

Volume No. 3: Response to Comments
Environmental Impact Report

for the

**Oakland Army Base Area
Redevelopment Plan**

State Clearinghouse Number 2001082058

prepared by the



environmental consultant:



**g. borchard &
associates**

JULY 2002

This document is an Environmental Impact Report (EIR) prepared in accordance with the California Environmental Quality Act (CEQA), Public Resources Code, Division 13, §§ 21000-21177, and the Guidelines for CEQA, California Code of Regulations Title 14, Chapter 3, §§ 15000—15387.

Please direct questions or comments regarding this document to the attention of:

Mr. Scott Gregory, EIR Project Manager

c/o Ms. Aliza Gallo

250 Frank Ogawa Plaza, Suite 3315

Oakland, California 94612



CITY OF OAKLAND

Community and Economic Development Agency, Planning & Zoning Services Division
250 Frank H. Ogawa Plaza, Suite 3330 ♦ Oakland, California 94612-2032

**COMBINED NOTICE OF AVAILABILITY of the FINAL ENVIRONMENTAL
IMPACT REPORT and NOTICE OF SPECIAL JOINT MEETING/PUBLIC
HEARING of the CITY PLANNING COMMISSION and OAKLAND BASE
REUSE AUTHORITY to CONSIDER CERTIFICATION OF THE FINAL EIR
for the OAKLAND ARMY BASE AREA REDEVELOPMENT PLAN and
ADOPTION OF THE FINAL REUSE PLAN**

TO: All Interested Parties

DATE: July 19, 2002

TITLE: Oakland Army Base (OARB) Area Redevelopment Plan and Reuse Plan

CASE NO: ER01-035

STATE CLEARINGHOUSE NO: 2001082058

LOCATION: The approximately 1,800-acre redevelopment area is located in West Oakland bounded by I-80, Wood Street, and the Oakland Inner, Middle, and Outer harbors.

BRIEF DESCRIPTION OF PROJECT: City Planning Commission consideration of the adequacy of the Final Oakland Army Base Area Redevelopment Plan EIR as a public information document to identify potential impacts, recommend mitigation measures and consider alternatives to the Oakland Army Base Area Redevelopment Project and OARB Reuse Plan.

The subsequent proposed action is the approval of the Final OARB Reuse Plan by the Oakland Base Reuse Authority ("OBRA"). The OARB is one of the three sub-districts of the OARB Area Redevelopment Plan. The Reuse Plan provides for property transfers, remediation of soil and groundwater contamination, installation of major infrastructure, and rehabilitation or demolition and re-construction of mixed uses, as well as industrial Port uses (maritime and rail) and ancillary maritime support uses at or near the former OARB site.

ENVIRONMENTAL REVIEW: A Final Environmental Impact Report (FEIR) was prepared for the OARB Area Redevelopment Plan pursuant to the California Environmental Quality Act (CEQA). One copy of this document is available to each interested party at no charge, or the EIR and related documents may be reviewed at the Community and Economic Development Agency, 250 Frank H. Ogawa Plaza, Planning Division, Suite 3330, Oakland, CA 94612, Monday through Friday, 8:30 a.m. to 5:00 p.m.

PUBLIC HEARING: The Oakland City Planning Commission and OBRA will conduct a joint public hearing to consider certification of the FEIR and to adopt the Final Reuse Plan, respectively, **on Wednesday, July 31, 2002, at a special meeting starting at 6:30 p.m. in the City Council Chambers, City Hall, One Frank H. Ogawa Plaza, Oakland, CA.**

If you challenge the environmental document or Reuse Plan in court you may be limited to raising only those issues raised at the Joint Public hearing described above, or in written correspondence received by the Community and Economic Development Agency on or prior to July 31, 2002.

For further information please call **Scott Gregory at 510-535-6690.**

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Environmental Impact Report
for the
Oakland Army Base Redevelopment Area Plan
July 2002

prepared by



with the assistance of

g. borchard & associates
 6026 Colby Street
Oakland, California 94618
a small local WBE

in conjunction with

Dowling Associates, Inc., a small local firm
GAIA Consulting, Inc., a small local WBE
Luster National, Inc., a small local MBE
URS Corporation, a local firm

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Table of Contents

<u>Chapter/Section</u>	<u>Page</u>
1. Introduction and Index to Comments	1-1
1.1 Background.....	1-1
1.2 Organization of the Response to Comments Volume	1-2
1.3 Index to Comments and Responses	1-2
2. CEQA Hearing Transcript and Written Comments	2-1
2.1 List of CommentErs.....	2-1
2.2 Verbal Comments: Hearing Transcript.....	2-3
2.3 Written Comments	2-4
3. Responses to Comments	3-1
3.1 PROCESS.....	3-1
3.1.1 General EIR Deficiencies	3-1
3.1.2 Establishment of an Inter-Jurisdictional Working Group	3-2
3.1.3 CEQA Processing.....	3-2
3.1.4 Extension of the Public Review Period	3-2
3.1.5 Subsequent Project-Specific and Environmental Review	3-4
Future Project Review and Approvals.....	3-5
Potential for Additional Environmental Review	3-5
3.1.6 Flawed CEQA Process Regarding Alternatives	3-6
3.1.7 Purpose of CEQA.....	3-9
3.1.8 Market Analysis	3-10
3.1.9 Caltrans Properties.....	3-11
3.1.10 Section 106 Process	3-12
3.1.11 Development Levels.....	3-12
3.1.12 Lack of Analysis of WOCAG Alternative	3-12
3.2 DESCRIPTION—Chapter 3.0 of the Draft EIR	3-14
3.2.1 Adequacy of the Project Description.....	3-14
3.2.2 Appropriate Land Uses at the OARB Sub-District.....	3-17
3.2.3 General Land Use Descriptions	3-18
3.2.4 Inconsistencies between the Reuse Plan and the EIR	3-19
3.2.5 Tidelands Trust.....	3-19
3.2.6 The Timeframe for Redevelopment	3-20
3.3 PLANS AND POLICIES—Section 4.1 of the Draft EIR	3-20
3.3.1 Consistency with Plans or Policies	3-20
3.4 LAND USE—Section 4.2 of the Draft EIR	3-22
3.4.1 Specific Land Uses.....	3-22
3.4.2 Mitigation for Land Use Incompatibilities	3-23
3.5 TRANSPORTATION—Section 4.3 of the Draft EIR	3-23
3.5.1 Maritime Use of the Gateway Development Area	3-24
3.5.2 Organization of the Draft EIR Relative to Transportation Impacts	3-25
3.5.3 Mitigation Measures	3-26

3.5.4	Analysis Methodology	3-28
3.5.5	Development Assumptions	3-29
3.5.6	Pedestrian Safety	3-30
3.5.7	Construction Traffic	3-30
3.5.8	Transit Operations	3-31
3.5.9	Overestimation of Impacts.....	3-31
3.6	AIR QUALITY—Section 4.4 of the Draft EIR	3-32
3.6.1	Complete Mitigation of Air Impacts	3-32
3.6.2	Traffic-Related Emissions	3-35
3.6.3	Health Impacts to West Oakland.....	3-37
3.7	NOISE—Section 4.5 of the Draft EIR	3-40
3.7.1	Compatibility of Future Uses with Existing Noise Sources.....	3-40
3.7.2	Trucks	3-40
3.8	CULTURAL RESOURCES—Section 4.6 of the Draft EIR	3-41
3.8.1	Historical Resources	3-42
3.8.2	Archaeological Resources.....	3-44
3.8.3	Preservation and Adaptive Reuse	3-44
	Port Development Area Activities Impacting Historic District Contributors	3-45
	Hazardous Material Remediation Activities Impact on Historic District Contributors	3-46
	Gateway Development Area Activities Impact on Historic District Contributors: Economic Feasibility of Adaptive Reuse	3-48
	Conclusions Regarding the Feasibility of Historic District Contributor Building Reuse.....	3-50
	Recommended Additional/Revised Mitigation	3-51
3.8.4	Off Site Mitigation	3-53
3.8.5	Bay Trail Connections	3-54
3.8.6	Design Elements Evocative of Historic Architecture.....	3-55
3.8.7	Adequacy of Mitigation	3-55
3.8.8	Historical Resource Documentation Program/Book	3-56
3.8.9	Oral Histories	3-57
3.8.10	Web Site	3-57
3.8.11	HABS/HAER Documentation	3-58
3.8.12	Job Well Done Video	3-59
3.8.13	Murals from Building No. 1	3-59
3.8.14	Materials Salvage.....	3-60
3.8.15	Brochure	3-61
3.8.16	Documents and Photographs.....	3-61
3.8.17	Staffing Needs for Implementation of Mitigation Measures.....	3-62
3.8.18	Re-Working Mitigation Measures	3-62
3.9	HAZARDOUS MATERIALS—Section 4.7 of the Draft EIR	3-62
3.9.1	Building No. 1	3-63
3.9.2	Regulatory Oversight.....	3-64
3.9.3	Obligation to Remediate the Gateway Park Area	3-64
3.10	POPULATION, HOUSING, AND EMPLOYMENT—Section 4.8 of the Draft EIR.....	3-65
3.10.1	Jobs/Housing	3-65
3.10.2	Validity of the Employment Analysis	3-66

3.11 PUBLIC SERVICES AND UTILITIES—Section 4.9 of the Draft EIR	3-66
3.11.1 Solid Waste Goals	3-66
3.11.2 Fire Service Mitigation	3-67
3.11.3 Potable Water Service.....	3-67
3.11.4 Recycled Water	3-67
3.11.5 Wastewater Service.....	3-68
3.12 RECREATION AND PUBLIC ACCESS—Section 4.10 of the Draft EIR.....	3-68
3.13 AESTHETICS—Section 4.11 of the Draft EIR	3-68
3.14 BIOLOGICAL RESOURCES—Section 4.12 of the Draft EIR	3-69
3.14.1 Resources at or Near the Gateway Peninsula.....	3-69
3.14.2 Reliance on Permit Conditions as Mitigation	3-72
3.14.3 Trees.....	3-73
3.14.4 Invasive Species.....	3-73
3.14.5 Other Aquatic Issues	3-74
3.15 GEOLOGY, SEISMICITY, AND SOILS—Section 4.13 of the Draft EIR	3-75
3.16 ALTERNATIVES—Chapter 7.0 of the Draft EIR	3-76
3.16.1 The Range of Alternatives	3-76
3.16.2 Support for a Specific Alternative.....	3-77
3.16.3 Detail of Analysis.....	3-77
3.16.4 A New Alternative.....	3-78
4. Revisions to the Draft EIR	4-1
SUMMARY—Chapter 1.0 of the Draft EIR	4-1
INTRODUCTION—Chapter 2.0 of the Draft EIR	4-2
DESCRIPTION—Chapter 3.0 of the Draft EIR	4-2
SETTING AND BASELINE, IMPACTS, AND MITIGATION—Chapter 4.0 of the Draft EIR	4-10
PLANS AND POLICIES—Section 4.1 of the Draft EIR	4-11
LAND USE—Section 4.2 of the Draft EIR	4-13
TRAFFIC—Section 4.3 of the Draft EIR.....	4-13
AIR QUALITY—Section 4.4 of the Draft EIR	4-16
NOISE—Section 4.5 of the Draft EIR	4-18
CULTURAL RESOURCES—Section 4.6 of the Draft EIR	4-22
HAZARDOUS MATERIALS—Section 4.7 of the Draft EIR	4-32
Regulatory Oversight for Remediation of the OARB.....	4-33
Remedial Action Plan/Risk Management Plan Process	4-34
OARB Remedial Action Plan Sites	4-35
Risk Management Plan Implementation Area	4-36
Soil Remediation Action Objectives.....	4-37
Groundwater Remediation Action Objectives	4-38
Determination of Acceptable Risk-based Soil Cleanup Goals Under the Urban Land Redevelopment Program	4-38

Determination of Acceptable Risk-based Groundwater Cleanup Goals Under the Urban Land Redevelopment Program..... 4-41
OARB Sub-District, Contaminated Soil and Groundwater 4-44
POPULATION, HOUSING, AND EMPLOYMENT—Section 4.8 of the Draft EIR 4-64
PUBLIC SERVICES AND UTILITIES—Section 4.9 of the Draft EIR 4-64
RECREATION AND PUBLIC ACCESS—Section 4.10 of the Draft EIR 4-66
BIOLOGICAL RESOURCES—Section 4.12 of the Draft EIR..... 4-67
GEOLOGY, SEISMICITY, AND SOILS—Section 4.13 of the Draft EIR 4-69
GROUNDWATER—Section 4.14 of the Draft EIR 4-70
SURFACE WATER—Section 4.15 of the Draft EIR 4-71
CUMULATIVE IMPACTS—Chapter 5 of the Draft EIR 4-73
REFERENCES—Chapter 10 of the Draft EIR 4-76
5. References..... 5-1

Appendices

- Appendix A Feasibility Analysis of Preserving OARB Historic District Structures
- Appendix B Basis for Location of Proposed New Intermodal Rail Facility at OARB



1 Introduction and Index to Comments

1. INTRODUCTION AND INDEX TO COMMENTS

This document, the Response to Comments Volume, comprises responses to comments on the draft environmental impact report (EIR) for the Oakland Army Base Area Redevelopment Plan. This chapter includes background information regarding environmental review for the subject action; describes the organization of this document; and provides an index to comments on the draft EIR, including the location of responses in this document to each substantive comment.

1.1 BACKGROUND

The City of Oakland (“the City”) is the public agency with principal responsibility for approving or disapproving the Oakland Army Base (OARB) Area Redevelopment Plan (“the program” or “the project” herein). In July 2000, the City adopted and approved the Redevelopment Plan for the Oakland Base Redevelopment Project, and established an approximately 1,730-acre redevelopment project area. The City prepared a draft EIR in accordance with the California Environmental Quality Act (CEQA), including provisions permitting delayed environmental review for establishment of a redevelopment area encompassing a decommissioned military facility. The City made the draft EIR available for review and comment by agencies and by the public. Copies of the draft EIR were sent to those who provided input regarding the EIR’s scope, to responsible agencies, and to those who had requested copies; in addition, copies were placed in libraries in Oakland and made available at the planning Department of the City of Oakland. The entire text of the draft EIR, the appendices, and some supplemental materials were also placed on the City of Oakland web site. A 45-day public EIR review and comment period occurred between April 29 and June 12, 2002. The City conducted a public hearing June 5, 2002 at the Oakland Planning Commission to solicit comments.

During the public review and comment period, agencies, organizations, and individual members of the public provided comments regarding the EIR. A total of 11 persons provided verbal comments; in addition, 21 comment letters were provided by 20 different entities. The City must now respond in writing to the significant environmental points raised by comments on the draft EIR. This Response to Comments volume has been prepared to address public and agency comments on the publicly circulated draft EIR. This Response to Comments volume, combined with the draft EIR, constitutes the final EIR for the OARB Area Redevelopment Plan.

