintained by the NAHC for the purposes of Chapter 905 of Statutes of 2004 (SB 18). (Pub. Resources Code §21073).
2. Begin Consultation Within 30 Days of Receiving a Tribe's Request for Consultation and Before Releasing a Negative Declaration, Mitigated Negative Declaration, or Environmental Impact Report: A lead agency shall begin the consultation process within 30 days of receiving a request for consultation from a California Native American tribe that is traditionally and culturally affiliated with the geographic area of the proposed project. (Pub. Resources Code §21080.3.1, subds. (d) and (e)) and prior to the release of a negative declaration, mitigated negative declaration or Environmental Impact Report. (Pub. Resources Code §21080.3.1(b)).
 - a. For purposes of AB 52, "consultation shall have the same meaning as provided in Gov. Code §65352.4 (SB 18). (Pub. Resources Code §21080.3.1 (b)).
3. Mandatory Topics of Consultation If Requested by a Tribe: The following topics of consultation, if a tribe requests to discuss them, are mandatory topics of consultation:
 - a. Alternatives to the project.
 - b. Recommended mitigation measures.
 - c. Significant effects. (Pub. Resources Code §21080.3.2 (a)).
4. Discretionary Topics of Consultation: The following topics are discretionary topics of consultation:
 - a. Type of environmental review necessary.
 - b. Significance of the tribal cultural resources.
 - c. Significance of the project's impacts on tribal cultural resources.
 - d. If necessary, project alternatives or appropriate measures for preservation or mitigation that the tribe may recommend to the lead agency. (Pub. Resources Code §21080.3.2 (a)).
5. Confidentiality of Information Submitted by a Tribe During the Environmental Review Process: With some exceptions, any information, including but not limited to, the location, description, and use of tribal cultural resources submitted by a California Native American tribe during the environmental review process shall not be included in the environmental document or otherwise disclosed by the lead agency or any other public agency to the public, consistent with Government Code §6254 (r) and §6254.10. Any information submitted by a California Native American tribe during the consultation or environmental review process shall be published in a confidential appendix to the environmental document unless the tribe that provided the information consents, in writing, to the disclosure of some or all of the information to the public. (Pub. Resources Code §21082.3 (c)(1)).
6. Discussion of Impacts to Tribal Cultural Resources in the Environmental Document: If a project may have a significant impact on a tribal cultural resource, the lead agency's environmental document shall discuss both of the following:
 - a. Whether the proposed project has a significant impact on an identified tribal cultural resource.
 - b. Whether feasible alternatives or mitigation measures, including those measures that may be agreed to pursuant to Public Resources Code §21082.3, subdivision (a), avoid or substantially lessen the impact on the identified tribal cultural resource. (Pub. Resources Code §21082.3 (b)).

