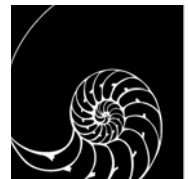


FINAL
SUPPLEMENTAL ENVIRONMENTAL IMPACT REPORT
State Clearinghouse Number: 2006012092

OAKLAND ARMY BASE AUTO MALL PROJECT

PREPARED FOR:
CITY OF OAKLAND



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OCTOBER 2006

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Please see the Draft Supplemental Environmental Impact Report for Chapters 1 through 6.

The Notice of Availability of this Final SEIR and Notice of a Planning Commission Hearing to consider certification of this Final SEIR is included immediately preceding this page.

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INTRODUCTION TO THE FINAL SEIR

PURPOSE OF THE FINAL SEIR

This document, together with the Draft Supplemental Environmental Impact Report (Draft SEIR) published in April 2006, shall constitute the Final Supplemental Environmental Impact Report (Final SEIR) prepared for the proposed *Oakland Army Base Auto Mall Project* (the Project), which supplements the Environmental Impact Report prepared for the Oakland Army Base (OARB) Area Redevelopment Plan and Reuse Plan (OARB Redevelopment EIR) certified in July of 2002 (SCH# 2001082058). The primary purpose of this SEIR is to augment the previously certified OARB Redevelopment EIR to the extent necessary to address the changed conditions and circumstances of the Project, and to examine mitigation and project alternatives accordingly. With the exception of the supplemental chapters included in this SEIR, the OARB Redevelopment EIR would wholly cover and fully apply to the project.

The proposed Project generally consists of redevelopment of approximately thirty (30) acres of land in the North Gateway portion of the former Oakland Army Base to provide space for four or five automobile dealerships on separate parcels of approximately 4-5 acres each, plus associated roadways and infrastructure improvements. The Project sponsor requested an additional project option be evaluated, Option B, which includes the entire Project as described plus redevelopment of an additional thirty (30) acres of land in the East Gateway to provide space for three additional approximately 5-acre automobile dealerships and one approximately 12 to 15 acre site for “big box” retail use, plus associated roadways and infrastructure. The complete description of the Project can be found in the Draft SEIR.

This SEIR has been prepared pursuant to the California Environmental Quality Act (CEQA) as amended (commencing with Section 21000 of the California Public Resources Code), and the CEQA Guidelines, specifically California Public Resources Code section 21090 as it relates to a Project Environmental Impact Report. The Lead Agency for the Project as defined by CEQA is the City of Oakland. The Project Sponsor is the Oakland Redevelopment Agency.

ENVIRONMENTAL REVIEW PROCESS

Draft EIR

A Draft Supplemental Environmental Impact Report (Draft SEIR) was made available for public review in April 2006 and distributed to local and state responsible and trustee agencies. The general public was advised of the availability of the Draft SEIR through public notice in the

newspaper and by mail. During the extended public review period for the Draft SEIR (through June 30, 2006 for a total of 75 days, as compared to the legally mandated 45-day review period) the City received comments, both in writing and verbally. Verbal comments on the Draft SEIR were received at a Planning Commission hearing held on May 17, 2006.

Final EIR

This Final SEIR contains all comments received by the City on the Draft SEIR and also includes responses to these comments, together with necessary changes or revisions to the text of the Draft SEIR document. Changes to the text of the Draft SEIR are included in this Final SEIR, shown in underline for new text or ~~strikeout~~ for deleted text.

Also included in this Final EIR is a description and analysis of two new project alternatives.

This Final SEIR will be presented to the City Planning Commission at a public hearing as indicated in the Notice of Availability (immediately following the front cover of this document) to consider certification of this document as a technically adequate, full disclosure document. As such, it must identify the potential environmental effects of the proposed Project, recommend mitigation measures to avoid or reduce potential environmental effects, and consider possible alternatives. Assuming that the City Planning Commission certifies this SEIR as complete and adequate under the guidelines of the California Environmental Quality Act (CEQA), this document together with the Draft SEIR will constitute the Final SEIR for this Project. The Planning Commission may require additional changes or modifications to this Final SEIR prior to certification.

The Final SEIR will be used as an informational document by decision makers when determining whether to grant the various approvals required for Project implementation, including among others, approval of an amendment to the OARB Reuse Plan and tentative map approval.

REPORT ORGANIZATION

This Final SEIR consists of the following chapters, commencing after Chapter 6 of the Draft SEIR:

Chapter 7: Introduction. This chapter outlines the purpose, organization and scope of the Final SEIR and important information regarding the public review and approval process.

Chapter 8: Revisions to the Draft SEIR. This chapter includes corrections, clarifications or additions to text contained in the Draft SEIR based on comments received during the public review period. This chapter also includes discussion and analysis of two additional project alternatives.

Chapter 9: Response to Comments. This chapter provides reproductions of letters received from public agencies and the public on the Draft SEIR, and the names of individuals and summaries of comments made at the Planning Commission hearing in May 2006. The

comments are numbered in the margins. The responses to these comments immediately follow each comment letter, and are keyed to these numbered comments.

QUICK REFERENCE FOR COMMON ACRONYMS AND OTHER TERMINOLOGY

AMS – Acronym for Ancillary Maritime Support, a type of land use that includes port-related container storage, truck parking, warehousing, and related offices.

CEQA – Acronym for the California Environmental Quality Act, which governs environmental analysis of projects.

Gateway Development Area – The portion of the former Oakland Army Base slated for redevelopment by the city of Oakland (as distinct from areas to be redeveloped by the Port) was named the Gateway Development Area and subdivided into areas referred to as the North Gateway, which is the Project site; the East Gateway, which together with the North Gateway encompasses the entire Option B site; the Central Gateway; and the West Gateway.

OARB – Acronym for the former Oakland Army Base.

OARB Redevelopment EIR – References the EIR to which this is a supplement, which was adopted in April 2002 by the City of Oakland with the following complete title, *Oakland Army Base Area Redevelopment Plan EIR*.

Option B – An optional larger Project that was also fully analyzed in this SEIR and referred to as “Option B”. Option B would encompass the entire Project plus add additional automotive dealerships and big box retail. A complete description can be found in Chapter 2: Project Description of the Draft SEIR

Reuse Plan – References the plan for reuse of the former Oakland Army Base, which was adopted in July 2002 by the Oakland Base Reuse Authority under the following complete title, *Gateway to the East Bay: Final Reuse Plan for the Oakland Army Base*.

SEIR – Acronym for Supplemental Environmental Impact Report. Together, the Draft SEIR and this Final SEIR make up the SEIR for this project.

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REVISIONS TO THE DRAFT SEIR

The following are minor text changes, additions or modifications made to the Draft EIR for the Oakland Army Base Auto Mall Project. An explanation of the changes made in response to comments can be found in Chapter 9: Response to Comments.

Comments are written in *italics*. Existing text of the Draft SEIR is provided for context in normal font. Deletions are noted by ~~strike through~~; additions are underlined.

CHANGES TO CHAPTER 1: INTRODUCTION AND EXECUTIVE SUMMARY

- *Page 1-2. The following text is hereby amended as follows:*

This document is a Draft Supplemental Environmental Impact Report (SEIR). Pursuant to Public Resources Code Sections 21090 and 21166 and CEQA Guidelines Sections 15180 and 15163, this Draft SEIR augments the previously certified OARB Redevelopment Plan EIR (OARB Redevelopment EIR, City of Oakland, 2002) to the extent necessary to address the changed conditions and circumstances of the Project, and to examine mitigation and project alternatives accordingly. Specifically, the previously certified EIR was a Project EIR under Public Resources Code Section 21090 and further environmental review is governed by California Public Resources Code Section 21166.

- *Page 1-4. The following text is hereby amended as follows:*

An EIR for the Redevelopment and Reuse Plan (OARB Redevelopment EIR) was certified in July of 2002 (SCH# 2001082058). That Project EIR described and disclosed the potential environmental consequences associated with adoption by the City of Oakland, the Oakland Base Reuse Authority (OBRA) and the Port of Oakland of a Redevelopment Plan for an area comprising about 1,800 acres (including the Reuse Plan for the 430-acre former OARB).

CHANGES TO CHAPTER 2: PROJECT DESCRIPTION

- *Page 2-11. The following text is hereby amended as follows:*

The big box retail is expected to have total employment in the range of approximately ~~400 to 600~~ 300 to 400 people.

- Page 2-22. *The following text is hereby amended to reflect prospective dissolution of the Oakland Base Reuse Authority as follows:*
 - ~~Oakland Base Reuse Authority (OBRA)~~ City of Oakland Redevelopment Agency approval of an amendment to the OARB Reuse Plan to reflect the proposed land use change to include an auto mall (and potentially “big box” retail under Option B).

CHANGES TO CHAPTER 3: TRANSPORTATION AND TRAFFIC

- Page 3-24. *The following text is hereby amended as follows:*

MM Traf-3: The Project Sponsors shall work with the property owners to develop an access design that provides adequate levels of safety. One option would be to relocate the EBMUD driveway to connect as the north leg of the N. Access Road / E. Access Road intersection. If the driveway were relocated, the N. Access Road / E. Access Road intersection would operate in compliance with the City’s level of service standards with all-way stop traffic control. Design plans for the project and all public facilities shall be consistent with City standards and are subject to the approval of the City of Oakland Public Works Agency.

Phasing of the demolition of Wake Avenue and construction of the Maritime Street extension and North Access Road must occur such that reasonable access to the EBMUD facilities is maintained at all times.

- Page 3-26. *The following text is hereby amended as follows:*

Traffic forecasts were based on the 2004 version of the Alameda Countywide Model as required by the Alameda County Congestion Management Agency (CMA) for Congestion Management Program (CMP) analysis purposes.

- Page 3-27. *The following text is hereby amended as follows:*

A more detailed analysis was conducted using the Alameda Countywide Model with the City of Oakland’s land use data for the purposes of assessing cumulative environmental impacts to the transportation system and the extent to which the Project and Option B would contribute to cumulative impacts.

CHANGES TO CHAPTER 4: AIR QUALITY

- Page 4-15. *The following text is hereby added to the Draft SEIR after the last paragraph under the “Regional Pollutant Emissions” heading:*

This project will likely progress before other projects are finalized in the Reuse Area and therefore before an area-wide Transportation Demand Management (TDM) Plan can be instituted to which the developers of this project would otherwise pay a fair share.

The City shall, in cooperation with the area businesses, cause to be prepared an Interim Transportation Demand Management Plan to be implemented prior to an area-wide TDM Plan being put in place. The Interim TDM Plan shall include, at a minimum, the following measures:

1. Provide a shuttle to and from one or two local BART stations (West Oakland and/or 12th and Broadway).
2. The future big box retail shall be conditioned to provide secure, weather-protected bicycle parking for employees.
3. Provide signalized pedestrian crossings at all signalized intersections adjacent to the project site.
4. Provide employees with a guaranteed ride home in emergencies if they take transit, bicycle, walk or carpool to work.
5. Utilize only electric or natural gas forklifts and landscaping equipment in project operations.

Additionally, the following TDM measure should be considered for reduction of internal trips:

6. Consider shared customer parking in a centralized location.

CHANGES TO CHAPTER 5: OTHER CEQA CONSIDERATIONS

- *Page 5-11. The following text is hereby amended as follows:*

Under either of these scenarios it is assumed that the ~~47~~ 15-acre Gateway Park ~~along the water's edge~~ would occur as conceptualized in the Reuse Plan ~~(pursuant to Tideland's Trust agreements)~~, and that 15 acres of ancillary maritime support uses would be relocated from the Project site to another City Gateway location.

- *Page 5-24. The following text is hereby inserted after the Comparison of the Project with the Adopted Reuse Plan section and immediately before the Other CEQA Considerations section. To make this text easier to read, underlining has not been used. The following sections are added in entirety.*

COMPARISON OF THE PROJECT TO A PARTIAL AMS ALTERNATIVE

Public comments on the proposed Project/Option B have suggested the exploration of providing some Ancillary Maritime Support (AMS) uses on the Project/Option B site as an alternative to the project as proposed in conjunction with an otherwise reduced project. The following provides a discussion of this consideration.

This alternative would include alterations to the plan for the Option B expanded area whereby big box retail is no longer proposed but instead replaced by acreage for AMS uses and a somewhat larger Auto Mall with an additional dealership. This alternative would include on the

30-acre North Gateway portion four or five separate automotive dealerships with sales and service operations on four or five separate parcels of approximately four to six acres each (unchanged from the Project). On the East Gateway portion, this alternative would include four automotive dealerships with sales and services on four parcels of approximately four acres each plus 13 acres for AMS uses. See **Figure 5-1** for a tentative tract map of this alternative.

Potential for a larger AMS complex

While not a part of this proposal, this alternative would not preclude the possibility that additional land in the city's Gateway Development area could be reserved for AMS uses. At the time of writing this document, the City is in discussions with the Port regarding locating additional AMS uses in the Central Gateway across Maritime Street from those proposed in this alternative. Together, the AMS uses in the East Gateway and the AMS uses in the Central Gateway would comprise the 15 acres of planned AMS uses relocated from the North Gateway to make room for the auto dealerships (as discussed in the project description Draft SEIR p.2-11) and 15 acres of Port AMS uses that would otherwise have been located off-site. These adjacent AMS areas would likely function as one combined AMS facility and would require some transfer of land from the City to the Port.

Comparison of Environmental Effects

This alternative would have similar or lessened environmental impacts as compared to Option B.

Traffic: This alternative would result in twenty-two percent (22%) reduction in traffic, thereby reducing traffic impacts on surrounding intersections, main roads and freeways. A comparison of the trip generation rates for Option B as compared to this alternative is shown in Table 5-5. The reduction in traffic for the Partial AMS Alternative would reduce the cumulative impacts of the project but would not likely reduce impacts to a less-than-significant level. All cumulative impacts are expected to remain as stated in the DEIR after mitigation.

Table 5-5
Comparison of Average Daily Trip Generation, Option B v. Partial AMS Alternative

	Proposed Option B			Partial Ancillary Maritime Support Alternative		
	units	trips/unit	Daily Trips	units	trips/unit	Daily Trips
Auto dealerships	440 ksf	33.34/ksf ¹	14,670	510 ksf	33.34/ksf ¹	17,003
Big Box retail	150 ksf	49.21/ksf ¹	7,382			
Ancillary Maritime Support				13 ac	82/ac ¹	1,065
Existing Option B site uses			-3,838			-3,838
Total Daily Trips			18,214			14,231

¹ See Chapter 3 of the Draft SEIR; Traffic, Trip Generation Table

The following **Table 5-6** shows more detailed trip generation information for this alternative.

Table 5-6													
Comparison of Trip Generation, Option B v. Partial AMS Alternative													
Use	Source	Amount		Trips Generated									
				Daily	AM Peak Hour			PM Peak Hour			Saturday Peak Hour		
					In	Out	Total	In	Out	Total	In	Out	Total
Proposed Option B													
Auto Dealership	ITE (841)	440	KSF	14,670	668	235	903	387	605	992	667	640	1,307
"Big Box" Retail	ITE (813)	150	KSF	7,382	141	135	276	285	296	581	384	368	752
Existing Option B Site				-3,838	-294	-160	-453	-184	-318	-500	-67	-46	-114
Total Net New Trips				18,214	515	210	726	487	584	1,073	983	963	1,945
Partial Ancillary Maritime Support Alternative													
Auto Dealership	ITE (841)	510	KSF	17,004	775	272	1,047	445	697	1,142	773	742	1,515
Maritime Support	ITE (030)	13	Acres	1,065	39	56	95	37	48	85	15	15	30
Existing Option B Site				-3,838	-294	-160	-453	-184	-318	-500	-67	-46	-114
Total Net New Trips				14,231	520	168	689	298	427	727	720	712	1,431
Notes: Average trip generation rates are from <i>Trip Generation, 7th Edition</i> , Institute of Transportation Engineers, 2003.													
Regression equations were used as recommended in <i>Trip Generation Handbook</i> , Institute of Transportation Engineers, 2004													

Truck Parking: This alternative provides greater acreage in the immediate vicinity of the Port available to meet truck parking and other AMS use demands. This alternative would somewhat reduce the impact as identified in the OARB Redevelopment EIR regarding a cumulative deficit in truck parking facilities. However, the addition of 13 acres for AMS in the East Gateway would only achieve a portion of the projected 2020 demand for such uses of approximately 178 acres and represents *relocation* of planned AMS uses rather than increases in total planned AMS acreage.

Air Quality: Compared to the proposed Option B, this alternative would result in a reduction in activity of mobile pollutant sources (vehicles) and could be expected to generate pollutant emissions less than those of Option B. Nevertheless, this alternative would generate amounts of criteria pollutants in excess of the cumulative significance thresholds. This alternative would reduce but not wholly avoid air quality impacts. Additionally, while difficult to quantify and not directly related to the impacts of the proposed project, location of more AMS uses in the city's Gateway Development Area could reduce diesel emissions by reducing the length of truck trips and/or truck traffic in the nearby neighborhoods.

Conclusions

The Partial AMS Alternative would generate less traffic and consequently less mobile source emissions than the proposed Option B but would not wholly avoid or reduce these impacts to levels of less than significant. While the need for truck parking is not an impact of the proposed Project/Option B, this alternative would provide more land area in the immediate vicinity of the

Port to offset the anticipated cumulative deficit in available truck parking largely related to the activities of the adjacent Port.

This alternative would be similar but environmentally superior to the proposed Option B and would not meet the objectives of attracting big box retail. The acreage reserved for AMS uses in the city's Gateway Development Area represents a loss in area that could otherwise be developed for higher economic activity and/or greater job creation and therefore a reduction in the ability to meet objectives relating to strengthening the economic base, increasing sales tax revenue and allowing for job creation.

COMPARISON OF THE PROJECT TO A PARTIAL AMS AND COMPACT DESIGN ALTERNATIVE

While the Partial AMS Alternative would help address the area-wide cumulative deficit in truck parking, it would lessen the city's ability to meet the project objectives of creating jobs and strengthening the economic base. A more compact design for the auto mall could allow greater economic and job activities within the same area. The following provides a discussion of this consideration.

This alternative would include the Partial AMS Alternative as described above for the East Gateway expanded Option B area, which includes four automotive dealerships with sales and services on four parcels of approximately four acres each plus 13 acres for AMS uses. This alternative would also add an additional dealership in the North Gateway portion for five or six separate automotive dealerships with sales and service operations on five or six separate parcels of approximately two to six and a half acres each. To accommodate the dealerships on reduced parcels, the buildings could have smaller footprints than those proposed in the Project/Option B, and could be taller, up to four stories compared to the maximum 2 stories proposed. Despite the addition of one dealership, the total building square footage for the automotive dealers in this area would remain unchanged. See **Figure 5-2** for a tentative tract map of this alternative.

This alternative also includes the possibility of traffic circles and/or modified traffic circles. The final design of these roadway modifications are subject to approval by the City of Oakland's Public Works division.

The compact design alternative could also include small restaurant uses within the dealerships targeted to employees and customers of the Auto Mall. These auxiliary restaurant uses would be limited to a total of 4,000 square feet with 84 seats in the Auto Mall development, likely divided between two dealerships, and would replace building square footage otherwise dedicated to the auto dealerships (rather than increasing total square footage).

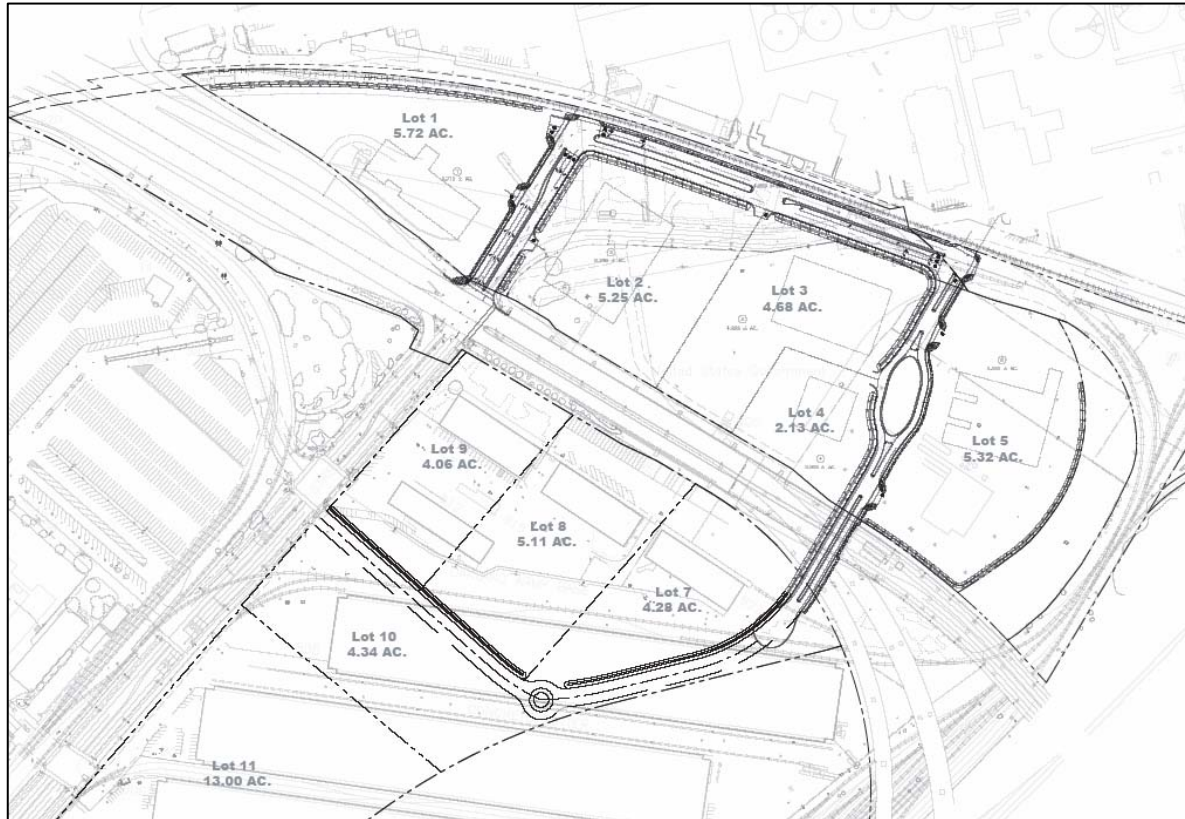


Figure 5-2: Partial AMS and Compact Design Alternative Tentative Tract Map

Source: Modified from Kimley-Horn and Associates

Comparison of Environmental Effects

The compact design with potentially smaller parcels and taller buildings would in itself have similar environmental impacts as compared to the Project/Option B. Combination of compact design with the Partial AMS Alternative, as proposed in this Partial AMS and Compact Design Alternative would have similar or lessened environmental impacts as compared to the Project/Option B.

The potentially four-story buildings would still be within the height anticipated as a potential under the Redevelopment Plan and Reuse Plans and would not change conclusions made in the Initial Study for this project (City of Oakland, January 2006) or the OARB Redevelopment EIR. There would be no new impacts related to the greater building heights possible under this alternative.

Potential addition of small auxiliary restaurant uses in place of up to 4,000 square feet of auto dealerships would increase Project/Option B automobile trip generation less than 1% and would not significantly change the environmental impacts of the Project/Option B (see **Tables 5-7** and **5-8**).

Table 5-7
Comparison of Average Daily Trip Generation, Project v. Partial AMS and Compact Design Alternative

	Proposed Project			Partial AMS and Compact Design Alternative		
	units	trips/unit	Daily Trips	units	trips/unit	Daily Trips
Project						
Auto dealerships	390 ksf	33.34/ksf ¹	13,003	390 ksf	33.34/ksf ¹	13,003
Existing Project site uses			-1,229			-1,229
Total Daily Trips, Project			11,774			11,774
Option B						
Auto dealerships	440 ksf	33.34/ksf ¹	14,670	510 ksf	33.34/ksf ¹	17,003
Big Box retail	150 ksf	49.21/ksf ¹	7,382			
Ancillary Maritime Support				13 ac	82/ac ¹	1,065
Existing Option B site uses			-3,838			-3,838
Total Daily Trips, Option B			18,214			14,231
Optional Restaurant(s)				84 seats		166 ²
Reduction in auto dealerships				-4 ksf	33.34/ksf ¹	-133
Total Daily Trips, Option B (with optional restaurants)			18,214			14,264

Notes: 1: see Chapter 3; Traffic, Trip Generation Table

2: see Table 5-8 for details of auxiliary restaurant use trip generation.

Traffic: This alternative would result in twenty-two percent (22%) reduction in traffic, thereby reducing traffic impacts on surrounding intersections, main roads and freeways. A comparison of the trip generation rates for the project as compared to this alternative is shown in **Table 5-7**. The reduction in traffic for the Partial AMS and Compact Design Alternative would reduce the cumulative impacts of the project but would not likely reduce impacts to a less-than-significant level. All cumulative impacts are expected to remain as stated in the DEIR after mitigation.

Table 5-8 shows more detailed trip generation information for this alternative.

Table 5-8												
Comparison of Trip Generation, Project v. Partial AMS and Compact Design Alternative												
Use	Source	Amount	Trips Generated									
			Daily	AM Peak Hour			PM Peak Hour			Saturday Peak Hour		
				In	Out	Total	In	Out	Total	In	Out	Total
Proposed Project												
Auto Dealership	ITE (841)	390 KSF	13,003	593	208	801	319	499	818	591	568	1,159
Existing Project Site			-1,229	-45	-64	-109	-42	-56	-98	-17	-18	-35
Total Net New Trips			11,774	548	144	692	277	443	720	574	550	1,124
Partial AMS and Compact Design Alternative (Project Area)												
Auto Dealership	ITE (841)	390 KSF	13,003	593	208	801	319	499	818	591	568	1,159
Existing Project Site			-1,229	-45	-64	-109	-42	-56	-98	-17	-18	-35
Total Net New Trips			11,774	548	144	692	277	443	720	574	550	1,124
Proposed Option B												
Auto Dealership	ITE (841)	440 KSF	14,670	668	235	903	387	605	992	667	640	1,307
"Big Box" Retail	ITE (813)	150 KSF	7,382	141	135	276	285	296	581	384	368	752
Existing Option B Site			-3,838	-294	-160	-453	-184	-318	-500	-67	-46	-114
Total Net New Trips			18,214	515	210	726	487	584	1,073	983	963	1,945
Partial AMS and Compact Design Alternative (Option B Area)												
Auto Dealership	ITE (841)	510 KSF	17,004	776	272	1,048	445	697	1,142	773	743	1,516
Maritime Support	ITE (030)	13 Acres	1,065	39	56	95	37	48	85	15	15	30
Existing Option B Site			-3,838	-294	-160	-453	-184	-318	-500	-67	-46	-114
Total Net New Trips			14,231	521	168	690	298	427	727	721	712	1,432
Optional Auxiliary Restaurant(s) (Partial AMS and Compact Design Alternative)												
Restaurant	ITE (932)	84 Seats	406	20	19	39	20	15	35	43	31	74
Internal Trips to & from Restaurant			-120	-6	-6	-12	-4	-3	-7	-9	-6	-15
Internal Trips to & from Auto Dealerships			-120	-6	-6	-12	-4	-3	-7	-9	-6	-15
Additional Net External Trips			166	8	7	15	12	9	21	25	19	44
Notes: Average trip generation rates are from <i>Trip Generation, 7th Edition</i> , Institute of Transportation Engineers, 2003.												
Regression equations were used as recommended in <i>Trip Generation Handbook</i> , Institute of Transportation Engineers, 2004												

Truck Parking: This alternative provides greater acreage in the immediate vicinity of the Port available to meet truck parking and other AMS use demands. This alternative would somewhat reduce the impact as identified in the OARB Redevelopment EIR regarding a cumulative deficit in truck parking facilities. However, the addition of 13 acres for AMS in the East Gateway would only achieve a portion of the projected 2020 demand for such uses of approximately 178 acres

and represents *relocation* of planned AMS uses rather than increases in total planned AMS acreage.