1 **1.2 ORGANIZATION OF THE RESPONSE TO COMMENTS VOLUME**

2 This Response to Comments volume is organized into five chapters. This chapter provides
3 general information relevant to the understanding and use of this document. The full transcript
4 of the public hearing and all comment letters are located in Chapter 2. Chapter 3 presents
5 responses to comments on the draft EIR. Chapter 4 includes revisions to draft EIR text and
6 figures. References are located in Chapter 5.

7 **1.3 INDEX TO COMMENTS AND RESPONSES**

8 All comment letters were assigned codes starting with the letter “W,” indicating a written
9 communication. Each of the 21 comment letters was assigned a number between 1 and 20 (19a
10 and 19b are from the same source); specific comments within each comment letter were then
11 individually numbered. For example, W4-2 represents written communication number 4,
12 comment number 2. Verbal comments provided at the public hearing were treated similarly: all
13 verbal commentors were assigned codes starting with “V,” indicating a verbal communication,
14 each was assigned a number between 1 and 11, and each comment was assigned a number.
15 For example, V10-8 represents commentor number 10, comment number 8.

16 Multiple comments were provided with respect to most key issues. In order to provide the
17 commentor a complete picture regarding her or his concern, the City prepared a master
18 response to all comments regarding a given topic. Each comment addressed by a master
19 response is identified at the beginning of the relevant master response. Some comments are
20 responded to as text or figure edits, not as master responses. Table 1-1, below, is an index to
21 assist commentors in locating responses to her or his comments in either Chapter 3, Responses
22 to Comments, or in Chapter 4, Revisions to the Draft EIR.

23

1

Table 1-1
Index to Comments and Responses

Commentor	Agency/Affiliation	Comment	Section(s) where Response Located
Verbal Communications			
S. Lowe	West Oakland Commerce Association	V1-1	3.5.1
		V1-2	3.4.1
		V1-3	3.8.3
		V1-4	3.1.4
		V1-5	3.2.2
G. Burt	West Oakland Commerce Association	V2-1	3.5.1
		V2-2	3.5.1
		V2-3	3.5.1
		V2-4	3.5.1
		V2-5	3.2.2
		V2-6	3.2.2
		V2-7	3.1.9
		V2-8	3.5.1
		V2-9	3.2.2
M. McDonald	Oakland Heritage Alliance	V3-1	3.1.4
		V3-2	3.1.4
		V3-3	3.1.4
		V3-4	3.1.4
J. Roy	Oakland Heritage Alliance	V4-1	3.8.3
		V4-2	3.2.1
		V4-3	3.2.4
		V4-4	3.4.1
		V4-5	3.2.6
		V4-6	3.1.5
		V4-7	3.8.3
N. Schiff	Oakland Heritage Alliance	V5-1	3.1.5
		V5-2	3.8.3
		V5-3	3.8.9
		V5-4	3.8.10
		V5-5	3.8.11
		V5-6	3.8.12
		V5-7	3.8.13
		V5-8	3.8.14
		V5-9	3.8.15
		V5-10	3.8.8
		V5-11	3.8.3
		V5-12	3.1.4
		V5-13	3.4.1
		V5-14	3.8.17
		V5-15	3.1.4
S. Handa	East Bay News Service	V6-1	3.1.4
		V6-2	3.1.4
		V6-3	3.1.1
		V6-4	3.1.4
M. Lighty	Planning Commission	V7-1	3.16.4

**Table 1-1
Index to Comments and Responses**

Commentor	Agency/Affiliation	Comment	Section(s) where Response Located
		V7-2	3.8.3
		V7-3	3.2.2
		V7-4	3.2.2
		V7-5	3.8.3
		V7-6	3.8.3
		V7-7	3.8.3
		V7-8	3.8.8
		V7-9	3.1.5
		V7-10	3.1.5
		V7-11	3.1.5; 3.8.3
C. Killian	Planning Commission	V8-1	3.2.1
		V8-2	3.2.1
C. Jang	Planning Commission	V9-1	3.2.1
G. Jarvis	Planning Commission	V10-1	3.2.2
		V10-2	3.2.2
		V10-3	3.2.2
		V10-4	3.15
		V10-5	3.15
		V10-6	3.12
		V10-7	3.8.3
		V10-8	3.8.3
N. Franklin	Planning Commission	V11-1	3.1.5
		V11-2	3.8.3
		V11-3	3.1.5
Written Communications			
B. Walukas	Alameda County Congestion Management Agency	W1-1	3.5.2
		W1-2	4
		W1-3	3.5.2
		W1-4	4
		W1-5	3.5.2
P. Eckhardt	Golden Gate Audubon Society	W2-1	3.14.1
		W2-2	3.14.1
		W2-3	3.14.1
		W2-4	3.14.1
		W2-5	3.14.1; 3.14.2
		W2-6	3.14.5
		W2-7	3.14.5
		W2-8	3.14.3
		W2-9	3.14.2
W. Kirkpatrick	East Bay Municipal Utility District	W3-1	3.11.3
		W3-2	4
		W3-3	3.11.3
		W3-4	4
		W3-5	3.11.4
		W3-6	3.11.4
		W3-7	4
		W3-8	3.11.5

Table 1-1
Index to Comments and Responses

Commentor	Agency/Affiliation	Comment	Section(s) where Response Located
N. Schiff	Oakland Heritage Alliance	W3-9	3.11.5
		W4-1	3.16.2
		W4-2	3.2.1
		W4-3	3.2.4
		W4-4	3.2.1
		W4-5	3.1.4
		W4-6	3.1.8
		W4-7	3.6.1
		W4-8	3.6.2
		W4-9	3.9.1
		W4-10	3.15
		W4-11	3.8.3
		W4-12	3.8.3
		W4-13	3.1.4
		W4-14	3.8.18
		W4-15	3.8.3
		W4-16	3.8.3
		W4-17	3.8.7
		W4-18	3.8.7
		W4-19	3.8.7
		W4-20	3.8.3
		W4-21	3.8.5
		W4-22	3.8.9
		W4-23	3.8.10
		W4-24	3.8.7; 3.8.11
		W4-25	3.8.12
		W4-26	3.8.13
		W4-27	3.8.14
		W4-28	3.8.15
		W4-29	3.8.16
		W4-30	3.8.6
		W4-31	3.8.4
W4-32	3.8.3; 3.8.18		
W4-33	3.8.4		
W4-34	3.8.4		
W4-35	3.8.9		
W4-36	3.8.8		
W4-37	3.8.3		
W4-38	3.8.17		
W4-39	3.8.4		
W4-40	3.8.4		
W4-41	3.8.18		
W4-42	3.8.3		
G. Fuz	City of Alameda	W5-1	3.1.1
		W5-2	3.1.2
		W5-3	3.5.3
		W5-4	3.16.1
		W5-5	3.5.4

**Table 1-1
Index to Comments and Responses**

Commentor	Agency/Affiliation	Comment	Section(s) where Response Located
		W5-6	3.5.4
		W5-7	3.5.4
		W5-8	3.5.4; 3.5.5
		W5-9	3.5.6
		W5-10	3.5.7
		W5-11	3.3.1
D. Plummer	State Lands Commission	W6-1	3.2.5; 4
		W6-2	3.2.5; 4
N. Landau	AC Transit	W7-1	3.5.8; 4
		W7-2	3.5.8
		W7-3	3.5.8
		W7-4	3.5.8
		W7-5	3.2.3
		W7-6	3.1.11
J. Finney	Caltrans	W8-1	3.1.9
		W8-2	3.1.9
		W8-3	3.1.9
		W8-4	3.1.9
		W8-5	4
		W8-6	4
		W8-7	4
		W8-8	4
		W8-9	4
		W8-10	4
		W8-11	4
		W8-12	3.5.3
		W8-13	3.7.1
		W8-14	3.6.2
A. Allen	Oakland Landmarks Preservation Advisory Board	W9-1	3.8.1
		W9-2	3.8.1
		W9-3	3.3.1
		W9-4	3.1.10
		W9-5	3.8.1; 3.8.4
		W9-6	3.8.3
		W9-7	3.8.3
		W9-8	3.8.3
		W9-9	3.8.8
		W9-10	3.1.5
		W9-11	3.8.2
		W9-12	3.8.3
		W9-13	3.8.3
		W9-14	3.8.5
		W9-15	3.8.8; 3.8.10
		W9-16	3.8.11
		W9-17	3.8.12
		W9-18	3.8.13
		W9-19	3.8.14

Table 1-1
Index to Comments and Responses

Commentor	Agency/Affiliation	Comment	Section(s) where Response Located
		W9-20	3.8.6
		W9-21	3.8.4
		W9-22	3.8.1; 4
N. Auker	Oakland Resident	W10-1	3.8.3
N. Nadel	Oakland City Council District 3	W11-1	3.1.4; 3.1.6
		W11-2	3.5.3; 3.5.8
		W11-3	3.6.1
		W11-4	3.6.1; 3.6.3
		W11-5	3.6.1
		W11-6	3.6.2
		W11-7	3.7.2
		W11-8	3.8.3
		W11-9	3.8.4
		W11-10	3.10.1
		W11-11	3.11.1
		W11-12	3.13
		W11-13	3.1.4; 3.1.6
		W11-14	3.16.2
G. Bolton	West Oakland Citizens Advisory Group	W12-1	3.1.12
		W12-2	3.2.1
		W12-3	3.4.1
		W12-4	3.9.1
		W12-5	3.16.2
L.J. Belle	Berkeley Resident	W13-1	3.8.3
G. Burt	West Oakland Commerce Association	W14-1	3.16.3
		W14-2	3.16.4
		W14-3	3.8.3
M. Buhler	National Trust for Historic Preservation	W15-1	3.1.5; 3.8.3
J. Roy	Sierra Club San Francisco Bay Chapter	W16-1	3.8.1; 4
		W16-2	3.1.7
		W16-3	3.1.8
		W16-4	3.2.2
		W16-5	3.10.2
		W16-6	3.8.3
		W16-7	3.8.3
		W16-8	3.8.3
J. Blanchfield	Bay Conservation and Development Commission	W17-1	4
		W17-2	3.3.1
B. Weise	East Bay Regional Park District	W18-1	3.8.3
		W18-2	3.9.3; 4
		W18-3	3.9.3; 4
		W18-4	3.9.3; 4
		W18-5	3.9.3; 4
		W18-6	3.14.1
J. Amdur	Port of Oakland	W19a-1	4
		W19a-2	3.14.4; 4

**Table 1-1
Index to Comments and Responses**

Commentor	Agency/Affiliation	Comment	Section(s) where Response Located
		W19a-3	4
		W19a-4	3.2.5
		W19a-5	4
		W19a-6	4
		W19a-7	4
		W19a-8	3.4.2; 4
		W19a-9	3.5.9; 3.6.2; 4
		W19a-10	4
		W19a-11	4
		W19a-12	3.5.3
		W19a-13	3.9.2
		W19a-14	3.11.2; 4
		W19a-15	3.14.3
J. Zaitlin	Port of Oakland	W19b-1	3.14.4
		W19b-2	3.14.4
		W19b-3	3.14.4
		W19b-4	3.14.4
		W19b-5	3.14.4
T. Roberts	Office of Planning and Research, State Clearinghouse	W20-1	3.1.3



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2

2 CEQA Hearing Transcript and Written Comments

1 2. CEQA HEARING TRANSCRIPT AND WRITTEN COMMENTS

2 This chapter presents a list of those who commented on the draft EIR, the full transcript of the
 3 public hearing, and copies of the 21 written communications received on the draft EIR. As
 4 explained in Chapter 1, all comments (verbal and written) have been coded, and the unique
 5 code assigned to each comment is indicated on the transcript and written communications that
 6 follow.

7 2.1 LIST OF COMMENTERS

Name	Agency/Affiliation	Verbal Communication
S. Lowe	West Oakland Commerce Association	1
G. Burt	West Oakland Commerce Association	2
M. McDonald	Oakland Heritage Alliance	3
J. Roy	Oakland Heritage Alliance	4
N. Schiff	Oakland Heritage Alliance	5
S. Handa	East Bay News Service	6
M. Lighty	Planning Commission	7
C. Killian	Planning Commission	8
C. Jang	Planning Commission	9
G. Jarvis	Planning Commission	10
N. Franklin	Planning Commission	11

Name	Agency/Affiliation	Written Communication
B. Walukas	Alameda County Congestion Management Agency	1
P. Eckhardt	Golden Gate Audubon Society	2
W. Kirkpatrick	East Bay Municipal Utility District	3
N. Schiff	Oakland Heritage Alliance	4
G. Fuz	City of Alameda	5
D. Plummer	State Lands Commission	6
N. Landau	AC Transit	7
J. Finney	Caltrans	8
A. Allen	Oakland Landmarks Preservation Advisory Board	9
N. Aufer	Oakland resident	10
N. Nadel	Oakland City Council District 3	11

Name	Agency/Affiliation	Written Communication
G. Bolton	West Oakland Citizens Advisory Group	12
L.J. Belle	Berkeley Resident	13
G. Burt	West Oakland Commerce Association	14
M. Buhler	National Trust for Historic Preservation	15
J. Roy	Sierra Club, San Francisco Bay Chapter	16
J. Blanchfield	Bay Conservation and Development Commission	17
B. Weise	East Bay Regional Park District	18
J. Amdur	Port of Oakland	19a
J. Zaitlin	Port of Oakland	19b
T. Roberts	Office of Planning and Research, State Clearinghouse	20
R. Elliott	Department of Toxic Substances Control	Unnumbered

1

1 **2.2 VERBAL COMMENTS: HEARING TRANSCRIPT**

2 On June 5, 2002, the Oakland Planning Commission conducted a hearing to elicit substantive
3 comments on the draft EIR. The transcript of that hearing follows. Eleven people provided
4 comments at the hearing. Each comment is uniquely coded via a system described in Section
5 1.3 of this document.

6

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Page 1

1 OAKLAND CITY PLANNING COMMISSION
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11 TRANSCRIPTION OF
12 OAKLAND CITY PLANNING COMMISSION HEARING
13 ON THE OARB REDEVELOPMENT AREA EIR
14

JUNE 5, 2002

15
16 ORIGINAL
17
18

19 REPORTER'S TRANSCRIPT OF PROCEEDINGS
BY: JOANNA BROADWELL CSR 10959
20

21 -----
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BE IT REMEMBERED that on Wednesday, June 5, 2002, commencing at the hour of 7:21 p.m. at City Hall, Third Floor, Oakland, California, JOANNA BROADWELL, a duly qualified Certified Shorthand Reporter, License No. 10959, in and for the State of California, reported the following proceedings.

--o0o--

PROCEEDINGS

MR. KATZOFF: Let's get Item No. 4.

MR. HARRIMAN: Mr. Chairman, Item No. 4 is a public hearing on the adequacy of the Draft Environmental Impact Report as a public information document to identify potential impacts, recommend feasible mitigation measures and consider feasible alternatives to the Oakland Army Base Redevelopment Project and OARB Reuse Plan. The location is the Oakland Army Base redevelopment area. And the Case Planner, Elois Thornton, is here with a staff report. This is not Elois Thornton.

MR. GREGORY: Good evening, Mr. Chairman and members of the Commission. My name is Scott Gregory. I'm an environmental consultant. I've been hired by OBRA to assist in the project management for this job. I'll give you a brief overview of the staff report.