7. Conclusion of Consultation: Consultation with a tribe shall be considered concluded when either of the following occurs:
 - a. The parties agree to measures to mitigate or avoid a significant effect, if a significant effect exists, on a tribal cultural resource; or
 - b. A party, acting in good faith and after reasonable effort, concludes that mutual agreement cannot be reached. (Pub. Resources Code §21080.3.2 (b)).
8. Recommending Mitigation Measures Agreed Upon in Consultation in the Environmental Document: Any mitigation measures agreed upon in the consultation conducted pursuant to Public Resources Code §21080.3.2 shall be recommended for inclusion in the environmental document and in an adopted mitigation monitoring and reporting program, if determined to avoid or lessen the impact pursuant to Public Resources Code §21082.3, subdivision (b), paragraph 2, and shall be fully enforceable. (Pub. Resources Code §21082.3 (a)).
9. Required Consideration of Feasible Mitigation: If mitigation measures recommended by the staff of the lead agency as a result of the consultation process are not included in the environmental document or if there are no agreed upon mitigation measures at the conclusion of consultation, or if consultation does not occur, and if substantial evidence demonstrates that a project will cause a significant effect to a tribal cultural resource, the lead agency shall consider feasible mitigation pursuant to Public Resources Code §21084.3 (b). (Pub. Resources Code §21082.3 (e)).
10. Examples of Mitigation Measures That, If Feasible, May Be Considered to Avoid or Minimize Significant Adverse Impacts to Tribal Cultural Resources:
 - a. Avoidance and preservation of the resources in place, including, but not limited to:
 - i. Planning and construction to avoid the resources and protect the cultural and natural context.
 - ii. Planning greenspace, parks, or other open space, to incorporate the resources with culturally appropriate protection and management criteria.
 - b. Treating the resource with culturally appropriate dignity, taking into account the tribal cultural values and meaning of the resource, including, but not limited to, the following:
 - i. Protecting the cultural character and integrity of the resource.
 - ii. Protecting the traditional use of the resource.
 - iii. Protecting the confidentiality of the resource.
 - c. Permanent conservation easements or other interests in real property, with culturally appropriate management criteria for the purposes of preserving or utilizing the resources or places.
 - d. Protecting the resource. (Pub. Resource Code §21084.3 (b)).
 - e. Please note that a federally recognized California Native American tribe or a non-federally recognized California Native American tribe that is on the contact list maintained by the NAHC to protect a California prehistoric, archaeological, cultural, spiritual, or ceremonial place may acquire and hold conservation easements if the conservation easement is voluntarily conveyed. (Civ. Code §815.3 (c)).
 - f. Please note that it is the policy of the state that Native American remains and associated grave artifacts shall be repatriated. (Pub. Resources Code §5097.991).
11. Prerequisites for Certifying an Environmental Impact Report or Adopting a Mitigated Negative Declaration or Negative Declaration with a Significant Impact on an Identified Tribal Cultural Resource: An Environmental Impact Report may not be certified, nor may a mitigated negative declaration or a negative declaration be adopted unless one of the following occurs:
 - a. The consultation process between the tribes and the lead agency has occurred as provided in Public Resources Code §21080.3.1 and §21080.3.2 and concluded pursuant to Public Resources Code §21080.3.2.
 - b. The tribe that requested consultation failed to provide comments to the lead agency or otherwise failed to engage in the consultation process.
 - c. The lead agency provided notice of the project to the tribe in compliance with Public Resources Code §21080.3.1 (d) and the tribe failed to request consultation within 30 days. (Pub. Resources Code §21082.3 (d)).

The NAHC's PowerPoint presentation titled, "Tribal Consultation Under AB 52: Requirements and Best Practices" may be found online at: http://nahc.ca.gov/wp-content/uploads/2015/10/AB52TribalConsultation_CalEPAPDF.pdf

SB 18

SB 18 applies to local governments and requires local governments to contact, provide notice to, refer plans to, and consult with tribes prior to the adoption or amendment of a general plan or a specific plan, or the designation of open space. (Gov. Code §65352.3). Local governments should consult the Governor's Office of Planning and Research's "Tribal Consultation Guidelines," which can be found online at: https://www.opr.ca.gov/docs/09_14_05_Updated_Guidelines_922.pdf

Some of SB 18's provisions include:

1. **Tribal Consultation:** If a local government considers a proposal to adopt or amend a general plan or a specific plan, or to designate open space it is required to contact the appropriate tribes identified by the NAHC by requesting a "Tribal Consultation List." If a tribe, once contacted, requests consultation the local government must consult with the tribe on the plan proposal. **A tribe has 90 days from the date of receipt of notification to request consultation unless a shorter timeframe has been agreed to by the tribe.** (Gov. Code §65352.3 (a)(2)).
2. **No Statutory Time Limit on SB 18 Tribal Consultation.** There is no statutory time limit on SB 18 tribal consultation.
3. **Confidentiality:** Consistent with the guidelines developed and adopted by the Office of Planning and Research pursuant to Gov. Code §65040.2, the city or county shall protect the confidentiality of the information concerning the specific identity, location, character, and use of places, features and objects described in Public Resources Code §5097.9 and §5097.993 that are within the city's or county's jurisdiction. (Gov. Code §65352.3 (b)).
4. **Conclusion of SB 18 Tribal Consultation:** Consultation should be concluded at the point in which:
 - a. The parties to the consultation come to a mutual agreement concerning the appropriate measures for preservation or mitigation; or
 - b. Either the local government or the tribe, acting in good faith and after reasonable effort, concludes that mutual agreement cannot be reached concerning the appropriate measures of preservation or mitigation. (Tribal Consultation Guidelines, Governor's Office of Planning and Research (2005) at p. 18).