Air Quality: Compared to the proposed Project/Option B, this alternative would result in a reduction in activity of mobile pollutant sources (vehicles) and could be expected to generate pollutant emissions less than those of the Project. Nevertheless, this alternative would generate amounts of criteria pollutants in excess of the cumulative significance thresholds. This alternative would reduce but not wholly avoid air quality impacts. Additionally, while difficult to quantify and not directly related to the impacts of the proposed project, location of more AMS uses in the city's Gateway Development Area could reduce diesel emissions by reducing the length of truck trips and/or truck traffic in the nearby neighborhoods.

Conclusions

The Partial AMS and Compact Design Alternative would generate less traffic and consequently less mobile source emissions than the proposed Project/Option B but would not wholly avoid or reduce these impacts to levels of less than significant. While the need for truck parking is not an impact of the proposed Project/Option B, this alternative would provide more land area in the immediate vicinity of the Port to offset the anticipated cumulative deficit in available truck parking largely related to the activities of the adjacent Port.

This alternative would be similar but environmentally superior to the proposed Project/Option B and would not meet the project objective of attracting big box retail. As compared to the Partial AMS Alternative, this alternative would have the same reduction in impacts while retaining more ability to meet the objectives of job creation and strengthening the economic base.

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RESPONSE TO COMMENTS

This chapter of the document contains responses by the SEIR authors to the verbal and written comments on the Draft SEIR. Where revisions to the Draft SEIR are appropriate, such changes are summarized below and the actual text changes are included in Chapter 8.

SUMMARY OF COMMENT LETTERS RECEIVED

City of Oakland received seventeen (17) letters commenting on the Oakland Army Base Auto Mall Project Draft Environmental Impact Report (SCH# 2006012092), which was circulated for public review in April 2006. Additionally, the transcript of the May 17, 2006 Planning Commission hearing is included herein. Public comments given at this hearing are identified in the transcript and responded to. The written comment submitters are:

COMMENTS FROM PUBLIC AGENCIES

- Letter 1:** Kevin Boles, Utilities Engineer, California Public Utilities Commission.
- Letter 2:** Lee Chien Huo, Bay Trail Planner, San Francisco Bay Trail Project.
- Letter 3:** William Kirkpatrick, Manager of Water Distribution Planning, East Bay Municipal Utility District.
- Letter 4:** Timothy C. Sable, District Branch Chief, California Department of Transportation.
- Letter 5:** Michael G. Barter, Acting Chief, Real Estate Division, United States Department of the Army.
- Letter 6:** Jean Roggenkamp, Deputy Air Pollution Control Officer, Bay Area Air Quality Management District
- Letter 7:** Grace Kato, Public Land Management Specialist, California State Lands Commission
- Letter 8:** Saravana Suthanthira, Associate Transportation Planner, Alameda County Congestion Management Agency

Letter 9: Terry Roberts, Director, State Clearinghouse, State of California, Governor's Office of Planning and Research State Clearinghouse and Planning Unit

COMMENTS FROM GROUPS AND INDIVIDUALS

Letter 10: Kent Lewandowski, private citizen

Letter 11: WOCAG Community Trust Sub-Committee, West Oakland Community Advisory Group (WOCAG)

Letter 12: Clint Bolden, Executive VP Real Estate Development, Fulton Project Development Group

Letter 13: Multiple authors, West Oakland Community Advisory Group

Letter 14: Multiple authors, Sierra Club California / Alameda County

Letter 15: Naomi Schiff, Oakland Heritage Alliance

Letter 16: Monsa Nitoto, Executive Director, Coalition for West Oakland Revitalization

Letter 17: Bryan E. Grunwald, private citizen

VERBAL COMMENTS RECEIVED AT PLANNING COMMISSION HEARING

Document 18: Transcript of May 17, 2006 City of Oakland Planning Commission Meeting

RESPONSES TO SPECIFIC COMMENTS

The following pages of this document contain comments, both written and verbal, on the Draft SEIR. Letters received during the public review period are listed first, followed by comments made to the Planning Commission at the hearing. Each letter and public hearing comment is numbered to identify distinct comments on the Draft SEIR. Responses to these comments are provided following each letter and public hearing comment.

In some instances, responding to a comment received on the Draft SEIR resulted in a revision to the text of the Draft SEIR. In other cases, the information provided in the responses is deemed adequate in itself, and modification of the Draft SEIR text was not necessary.

Text from the Draft SEIR appears with reduced margins, as this paragraph illustrates. Where revisions are necessary, deletions are noted by ~~striketrough~~ and additions are underlined.

In reviewing the comments received on the Draft SEIR, it should be noted that while some of the comments provide opinion on the proposed Project or address features and characteristics of the Project as currently proposed, such comments may not address the *environmental analysis* presented in the Draft SEIR. Responses presented in this document focus only on those comments which bear a direct relationship to environmental issues discussed in the Draft SEIR, as required under CEQA. While other comments that are not directly related to the Draft SEIR may be acknowledged, it is beyond the scope of the Final SEIR to provide responses to these comments or opinions.

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LETTER 1

STATE OF CALIFORNIA

ARNOLD SCHWARZENEGGER, Governor

PUBLIC UTILITIES COMMISSION

505 VAN NESS AVENUE

SAN FRANCISCO, CA 94102-3298



May 4, 2006

Elois Thornton
City of Oakland
250 Frank Ogawa Plaza, Ste. 3315
Oakland, CA 94612

Dear Ms. Thornton:

Re: SCH# 2006012092; Oakland Army Base Auto Mall

As the state agency responsible for rail safety within California, we recommend that any development projects planned adjacent to or near the rail corridor in the County be planned with the safety of the rail corridor in mind. New developments may increase traffic volumes not only on streets and at intersections, but also at at-grade highway-rail crossings. This includes considering pedestrian circulation patterns/destinations with respect to railroad right-of-way.

Safety factors to consider include, but are not limited to, the planning for grade separations for major thoroughfares, improvements to existing at-grade highway-rail crossings due to increase in traffic volumes and appropriate fencing to limit the access of trespassers onto the railroad right-of-way.

The above-mentioned safety improvements should be considered when approval is sought for the new development. Working with Commission staff early in the conceptual design phase will help improve the safety to motorists and pedestrians in the County.

If you have any questions in this matter, please call me at (415) 703-2795.

Very truly yours,

A handwritten signature in cursive script, appearing to read "Kevin Boles".

Kevin Boles
Utilities Engineer
Rail Crossings Engineering Section
Consumer Protection and Safety Division

cc: Pat Kerr, UP
Carol Harris, UP

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Letter 1: Kevin Boles, Utilities Engineer, California Public Utilities CommissionResponse to Comment 1-1

The Auto Mall Project and Option B have been planned with the safety of the nearby rail corridor in mind. No significant project traffic would cross at-grade rail crossings except along Maritime Street between 7th Street and W. Grand Avenue and along W. Grand Avenue east of Mandela Parkway, where train crossings are infrequent. The City will continue to work with the Public Utilities Commission throughout the design process.

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LETTER 2



May 30, 2006

Eloise A. Thorton
City of Oakland
Community and Economic Development Agency
Planning Division
250 Frank H. Ogawa Plaza, Suite 3315
Oakland, CA 94612

Subject: Draft Supplemental Environmental Impact Report for the Oakland Army Base Auto Mall Project

Dear Ms. Thorton:

On behalf of the San Francisco Bay Trail Project, I am writing to submit comments on the Draft Supplemental Environmental Impact Report (SDEIR) for the Oakland Army Base Auto Mall Project (Auto Mall Project) located in the City of Oakland. The Bay Trail Project is a nonprofit organization administered by the Association of Bay Area Governments (ABAG) that plans, promotes, and advocates for the implementation of the Bay Trail. The Bay Trail is a planned 500-mile continuous network of multi-use bicycling and hiking paths that, when complete, will encircle San Francisco and San Pablo Bays in their entirety and cross seven toll bridges. It will link the shoreline of all nine Bay Area counties, as well as 47 cities. To date, more than half the length of the proposed Bay Trail system has been developed.

The Bay Trail alignment runs along Maritime Street adjacent to the proposed Option B project site and then continues to both the Bay Bridge and Shellmound Street in Emeryville. The Bay Trail alignment to the bicycle and pedestrian path that will be located on the new East Span of the Bay Bridge will run along Maritime Street and then follow Burma Road westward to the Bay Bridge. The Bay Trail alignment to Emeryville will run to the east from Burma Road and be located in the area between Interstate 80 and the northern boundary of the East Bay Municipal Utility District wastewater facility. After reviewing the SDEIR, we have the following comments to strengthen the SDEIR's discussion and analysis of the Auto Mall Project's impacts and mitigation related to the Bay Trail. For discussion purposes, the term "Auto Mall Project" refers to both the proposed project with and without Option B.

1. A detailed discussion and analysis of the Auto Mall Project's consistency with the adopted Bay Trail Plan and Bay Trail alignment are not included in the SDEIR. As such, the SDEIR should be revised to provide a more detailed discussion and analysis of the proposed Auto Mall Project's consistency with the adopted Bay Trail Plan and Bay Trail alignment. Any inconsistencies should be mitigated, and the proposed mitigation should be identified and discussed in the SDEIR. Currently, the SDEIR provides little information on the planned Bay Trail segments in the project vicinity. The Alternative Transportation Section of the SDEIR on page 3-25 simply states that "[c]onstruction of the Project or Option B would not conflict with adopted policies, plans, or programs supporting alternative transportation. The Project would have no impact on alternative transportation." The SDEIR should provide a more in depth analysis of the Auto Mall

- | | |
|---|-----------------------|
| <p>Project's impacts on alternative transportation and the Bay Trail rather than the cursory discussion currently included in Chapter 3 <i>Transportation and Traffic</i>. At a minimum, the detailed analysis of the impacts to the Bay Trail should address land-use compatibility impacts, safety impacts to Bay Trail users as a result of the proposed Auto Mall Project, and cumulative impacts.</p> | <p>2-2
cont'd</p> |
| <p>2. As stated above, the <i>Land-Use Section</i> of the SDEIR should include a detailed discussion and analysis of the compatibility of the proposed Auto Mall Project with the adopted Bay Trail Plan and Bay Trail alignment. A map of the Bay Trail alignment is enclosed. The analysis of impacts should include any potential conflicts that the utilities, structures, parking lots, curb cuts, and other infrastructure associated with the proposed Auto Mall Project would have on the implementation, development, and use of the planned Bay Trail. This analysis should also include any impacts that the operation and use of the proposed Auto Mall and big box retail facility would have on the Bay Trail including an increased demand for on-street parking in the project area. The proposed Bay Trail through the project area is planned to ultimately be a Class I, off-street multi-use path. As such, the SDEIR should analyze the proposed project impacts to the Bay Trail on Maritime Street in terms of a design that minimizes conflicts with the Bay Trail by minimizing or eliminating curb cuts and maintaining an adequate right of way to develop the Bay Trail. Mitigation measures should be identified and discussed for any Bay Trail impacts identified.</p> | <p>2-3</p> |
| <p>3. Either in the <i>Land-Use or Transportation and Traffic Section</i> of the SDEIR, the issue of Bay Trail user safety should be analyzed and discussed. The proposed Auto Mall Project would create more conflicts between motor vehicles and Bay Trail users through additional curb cuts on Maritime, increased demand for on-street parking, and a substantial increase in motor vehicle trips by 1,200 new employees, a substantially larger number of customers, delivery trucks, and potential buyers test driving vehicles. All of these safety impacts should be analyzed, discussed, and mitigated in the SDEIR.</p> | <p>2-4</p> |
| <p>4. The SDEIR states that the proposed Auto Mall Project would result in Significant and Unavoidable impacts along Maritime Street and the study area freeways. The intersections at Maritime Street and 7th Street and at Maritime Street and West Grand Avenue would operate at LOS F. The SDEIR also states that the Auto Mall Project would result in Significant and Unavoidable impacts to regional air quality because the vehicular trips generated by the project would result in a significant increase in criteria air pollutants. We also believe that the proposed project would result in significant impacts to the development of the Bay Trail and Bay Trail users due to land-use and safety conflicts generated by the Auto Mall Project. To address these significant impacts to traffic, air quality, land-use, and Bay Trail user safety, we recommend that direct and local mitigation be provided by requiring the construction of the Class I Bay Trail on Maritime Street from the intersection of Burma Road down to 7th Street. We believe that this direct mitigation within the project vicinity is more appropriate than the indirect mitigation proposed in the SDEIR such as Mitigation Measure Air-1. The Bay Trail alignment on 7th Street already exists, and Caltrans will be constructing the Bay Trail from the intersection of Maritime Street and Burma Road to the Bay Bridge and to Emeryville. As a result, the construction of the Bay Trail along Maritime would provide an alternative commute option which would reduce traffic and air quality impacts. In addition, a Class I path would minimize or eliminate safety conflicts with motor vehicles if designed appropriately.</p> | <p>2-5</p> |

Eloise A. Thorton
May 30, 2006

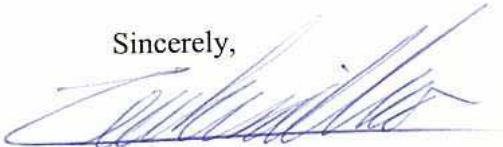
5. Also, the SDEIR should provide specific detail on where the 15 acres of required Ancillary Maritime Support (AMS) uses would be located. The SDEIR should also analyze how the movement of these AMS uses would impact the implementation, development, and use of the Bay Trail along with any proposed mitigation for those impacts.

2-6

The Bay Trail Plan and Policies and Bay Trail Design Guidelines may be obtained on our website at <http://baytrail.abag.ca.gov/>, or by contacting me at the telephone number below.

The Bay Trail Project appreciates the opportunity to comment on the SDEIR for the proposed Auto Mall Project and looks forward to working with you on this project. Please do not hesitate to call me at (510) 464-7915 if you have any questions regarding the above comments or the Bay Trail.

Sincerely,



Lee Chien Huo
Bay Trail Planner

Cc: Alex Greenwood, City of Oakland, CEDA
Jason Patten, City of Oakland, CEDA
Jim Townsend, EBRPD

Enclosure

Existing Bay Trail
Proposed Bay Trail



Please note that a color version of this map is included with the digital version of this document. See the Notice of Availability at the beginning of this document for information on where to obtain/view the digital version of this document. Color materials can also be found on the Bay Trail website at <http://baytrail.abag.ca.gov>



Letter 2: Lee Chien Huo, Bay Trail Planner, San Francisco Bay Trail ProjectResponse to Comment 2-1

While the route of the Bay Trail along Maritime Street has been conceptually planned, the exact alignment has yet to be determined. Because the Bay Trail will be approaching from the west, it seems appropriate to continue the Trail down the west side of Maritime Street rather than have the Trail cross Maritime Street, which is expected to be a very busy street. Minimizing potential conflicts between Trail users and vehicles is a consideration when determining where to construct the Trail. Specific redevelopment projects have not yet been finalized for the west side of the street. It is not expected there will be a significant difference in the number of curb cuts on the west or east sides of Maritime Street along the Bay Trail alignment. The City has noted that it fully intends to comply with the Bay Trail plans for a Class I trail along this segment of Maritime Street and will include such a trail in the plans for development on the west side of Maritime Street.

Response to Comment 2-2

The Bay Trail is planned to run along Maritime Street south of Burma Road. Construction of the Auto Mall project would create commercial development that would not be inconsistent with the character of land uses along the Bay Trail to the north and south of the project area. The proposed Project represents revision and implementation of the 2002 adopted Reuse Plan for the area and does not constitute significantly different land use patterns for the area than the commercial and industrial uses approved in the 2002 Reuse Plan. If the Bay Trail is constructed as a Class I multi-use path separated from motor vehicle traffic as planned, the primary conflict points between motor vehicles and Trail users would be at intersections. All intersection crossings would be controlled by traffic signals that would provide signalized crossings for Trail users.

Response to Comment 2-3

As discussed in response to comment 2-1 above, the Bay Trail is anticipated to be located will be located on the west side of Maritime Street. As this project is located on the east side of Maritime Street, the Project's curb cuts will not have a direct impact on the Bay Trail.

The Project would displace 15 acres of AMS uses previously planned for the Baldwin Yard, north of Grand Avenue. This use is expected to be relocated to the Central Gateway area on the west side of Maritime Street, across from the southern portion of Option B. The existing uses in that area include container storage and other industrial uses. An AMS use at this new location would be expected to keep the same or reduce curb cuts, although potentially increasing the number of vehicles turning into the area across the Bay Trail. However, a stop light is assumed for the intersection of the driveway to this AMS use at Maritime Street (and the driveway for the Option B use directly across Maritime Street). A controlled intersection with signalized crossing for the Bay Trail would increase the safety for those on the Trail as opposed to the existing condition with more curb cuts and no controls.

The current land use in the area is industrial and port-related or vacant. The project site and the expanded Option B area have been planned for light industrial and commercial uses in the Reuse Plan. The existing proposal specifically considers an auto mall and potentially big box retail use, and these uses would create commercial development that is not inconsistent with the character of land uses along the Bay Trail to the north and south of the Project area. The Bay Trail runs and/or is planned along many different types of uses and there are no inherent land-use compatibility issues between the proposed uses and the Bay Trail.

Response to Comment 2-4

See Response to Comment 2-2.

Response to Comment 2-5

Construction of the Auto Mall Project would not preclude construction of the Bay Trail along the west side of Maritime Street south of Burma Road, nor the connection of the Bay Trail from Maritime Street to the Bay Bridge and Emeryville. An appropriate alignment of the Bay Trail would be along the west side of Maritime Street to avoid an unnecessary crossing of Maritime Street. This portion of the Bay Trail will be constructed as a subsequent element of implementation of the Oakland Army Base Area Redevelopment Plan on the west side of Maritime Street.

Construction of the Bay Trail would provide limited relief of traffic congestion by providing an alternative commute option but would only have a slight effect on traffic congestion and air quality. The limited benefit would not justify the cost of construction at this early stage of implementation of the OARB Area Redevelopment Plan.

Response to Comment 2-6

See Response to Comments 2-2 and 2-3.

LETTER 3



May 30, 2006

Elois Thornton, Planner IV
City of Oakland, Community and Economic Development Agency
250 Frank H. Ogawa Plaza, Suite 3315
Oakland, CA 94612

Re: Draft Supplemental Environmental Impact Report - Oakland Army Base Auto Mall Project, Oakland

Dear Ms. Thornton:

East Bay Municipal Utility District (EBMUD) appreciates the opportunity to comment on the Draft Supplemental Environmental Impact Report (SEIR) for the Oakland Army Base (OARB) Auto Mall Project located in the City of Oakland. EBMUD provided comments regarding certain potential impacts to operations, including water service, water conservation, water recycling, and wastewater on the Notice of Preparation of a Draft SEIR for the project on February 7, 2006. EBMUD's original comments (see SEIR Appendix B) still apply. EBMUD also has additional comments on the Draft SEIR, particularly in regard to potential impacts on wastewater operations.

3-1

WASTEWATER

EBMUD's Main Wastewater Treatment Plant (MWWTP) entrance is located at 2020 Wake Avenue, north and east of the proposed Auto Mall Project location. The Heroic War Dead Property is west of and contiguous with EBMUD's MWWTP. EBMUD and the Heroic War Dead Property owner (United States Army) use Wake Avenue to gain access to their respective facilities/property. The roadways and alignments proposed in the Draft SEIR change access to these access points by eliminating Wake Avenue, and creating Maritime Street, North Access Road and East Access Road. Any changes to the access to EBMUD's MWWTP must be coordinated with EBMUD and the current access must be maintained at all times. In addition, Maritime Street, North Access Road, and East Access Road should be designated as public right-of-ways, since they will provide access to public facilities including EBMUD's MWWTP and the United States Army's properties

3-2

3-3

The Draft SEIR fails to adequately analyze the impacts of roadway elements of the project and potential mitigation measures for these impacts. Cumulative traffic conditions for the Project and the Project with Option B for the West Grand Avenue/Maritime Street intersection (No. 1), and the West Grand Avenue/I-880 Frontage Road intersection (No. 2) are identified as having an "F" LOS (traffic gridlock), with

3-4

significant traffic delays (Table 3-8). The Draft SEIR concludes that cumulative traffic mitigation is not feasible for these intersections and that residual significance would be significant and unavoidable. Intersections No. 1 and No. 2 are major thoroughfares that provide access to major highways, to Maritime Street, and potentially to the East Access Road. The potential for traffic gridlock on West Grand Avenue will hinder emergency response (e.g., ambulance and fire trucks) to EBMUD's MWWTP as well as to adjacent commercial facilities. It could also impact the ability of EBMUD to operate the MWWTP in a safe and efficient manner by making access for essential personnel more difficult. In light of these impacts, EBMUD requests that the applicant further consider mitigations to provide improvements at these intersections to maintain the current LOS. To the extent that improvements cannot be made, the SEIR should also provide a more extensive justification for the infeasibility of mitigations.

3-4
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The road alignments proposed in Figure 2-5 do not adequately address increased traffic through the North Access Road and Maritime Street in the years prior to the full implementation of the Oakland Army Base Redevelopment. During the early years, the East Access Road is proposed to end as a cul-de-sac. The traffic study needs to address the additional traffic that will be created along the North Access Road and Maritime Street due to the fact that, with the cul-de-sac, there will be a single point of entry and exit to the Auto Mall, to EBMUD's MWWTP and to the Army's property.

3-5

EBMUD's main entrance to the MWWTP has a security station that is operated 24 hours per day, 7 days per week, and monitors and directs visitor traffic to the plant. Visitor and employee traffic at the MWWTP occurs 24 hours per day, 7 days per week. Visitors are required to first check in at the security station, and then are directed into the plant via the main entrance, or via the secondary access point off of Wake Avenue, between Buildings 1101 and 1086 on the United States Army Land. The road configuration proposed in Figure 2-5 prevents EBMUD's access to the secondary access point on the United States Army Land. This creates a significant impact on operations at the plant, presenting flow issues for employee and visitor traffic. Because of this, EBMUD requests that the final road alignments maintain EBMUD's access to the main entrance as well as to the secondary access point at all times. There should also be a thorough discussion in the document of this identified impact, and to the extent that the City disputes the necessity or feasibility of this important operational measure, that should also be discussed in the document.

3-6

The Draft SEIR also does not include a thorough discussion and exploration of mitigation measures for all of the traffic and property impacts that will be created by the proposed land uses in the area and associated road alignments. Impacts that are not identified in the Draft SEIR include those resulting from proposed rail line and rail spur configurations that are planned to accommodate the lot configurations for the Auto Mall. Based on conversations with the City of Oakland staff, EBMUD understands that the proposed development will include a rail spur line that will pass in front of the main entrance to EBMUD's MWWTP. This is a foreseeable aspect of the project that must be

3-7

discussed in the SEIR. The SEIR fails to analyze several potential impacts and necessary mitigation measures related to the rail line. The Draft SEIR does not address safety measures that are necessary for the rail line and road crossing configurations that will be implemented for the rail spur line. Chemical deliveries, critical to the operation and regulatory compliance of EBMUD's MWWTP, occur on a regular basis and will use the crossing for the spur line. It is important that, in designing the safety and crossing configurations for the rail spur line, the City and rail owner recognize these chemical deliveries and include details to address the level and type of truck traffic crossing the line. At this point, at a minimum, the Draft SEIR must also include these issues in the traffic and environmental analysis, as well as the analysis of potential health and safety issues. Because of the significant safety issues and nature of the impacts that would result from a collision or other incident at the crossing, the document should recognize that this is not only an issue for EBMUD but for the surrounding land uses as well.

3-7
cont'd

The rail line and rail spur configurations will also create adverse impacts to other traffic and existing land uses. Specifically, entry to EBMUD's MWWTP will be completely blocked at times by use of the rail spur line. The Draft SEIR does not address the volume of traffic that the rail spur line will carry, or the length of time per day the rail spur line will be used. Without this information, the impacts to the surrounding environment and operation of EBMUD's MWWTP can not be fully assessed. EBMUD requests that this information be provided. During times when the rail spur is in service, EBMUD employees, contractors, and visitors would be unable to enter or leave the MWWTP, which could adversely impact operations at the MWWTP, resulting in potential environmental, health and safety impacts, and also pose a direct life safety threat to EBMUD employees and visitors due to the inability of emergency response resources (e.g. police/security, ambulances and fire trucks) to enter or exit the MWWTP at times of emergency when trains are accessing the line. The Draft SEIR needs to address the traffic and environmental issues that will result at times when the rail spur line is in use. Traffic along the North Access Road, East Access Road, and Maritime Street will also increase when the rail spur line is in use since EBMUD vehicles will be unable to enter the proposed MWWTP driveway. During these times, emissions from idling vehicles would also increase, which has not been addressed in the Draft SEIR. The Draft SEIR has also omitted any discussion of emissions from trains using the rail line and the extent to which these will combine with other added emissions to create unacceptable conditions.

3-8

The Draft SEIR should also include not only a more thorough examination of the impacts of the project, but also a more extensive and reasoned discussion of the alternatives and reasons that certain alternatives have been rejected. A minor decrease to the size of one or more of the proposed parcels would make it possible to locate the rail spur line away from EBMUD's MWWTP. EBMUD generated two viable alternatives (see enclosed figures) that would mitigate traffic and environmental impacts to EBMUD's MWWTP and to the general public, and would provide a separate access road for EBMUD vehicles. EBMUD thus requests that the Draft SEIR not only analyze the rail aspect of the project but also that the document analyzes alternative rail line and road alignments, in addition

3-9

to the single alignment contained in the SEIR. We believe that a thorough analysis of impacts will reveal that this alternative is preferable.

3-9
cont'd

The proposed alignment of the North Access Road (Figure 2-5) and the associated rail spur line discussed above appear to require acquisition of property from the United States Army. This aspect of the project has not been addressed in the Draft SEIR, and discussion with the current property owner (United States Army) and the future property owner (EBMUD) is warranted. Additional property exchanges may exist with the proposed road and rail spur alignments, which should be addressed in the Draft SEIR.

3-10

The OARB Redevelopment EIR (July 2002) indicated that land use closest to EBMUD's MWWTP would include "industrial-type land uses such as Ancillary Maritime Support at the Baldwin Yard, and Warehouse/Distribution or Light Industrial at the Subaru site." These land uses were determined to be "less people-attracting" and would have a lower sensitivity to "potential occasional odor events." While EBMUD does not object to the proposed change in land use, the potential for public exposure to odors at property adjacent to EBMUD's MWWTP exists, regardless of the prevailing wind direction. EBMUD is concerned that the Draft SEIR proposal to develop the Subaru Lot as commercial type land use rather than "industrial type" land use could be incompatible with the industrial nature of EBMUD's MWWTP given the potential for public exposure to odor emissions. In light of this, we urge that the applicant consider a buffer zone between the proposed commercial land development and the existing industrial land use as a possible means to mitigate the environmental impacts associated with the proposed change in land use. We believe that this is a feasible mitigation measure that should be explored in the document.

3-11

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

Sincerely,

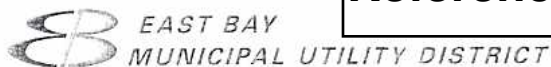


William R. Kirkpatrick
Manager of Water Distribution Planning

WRK:JAJ:sb
sb06_143.doc

Enclosures

Attachment to LETTER 3 Referenced previous letter



February 7, 2006

Elois Thornton, Planner IV
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 Supplemental Environmental Impact Report for
the Oakland Army Base Auto Mall Project - Oakland

Dear Ms. Thornton:

East Bay Municipal Utility District (EBMUD) appreciates the opportunity to comment on the Notice of Preparation of a Draft Supplemental Environmental Impact Report (EIR) for the Oakland Army Base (OARB) Auto Mall Project located in the City of Oakland. It is noted that since the auto mall would be located within the OARB Redevelopment and Reuse Plan (OARB Redevelopment Plan) area, the City of Oakland is determining what additional environmental analysis is required to consider approval of an auto mall. EBMUD has the following comments.