As the Chairman has told you, the purpose of this

1 meeting tonight is a public hearing on the Draft EIR for
2 the Oakland Army Base Area Redevelopment Project. I would
3 like to take public comments and testimony on the adequacy
4 of that Draft EIR to identify the potential impacts,
5 recommend mitigation measures, and consider a reasonable
6 range of alternatives. The meeting specifically is not
7 tonight to discuss the merits of the Reuse plan and the
8 redevelopment themselves, but to focus on the Draft EIR.

9 A little bit of background in terms of the process
10 to date: A notice of preparation for the EIR was filed in
11 August of 2001. There were two public scoping meetings
12 held in on September 13th and then another meeting before
13 this Commission on September 19th in the year 2001. Then
14 consultants began work on the preparation of the draft
15 document. That document was finished and the notice of
16 availability and the Draft EIR was released on April 29th,
17 2002.

18 The Draft EIR contains three main pieces. One is
19 the main text. It also contains a binder of technical
20 appendices, and a third binder which is a traffic
21 supplement. And then there are a variety of other
22 miscellaneous reports that are information and reference to
23 the EIR.

24 Some of the critical ones include the Nancy Stoltz
25 historic feasibility report, OBRA feasibility report, and a

1 Port feasibility report with regard to the historic
2 resources at the Base. Those documents are supporting and
3 reference documents and are not part of the EIR. The
4 public commentary period on the Draft EIR periods runs
5 through June 12 of the year 2002, at 4:00 o'clock p.m.

6 A summary of the project is that the Army Base
7 Redevelopment Project Area includes an approximate
8 1800-acre study area within which there are four major
9 projects and components, the City's Gateway development
10 area, which is anticipated to accommodate approximately
11 2.3 million square feet of flex office uses; the Port
12 development area, which is included, which is a portion of
13 the Army Base, to include a new rail facility and then
14 cargo and terminal space for the new Berth 21; the Port
15 Maritime area, which is the majority of the existing Port
16 properties, including a maritime support center and
17 expansion and modernization of their facilities.

18 And then on the eastern side of I-880 Freeway, is a
19 small portion of 16th and Wood called the 16th and Wood
20 Subarea, which would include an adapted reuse and
21 redevelopment of the Amtrak station site with a variety of
22 mixed uses. The environmental document that's been
23 prepared was carefully looked at for a comprehensive look
24 at environmental issues, identified 81 potential effects
25 that were specifically analyzed. It concluded that 68 of

1 those 81 potential effects can be reduced to levels less
2 than significant with the mitigation measures that were
3 recommended in that Draft EIR. But there were 13 remaining
4 effects that would be significant, adverse, and unavoidable
5 in terms of its relationship to the environment as a result
6 of implementation of the redevelopment project.

7 Those environmental affects focussed on trucks and
8 truck parking, air quality, historic resources, visual
9 effects, and biological resources, particularly invasive
10 species. The EIR also included a full range of possible
11 alternatives to the project that was proposed.

12 We ask tonight that the Planning Commission open
13 the hearing to take comments on the Draft EIR. And we
14 would like to request a detailed response to all those
15 comments be provided in writing by city staff and other
16 consultants as part of the final EIR. We are looking
17 towards the middle to the late part of July for the
18 preparation of the final documents that would contain all
19 those responses to comments, and then come back to this
20 Planning Commission by the end of July, a special hearing
21 with the OBRA board where we would be asking to consider
22 certification of the final EIR and asking the OBRA board to
23 consider adoption of the final reuse plan for the Army
24 Base. That would conclude my presentation.

25 MR. HARRIMAN: We have a number of speakers, it

1 looks like.

2 MR. PATTON: Yes, Mr. Chairman, we have
3 approximately eight speakers for this item: George Burt,
4 Mary McDonald, Naomi Schiff, Sanjiv Handa, Allan Templeton,
5 Joyce Roy, and Steve Lowe.

6 MR. KATZOFF: Before we call the speakers, given
7 the fact that our agenda has cleared tonight because the
8 major matters and another major items we budgeted time for
9 is pulled, is there any objection to giving each speaker
10 three minutes as a base time since there is only eight
11 speakers.

12 Hearing no objection, I would ask the chairman to
13 allow each speaker a minimum of three minutes -- or three
14 minutes, and you need to try to wrap it up within three
15 minutes. All right. Let's go.

16 MR. LOWE: Hi. My name is Steve Lowe, Vice
17 President of the West Oakland Commerce Association. And as
18 most of you know, we've been working on this idea of a
19 maritime use of the Base, which we call Maritime Industrial
20 Support Compound, MISC for short. And we've been working
21 with some groups in east Oakland as well as the Industrial
22 Labor Alliance of Oakland and trying to figure out how we
23 can make the industrial segment of Oakland that's going to
24 be most affected by this, or should be most be affected by
25 this, more efficient. And so an industrial consolidation

V1
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1 on the Base is what we're looking forward to, and it also,
2 then, brings in the idea of whether or not Port capacity is
3 best being served by the alternatives being suggested as
4 appropriate for the Base reuse and, of course, if those
5 industries do consolidate their -- or free up their
6 properties for better and better uses than they are now.

7 [So this maritime alternative, we don't believe, has
8 been given its due in the report, and especially with
9 respect to how it handles the truck traffic that would be
10 drained out of west Oakland and onto the Army Base and east
11 Oakland as well. There is going to be a shortfall of land
12 for maritime ancillary services as pointed out in the Port
13 Services Location Study, and so we feel that the Army Base
14 is best used in that manner to accommodate that shortfall.]

15 [And it also allows the retail ideas that have been thought
16 of in some of the proposals to be more appropriately
17 focussed in the downtown area where retail is in other
18 parts of Oakland.]

19 [I would just like to close by saying that the
20 historic reuse of the some of the buildings may be
21 facilitated by this MISC compound that we're talking about.
22 We think that if there is a large compound completely
23 devoted to a reformation or reconfiguration of the
24 industrial component of Oakland that we're focussing on,
25 that it is appropriate that it has a headquarters, so maybe

V1-1

V1-2

V1-3

1 the old admin building would be good for that. We haven't
2 really had a good chance to study that yet, but we'd like
3 to ask.]

4 [I also just wanted to say that the Stoltz report,
5 we haven't receive that yet, so I don't know what that does
6 to our ability to work through this report.] Is that three
7 minutes exactly? Great.

8 MR. KATZOFF: Go ahead and wrap up if you weren't
9 finished.

10 MR. LOWE: No. I was going to give cede my time to
11 George Burtt.

12 MR. KATZOFF: Hurry up, George, he's using your
13 time. Thank you. Can you reset the time, please?

14 MR. BURTT: Good evening Commissioners, my name is
15 George Burtt. I'm Vice President of the West Oakland
16 Commerce Association. I specifically want to focus on one
17 aspect of what Steve was talking about. During the scoping
18 session for this environmental impact report, we noted and
19 requested and this body agreed that we were to look at the
20 component of the ancillary activity and what effect it
21 would have both on including it and excluding it. We don't
22 have time for all the details, but if you go through the
23 various tables, the area that I'm in is in Table 7.4-4,
24 which is in the section -- that's the section that talks
25 about full maritime. We were looking at the ancillary

V1-3

V1-4

V2

1 activity, and we labeled it as such, and in the table it is
2 labeled as such. It talks about the full maritime number
3 of activities. Usually that's thought of as an extension
4 of Port activity, which, in fact, in most cases the
5 ancillary activity would be.

6 [But specifically what we were targeting was, what
7 was the effect if this Base was not used for trucking, is
8 still the growth of the Base over the next 20 years --
9 excuse me, of the Port could occur, and this trucking --
10 this increase in the amount of trucking, where would it
11 come from if it didn't come immediately from the
12 surrounding environments which would be the Army Base. If
13 it was coming from other areas, what effect would that have
14 on the -- they call it MTS now, the circulation system, the
15 freeway highway circulation system. That's not shown in
16 here. It's not even anticipated.

17 As a matter of fact, it seems to be that the
18 predetermined conclusion or the recommendation for the
19 preferred alternative, everything is measured more or less
20 against that, and it follows on that basis. But is never
21 thought through as to what is going to happen if we do not
22 use that land for the ancillary use.]

23 [And secondly, if we don't use it -- in other words,
24 what happens if you do use it. And that was
25 probably tried -- an attempt was put in the Table 7.4-4 to

V2-1

V2-2

1 say, if we did turn it into that use, what would be the
2 effect. We disagree with that effect, because it indicates
3 that the -- it would have a significant impact on the
4 freeway system.

5 Conversely, we believe the opposite. It would have
6 significant positive effect on the freeway, so we disagree
7 with the conclusion in the report.] [In the last part,
8 again, I just want to mention, if we don't put the trucks
9 there, there is no consideration in the document of what
10 would happen to the freeway system.] Thank you.

11 MR. KATZOFF: Thank you. Are you ceding your three
12 seconds to the next speaker?

13 MR. LOWE: Yes.

14 MS. MCDONALD: Good evening. My name is Mary
15 McDonald, President of Oakland Heritage Alliance. We have
16 two other speakers here tonight to address the
17 substantive -- some of the substantive points of this
18 Draft EIR. I want to make the point to you that [I believe
19 that there are some serious procedural defects in the
20 process that has been followed here. And I urge you to
21 grant additional time for comments and a continuance.] And
22 the reason is, as you know, being a preservation
23 organization, we are very interested in both architectural
24 history and in cultural history. The plan as it's proposed
25 is an absolute obliteration of all of the history, both

V2-2

V2-3

V3

V3-1

1 cultural and physical at the Oakland Army Base. This is a
2 very serious effect and proposal.

3 [One of the reports that the consultant indicated
4 earlier tonight was not even a part of the environmental
5 impact report, is what's called the Nancy Stoltz Report on
6 Historic Feasibility. That report was rumored to have been
7 ready a year ago or so, OHA kept trying to obtain a copy of
8 this report. We were unable to do so.] [The City did not
9 notify OHA of this hearing, the draft -- the availability
10 of the draft, impact report, until last week, we got a
11 notice dated May 28th. I'm not sure when it actually
12 arrived in our offices. We received absolutely no report
13 whatsoever from the City on this project.]

14 [Through our own efforts, we -- one of our board
15 members obtained a copy of the Nancy Stoltz report about
16 two weeks ago, and another obtained a copy just this week.
17 This is really a critical report, notwithstanding,
18 apparently, a legal decision not to include it as a part of
19 the EIR. This report is very critical to the historical
20 impact of this Base for use plan. And it's really
21 important that we have -- we, OHA, as well the public, City
22 of Oakland, veterans groups, and West Oakland Advisory
23 Group, have access to this report and have an opportunity
24 to study it and perhaps even submit it to our own
25 consultant to see whether the report's conclusions are

1 supportable. To this end, we ask that this Commission
2 extend the period of time.]

V3-4

3 We're also asking people to come to a meeting that
4 we have scheduled for this Saturday at 10:00 a.m. at the
5 YWCA on 15th and Webster Streets. We're sponsoring a
6 meeting on this. We'll have veteran's groups there, and we
7 encourage you to extend the time. Thank you.

8 MR. KATZOFF: Thank you. Next speaker, please.

9 MS. ROY: My name is Joyce Roy. I serve on the
10 board of the Oakland Heritage Alliance. And we have --
11 some concerns that we have are, [what is the relationship of
12 this EIR to future EIRs and projects, given the extremely
13 vague City plans. The City plans are not yet formulated
14 and seem insufficient to make a determination that historic
15 structures should not be retained.] [This EIR is inadequate
16 in that there is no way from the description to know what
17 the contemplated uses are, because the description is too
18 general.]

V4
↓

V4-1

V4-2

19 [And, in fact, there are internal inconsistencies in
20 describing what the City plans to develop, what the
21 benefits would be. The EIR project description and the
22 draft for use plan do not correspond with one another. For
23 example, there is no mention of the EIR description for the
24 Gateway development area of uses such as warehouses,
25 retail, and hotels, three uses which are very different

V4-3

1 traffic patterns from an office complex.] [And that there
2 isn't much consideration of the fact that the facilities at
3 the Base are now occupied and leased and generate jobs.
4 And jobs, jobs, jobs, that's supposed to be the big
5 overarching consideration for this.]

6 [The time frame for future development is unclear.]
7 Right now, we have had the experience that some of the City
8 blocks -- the City center are only now being developed
9 after 30 years. Demolitions took place 30 years ago and
10 they've been vacant, and now just being developed.

11 [For any plan projects, there should be a fresh
12 environmental review. Review should not be tiered off of
13 the original, this current EIR, the historic resource
14 valuation and feasibility study.] [There should be no
15 demolitions. There should be no demolitions until actual
16 projects are all approved and ready to go.] Thank you.

17 MR. KATZOFF: Next speaker, please.

18 MS. SCHIFF: I thought we were going to be
19 downstairs, so I brought a slightly inappropriate "show and
20 tell." It may slow me up a little, but it's fun to look
21 at.

22 MR. KATZOFF: You have an extra 50 seconds. I take
23 it, it's been ceded to you, right?

24 MS. SCHIFF: Yes. However many seconds you can
25 count. Scott has copies of some of these photos that I

V4-3

V4-4

V4-5

V4-6

V4-7

V5



1 brought. They come out of this interpretation, which is
2 the 1945 Oakland yearbook (indicating). The current
3 pictures are taken by Joyce Roy. Just quickly, I don't
4 know if you've all toured the Army Base or not. Has the
5 Planning Commission toured the Army Base? Has the Planning
6 Commission toured the Army Base? Hey, ask for a tour, will
7 you? It's amazing out there. It's really big. It's a lot
8 of land. You will be startled when you go there. And if
9 the last time you went there was to go to an induction
10 physical, then it's been too long.

11 Here is the building that people have been talking
12 about. Due to the reflections, maybe you can't see this.
13 I'm going to just hold it up. This is Building 1 -- the
14 reflections are such that -- oh, you guys have a T.V.
15 Okay, wonderful. Well you can see it, then. Can you see
16 that? The T.V. audience can see that.

17 This is the admin building. It is discussed as
18 Building 1 in the report, and I just wanted to show people
19 what it was, so we know what it's about. Then there is a
20 question of the warehouses, and I'm going to come back to
21 those and show them to you, and show a little bit about
22 what was going on in the place in 1945.

23 Here we have a completely solidly-loaded ship
24 taking war material into the Pacific. Here we have one of
25 the warehouses which has wonderful cautionary, "don't tell

1 any secret" signs on packages. Here we have a picture of
2 the warehouse, and that's absolutely full of mail. Notice
3 the large dimension of lumber holding these things up.
4 Here we have a happy person coming back to the Army Base
5 after a tour of duty. And here I have -- I'm not extremely
6 clear, but a still interesting picture of the warehouses
7 today. Seems like the same light fixtures even.

8 Why are we looking at these things? Because we
9 have some recommendations about mitigations, cutting past a
10 lot of the stuff that we could discuss but do not have time
11 to discuss, but hope to discuss if you will hold the public
12 hearing open, particularly addressing the historic issues
13 at the Base. This is what is known as a scrape, that is to
14 say, the plan is to demolish everything except the 16th and
15 Wood station which, by the way, is in private hands anyhow.