Agencies should be aware that neither AB 52 nor SB 18 precludes agencies from initiating tribal consultation with tribes that are traditionally and culturally affiliated with their jurisdictions before the timeframes provided in AB 52 and SB 18. For that reason, we urge you to continue to request Native American Tribal Contact Lists and "Sacred Lands File" searches from the NAHC. The request forms can be found online at: <http://nahc.ca.gov/resources/forms/>

NAHC Recommendations for Cultural Resources Assessments

To adequately assess the existence and significance of tribal cultural resources and plan for avoidance, preservation in place, or barring both, mitigation of project-related impacts to tribal cultural resources, the NAHC recommends the following actions:

1. Contact the appropriate regional California Historical Research Information System (CHRIS) Center (http://ohp.parks.ca.gov/?page_id=1068) for an archaeological records search. The records search will determine:
 - a. If part or all of the APE has been previously surveyed for cultural resources.
 - b. If any known cultural resources have already been recorded on or adjacent to the APE.
 - c. If the probability is low, moderate, or high that cultural resources are located in the APE.
 - d. If a survey is required to determine whether previously unrecorded cultural resources are present.
2. If an archaeological inventory survey is required, the final stage is the preparation of a professional report detailing the findings and recommendations of the records search and field survey.
 - a. The final report containing site forms, site significance, and mitigation measures should be submitted immediately to the planning department. All information regarding site locations, Native American human remains, and associated funerary objects should be in a separate confidential addendum and not be made available for public disclosure.
 - b. The final written report should be submitted within 3 months after work has been completed to the appropriate regional CHRIS center.

3. Contact the NAHC for:
 - a. A Sacred Lands File search. Remember that tribes do not always record their sacred sites in the Sacred Lands File, nor are they required to do so. A Sacred Lands File search is not a substitute for consultation with tribes that are traditionally and culturally affiliated with the geographic area of the project's APE.
 - b. A Native American Tribal Consultation List of appropriate tribes for consultation concerning the project site and to assist in planning for avoidance, preservation in place, or, failing both, mitigation measures.
4. Remember that the lack of surface evidence of archaeological resources (including tribal cultural resources) does not preclude their subsurface existence.
 - a. Lead agencies should include in their mitigation and monitoring reporting program plan provisions for the identification and evaluation of inadvertently discovered archaeological resources per Cal. Code Regs., tit. 14, §15064.5(f) (CEQA Guidelines §15064.5(f)). In areas of identified archaeological sensitivity, a certified archaeologist and a culturally affiliated Native American with knowledge of cultural resources should monitor all ground-disturbing activities.
 - b. Lead agencies should include in their mitigation and monitoring reporting program plans provisions for the disposition of recovered cultural items that are not burial associated in consultation with culturally affiliated Native Americans.
 - c. Lead agencies should include in their mitigation and monitoring reporting program plans provisions for the treatment and disposition of inadvertently discovered Native American human remains. Health and Safety Code §7050.5, Public Resources Code §5097.98, and Cal. Code Regs., tit. 14, §15064.5, subdivisions (d) and (e) (CEQA Guidelines §15064.5, subds. (d) and (e)) address the processes to be followed in the event of an inadvertent discovery of any Native American human remains and associated grave goods in a location other than a dedicated cemetery.

If you have any questions or need additional information, please contact me at my email address: Debbie.Treadway@nahc.ca.gov.

Sincerely,



for
Debbie Treadway
Environmental Scientist

cc: State Clearinghouse



Jared Blumenfeld
Secretary for
Environmental Protection



Department of Toxic Substances Control

Meredith Williams, Ph.D.
Acting Director
700 Heinz Avenue
Berkeley, California 94710-2721



Gavin Newsom
Governor

February 20, 2019

Mr. Peterson Vollmann
Planner IV
City of Oakland, Bureau of Planning
250 Frank H. Ogawa Plaza, Suite 2114
Oakland, California 94612
(Via Email: pvollmann@oaklandca.gov)

GENERAL ELECTRIC SITE REMEDIATION AND REDEVELOPMENT PROJECT (ER18-013) NOTICE OF PREPARATION COMMENTS

Dear Mr. Vollmann:

Thank you for the opportunity to comment on the Notice of Preparation (NOP) for the Draft Environmental Impact Report (EIR) for the General Electric Site Remediation and Redevelopment Project (ER18-013). The Department of Toxic Substances Control (DTSC) has been the lead regulatory agency overseeing cleanup at the project site, which is listed on DTSC's Envirostor database as the General Electric – Oakland site (Site) and is located at 5441 East 14th Street, Oakland California. DTSC approved a Final Remedial Action Plan for the Site in June 2011 that identifies the remedial actions to address hazardous substance releases at the Site. DTSC is a Responsible Agency pursuant to the California Environmental Quality Act (CEQA) and is providing comments on the scope and content of the environmental analysis that would be germane to the DTSC's statutory responsibilities in connection with the proposed Project.