GENERAL

In February 2002, EBMUD provided a written response to a Draft EIR (Enclosure A) for the OARB Redevelopment Plan. Subsequent to the Notice of Preparation of a Draft EIR, the District received a request from the Oakland Base Reuse Authority for a Water Supply Assessment (WSA) for the OARB Redevelopment Plan. Pursuant to California Water Code, Section 10910-10915, EBMUD approved the WSA and provided OBRA a written response to the WSA in June 2002 (Enclosure B). As the changes in the project scope for the OARB Redevelopment Plan (i.e. changes in proposed land use from light industrial/flex-office space to an auto mall) would result in similar water demands than that analyzed in the WSA, the EBMUD-approved WSA is still valid and a second WSA will not be required.

3-12

WATER SERVICE

EBMUD's Central Pressure Zone, with a service elevation between 0 and 100 feet, will serve the proposed development. Main extensions, at the project sponsor's expense, will be required to serve the proposed development. Off-site pipeline improvements, also at the project sponsor's expense, may be required to meet domestic demands and fire flow requirements set by the local fire department. Off-site pipeline improvements include, but are not limited to, replacement of existing water mains to the project site. When the development plans are finalized, the project sponsor should contact EBMUD's New

3-13

Business Office and request a water service estimate to determine costs and conditions for providing water service to the proposed development. Engineering and installation of water mains, off-site pipeline improvements and services requires substantial lead-time, which should be provided for in the project sponsor's development schedule.

3-13
cont'd

WASTEWATER

EBMUD's Main Wastewater Treatment Plant is anticipated to have adequate dry weather capacity to treat the proposed wastewater flow from this project, provided this wastewater meets the standards of EBMUD's Environmental Services Division. However, the City of Oakland's Infiltration/Inflow (I/I) Correction Program set a maximum allowable peak wastewater flow from each subbasin within the City and EBMUD agreed to design and construct wet weather conveyance and treatment facilities to accommodate these flows. EBMUD prohibits discharge of wastewater flows above the allocated peak flow for a subbasin because conveyance and treatment capacity for wet weather flows may be adversely impacted by flows above this agreed limit. The developer for this project needs to confirm with the City of Oakland Public Works Department that there is available capacity within the subbasin flow allocation and that it has not been allocated to other developments. The projected peak wet weather wastewater flows from this project need to be determined to assess the available capacity within the subbasin and confirmation included in the environmental documentation. Suggested language to include in the EIR is as follows: "The City of Oakland Public Works Department has confirmed that there is available wastewater capacity within Subbasin (*insert subbasin number here*) that is reserved for this project."

3-14

In general, the project should address the replacement or rehabilitation of the existing sanitary sewer collection system to prevent an increase in I/I. Please include a provision to control or reduce the amount of I/I in the environmental documentation for this project. The main concern is the increase in total wet weather flows, which could have an adverse impact if the flows are greater than the maximum allowable flows from this subbasin.

3-15

EBMUD's Main Wastewater Treatment Plant and its associated facilities, including the outfall and dechlorination facilities at the terminus of Burma Road, are critical to protecting public health and the San Francisco Bay. These facilities are operated seven days a week, 24 hours per day. Any planned changes to roadways or traffic flow in the area, particularly with respect to Wake Avenue, must be coordinated with EBMUD and must ensure access to EBMUD facilities at all times.

3-16

WATER RECYCLING

On page 73, Mitigation 4.9-4 states that "Individual actions with landscaping requirements of one or more acres shall plumb landscape areas for irrigation with recycled water." EBMUD recommends that the mitigation measure be changed to state

3-17

that "Developer(s) shall coordinate with EBMUD directly regarding the feasibility of recycled water service to the project area and the installation of plumbing for recycled water service to the landscaped areas of the project."

3-17
cont'd

On page 74, Mitigation 4.9-5 states that "Individual buildings with gross floor area exceeding 10,000 square feet shall install dual plumbing for both potable and reclaimed water, unless determined to be infeasible by the approving agency (City or Port)." This mitigation measure should be deleted, since EBMUD is deferring the requirement for dual plumbing buildings for toilet and urinal flushing with recycled water until EBMUD receives the results from the EBMUD New Administration Building and Shoreinstein pilot projects, which will start in 2007.

3-18

WATER CONSERVATION

The proposed project presents an opportunity to incorporate water conservation measures. EBMUD would request that the City of Oakland include in its conditions of approval a requirement that the project sponsor comply with the Landscape Water Conservation Section of the Municipal Code of the City of Oakland Article 10 of Chapter 7. EBMUD staff would appreciate the opportunity to meet with the project sponsor to discuss conservation programs and best management practices applicable to the project. A key objective of this discussion will be to explore timely opportunities to expand water conservation via early consideration of EBMUD's conservation programs and best management practices applicable to the project.

3-19

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

Sincerely,



William R. Kirkpatrick
Manager of Water Distribution Planning

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sb06_031.doc

Enclosures

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Letter 3: William Kirkpatrick, Manager of Water Distribution Planning, East Bay Municipal Utility District.Response to Comment 3-1

EBMUD's letter dated February 7, 2006 is attached immediately following this letter and included comments have been numbered 3-12 to 3-19.

Response to Comment 3-2

The current access provided to EBMUD is via Wake Avenue which is not a public right-of-way though there is a recorded access easement across it in favor of the US Government (Army Reserves). Changes to access for property owners currently served by the private easement along Wake Avenue will be coordinated with the property owners and adequate access will be maintained at all times.

Response to Comment 3-3

Maritime Street will be designated as public right-of-way. The designation of North Access Road and East Access Road has not been determined, but are also anticipated to be public roads.

Response to Comment 3-4

Please refer to Response to Comment 12-5 for a discussion of the feasibility of additional road improvements beyond those proposed in MM Traf-6 for the W. Grand Avenue/Maritime Street intersection. Road improvements such as additional lanes necessary to mitigate traffic impacts at the W. Grand Avenue/I-880 Frontage Road intersection would cost in the tens of millions of dollars and are not considered feasible for economic reasons.

Response to Comment 3-5

All of the analysis shown in Chapter 3 for the Project assumes the roadway layout shown in Figure 2-5 with the cul-de-sac as shown in the figure.

Response to Comment 3-6

While the route currently used by EBMUD for secondary access to their site through Buildings 1101 and 1086 of United States Army Reserves property would not be directly accessible from the proposed North Access Road, access to this route would still be possible internal to EBMUD property. Visitors could still be directed along that route after check-in at the security station.

Direct access to the Army Reserve parcels has been added at the intersection of Maritime Street with the North Access Road. It is possible this access could be used as secondary access to the EBMUD facilities or even tertiary access if the current secondary route is retained through internal circulation. Such an arrangement would need to be made with the United States Army

Reserves, as has been made for the current secondary access arrangement which is also across Army Reserve land. It is anticipated that the current Army Reserves parcel will change ownership in the future and become part of the EBMUD facility at which time the proposed road alignment would provide two independent access points directly to the EBMUD facility.

Response to Comment 3-7

The rail spur is not a part of the current project, but rather the most current conceptualization of the Port's plans for development of a Joint Intermodal Terminal (JIT) and associated rail lines on adjacent property. The rail lines were included on the plans to show the context of the proposed Project, but they are neither being proposed as a part of this Project nor by this Project Sponsor.

The Port of Oakland is a separate entity and will comply with CEQA requirements for projects within their jurisdiction. The City of Oakland attempts to work closely with the Port to reduce any conflicts between the City's planned projects and the Port's. The following is some relevant information from the City's current understanding of the Port's JIT project that was used to help create the Auto Mall plan.

- The rail lines shown on the conceptual plan in the Draft SEIR (p.2-15 and 2-19) are part of the future Joint Intermodal Terminal planned by the Port since adoption of the original Redevelopment Plan, Reuse Plan and 2002 OARB Redevelopment Plan EIR. These rail lines follow the general alignment of existing tracks and add additional tracks.
- The rail spur mentioned in this letter follows the alignment of an existing rail line owned by Burlington Northern Santa Fe, which extends well beyond the end of the proposed rail spur. This existing rail line is currently being used to deliver materials for the Bay Bridge replacement project. The rail spur, which is shown for context in the plans for the proposed Project, represents the expected (but not predetermined) abandonment of a portion of that rail line while retaining a small segment for engine turnaround, i.e. the rail spur mentioned.
- EBMUD's existing entrance involves crossing the existing rail track at an easement. The relocation of EBMUD's entrance would also involve crossing this same rail track at a different or relocated easement location.

Response to Comment 3-8

The rail lines are shown on the Draft SEIR for context because they are the currently planned adjacent use, but these rail lines are neither being proposed as a part of this project nor by the Project Sponsor. They will be owned and controlled by the Port of Oakland, which is a separate entity.

The rail spur shown in the Draft SEIR is part of an existing rail line currently in use. Abandonment of this rail line in the future, as implied by this letter, would require cooperation of Burlington Northern Santa Fe - the owners of the line.

Also see response to comment 3-7.

Response to Comment 3-9

As noted previously in responses to comments 3-7 and 3-8, the rail spur exists in the alignment shown on the proposed Project diagram. The alternatives attached to this letter suggest abandonment of the existing rail line and construction of a new rail line. Implementation of such an alternative would involve land outside the control of the Project sponsor including the Port, Burlington Northern Santa Fe, EBMUD and the United States Army Reserves. While movement of an easement to cross the existing rail line has been assumed in order to maintain access to the EBMUD site, complete abandonment of a currently active rail line has not been assumed.

Response to Comment 3-10

In order for the project as proposed to proceed, some ownership of land will need to be traded between the Port and the City. Such a land trade is underway. The proposed Project, including the roadways, would not require any additional land from the United States Army Reserves nor EBMUD. The rail line/spur is not a part of the proposed Project, but is instead an existing rail line with appropriate ownership and easements for continued use.

Response to Comment 3-11

A discussion of compatibility with adjacent odor-producing use is included in the Draft SEIR on p. 5-6 to 5-7. According to the City of Oakland Significance Criteria for odor impacts, an impact would be significant if it would *“frequently create substantial objectionable odors affecting a substantial number of people.”* The potential odor impacts in relation to this project do not reach or exceed these significance criteria. As per the Draft SEIR discussion referenced above, the odors are not expected to be frequent because of the prevailing wind directions in the area caused by the flow of marine air traveling through the Golden Gate, across San Francisco and through the San Bruno Gap, which could not be changed without a disruption of great magnitude. *“While odor incidents may occasionally occur at the Project site and such incidences may be more noticeable and aesthetically unpleasant with the proposed Project land uses, such incidents are not expected to occur with such frequency or severity that odors would result in a fundamental land use incompatibility.”* (Draft SEIR p.5-7)

Response to Comment 3-12

Comment noted.

Response to Comment 3-13

Comment noted.

Response to Comment 3-14

The 2002 OARB Redevelopment EIR analyzed the impact of full implementation of the Redevelopment Plan on wastewater capacity. That EIR concluded that redevelopment would increase sewer flows to the EBMUD transport and treatment system but that this increase would be less than significant and that mitigation was not warranted. That EIR also noted that much of

the existing sewer system serving the OARB area is of World War II vintage and all or nearly all sanitary sewer pipelines in the OARB and 16th/Wood sub-districts would be removed and a new sewer collection system constructed as part of redevelopment. Based on standard flow factors and assuming reconstruction of large portions of the system as described above, sewer flows for the Redevelopment program were estimated to be approximately 898,000 gpd average dry weather flow (ADWF), and 2.6 mgd peak weather flow (PWWF).

The wastewater flows anticipated to result for the currently proposed auto mall Project would not exceed these previous estimates, and the current sewer collection sub-basin allocations would remain adequate. Sewer flows from the Project would not exceed the capacity of either the sewer transport or treatment systems, and the impact is considered less than significant.

Response to Comment 3-15

The current sanitary sewer system will be replaced on the Project site. This new system will need to meet current standards which will reduce Infiltration/Inflow.

Response to Comment 3-16

MM Traf-3 (Draft SEIR p.3-24) requires coordination between the Project sponsor and EBMUD for relocation of the driveway.

MM Traf-3: The Project Sponsors shall work with the property owners to develop an access design that provides adequate levels of safety. One option would be to relocate the EBMUD driveway to connect as the north leg of the N. Access Road / E. Access Road intersection. If the driveway were relocated, the N. Access Road / E. Access Road intersection would operate in compliance with the City's level of service standards with all-way stop traffic control. Design plans for the project and all public facilities shall be consistent with City standards and are subject to the approval of the City of Oakland Public Works Agency.

Phasing of the demolition of Wake Avenue and construction of the Maritime Street extension and North Access Road must occur such that reasonable access to the EBMUD facilities is maintained at all times.

Response to Comment 3-17

The referenced Mitigation Measure (MM) 4.9-4 on p. 73 of the Initial Study is an adopted mitigation measure from the 2002 OARB Redevelopment EIR. Appendix A of the Draft SEIR lists the applicable mitigation measures from the 2002 OARB Redevelopment EIR. The feasibility of using recycled water for landscaping will be checked with East Bay Municipal Utilities District at the time of project submittal as was noted where this Mitigation Measure was listed on p.A1-12 of the Draft SEIR.

Response to Comment 3-18

The referenced Mitigation Measure (MM) 4.9-5 on p. 74 of the Initial Study is an adopted mitigation measure from the 2002 OARB Redevelopment EIR. Dual plumbing will not be considered for this project as it is not considered feasible at this time by East Bay Municipal Utility District as was noted where this Mitigation Measure is listed on p.A1-12 of the Draft SEIR.

Response to Comment 3-19

Comment noted. The City of Oakland does have a uniformly-applied standard condition of approval for development projects that requires them to comply with the Landscape Water Conservation Section of the City of Oakland Municipal Code (Chapter 7, Article 10). This condition shall also apply to the Project, as follows:

Standard Condition 4.9-7: As feasible and applicable, the project applicants shall implement the following water-efficient equipment and devices into building design and project plans, consistent with the Landscape Water Conservation section of the City of Oakland Municipal Code (Chapter 7, Article 10): low-, ultra low- and dual flush flow toilets and showerheads, water efficient irrigation systems that include drip irrigation controllers; drought-resistant and native plants for landscaping; and minimization of turf areas.

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DEPARTMENT OF TRANSPORTATION

111 GRAND AVENUE
P. O. BOX 23660
OAKLAND, CA 94623-0660
PHONE (510) 286-5505
FAX (510) 286-5513
TTY (800) 735-2929



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May 31, 2006

ALA880659
ALA-880-34.11
SCH#2006012092

Ms. Elois A. Thornton
City of Oakland
Community and Economic Development Agency
Planning Division
250 Frank H. Ogawa Plaza, Suite 3315
Oakland, CA 94612

Dear Ms. Thornton:

Oakland Army Base Auto Mall Project – Draft Supplemental Environmental Impact Report

Thank you for continuing to include the California Department of Transportation (Department) in the review process for the proposed Oakland Army Base Auto Mall Project. The following comments are based on the Draft Supplemental Environmental Impact Report. As lead agency, the City of Oakland is responsible for all project mitigation, including any needed improvements to state highways. Any required roadway improvements should be completed prior to issuance of project occupancy permits. An encroachment permit is required for work in the State right-of-way (ROW), and the Department will not issue an encroachment permit until our concerns are adequately addressed. Therefore, we strongly recommend that the lead agency work with the applicant and the Department to resolve project issues prior to submittal of the encroachment permit application. Further comments will be provided during the encroachment permit process; see the end of this letter for more information regarding the encroachment permit process.

4-1

- Table 3-3 gives the estimated number of trips generated by the existing and proposed developments. These figures either use the average trip generations rates from the Institute of Transportation Engineers' *Trip Generation, 7th Edition, 2003*, or, in a few cases that are noted in the table, they use the regression equations from the same document. However the AM and PM Peak Hour trips for Warehousing ITE(150), are higher than would be found by using the average trip generation rates. They also do not match the results of the regression equation. The warehouses are existing land uses that will be removed so the trips generated by them are subtracted from the trips generated by the new development. Therefore, the total trips generated by the development will be underestimated.

4-2

- This project will be adding considerable traffic to Interstate 880 (I-880) that is already a highly congested roadway. Some sort of fair share contribution to improve I-880 would be appropriate. | 4-3
- The construction traffic for the auto mall would impact the Maritime Street /Burma Road intersection, which is also heavily used by Port trucks, not to mention our contractors. | 4-4
- Any changes that could affect the Bikeway Project along Burma Road need to be coordinated with the Department. | 4-5

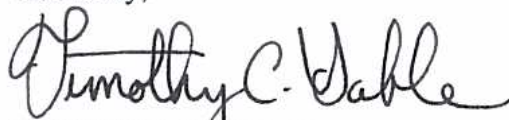
Encroachment Permit

Work that encroaches onto the State ROW requires an encroachment permit that is issued by the Department. To apply, a completed encroachment permit application, environmental documentation, and five (5) sets of plans clearly indicating State ROW must be submitted to the address below. Traffic-related mitigation measures should be incorporated into the construction plans during the encroachment permit process. See the website link below for more information.
<http://www.dot.ca.gov/hq/traffops/developserv/permits/>

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

Should you require further information or have any questions regarding this letter, please call Lisa Carboni of my staff at (510) 622-5491.

Sincerely,



TIMOTHY C. SABLE
District Branch Chief
IGR/CEQA

c: State Clearinghouse

Letter 4: Timothy C. Sable, District Branch Chief, California Department of Transportation.Response to Comment 4-1

Comment noted.

Response to Comment 4-2

The trip generation for existing Warehousing ITE (150) land uses was calculated from the regression equations as recommended in the Trip Generation Handbook (ITE 2004) based on the total number of employees on the existing Option B site. This warehousing operation functions as a single unit and the total number of employees falls within the cluster of points in the ITE data. The total number of trips for existing warehousing uses was allocated to each of the Option B parcel locations, proportional to the number of employees for each proposed land use at each parcel. This method of estimating trip generation results in fewer trips for existing uses than would be estimated using the number of employees for each of the parcels individually. The removal of fewer existing trips from the analysis results in a conservative (higher) estimate of net new trips generated by the project.

Response to Comment 4-3

This comment suggests that project sponsors make “some sort of fair-share contribution to I-880 improvements”. The Draft EIR does show that the Project or Option B would have a considerable contribution of traffic to the cumulative LOS F condition on northbound I-880 south of 7th Street in the p.m. peak hour. Option B would increase the volume of traffic on this segment of the freeway by about 2%, or an increase to the existing v/c ratio of 0.980 to a v/c ratio of 1.001 with Option B. The Draft EIR considered this impact to be significant and unavoidable as did the previously certified OARB Redevelopment EIR (p. 4.3-31).

Under CEQA Guidelines Section 15130, a project’s contribution to a cumulative impact can be found less than cumulatively considerable (less than significant) if the project is required to implement or fund its fair share of a mitigation measure designed to alleviate the cumulative impact. The City of Oakland is unaware of any established mitigation measure that could alleviate the cumulative traffic impacts on I-880, such as plan or proposal to widen or otherwise increase the capacity of this freeway in the project vicinity. In the absence of such any established mitigation measure there is no means by which to establish a fair share cost allocation, or nexus between the project’s contribution to cumulative freeway impacts and a financial contribution to its solution. CEQA Guidelines Section 14126.4 requires mitigation measures to be roughly proportional to the impact of the project. Without a mitigation measure or plan with an identified cost, there is no means available to establish a roughly proportional financial contribution.

It is beyond the scope of this project and the ability of the City of Oakland to independently undertake or ensure needed freeway improvements. Consistent with the statutory responsibility

of the Department of Transportation, the City will necessarily rely on Caltrans to initiate, process and construct needed freeway improvements to I-880.

Response to Comment 4-4

The effects of construction traffic for the Auto Mall would be less than the effects of project traffic after the completion of construction; therefore, the traffic impacts of construction would be less than the traffic impacts of the Auto Mall after construction has completed.

Response to Comment 4-5

This project will have no impact on the Bikeway Project (Bay Trail) along Burma Road, which is planned for the west side of Maritime Street and not on or directly adjacent to the project site. The Project will be in full compliance with the Bay Trail plans to run along Maritime Street as the Trail will run along the west side of the street and not along the project frontage. The final page of Letter 2 from a Bay Trail representative includes a map of the proposed Bay Trail in the vicinity. See response to comment 2-1 for additional discussion.

LETTER 5



REPLY TO
ATTENTION OF

DEPARTMENT OF THE ARMY
LOUISVILLE DISTRICT, CORPS OF ENGINEERS
P.O. BOX 59
LOUISVILLE, KENTUCKY 40201-0059

May 30, 2006

Oakland Base Reuse Authority
Attn: Aliza Gallo
700 Murmansk Street, Suite 3
Oakland, California 94607

RECEIVED JUN 1 X 2006

by Fed Ex

Dear Ms. Gallo:

It has come to our attention that OBRA intends to realign Wake Avenue. The Government has several concerns that it would like addressed concerning this activity. We appreciate the opportunity to comment on the Draft Supplemental Environmental Impact Report (SEIR) for the Oakland Army Base (OARB) Auto Mall Project located in the City of Oakland.

The Government currently uses Wake Avenue to access the Heroic War Dead Property. The roadways and alignments proposed in the Draft SEIR change access to the Government Property by eliminating Wake Avenue, and creating Maritime Street, North Access Road and East Access Road. Any changes to the access to the Heroic War Dead Property must ensure that the Government maintains access at all times. In addition, it might be best if the Maritime Street, North Access Road, and East Access Road are designated as public rights-of-ways, since they will provide access to the Government property and beyond.

It appears the increased traffic at West Grand Avenue and Maritime Street, as well as the proposed plan for the East Access Road to end as a cul-de-sac, will create significant access issues in this area. It concerns the Government, that there will be a single point of entry and exit to the Government's Property. The Government is also interested to know what the timeframe on the construction activities will be, as well as actual turning radius will be when driving from North and Northeast on Maritime Street to the North Access Road. The Government has several very large vehicles that travel this area regularly. The timeframe for the construction is of interest to the Government because it could affect future maneuvers in the area.

If you have questions please contact Valerie Doss at (502)315-6979.

Sincerely,


Michael G. Barter
Chief, Real Estate Division
Acting

Encl

5-1

5-2

5-3

5-4

CF: Elois Thornton, Planner IV, City of Oakland, Community and Economic Development Agency, 250 Frank H. Ogawa Plaza, Suite 3315, Oakland, CA 94612

ACSIM, DAIM-AR, Attn: David Robinson, 2511 Jefferson Davis Highway, Arlington, Virginia 22202

US Army Corps of Engineers, Attn: Carolyn Deane, 600 Dr. Martin Luther King Jr. Place, Louisville, Kentucky 40202

Letter 5: Michael G. Barter, Acting Chief, Real Estate Division, United States Department of the ArmyResponse to Comment 5-1

According to the project sponsor, access to all properties currently served from Wake Avenue will be maintained at all times throughout and after construction of the Auto Mall project. See also response to comment 3-16.

Response to Comment 5-2

Maritime Street will be designated as public right-of-way. The designation of North Access Road and East Access Road has not been determined, but will likely also be public roads.

Response to Comment 5-3

The Government property currently has a single point of entry and exit, so the Project would not substantially change that condition. If Option B is implemented, two points of entry and exit would be provided to the property.

Response to Comment 5-4

The timeframe of construction activities is dependent upon the schedule of the businesses that intend to occupy the Auto Mall site; however, it is anticipated that at least some of the auto dealerships would begin construction as soon as possible. The intersection of Maritime Street and the North Access Road would be designed to provide turning radii to accommodate standard semi-trailer trucks.

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LETTER 6

June 16, 2006

Elois Thornton
City of Oakland, CEDA
250 Frank Ogawa Plaza, Suite 3315
Oakland, CA 94612

Subject: Oakland Army Base Auto Mall Project

Dear Ms. Thornton:

Bay Area Air Quality Management District (District) staff have reviewed your agency's Draft Supplemental Environmental Impact Report (DEIR) for the Oakland Army Base Auto Mall Project ("project"). The project includes approximately four to five automobile dealerships on 30 acres of land and an optional project component that would add an additional 30 acres of development (Option B). Option B includes a 150,000 square foot big box retail store and an additional three auto dealerships. On February 23, 2006 we submitted a comment letter to your agency in response to the Notice of Preparation (NOP) for this DEIR.

The DEIR states that there will be significant impacts to air quality if Option B is included in the project and there will be significant cumulative impacts to air quality from either development option. CEQA requires that the lead agency implement all feasible mitigation measures to reduce significant impacts to the greatest possible extent. As noted in our NOP letter, there are mitigation measures that could be implemented to reduce the identified significant air quality impacts of this project. Table 4-6 in the DEIR lists some of the transportation control measures that were also identified as mitigation measures in the Oakland Army Base (OARB) Redevelopment EIR. District staff recommends that the City require the following measures from the "BAAQMD-Recommended TCMs" in Table 4-6 as part of the project's conditions of approval:

1. Construct transit facilities, including lighted shelters with benches and bus turnouts (#1);
2. Design and locate buildings so that building entrances face the nearest transit stop (#2);
3. Require employers to provide free or subsidized transit passes to all project employees (#4);
4. Provide a shuttle to and from the West Oakland BART station (#5);
5. Provide secure, weather-protected bicycle parking for employees (#11);
6. Construct Class II bicycle lanes on West Grand Avenue between the project site and Wood Street as identified in the 1999 Oakland Bicycle Master Plan (#12);
7. Construct a Class I bicycle path on Maritime Street between the project site and 7th Street as identified in the 1999 Oakland Bicycle Master Plan (#12);
8. Provide pedestrian bulb-outs at all intersections adjacent to the project site (#14);

6-1



BAY AREA
AIR QUALITY
MANAGEMENT
DISTRICT

ALAMEDA COUNTY
Roberta Cooper
Scott Haggerty
Janet Lockhart
Nate Miley

CONTRA COSTA COUNTY
Mark DeSaulnier
Mark Ross
(Vice-Chair)
Michael Shimansky
Gayle B. Uilkema
(Chair)

MARIN COUNTY
Harold C. Brown, Jr.

NAPA COUNTY
Brad Wagenknecht

SAN FRANCISCO COUNTY
Chris Daly
Jake McGoldrick
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(Secretary)
Carol Klatt

SANTA CLARA COUNTY
Erin Garner
Yoriko Kishimoto
Liz Kniss
Patrick Kwok

SOLANO COUNTY
John F. Silva

SONOMA COUNTY
Tim Smith
Pamela Torliatt

Jack P. Broadbent
EXECUTIVE OFFICER/APCO

9. Provide audible and pedestrian count-down signals at all signalized intersections adjacent to the project site (#14).

6-1
cont'd

In addition to the specific measures identified above, there are additional feasible mitigation measures that we noted in our NOP comment letter that could further minimize air quality impacts. Specifically, we recommend requiring the following mitigation measures as part of the project's conditions of approval:

1. Providing employees with a guaranteed ride home in emergencies if they take transit, bicycle, walk or carpool to work;
2. Utilizing only electric or natural gas forklifts and landscaping equipment in project operations;
3. Requiring the big box retailer to provide free home-delivery service to any Oakland address for customers who take transit, walk or bicycle to the store.