16 This is a pretty important move since this Base is
17 part of the thing that made Oakland big in the first place
18 and important in the first place. That is to say, that the
19 City grew quite a lot during World War II, and the
20 activities at this Base are part of that history. And
21 there is a great deal of interesting material around the
22 Base, and I think that the mitigations in some part do
23 address that. But I would like to comment on the
24 mitigations, and I hope you'll just hear me out, because it
25 isn't going to take that long.

1 First, just to repeat, [there should be a fresh
2 environmental review for any future projects, because the
3 context is going to change, and who knows how many years
4 this is going to take. It could take quite a few years,
5 because it doesn't seem that we are looking at immediate
6 needs for this land. This is really moving off into the
7 future.]

V5-1

8 Second, [there should be no demolitions until actual
9 projects are ready to go,] because these buildings are still
10 occupied. As you can see, we have functioning warehouses
11 with skip loaders and stuff in them, and they are paying
12 clients who are leasing this space. There is no need to
13 demolish until we have to plan. And as you can tell from
14 the EIR, we have no plan. We have plans for millions of
15 square feet of office space, which we know we don't want to
16 build right now, because we can't even lease the former
17 "Ask Jeeves" building out. We have considerable ample
18 office space available, and so many of those plans seem to
19 be kind of premature.

V5-2

20 Just to comment on what is proposed, [if you're
21 going to collect oral histories, there are two things about
22 them, make them accessible and make them permanent.]
23 Magnetic media are not permanent. Well, you know all of
24 the early space records, like the Pioneer Mission, all that
25 stuff is gone. The magnetic particles are on the floor at

V5-3

1 NASA, and the tape has nothing on it. So oral histories
2 must be achievable in some permanent manner.

3 [Websites don't count. They can't be considered a
4 mitigation,] and here is why, we're talking about stuff that
5 is 60 years or more old. We really hope we could project
6 the historic record 60 years into the future. Websites are
7 going to last two or three years, not longer, unless you
8 are going to endow them with permanent maintenance and with
9 a knowledge of future technology that we do not now have.
10 So websites are great, they're fine. Do one. They don't
11 count as a mitigation. [They are not a permanent
12 mitigation.]

13 [HABs documentation, listed as a mitigation, it is
14 not a mitigation.] It is a federal requirement, so it
15 doesn't count either. It's fine. It's good. Put it where
16 you say you're going to put it. It's all fine, but it is
17 not a mitigation.

18 Without having seen this video that is discussed,
19 and to my knowledge nobody that I know has seen it, it
20 might be a nice video. I'm all for it. Guess what, [video
21 is not a permanent medium and cannot be relied upon as a
22 long-term mitigation. So video is good, but it's not a
23 mitigation.]

24 [Preserving the murals, sounds fine, why not. In
25 fact, if you keep Building 1, you can keep the murals right

V5-4

V5-4
(continued)

V5-5

V5-6

V5-7

V5-7

1 there.]

2 [Salvaging the wood. This is pretty valuable
3 construction material. The mitigation is kind of
4 hilarious.] They say we use young people to take it apart,
5 and then we'll sell it. Well, hey, it's true, it's
6 valuable, you'll make money on that stuff. But it could be
7 reused on site as an element of future construction. And
8 it might be kind of a wonderful thing that a smart
9 architect could find a way to reuse this stuff. It's
10 really great. It's over-dimensioned lumber, and there is a
11 lot about it in the report, even though I haven't read the
12 entire report, having had it only two days.

V5-8

13 Next point, a brochure is proposed. [A brochure is
14 not adequate. It cannot possibly cover enough history to
15 be of much use.] [We strongly advocate the research,
16 writing, photo research, and assembly and printing of a
17 much more comprehensive document as a substantial book,
18 which can be printed well, on acid-free paper, using
19 standard ink, printed in a couple thousand or 3,000 copies,
20 and furnished to all the local schools and libraries and
21 archived, as did the Port.]

V5-9

22 Perhaps you've seen this book? Well, you know, the
23 Port isn't more important than the military history of
24 Oakland, famous in World War II, the Korean War, Vietnam,
25 and who knows what else will happen in the meantime. A

V5-10

1 book is a much more permanent record than a bunch of
2 brochures. It isn't that expensive. We have the expertise
3 and the materials to do it. * [Let's seize this as a really
4 good project as a mitigation, and it would be a way to
5 preserve the industry in an archive in a much more stable
6 form than any website. And you could disseminate it
7 cheaply too, so that every school could have copies.]

V5-10
(continued)

8 Now, I noticed in the mitigation, there is a
9 suggestion that we imitate some historic features. [A more
10 sensible approach would be to preserve a couple or more of
11 the extant structures and adapt them for reuse, and provide
12 ample information and access as to the historic documents
13 for architects of future projects, so that they could reuse
14 them for some of these buildings, or use elements, and --
15 you know, we could do something that harks back to history
16 in a real and tangible way,] rather than some kind of weird
17 Emeryville-esque window dressing.

V5-11

18 Certainly, the SP station should be preserved. I
19 don't think there is a question on it, so I won't dwell on
20 it.

21 In addition, I spoke today and earlier this week
22 with one of the commissioners of Alameda Commissioners of
23 Veteran Affairs, and they could not be here tonight because
24 this is convention month. [This is a really bad month to
25 get organized veterans down here. And it is one reason we

V5-12

1 would like to extend the hearing in the hopes of getting
2 some of them to speak to you directly.] [But they have been,
3 unbeknownst to us until now, lobbying to get a clinic on
4 the Base. And they have written Barbara Lee and various
5 other people about this, because apparently, the extant
6 veteran's clinic is paying one million dollars a year in
7 rent. And they find that that seems wasteful, and that
8 maybe there could be a way they could be incorporated.]

V5-12

V5-13

9 I must say that as we are now in a state of
10 national history where we are generating new veterans.
11 Perhaps our view of all veterans being 85 years old is
12 actually out of date, and we might continue to need
13 veterans' facilities in the future, sad as that may be.

14 Last point. Possibly, [it might make sense to
15 generate as a mitigation, some funding for a part or
16 full-time position in the Oakland Planning Department,
17 either in an environmental department or an historic
18 department, because it seems to me that such a very large
19 area is going to generate quite a bit of work monitoring
20 mitigations dealing with the environmental issues trying to
21 oversee the historic and other environmental aspects of
22 this enormous site.

V5-14

23 And we know that our planning department is over
24 burdened, so it seems to me, a nice mitigation might be to
25 help staff at the planning department for the duration of

1 this project, which would be kind of a lengthy project if
2 you look at 1800 acres.]

V5-14

3 We are hoping to have this public meeting. We
4 would like to bring the results of that back to you. [We
5 would really appreciate an opportunity to address you
6 briefly one more time, so we request that you keep the
7 public hearing open. If you felt that it was inappropriate
8 to keep the public hearing open past when the written
9 comments are due, then I propose that we have everything on
10 the common due date, which would be your next regular
11 meeting.] Thank you.

V5-15

12 MR. KATZOFF: Thank you. Are there any other
13 speakers on this?

14 MR. HANDA: For the record, I'm Sanjiv Handa, East
15 Bay News Service. I want to raise some procedural issues.

16 MR. KATZOFF: Hold on, three minutes.

17 MR. HANDA: First, I would like to ask, have the
18 Commissioners received a copy of the Stoltz report?
19 Nobody?

20 MR. KATZOFF: This is not a question-and-answer
21 period.

22 MR. HANDA: I understand, but the relevance is the
23 that report has been sent to the Commission.

24 MR. KATZOFF: I will let staff address it. I don't
25 want to set a precedent for cross-examination to the

V6
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1 commissioners.

2 MR. HANDA: All right. That's fine. [The relevance
3 is the Stoltz report has been distributed to the
4 commissioners -- or the Port Commission. That under the
5 Oakland City Ordinance, it is agenda-related material which
6 must be made available to the public at the same time or
7 prior to when the Port Commission gets its copy, because
8 your agenda was supposed to go out quite some time ago, and
9 the notes of this particular item was posted some time ago.
10 And there was discussion about it in other properly-noticed
11 legislative meetings, including the Oakland Base Reuse
12 Authority and Oakland City Council. Therefore, it became
13 an agenda document for all of those legislative bodies.]

V6-1

14 [And as you'll recall, I made comments, both here
15 and at the City Council recently, that when I went to get a
16 copy of the Stoltz report, they were none available. As of
17 today, I don't have them. I was told there was a waiting
18 list of nine people, and that there were ten copies on hold
19 from the consultants. And that was approximately three
20 weeks ago, and I have yet to pick up the copies that I
21 requested.]

V6-2

22 Also, I wanted to point out -- and I'm sure many of
23 you are familiar with it by now, [this is the actual EIR as
24 it appeared, and there are 52 separate files, not one of
25 them named, they're all numbered.] City staff, when they

V6-3

1 put this on the website, did place titles on most of the
2 files, but it still requires the public to access 52
3 separate documents, and wait for them to open up. And I
4 think that's just not a responsible way to manage the
5 process. And for the City Manager on down, somebody needs
6 to take responsibility to develop a general guideline for
7 how public documents are to be presented in the public. It
8 is not acceptable, Mr. Bob, if you're watching this, to
9 have so many people waste their time because you and your
10 staff cannot get your act together to figure out how to
11 best use the information that's available. [It's certainly
12 not acceptable, legally, to have these delays in producing
13 Volume II and Volume III.]

V6-4

14 [Aliza Gallo, the executive director of what I
15 jokingly refer to as the Oakland Base "misuse" Authority
16 tries to justify to that board that, well, only Volume I is
17 the official EIR.] And clearly, she has no understanding of
18 the law. [All of the materials, if they're referenced, are
19 related documents and must be made available. And under
20 the Sunshine Ordinance, when someone who has an immediate
21 disclosure request, it must be made available within
22 24 hours of that request, or a letter must be sent by the
23 department head who is responsible for that department,
24 saying that this is why we cannot make that available, and
25 this is the amount of time needed. That has not happened.

V6-5

V6-5
(continued)

1 I've also made a whole number of requests under the
2 Sunshine Ordinance. Those have not been responded to.]

3 So I'm placing all these, because we are creating a
4 record, and I have a feeling this is definitely going to go
5 to litigation. I'll stop with that. Thank you very much.

6 MR. KATZOFF: A couple of things. First of all, I
7 want to make certain that everyone has had a chance to
8 speak. A couple speakers went over, and I didn't notice
9 the time, it certainly wasn't on purpose. If anybody feels
10 that they have haven't gotten what they came here to say,
11 and they want a couple of minutes to come up to the mike,
12 we have some time tonight. I just don't want to hear that
13 I gave somebody time and somebody else didn't get an equal
14 amount of time. So now is your chance or forever hold your
15 peace.

16 All right. So everybody feels they have unburdened
17 what they want to put on the record? So the record will
18 reflect we've offered more time, and everybody is pretty
19 well satisfied.

20 All right. I would like to hear from the staff on
21 the issue of the Stoltz report first, and the availability
22 and so forth, but I would also like the hear from the City
23 Attorney on the issue of continuance and whether that's --
24 what the staff's position is on that. If you guys want to
25 go?

1 MR. WALT: Mr. Chair, there is nothing I heard
2 tonight that would mandate a legal requirement to continue
3 a hearing on the draft environmental document that is
4 currently scheduled to close tonight for oral comments and
5 for written comments at 4:00 p.m. on June 12th.

6 With respect to the Stoltz report, that is not part
7 of the Draft EIR book. It's availability or lack thereof
8 is not a violation of CEQA. There are other issues with
9 respect to the Sunshine Ordinance, but I understand that a
10 reference copy, you know, was available for public
11 inspection, and I would refer Mr. Handa to the availability
12 of the other copies of the Stoltz report.

13 MR. KATZOFF: We'll hear from staff.

14 MS. GOULD: Our staff is here to speak to that.

15 MS. THORNTON: Thank you. Members of the
16 Commission, my name is Elois Thornton, and I work with the
17 Oakland Base Reuse Authority. The Stoltz report, as
18 Mr. Walt has indicated, is not part of the EIR. However,
19 we did make a reference copy available at the same time
20 that the Draft EIR materials were made available. We
21 distributed the Stoltz report to a working group that we've
22 been working with for the last few months trying to
23 complete the document. And we did make notice of it when
24 available. As we get requests for the Stoltz document, we
25 send them to Kinko's and make more copies available. It's

1 been a very popular document, so there have been occasions
2 when someone has come to the counter, and it's not been
3 there. But the minute it's been made aware to us -- when
4 we've been made aware of that, we've made more copies
5 available to them.

6 MR. KATZOFF: Is there a way we can put the Stoltz
7 report on the Web under Planning Commission or under -- so
8 even if you're out of copies, somebody can just download
9 it? Seems like it's a document that's in demand.

10 MR. HARRIMAN: Mr. Chair, we could look into
11 scanning the document and then putting it available on the
12 Web.

13 MR. KATZOFF: Any other thoughts on that? If you
14 could do that, I think it would be a good idea if there
15 really is a backlog of the report.

16 All right. Any questions, comments, now, from
17 commissioners? Where do you want to start?

18 MR. JANG: Actually, if representatives of WOCA
19 could respond to the couple questions I have in terms of
20 the area that they have the greatest concern with. I
21 believe when they made their presentations, that they had
22 concerns about the maritime use. As I look at the map of
23 the -- you know, the redevelopment area, there is the area
24 which is defined as Maritime Subdistrict, Ancillary
25 Maritime Subdistrict, and also there is the area as part of

1 the OBRA Subdistrict, which is, I guess, the JIT. And then
2 you mentioned truck traffic as being an issue. Are you
3 referring to the area that's along the freeway or west of
4 it?

5 [MR. BURTT: Without looking directly at the map,
6 geographically, it is provided to be used as -- I think
7 more of a common acronym, is using the section of the JIT,
8 and for the improvement of their back dock space. This
9 would be -- when we were looking at this, this is the area
10 other than what the Port had committed to, which was the
11 land that would be available for other uses. And I think
12 this is -- this document covers -- or covers the entire
13 Army Base. The subtext would be that that would be the
14 part that was not included in the Port's operation. And we
15 were speaking towards the use -- or exclusive use of that
16 as a considerational alternative to give us a baseline for
17 the net effect of the environmental impact of having trucks
18 and not having trucks in that area.]

19 [It does say in the report, it talks at one point
20 about, I think, 163, maximum acres for ancillary use and at
21 another point it talks about 100, 105 or something like
22 that. And they are purposefully vague because a number of
23 the considerations would be what would be built, whether it
24 would be office buildings, retail, hotels. They,
25 themselves, don't know. So they were -- presumably, they

V2

V2-4

V2-5

1 do note in there that the Port would conceivably take
2 70 acres, in with another 30, 35 acres being spread in in
3 the most important cities in various locations.]