The Project applicants, Bridge Development Partners and General Electric Company, are proposing a site remediation and redevelopment project that would include demolition of the eight existing structures, foundations and associated equipment on the Site, including Building #1 that has a City of Oakland historic rating of A1+ and is a CEQA historic resource. The facade of Building #1 would be preserved, treated to contain any contaminated materials, and incorporated into the design of the new building. The Site would be sufficiently remediated to permit its reuse.

The demolition and abatement would be conducted with appropriate regulatory agency oversight by the U.S. Environmental Protection Agency (EPA) and DTSC. After demolition and remediation, an approximately 110,446 square feet of landscaping, 93 dock doors, and 360 parking stalls would be constructed. Building construction would

include soil vapor barriers, clean utility corridors and other protections for construction workers and employees of the new facility and will be overseen by EPA and DTSC.

The NOP identifies the following environmental impact areas that may be adversely affected and that will be further analyzed in the Draft EIR:

- Historic Resources,
- Air Quality and Greenhouse Gas Emissions,
- Geology and Soils,
- Hazards and Hazardous Materials,
- Hydrology and Water Quality,
- Noise, and
- Transportation and Traffic.

The Draft EIR should discuss the proposed project's compliance with federal, state, and local statutes and regulations related to hazardous waste and hazardous substances. In addition, the following Project remediation activities should be addressed:

- Contaminated soil management during Site grading for redevelopment
- Installation of clean utility corridors and subgrade utilities,
- Excavation and off-site disposal of soil impacted with volatile organic compounds and polychlorinated biphenyls (PCBs),
- Backfilling of soil excavation areas
- Real time air monitoring for total dust and PCBs during site demolition and soil handling activities,
- Installation of a vapor intrusion mitigation system for the new building that is to be constructed, and the function of the new building slab, concrete pavements, and imported soil and underlying geosynthetic clay liner in landscaped areas as a cap that would prevent exposure to chemicals of concern remaining in soil.
- Storm water controls during remediation,
- Implementation of a new land use covenant to update the existing one, and
- Implementation of an Operation and Maintenance Plan after redevelopment

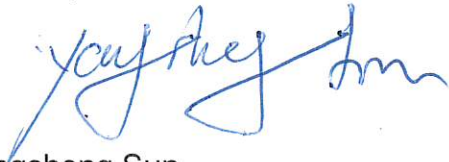
Mr. Peterson Vollmann

February 20, 2019

Page 3

We look forward to reviewing the Draft EIR. Please contact Yongsheng Sun with any questions at (510)-540-3872 or yongsheng.sun@dtsc.ca.gov

Sincerely,



Yongsheng Sun
Hazardous Substances Engineer
Site Mitigation and Restoration Program

cc: Mark Piros, P.E.
Unit Chief
Site Mitigation and Restoration Program
(via email: Mark.Piros@dtsc.ca.gov)

Jose Salcedo, P.E.
Unit Chief
Site Mitigation and Restoration Program
(via email: Jose.Salcedo@dtsc.ca.gov)

John Hope
Senior Environmental Planner
Site Mitigation and Restoration Program
(via email: John.Hope@dtsc.ca.gov)



January 14, 2019

(By electronic transmission)

Oakland Landmarks Advisory Board, City of Oakland Planning Commission
Pete Vollmann, Planner
City of Oakland
Oakland, California

Subject: General Electric Plant EIR Scoping – 5441 International

Dear Landmarks Board and Staff,

Thank you for the opportunity to comment on the NOP for the project at 5441 International. We think the project has come a long way from its previous iterations and would like to thank the applicant for meeting with us on January 10, 2019. Here are our comments regarding the EIR scoping.

Study PCB contamination levels in exterior surfaces of Buildings #1 and #2. We have been told that PCB levels have not been studied in the facades. If PCB levels are lower in the facades, it may be feasible to retain more facade than otherwise thought. We request that this study be done as soon as possible such that its findings can be incorporated into the analysis of alternatives in the DEIR.

Study an alternative that retains the front and side facades of Building #1 (an A1+ / highest importance rated structure). Study retaining the entire facade of the office building and the warehouse going back a reasonable distance, to reduce the visual impacts as viewed from International Boulevard and set back the new building for this distance. The side facades and its massing are defining characteristics of the structure, which need to be looked at and considered. If the facade cannot be continued around the corners, back from International, mitigations will be required. Maintaining the front of the facade only is not sufficient for an A rated structure.