The DEIR identifies significant cumulative impacts from diesel emissions as a result of project operation. The OARB EIR identified mitigation measures 4.3-3, 4.3-4 and 5.4-1 that could be implemented to reduce overall impacts from the plan area, but not to a less than significant level. District staff recommend that the following additional feasible mitigation measures be implemented to further reduce diesel emissions from this project to the greatest extent possible:

1. Require all diesel-powered delivery trucks serving the project's businesses more than four times annually to be retrofitted with auxiliary power units to power on-board equipment, as well as diesel oxidation catalysts or particulate filters;
2. Provide 110 and 220 volt electrification at all loading docks and areas;
3. Require all delivery trucks capable of utilizing electrification to power their vehicles' equipment to immediately turn off their engines when making deliveries in the project area;
4. Prohibit all on-site diesel truck idling longer than three minutes by providing notification, installing signage and requiring enforcement by security personnel.

6-2

In our NOP letter, we noted that construction activities generate fugitive dust emissions, criteria air pollutants and toxic air contaminants from construction equipment. The project developers should be required to comply with the dust mitigation measures in the District's CEQA Guidelines to prevent significant impacts. We recommended in that letter that the DEIR also include a quantitative analysis of the criteria pollutant emissions that would be generated from construction equipment exhaust during project construction. This was to facilitate public disclosure of the emissions, but also to identify the most appropriate mitigation measures that should be employed. District staff recommend that the Final Environmental Impact Report (FEIR) include this analysis and specify which construction equipment exhaust control measures will be implemented as part of Mitigation Measure 4.4-2 from the OARB Redevelopment EIR. We recommend requiring as many of the following control measures from our NOP letter as possible: maintaining properly tuned engines; minimizing the idling time of diesel powered construction equipment to three minutes; using alternative powered construction equipment (i.e., CNG, biodiesel, water emulsion fuel, electric); using add-on control devices such as diesel oxidation catalysts or particulate filters; using diesel construction equipment that meets the

6-3

6-4

ARB's 2000 or newer certification standard for off-road heavy-duty diesel engines; phasing the construction of projects; and limiting the hours of operation of heavy duty equipment.

6-4
cont'd

In our NOP letter, we recommended that the DEIR evaluate the project's potential to increase the demand for energy in the City and propose strategies to reduce energy use. Evaluating potential impacts on energy is required by CEQA (CEQA Guidelines Appendix F) and was apparently not evaluated in the OARB Redevelopment EIR or this Supplemental DEIR. Increasing the demand for electricity, natural gas, and gasoline may result in an increase of criteria air pollutant emissions from combustion, as well as an increase in greenhouse gas emissions, which can impact regional air quality. We recommend that the FEIR evaluate energy demand of this project at build-out, including any cumulative impacts, such as the need to build "peaker power plants" to provide power during peak demand. District staff recommend requiring as many of the following energy efficiency measures as possible to minimize the project's impact on energy: installing super-efficient heating, ventilation, and air conditioning (HVAC) systems; utilizing light-colored and reflective roofing materials, pavement treatments and other energy efficient building materials; locating shade trees adjacent to buildings and in parking lots; installing photovoltaic panels on buildings; and utilizing natural light and energy-efficient lighting.

6-5

6-6

We recommend that the City require these mitigation measures as a condition of project approval or provide an analysis in the Final Environmental Impact Report (FEIR) as to why these measures are not feasible.

The *BAAQMD CEQA Guidelines: Assessing the Air Quality Impacts of Projects and Plans (1999)* provide guidance on how to evaluate a project's construction, operational and cumulative impacts. You may obtain a copy by calling our Public Information Division at (415) 749-4900 or downloading the online version from the District's web site at: <http://www.baaqmd.gov/pln/ceqa/index.htm>.

If you have any questions regarding these comments, please contact Douglas Kolozsvari, Environmental Planner, at (415) 749-4602.

Sincerely,



Jean Roggenkamp
Deputy Air Pollution Control Officer

JR:DK

cc: BAAQMD Director Roberta Cooper
BAAQMD Director Scott Haggerty
BAAQMD Director Janet Lockhart
BAAQMD Director Nate Miley

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Letter 6: Jean Roggenkamp, Deputy Air Pollution Control Officer, Bay Area Air Quality Management DistrictResponse to Comment 6-1

The 2002 OARB Redevelopment EIR requires all major developers to make fair share contributions to some or all of the BAAQMD-recommended transportation control measures (TCM)s and Clean Air Plan TCMs. However, a fair share contribution presumes an area-wide TCM/TDM plan is in place, when in fact such an area-wide plan has not yet been created. The project can still be conditioned to contribute to a future program, though the specifics cannot yet be determined. As a note, the proposed auto mall and big box retail uses are auto-oriented uses and as such not expected to have large success with TCM/TDM efforts.

See Chapter 8: Revisions to the Draft SEIR for the following text addition (to p. 4-15 of the Draft SEIR):

This project will likely progress before other projects are finalized in the Reuse Area and therefore before an area-wide Transportation Demand Management (TDM) Plan can be instituted to which the developers of this project would otherwise pay a fair share.

The City shall, in cooperation with the expected businesses, cause to be prepared an Interim Transportation Demand Management Plan to be implemented prior to an area-wide TDM Plan being put in place. The Interim TDM Plan shall include, at a minimum, the following measures:

1. Provide a shuttle to and from one or two local BART stations (West Oakland and/or 12th and Broadway).
2. The future big box retail shall be conditioned to provide secure, weather-protected bicycle parking for employees.
3. Provide signalized pedestrian crossings at all signalized intersections adjacent to the project site.
4. Provide employees with a guaranteed ride home in emergencies if they take transit, bicycle, walk or carpool to work.
5. Utilize only electric or natural gas forklifts and landscaping equipment in project operations.

Additionally, the following TDM measure should be considered for reduction of internal trips:

6. Consider shared customer parking in a centralized location.

See response to comment 10-4 for further discussion of number 6 above.

The remaining TCM suggestions are likely infeasible at this time.

- Until such time as redevelopment further progresses and a TDM plan is instituted for the area, the proposed project would not generate enough demand for a bus line. AC Transit Line 13 runs near the project area (as close as Maritime and 14th Street) and less than a half mile from the closest portion of the expanded Option B area.
- Construction of the Auto Mall Project would not preclude construction of Class II bicycle lanes on W. Grand Avenue. Construction of bicycle lanes on W. Grand Avenue would provide limited relief of traffic congestion by providing an alternative commute option but would only have a slight effect on traffic congestion. The limited benefit of the bike lanes would not justify the cost of implementation.
- The Bay Trail planned along Maritime Street will be constructed on the west side of Maritime Street as redevelopment on that side progresses.
- Bulb-outs would not have a significant mitigating effect on any of the traffic impacts identified in the Draft SEIR; however, bulb-outs will be considered by the City in its review of design plans for modifications to project area roadways and may be provided at locations where they would not obstruct turning paths of large vehicles.

Response to Comment 6-2

While the project itself does not generate a CEQA threshold level for diesel emissions, the concentration of diesel particulates in the ambient background air quality in the area is high, and the project would contribute to this cumulative condition. Appendix A of the Draft SEIR lists the applicable mitigation measures from the 2002 OARB Redevelopment EIR, which includes the following:

MM 4.4-4: The City and the Port shall jointly create, maintain, and fund on a fair share basis, a truck diesel emission reduction program. The program shall be sufficiently funded to strive to reduce and/or off-set redevelopment related contributions to local West Oakland diesel emissions to less than significant levels, consistent with applicable federal, state and local air quality standards and shall continually reexamine potential reductions toward achieving less than significant impacts as new technologies emerge. The adopted program shall define measurable reductions within specific time periods.

In the absence of such a plan, the City (as project sponsor) has agreed to implement, or cause to be implemented, the following diesel emission reduction measures as project conditions of approval:

1. Provide 110 and 220 volt electrification at all loading docks and areas.
2. Require all delivery trucks capable of utilizing electrification to power their vehicles' equipment to immediately turn off their engines when making deliveries in the project area.

3. Prohibit all on-site diesel truck idling longer than three minutes by providing notification, installing signage and requiring enforcement by security personnel.

Response to Comment 6-3

The following mitigation measure from the 2002 OARB Redevelopment EIR related to construction-related fugitive dust emissions is applicable to the Project and was included in the Draft SEIR p.A1-2:

MM 4.4-1: Contractors shall implement all BAAQMD “Basic” and “Optional” PM₁₀ (fugitive dust) control measures at all sites, and all “Enhanced” control measures at sites greater than four acres.

A list of the feasible dust control mitigation measures with cost-benefits is included in the 2002 OARB Redevelopment EIR (p.4.4-25) based on an extensive evaluation of potential air quality mitigation measures conducted as part of the Berths 55-58 EIR (Port of Oakland 1998) as follows:

BAAQMD Fugitive Dust Control Measures			
Control Measure	BAAQMD Category	Emission Source Controlled	Measure
1	Basic	Land	Water all active construction areas at least twice daily
2	Basic	Trucks	Cover all trucks hauling soil, sand, and other loose materials or require all trucks to maintain at least 2 feet of freeboard.
3	Basic	Land	Pave, apply water 3 times daily, or apply (nontoxic) soil stabilizers on all unpaved access roads, parking areas and staging areas, at construction sites.
4	Basic	Land	Sweep daily (with water sweepers) all paved access roads, parking areas, and staging areas at construction sites.
5	Basic	Streets	Sweep streets daily (with water sweepers) if visible soil material is carried onto adjacent public streets.
6	Enhanced	Land	Hydroseed or apply (nontoxic) soil stabilizers to inactive construction areas (previously graded areas inactive for 10 days or more).
7	Enhanced	Stockpiles	Enclose, cover, water twice daily or apply (nontoxic) soil binders to exposed stockpiles (dirt, sand, etc.)
8	Enhanced	Streets	Limit traffic speeds on unpaved roads to 15 mph.
9	Enhanced	Land	Install sandbags or other erosion control measures to prevent silt runoff to public roadways.
10	Enhanced	Land	Replant vegetation in disturbed areas as quickly as possible.
11	Optional	Land	Limit the area subject to excavation, grading, and other construction activity at any one time.
12	Optional	Land	Suspend excavation and grading activity when sustained ^a wind speeds exceed 25 mph.
13	Optional	Trucks	Install wheel washers for all exiting trucks, or wash off the tires or tracks of all trucks and equipment leaving the site.

Source: BAAQMD, 1996 as revised through 1999. Table 2.

Note: ^a Modified as per the Berths 55-58 EIR.

Response to Comment 6-4

The 2002 OARB Redevelopment EIR analyzed the impact of construction equipment exhaust. That analysis concluded that construction equipment exhaust could increase levels of NO_x, ROG, CO, and PM₁₀ (the latter primarily as diesel PM) and that these levels could exceed 15 tons per year or result in substantial increases in diesel emissions. This impact was considered to be significant and unavoidable, and the following mitigation measure was recommended and subsequently adopted:

MM 4.4-2: Contractors shall implement exhaust control measures at all construction sites.

Mitigation Measure 4.4-2 above is applicable to the project and was listed in the Draft SEIR p.A1-2. As per the 2002 OARB Redevelopment EIR, exhaust control measures may include, but not be limited to the following:

1. Prohibit truck idling in excess of 2 minutes
2. Use electricity from power poles rather than generators
3. Limit the size of construction equipment engines to the minimum practical size
4. Configure construction equipment with two to four degree engine timing retard or pre-combustion chamber engines
5. Install high pressure injectors on diesel construction equipment
6. Install soot traps
7. Install catalytic oxidizers
8. Minimize concurrent operation of vehicles
9. If they are available in the air basin, purchase emission offsets of ROG or NO_x emissions from construction where emissions exceed 6 tons/quarter.

Subsequent projects shall be conditioned to implement all the above exhaust control measures pursuant to MM 4.4-2.

Response to Comment 6-5

The 2002 OARB Redevelopment EIR analyzed the potential to increase demand for energy and concluded that, although redevelopment activity could increase demand for energy, this increase was found to be less than significant and mitigation was not warranted.

“While new land uses may require substantial power, there is excess capacity in the existing system that would allow for considerable growth (Corps 2001). Existing capacity is adequate

to serve redevelopment, and additional facilities or sources of energy would not need to be developed. The redevelopment-specific effect on energy resources would be less than significant.”

The 2002 OARB Redevelopment EIR conclusion remains valid for the current Project. It is difficult to estimate how energy usage within the entire Redevelopment Area will compare to the original Army Base energy usage because other redevelopment plans are not yet settled. However, this project would result in an incremental increase in the demand for gas and electrical power on this specific site. Specific data on energy usage at this specific site only is not currently available. However, the level of public energy required of the proposed Project would not be expected to violate applicable federal, state and local statutes and regulations relating to energy standards, or to exceed the service capacity of PG&E or require new or expanded facilities.

Buildings constructed after June 30, 1977 must comply with standards identified in Title 24 of the California Code of Regulations. Title 24, established by the California Energy Commission (CEC) in 1978, requires the inclusion of state-of-the-art energy conservation features in building design and construction including the incorporation of specific energy conserving design features, use of non-depletable energy resources, or a demonstration that buildings would comply with a designated energy budget. The Project would be required by the City to comply with all standards of Title 24 of the California Code of Regulations. Any improvements and extensions to PG&E infrastructure required to accommodate the project would be determined in consultation with PG&E prior to installation. As a result, although the project may increase energy consumption, it would not result in a significant impact related to the provision of energy services and mitigation is not warranted.

Similarly, the proposed project in conjunction with reasonably foreseeable future projects could result in a cumulative increase in the demand for gas and electrical power in PG&E's service area of northern and central California. Energy consumption statewide increases annually while the in-state power generation facilities are aging and most of the natural gas supply is produced out of state. Regardless, the development of the proposed project and reasonably foreseeable future projects in Oakland, which is mostly already served by gas and electricity infrastructure, and the net increased power demand from these projects relative to the regional service area, would be minimal and not require expanded or new power facilities as a direct result of project development. Furthermore, the proposed project and other reasonably foreseeable future projects would comply with all standards of Title 24 of the California Code of Regulations (or other similar special building codes that would apply to specific types of facilities). Therefore, the effect of the proposed project on energy consumption levels, in combination with other foreseeable projects, would be less than significant and mitigation above existing state regulations is not warranted.

Response to Comment 6-6

The conclusions of the 2002 OARB Redevelopment EIR that mitigation is not warranted remains valid (see response to comment 6-5). The City can decide to require energy efficiency as a policy issue.

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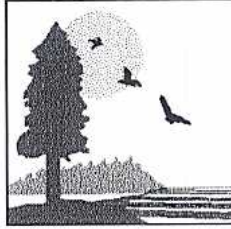
LETTER 7

STATE OF CALIFORNIA

ARNOLD SCHWARZENEGGER, Governor

CALIFORNIA STATE LANDS COMMISSION

100 Howe Avenue, Suite 100-South
Sacramento, CA 95825-8202



PAUL D. THAYER, Executive Officer
(916) 574-1800 FAX (916) 574-1810
Relay Service From TDD Phone **1-800-735-2929**
from Voice Phone **1-800-735-2922**

Contact Phone: (916) 574-1227
Contact FAX: (916) 574-1324

June 22, 2006

File Ref: SCH2006012092

Elois A. Thornton
City of Oakland
Community and Economic Development Agency - Planning Division
250 Frank H. Ogawa Plaza, Ste 3315
Oakland, CA 94612

Ms. Thornton:

Thank you for the opportunity to comment on the Notice of Release/Availability of Draft Environmental Impact Report for the former Oakland Army Base (OARB) Auto Mall Project. Information provided on this project state that the "Implementation of the Project is anticipated to require approval of an amendment to the OARB Reuse Plan, approval of re-designation or relocation of Ancillary Maritime Support uses..."

The California State Lands Commission approved a Settlement Exchange regarding the Oakland Army Base at its April 17, 2006 meeting. During the hearing, the Commission heard testimony concerning ongoing trucking and ancillary maritime uses issues in and around the Oakland Army Base. The Commission approved the exchange with representations from both the City and the Port of Oakland that all parties would continue their discussions with trucking entities and the West Oakland Community to resolve use issues to facilitate trucking services needed by the port and ameliorate impacts to the surrounding community. This letter serves to continue to encourage ongoing negotiations with the trucking and West Oakland communities. Additionally, any re-designation or relocation of Ancillary Maritime Support uses should follow the 2001 revision of the San Francisco Bay Area Seaport Plant that calls for 105 acres to be set aside at the Oakland Army Base for truck parking and maritime ancillary uses.

7-1

7-2

If you have any questions, please do not hesitate to contact me at the number referenced above, or via email at: katog@slc.ca.gov. Thank you.

Sincerely,

Grace Kato
Public Land Management Specialist

This page intentionally left blank.

Letter 7: Grace Kato, Public Land Management Specialist, California State Lands Commission

Response to Comment 7-1

Comment noted.

Response to Comment 7-2

Comment noted. The proposed project would require only *relocation* of planned Ancillary Maritime Support (AMS) uses and would not decrease the total AMS acreage.

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LETTER 8

ALAMEDA COUNTY CONGESTION MANAGEMENT AGENCY

1333 BROADWAY, SUITE 220 • OAKLAND, CA 94612 • PHONE: (510) 836-2560 • FAX: (510) 836-2185
E-MAIL: mail@accma.ca.gov • WEB SITE: accma.ca.gov



June 30, 2006

AC Transit

Director

Dolores Jaquez

Alameda County

Supervisors

Nate Miley

Scott Haggerty

Vice Chairperson

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Mayor

Beverly Johnson

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Mayor

Allan Maris

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Janet Lockhart

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Ruth Atkin

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Roberta Cooper

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City of San Leandro

Mayor

Shelia Young

City of Union City

Mayor

Mark Green

Ms. Elois Thornton

Planner IV

City of Oakland Community and Economic Development Agency

250 Frank H. Ogawa Plaza, Suite 3330
Oakland, CA 94612

SUBJECT: Comments on the Draft Supplemental Environmental Impact Report (DEIR) for the Oakland Army Base Auto Mall Project

Dear Ms. Thornton:

Thank you for the opportunity to comment on the Draft Environmental Impact Report (DEIR) for the Oakland Army Base Auto Mall Project. The proposed project involves allowing for use of the North Gateway portion of the Redevelopment Plan Area, approximately 30-acre, for automobile dealerships with plans to develop five separate approximately 5-acre into 4 or 5 automobile dealerships plus associated roadways and infrastructure improvements. A second option (Option B) also being considered includes the above proposal with the addition of also allowing for use of an additional 30 acres in the East Gateway portion of the Redevelopment Plan Area. Option B would add three more automobile dealerships on approximately 5-acre parcels, plus a 15-acre site for approximately 150,000 square feet of "big box" retail use, plus associated roadways and infrastructure improvements. The current project is the implementation of a portion of the redevelopment plan and Reuse Plan, but with specific land uses not fully detailed under the Oakland Army Base Redevelopment EIR.

The ACCMA respectfully submits the following comments and page numbers of the DEIR is referenced where possible:

- Page 3-38, Cumulative Freeway Operations, Impact Traf-17 & MM Traf-17: The cumulative impact on study area freeways is identified as 'both Project and Options B would increase traffic on study area freeways in 2025 and would cause freeway segments to operate at LOS F'. The residual significance after proposed mitigation measures is identified as "Significant and Unavoidable". The Mitigation Measure proposes the Project Sponsors to fund a fair share of a Transportation Demand Management (TDM) Program established by the City for the Redevelopment Area to reduce the single occupant, peak hour trips, and to increase access to transit opportunities. Since the residual significance (impact) is 'significant and unavoidable' on study area freeways, it is requested that Project Sponsors contribute

a fair share towards regional highway improvements. These funds could be placed in a trust, which would be available later when projects for improvements are proposed for project area freeways. Further, since the nature of the Project and Option B development is auto oriented, a TDM program would not be very effective in reducing vehicular trips generated by the project.

8-1
cont'd

8-2

- Appendix C, CMP Analysis, 2025 Cumulative Impacts on the Regional and Local Roadways – The cumulative impact based on the CMP Analysis is identified as ‘less than significant’. Given the number of project area freeways identified as experiencing ‘significant and unavoidable cumulative impact’ in the CEQA Transportation Analysis, as above, the CMP analysis conclusions appear inconsistent. Please review the CMP analysis and conclusions carefully and modify it appropriately.

8-3

- Page 3-26, Cumulative Impact Analysis and Methodology: The introduction part states that “traffic forecasts were based on the 2004 version of the Alameda Countywide Model as required by the ACCMA”. This is misleading since this section discusses methodologies for both CMP analysis and CEQA Traffic Impact Analyses. Please distinguish clearly between using the unmodified ACCMA’s Countywide Model for CMP Analysis purposes and using the same model with the City of Oakland’s land use data for other analysis purposes.

8-4

Thank you for the opportunity to comment on this Draft EIR. Please do not hesitate to contact me at 510/836-2560 ext. 24 if you require additional information.

Sincerely,



Saravana Suthanthira
Associate Transportation Planner

cc: file: CMP - Environmental Review Opinions - Responses - 2006

Letter 8: Saravana Suthanthira, Associate Transportation Planner, Alameda County Congestion Management AgencyResponse to Comment 8-1

This comment suggests that project sponsors contribute funds into a trust account that could be used at later date to provide fair-share funding for regional highway improvements, once such improvements have been identified and proposed. The Draft EIR does show that the Project would have a considerable contribution of traffic to cumulative traffic impacts on westbound I-80 before the Bay Bridge during the a.m. peak hour, on westbound I-80 east of the I-580 split in the p.m. peak hour, and that Option B would similarly impact northbound I-880 south of 7th Street in the p.m. peak hour. The project would increase freeway traffic volumes on these freeway segments by about 2% during these peak hour periods. The Draft EIR considered these impacts to be significant and unavoidable, as did the previously certified EIR.

Under CEQA Guidelines Section 15130, a project's contribution to a cumulative impact can be found less than cumulatively considerable (less than significant) if the project is required to implement or fund its fair share of a mitigation measure designed to alleviate the cumulative impact. The City of Oakland is unaware of any established mitigation measure that could alleviate the cumulative traffic impact on project area freeways, such as plan or proposal to widen or otherwise increase the capacity of local area freeways in the project vicinity (I-80 or I-880). In the absence of such a mitigation measure, there is no means by which to establish a fair share cost allocation, or nexus between a project's contribution to cumulative freeway impacts and a financial contribution. CEQA Guidelines Section 14126.4 requires mitigation measures to be roughly proportional to the impact of the project. Without a mitigation measure or plan with an identified cost, there is no means available to establish a roughly proportional financial contribution.

It is beyond the scope of this project and the ability of the City of Oakland to independently undertake or ensure needed freeway improvements. Consistent with the statutory responsibility of the Department of Transportation, the City will necessarily rely on Caltrans to initiate, identify necessary funding, and to construct needed freeway improvements.

Response to Comment 8-2

Comment noted.

Response to Comment 8-3

The roadway impacts of the project were considered significant if the addition of project-related traffic would result in a level of service (LOS) value worse than LOS E, except where the roadway link was already at LOS F under no project conditions. For those locations where this Baseline conditions is LOS F, the impacts of the project were considered significant if the contribution of project-related traffic is at least three percent (3%) of the total traffic. In 2025, the project would not cause any MTS roadways that would otherwise operate at LOS E or better

to drop to LOS F, nor would the project cause an increase in traffic by as much as three percent for any roadways that would operate at LOS F without the project.

Response to Comment 8-4

Comment noted. The first sentence of the second paragraph under Cumulative Impact Analysis Methodology (p. 3-26 of the Draft SEIR) is amended as follows:

Traffic forecasts were based on the 2004 version of the Alameda Countywide Model as required by the Alameda County Congestion Management Agency (CMA) for Congestion Management Program (CMP) analysis purposes.

The first sentence of the third paragraph under Cumulative Impact Analysis Methodology (p. 3-27 of the Draft SEIR) is amended as follows:

A more detailed analysis was conducted using the Alameda Countywide Model with the City of Oakland's land use data for the purposes of assessing cumulative environmental impacts to the transportation system and the extent to which the Project and Option B would contribute to cumulative impacts.

See Chapter 8: Revisions to the Draft SEIR for pages 3-26 and 3-27.

LETTER 9

STATE OF CALIFORNIA

Governor's Office of Planning and Research
State Clearinghouse and Planning Unit



Arnold Schwarzenegger
Governor



Sean Walsh
Director

July 3, 2006

Elois Thornton
City of Oakland
250 Frank H. Ogawa Plaza, Suite 3315
Oakland, CA 94612

Subject: Oakland Army Base (OARB) Auto Mall
SCH#: 2006012092

Dear Elois Thornton:

The State Clearinghouse submitted the above named Draft EIR to selected state agencies for review. On the enclosed Document Details Report please note that the Clearinghouse has listed the state agencies that reviewed your document. The review period closed on June 30, 2006, and the comments from the responding agency (ies) is (are) enclosed. If this comment package is not in order, please notify the State Clearinghouse immediately. Please refer to the project's ten-digit State Clearinghouse number in future correspondence so that we may respond promptly.

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

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

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

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

Sincerely,

A handwritten signature in cursive script that reads "Terry Roberts".

Terry Roberts
Director, State Clearinghouse

Enclosures
cc: Resources Agency

9-1

**Document Details Report
State Clearinghouse Data Base**

SCH# 2006012092
Project Title Oakland Army Base (OARB) Auto Mall
Lead Agency Oakland, City of

Type EIR Draft EIR

Description The project generally consists of the redevelopment of approximately 30 acres of land in the North gateway portion of the former Oakland Army Base to provide space for automobile dealerships on five (5) separate parcels of approximately 5 acres each, plus associated roadways and infrastructure improvements. The alternative Option B is a larger effort on a total of approximately sixty (60) acres, including the Project as described here plus three (3) additional 5-acre automobile dealerships and one (1) approximately 12 to 15-acre site for "big box" retail use in the East Gateway portion.

Lead Agency Contact

Name	Elois Thornton	
Agency	City of Oakland	
Phone	510-238-6284	Fax
email		
Address	250 Frank H. Ogawa Plaza, Suite 3315	
City	Oakland	State CA Zip 94612

Project Location

County	Alameda		
City	Oakland		
Region			
Cross Streets	W. Grand Avenue and Maritime Street		
Parcel No.	0305-003-07 (option B also includes 0310-002-02)		
Township	Range	Section	Base

Proximity to:

Highways	I-880, I-80, I-580, CA-123
Airports	
Railways	UPRR
Waterways	San Francisco Bay
Schools	
Land Use	Zoned: M-40 (Heavy Industrial) G.P.: 'Business Mix' and 'General Industrial/ Transportation '. Existing use: portion for outdoor sorting and storage of gravel and other rock. (Alternative Option B present Interim use of existing structures for warehousing)

Project Issues Air Quality; Traffic/Circulation; Landuse; Cumulative Effects

Reviewing Agencies Resources Agency; Department of Fish and Game, Region 3; Office of Historic Preservation; Department of Parks and Recreation; San Francisco Bay Conservation and Development Commission; Department of Water Resources; California Highway Patrol; Caltrans, District 4; Department of Health Services; Regional Water Quality Control Board, Region 2; Native American Heritage Commission

Date Received	04/17/2006	Start of Review	04/17/2006	End of Review	06/30/2006
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Letter 9: Terry Roberts, Director, State Clearinghouse, State of California, Governor's Office of Planning and Research State Clearinghouse and Planning Unit

Response to Comment 9-1

This is not a comment on the Draft SEIR. This letter acknowledges receipt by the State Clearinghouse of the Draft SEIR and provides a copy of the comment letter received by them. This letter was also received by the lead agency separately and is included in full as letter 4 (so has not been included again as an attachment to this document).