4 MR. JANG: Isn't that the Gateway area you're
5 referring to?

6 MR. BURTT: Generally, it's called the Gateway
7 area. We're not specific. Again, a lot of the alignment
8 for what you're seeing is predetermined upon what people
9 might put in certain areas. As you've heard testimony
10 tonight, the current usage of these areas, for the most
11 part, is trucking ancillary and maritime uses, which seem
12 to be thriving in these areas and are scattered throughout
13 the entire complex. So, again, some people have these uses
14 put in specific areas -- Thank you. Here is a map for
15 everybody -- put in specific areas with the consideration
16 then there will be complete demolition or dismantling of
17 certain buildings. The headquarters building, obviously,
18 is in question. There is considerable amount of
19 environmental issues bearing on that. There is a whole
20 Gateway area, as you said.

21 [In its gross generic sense, the EIR -- again, what
22 we are looking at is the concept that we believe the
23 trucking comes to work, so to speak, in the Port area every
24 day from all over. And they will continue to do so as long
25 as there is a Port. And the larger the Port gets, the more

V2-5

V2-6

1 they will come in. And it just makes sense to us that you
2 should put those uses next to things so you don't clog up
3 freeways and neighborhoods. It's a very simple concept.]

4 MR. JANG: Well, it seems -- particularly to me,
5 that with the JIT being relocated where this -- or
6 actually, it cuts across that realignment of Maritime, that
7 most of the trucking would actually end up -- most of the
8 activity would end up along Maritime as it relates to the
9 new JIT area.

10 MR. BURTT: Well, I presume that any amount of
11 trucking would be allowed -- and we're talking about
12 competing land uses. That's all the simple discussion and
13 battle is over. It's competition for use of land. We're
14 not making any more, and we all know that. The Port of
15 Oakland gave up 100-plus acres it could have filled in the
16 Bay, gave that up to BCDC to move forward with this
17 project.

18 So we're all -- what little trucking may be allowed
19 at the end of the day, yes, it would make such sense to
20 have it closer to the actual -- the closer you get trucking
21 to the actual people that they're operating everyday with.
22 It makes sense for everybody. It's environmentally smart
23 to do so, and it's economically smart to do so.

24 MR. JANG: The way I see it, it seems that the
25 concentration of trucking is actually moving away from west

1 Oakland and into the area where the JIT would occur and
2 also to the west of it where it's entirely maritime use.

3 MR. LOWE: It's true, but what the Port Services
4 Location Study shows is that there is going to be a
5 shortfall of land for maritime ancillary services, and so
6 the Port Services Location Study -- the consultant was told
7 not to consider the Army Base, but to find other areas
8 where it would be more appropriate for those maritime
9 ancillary services to be located.

10 So one of the things that -- it was what they call
11 the -- what was it? The other west area which is down
12 around on Third Street. We all know the price of
13 acquisition of those properties is stupendous. And then
14 another location was the other east area, I guess, out on
15 San Leandro Street. And even that is going to be just too
16 expensive to -- for these ancillary routes to the Port. [So
17 what we're suggesting is that all the Base, eventually,
18 it's highest and best use would be for this industrial
19 reorganization. We're suggesting all of it.]

20 MR. JANG: Is the position of WOCA to have higher
21 intensity, or lower intensity, or what's proposed?

22 MR. LOWE: Well, I think that intensity is
23 something that could be brought about with greater
24 efficiency. And as you have greater efficiency, you get a
25 greater economy. And that's what ecology is, so it's kind

V1
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V1-5

1 of the three Es approach to the better use of the Base.

2 MR. JANG: Thank you.

3 MR. KATZOFF: Mr. Lighty wants to talk. You guys
4 stay up there.

5 MR. LIGHTY: Gentlemen, thank you. The EIR does
6 evaluate the base under the full maritime alternative. And
7 the full maritime alternative includes 50,000 square feet
8 of light industry at the Gateway, and then taking 16th and
9 Wood, basically, and making that -- using more of that, I
10 guess, for light industry as well as warehouse
11 distribution. So -- and that's in Table 7.4-4 of Page 7-26
12 of the -- I think it's the first document. Not the main
13 report, but the first of the two additional ones. So I
14 just wonder if that's what you're talking about. Are you
15 really talking about capturing 16th and Wood or --

16 MR. BURTT: No, absolutely not. 16th and Wood,
17 unless the City decides to arrive at a private (inaudible)
18 with the owners, or would like to take eminent domain, that
19 is not in the city's hands. As a matter of fact, a lot of
20 the anticipated uses may or may not occur at the 16th and
21 Wood site. This is pure speculation. As you know, it's
22 owned by a private party. And so we're -- we definitely
23 have not and are not looking at that. As a matter of fact,
24 since we obviously live and work in west Oakland, we are
25 very sensitive to what the residential community and some

1 of the business community feels, and many people would not
2 want trucking at that location. So it would be, at best,
3 strictly speculative to believe that the numbers I've seen
4 there, and especially considering trucking to be there,
5 which actually doesn't -- it doesn't show. Conversely, if
6 you went to that site today, you would see nothing but
7 trucking on it.

8 MR. LIGHTY: So really what you're talking about, I
9 guess, is if you look at the map, you've already got
10 Maritime subdistrict, you've got in the OARB subdistrict,
11 you have Gateway and Port development area, and the Port
12 development areas, obviously, are getting the maritime use.
13 You have the Gateway, then, is really the area in question.
14 And there's -- it's a single area, but there is clearly a
15 larger area, sort of, the north part. And then there is
16 the strip along the Bay Bridge entrance. And because I'm
17 very sympathetic to what you're saying, I'm just trying to
18 understand where you think the additional acreage actually
19 is for maritime ancillary.

20 [MR. BURTT: Since this document was developed,
21 CalTrans has taken -- I don't know if they've taken a fee
22 or -- I guess it's in fee. I don't know what I read in the
23 paper, I'm not clear on the acreage. Obviously, a section
24 of the Base, they've taken. It's a moving target.] We
25 didn't want to get into the whole entire element of trying

V2
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V2-7

1 to physically rearrange the Base, so to speak. What we
2 wanted to get into was pointing out that in the competition
3 of uses, the Port obviously -- you won't find them in the
4 room tonight, which is a real shame. They have been
5 silent. I'm sorry, there is somebody here from the Port.
6 You know, he wants us to -- we're not sure of the report.
7 What makes sense to us, we're part of the change of
8 Oakland.

9 There is a number of uses. There are zoning
10 changes that's coming before you. I come before you -- we
11 all come before you. We're the update committee. We know
12 there is going to be change. Because of market forces and
13 zoning forces, the supply of ample land for these uses is
14 just not there.

15 Now, where on that Base? We're not presumptive to
16 come to this room to tell you, or to tell staff where it
17 should be. Obviously, from the mayor down to the current
18 staff sitting in this room, they have plans or thoughts or
19 dreams, and God bless them. There is nothing wrong with
20 those, it just seems to us more practical, given what we
21 see every day on the street, given the very changes that we
22 see going on, to accommodate something that needs to be
23 accommodated somewhere. [It may be accommodated in Richmond
24 or Hayward, and to us, if it is, then that is an
25 environmental impact that's not being stated in that

1 document. That's why this is the only handle we can get
2 to -- is saying, okay, as a society, we're going to have an
3 environmental document, why are we overlooking a very
4 obvious thing? The trucks are not on that Base, they have
5 to come to work every day. Where do they come from? What
6 will happen in the next 20 years with all those trucks and
7 all that growth, to the Port?]

V2-8

8 [Where on the Port? I don't know. Right now,
9 ancillary activities are operating on most of that. And as
10 far as we know, they could eat up every square inch over
11 the next 500 years, as long as there is a Port, because
12 they want to be next to the Port, and the Port wants them
13 to be there. But this document anticipates that a long way
14 away.]

V2-9

15 MR. KATZOFF: Are you finished?

16 MR. LIGHTY: I had a couple questions for the
17 staff.

18 MR. KATZOFF: Okay.

19 MR. LIGHTY: Thank you. I guess the question I
20 have first is related to this discussion. And that is, in
21 terms of evaluating the environmental impact, what are we
22 comparing it to? I mean, I understand we're comparing it,
23 in a sense, to the intensity of use by type. Okay, so much
24 light industry, so much office R&D. But it does seem to me
25 that WOCA raises a good point about -- and the document

V7
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1 refers to the goal or one of the policy objectives is
2 through the report. But we're not going to meet all those
3 needs by 2020 that are anticipated. So does the document
4 compare alternatives to evaluate -- okay, [if you were to
5 meet all of those through-put needs at the Army Base,
6 what's the environmental impact as opposed to not meeting
7 them at the Army Base. So that's one comparison that I
8 don't know if it's been made. If it hasn't been made, can
9 it be made.]

V7-1

10 MS. GOULD: Thank you. The purpose of tonight is
11 for you to be able to articulate those questions, and for
12 us to respond in the final environmental impact report and
13 the final staff report.

14 MR. LIGHTY: And then the last question, I guess,
15 is in terms of the historical resource. [If I understand
16 correctly, the position of the Draft EIR is that no
17 individual structure, in and of itself, is worth
18 preserving, but that -- that is, no individual structures
19 of significant historical character, but it forms a
20 district, potentially, a national registered district. And
21 I just am not sure if that is, in fact, true. And why not
22 consider the kind of mitigation that might -- if you can't
23 keep one of the historic structures in its present
24 location, could you move it, say, to the Gateway area where
25 it could serve some historical function? Or is the

V7-2

1 assumption that none of them are worth saving, so that's
2 part of the reason why you're going to demolish them.]

V7-2

3 And I do think that the -- it would be useful for
4 the Commission to have a tour before we do -- before we
5 evaluate the final EIR, because I think it is somewhat
6 difficult to evaluate the historic structure, certainly,
7 and also sort of the magnitude of the project without that.

8 MS. GOULD: If and when we can arrange a tour, the
9 Landmark Board has asked for a similar -- and so we can set
10 up a couple of different times when people could attend.

11 MR. KATZOFF: Mr. Killian, we need your mike.

12 MR. KILLIAN: I don't have too many questions
13 regarding the report. It's a very extensive report. Just
14 one small correction to a question to what Mr. Lighty
15 said -- it would more than likely for the majority of the
16 commissioners another tour. I said, I think it would
17 be another tour, because I think the majority of us have
18 been on at least one, and some of us have been on as many
19 as five tours of the Oakland Army Base. I used to be the
20 chair of the West Oakland Advisory Committee, and I've seen
21 the Base a number of times, and I think it would be helpful
22 to us as a commission if we go.

V8
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23 [My concern, and what I would like the staff to
24 address is, I understand that there are no concrete plans,
25 there is nothing -- there is not many areas definitive

V8-1

1 proposals of development for any sections of this parcel of
2 land. My concern is, at what level of specificity is
3 required to do the EIR, so that you're accurately
4 evaluating the environmental impact of projected projects.
5 And I saw several times in the report that it talks in a
6 very general development mode. Is that sufficient enough
7 to be able to do an evaluation of the environmental impact?]

V8-1

8 MS. GOULD: Again, we can come back with a response
9 in the staff report and in the final EIR that really
10 clarifies that this is a programmatic EIR that requires you
11 to look at things at the earliest possible stage, even if
12 you don't have a full set of -- development program for
13 buildings and site plans and all of that level of detail.
14 So we can bring back some more information about what level
15 of detail we have and what CEQA requires you to do at this
16 stage.

17 [MR. KILLIAN: I think it would be helpful to point
18 out it that in many of the areas -- it has a huge range,
19 where it seems like there are extremes by which it impacts.
20 I mean, the difference between a warehouse and an office
21 building or a truck facility seems, to me, as extremely
22 divergent impacts. And I think it would be helpful at some
23 point if the document outlined just what level between the
24 general concept versus an actual specified plan is
25 necessary for the EIR to evaluate the environmental impact.]

V8-2

1 MR. JANG: Can I pick it back up?

2 MR. KATZOFF: Yes.

3 [MR. JANG: I thought the way that staff was
4 actually doing that was to giving a -- showing
5 designations, is that what I read? Because I'm looking at
6 Chapter 3, and there are several maps in here, the colored
7 versions. And then -- and it seems like that's the way the
8 areas are being defined in order to do the EIR, which is --
9 you know, the blue, of course, which is a large area, the
10 general industrial transportation. So my understanding is,
11 that's the -- as far as we're taking the actual definition
12 of what's going on.]

13 MS. GOULD: Again, perhaps the OBRA staff wants to
14 clarify. It is not a site plan. It is not even a zoning
15 designation. It is a general description of the areas
16 within the Army Base and the types of uses and maximum
17 square footages that could occur in those areas. That is
18 the basis of the project description, but perhaps Elois or
19 Scott wants to elaborate a little further.

20 MS. THORNTON: At this point in the Army Base
21 project, we basically have a preferred scenario, a narrow
22 scenario that has maximum parameters of square footages of
23 uses that we anticipate, and that is what we are analyzing.
24 At this point, we don't have specific development plans for
25 the area. What we're trying to do is to look at the

V9
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v9-1

1 environmental impacts that are associated with a particular
2 theme or list of uses. As we get more specific, as we get
3 development plans -- and I need to point out that at the
4 very earliest, we're not expecting the Base to actually be
5 developed until about 2005 or 2006 because of some
6 regulatory issues.

7 Once we have a more specific development plan, that
8 may or may not require additional environmental review. At
9 this point, again, we're looking at it as a redevelopment
10 area that has a package of uses at certain intensities,
11 what are the environmental implications if we were to
12 develop some of those densities.

13 MR. KATZOFF: Thank you. Mr. Jarvis?

14 MR. JARVIS: Yes, I have a few points, kind of
15 consistent with previous things. I just -- well, I guess,
16 you know, I have some questions basically about the
17 Gateway. But I would like to step back to say that the
18 construction of the Cypress freeway more or less created
19 the new plan for West Oakland. The inside of it being
20 reestablishing the west Oakland community as one piece, and
21 everything on the outside of that being port and
22 manufacturing uses. [The idea of having offices and so
23 forth there is really isolating them, and I think that we
24 have, you know, other places to do that, I think, better
25 than as a piece of land out near the toll plaza. That

V10
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V10-1

1 area, I believe, is better for manufacturing or for
2 recreational space, open space. I even heard a proposal at
3 one point where it took the recreational space in the
4 middle harbor and moved it over there. But whatever about
5 that particular proposal.]

V10-1

6 [I think the most important thing is that we have
7 been taking away manufacturing space in West Oakland and
8 other parts of Oakland and saying we're going to make up
9 for that on the Army Base. That's the way we're keeping
10 manufacturing in Oakland. And I think we really need to
11 honor that.]

V10-2

12 [The -- there are -- you know, let's see. East Bay
13 MUD, the water district, has a large storage facility for
14 pipes and a training facility along the estuary between
15 High Street and the Coliseum on the estuary side of the
16 freeway. This is an ideal place, actually, for that. And
17 we could then really start to develop a very strong
18 connection with the water along the estuary through that
19 area.]