Study the impacts to Building #1 due to massing changes. In some of the drawings we have seen, the building changes from a narrow linear warehouse to being part of a horizontal one. This could affect Building #1's prominence on the site. In addition, it is unclear what the new structure's heights are behind the facade of the old structure. Please study the impacts of the new building's massing as well as an alternative to set the new building back from the historic façade so that the historic façade projects from the new building mass rather than is set back from it. This will help visually subordinate the new building mass relative to the historic façade.

Study impacts not only to Buildings #1 and #2 of a modern warehouse, but to the entire API as a whole. The two renderings that we have seen have taken cues from the site, but we would like

to see how the project fits in visually with the rest of the API, so as to not impact its status as an API. Show the proposed project in context.

Study Street Activation and CN-3 Zoning Compliance. Though not historic-resource related, we feel that street activation and the pedestrian experience should be looked in this project. The front of the building is zoned as CN-3, which in Chapter 17.33 is defined as:

CN-3 Neighborhood Commercial Zone - 3. The intent of the CN-3 zone is to create, improve, and enhance areas neighborhood commercial centers that have a compact, vibrant pedestrian environment.

In order to fulfill the goals of CN-3, we feel that strong coordination should be made with the soon to be opened BRT station at 54th Avenue. We also wonder how the installation of a fence and a parking lot along International Boulevard fit into the CN-3 zoning guidelines.

Study the long term impacts due to the cap. How long is the concrete cap is expected to last and what is the maintenance plan for the cap? Can an alternative be studied to fully remediate the soil such that a cap is not needed? Why can't GE leave the land as they found it? How will the temperature of the neighborhood and runoff be affected by to 22 acres of paving?

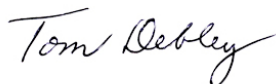
Climate, air quality, noise, traffic, and transportation impacts. - study impacts of the paved area on neighborhood temperature, as well as how the 360 parking spaces will affect the state's climate goals.

We would like to see a map of the contamination on the site, especially which surfaces of the buildings are most affected.

Thank you for the opportunity to comment. These comments are somewhat preliminary, so we may submit additional comments to staff prior to the January 22, 2019 deadline.

Please contact Christopher Buckley at (510) 523-0411 or cbuckleyaicp@att.net or Naomi Schiff at (510) 835-1819 or Naomi@17th.com if you would like to discuss these comments.