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LETTER 10

Thornton, Elois A

From: Kent Lewandowski [kentlewan@yahoo.com]
Sent: Wednesday, April 26, 2006 2:02 PM
To: Thornton, Elois A
Subject: RE: First review OAB Automall SEIR > official comments

Elois,

Thanks for asking. Please disregard the previous email. Here are my written comments. If you would like them sent in, I can do this, too. But email is easiest:

---- begin official comments ----

To proceed with either of the outlined development plans, we are talking about hundreds or even thousands of people coming to shop at a site (either for cars, retail goods or both) where previously very few people came on a daily basis. These people will be coming in their cars. Traffic trips will dramatically increase (which appears to be acknowledged in the traffic patterns statistics of the SEIR). We are going to have much more air pollution than exists now.

10-1

Air pollution at the OAB is not going to be mitigated, unless you create a forest surrounding the retail stores and auto mall to absorb the pollution. I do not see any plans for a forest, or even for a single tree. I do not see any plan for bus service or AC Transit. I do not see any plan to discourage people from driving everywhere, and not walking, riding bikes. I see no attempt to plan for air pollution mitigation at all, in either plan.

10-2

Furthermore, the length and confusion of SEIR is a barrier to public understanding of this important development project. It is unrealistic to expect the public to read and understand 200+ pages of technical information pertaining to a complicated, multi-use project development plan.

10-3

In summary my comments are:

Air pollution impacts have not been adequately analyzed. I do not agree that air pollution impact will be "potentially significant" or "less than significant". Without mitigating measures implemented as part of either plan on OAB, air pollution impact will be "extremely significant."

Some possible mitigation measures I could envision:

10-4

- bus service provided by the city, and funded by fees assessed on the developers and stores coming to the OAB development zone.

- centralized parking, so that people all park in one place, get out of their cars, and walk.

- planting of West Coast-indigenous trees on minimum 10 acres of land to mitigate air pollution impacts.

Thank you for taking my comments.

Kent Lewandowski

----- end official comment -----

Letter 10: Kent LewandowskiResponse to Comment 10-1

While traffic and related air pollution are expected to increase by year 2025, the proposed project will only be a portion of those increases. The project (or Option B) has only less than significant traffic impacts by itself until the cumulative scenario with foreseeable other future developments included in the analysis.

The background air pollution in the area is considerable due largely to the adjacency of the Port of Oakland and related diesel emissions from ships and trucks as well as the proximity of a number of highways including the Bay Bridge approach and toll plaza. The Port and City have and will undertake mitigation to reduce emissions related to their activities as listed below. The proposed project, as a part of redevelopment at the former Army Base, will contribute to increased traffic and related air pollution.

Mitigation 4.4-3: The Port shall develop and implement a criteria pollutant reduction program aimed at reducing or off-setting Port-related emissions in West Oakland from its maritime and rail operations to less than significant levels, consistent with federal, state and local air quality standards. The program shall be sufficiently funded to strive to reduce emissions from redevelopment related contributors to local West Oakland air quality, and shall continually reexamine potential reductions toward achieving less than significant impacts as new technologies emerge. The adopted program shall define measurable reductions within specific time periods.

Mitigation 4.4-4: The City and the Port shall jointly create, maintain, and fund on a fair share basis, a truck diesel emission reduction program. The program shall be sufficiently funded to strive to reduce and/or off-set redevelopment related contributions to local West Oakland diesel emissions to less than significant levels, consistent with applicable federal, state and local air quality standards and shall continually reexamine potential reductions toward achieving less than significant impacts as new technologies emerge. The adopted program shall define measurable reductions within specific time periods.

Mitigation 5.3-7: The City and Port shall cooperatively develop a program that combines multiple strategic objectives and implementation tools designed to reduce cumulative truck parking and other AMS impacts.

Mitigation Measure 5.4-1: The City and the Port shall encourage, lobby, and potentially participate in emission reduction demonstration projects that promote technological advances in improving air quality.

Response to Comment 10-2

There are currently no plans for bus service adjacent to the project site. Transportation control measures (TCMs) will be required as per mitigation measure Air-1 (p. 4-13 to 4-15 of the Draft SEIR) to reduce air pollution. See response to comment 6-1 for specific TCMs that will be implemented for this project based on recommendations from the 2002 OARB Redevelopment EIR, the Bay Area Air Quality Management District and feasibilities at this specific site.

The EIR contained conceptual site plans only that did not include the level of detail to show the landscaping plan. The final site plans will need to comply with applicable regulations of the City of Oakland Planning Code including those regarding landscaping, setbacks and street trees.

Response to Comment 10-3

Comment noted. The SEIR is an environmental analysis document that must meet CEQA standards. An executive summary is provided at the start of the document including a table summarizing the impacts and mitigation measures to provide a shorter summation of the document.

Response to Comment 10-4

Regarding bus service, please see response to comment 6-1, which discusses existing nearby bus lines and the lack of demand for an adjacent bus line at this time.

Individual project applicants shall consider shared customer parking in a centralized location as a TCM to reduce internal trips. See response to comment 6-1.

Regarding planting trees on a minimum 10 acres of land, this project is an implementation of the Reuse Plan for the City's portion of the former Army Base (the Gateway Development Area), the purpose of which included creating jobs, strengthening of the economic base and creating a balanced land use pattern. The set-aside of an additional 10 acres for plantings would not meet the objectives of the Reuse Plan.

Moreover, the Reuse Plan includes a 15-acre Public Benefit Conveyance to the East Bay Regional Park District. This "Gateway Park" is intended to provide shoreline public open space along the Bay, and can include some plantings.

LETTER 11

WOCAG

WEST OAKLAND COMMUNITY ADVISORY GROUP

May 17, 2006

City of Oakland
Community & Economic Development Agency
Attention: Elois Thornton
1 Frank Ogawa Plaza
Oakland, CA 94612

Re: West Oakland Community Fund

Distinguished Members of the Planning Commission:

Tonight you are conducting a public hearing on the draft supplemental EIR for the Oakland Army Base Auto Mall Project, Item #6 on the agenda. While the Oakland Army Base transfer offers potential benefits to the community, we are here to address the immediate and pressing issue of the **West Oakland Community Fund** that was a key component of the winning OAB development proposal submitted by the OPUS West group in 2001.

Commissioners, any new development of the army base property must, at a minimum, address the circumstances that precipitated the development of the **West Oakland Community Fund** concept in the first place. The value of the land in the winning proposal submitted by Opus West included the cost of this community trust. It would not be proper for the redevelopment agency to discount the land at the expense of the community, in order to subsidize any form of development. This is especially true in light of the reasons OPUS West recently opted out its exclusive negotiating agreement with the City of Oakland based on not allowing the potential for them to broaden their land areas if the other developers faulted.

11-1

The Army-City agreement requires that the city provide significant *community* economic development benefit as a condition of transfer. Therefore, the city has a moral and a fiduciary obligation to address in some material way, the impact of 2200 lost jobs, millions of dollars in payroll and the ancillary economic effects suffered by the West Oakland community as a result of the Army base closure. Negotiations with any new developers must, at a minimum, honor the developer's footprints and objectives met by Opus West in proposing the **West Oakland Community Fund**.

The National Economic Development Law Center outlined the terms of a community trust. The proper authorities agreed that the community trust would be funded by the City of Oakland, Redevelopment Agency, and the Port of Oakland in compliance with these terms. Each agency voted on this and agreed to contribute approximately 2 million, for a total of 4 million dollars. The redevelopment agency took the lead responsibility for establishing the trust. The drop-dead date for establishing this trust is August 2006. August 2006 is 2.5 months away! It is our understanding that the redevelopment agency must fund their portion of the trust by August 2007 or the Port of Oakland's obligation to contribute to the trust becomes unenforceable. **The fund, thus far, has failed to materialize so to say we are "concerned" at this late date is an understatement.**

We trust that you will provision for this fund in the near term, as the above-referenced dates are imminent. Please do not allow funds to be re-directed towards uses that benefit outsiders at the expense of the community that was impacted disproportionately in the first place. Janice Adam, representing the Port of Oakland at the last meeting of the WOCAG stated emphatically on behalf of the Port that they stand firmly committed to funding their portion of the community fund. We sincerely hope the Port does not renege on their commitment but the fact their legal obligation is contingent upon the redevelopment agency executing on their portion of the agreement first does not instill confidence in this process.

11-1
cont'd

The hope of the traditional West Oakland community is tied to this fund. We want this issue of the community trust fund to be brought to any prospective OAB developers. This fund should be funded on a per acre basis in the absence of any proportional share formula. We seek to hold discussions with developers and the firms looking to establish businesses on the army base property, to make them aware of this fund to develop agreements or solicit contributions. This fund will be used to support the development of youth programs, business start-ups, jobs training, and community gathering locations, update property facades, renovate public facilities such as the Historic 16th and Wood Station Street of Pullman Porters fame and the current Health Festival at the Shore Line Park both within the redevelopment area and trust properties. Also create support networks for senior citizens. Discussions on this topic must come up soon! We wish to go on record requesting a "place at the table" when these discussions commence with the relevant stakeholders. Thank you for your consideration of this import matter.

Respectfully,

WOCAG Community Trust Sub-Committee

Alan L. Brown Ray Kidd Monsa Nitoto
Richard Nevlin Terese May Mfalme Nguni

700 MURMANSK STREET SUITE 3
OAKLAND, CA 94607
TELEPHONE 510-238-6284

Letter 11: WOCAG Community Trust Sub-Committee, West Oakland Community Advisory Group (WOCAG).

Response to Comment 11-1

Comment noted. The Community Fund is not a CEQA issue but may be considered separately by City decision makers.

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Fulton Project Development Group

June 22, 2006

Ms. Elois A. Thornton
Planner IV, City of Oakland
Community & Economic Development Agency, Planning Division
250 Frank H. Ogawa Plaza, Suite 3315
Oakland, CA 94612

Dear Ms. Thornton,

The purpose of this memorandum is to provide comment on the Draft EIR for the Oakland Army Base Auto Mall project.

Under the Future cumulative scenario (year 2025), several intersections in the vicinity of the Auto Mall site are projected to operate at unacceptable conditions (LOS E or F) during the weekday AM, weekday PM, and Saturday midday peak hours. At three intersections (West Grand/Maritime, West Grand/I-880 Frontage Road, and 7th/Maritime), LOS F conditions would remain even with the mitigation measures proposed in the Draft EIR.

12-1

At the intersection of West Grand/Maritime, although mitigation measures were identified, the intersection would still operate at LOS F. The Draft EIR concludes that this impact would be significant and unavoidable, and does not analyze or recommend any additional measures.

12-2

At the intersections of West Grand/I-880 Frontage Road and 7th/Maritime, the Draft EIR identified mitigation measures that would improve conditions to acceptable levels. However, these measures were determined to be infeasible (due to costs and physical constraints) and therefore not included in the Draft EIR, resulting in significant and unavoidable impacts at both intersections.

12-3

We believe that LOS F operating conditions would be detrimental to this area during any time period. The intersections along West Grand Avenue and Maritime Street are the primary access points to the Oakland Army Base and the Port of Oakland, and are used by tens of thousands of vehicles a day traveling to and from the Bay Bridge. These poor operating conditions will result in extensive delays for vehicles and trucks, which will substantially impinge access to nearby uses and may affect the development potential of other parcels. In addition, the queues that would form on the local streets would likely block driveway access and other nearby streets and intersections, resulting in gridlock throughout the area and negatively affecting operations of the Port.

12-4

To improve future intersection operations to acceptable levels (LOS D or better), options to provide additional access into the area, such as direct links to the regional freeways and improved connections to the surrounding neighborhoods, should be explored. Examples of these potential new facilities include (see attached figure): direct on- and off-ramps to eastbound I-80

12-5

immediately east of the Bay Bridge [A], a frontage roadway connecting the I-580 eastbound on-ramp from West Grand Avenue to I-80 eastbound [B], new local roadways to Mandela Parkway [C and D], new connections between the Port and 14th Street [E], new on- and off-ramps to I-880 [F], and a new I-880 southbound off-ramp to 7th Street [G]. In addition, direct improvements to the Auto Mall area would be possible, including channelized right-turn lanes at the intersection of West Grand/Maritime [H], a direct connection from eastbound West Grand Avenue into the Fulton site, and an extension of the Auto Mall roadway network to the south side of West Grand Avenue (along the old railroad right-of-way along the western edge of the site) [I].

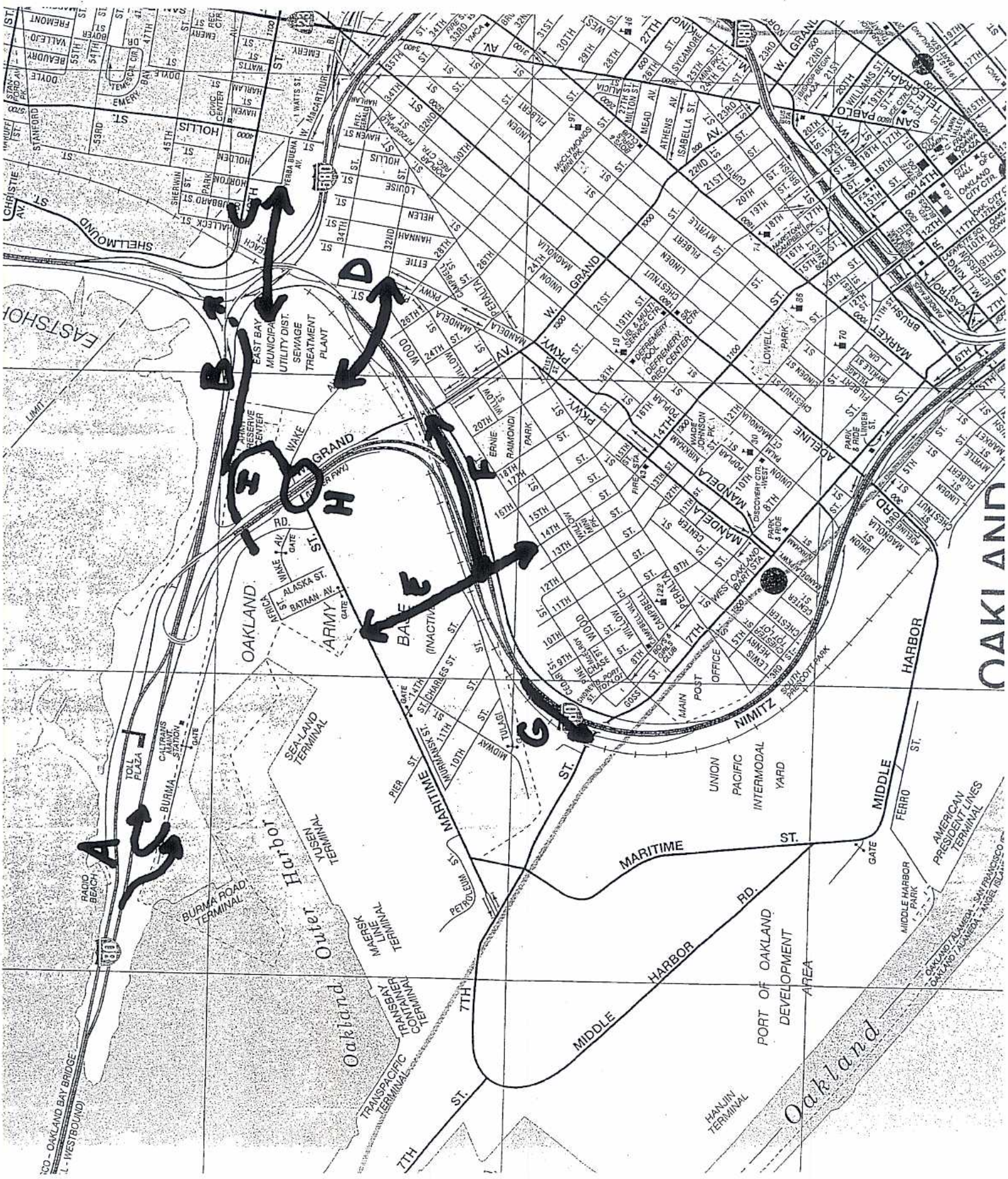
We would be pleased to work with the City to explore these concepts, including the potential impacts to traffic conditions, conceptual design and cost estimates, and overall implementability.

Respectfully,



Clint Bolden

Executive VP Real Estate Development
Fulton Project Development Group



OAKLAND

PORT OF OAKLAND
DEVELOPMENT
AREA

Oakland

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Letter 12: Clint Bolden, Executive VP Real Estate Development, Fulton Project Development GroupResponse to Comment 12-1

This is re-stating results from the Draft SEIR and is not a comment or question. The cumulative scenario included in the analysis for this Draft SEIR is a worst-case scenario as the future development of that area is not yet certain. The cumulative scenario analyzed in this Draft SEIR shows higher levels of traffic than are likely to be generated by the Fulton project. See pages 5-10 to 5-12 of the Draft SEIR for a description of the cumulative scenario analyzed in the SEIR.

Response to Comment 12-2

This is re-stating results from the Draft SEIR and is not a comment or question. As discussed on p. 3-31 of the Draft SEIR regarding the intersection of West Grand Avenue and Maritime Street:

The intersection improvements that are feasible are limited by the bridge piers supporting the I-880/I-80 connector roadway that passes above West Grand Avenue. To fully mitigate cumulative impacts at the intersection would require modification of the overhead structure, development of new roadways, or other measures that would require significant right-of-way and/or the development of major roadway structural elements. No feasible mitigation measures have been identified that would reduce cumulative impacts to a level that is less than significant; therefore, residual cumulative impacts at the West Grand Avenue / Maritime Street intersection would be *significant and unavoidable*.

Response to Comment 12-3

This is restating results from the Draft SEIR and is not a comment or question.

Response to Comment 12-4

The assessment of traffic impacts shows that neither the Project nor Option B would, by themselves, cause significant impacts at any of the study area intersections. The assessment of traffic impacts discloses that the cumulative impact of the Project and Option B in combination with background growth and other foreseeable growth (including the Fulton Project) on study area intersections would be significant. Such other projects that add to the foreseeable growth (including the Fulton Project) would have to pay their fair share of any mitigation measures.

Response to Comment 12-5

Options to provide additional access into the area, such as direct links to the regional freeways and improved connections to the surrounding neighborhoods have been explored and have generally been found to be infeasible due largely to inability to meet standards and/or prohibitive expense. Each of the examples described in the comment are addressed below:

- *Direct On- and Off-Ramps to Eastbound I-80 Immediately East of the Bay Bridge:* This suggestion has been proposed before and discarded as infeasible because of the compromise of Caltrans design standards that would likely be required and because of the potential for the introduction of a problematic weaving maneuver between the proposed on-ramp and the I-880/W. Grand Avenue off-ramp. If the design and traffic operations issues could be resolved, this suggestion could mitigate impacts of the Fulton project but would do little to mitigate the impacts of the Auto Mall project. Therefore, it will be considered as a potential mitigation measure when the Fulton project undergoes environmental review but would not mitigate the impacts of and is not being considered for the Auto Mall Project.
- *Frontage Roadway Connecting the I-580 Eastbound On-Ramp from West Grand Avenue to I-80 Eastbound:* This connection not likely to be feasible and would not alleviate traffic congestion at intersections. A frontage road facility along this section would have to pass under elevated portions of the I-80 freeway connector ramps, where closely spaced support columns would constrain the design. If the design challenges could be overcome, right-of-way may be required and the cost of this option is expected to be in the tens of millions of dollars.
- *New Local Roadways to Mandela Parkway:* New roadways to Mandela Parkway have been considered in the past and found to be infeasible because of the significant grades that would be required to go over the UPRR tracks, stay under overhead freeway structures, and match existing grades on either side. If the design challenges could be overcome, the cost of this option is expected to be in the tens of millions of dollars.
- *New Connections between the Port and 14th Street:* Previous studies have suggested connecting 14th Street and 10th Street to the I-880 frontage road but were strongly resisted by representatives of the West Oakland community. As a result, the Wood Street Project has been approved and has entitlements that preclude a connection to 14th Street.
- *New On- and Off-Ramps to I-880:* If design challenges could be overcome so that such new ramps could be constructed in compliance with Caltrans standards, they are likely to be prohibitively expensive (in the tens of millions of dollars).
- *A New I-880 Southbound Off-Ramp to 7th Street:* Traffic analyses indicate that a new ramp at this location would not serve a significant amount of Auto Mall traffic and would not mitigate impacts identified in the Draft SEIR. (Nor would this new off-ramp significantly alleviate traffic congestion for the Fulton Project.)
- *Channelized Right-Turn Lanes at the Intersection of W. Grand Avenue and Maritime:* Channelized turn lanes would not add significant capacity to the intersection of W. Grand Avenue and Maritime Street. Additional travel lanes would be required to improve traffic operations. MM Traf-6 would add travel lanes where feasible. Adding more lanes would require major modifications to the elevated freeway. Major modifications of the elevated freeway were not considered feasible based on technical, environmental, and economic criteria. The portion of the I-80 West/I-880 freeway connection that passes above West Grand Avenue is supported on columns that straddle West Grand Avenue and Maritime Street. Structural beams that support the freeway superstructure above West Grand Avenue are integrated with and supported by the columns. The columns would have to be set further from West Grand Avenue and/or Maritime Street and the structural beams would need to be longer and thicker to support the superstructure. In addition to the structural work, adding lanes sufficient to fully mitigate impacts would require widening the structures on West Grand

Avenue either east or west of Maritime Street. Reconstruction that would improve traffic operations at the West Grand Avenue/Maritime Street intersection to less than significant levels is estimated to cost in the tens of millions of dollars.

- *Direct Connection from Eastbound W. Grand Avenue to the Fulton Site and an Extension of the Auto Mall Roadway Network to the South Side of W. Grand Avenue:* This modification would be possible and may be a cost-effective method of providing access to the Fulton site. It would not fully mitigate cumulative traffic impacts but may be considered as a potential mitigation measure for the Fulton project. The proposed modification would not mitigate significant impacts of the Auto Mall project.

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LETTER 13

June 22, 2006

Elois Thornton
City of Oakland
Community and Economic Development Agency
250 Frank Ogawa Plaza, 3rd Floor
Oakland, California 94612

Dear Ms. Thornton:

The Oakland Army Base Auto Mall Project Supplemental Environmental Impact Report identifies a number of significant and unavoidable impacts relating to traffic congestion and air quality. It fails to adequately consider one important mitigation that could lessen some of these impacts. Increasing the amount of ancillary maritime support(AMS) services taking place on the former OAB could have mitigating effects.

13-1

According to the SEIR, the Auto Mall project and Option B would generate about 30% more pollutant emissions than the current reuse plan, which itself “would generate amounts of criteria pollutants in excess of significant thresholds”(p.5-23). Thus, in order to achieve increased economic activity on the OAB, a tradeoff of increased pollution is proposed. We believe that increased pollution requires increased mitigation, and the most obvious mitigation available is to move pollution generating activities out of the adjacent neighborhoods and to the former OAB where its proximity to residents would be decreased and its proximity to the Port increased, almost certainly resulting in the additional benefit of less pollution being generated.

13-2

Quite possibly the ideal use for the City Development Area of the OAB would be entirely for AMS, as discussed in 5-18 and 5-19 of the SEIR. However, we feel a more balanced approach is reasonable. But of the 170 acre City Development Area, the designation of only 15 acres for AMS is not balanced.

13-3

Currently there are 105 acres reserved for AMS on total City and Port areas of OAB. The Port’s own study concluded that 178 acres within or near the Port for AMS will be needed by 2020. If this need is not planned for now, then truck related activities will be pushed farther and farther away from their focus area resulting in ever escalating pollution levels.

The environmental advantage of consolidating trucking operations on the OAB was pointed out in a letter signed by 28 residents that is included in Appendix B of the SEIR. There are currently at least 50 trucking operations in the West Oakland neighborhoods adjacent to the OAB and the Port.

13-4

Moving trucking operations and activities to the former OAB is a mitigation measure that the city

13-5

The SEIR is deficient in that it:

1. Does not look at the mitigation that would be provided by the reduced pollution generated by moving truck activities adjacent to their Port destination.
2. Does not look at the mitigation that would be provided by reducing the pollution exposure level to West Oakland residents by removing the proximity of the pollution.
3. Does not examine the increased pollution that would be generated by trucking operations as they are gentrified out of West Oakland and the average distance between their base of operations and the Port increases over time.

Sincerely,

Walter W. Bantam
B - B - B - WOERS, WO CAG

Redd WOCAG

Lin Thomas WOCAG

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~~WOCAL~~ / WOCAG / WOTRC / WOPAL
 WOCAL

Letter 13: West Oakland Community Advisory Group

Response to Comment 13-1

The proposed project does not include reducing the amount of truck parking nor significantly increasing the demand for trucks. No other significant changes have occurred to the projected demand for, or supply of truck parking facilities since the conclusions of the 2002 OARB Redevelopment EIR. Therefore, the conclusions of the 2002 OARB Redevelopment EIR remain valid and a re-analysis of the entire Redevelopment Plan and total area allocated for AMS uses was not warranted for environmental analysis of this project.

Feasible mitigation measures appropriate to the level of impact of the proposed project will be implemented. See response to comments 6-1 and 6-2 for a discussion of the specifics of implementation of Traffic Control Measures as specified in mitigation measure Air-1 and additional emission-reduction strategies.

The Project Sponsor is considering a partial AMS alternative that would locate AMS uses on a portion of the expanded Option B area. See pages 8-3 to 8-7 of this document for a description and analysis of this new alternative.

Response to Comment 13-2

The alternative referenced is a **site-specific** comparison of the proposed Project to the uses specified in the Reuse Plan. AMS use at the Baldwin Yard as envisioned under the OARB Reuse Plan would have generated a low amount of traffic, and would be relocated by the currently proposed project to a different location in the Gateway Development Area, closer to the Port. While not specifically analyzed in the alternative, the new location for the AMS would in turn replace other higher traffic generating uses, at least in part compensating for the increased traffic and traffic-related emissions on the project site. However, because the new location for the AMS uses has not yet been finalized and the flexible alternative in the Reuse Plan did not specifically locate the planned uses, the analysis of this alternative did not include the reduction in impacts related to relocation of the AMS use.

The proposed Project would result in more traffic and therefore more emissions than would the Reuse Plan *for the project site*. Feasible mitigation measures appropriate to the level of impact of the proposed project will be implemented. See response to comments 6-1 and 6-2 for a discussion of the specifics of implementation of Traffic Control Measures as specified in mitigation measure Air-1 and additional emission-reduction strategies.

The Project Sponsor is considering a partial AMS alternative that would locate AMS uses on a portion of the expanded Option B area. See pages 8-3 to 8-7 of this document for a description and analysis of this new alternative.

Response to Comment 13-3

See response to comment 13-1 regarding validity of conclusions from the 2002 OARB Redevelopment EIR.

Response to Comment 13-4

Per the Draft SEIR, p. 5-18: “A survey of the Port vicinity conducted in the year 2000 (BCDC 2000) identified more than 48 Port-related trucking businesses occupying a total of 128 acres in West Oakland, the OARB and within the Port’s maritime area.” Because this project neither proposes to reduce the amount of truck parking nor significantly increase the demand and no other significant changes have occurred to the projected demand for and supply of truck parking since the conclusions of the 2002 OARB Redevelopment EIR were made, re-evaluation of a new study of area port-related trucking businesses was not warranted for this EIR and the conclusions of the 2002 OARB Redevelopment EIR remain valid.

As indicated in the analysis of the full maritime alternative in the 2002 OARB Redevelopment EIR, while more area devoted to AMS in the Redevelopment Area would contribute to meeting the overall demand for truck parking, it would not be certain to significantly impact the number of Port-related trucking uses in the West Oakland neighborhoods. New demand for AMS facilities and increased demand from more remote locations is likely to compete for any new AMS areas and/or fill in any AMS areas in West Oakland vacated for relocation to the Redevelopment Area.

Response to Comment 13-5

The City can re-evaluate their policies regarding trucking operations on a city-wide and policy level. However, such an evaluation is outside the CEQA requirements for environmental analysis of the proposed project. See also response to comment 13-1.

Response to Comment 13-6

See responses to comments 13-1 and 13-5.