V10-3

20 [The -- the replacement of the Cypress freeway was
21 because of the '89 earthquake which -- the Loma Prieta
22 earthquake took place 60 miles away, and this area had
23 considerable movement. Any of the wet soils along the Bay,
24 which this -- all of this falls into that. Here in the
25 environmental document, it's -- I wrote it down here, Page

V10-4

1 4.13-6 remediation, under "Geology, Seismicity and Soils,"
2 it talks about -- that much of this -- or most of this land
3 is unconsolidated Bay fill. And if we had an earthquake
4 that was 60 miles away, liquefy that and cause considerable
5 damage, not only to the freeway but the approach to the
6 bridge and the toll plaza and so forth, that we really need
7 to pay attention to how we do this.]

V10-4

8 [The report -- this Draft EIR talks about having
9 accelerations of 70 percent of gravity, as anticipated in
10 this area, and the Uniform Building Code is only asking for
11 40 percent of gravity. And they made the statement, but
12 I -- and then they've said that they believe that this is
13 all solvable and they can handle this. But I would be
14 interested in how are you going to do that. If I come to
15 you as an architect, what are you proposing for design
16 standards given this situation?]

V10-5

17 [On a different point, we are in the process of
18 starting to replace the eastern span of the Bay Bridge.
19 This map shows the current Bay Bridge and toll plaza. It
20 doesn't -- I would be interested in knowing what the open
21 space and the space adjacent to the freeway along the toll
22 plaza, what is that to look like in the new configuration
23 with the new bridge?]

V10-6

24 And -- I'm almost done. [Along with an historic
25 preservation element, I agree with the speakers from

V10-7

1 Oakland Heritage Alliance, in that there should be no
2 demolition of buildings until there is a final accepted
3 plan for whatever is to replace them. In other words,
4 let's not just go out and level all this stuff, and then
5 figure out what we're going to do later. And I believe we
6 would do this anyway, but in the process of reviewing a new
7 project, that we would always consider the historic element
8 in that review.]

V10-7

9 Then the other part of this that has not been
10 stated yet tonight, is that we have some lines drawn here
11 on a map, which are just lines at this point, talking about
12 realigning Maritime Street, and the division between the
13 Gateway district and the subdistrict for the Port and so
14 forth. And this is an arbitrary mark, and they're drawing
15 right up through all the large 800 buildings, the seven
16 huge warehouses. [I think that when you -- you could look
17 at where you draw the line and save at least part -- save
18 at least part of those buildings, like the 808 Building. I
19 mean, that's the one closest to the freeway, and it would
20 be the one that you would see most.]

V10-8

21 Those are my points for right now.

22 MR. KATZOFF: Okay. Second round? Okay.

23 MS. FRANKLIN: [I just really want the impression
24 upon the staff to find out for us, if once we do this final
25 EIR, if we have an opportunity to -- as projects are

V11

V11-1

1 defined, that we'll have an opportunity to look at them
2 again. Because, I guess, the scope is just so large, it's
3 kind of difficult for a lot of people to conceive of
4 approving something, even if you do do an analysis. Say
5 we're doing these assumptions, if we do these types of
6 densities here, what impacts they would create?]

V11-1

7 [And I have been on the Base recently trying to put
8 a client in those 800 buildings, and see the beautiful
9 redwood that those buildings are made out of, and would
10 like to see them -- explore what they can do with those on
11 the site. Maybe not all of the buildings, but how they can
12 reuse some of those historic resources.]

V11-2

13 So just repeating what's been said.

14 MR. KATZOFF: Round two?

15 MR. LIGHTY: Thank you. A couple comments. [I
16 concur with Commissioner Jarvis that, really, the kind of
17 office development and the intensity that's projected in
18 this EIR for the Gateway development area in the northern
19 portion, I think is misguided.] And I do think, perhaps,
20 the full Maritime Alternative explores this, but it may be
21 worth restating in the final EIR. [But just -- really, if
22 you're going to go to, I guess, general industrial or
23 transportation uses in that area, what is the impact --
24 what is the additional impact, if any? I do think that's
25 worth exploring, and I think that should be the preferred

V7

V7-3

V7-4

1 alternative in that area. I think that's probably true for
2 most of the Gateway and the border of the toll plaza as
3 well.]

V7-4

4 [I think on the historic research question, that the
5 OHA representatives have made a good point. I don't think
6 the mitigations are adequate,] and [I think that reuse is
7 certainly the best alternative.] As they said, [perhaps
8 moving some of the structures.] [I thought the book idea was
9 certainly a good one.]

V7-5

V7-6

V7-7

V7-8

10 [I guess my overall concern is how useful this
11 document really is, because it seems like -- I mean, I
12 understand the concept that you're going to evaluate the
13 program. But really, we're not giving the community and
14 we're not giving the Commission and perhaps not giving the
15 council the kind of direction that ideally you're going to
16 need. And if we're basically going to be in the situation
17 of doing this kind of program for the EIR, and then when a
18 specific project comes up, some kind of lesser document, I
19 presume, would be the most likely scenario.] [I'm concerned
20 we're not going to get the full evaluation of what actually
21 get's built to best service the communities.]

V7-9

V7-10

22 And finally, I think that the -- what the final EIR
23 needs to include is something that reassures the Commission
24 that if -- really anticipates, I guess, that further
25 process. [Like, can you assure us -- okay, we understand

V7-11

1 this final document, but what is the additional process?
2 Can we have some assurance that -- of how -- what process
3 is going to be applied to the historic resources on the
4 site. That is, are we going to evaluate them at demolition
5 prior to that happening? What type of environmental review
6 is going -- needs to take place when specific projects are
7 put forward? Some kind of assurance in that final document
8 as to the future process, I think, could go a long way
9 toward giving some certainty and resolving some questions.]

V7-11

10 MR. KATZOFF: All right. Anyone else?

11 MS. FRANKLIN: Two things. For -- I think this is
12 a necessary but cumbersome document. I think it's kind of
13 confusing, because a lot of people have a hard time dealing
14 with it conceptually. And I think that at some point -- I
15 don't know if that time has already come and gone, that
16 we've missed that window of opportunity, but at some point,
17 it would have been good for OBRA to kind of speak and kind
18 of explain the different pieces. Because I think that
19 everybody has come here with their different interests at
20 heart, and we really haven't had a comprehensive overview
21 of the project.

V11
↓

22 [Then I'm also understanding that if you do an
23 environmental impact report for the entire redevelopment
24 agency, that the most cost effective way to do that -- and
25 if it's not possible to do individual project EIRs, maybe

V11-3

1 when you do something on -- for example, light industrial,
2 or if you do something residential, maybe we could have
3 community groups come in to kind of help give their input
4 on things like that. I think that's a palatable way to
5 approach this big project.]

V11-3

6 MR. KATZOFF: All right. Hearing no other
7 comments. Going once.

8 All right. At this point, we will close the public
9 hearing for the Draft EIR, but continue to accept written
10 comments on the draft EIR until 4:00 p.m. June 12th, 2002.

11

12 (Whereupon the transcribed portion
13 ended and adjourned at 8:30 p.m.)

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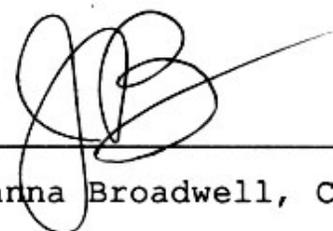
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REPORTER'S CERTIFICATE

I, Joanna Broadwell, Certified Shorthand Reporter No. 10959 in and for the State of California, hereby certify that the foregoing is a full, true and correct transcript of the proceedings to the best of my ability.

Date: 6/25/02



Joanna Broadwell, CSR # 10959

1 **2.3 WRITTEN COMMENTS**

2 During the 45-day public review period of the draft EIR (April 29 to June 12, 2002), the City
3 elicited substantive comments on the document. Twenty-one comment letters were provided
4 from 20 different entities. Each comment is uniquely coded via a system described in Section
5 1.3 of this document.

6

NOTE THE FOLLOWING LETTER IS INCLUDED AT THE REQUEST OF THE DEPARTMENT OF TOXIC SUBSTANCES CONTROL (DTSC). ALL ISSUES RAISED IN THIS LETTER ARE ADDRESSED AS REVISIONS TO THE DRAFT EIR OR AS REVISION TO THE DRAFT RAP/RMP (DTSC 2002A), RELEASED BY DTSC AT THE SAME TIME AS THIS EIR. SEE CHAPTER 4, REVISIONS TO THE DRAFT EIR, OF THIS DOCUMENT.

Department of Toxic Substances Control

Winston H. Hickox
Agency Secretary
California Environmental
Protection Agency

Edwin F. Lowry, Director
1001 I Street, 25th Floor
P.O. Box 806
Sacramento, California 95812-0806

Gray Davis
Governor

July 12, 2002

Ms. Aliza Gallo
Community and Economic Development Agency
City of Oakland
250 Frank H. Ogawa Plaza, Suite 3315
Oakland, California 94612-2032

Dear Ms. Gallo:

The Department of Toxic Substances Control (DTSC) has completed its review of the April 2002 draft Environmental Impact Report (dEIR) entitled *Oakland Army Base Area Redevelopment Plan* (SCH # 2002082058). DTSC submits the following comments this dEIR in its capacity as a Responsible Agency as defined under the provisions of the California Environmental Quality Act (CEQA)¹ and accompanying Guidelines.²

It should be noted that these comments are based on DTSC's review of an Administrative Draft Environmental Impact Report, Public Draft Environmental Impact Report, and a hand-written revised version of portions of the Public Draft Environmental Impact Report. Also, it should be noted that discussions regarding the Remedial Action Plan/Risk Management Plan (RAP/RMP) issues are ongoing. Those discussions may resolve a number of these EIR comments. However, these comments are submitted now to meet your July 12, 2002 deadline.

DTSC intends to utilize the final EIR to meet its obligations under CEQA for determining potential environmental impacts associated with its approval of the Remedial Action Plan (RAP) and Risk Management Plan (RMP) prepared by the City of Oakland as mitigation for the project. This approach will ensure that the overall impacts associated with our respective projects are fully analyzed, and allow for the early remediation and development of the former Oakland Army Base.

¹ California Public Resources Code Section 25000 et seq.

² California Code of Regulations Section 15000 et seq.

GENERAL COMMENTS

Comment #1

In general, the dEIR did not include a sufficient description of the RAP/ RMP upon which the analysis of remediation impacts could be adequately conducted. The absence of such detailed Information does not fully support the conclusions within the dEIR that remediation activities would reduce impacts to less than significant levels. The lack of such information and analysis would preclude DTSC from using the final EIR, if not revised, to meet its environmental assessment obligations under CEQA as they relate to approval of the RAP/RMP.

As you are aware, the RAP/ RMP submitted to DTSC must be revised to more adequately reflect current site conditions at OAB and proposed remedial actions. As such, it is recommended that the revised EIR contain a detailed description of the revised RAP/ RMP, residual constituents, analyses of risks before and after remediation activities, and a description of remedial actions that will or may be implemented to reduce impacts to less than significant levels. Comment must remain until RAP/RMP issues are resolved.

Comment # 2

Several references within the dEIR to "compliance with hazardous waste laws," failed to specify how compliance will be achieved, or what the potential impacts from such compliance activities might be. Applicable laws and regulations governing management of hazardous waste and clean up of hazardous substance releases must be used to develop a RAP/RMP, and that RAP/RMP must then be evaluated for environmental impacts. Comment must remain until RAP/RMP issues are resolved.

Comment # 3

Due to the fact that DTSC has not concurred with the use of ULRs or USEPA RAGS guidance in lieu of DTSC risk assessment guidance, and because we have not yet concurred with the very limited exposure duration parameters that have been used in the RAP, required excavation to remove contaminated soil and required treatment to manage contaminated ground water may be significantly greater that is contemplated in the City's RAP/RPM. This implies greater impacts that must be evaluated for significance in the EIR.

Comment # 4

Any discussions of uses, changes in uses, or changes in zoning should make reference to the *Covenant to Restrict Use of Property* and offer an explanation of the restrictions. The *Covenant to Restrict Use of Property* covers the entire earlier transfer parcel and does not separate the OARB into sub-districts. Does the OARB sub-district constitute the entire early transfer parcel? Also, is page 3-26 the only place land use and zoning are discussed?

SPECIFIC COMMENTS

2. INTRODUCTION

2.2.2 Intended Uses of the Environmental Impact Report

The discussion in this section should be revised to include DTSC among the list of *Responsible Agencies* since it will be relying on the EIR to evaluate the environmental impacts associated with approval and implementation of remediation activities subject to its discretionary decision-making authority.

2.3 Potential Additional Environmental Review

The discussion in this section should be revised to include DTSC among the list of potential *Lead Agencies* since it may be required to conduct additional environmental review for future remediation activities subject to its discretionary decision-making authority that may not have been addressed in the current EIR.

1.01 DESCRIPTION

3.5.1 OARB Sub-District

This section needs to be revised to include the presence of the school and head start facility at OARB. While they are mentioned elsewhere as interim uses, it is unclear as to whether the school and day care center will be operated during and/or after remediation. There could be significant impacts associated both with residual contamination at the school and day care center, and with cleanup activities at or adjacent to the school and day care center. Comment must remain until RAP/RMP issues are resolved.

3.6.1 Amendment of Land Use Classification and Zoning Designations

This section notes that OARB is zoned M-40 for industrial use. The uses allowed under

this zoning designation need to be clearly explained, as several uses allowed under such zoning might be inconsistent with our remedy. In addition, the possible difference between allowable zoning uses and uses allowed pursuant to the RAP/RMP should be explained. Comment must remain until RAP/RMP issues are resolved.

3.6.2 OARB Sub-District: Gateway Development Area Redevelopment Activities

This section notes that recreational and hotel uses are implied for OARB. These uses have not been contemplated in the RAP, and may be inconsistent with the remedy. Also, the EIR mentions recreational use of the spit without noting that remedy is likely necessary there as well. It should be made clear that certain uses that may be allowed under the Business Mix classification could be restricted or prohibited by the Covenant to Restrict Use of Property, such as day care facilities often associated with hotels or permanent residence facilities for workers that are provided in some business locations, e.g., residential quarters for managers of hotels/motels.

3.6.3 OARB Sub-District: Port Development Area Redevelopment Activities

This section needs to be revised to clearly note that broken storm and sanitary sewer lines are a potential source of contaminants that would need to be investigated and remediated under the RAP. Please state clearly that, Broken storm and sanitary sewer lines are a potential source of contaminants that would require investigation and remediation under the RAP/RMP discussed in Chapter 4.7, Hazardous Materials.

Table 3.4

This table should be revised to reflect that DTSC's role is to make recommendations for revision of FOSETs and concurring as appropriate, but that the Federal government approves the FOSET. Please revise to include: approval of the Covenant to Restrict Use of Property, provide oversight of any required investigation and remediation processes, and provide comments and recommendations on the FOSET and Covenant Deferral request.

4.1.2 Regulatory Setting

This section states that allowed uses per the general plan might not be consistent with the remedy. This needs to be made clear even if the goal is to allow and evaluate as many uses as possible to retain flexibility in project planning. See generally, the comment for 3.6.2

4.2.4 Local Setting

This section describes current uses such as the school and the day care center that may not be allowed when DTSC makes its decision regarding the remedy for OARB. Comment must remain until RAP/RMP issues are resolved.