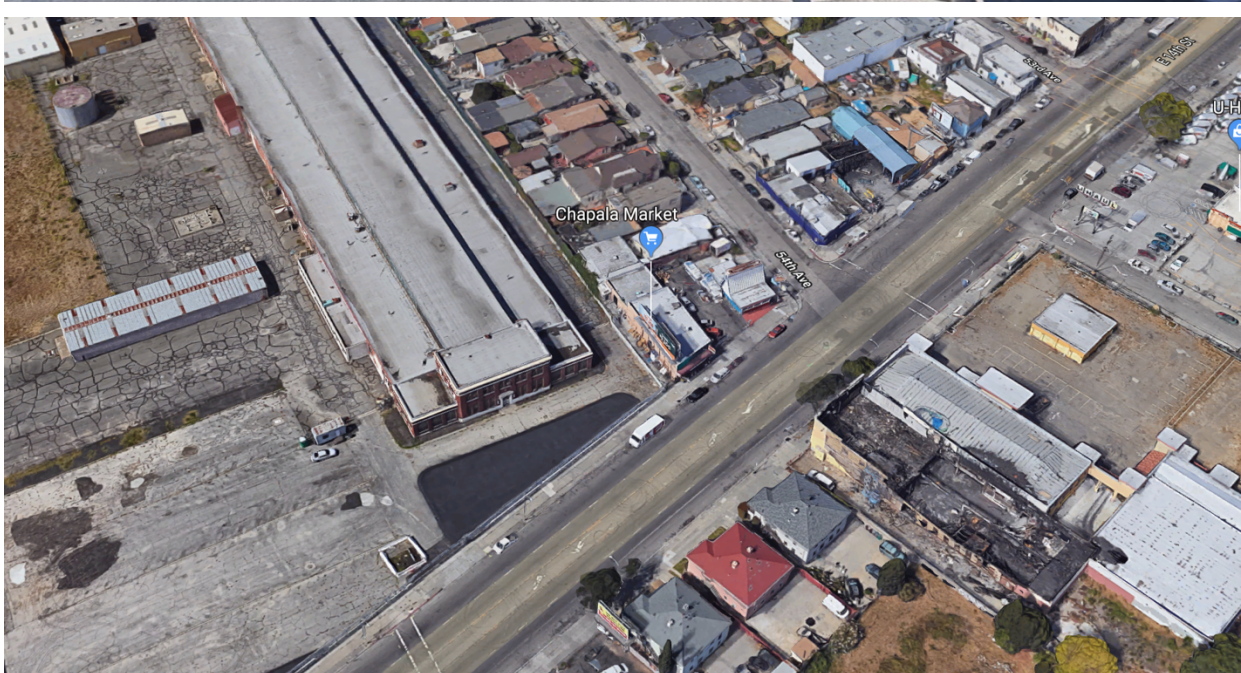
Sincerely,



Tom Debley, President
Oakland Heritage Alliance

Attachment: Color photos of GE Plant showing views from International (below)

cc: William Gilchrist, Betty Marvin, Robert Merkamp, Jonathan Arnold, Ed Manasse, Catherine Payne, Members of the Landmarks Preservation Advisory Board, Members of the Planning Commission



1/10/19

Dear Mr. Vollmann

Re case #ER18013
5441 International

I am one of the few Oakland citizens who have resided opposite this GE plant for nearly 50 yrs. I was operated for colon cancer in 1985 and am now in remission, but my colleague, Mr. Shepp, who worked at the plant for many years, passed away from cancer soon after. My concern is that the carcinogenic material will be disturbed and contaminate others.

yours,



Ernest Chann
5462 International Blvd
Oakland, CA 94601

Forwarded message -----

From: Jose Chesmore <josechesmore@gmail.com>

To: "Vollmann, Peterson" <PVollmann@oaklandca.gov>

Cc:

Bcc:

Date: Thu, 31 Jan 2019 11:31:12 -0800

Subject: Re: General Electric Redevelopment - 5441 International Blvd. - Notice of Preparation of an Environmental In
Hello Peterson,

I would really appreciate it if you can provide me with an update regarding this development. I would like to see retail, space, and a warehouse in the back. I am concerned as this has not been presented to the NCPC for deliberation and

Looking forward to hearing from you.

Thanks,

José Chesmore

On Fri, Dec 21, 2018 at 3:33 PM Jose Chesmore <josechesmore@gmail.com> wrote:

Thank you Peterson for the update. We need to ensure General Electric completes this project in the most environnr for it to benefit the community as a whole.

On Fri, Dec 21, 2018 at 1:07 PM Vollmann, Peterson <PVollmann@oaklandca.gov> wrote:

You are receiving this e-mail notification because you had previously provided public comments on a Draft EIR for 5441 International Boulevard under case number ER11-011. The prior proposal was for complete demolition of all subject property. Recently a new application for a request for Environmental Review was been filed. This new pro include demolition of the majority of the buildings on the site due to contamination as previously proposed; howev application includes a replacement warehousing and distribution facility while retaining a portion of the front histor (Building #1) that would be incorporated into the new construction. Due to the significant change to the project, th that a new environmental review process be started. Attached is the official Notice of Preparation that is being pul the comment period will run through January 22, 2019. Scoping sessions before the Landmarks Board and Plann will also take place on January 14th and 16th as cited in the attached notice.

Peterson Z. Vollmann, Planner IV | City of Oakland | Bureau of Planning | 250 Frank H. Ogawa, Suite 2114 |Oak
Phone: (510)238-6167 | Fax: (510) 238-4730 | Email: pvollmann@oaklandca.gov | Website: www.oaklandnet.com



noname

DRAFT MEETING NOTES (TO BE APPROVED BY CITY)
GE Site Remediation and Redevelopment Project – 5441 International Boulevard
Landmarks Preservation Advisory Board Scoping Meeting
January 14, 2019

Peter Birkholz, Chair

Stafford Buckley, Vice Chair

Nenna Joiner

Klara Komorous

Vince Sugrue

Tim Mollette-Parks

Marcus Johnson

These summary notes were prepared by Judith Malamut, AICP, Baseline Environmental Consulting.

Peterson Vollmann, Planner IV, begins the item by summarizing the purpose of the scoping meeting, the contents of the staff report and the Notice of Preparation (NOP). He also notes that in addition to an EIR the project will also require Design Review and preparation of Demolition Findings. He introduces the project applicant team.

- A Draft EIR is required for the project because of the demolition of a historic structure (Building #1 a contributing building to the 57th Avenue Industrial District API).
- GE, the site owner, had a previous application and project (to demolish all buildings, cap the site, and leave it vacant) and a Draft EIR was prepared for that project in 2017. There were many concerns regarding leaving the site vacant, and GE subsequently partnered with Bridge Development for this project: to remediate the site, redevelop it with a warehouse to support allowed industrial uses, and retain the office façade portion of Building #1. This scoping session is for the new project.