LETTER 14

Thornton, Elois A

From: Kent Lewandowski [kentlewan@yahoo.com]
Sent: Saturday, June 24, 2006 12:47 PM
To: Elois Thornton
Cc: Wendy Alfsen; Katie Appel; Steve Bloom; Arthur Boone; Helen Burk; Andy Katz; Kitty McLean; Bob Piper; Marilyn Reynolds; Joyce Roy; David Tam
Subject: Oakland Army Base Auto Mall Project - Sierra Club Comments

Dear Elois,

Attached are comments from the Sierra Club California / Alameda County on the Auto Mall SEIR. I hope this is still within your submission deadline.

A printed copy is being mailed to your office separately.

Thank you,

Kent Lewandowski

14-1

Oakland Army Base Auto Mall Project

Supplemental EIR – Public Comments
Sierra Club California / Alameda County
June 20, 2006

General Remarks

The decision before the planning commission is about what to do with a 30 to 60-acre portion of the overall 170-acre City of Oakland "Gateway Development Area". The 170 acres are the total land being conveyed to the City of Oakland from the Oakland Army Base. This project appears to represent the beginning of what will be a longer and larger redevelopment planning process for the former Army Base land. The Planning Commission and the City Council are charged with making decisions that reflect the various interests, both economic and environmental, that are inherent in the East Bay. The decisions will affect the dynamic of the city for years, perhaps decades to come.

14-2

Sierra Club Mission – Evaluation Criteria

The Sierra Club is a national grass-roots environmental organization with 40,000 members in the Bay Area. The stated purpose of its "Safe and Healthy Communities" initiative is "to foster vibrant, healthy communities with clean water and clean air, and that are free from toxic chemical threats." The Club evaluates EIRs like the current one from the planning commission according to these principles. In terms of "healthy communities" we want to know, how will proposed projects affect air, water, and ground quality? Since the land in question does not adjoin any open water, and the ground toxicity is of unknown quality, we focus primarily on air quality impacts from the proposed plan.

14-3

Project Proposals

The two project descriptions are outlined on page 1-6 of the SEIR (April 2006):

"Option A", which sets aside all 30 acres for Auto Dealerships, plus associated roadways and infrastructure

14-4

"Option B", which sets aside an additional 15 acres for Auto Dealerships, and 12 to 15 acres for "big box" retail, for a total of 57-60 acres.

Current SEIR offers no environmentally-friendly vision

The Sierra Club is disappointed that no environmentally friendly vision or plan was considered or discussed. The only difference between the 2 proposals outlined in the current SEIR appears to be the amount of space set aside. The area in question is bounded by EBMUD wastewater treatment and an Army Reserve center on one side, Highway 880 on the East, and Grand Ave. on the South (Grand Ave. splits the two project zones). Currently a lot of cleanup operations due to dredging and infilling of

14-5

nearby Port property are taking place¹. While we realize that this is a feasible location for redevelopment, and would add to economic well-being of Oakland, we as an environmental club still believe it is important that the Planning Commission and the City examine environmental and related public safety concerns in nearby neighborhoods first.

14-5
cont'd

Current SEIR does not adequately address air pollution problems in West Oakland

Though increased traffic volume to and from the area has been mentioned in the SEIR, it is not reflected adequately in the categorization of environmental impact. The SEIR rates the environmental impact of the proposed projects as "Less than Significant" (page 4-13, "Regional Pollutant Emissions" – option A) or "Potentially Significant" (for option B). The Sierra Club feels this does not adequately address the air pollution problems in West Oakland, nor does it adequately address the negative effects on local air quality in terms of increased release of diesel particulate and CO₂ resulting from new auto dealers and a large retail store in the area. Just across the railroad tracks from "Expanded Option B Area" (to the east) is the Wood Street neighborhood, where additional residential development is taking place ("Zephyr Gate Development Project" by Pulte Homes). It is important that the City thoroughly analyze the implications of zoning additional land for commercial development directly adjacent to these areas.

14-6

14-7

A 2000 California Air Resources Board (CARB) study sampling air quality across the state concluded that there are 6 times more diesel particulate emitted per person in West Oakland, and over 90 times more diesel particulate per square mile per year in West Oakland, than average for the State of California². It is also commonly known in West Oakland that childhood asthma rates are climbing rapidly. It seems wise therefore to take measures through land use planning to counteract such pollution as a possible source of childhood lung problems.

14-8

Sierra Club NAC requests that additional studies of the effects of the outlined proposals on diesel particulate and CO₂ emissions be made, including the net cost to taxpayers resulting from higher hospitalization rates and lost worker productivity in West Oakland.

14-9

Land Use Planning Does Not Consider How to Best Minimize Traffic-induced Pollution

Reflecting on the air pollution concerns voiced in the above section, it seems to the Sierra Club important that commercial truck traffic be reduced on local highways surrounding West Oakland to the extent possible through better land use planning. We have personally seen on our visits to the site area and surrounding neighborhoods that trucks have little alternative but to sit on City streets and idle while they wait for their appointments to pick up containers at the Port of Oakland. This is a growing problem, which other groups have raised. Furthermore, we have observed significant "truck sprawl" extending beyond the Port of Oakland into West Oakland (where many of the truckers live and park their rigs), and even as far as the Oak-to-9th terminal. There needs to be a comprehensive plan to deal with this problem. The SEIR should address this problem, but it does not.

14-10

An alternative vision is that the City lease land to local shipping companies as a location to store containers they receive or are sending through the Port. Structures already exist in the "Option B Area" which could serve these purposes (it appears that land is currently under lease to logistics companies). Shippers from as far away as Vacaville have expressed interest in leasing space near the Port of Oakland. It seems a "win-win" situation if the City were to allocate land for trucks, both in terms of reducing regional and local air pollution through reduced idling and traffic, and in terms of savings on shipping and fuel costs for the logistics companies.

14-10
cont'd

Sierra Club NAC advocates an alternative vision, focusing on reduction of air pollution through provision of truck parking, container storage, and "maritime ancillary services" to reduce local CO2 emissions.

Land Use Planning does not consider the impact of mixing commercial truck traffic with auto traffic

Assuming that an auto mall project were to move forward, the Sierra Club is concerned that adequate safety measures are not in place to protect automobile drivers / customers from collisions with nearby heavy commercial trucks. From our discussions with local trucking representatives, it seems unwise to promote increased automobile traffic in this area, especially on Maritime Street, which is a trucking thoroughfare.

14-11

Sierra Club NAC advocates further study on the likelihood of increased auto-truck collisions due to higher automobile traffic going to and from the auto dealerships.

Current SEIR needs to do more to address public health concerns as mandated by CEQA

Referring to draft comments made by Rajiv Bhatia on May 11, we advise the Planning Commission to fund and publish an additional study on the public health impact the currently outlined proposals will have. CEQA guidelines section 15126.2, subdivision (a) requires an EIR to discuss "health and safety problems caused by the physical changes that the proposed project will precipitate." We do not see that health and safety issues have been adequately addressed in the current SEIR.

14-12

Conclusion

In conclusion, Sierra Club NAC is of the opinion that the current EIR is inadequate, both in terms of the lack of alternative visions proposed, and in terms of the projected environmental impact either proposal would have on the health and safety of local citizens. While Sierra Club recognizes that economic considerations, such as new job opportunities, should be considered in any plan, we feel that these economic considerations should not outweigh environmental and public health concerns, which over time will result in significant and higher costs on their own, if not adequately addressed.

14-13

Authors

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¹ For details, see SEIR maps towards back of SEIR (no page numbers exist).

² See the "West Oakland Diesel Particulate Matter Emissions Inventory and Air Quality Monitoring Study" (www.pacisnt.org/diesel) for diesel emissions for Alameda County, San Francisco Bay Area and the State of California.

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Letter 14: Multiple authors, Sierra Club California / Alameda CountyResponse to Comment 14-1

This is not a comment on the Draft SEIR.

Response to Comment 14-2

This is not a comment on the Draft SEIR.

Response to Comment 14-3

This is not a comment but information about the commenter.

Response to Comment 14-4

This is restating information from the Draft SEIR and is not a comment.

Response to Comment 14-5

The proposed project is the implementation of a portion of the OARB Reuse and Redevelopment Plan. This environmental document is a Supplemental EIR, supplementing the 2002 OARB Redevelopment EIR with new information pertinent to the currently proposed project. In addition to a No Project Alternative, the 2002 OARB Redevelopment EIR analyzed the Gateway Adaptive Reuse/Eco-Park Alternative (as summarized in the Draft SEIR, page 5-16) which includes development of an eco-industrial park of linked manufacturing and service businesses embodying ecological principles to achieve the most beneficial, least damaging interaction with the environment. The Gateway Adaptive Reuse/Eco-Park Alternative was considered the environmentally superior alternative but was ultimately rejected as was the No Project alternative because they would result in reduced economic activity and fewer jobs created.

Response to Comment 14-6

The analysis of significance is based on criteria presented by the Bay Area Air Quality Management District and recognized by the City of Oakland.

Response to Comment 14-7

The Wood Street residential area is over a quarter mile from the proposed project site, across a number of existing railroad tracks and also across the raised Interstate 880 and I-80 interchange. The Wood Street development area was a part of the OARB Redevelopment Area and residential development at that site was anticipated in the Redevelopment Plan. While not specifically expected to become an auto mall (or big box retail), the project site has been planned for a flexible alternative of light industrial and office and intended for re-designation to "Business Mix." In summary, both commercial uses at the project site and residential uses in the

Wood Street area were planned in the Redevelopment Plan and analyzed in the 2002 OARB Redevelopment EIR with no conflict between these uses found. The conclusions of the 2002 Redevelopment would remain valid.

Response to Comment 14-8

Comment noted. This is in part a statement of existing diesel emissions in the area as well as an assertion that land use planning should be used to counteract the existing problem. As discussed in other responses to comments, the project analyzed in this EIR neither decreases the amount of truck parking nor significantly increases the demand for truck parking. Therefore, mitigation measures or alternatives intended to address truck parking impacts are not applicable to the project.

However, as mitigation for the OARB Redevelopment Plan and separate from this project, the City and Port are jointly required to create a truck management plan designed to reduce the effects of transport trucks on local streets. As has been previously noted in the 2002 OARB Redevelopment EIR and in this Draft SEIR, a survey of the Port vicinity conducted in the year 2000 (BCDC 2000) identified more than 48 Port-related trucking businesses occupying a total of 128 acres in West Oakland, the OARB and within the Port's maritime area. Many of these existing trucking and truck-related businesses are interspersed within the West Oakland residential neighborhoods and generate diesel emissions, noise and traffic within these sensitive receptor areas.

As was also previously noted in the 2002 OARB Redevelopment EIR and in this Draft SEIR, the Port commissioned a study (Tioga Group 2001) to explore ways to accommodate truck services that must be located near the Port, while assuring that the adjacent communities are relieved of unnecessary truck traffic. This study concluded that demand for ancillary maritime support uses within or near the Port of Oakland's operations is expected to grow proportionately with cargo volume and reach a demand for approximately 178 acres by year 2020.¹

In an attempt to provide a reasonable accommodation of these uses, the Reuse/Redevelopment Plan provides for a total of 105 acres of land within the former OARB and Port area to support AMS uses. Sites include the Port's proposed 75-acre Maritime Support Center at the location of the current Joint Intermodal Terminal, 15 acres at the Baldwin Yard (Project site), and an additional 15 acres to be provided by the Port. The 105 permanent acres currently planned for such uses will accommodate much, but not all demand under efficient operating conditions. Although interim space available during terminal development will help accommodate most Port services to approximately 2010, starting in about 2010 it is projected that there will be a shortfall in available land.

¹ This estimate is based on forecasts of cargo segment growth, typical facility design, industry standards and working assumptions to estimate usable acres for efficient, single-purpose core service facilities. This process is necessarily imprecise, and the resulting estimates are most suitable for planning purposes rather than detailed land allocation or facility design decisions. These figures should therefore be interpreted as approximate minimums that could be achieved under reasonably efficient conditions (the Tioga Group 2001).

It has been suggested that additional lands within the former OARB (perhaps the entire City Gateway area) could be dedicated for AMS uses. Such additional land could not only off-set the identified shortfall, but could also provide an alternative location for the relocation of existing truck and truck-related business out of the West Oakland residential neighborhoods. If these uses were to relocate farther from residential neighborhoods, then the separation of sensitive residential uses and AMS uses would alleviate direct noise, air quality and traffic impacts on these neighborhoods.

While job creation and strengthening of the economic base remain important considerations, the Project Sponsor is considering a new project alternative which would represent a balance on the project site of these considerations with the need for additional Port-vicinity AMS uses. This Partial AMS Alternative would replace the big box retail with AMS uses and a somewhat expanded Auto Mall.

Due to the high demand for AMS space at or near the Port, any site that has been used for truck parking or truck-related businesses within West Oakland and that may be vacated for an alternative location within the OARB would likely be back-filled by another truck parking or truck-related business. In order to fully realize the benefits to the West Oakland residential neighborhoods of providing alternative locations for AMS uses, the City of Oakland would need to impose additional controls on the issuance of new permits for such businesses in West Oakland and ensure that zoning regulations in the neighborhoods preclude such uses in the future.

Response to Comment 14-9

Air Quality analyses were completed according to standard protocols and the results were found to be below screening thresholds that would require additional analysis. Carbon monoxide emissions from the Project or Option B would not cause any new violations of the 8-hour standards or contribute substantially to any existing or projected violation (Draft SEIR p 4-15 to 4-15). Operation of the Project (and Option B) would result in 0.0068 micrograms per cubic meter of diesel particulate matter (and up to 0.0105 micrograms per cubic meter of diesel particulate matter for Option B). These emission levels would be less than 1% of the existing background in the area (Draft SEIR p.4-16 to 4-17) and below standard significance thresholds.

While neither the Project nor Option B would be considered to have significant cumulative air quality impacts for CO₂ or diesel particulate (PM_{2.5}) themselves as determined following accepted standards from the Bay Area Air Quality Management District's (BAAQMD) CEQA Guidelines, they represent implementation of only a portion of the Redevelopment and Reuse Plans. The 2002 OARB Redevelopment EIR found that, when analyzing area-wide Redevelopment as a whole, the cumulative air quality impact would be significant and proposed Mitigation Measure 4.4-5, updated as Mitigation Measure Air-1 (Draft SEIR p.4-13) which requires Transportation Control Measures for reducing vehicle emissions and is applicable to the Project (or Option B). No further study is required.

An analysis of economic impacts of air pollution is not required by CEQA and is beyond the scope of this SEIR.

Response to Comment 14-10

A cumulative deficiency in truck parking has been well-documented and analyzed in the 2002 OARB Redevelopment EIR. The Redevelopment Plan and Reuse Plan attempted to balance a mix of goals and concerns and the amount of AMS uses. A full maritime alternative was analyzed in the 2002 OARB Redevelopment EIR (and summarized in the Draft SEIR p.5-15 to 5-16) but failed to meet objectives of providing a mix of uses and increasing the economic viability of the area.

As discussed in other responses to comments, the proposed project neither decreases the amount of truck parking nor significantly increases the demand for truck parking. As mitigation for the OARB Redevelopment Plan and Reuse Plan, and separate from this project, the City and Port are required to work toward reducing the impacts of transport trucks on local streets and on air quality as per the following Mitigation Measures from the 2002 OARB Redevelopment EIR:

Mitigation 4.4-3: The Port shall develop and implement a criteria pollutant reduction program aimed at reducing or off-setting Port-related emissions in West Oakland from its maritime and rail operations to less than significant levels, consistent with federal, state and local air quality standards. The program shall be sufficiently funded to strive to reduce emissions from redevelopment related contributors to local West Oakland air quality, and shall continually reexamine potential reductions toward achieving less than significant impacts as new technologies emerge. The adopted program shall define measurable reductions within specific time periods.

Mitigation 4.4-4: The City and the Port shall jointly create, maintain, and fund on a fair share basis, a truck diesel emission reduction program. The program shall be sufficiently funded to strive to reduce and/or off-set redevelopment related contributions to local West Oakland diesel emissions to less than significant levels, consistent with applicable federal, state and local air quality standards and shall continually reexamine potential reductions toward achieving less than significant impacts as new technologies emerge. The adopted program shall define measurable reductions within specific time periods.

Mitigation 5.3-7: The City and Port shall cooperatively develop a program that combines multiple strategic objectives and implementation tools designed to reduce cumulative truck parking and other AMS impacts.

Mitigation Measure 5.4-1: The City and the Port shall encourage, lobby, and potentially participate in emission reduction demonstration projects that promote technological advances in improving air quality.

Response to Comment 14-11

All roadways in the project area would be designed to City standards which would accommodate both trucks and autos. Design of roadways to City design standards would be consistent with standard practice.

Response to Comment 14-12

Note that the referenced “draft comments made by Rajiv Bhatia on May 11” were not received by the City nor reviewed for this SEIR. A comment letter received from this person for the Kaiser Permanente Oakland Medical Center Plan Project dated April 13th, 2006 related to the potential for pedestrian injuries due to increased traffic and it stands to reason the intent of this comment was to raise the same issue for this Project.

Analysis of site-specific pedestrian safety considerations is not supported by state of the practice tools and the City of Oakland does not have a policy or other guidance to form the basis of significance criteria even if there were a basis for conducting the site-specific safety analysis. There is no safety-consideration comparable to the Highway Capacity Manual (although a new Highway Safety Manual is under development) that would allow assessment of whether an intersection is safe and whether project-level changes to the subject intersection increases the likelihood of pedestrian collisions. There is no precedent, in Oakland or elsewhere, for such an analysis.

The Project area is not a residential area and is not expected to have a large amount of pedestrian traffic on or crossing the streets. Many of the project intersections will be newly created with this project so while no data exists on historic pedestrian accident rates, all new intersections will be designed to current standards of safety.

Response to Comment 14-13

This is a summary of previous comments. See responses to comments 14-2 through 14-12.

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LETTER 15

June 30, 2006

Ms. Elois A. Thornton
Planner IV
City of Oakland
Community and Economic Development Agency
Planning Division
250 Frank H. Ogawa Plaza, Suite 3315
Oakland, CA 94612

Re: Comments on Oakland Army Base Auto Mall Project DEIR

Dear Ms. Thornton:

The EIR for the Redevelopment Plan and Reuse Plan certified in July 2002 was only a programmatic EIR. Therefore an EIR is required to ascertain actual environmental impacts for real projects as they come forward such as this one, the Oakland Army Base Auto Mall Project.

15-1

This EIR is inadequate because it lacks any analysis of reuse of the historic resources. It even arbitrarily creates parcel delineation's which ignore the location of reusable historic buildings.

15-2

Demolition of historic resources can only be considered if specific development plans make their reuse infeasible. And certainly there should be no demolition before there are approved, permitted projects. These were conditions approved for the FEIR for the Redevelopment Plan and Reuse Plan as stated below:

CEQA Findings:

Findings Pursuant to the California Environmental Quality Act

Impact 4.11-2: Redevelopment would remove buildings contributing to a historic district, including visually striking warehouse structures visible from I-80, a locally designated scenic route, and a portion of the state scenic highway system.

Implementation of the Reuse Plan is anticipated to result in removal of all existing buildings on the Army Base, including 19 buildings and 2 of the 3 wharves that are located within and contribute to an existing National Register-eligible Historic District. None of the contributing structures within the OARB Historic District are individually eligible; each is a contributing element to the Historic District as a whole. The removal of these buildings and the loss of the District are considered significant environmental impacts under CEQA. The Draft EIR recommended several mitigation measures to address this impact.

15-3

Numerous comments on the Draft EIR from the public, public agencies and the Planning Commission have suggested that the mitigation measures included in the Draft EIR were

not adequate to fully address this impact, and that preservation of OARB Historic District contributing buildings should have been more fully considered. The Final EIR, Response to Comments Chapter 3, contains an explanation of why preservation of certain Historic District contributing buildings is not currently considered feasible. It also contains a comprehensive re-write of mitigation measures to address public comments on this impact. Generally, the Final EIR concludes that there are known determinants making the reuse of OARB Historic District contributing structures infeasible based on Reuse Plan activities. These activities include: 1) new Port development projects in the Port development area; 2) remediation requirements throughout the OARB; and 3) economic factors that indicate preservation and reuse of historic district contributor buildings within the Gateway development area. Economic factors are critical in that, if reuse of the contributing Historic District buildings cannot be feasibly accomplished without unacceptably affecting project economics, it would jeopardize completion of the Economic Development Conveyance of the OARB from the Army to OBRA (see pages 3-44 through 3-51 of the Final EIR and Attachments to this staff Report.

However, no detailed plans for the Gateway development area have yet been prepared. As noted in the Final EIR Response to Comments Chapter 3, it is possible that real estate market conditions could change over time, and/or that detailed development plans for the Gateway development area might include preservation of historic district contributing structures or elements. Given the potential for such changed circumstances in the future, additional mitigation measures have been recommended. Additionally, changes to the mitigation measures as presented in the Draft EIR regarding commemoration and recordation have also been recommended. These new mitigation measures and modifications to previous mitigation measures strengthen and enhance the mitigation as presented in the Draft EIR. These OARB Historic District-related mitigation measures (as more fully described in the Final EIR) can generally be grouped into three major categories:

- a) Preservation of all historic district contributor buildings until such time as demolition is needed, or until adaptive reuse has been actively considered but found infeasible based on final development plans for the Gateway development area (Mitigation Measures 4.6-14 and 4.6-15). Specifically, within the Port development area, these new measures provide that, except as necessary for the protection of public health and safety, demolition shall occur until such time as specific plans for these projects have been approved. Similarly, within the City Gateway development area, except as necessary for the protection of public health and safety, no demolition shall occur until such time as actual development projects are proposed and permits for their construction have been approved. Further, no such permits for development within the City Gateway development area shall be approved until such development projects can demonstrate that they have considered adaptive reuse of historic structures, but that adaptive reuse is found to be infeasible. OBRA and/or any developer shall make a pro-active, good faith effort to incorporate preservation of some of the following buildings - 4, 60, 85, the westerly portion of 808, 812, 821, 822, and 823 – which are proximate to the anticipated final alignment of the Bay Trail. The consideration of adaptive reuse of buildings within the Gateway

development area, including reuse as a commemoration site, shall be a required component of subsequent land use approvals, such as PUD, design review or conditional use permits. To be considered as a commemoration site, the adaptive reuse opportunity would need to include an interpretive center, museum or other similar, publicly accessible use, and would need to serve as a repository for historically valuable artifacts, documents and accounts. No additional CEQA review shall be required for subsequent development applications within the Gateway development area, including preparation of the historic preservation feasibility analysis, unless the statutory requirements for subsequent environmental review are triggered.

- b) Development of a Master Plan for, and implementation of, a commemoration site to memorialize the contributions of civilians and the military in the Bay Area to all wars (Mitigation Measures 4.6-2 and 4.6-3). The master planning process for the commemoration site will involve the City and the Port, the public and interested historical and veterans groups, historic experts, and other public agencies. The commemoration site Master Planning effort would also include an endowment, to be funded by the City and the Port, or their designee, for ongoing maintenance and replacement, and may also include curator costs associated with the commemoration site and with trail signage, exhibits and design elements.
- c) Preparation of a Historical Resource Documentation Program, consisting of a coordinated effort of primary research and documentation, with a substantial scholarly input and publicly available products (Mitigation Measures 4.6-16 and 4.6-4 through 4.6-11). These publicly available products are to include a book, a brochure, interpretive exhibits, a web page and others.

Staff believes that these new mitigation measures and modifications to mitigation measures strengthen and enhance the mitigation that was presented in the Draft EIR, adequately respond to comments suggesting that the measures contained in the draft EIR were inadequate, and, taken together, comprise a suite of mitigation adequate to address the loss of the OARB Historic District. Although implementation of these mitigation measures would partially compensate for the loss of the Historic District and its contributing elements, the residual impact is considered significant, and the impact unavoidable.

- The Historic Preservation Element, Policy 3.2, provides that the preservation policies of the Element apply “to the extent consistent with other General Plan objectives”. When, as in this case, the historic preservation policies compete with other General Plan objectives, these competing interests are to be balanced and weighed by City decision-makers. The task of balancing and weighing the merits of preservation should be considered in context with the specific policy language that preservation policies are applicable only “to the extent consistent with other General Plan objectives”. Here, the EIR concludes the project is consistent with Policy 3.2 as applied, since to meet the LUTE policy of expansion and retention of the job base, for example, contributing structures would need to be demolished (OBRA 2002). Moreover, Policy 3.2 does not apply, where, as here, the properties are held

for subsequent disposition. Notwithstanding, as stated in the Final EIR, the City recognizes that economic considerations may change and that mitigation requires each developer in the Gateway development area to conduct a feasibility analysis and undertake good efforts to reuse the contributing structures developing site-specific redevelopment plans.

-
- Consistent with Historic Preservation Element, Policy 3.3, Intensive Survey identification and evaluation materials for OARB Historic District properties will be provided to prospective developers so that they can consider such information in their planning and development process. Additionally, Landmark Preservation Advisory Board recommendations regarding Historic Property designations will be transmitted to the appropriate decision making body prior to a decision on final development permits or transfer of title.
-
- The Historic Preservation Element, Policy 3.5 states that; for any projects involving complete demolition of Heritage Properties or Potential Designated Historic Properties requiring discretionary City permits, the City will make a findings regarding the design quality of the proposed project, the public benefits of the proposed project that outweigh the benefit of retaining the original structure, or the quality of the original structure to be removed. Although this policy will not be applicable until such time as actual discretionary permits are sought, the findings regarding public benefits of demolition outweighing the benefits of retaining the structures can be made at this time, based upon the analysis contained in the Statement of Overriding Considerations.

15-3
cont'd

City Planning Commissions revisions to Mitigations:

Mitigation 4.6-9: The City, Port, and OARB sub-district developers shall fund on a fair share basis a program to salvage as whole timber posts, beams, trusses and siding of warehouses to be deconstructed. These materials shall be used on site if deconstruction is the only option. Reuse of a warehouse building or part of a warehouse building at its current location, or relocated to another Gateway location is preferable.

15-4

This documentation should make it clear that the reuse of the historic resources must be studied in this EIR. The arbitrary border between parcels 'F' & 'H' and Parcel 'I' must avoid going through Bldg 808. Bldg 812 could be an exciting site for a auto museum of a firm that restores antique cars.

15-5

Sincerely,

Naomi Schiff

Letter 15: Naomi Schiff, Oakland Heritage AllianceResponse to Comment 15-1

California Public Resources Code Section 21090 states:

21090. (a) An environmental impact report for a redevelopment plan may be a master environmental impact report, program environmental impact report, or a project environmental impact report. Any environmental impact report for a redevelopment plan shall specify the type of environmental impact report that is prepared for the redevelopment plan.

(b) If the environmental impact report for a redevelopment plan is a project environmental impact report, all public and private activities or undertakings pursuant to, or in furtherance of, a redevelopment plan shall be deemed to be a single project. However, further environmental review of any public or private activity or undertaking pursuant to, or in furtherance of, a redevelopment plan for which a project environmental impact report has been certified shall be conducted if any of the events specified in Section 21166 have occurred.

The 2002 OARB Redevelopment EIR was a Project EIR. A subsequent EIR was prepared in this case because changes to the project were proposed, and because there were certain changed circumstances in the surrounding area. As per California Public Resources Code Section 21166:

21166. When an environmental impact report has been prepared for a project pursuant to this division, no subsequent or supplemental environmental impact report shall be required by the lead agency or by any responsible agency, unless one or more of the following events occurs:

(a) Substantial changes are proposed in the project which will require major revisions of the environmental impact report.

(b) Substantial changes occur with respect to the circumstances under which the project is being undertaken which will require major revisions in the environmental impact report.

(c) New information, which was not known and could not have been known at the time the environmental impact report was certified as complete, becomes available.