4.3 TRANSPORTATION AND TRAFFIC

In general, this section does not adequately describe offsite transportation of remediation wastes and potential traffic impacts in detail that would allow DTSC to rely on the document for our decision.

The TCP needs to be developed in at least sufficient detail to allow for evaluation of its effectiveness as a measure to mitigate impacts resulting from cleanup activities.

4.4 AIR QUALITY

This section must be revised to quantify emissions from remediation activities, including TACs, dust, and vehicle emissions to fully evaluate overall project impacts, and the effectiveness of proposed mitigation measures. Comment must remain until RAP/RMP issues are resolved.

4.4.4 Local Setting

This section notes the presence of a school and a day care center at OARB, but needs to provide clarification as to whether these facilities will be existing and operational during and after remediation. This is critical in our evaluation of project impacts. Comment must remain until RAP/RMP issues are resolved.

3.3.5 Impact Assessment Methodology

This section was revised to note Emissions from construction/ remediation were not qualified for this analysis because specific size, location and xxx of such activities are not defined at this time. See discussion in Section 4.4.6 below. This explanation is not adequate. Preliminary estimates were provided in the draft RAP/ RMP that provide the reader with some estimate of the degree of expected soil contamination. While it is understood that these are only estimates, an attempt should be made to provide some level of impact assessment, which can then be put into perspective with the overall redevelopment plan.

It may well be that remediation-related activities and impacts are relatively small portions of the overall redevelopment plan, however, this must be evaluated. Such an assessment should then be carried forward in the impact assessment discussions in the appropriate sections of the EIR.

It should also be noted that Section 4.4.6 was incorrectly referenced. The citation should be to Section 4.5.6 Impacts.

4.5 NOISE

While this section was revised to include reference to noise impacts associated with remediation activities, quantifiable data was not included in the revisions. This could have been demonstrated by use of a table or chart (Although Table 4.5-3 was referenced that may provide such details, the table was not included with the package sent to DTSC).

4.7. HAZARDOUS MATERIALS

4.7.2.1 Regulatory Oversight by Category of Hazardous Material

This section defines *hazardous materials* as consisting of four sub-sets: hazardous materials, hazardous wastes, contaminated soils and groundwater, and regulated building materials and components. The section further defines the roles of affected agencies having regulatory oversight over these specific materials.

This clear delineation is often lost within the specific sections of the dEIR, leading to confusion as to which of the four sub-sets the analysis of impacts and subsequent mitigation measures would be applied. A literal reading of certain sections appears to suggest that soil and groundwater remediation were often specifically excluded from discussion and analysis. It is suggested that some form of continuity be created that would either follow the definitions used to differentiate between the four sub-sets provided, or include a statement that any use of the term hazardous material was intended to include all four sub-sets. This suggestion would apply to both the analysis of impacts and discussion of mitigation measures.

3.6.1.2 Regulatory Oversight for Remediation of the OARB

This section incorrectly states that DTSC, OARB and the City of Oakland have reached agreement on a proposed RAP/RMP. The draft RAP/ RMP is still in the process of being evaluated by DTSC. Comment must remain until RAP/RMP issues are resolved.

3.6.1.3 Local Setting

This section should be revised to note that the Army released hazardous wastes at the property before, during and after use. In addition, a discussion of contaminated soil and groundwater must be included in the Setting Section in order to evaluate impacts from residual waste and remedial activities. Comment must remain until RAP/RMP issues are resolved.

4.7.6 Impacts

This section must be revised to contain a discussion and analysis of potential impacts to future indoor office workers and other users from VOCs in soil migrating to areas where people are. In addition, residual contamination from PCBs and lead in soil should also be included in the Impacts and Mitigation portions of this section.

4.8 POPULATION AND HOUSING

4.8.6 Impacts

This section should be revised to specify that housing might be inconsistent with a remedy pursuant to Chapter 6.8 of the H&SC. If the City wishes to keep options open in that regard, then a description of cleanup necessary to allow residential use must be included in the EIR as well as in the RAP/ RMP, along with an evaluation of impacts related to such cleanup. Comment must remain until RAP/RMP issues are resolved.

4.14.2 Regulatory Setting

This section should be revised to note that de-designation of ground water does not constitute a remedy, and that it can affect a remedy by removing the need to treat to Maximum Concentration Levels (MCLs). This comment appears to have been addressed, but may need further clarification.

Ms. Aliza Gallo
July 12, 2002
Page 8

4.14.6 Impacts

This section should be revised to include an analysis of potential impacts associated with installation and operation of extraction or monitoring wells during remediation related activities.

This section should also be revised to include an analysis supporting the assertion that remediation wells would not cause a significant saltwater intrusion impact. Also, there are other possible mitigation measures that may be employed, including, but not limited to, proper placement of wells and counter flow wells to prevent saltwater intrusion without limiting DTSC available remedies.

In summary, it is DTSC's intent to utilize the final EIR to meet its obligations under CEQA for determining potential environmental impacts associated with its approval of the RAP and RMP prepared by the City of Oakland. To this end, we would like to request that a copy of your preliminary final EIR be sent to our office for review and comment to ensure that no confusion exists over the intent and purpose of these comments. In addition, pursuant to Public Resources Code section 21092.5, we look forward to receiving your response to our comments at least ten days prior to your certification of the EIR.

Sincerely,

Antonette Benita Cordero
Chief Counsel and Deputy Director

Robert Elliott
Staff Counsel
Office of Legal Counsel

ALAMEDA COUNTY
CONGESTION MANAGEMENT AGENCY



June 12, 2002

AC Transit
Director
Matt Williams

Alameda County
Supervisors
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Scott Haggerty

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City of Union City
Mayor
Mark Green

Executive Director
Dennis R. Fay

Mr. Scott Gregory
c/o Ms. Aliza Gallo
City of Oakland
Community and Economic Development Agency
250 Frank Ogawa Plaza, Suite 5315
Oakland, CA 94612

SUBJECT: Comments on the Draft Environmental Impact Report for the Oakland Army Base Area Redevelopment Plan in the City of Oakland

Dear Mr. Gregory:

Thank you for the opportunity to comment on the Draft Environmental Report (DEIR) for the Oakland Army Base Area Redevelopment Plan. The Oakland Army Base Area redevelopment project area is about 1,800 acres and is located in West Oakland. The redevelopment area is divided into 3 sub-districts: OARB (470 acres), Maritime (1,290 acres), and 16th/Wood (41 acres).

- The OARB sub-district consists of 494,000 square feet of light industrial, 1,528,000 square feet of office/research and development, 25,000 square feet of retail, 300,000 square feet of warehouse/distribution, 29 acres of park and public access, 55 acres of new maritime terminals, 17 acres of maritime support and 130 acres of rail.
- The Maritime sub-district consists 65 acres new maritime terminals, 82 acres of terminal reconfiguration, 88 acres maritime support, and 35 acres rail.
- The 16th/Wood sub-district consists of 305,000 square feet of light industrial, 1,437,000 square feet of office/research and development, 1,300 square feet of retail, and 1 acres of park and public access,

The ACCMA respectfully submits the following comments. Where possible the DEIR page numbers are referenced.

Pages 1-22 through 1-26, Table 1-1 Summary of Significant Impacts and Mitigation – Transportation and Traffic: This table needs to be carefully reviewed and compared to the impacts and mitigation measures described in the other sections of the DEIR. The proposed mitigations for Transportation and Traffic presented in Table 1.1 are vague and do not indicate what the proposed improvement is. The table does not demonstrate that the improvement mitigates the impact, even though the residual significance is checked as Less than Significant. Impact 4.3-2 should list which MTS roadways are impacted.

W1-1

Mr. Scott Gregory
June 12, 2002
Page 2

Mitigation measures 4.3-7, 8, 10 and 12 are missing. Impacts 5.3-2 through 6 are listed twice, once under Impact 5.3-1 and once separately. The references to Mitigation Measures in Impacts 5.3-2 through 8 listed on pages 1-25 and 1-26 do not correspond. For instance, under Impact 5.3-2 – Increased congestion on the MTS, the Proposed Mitigation is to See Mitigation Measure 4.3-4, which is about emergency access not congestion on the MTS. Under Impacts 5.3-4 and 5, there is no Mitigation Measure 4.3-8 or 10 and Mitigation Measure 4.3-11 is not related to truck parking. Under Impacts 5.3-6 and 5.3-7, reference is made to Mitigation Measure 4.3-12, which is missing.

W1-1
(continued)

Pages 4.3-20, lines 1 and 2 and 4.3-26, footnote 6: The ACCMA has no requirements for using the Highway Capacity Manual to perform roadway analysis. Therefore “as required by the Alameda County CMA” on the second line of page 4.3-20 and in Footnote 6 must be deleted. Also, there is a typo on line 1 page 4.3-20. The 1984 HCM should be 1985.

W1-2

Page 4.3-28, Mitigations 4.3-1 through 3: The mitigations must be listed in this section to support the conclusions in Table 4.3-9 that the impacts are mitigated.

W1-3

Page 4.3-31, Mitigation 4.3-4: This section should also reference Oakland’s participation in the following studies: I-880 Intermodal Corridor Study and the North I-880 Operations and Safety Study.

W1-4

Appendix 4.3D CMP Analysis, page 3: Impact A.2 states that the proposed project would contribute to the 2025 cumulative impacts on the regional and local roadways and that this results in a less than significant impact. This contradicts what is stated in Table 1-1, Impact 4.3-2 and Mitigation 4.3-4, page 4.3-31 where the impact to the MTS is significant and unavoidable. These two sections should be consistent. Please clarify.

W1-5

Thank you for the opportunity to comment on this DEIR. Please do not hesitate to contact me at 510/836-2560 ext. 13 if you require additional information.

Sincerely,



Beth Walukas
Senior Transportation Planner

cc: file: CMP - Environmental Review Opinions - Responses - 2002



Golden Gate Audubon Society

2530 San Pablo Avenue, Suite G • Berkeley, California 94702
Phone: (510) 843-2222 • Fax: (510) 843-5351 • Email: ggas@compuserve.com

Americans Committed to Conservation • A Chapter of the National Audubon Society

June 10, 2002

Mr. Scott Gregory, EIR Project Manager
c/o Ms. Aliza Gallo
250 Frank Ogawa Plaza, Suite 3315
Oakland, California 94612

RE: Golden Gate Audubon Comments on the Draft EIR for the Oakland Army Base
Area Redevelopment Plan

Dear Ms. Gallo:

Based on conversations with Scott Gregory and information contained in the DEIR, we understand that the 15-acre spit, identified as Gateway Park in the DEIR, is proposed to be turned over to the East Bay Regional Park District (EBRPD) for passive recreational uses. We support protecting this spit from any development and believe that further studies are required if any uses other than bird habitat are proposed.

W2-1

Studies in 1993-1994 showed that sites south of the Bay Bridge toll area had large numbers of shore birds, making it the biggest area for these birds north to the Richmond Marina. Based on this earlier data, the spit appears to be critical habitat for shore birds. Public access for activities such as walking and off-leash dogs would be disruptive to birds and their nesting sites, and as such, would be an inappropriate use for the area.

W2-2

We strongly disagree with the statement in the DEIR that Mitigation 4.12-1 (i.e. the "EBRPD shall maintain . . . beach habitat where feasible . . .") is adequate to reduce significant impact from the loss of habitat in the 15-acre spit, identified as Impact 4.12-1, on Page 4.12-20. The DEIR provides no data to support this statement. Without further information about bird populations and bird usage of the spit, a determination of less-than-significant impact cannot be made. In addition, under the mitigation discussion (Page 4.12-28), the DEIR states, "The EBRPD should include in design of its Gateway Park sufficient habitat to minimize human disturbance of bird populations." This requirement cannot be implemented without knowing the extent of bird activity. Therefore, additional bird surveys are needed at the site before any decisions about its use can be made. We will be glad to work with you or the EBRPD to define the studies. They likely would involve multiple surveys (ideally once per month) from August to April, thereby capturing the fall and spring migrations, and also winter surveys, during

W2-3

Ms. A. Gallo
June 10, 2002
Page 2

high tides. Once the additional bird surveys are completed, the DEIR should incorporate this data, and develop appropriate mitigation proposals that derive from this new information.”

An alternative approach would be to accept previous data on the presence of shorebirds at the Base and propose as mitigation for the project the preservation of specific areas of the shoreline on the south side of the toll plaza spit (the mole) for shorebird habitat. Such preservation should also require protections for those areas from human disturbance, including protection from off-leash dogs. Fencing would be an example of such a protective barrier.

We believe that leaving this issue to be resolved by the East Bay Regional Park District avoids your responsibility under CEQA to address the very significant impacts to shorebirds. Shorebirds would be affected by the potential loss of their habitat located within the boundaries of the Oakland Army Base as a result of the implementation of the Redevelopment Plan. We believe that CEQA requires you to address this issue and to provide mitigation for impacts to these wildlife species.

In addition, we have the following comments on the DEIR:

Impact 4.12-2, Page 4.12-21: We agree with the mitigation of prohibiting tall ornamental trees and the placement of raptor deterrents on light standards in the vicinity of the spit for protection of wildlife species, including the least tern.

Impact 4.12-3, Page 4.12-21: This impact is described as the loss of 27 acres of open and covered water, and a loss of unspecified amount of near-shore habitat. As the description notes, special status species occur here, including brown pelican, peregrine falcon, least tern, double-crested cormorant, and marine mammals, as well as steelhead and Chinook salmon. It is necessary that this loss near-shore habitat be quantified. Also, the proposed mitigation, i.e. that permits will be complied with, is inadequate.

Impact 4.12-4, Page 4.12-22: The loss of herring spawning habitat is characterized as potentially significant in the DEIR and yet the mitigation is at most aimed at the temporary impacts to habitat with no mitigation proposed for the permanent loss of this habitat. This is inadequate.

Impact 4.12-5, Page 4.12-23: The DEIR states that the impact of short-term reduction in water quality affecting special-status species is “less than significant” and thereby requires no mitigation. We disagree with this finding since it appears to be based on little factual information.

W2-3
(continued)

W2-4

W2-5

W2-6

W2-7

Ms. A. Gallo
June 10, 2002
Page 3

Impact 4.12-6, Page 4.12-24: The removal of large trees that may be used as bird habitat is potentially significant, as stated in the DEIR. However the proposed mitigation of tree replacement is not adequate without some assurance that the replacement trees will in fact provide substantially similar habitat as the existing trees.

W2-8

Impact 4.12-7, Page 4.12-25: Although you plan to ensure that trees are not removed during bird nesting and breeding, we are concerned with the loss of habitat in the future. The mitigation for removing these trees must ensure that equivalent habitat is provided.

Impact 4.12-9, Page 4.12-17: As the DEIR notes, the loss of wetlands is potentially significant. The statement that contractors will comply with conditions imposed by the RWQCB is too vague to be deemed adequate mitigation (Mitigation 4.12-13.) Also, the DEIR mentions Mitigation 4.12-14 as a mitigation measure for this impact, and yet the DEIR does not include Mitigation 4.12-14.