Project Applicant Team Presentation:

- First speaker is Alexis Pelosi, Attorney for GE, describes project site history, resulting PCB and other toxic contamination, and ongoing oversight by US Environmental Protection Agency (EPA) and the California Department of Toxic Substances Control (DTSC).
- Second Speaker Tom Ashcroft, Senior Vice President Bridge Development Partners, provided an overview of Bridge, site location, existing EPA/DTSC land use covenants (i.e., no residential, schools, hospitals or parks on the site), and current plans for proposed project.

Questions from the Board:

- Klara Komorous – Are the buildings structurally sound? Response: The buildings are not seismically safe and are contaminated. How can the office façade be preserved? Response: Barriers will need to be put in place between the saved portion and the proposed warehouse to protect workers inside the building. Requests a report on the status of the buildings. Response: The Demolition Findings will include detailed information on the status of the buildings.
- Vince Sugrue – When were the buildings last occupied? Response: The buildings were used for storage but were not occupied for approximately 50 years. Since 2005, the entire site has been vacant and not in use.
- Stafford Buckley – Is there a future tenant for the proposed building? Response: The warehouse building is being constructed with flexibility for future tenants associated with uses allowed per the zoning and covenants (i.e., commercial and industrial uses). Asked could the entirety of Building #1 be saved if only used for storage? Response: The current analysis shows that the building is so heavily contaminated and structurally unsound that the cost of remediating the entire building to allow for any kind of use is not feasible.

Public Comment

- First Speaker Daniel Levy, Oakland Heritage Alliance (OHA) – Curious about PCB levels in the bricks of Building #1 and whether and how the bricks can be maintained. He would like to see alternatives that maintain more of the façade and sides. Concern about massing of warehouse structure (linear and horizontal), perhaps an alternative that pushes it further back onto site. Evaluate the Project in context of API, the commercial zoning along the frontage, and the upcoming BRT route.

Comments from the Board:

- Peter Birkholz – Will the project come back to the Board? Response: Yes, the Draft EIR, Design Review and Demolition Findings will all come back to the Board.
- Klara Komorous – Asks for more information in the Draft EIR on the historic buildings and how the building contributes to the API. Evaluate the project in context of API. Is the neo-Georgian industrial structure the last of its kind in Oakland? Include an evaluation of the projects potential aesthetic impacts.
- Stafford Buckley – Would like to see renderings and alternatives that keep more of Building #1.
- Vince Sugrue – Asks for more information about the API and context of other buildings in the District.
- Peter Birkholz – Agrees that an aesthetics impact evaluation should be included, and evaluate the points raised in the OHA comment letter. Perhaps a mitigation measure to memorialize previous building should be included? Asks to see more renderings and comparison of windows/façade treatment.
- Klara Komorous – Describes and agrees with OHA letter as to what should be studied and identifies a motion that passes, requesting:
 - o Study for retaining more of Building #1 façade
 - o Study aesthetic effects of massing of new building
 - o Study impact to API as a whole
 - o Study project street activation, pedestrian environment elements
 - o Study long-term effect and maintenance of the cap

- Provide analysis and map of contamination on the site and in the building surfaces
- Provide a more specified project description
- Include consideration of proposed reuse of coliseum site

GE Site Remediation and Redevelopment Project – 5441 International Boulevard

Planning Commission Scoping Meeting

January 16, 2019

Planning Commission

Jahmese Myres Chair

Amanda Monchamp Vice Chair

Sahar Shirazi

Jonathon Fearn

Tom Limon

Clark Manus

Nischit Hegde

These summary notes were prepared by Judith Malamut, AICP, Baseline Environmental Consulting.

Amanda Monchamp, Vice Chair recused herself from this Planning Commission item.

Peterson Vollmann, Planner IV, begins the item by summarizing the purpose of the scoping meeting, the contents of the staff report and the Notice of Preparation (NOP). He mentioned that there was an additional scoping meeting with the Landmarks Preservation Advisory Board on January 14, 2019. He also notes that in addition to an EIR the project will also require Design Review and preparation of Demolition Findings.