CEQA Guidelines Section 15163 clarifies that, “*The supplement to the EIR need contain only the information necessary to make the previous EIR adequate for the project as revised.*” As noted in the Draft SEIR on page 1-2 (and as revised in Chapter 8 of this document):

“This document is a Draft Supplemental Environmental Impact Report (SEIR). Pursuant to Resources Code Section 21090 and 21166 and CEQA Guidelines Sections 15180 and 15163, this Draft SEIR augments the previously certified OARB Redevelopment Plan EIR (OARB Redevelopment EIR, City of Oakland, 2002) to the extent necessary to address the changed conditions and circumstances of the Project, and to examine mitigation and project alternatives accordingly. Specifically, the previously certified EIR was a Project EIR under Public Resources Code Section 21090 and further environmental review is governed by California Public Resources Code Section 21166. With the exception of the supplemental chapters included in this Draft SEIR, the OARB Redevelopment EIR would wholly cover and fully apply to the Project. As such, all applicable mitigation measures from the OARB Redevelopment EIR would apply to the Project.”

Response to Comment 15-2

The mitigation measures for historic resources as approved for the 2002 OARB Redevelopment EIR will be enforced for this project. Included among those mitigation requirements is the obligation to conduct reuse feasibility analyses when specific projects are proposed. A feasibility analysis of reuse of historic structures within the Option B site is underway and will be presented to decision-makers and the public prior to a decision being made on the project. The feasibility analysis will not consider reuse infeasible because of parcel lines internal to the project.

If the feasibility study for reuse on the Option B site determines that reuse of these historic buildings is infeasible, that outcome was anticipated and is covered by the 2002 OARB Redevelopment EIR and adopted Statements of Overriding Considerations.

Response to Comment 15-3

This is not a comment but an excerpt from the 2002 OARB Redevelopment EIR CEQA findings, which are applicable to the proposed project.

Response to Comment 15-4

This referenced mitigation measure from the 2002 OARB Redevelopment EIR is applicable to Option B and is included in Table A1 of the Draft SEIR, p.A1-5.

Response to Comment 15-9

See response to comment 15-2.

LETTER 16

Monsa/Sandra

Per our discussion, enclosed is the language for the CWOR email that needs to be sent to Eloise Thornton at eathornthon@oaknet.com by 6/30/06. These are comments to be added to the Supplemental Environmental Impact Report on the Oakland Auto row Project

Ms. Thornton,

The Coalition for West Oakland Revitalization (CWOR) is requesting these comments be officially added and address prior to finalizing the SEIR report on the Oakland Army Base Auto row project. The Coalition for West Oakland Revitalization (CWOR) is a non-profit organization established in 1993 that provides advocacy and health awareness to West Oakland Residents. West Oakland is a historically rich neighborhood where many legends have lived, advocated and operated thriving businesses. The community's culture has always been one of neighbors working together. For many reasons, our neighborhood does face some economic challenges and issues regarding declining health. CWOR has become quite aware of these problems because its staff and board reside here. Our goal is to serve the West Oakland population by making people aware of big business and how their operations affect the air and soil within our neighborhood. Industrial businesses have been attracted to leasing factories in the area due to below market leasing opportunities.

CWOR has also developed partnerships by providing fiscal sponsorships to The Alliance for West Oakland Development, an affordable housing developer, The Environmental Indicators Project (EIP) and the Black Economic Block Enterprise (BEBE), an agency that assists residents with employment opportunities. These group functions go hand-in-hand with CWOR's concern for land use, environmental issues, and economic development.

CWOR helped start the WOCAG, and has been there throughout Lionel Wilson's

discussion, Elihu Harris implementation, and Jerry Browns non-delineation of the development on the Army Base and the council's choosing the master developer. The homeless received only resources and no property and West Oakland got only the promise of a Community Fund; which is still undelivered, via non-action from the redevelopment agency. Through out WOCAG CWOR has witnessed 160 member development, Monsa was elected as chair of the WOCAG, then democratically shifted to support George Bolton, via his history with WOCAG and Alameda County.

Reflecting Mr. Nitoto's wisdom in that something needed to be done via WOCAG, particularly after the garrison was promised and nothing came, many WOCAG members and African American staff from West Oakland; who had form footing of the history were eliminated, additionally, the initiation of Aliza Gallo and the 20 million lease dollars over approximately a ten year period; through staff payments; again brought nothing for West Oakland.

The latest move of BCDC to give the Port of Oakland property and the City's dismissal of the largest master developer the city has had in OPUS West; who by the way was all ready to pay, was a travesty to West Oakland, along with the promises of Congressman Ron Dellums via the West Oakland benefit, according to Jerry Brown and Robert Bobs' there's "too many ornaments on the Christmas Tree"

CWOR's goals are to focus on what community benefits will be derived from this project as currently proposed for West Oakland resident. The SEIR does not adequately address what the community benefits of this project to the West Oakland community are, nor does it adequately look at and address the fiscal impact of the proposed option of the redevelopment agency relocating the auto row dealers versus the city putting out an RFP, or accepting unsolicited proposals from a master developer.

16-1
cont'd

16-2

A master developer that acquired the land then relocated the dealers would provide tax increments to West Oakland that the current proposal would not provide. This master developer could provide the community with a benefit plan in addition to tax increment financing for affordable housing and services desperately needed in West Oakland. The SEIR needs to address if the current option being proposed allowing for the greatest opportunity to generate tax increment into the Army Base/West Oakland redevelopment area, in addition to direct benefits for West Oakland residents. In short the auto dealer may not be the best choice via widespread land use and few jobs, few jobs, few jobs, of master developers, but via the current council being in a hurry to dispose of property before Mayor Dellums takes sway comes into office, then the city managers office via Mr. Vanderpreme, Claudia Cappio and Alex Greenwoods slow move to approach the proposed to deliver on the Community Fund

1. Fun before July ends, as August is a dismissal date which will start an unheard of up roar throughout the Community Fund If they are going to deal with the dealership.
2. Other necessary benefits as delineated above: the prompt placement of WOCAG in a permanent position with the redevelopment agency as long as the redevelopment agency is in the process of disposal of the Army Base Property. Via BRAC law, via the Army, via the federal government, and all heavenly powers looking down on the folly and personal interest being carried out above the interest of the good citizens of West Oakland and Oakland in general.
3. The planning commission committees stake hold meeting with city and stakeholders via the army base needs to lead the way to the army base property

P.S.

I just left the hospital having a successful kidney transplant and I'm in recovery at daughters and family homes. Personal projects of note are the BAHN Festival September 23, 2006, a transplant, diabetes, and hypertension and preventative event.

Various fundraisers will be held for other citizens currently in dialysis and to support Monsa's recovery.

Love to friends, family, and supporters and good wishes to naysayers. I will see you soon in full health and strength, pray for me and do good work please.

This note has nothing necessarily to do with the statement above.

Miss. Terese May is coordinating this event please lend a hand.

Sincerely,

Monsa Nitoto

Executive Director

Letter 16: Monsa Nitoto, Executive Director, Coalition for West Oakland Revitalization

Response to Comment 16-1

This is not a comment, but an introduction by the commenter.

Response to Comment 16-2

These are comments on community benefits and fiscal impacts. While the approving agency can take these into account for necessary project approvals, they are not environmental issues and are not addressed in the Draft SEIR.

Response to Comment 16-3

This is not a comment on the Draft SEIR.

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LETTER 17

Bryan E. Grunwald
6440 Hillegass Avenue
Oakland, California 94618

Ms. Elois A. Thornton, Planner IV
City of Oakland
Community and Economic Development Agency
Planning Division
250 Frank H. Ogawa Plaza, Suite 3315
Oakland, California 94612

Re: Oakland Army Base Auto Mall Project Draft SEIR

Dear Ms. Thornton:

I would offer the following comments:

1. Visual/Aesthetic—The SEIR should address visual and aesthetic impacts especially since the site is located at the gateway to Oakland from the Bay Bridge. Currently this site is visually marred by views of truck bodies, containers and the EBMUD sewage treatment plant (the latter you can't do much about). The views of future buildings, parking (especially stored cars) and signs as observed from I-80 and Grand Avenue viaduct. As a mitigation measure, design guidelines need to be prepared and administered by the City's Design Review Board and Planning Commission, not an administrative review by the Redevelopment Agency. 17-1
2. Employment—The SEIR should address employment generation. One of the goals of the included in the Reuse Plan was to generate employment. There is no information on employment; number jobs, labor rates, job skills required. These should be compared to the alternatives included in the Reuse Plan. Some discussion should be included in how these jobs would target those unemployed or underemployed residents in West Oakland. 17-2
3. Cumulative Impact —A better description of this project is needed in order to see how trip generation rates were generated. The Table 5.1 is especially confusing as you can't isolate the project components, specifically those in the Fulton Project. 17-3

I look forward to reviewing the Final SEIR.

Very truly yours,

Bryan E. Grunwald

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Letter 17: Bryan E. GrunwaldResponse to Comment 17-1

As suggested in this comment, the surrounding area is largely industrial and Port-related. The 2002 OARB Redevelopment EIR determined that new construction would be a visual benefit to the area and that the new development would not impact important views or vistas (except that relating to removal of historic resources discussed separately). The Initial Study for this project (January 2006) determined that neither the proposed Project nor Option B would result in any significant aesthetic impacts not previously addressed in the prior EIR. Redevelopment Agency administrative review of the specific project proposals will ensure new development follows existing regulations.

Response to Comment 17-2

The Draft SEIR includes a comparison of the proposed project with the Reuse Plan (The Reuse Plan expected Ancillary Maritime Support and Warehouse Distribution on the project site and also light industrial/flex office uses on the Option B expanded area). Pages 5-21 to 5-24 of the Draft SEIR concludes:

“[T]he adopted Reuse Plan would result in a moderately lower economic activity including less jobs and less tax revenue than under the proposed project.”

As stated in the Draft SEIR (p 2-2), employment for the auto mall Project is projected to be a total of approximately 300 to 400 employees. This would include automotive mechanics, sales persons and support staff. Option B would add to that total an additional 200 employees for the expanded Auto Mall and 300 to 400 more employees for the big box retail use (as corrected on p.2-11 of the Draft SEIR).

Response to Comment 17-3

The trip generation for the Auto Mall is provided in Table 3-3.

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Document 18

CLARK REPORTING (510) 486-0700

OAKLAND PLANNING COMMISSION MEETING

TRANSCRIPT OF TAPED PROCEEDINGS

MAY 17TH, 2005

CLARK REPORTING

2161 SHATTUCK AVENUE, STE. 201

BERKELEY, CA 94704

510) 486-0700

WWW.CLARKDEPOS.COM

CLARK REPORTING (510) 486-0700

CHAIRMAN JANG: With that in mind, you know, I'd like to have each of the speakers, you know, stay within the time limit. So let's take Item 6.

MR. PATTEN: We could try to be brief also.

CHAIRMAN JANG: Okay.

ELOIS THORNTON: I was going to ask (inaudible), would you like to have a staff presentation, or would you want to go directly to receive the public comment?

CHAIRMAN JANG: Why don't you spend one minute, just give us a quick recap?

ELOIS THORNTON: Okay. The subject of tonight's meeting is a Draft Supplemental Environmental Impact Report that has been prepared for the Oakland Army Base Auto Mall project. You may recall in 2002 we did an Environmental Impact Report on the Redevelopment Plan, but the Auto Mall concept was not part of that particular EIR. And so we prepared a supplemental which focuses on traffic and air quality.

The project itself is the creation of four to five separate auto dealerships in what we call the northern part of the Oakland Army Base, as well as creation of an access road and associated utilities and infrastructure. That's what we call "The Project."

The EIR also looks at an Option B which is the project that I've just described, plus three

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1 additional automobile dealerships in what we call the
2 Eastern Gateway of the Oakland Army Base. The project
3 itself is not before you because there are no
4 discretionary approvals that are required at this time
5 by the City Planning Commission.

6 The key environmental impacts associated
7 with the project, as we've identified thus far, is air
8 quality and traffic analysis. We're here tonight to
9 receive public testimony in terms of the adequacy of
10 the EIR, and we will come back shortly with a final EIR
11 with response to the comments that we receive this
12 evening. Thank you.

13 CHAIRMAN JANG: Okay, thank you. There are
14 currently 11 speaker cards. I'll read off three of
15 them. Marcus Sampson, Ray Kidd, Robert Manza, Manza --
16 yes, I have Manza, Montetto.

17 MR. SAMPSON: Yes, thank you. I think the
18 term, "ditto" is a good term in terms of 15 seconds of
19 fame in the fact that you -- some of the items that you
20 did go through. I don't think you need to appeal all
21 the stuff that people have said. But that's just a
22 word to -- if you care to hear it.

23 This piece of property, if you guys try to
24 rubber stamp this thing and send it through, we will
25 put such a community team together -- West Oakland is

3

18-1

18-2

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1 getting robbed, straight up getting robbed, you dig?
2 And now, you look at Piedmont and you go through a long
3 scenario and you play with them, but there ain't been
4 no community forums around this army base.

5 The biggest piece of property to hit the
6 table -- you thought we had a fight around Rick
7 Holiday? This property, you need to get some jobs out
8 to people in this community. I've seen so many black
9 people, I mean black people, getting kicked out of West
10 Oakland, can't afford to stay there no more, housing
11 property up to 600,000 dollars, you dig?

12 So now this stuff is something real. This
13 auto dealership, what is it, they're going to have ten
14 jobs, pay no money? You know, we had a whole plan
15 worked out in the earlier EDAW process when they spent
16 six hundred thousand dollars to come up with a
17 methodology to put people to work. That's all off the
18 table. Now they're going to shuffle this stuff to
19 these cars, you know, to these car dealerships. We
20 better have some land switch, you know. They're going
21 to do one thing, come back and put another one on the
22 table later on, in four or five years. That's what the
23 project is. Somebody's got to get control with the
24 land so they can play with it.

25 So let's get real. This ain't going to be

4

18-2
cont'd

18-3

18-4

18-5

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1 no easy ball game, no, no, no. You can believe that.
2 Nobody is going to come out and take that property from
3 West Oakland citizens and we don't get nothing. That's
4 out of the question, you know what I mean? You can
5 give that property away if you want to, to these car
6 dealerships and people, and don't let people have jobs
7 and stuff so they got more people got to get kicked out
8 of West Oakland? It's not going to work like that, you
9 know? I'll stay up all night. It don't matter, you
10 know. I had a thing to read, but it's too late for me
11 to go through it, you know. I had two speaker cards at
12 this time, you know.

13 CHAIRMAN JANG: Take another two minutes.

14 MR. SAMPSON: Job creation, one of the
15 objectives of this project and final reuse plan was job
16 creation, particularly West Oakland, residents. The
17 DSEIR does not include any description or analysis on
18 employment. We would like to see some comparison of
19 jobs generation rates with the project comparative to
20 plans including analysis of labor rates. The analysis
21 should be compared to the employment needs of the West
22 Oakland citizens.

23 We are concerned that this process --
24 there's no analysis going on. There's no discussions
25 going on. Where are the twelve meetings that you had

18-6

18-7

18-8

18-9

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1 for the Piedmont folks? I know everybody's pulling
2 West Oakland (inaudible) around Oak Park and so forth.
3 But you guys got to deal with this stuff. Don't send
4 it to the city council and just mess over us, you know.
5 That's not going to be right, and it's not going to
6 work. We'll sleep underneath the bridge out there and
7 fight this dang thing.

8 CHAIRMAN JANG: Okay, thank you. A tough
9 act to follow, Mr. Low.

10 CLERK: Steve Low?

11 MR. LOW: Thank you, Marcus Johnson. He is
12 (inaudible).

13 Well, I think at the heart of the matter
14 here is that we really don't have enough communication
15 with this body. And, you know, Martha is on the WOCAG;
16 I'm on the WOPAC, the WOCAG, and the WOPAC. If all
17 these alphabets are unfamiliar to you, I can talk about
18 them.

19 But there's a lot of community activity in
20 West Oakland, and we don't feel like we're being
21 listened to much downtown. So we'd like to really see
22 a subcommittee of this group -- just like you have a
23 Zoning Update Committee -- work with us on the Army
24 base. Because the law -- it's a very complicated
25 problem. You just went through almost two hours here

18-9
cont'd

18-10

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1 with the Kaiser guys. And this is a project that is,
2 what, twelve times as big as that, or maybe even more,
3 you know.

18-10
cont'd

4 What's at stake is a hundred and some 78
5 acres of land that most probably should be given over
6 to Maritime Ancillary Support Services. This is a big
7 deal because it speaks to the sustainability of the
8 Port of Oakland. And yet that land is slowly being
9 eroded, first with auto row, and the Wayans Brothers
10 project. There's also an idea that we could have
11 Costco out there. This is not right, and we really
12 need to start thinking about it. And I would request
13 that this body form a subcommittee of some sort.

18-11

14 Meanwhile, WOCAG is going to be ending its
15 situation here with the Oakland Base reuse Authority.
16 So we want to take that and transition over as we go
17 through it into the Redevelopment Agency. So what is
18 the advisory status of WOCAG? This was set up by Ron
19 Dellums ten years ago. So the amount of institutional
20 knowledge that is residing in this body is pretty much
21 much in excess of what exists right now at staff level.

18-12

22 So we think that we can work with the auto
23 row guys and have a happy ending, but we want to make
24 sure that we're all going to be in a win/win position,
25 rather than have this thing evolve down into some kind

18-13

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1 of, you know, neighborhood fight or something like
2 that. This letter is in your e-mail now. Please read
3 it. Thank you.

18-13
cont'd

4 COMMISSIONER LEE: Just a question to the
5 speaker. Didn't you have a specific proposal for the
6 Commission in terms of establishing the committee?

7 MR. LOW: Don't tell me you're reading my
8 e-mails. (Laughter)

9 COMMISSIONER LEE: Well, yeah.

10 MR. LOW: Yeah, I did, I thought that -- you
11 know, like the Zoning Update Committee, similar than
12 you can allow for more well informed decisions to
13 emerge from consideration as to what actually comprises
14 the highest and best use for base, blah, blah, blah, I
15 do think that this is a lot like what's going on in
16 Hunter's Point and Bay View. And so perhaps one of
17 you, especially those of you who are very familiar with
18 the zoning problems in West Oakland, could participate
19 and we could -- we could get clarity on a very serious
20 problem. Thank you.

18-14

21 CHAIRMAN JANG: Okay, next speaker?

22 CLERK: Ray Kidd, Jimmy McClinen, A.L.
23 Brown.

24 MR. KIDD: Hi. My name is Ray Kidd. I work
25 for WOCAG, West Oakland Committee Advisory Group. I

18-15

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1 want to thank you guys for hanging in here to let us
2 speak tonight. A lot of information has come through.
3 (Inaudible) from Kaiser. I have a whole lot of comments
4 I was going to make. I'll try to be brief and sum them
5 up.

6 The problem -- we're here tonight about an
7 SEIR. As Elois mentioned to you, they covered air
8 quality and traffic, and they had found basically
9 unmitigatable, unavoidable impacts in both of those,
10 several things with both of those areas.

11 And the air quality issue, I think they
12 really didn't cover the mitigations that were possible.
13 More precisely, the possibility of putting trucks,
14 truck operations, truck activity, on that base -- right
15 now there are -- I have a map here from last, last
16 month, I think somebody in the city staff. It shows in
17 areas adjoining the army base in West Oakland there are
18 now 50 uses that are with trucks with high, medium and
19 low impacts, that are truck-related. And if you took
20 all of those trucks or a good part of those truck
21 activities out of the West Oakland area and put them on
22 the Army base, you would very strongly impact the air
23 quality in a positive way.

24 You would reduce the amount of how much they
25 would have to go back between the port and the area.

9

18-15
cont'd

18-16

18-17

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1 You would reduce the amount of air impacts, the
2 emissions impacts on those neighborhoods that those
3 trucks are in. And you would also reduce the amount of
4 impact that they would have if they were pushed farther
5 out, which they will be. They will definitely be
6 pushed to the central valley or to Hayward if they're
7 not allowed to stay in West Oakland, which is probably
8 on the map right now.

9 So I think that the SEIR is deficient in
10 that it doesn't cover this potential mitigation, and I
11 think that really needs to be included in it before
12 it's finalized. Thank you.

13 CHAIRMAN JANG: Okay, thank you. We had
14 other names.

15 CLERK: (Inaudible). A.L. Brown.

16 MR. MCLINEN: We wanted to inform you that
17 West Oakland Community Fund, which is part of the whole
18 thing with the Army base -- and we had drafted a letter
19 and gave you guys a copy. So I wasn't going to read
20 it, but I wanted to just inform you that to get some
21 support for it as you go through this process to make
22 sure that the community fund is supported by the port
23 and the city and the redevelopment. Thank you.

24 CHAIRMAN JANG: Okay, thank you.

25 CLERK: A.L. Brown. Roderick Klug.

10

18-17
cont'd

18-18

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1 CHAIRMAN JANG: If you heard your name, come
2 to the podium.

3 MS. ROY: I'm Joyce Roy, and I'm really
4 speaking on behalf of Oakland Heritage Alliance.

18-19

5 When the SEIR, the final EIR on the Army
6 base was certified, it was -- it was recognized as
7 being a problematic EIR, and that as projects, real
8 projects came forward, there would be supplemental
9 environmental impact reports. And so this is what this
10 is. It's one of the supplementals.

18-20

11 Also it was recognized, according to our --
12 was made a point of and recognized that no historic
13 building would be demolished unless it could not be
14 reused. So the whole process would have to go through
15 -- and yet I see here that it says, you know, in Option
16 B, that portions of a national register in joint
17 district are located in Option B, and are scheduled for
18 demolition.

18-21

19 Scheduled for demolition? There's no
20 project there. There is no reason why they can't be
21 used. The line that is drawn for Option B is very
22 arbitrary and goes through some of those buildings.
23 Those buildings are creating jobs. There are -- there
24 are incubator film companies in one of them who could
25 get more and more use of it. They are built in

18-22

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1 segments. They have two segments. They have enough
2 people wanting to reuse that space, they could fill
3 three segments. Those are very important resources,
4 both economically and historic. And, you know, unless
5 -- and they love those spaces. I don't know whether
6 they're still on them or whether the city has
7 prematurely kicked them out.

18-22
cont'd

8 But I looked through the EIR. There was no
9 talk about the historic-ness of the building, only sort
10 of behind and sort of at the end, the kind of
11 mitigation close, slash, we'll put on it, just sort of
12 assuming, oh they're just going to go. Thank you.

18-23

13 CHAIRMAN JANG: Thank you, Ms. Roy. Malika
14 Ramanatha, Pudgy Honda.

15 MS. RAMANATHA: Good evening, I'm Malika
16 Ramanatha and I'm with East Bay Municipal Utility
17 District, and we are planning to provide written
18 comments to the SEIR as well as in addition to comments
19 presented here tonight, and we'll try to be brief.

20 East Bay MUD's main waste water treatment
21 plant is located at 2020 Wake Avenue, which is north
22 and east of the proposed auto mall. And currently East
23 Bay MUD uses Wake Avenue to gain access to our
24 property. The proposed roadways and alignments in the
25 SEIR change the access and visiting exit points by

18-24

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1 eliminating Wake Avenue and creating three new streets,
2 Maritime Street and North and East Access Roads.

18-24
cont'd

3 Any changes that -- East Bay MUD is asking
4 that any changes to the access to our main waste water
5 treatment plant be coordinated with us, and the current
6 level of access be maintained at all times.

18-25

7 In addition, Maritime Street, North Access
8 Road and East Access Road will be providing access to
9 public facilities, and so therefore they should be
10 designated as public right-of-ways.

18-26

11 In the SEIR, cumulative traffic conditions
12 from the project and the project with Option B indicate
13 that the intersections of West Grand Avenue with
14 Maritime Street as well as West Grand and the I-880
15 frontage road intersections will have an F level of
16 service, which equates to traffic gridlock, which will
17 be with significant traffic delays. And the draft SEIR
18 concludes that mitigation is not feasible and that
19 residual significance would be significant and
20 unavoidable.

18-27

21 Both of these intersections are major
22 thoroughfares and do provide access to the highways as
23 well as to East Bay MUD's facility, and the Army's
24 facility. And the potential for gridlock on West Grand
25 Avenue is going to hinder emergency response if there's

18-28

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1 ambulances and fire trucks to the main waste water
2 treatment plant, as well as to the adjacent facilities.

3 East Bay MUD recommends that these
4 improvements -- that improvements are made to the
5 intersection to maintain the current level of service
6 on West Grand Avenue.

18-28
cont'd

7 East Bay MUD visitor and employee traffic to
8 the main waste water treatment plant occurs 24 hours a
9 day, seven days a week, and visitors are required to
10 check in at our main entrance and are either directed
11 to the main entrance or to a secondary access point off
12 of Wake Avenue between Buildings 1101 and 1086 on the
13 Army property. The road configurations prepared to
14 compare the East Bay MUD's access to the secondary
15 access point on the army land, and we ask that the
16 proposed road alignment maintain its entrance as well
17 as the entrance from the driveway.

18-29

18 The SEIR also does not address all of the
19 proposed -- all of the impacts that will be created by
20 the proposed land use and the road alignment. Impacts
21 that were not addressed in the SEIR include those that
22 result from proposed rail line and rail spur
23 configurations that are planned to accommodate the lot
24 configurations for the auto mall.

18-30

25 Based on our conversations with the City of

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1 Oakland, East Bay MUD understands that the proposed
2 development is going to include a rail spur line that
3 passes in front of our main entrance. The rail line
4 and rail spur configurations will create adverse
5 traffic impacts to the existing land use and were not
6 addressed in the SEIR. Specifically, entry to our main
7 waste water treatment plant will be completely blocked
8 at times by use of the rail spur line, and during times
9 when the rail spur line is in service, East Bay MUD
10 will be unable to enter or leave the main waste water
11 treatment plant, which will adversely impact our
12 operations as well as pose a life safety threat to East
13 Bay MUD employees.

14 Additionally, the SEIR should also address
15 the traffic and environmental issues that are due to
16 this. Traffic along the North and East Access Roads
17 will increase when the rail spur line is in use and
18 people will be unable to enter the main driveway, which
19 will also increase emissions from vehicles.

20 CHAIRMAN JANG: So these comments will be
21 submitted in writing?

22 MS. RAMANATHA: Yes. Those are the major
23 ones. I think if I could still just make one more
24 comment. The original EIR of 2002 did indicate that
25 industrial land use or Maritime land use was

18-30
cont'd

18-31

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1 appropriate for the planned auto mall map, and East Bay
2 MUD is operating a top rate waste water treatment
3 facility, and we are doing this in the best manner that
4 we can, and there are odors that are present due to the
5 nature of the business. And we feel that the SEIR is
6 not -- the findings contradict the EIR of 2002.

7 CHAIRMAN JANG: Okay, thank you. Do we have
8 any other speakers?

9 CLERK: Sanjeeve, and then I'm not sure if
10 A.L. Brown or Robert Kluger are still here.

11 CHAIRMAN JANG: Okay. If those names were
12 called and you're still here, would you get ready to
13 speak?

14 MR. HONDAY: For the record, I'm Sanjeeve
15 Hoday, East Bay News Service, picking up where the
16 previous speaker left off.

17 Several of the items in the SEIR are
18 contradictory to the original. And keep in mind that
19 the Oakland City Council still has no idea, after
20 having granted an exclusive negotiating agreement to
21 the Wayans brothers to the (inaudible) development
22 group as to how much land is going to be used by them.
23 The last word I got was they were wanting to scale
24 their project down to 30 acres, and what the final
25 usage is will have significant impacts on whatever you

18-31
cont'd

18-32

18-33

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1 certify here. Thirty is a lot less than what is in the
2 negotiating agreement.