- A Draft EIR is required for the project because of the demolition of a historic structure (Building #1 a contributing building to the 57th Avenue Industrial District API).
- GE, the site owner, had a previous application and project (to demolish all buildings, cap the site, and leave it vacant) and a Draft EIR was prepared for that project in 2017. There were many concerns regarding leaving the site vacant, and GE subsequently partnered with Bridge Development for this project: to remediate the site, redevelop it with a warehouse to support allowed industrial uses, and retain the office façade portion of Building #1. This scoping session is for the new project.

Mr. Vollmann lets the commission know that Oakland Heritage Alliance (OHA) provided a detailed letter mostly concerning the design and concept of the proposed Project, and then introduces the project applicant team.

Questions from the Commissioners:

- Jonathon Fearn – Is it known if demolition of the historic building is necessary? Response: Demolition of all buildings is being proposed as there is severe PCB contamination in the soils and also within the buildings, as well as overall dilapidation and seismic issues. Is there a portion of the site that has a commercial designation? Response: Yes, a small portion along International Blvd which allows office uses; the remainder of the site is zoned for general industrial uses (e.g., warehouse, manufacturing, distribution).
- Tom Limon – Is there a known tenant for the building? Response: No, a new tenant or tenants has not been identified. The building is designed to have a great deal of flexibility in terms of the future users
- Clark Manus – The EIR should include a cumulative analysis regarding the effect on other historic industrial uses in the API.

Project Applicant Team Presentation:

- First speaker is Alexis Pelosi, Attorney for GE, describes project site history, resulting PCB and other toxic contamination, the need for a remediation of the site and ongoing oversight by US Environmental Protection Agency (EPA) and the California Department of Toxic Substances Control (DTSC).
- Second Speaker Tom Ashcroft, Senior Vice President Bridge Development Partners, provided an overview of Bridge, site location, existing EPA/DTSC land use covenants (i.e., no residential, schools, hospitals or parks on the site), and current plans for proposed project.

Questions from the Commissioners:

- Jonathon Fearn – Does the cap cover the entire site and will portions of the slab be retained? Response: Yes, a cap covers the entire site. The building slabs would not be retained, except for under the portion of the historic building façade to remain. There will need to be an air monitoring program and physical barriers set up during demolition, remediation and construction phases due to the adjacent residential uses.

Public Comments:

- First Speaker, Ernesto Rivera, neighbor. In East Oakland there have been many land use conflicts and effects from industrial uses adjacent to residential uses. Concerns about truck access to and from the site and potential traffic effects on International Boulevard related to the Bus Rapid Transit project and truck trips from the Project. Glad to see the site being remediated, but thinks community should have a chance to say what should be developed there. Also thinks site should be developed with a community serving use, ideas from the community included a place to have legal vehicle “side shows” or a roller skating rink. Aesthetics are a concern as well as sea level rise.

Questions from the Commissioners:

- Nischit Hegde – EIR should site the land covenants that run with the site in regards to disallowed uses.
- Tom Limon – Could there be another access to/from the site from 54th Avenue? Response: The Project sponsor is looking at access alternatives for that location. Could you build a road over

the UPRR tracks? Response: UPRR would consider any additional crossing a safety issues and it is unlikely that a crossing could be constructed.

- Clark Manus – Why is the residential area to the north so close to the industrial uses? Response: The industrial uses have been there since the early 1900s and the housing was later built up around it.
- Nischit Hegde/Jonathon Fearn – Include a discussion of allowed land uses and requirements/conditions for those uses adjacent to residential uses.
- Sahar Shirazi/Tom Limon – There should be a full discussion of site and land use restrictions and consideration for community outreach and benefits.
- Jonathon Fearn – Is it expected that the site would be permanently impacted and under review by DTSC? Response: Yes, because the site is so heavily contaminated with PCBs, the accepted remedy by DTSC and EPA is to continue groundwater monitoring, remove more heavily contaminated soils as necessary for construction, cap the entire site, and construct the warehouse with appropriate barriers and vapor intrusion mitigations and monitoring.
- Clark Manus – Evaluation to include consideration of aesthetic impacts and access issues.
- Jahmese Myres – Summary and identification of issues to be considered in evaluation of Project:
 - o Climate change and sea level rise
 - o Traffic impacts
 - o Groundwater contamination and remediation
 - o Aesthetic effects on the community
 - o Environmental justice considerations
 - o Identify alternatives to traffic and circulation that would reduce impacts to neighborhood
 - o Identify alternative uses that would be allowed on the site including community and public uses
 - o Provide an evaluation of the economics of the project and viability of the proposed use
 - o Include analysis of the topics identified in the OHA letter
 - o Evaluate temporary impacts during construction such as air quality and dust emissions, truck circulation patterns, noise