3 Let me also point out there have been in
4 excess of 84 meetings related to the Oakland Army Base,
5 including many meetings for the Oakland Base Reuse
6 Authority. It's comprised currently of four members of
7 the council, plus the Mayor. And Mr. Brown, the Mayor,
8 and Mr. De La Fuente, one of the members, in three
9 years and three months, between the two of them, that's
10 sixty, approximately sixty meetings held last time,
11 collectively attended approximately five. So they have
12 certainly been absent at the wheel.

13 Let me also point out that in 1993, when
14 Tony Batarski, an auto dealer, said he was going to
15 move his business to San Leandro, the City Council paid
16 no attention, figuring it was a bluff. This time
17 around they seemed to have learned their lesson. The
18 dealers on Broadway are saying if they do not get
19 larger space, they're going to leave Oakland.

20 Currently sales tax revenues in the City of
21 Oakland from auto dealers and from auto ancillary users
22 is almost one half of the total sales tax revenue that
23 comes to the City of Oakland annually. And (inaudible)
24 were together there would be significant cuts in city
25 services or needs to raise fees.

17

18-33
cont'd

18-34

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1 But what is also not analyzed is other
2 things, for example, the quality of the water. I
3 raised at the OBRA meeting two months ago the issue of
4 whether OBRA was dealing with the issue of pollution in
5 the pipeline, and OBRA staff replied that eastbound MUD
6 did not notify them of any such problem. The problem
7 is the City of Oakland or redevelopment agency, rather,
8 will always own pipes, not East Bay MUD. The Port and
9 East Bay MUD are sharing costs to do a feasibility
10 analysis of water in the port owned property. The SEIR
11 should also look at that.

12 And the final two things related to the
13 SEIR, there should be a detailed analysis, as
14 Councilmember Nadel arranged -- I'm not going to go in
15 all of that -- just referenced her comments at the city
16 council meeting, (inaudible) before them as to the air
17 pollution impacts on West Oakland, in particular.

18 And the final thing is to look at the
19 cumulative uses in Emeryville that are scheduled to
20 happen, and those should be taken into account because
21 the bulk of the pollution from diesel and other
22 emittents as well as traffic will impact full impact as
23 well. Thank you very much.

24 CLERK: Okay. There's one additional card,
25 Kent Lewindowsky.

18

18-35

18-36

18-37

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1 CHAIRMAN JANG: Okay.

2 MR. LEWINDOWSKY: Thank you for letting me
3 speak, Commissioners. I'll try to be brief. I'm a
4 member also of the WOCAG, West Oakland Community
5 Advisory Group, until today.

18-38

6 And in response to the SEIR, this is the
7 SEIR. I got it sent to me. I speak because I'm on the
8 WOCAG. I know it's a complicated project and it's got
9 a lot of information and detail, but I just found it
10 was very hard to read and understand, so hard,
11 therefore, to really digest and make a coherent
12 comment. Nevertheless, I know that it's a very
13 complicated project.

18-39

14 The response that I have to what I did
15 understand was that I thought the environmental impact,
16 as described in here, being not significant or
17 partially significant, it should not been that
18 (inaudible). It was raised before that you're going to
19 have a lot of auto traffic due to the project and due
20 to the redevelopment. I mean, you have essentially
21 barren land which is going to become commercial land;
22 therefore you're going to have traffic. So that's
23 going to be an impact, and it's going to be
24 significant. I don't know how the city plans to deal
25 with it. It wasn't really revealed in here to me.

18-40

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1 I hope that the project does include things
2 like centralized parking, which Ray Kidd mentioned. I
3 support his comments about bringing the trucks into one
4 place.

18-41

5 Also, I would propose to plant some trees
6 somewhere on this property. I think that would be a
7 good thing. Oakland is named after trees, so why not
8 plant some more trees?

18-42

18-43

9 CHAIRMAN JANG: Thank you.

10 CLERK: There are no other speakers.

11 CHAIRMAN JANG: So we've taken public
12 testimony, so we can close the public portion of this
13 hearing and take commissioner comments.

14 Commissioner Franklin.

15 COMMISSIONER FRANKLIN: Few quick comments,
16 personal opinion: I think it's completely
17 inappropriate for us to consider any project until we
18 do a base wide analysis of what the city needs, number
19 one, from the port's vantage I know there was some
20 (inaudible) port and there was some bogus process, and
21 then, you know, the council was supposed to look at it,
22 but I think they looked at it before we even had the
23 study done. I can't remember the detail at this hour.

18-44

24 However, you know, Oakland in large part,
25 blue collar town. We have a blue collar population,

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1 and we have people that don't have jobs. And to the
2 extent that we can use it as a shipyard, that we could
3 put these people to work, I think that should be our
4 first priority. We have put housing all over this
5 city. Commissioner McClure said that we've only
6 approved two office buildings; everything else has been
7 residential. Now we have this big swap of industrial
8 land which seems to be depleted here and there, and we
9 need to really make sure that we understand what should
10 go there. Because once you build, whatever you're
11 going to build, you can't just rightfully knock it
12 down.

13 The Wayans project, I've followed that.
14 Really concerned about that. Given 30 acres, 50 acres
15 for something that -- you have to prioritize when
16 you're a city like Oakland. You know, my mom would
17 say, "You can't have the champagne dreams if you're on
18 a beer budget." And I'm the first person to say how
19 wonderful Oakland is, but, you know, should we be
20 shooting for that type of use when we have to provide
21 people with jobs and job training opportunities?

22 Also, one thing I would particularly like to
23 hear about is understanding what are the needs of car
24 dealerships? Do they need to -- apparently they need
25 to be near a freeway. Do they change locations every

18-44
cont'd

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1 couple years? Do they have to be a certain distance
2 from their next, you know, similar dealerships? I
3 mean, these are the kinds of things that I want to get
4 better information on.

5 And like I said, some base wide plan between
6 the Port's uses, the possible Costco with the land
7 folks are trying to do, which I wish was a little more
8 forthcoming with what's going on there with these
9 dealerships.

10 And then also, I agree with Martha, we need
11 to take this out to the community. And I know there
12 are a variety of community groups out there, but it
13 would make sense to me -- I know in the Bay View when
14 we take the conveyance agreement between the Navy and
15 the agency, we go -- the Navy Opera House. We go out
16 to the community. That's why I'm at 18 community
17 meetings a month, just -- you know, meeting with the
18 community, bringing it to them, you know. Everybody's
19 not going to come here, especially communities who feel
20 that they don't have a voice. Us sitting here and
21 coming down to city hall may not be the answer.

22 And then I think we really need to look at
23 some type of job training opportunities, to make sure
24 the people in West Oakland don't quote, unquote, "miss
25 the boat," and all this redevelopment that's going on

18-44
cont'd

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1 around them.

2 CHAIRMAN JANG: Thank you, Commissioner
3 Franklin. Do we have other comments from
4 Commissioners? Commissioner McClure?

5 COMMISSIONER MCCLURE: I would say, or
6 submit to my colleagues, that we extend the public
7 comment period on the Draft Supplemental EIR report.

8 CHAIRMAN JANG: You'd extend the oral
9 testimony or the written comment period? Which one are
10 you recommending?

11 COMMISSIONER MCCLURE: Well, I think this
12 probably deserves some (inaudible) with more detail.
13 Commissioner Lighty, what do you think?

14 COMMISSIONER LIGHTY: Well, you know, I
15 agree. I honestly kind of like this idea of some kind
16 of committee, temporary committee, maybe it's special
17 projects, maybe it's a new committee chaired by
18 Commissioner Franklin that would --

19 COMMISSIONER FRANKLIN: And honestly, that
20 would be something I'd be more than happy to do.

21 COMMISSIONER LIGHTY: There you go, right
22 on. Because I just think -- because I think you're
23 right. And I think that we do have to get the
24 stakeholders --

25 COMMISSIONER MCCLURE: Wait a second, you just

23

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1 said that I'm right?

2 COMMISSIONER LIGHTY: You want me to say it
3 again?

4 COMMISSIONER MCCLURE: Yeah.

5 COMMISSIONER LIGHTY: We do need more
6 comments.

7 UNIDENTIFIED: (Inaudible).

8 (Laughter)

9 COMMISSIONER LIGHTY: We need more comments,
10 and I think the kinds of comments that we need would
11 include like what Commissioner Franklin's talking
12 about, is let's have -- let's figure out a way, let's
13 have a forum which we can map out these uses.

14 What I said last time about this, I think I
15 still believe that you got to figure out -- basically
16 we're destroying jobs right now, because we're ending
17 leases and those jobs are going. And we know that
18 there are severe environmental impacts from trucks and
19 truck-related uses around West Oakland. So deal with
20 that. Consolidate that on the army base. Relate the
21 auto row to that. Figure out a way for those two to
22 relate to each other. And then as Ms. Roy said, figure
23 out what existing buildings you can use that are going
24 to create jobs. And then, the Wayans, if it happens,
25 at least you've got the basics in place.

24

18-45

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1 Now, that may not be what comes out of that
2 process. That's what I would suggest for that process.
3 But that's, I think, a process that can debate those
4 things in tandem and coherently and comprehensively,
5 rather than doing an SEIR, then another SEIR, and
6 pretty soon you figure out, "Oh, by the way, we can't
7 move the truck or their uses onto the Army base; oh by
8 the way, we've destroyed these jobs and we haven't
9 really produced much new ones." Oh, and then the
10 Wayans, saying it never happened. Oops.

11 COMMISSIONER MUDGE: While we're talking
12 about the process, maybe I can just confess that what I
13 normally consider to be my strong suit, I'm only
14 confused about. I don't know what role the Planning
15 Commission gets to play here, because we've got -- I'm
16 reading from a staff report, and there's no project in
17 front of us. And the project will require the
18 amendment of the final reuse plan, and that's going to
19 be done by the Oakland Base Reuse Authority, OBRA. I
20 don't think we get to do that.

21 I don't -- there's a redevelopment project
22 going on here. That's the Redevelopment Agency; that's
23 not the Planning Commission. Why -- I mean, I just -- I
24 want to put this out here because I care about this
25 land too, but I don't think we have the authority to

25

18-45
cont'd

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1 approve this plan. And why are we hearing the EIR on
2 this? I mean, I'm happy to do it and I think it's
3 really an important community forum, but are we being
4 asked to certify an EIR over which we have no approval
5 authority for the project? Mark is shaking his head
6 yes.

7 MR. WALD: The process that's set up in
8 Oakland is that the Planning Commission is really the
9 lead department or agency for hearing EIRs and
10 certifying EIRs, even though they might not have
11 particular jurisdiction over the project. And that's
12 similar to what happened, I think, in 2002 where the
13 Base Reuse Plan was approved by OBRA and the council,
14 the agency and commission didn't have any approval
15 authority, but did hear and certify the EIR.

16 COMMISSIONER MCCLURE: Commissioner Mudge,
17 The discussion we had earlier about the rules and regs
18 of the Planning Commission, our jurisdiction is really
19 quite broad, and I think an argument can be made that
20 we do have authority over this.

21 UNIDENTIFIED: But what's the decision
22 that's been made --

23 COMMISSIONER MCCLURE: Yeah, what do we
24 (inaudible) decision did we get to make? I mean, I'd
25 be delighted to be, you know --

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1 MR. WALD: Mr. Chair, just to be clear,
2 Obviously you can make a recommendation, all right, or
3 you can study things, but in terms of approving or
4 necessarily formally recommending approval, you know,
5 the council, is obviously free to accept or reject
6 that. But certainly you can study and do
7 recommendations later on. But there's no specific
8 mechanism to get things to you like a general plan
9 amendment, or --

10 COMMISSIONER MUDGE: (inaudible) project in
11 front us, and normally if we could just take one quick
12 comment --

13 COMMISSIONER MCCLURE: At 11:45 it isn't
14 really what I wanted to hear.

15 COMMISSIONER MUDGE: Well, I know. But, you
16 know, normally, we would require a ton more detail
17 about this. There's no visual in here, there's no
18 setback, there's no pipe, there's no signage, there's
19 no landscaping, there's no -- nothing. And I've
20 suddenly realized there's a reason for that. We don't
21 have any authority over the project.

22 COMMISSIONER LIGHTY: I wonder, I just
23 wanted -- can I ask a question about that? If they're
24 all planning permits that would be required into the
25 staff report granting its approval for individual auto

27

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1 dealership and retail development application, that's
2 what it says here, and so are you saying that those
3 land use approvals are not something that come before
4 us?

5 MR. PATTEN: I believe they would.

6 MR. WALD: Mr. Chair, it's my understanding
7 that these uses are permitted as of right.

8 ELOIS THORNTON: Yes, (inaudible). Apparently
9 the site is on M40, which is, you know, heavy
10 industrial, allows for a wide variety of uses. Auto
11 sales and services is a permitted use. Their site has
12 a business mix and general industrial (inaudible) and
13 general plan designation, and that land use designation
14 also allows these types of uses. Thus far the only
15 permit or approval that we know would come from the
16 Planning Commission would be the subdivision
17 application, in order to create the parcels for the
18 individual auto dealership.

19 UNIDENTIFIED: This subdivision application.

20 COMMISSIONER LIGHTY: Can the project
21 proceed without the Planning Commission certifying the
22 EIR, or FEIR?

23 MR. WALD: Mr. Chair, my understanding is
24 that yes, there is a possibility that the council and
25 the Redevelopment Agency and OBRA are the final

28

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1 decision-making bodies, that they can certify the
2 document, or if you don't certify the document they can
3 basically overturn your decision not to certify by
4 certifying it.

5 COMMISSIONER LIGHTY: Doesn't OBRA expire?

6 MR. WALD: That's correct.

7 CHAIRMAN JANG: Commissioner Boxer?

8 COMMISSIONER BOXER: Echoing what
9 Commissioner McClure said about our wide jurisdiction,
10 I mean, it sounds to me like -- and I think I'm hearing
11 from fellow commissioners, that we do have kind of the
12 bully pulpit, if you will, on this issue. And I'm
13 guessing that if we wanted to form a committee such
14 that Mr. Low was talking about, that we could certainly
15 do that and hold a public hearing, in which case we are
16 taking the public's testimony, which in my view is
17 absolutely the right thing to do, given the horrific
18 impacts on West Oakland of truck traffic. And it would
19 be a dereliction of this city's duty not to look at
20 some way to get those trucks off the streets.

21 And if this project -- and if the Army base,
22 with its acreage is somehow developed without looking
23 at that, to me it's just completely an avocation of
24 responsibility. So I would like to just at least have
25 the hearing so that the public can have the opportunity

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1 to hear it, because I'm not sure they're getting it
2 from the City Council.

3 CHAIRMAN JANG: When you say you want to
4 have the hearing, you mean this hearing, or you want to
5 continue, get the item --

6 COMMISSIONER BOXER: I'd like to either keep
7 the item open or take the suggestion up of having some
8 kind of special committee that's convened simply to
9 hear the Army base issue.

10 UNIDENTIFIED: You could set up a special
11 projects.

12 ELOIS THORNTON: Commissioners (inaudible),
13 just for your information, redevelopment staff is not
14 here this evening. And this is a project actually of
15 the Redevelopment Agency. OBRA, just for
16 clarification, is the property owner. But as of August
17 of this year, we will no longer own the property, and
18 this particular portion of the Army Base will be owned
19 by the Redevelopment Agency, and they will be the
20 actual development entity.

21 Should you decide to have committees or
22 other additional hearings on it, I just wanted to let
23 you know -- and I'm sorry the redevelopment staff is
24 not here to clarify, but my understanding is that the
25 redevelopment agency as well as the City's Port of

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1 Oakland are planning to hold a forum or some type of
2 more thorough discussion of activities that are planned
3 for the Army base, and that is sometime before the
4 agency takes recess. So should you want to do an
5 additional process, then maybe you should coordinate
6 the time and the (inaudible) with their --

7 UNIDENTIFIED: Well, that's another good
8 issue the Port hasn't formally commented on it, at
9 least not to my knowledge.

10 CHAIRMAN JANG: Okay, (inaudible).

11 MR. PATTEN: Well, I was going to point out
12 that we are asking comments on those, supplemental EIR.
13 The comment period closes May 31st. That's another two
14 weeks, plus or minus in theory. Then the final EIR
15 could be prepared. Prior to that, you could hold a
16 hearing or meetings or series of meetings. But I think
17 it's been our practice not to extend comment periods
18 unless there is some public request to do so, and I
19 didn't hear that.

20 UNIDENTIFIED: You don't think Mr. Nepoho
21 was asking for an extension?

22 MR. PATTEN: Well, I'm suggesting I think
23 there's still time to receive comments. We still have
24 more than two weeks remaining. And then at least the
25 Final EIR could be under preparation to be able to

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1 respond to some questions instead of just keeping the
2 window open.

3 COMMISSIONER MCCLURE: I'd be in favor of
4 pushing it back 30 days so that the final date would be
5 June 31st -- June 30th, right, thank you, Commissioner
6 Lighty. It's either -- everyone wanted an extra day.

7 CHAIRMAN JANG: Ben, do I need a motion on
8 that?

9 BEN: I believe so.

10 CHAIRMAN JANG: Okay.

11 COMMISSIONER MCCLURE: I would move to
12 extend the Draft Supplemental Impact Report current
13 period to June 30th of '06.

14 COMMISSIONER LEE: Second the motion.

15 COMMISSIONER MUDGE: Can we have further
16 discussion on a related issue before we vote on the
17 motion, or can we do that after the motion, just
18 procedurally?

19 UNIDENTIFIED: Well, if you want to set back
20 the motion, I suppose.

21 COMMISSIONER MUDGE: Well, one of the other
22 things I'm noticing is that there is a possibility of
23 having design review come back to us for each of the
24 individual buildings as they come through. That would
25 be made a condition of the DDA, the (inaudible)

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1 development agreement. And if I read this correctly,
2 the redevelopment agency gets to make that decision,
3 whether we get design review or not. Is that -- am I
4 reading that right?

5 MR. WALD: You certainly can make that
6 recommendation, that you would like to have design
7 review.

8 COMMISSIONER MUDGE: Yes, I would like to
9 make that part of a motion, that we request the
10 redevelopment agency to give us design review over
11 these proposed buildings.

12 COMMISSIONER MCCLURE: I would accept that
13 as a friendly amendment to the motion.

14 COMMISSIONER LEE: I second that motion.

15 CHAIRMAN JANG: Okay.

16 CLERK: Commissioner Boxer?

17 COMMISSIONER BOXER: Yes.

18 CLERK: Commissioner Lee?

19 COMMISSIONER LEE: I have to say yes because
20 my mind is not working.

21 CLERK: Commissioner Lighty?

22 COMMISSIONER LIGHTY: Yes.

23 CLERK: Commissioner Franklin?

24 COMMISSIONER FRANKLIN: Yes.

25 CLERK: Commissioner McClure?

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1 COMMISSIONER MCCLURE: Yes.

2 CLERK: Vice-Chair Mudge?

3 VICE-CHAIR MUDGE: Yes.

4 CLERK: Chair Jang?

5 CHAIRMAN JANG: Yes.

6 UNIDENTIFIED: Are you taking Item No. 9?

7 CHAIRMAN JANG: Item 9, yes -- yes?

8 ELOIS THORNTON: May I add some information?

9 I know the hearing is -- this particular item is
10 closed. I'm not sure if you're aware, it was mentioned
11 in one of the earlier staff reports; I just want to
12 make sure that you're aware of this too.

13 In the staff report that we first drafted in
14 saying we were going to prepare the EIR for this item,
15 we did mention that the Oakland Redevelopment Agency
16 would like to issue into this position of the
17 development agreement with the auto dealerships before
18 they take a recess, and that is what you have for
19 timing.

20 So again, I want to emphasize that and just
21 make sure it's clear to you that the extension of the
22 comment period will have an impact on the preparation
23 of the final EIR, and it will impact the Agency's
24 ability to issue the DDA. So again, it was something
25 mentioned in the other staff report. I just want to

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1 make sure that you're still aware of that.

2 CHAIRMAN JANG: Okay.

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8 (End)

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1 STATE OF CALIFORNIA)
2) ss.
2 COUNTY OF ALAMEDA)

3

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6

7 I, Jillanne Stephenson, Certified Shorthand

8 Reporter, #8563 in and for the State of California,

9 hereby certify that the above transcription is a full,

10 true and correct transcript of the proceedings submitted

11 to me by VCR tape, to the best of my ability.

12

13

14 Date: _____, 2006

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Jillanne Stephenson, CSR #8563

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Document 18: Transcript of the May 17, 2006 City of Oakland Planning Commission Meeting**Comments from Marcus Sampson**Response to Comment 18-1

This is an introduction and not a comment.

Response to Comment 18-2

The comment does not pertain to the environmental effects analyzed in the Draft SEIR; it expresses opposition to the proposed project and will be noted for consideration when the project is evaluated.

Response to Comment 18-3

See response to comment 14-2.

Response to Comment 18-4

A discussion of job creation can be found in response to comment 17-2.

Response to Comment 18-5

The comment does not pertain to the environmental effects analyzed in the Draft SEIR; it will be forwarded to the approving agency for consideration when the project is evaluated.

Response to Comment 18-6

The comment does not pertain to the environmental effects analyzed in the Draft SEIR; it will be forwarded to the approving agency for consideration when the project is evaluated.

Response to Comment 18-7

This is not a comment on the Draft SEIR.

Response to Comment 18-8

See response to comment 17-2 for a discussion of job creation. While the approving agency can decide to complete employment and labor rates analyses, such analyses are not warranted for environmental analysis under CEQA.

Response to Comment 18-9

Comment noted.

Comments from Steve Low

Response to Comment 18-10

This is not a comment on the SEIR, but an introduction to the commenter and request for a Planning Commission subcommittee to increase public interaction regarding activities at the former Army Base, which is a policy issue and not an environmental issue. A workshop to further discuss this redevelopment was scheduled for the September 6th Planning Commission Meeting.

Response to Comment 18-11

The Redevelopment Plan and Reuse Plan attempted to balance a mix of goals and concerns, and the amount of ancillary maritime support use (AMS – largely truck parking, container storage and other shipping-related uses) was considered. As discussed in other responses to comments, the proposed project neither decreases the amount of existing and planned truck parking nor significantly increases the demand. The conclusions drawn about AMS in the 2002 OARB Redevelopment EIR remain valid.

The Project Sponsor is considering a partial AMS alternative that would locate AMS uses on a portion of the expanded Option B area. See pages 8-3 to 8-7 of this document for a description and analysis of this new alternative.

See also response to comment 13-1.

Response to Comment 18-12

The comment does not pertain to the environmental effects analyzed in the Draft SEIR; it expresses concern regarding the status of the existing community advisory committee for the Army Base project. This issue will be considered by the Oakland Redevelopment Agency in a process independent of the evaluation of the Auto Mall SEIR.

Response to Comment 18-13

The comment does not pertain to the environmental effects analyzed in the Draft SEIR; it will be forwarded to the approving agency for consideration when the project is evaluated.

Response to Comment 18-14

This is not a comment on the Draft SEIR. This is additional discussion about formation of a sub-committee, see response to comment 18-10.

Comments from Ray Kidd

Response to Comment 18-15

This is not a comment on the Draft SEIR, but an introduction by the commenter.

Response to Comment 18-16

This is restating information from the Draft SEIR and is not a comment.

Response to Comment 18-17

See responses to comments 13-1, 13-4 and 13-5.

Comments from Jimmy McClinenResponse to Comment 18-18

This comment is referring to letter 11. See response to comment 11-1.

Comments from Joyce RoyResponse to Comment 18-19

This is an introduction and not a comment on the Draft SEIR.

Response to Comment 18-20

See response to comment 15-1.

Response to Comment 18-21

See response to comment 15-2.

Response to Comment 18-22

See response to comment 15-2.

Response to Comment 18-23

This is a Supplemental EIR. The Initial Study for this project (included as Appendix B of the Draft SEIR) determined which impacts were adequately analyzed, disclosed and mitigated in the previous 2002 OARB Redevelopment EIR. The Initial Study determination concluded that Option B as proposed would have no different impacts on historic resources than those discussed in the 2002 OARB Redevelopment EIR including potential demolition of all resources on site. Mitigation from the 2002 OARB Redevelopment EIR would be applicable including the need to complete a reuse feasibility study prior to demolition. See response to comment 15-2 for additional discussion.

Comments from Malika RamanathaResponse to Comment 18-24

This is restating information from the Draft SEIR and is not a comment.

Response to Comment 18-25

These comments were also submitted as a letter. See response to comment 3-2.

Response to Comment 18-26

These comments were also submitted as a letter. See response to comment 3-3.

Response to Comment 18-27

This is restating information from the Draft SEIR and is not a comment.

Response to Comment 18-28

These comments were also submitted as a letter. See response to comment 3-4.

Response to Comment 18-29

These comments were also submitted as a letter. See response to comment 3-6.

Response to Comment 18-30

These comments were also submitted as a letter. See responses to comments 3-7 and 3-8.

Response to Comment 18-31

These comments were also submitted as a letter. See response to comment 3-11.

Comments from Sanjiv Honda

Response to Comment 18-32

This is an introduction and not a comment on the Draft SEIR.

Response to Comment 18-33

The cumulative scenario included in the analysis for this Draft SEIR is a worst-case scenario. The future development of that area is not yet certain and was even less certain at the time analysis was completed for the Draft SEIR. The cumulative scenario does not presume build-out of the Fulton Project, which in fact was not the highest traffic-generating scenario considered. The cumulative scenario analyzed in this Draft SEIR shows higher levels of traffic than are likely to be generated by the Fulton project. See pages 5-10 to 5-12 of the Draft SEIR for a description of the cumulative scenario.

Response to Comment 18-34

This is not a comment on the Draft SEIR but some background information about the Army Base reuse planning and auto dealerships in Oakland.

Response to Comment 18-35

The project would replace and extend water and wastewater lines to the project which will be constructed to the current standards.

Response to Comment 18-36

See responses to comments 13-1, 13-5 and 14-9.

Response to Comment 18-37

The land uses in Emeryville and all other surrounding cities are taken into consideration by their inclusion in the ABAG land use forecasts used outside of Oakland. The ABAG land use forecast were used for the modeling of traffic for cumulative conditions.

Comments from Kent LewdowskiResponse to Comment 18-38

This is an introduction and not a comment on the Draft SEIR.

Response to Comment 18-39

This comment was also submitted as a letter. See response to comment 10-3.

Response to Comment 18-40

Potentially significant impacts of the Auto Mall were identified for emergency access (Impact Traf-4, page 3-25), and potentially significant cumulative impacts of the Auto Mall in combination with other foreseeable and background growth were identified for study intersections (Impact Traf-6, page 3-31; Impact Traf-7, page 3-32; Impact Traf-10, page 3-34; Impact Traf-15, page 3-37; and Impact Traf-16, page 3-37). Potentially significant cumulative impacts of the Auto Mall in combination with other foreseeable and background growth were identified for freeway operations (Impact Traf-17, page 3-38).

Response to Comment 18-41

This comment was also submitted as a letter. See response to comment 10-4.

Response to Comment 18-42

See response to comment 13-5.

Response to Comment 18-43

This comment was also submitted as a letter. See response to comment 10-4.

Comments from Commissioners

Response to Comment 18-44

Comments noted. These comments are largely not comments on the Draft SEIR. Regarding larger analysis, see response to comment 14-2. Regarding job creation, see response to comment 17-2. The Draft SEIR public review period was extended from 45 days to 75 days.

Response to Comment 18-45

Comments noted. These comments are largely not comments on the Draft SEIR. Regarding formation of a sub-committee, see response to comment 18-10. Regarding a larger truck-management plan, see response to comment 14-2. Regarding job creation, see response to comment 17-2.

Response to Comment 18-46

Regarding possibility for AMS uses on this site, see response to comments 14-10 and 18-11. Regarding formation of a sub-committee, see response to comment 18-10.