W2-9

For further information please call either Arthur Feinstein, Co-Executive Director of Golden Gate Audubon at 510-843-6551, or Pat Eckhardt at 415-973-5442.

Sincerely yours,



Patricia Eckhardt



June 12, 2002

RECEIVED
JUN 14 2002

Mr. Scott Gregory
c/o Ms. Aliza Gallo, Executive Director
250 Frank Ogawa Plaza, Suite 3315
Oakland, CA 94612

Dear Mr. Gregory:

Re: Draft Environmental Impact Report - Oakland Army Base Area Redevelopment Plan

East Bay Municipal Utility District (District) appreciates this opportunity to comment on the Draft Environmental Impact Report (EIR) for the Oakland Army Base Area (OARB) Redevelopment Plan. The District notes that the Water Supply Assessment prepared by the District, dated February 19, 2002 is included in Volume 2, Appendices, Draft EIR, Section 4.9A. Although not California Environmental Quality Act related, the District's comments in the response to the Notice of Preparation of the Draft EIR regarding obtaining water service are still valid.

The District has the following comments regarding water, recycled water, and wastewater service. Please review this information and incorporate it into your response to the City of Oakland.

WATER SERVICE

Sections 3.6.2, 3.6.3, and 3.8.1, under the heading Demolition, Site Preparation, and Remediation, "...all structures would be demolished or deconstructed..." – Please clarify if demolition includes underground utilities as well as above ground structures.

W3-1

Section 4.9.3, page 4.9-9, lines 33 and 34, change sentence to the following – *EBMUD serves Oakland with potable water from its Orinda and Upper San Leandro Water Treatment Plants.*

W3-2

If any water main extensions are requested in the future, the District requests access to any and all information that is developed concerning hazardous materials, contaminated soils, and contaminated groundwater at the OARB property, but not limited to the Installation Restoration Program, the current environmental status section of the Base Realignment and Closure Cleanup Plan, and the preliminary Assessment/Site Inspection data.

W3-3

The District urges prospective project sponsors to contact the District's New Business Office at the earliest possible time at (510) 287-1008 to initiate discussions regarding water service to any proposed developments.

Mr. Scott Gregory
June 12, 2002
Page 2

RECYCLED WATER

The term "recycled water" is the industry standard in California. Please change all references to "reclaimed water" to "recycled water."

W3-4

The District has been coordinating with OBRA staff over the past two years regarding incorporating recycled water into redevelopment plans in the area. The latest communication in this ongoing dialog was in February 2002. Based on information provided by OBRA, the Gateway and Port Projects are suited for recycled water use for landscape irrigation, non-residential toilet flushing, and industrial uses. The 16th and Wood Subdivision/Central Station Project is suited for landscape irrigation and possibly industrial uses (specifics to be determined when this portion of the project becomes further defined). The District is planning to provide recycled water to the Oakland Army Base Project, and has incorporated the project's anticipated recycled water demand into the preliminary design of the recycled water distribution system. As the project proceeds, the project sponsors need to continue to coordinate with the District to incorporate the use of recycled water.

W3-5

Section 3.6.2, page 3-30, lines 21 to 23 and Section 3.6.3, page 3-33, lines 28 to 30, reference is made to the EIR certified by the District for the East Bayshore Recycled Water Project. Please note that in the area of the OARB, construction impacts in the East Bayshore Recycled Water Project EIR were assessed within Maritime Street only. The certified EIR does not address construction impacts within the OARB project.

W3-6

WASTEWATER SERVICE

Section 4.9.3, page 4.9-9, line 11 – the size range of the District's wastewater interceptors was stated as "9 to 12 feet in diameter." The actual size range is 42 inches to 105 inches.

W3-7

Section 4.9.4, page 4.9-13, lines 8-10 – "redirection" of wastewater flow allocations between subbasins is not allowed without prior approval by District. Proposed wastewater redirection locations need to be evaluated by the District and if it is determined that they could adversely impact District's wastewater conveyance system, they would not be approved. Redirection of Subbasin 64-X flows to Subbasin 64-15 has been evaluated by District and would be approved.

W3-8

Section 4.9.4, page 4.9-13, line 15 – the Draft EIR states that the total gross wastewater capacity allocation for the OARB study area is 14.2 mgd. This statement is incorrect. The total gross wastewater capacity allocation of 14.2 mgd is for both the OARB study area and the adjacent Army Reserve property (Heroic Ward Dead Site). Therefore, the wastewater capacity allocation for the Army Reserve site is not available for use by the OARB study area and the associated gross allocation of 14.2 mgd needs to be reduced by the amount contributed by the Army Reserve property.

W3-9

Mr. Scott Gregory
June 12, 2002
Page 3

If you have any questions or if the District can be of further assistance, please contact Marie A. Valmores, Senior Civil Engineer, Water Service Planning at (510) 287-1084.

Sincerely,



WILLIAM R. KIRKPATRICK
Manager of Water Distribution Planning

WRK:CDC:sb
sb02_215.doc

cc: Ms. Aliza Gallo, Executive Director
Ms. Gayle Borchard

Jun 12 02 03:33p
6-12-2002 12:31PM

LAMPHIER-GREGORY
FROM

510-535-6699

p. 8



June 12, 2002

Scott Gregory
c/o Aliza Gallo
250 Frank Ogawa Plaza
Oakland, CA 94612

Re: COMMENTS ON DRAFT ENVIRONMENTAL IMPACT REPORT FOR OAKLAND ARMY BASE

Dear Mr. Gregory.

Oakland Heritage appreciates the opportunity to comment on this voluminous EIR. Overall, we feel that the reuse alternative is far superior to the apparent total demolition of the existing structures at the base. The structure of these comments is as follows:

W4-1

- A. Assumptions and overall plan
- B. Environmental issues
- C. Recommended procedures for FEIR and future review
- D. Mitigations
- E. Conclusions

A. ASSUMPTIONS AND OVERALL PLAN

No particular plans in the city-controlled area

The proposed plan is to divide the approximately 1800-acre area between the Port, which would demolish all buildings and fill in its area with train tracks and containers and trucks, and the City of Oakland, which has a remarkably amorphous "plan". The dividing line has been arbitrarily and artfully constructed to bisect a group of valuable and reusable warehouses, currently leased and in use. We do not take lightly the assertions of the port and city staff that they must demolish everything on the base, including eminently reusable buildings, in order to execute as-yet-unfunded speculative developments.

Is the non-project on the city-controlled portion a permissible way to do an environmental document? The EIR seems not to respond to early queries about this, raised in the scoping session. The document has as its base assumption the tearing down of old buildings without revealing to us what will be constructed in their place. Is something "reasonably foreseeable" contemplated, or is any projection of future uses mere speculation? If there are any more concrete proposals, the question is where are they in the process? There doesn't need to be a submitted project application, but there have been court cases about this problem, for example: Laurel Heights I and City of Antioch v. Pittsburg City Council. For example, what's already in the City's files about putting some kind of casino project on the army base site? If there's a fairly well-defined project described in the City's files, then the City must analyze it.

W4-2

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P. 2

This EIR is inadequate in its evaluation of any plans for the Army Base because they are so indefinite. In fact, there is inconsistency in the description of the program. The description of uses in the EIR is different from the uses described in the draft reuse plan. On page 1-6 of the EIR, there is a description of the "OARB sub-district" that includes a sub-category for the "Gateway development area." Despite the title of the section, "General Description of Proposed Redevelopment," there is no description of uses. The map on the next page shows that the OARB Sub-district includes the Gateway Development Area.

W4-2
(continued)

On page 1-9 of the EIR, the proposed uses for the Gateway development area are listed in paragraph 5 below "Impact Analysis and Mitigation:"

"Under the proposed Redevelopment and Reuse Plans, the lands adjacent to I-80 and most visible from the Bay Bridge would become part of the City's Gateway development area, and existing container storage would be replaced with a variety of "flex" uses, including office, research and development (R&D), light industrial, and commercial uses."

W4-3

The draft reuse plan, Page 8, describes the breakdown of the Gateway development area into 5 sub-areas. On page 10, the sub-areas, uses are described. The uses include: light industrial and flex office, homeless collaborative, research and development, high end retail activity, corporate campus, hotel, ancillary maritime support services, warehouses, and public park.

There are two problems with the project description in the EIR: 1. There is no way from the description to know what the contemplated uses are because the description is too general; and 2. The EIR project description and the draft reuse plan do not correspond with one another. For example, there is no mention in the description for the Gateway development area of uses such as warehouses, retail and hotels, three uses that have very different traffic patterns from an office complex.

The description of uses of the project is required to have enough specificity that the public and decision making body can understand them. It appears the lead agency "blurred" the project description because its project area included a large amount of acreage outside the Army Base. However, the most important part of the project with the most impacts is the Army base, not the surrounding areas. It is particularly important to have a clear description of the uses for the base. As it now stands, the Army base project could be almost anything.

W4-4

Assumption that all historic material must be removed

While the Stoltz Report, long withheld from public review, (although requested as long as a year ago by the Landmarks Preservation Advisory Board), seems at first to be detailed, we question its assumptions and the resultant schedules of potential costs for rehabilitation of the buildings. What was Ms. Stoltz requested to do? These figures seem quite expensive. We feel that an adaptive reuse scheme which has in view a modest and economically careful rehabilitation of these buildings to standards which will allow their current and some of the contemplated uses need not be as prohibitive as described in the report. This has skewed the economic argument and provided the sponsors of the project with excuses for a total demolition of buildings which have historic value.

W4-5

No one has attempted to quantify the historic value of these buildings, but please note that numerous other military museums and installations welcome many tens of thousands of visitors per year for tourism and educational visits. Look at Mare Island. One is put in mind of the potential visitor generation possibilities for a linked group of former military sites around the bay, including Treasure Island, Mare Island, the Presidio, the USS Hornet, the Potomac, and so forth. Just as one scenario, conceivably

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PAGE 03

6-12-2002 12:27PM FROM

P 3

one could invent quite an exciting groups of tours, perhaps accessible by ferries going from one to the next. All this is to say that there is some economic value to be derived from the historic nature of the site, and we request that this be given consideration in the final EIR.

W4-5
(continued)

Impact of proposed city land use plans for the gateway area.

As longtime advocates for the economic improvement of the downtown Oakland area, we take a very dim view of establishing new large retail developments at this site. It can only hurt an area we have been working hard to rejuvenate. Retail development should not provide a basis for removal of historic buildings. We do not understand the proposal for hotels, as there has been so much comment over the years from city and CEDA staff that the objective is to get a critical mass of hotel rooms downtown, to interact with and support the convention center and other core institutions. Surely we do not want to disperse such services around the periphery. Hotel development should not be grounds for removal of historic buildings. As everyone knows, demand for commercial office space goes up and down. Combined with the seismic issues, mentioned below, it is hard to imagine that this is where we would want to put a lot of offices. Again, office development should not be grounds for removal of historic buildings.

W4-6

We do support economic development on the base. It should make use of extant historic buildings, should support marine and open space uses, and not draw commercial activity away from the urban core areas of the city.

B. ENVIRONMENTAL ISSUES

As a historic preservation group, we are not inclined to go into great detail on air quality, traffic, and toxic materials concerns. However, we could not help noting the following very serious points:

1. The degree of impact on air quality in residential areas of Oakland seems severe to extreme. It should not be assumed that the population of Oakland desires to breathe particulate matter in large quantity. Where is the real mitigation, the one which improves the air quality? We have an outrageous level of asthma and other respiratory disease already, and young children live not far from this facility.

W4-7

2. The air quality will not be improved by the traffic congestion. The traffic idling at the congested intersections is not only car traffic: a large proportion of it would be diesel-fueled truck traffic, idling at stoplights, and this cannot but worsen the situation.

W4-8

3. We question the toxics information about Building 1. It seems to us that it may be overblown, and we request a second review of the information, by another consultant.

W4-9

4. As mentioned in the Planning Commission hearing, the seismic issues seem to be enormous. We were impressed by Commissioner Jarvis's queries about seismic safety in building on these soil conditions. Clearly such conditions would have an economic impact on the lease rates and building costs in the area.

W4-10

C. RECOMMENDED PROCEDURES FOR FEIR AND FUTURE REVIEW

1. Oakland Heritage Alliance feels strongly that no demolitions should take place unless a project component is discussed in public, planned, approved, has fulfilled environmental review requirements, and is ready to go forward.

W4-11

06/12/2002 18:39 5109862653

PAGE 04

6-12-2002 12:28PM FROM

P 4

2. OHA feels strongly this EIR should not form the basis for later review, but rather that each component will require a fresh environmental assessment, including a review of the historic structures in relation to what is left standing, what losses have been incurred, whether the historic districts remain viable, and how the project affects a tiered set of mitigations as described below.

W4-12

3. While Oakland Heritage Alliance understands the urgent deadline for transfer of this valuable land into the city's custody, we were alarmed to hear about a planned procedure to approve the Final EIR in some kind of amalgamated joint hearing. This appears to require an assumption that no matter what the final EIR says, the public comment upon any revisions and/or staff reports would be insubstantial and not worthy of consideration. It does not seem to us that the procedures and processes for public discussion on such a huge project should depend upon a vacation schedule. Rather, let's rework the schedule to allow for adequate process and still move the project forward in a timely fashion. We need to remember that this report is based on the destruction of 60 years or more of bay area military history, with drastic environment impacts.

W4-13

4. OHA requests that a public workshop of some kind be held so that the mitigation plan presented in the FEIR will not be as inadequate as the one in the present draft. One way to proceed in a timely fashion would be to meet to work out a more orderly, meaningful, significant and historically sensitive package of mitigations, before a final EIR is constructed.

W4-14

D. MITIGATIONS

OHA has reviewed the proposed mitigation measures listed in the DEIR, and we convened a meeting to discuss them with community representatives. We find them woefully inadequate and insufficient to address the proposed complete removal of all historic structures at the Army Base. Further, we believe that the complete removal of all historic structures is irresponsible and represents a lapse in stewardship of public property.

W4-15

1. Clarification of levels and duration of mitigations

What triggers mitigation measures? The incontrovertible significant loss of historic structures must be mitigated; the project may entail the loss of structures which together form historic districts, and which individually link us to the history of our region. Obviously, if one building is removed it would require less mitigation than if many buildings are removed; if many buildings are removed, it should still require less mitigation than if every contributory building is removed. Thus, one inadequacy of the mitigations is that they are not tiered to different potential levels of destruction of historic resources. Mitigation measures should increase in extent in relation to the amount of demolition that will occur, and furthermore, no mitigations should be acceptable which are not true mitigations. Several of the items listed are not true mitigations—either they are measures undertaken earlier, not in connection with this proposed project, or they are not true mitigations because they are temporary and will not serve the purpose of keeping alive the military and marine history of the San Francisco Bay, California, and the Oakland Army Base in particular.

W4-16

W4-17

An important question: How long does a mitigation last? For the life of the project? For a year or two? Indefinitely? We would submit that the mitigations should endure for a substantial period, which we would target at a minimum of 50 to 100 years from today. The historic material involved goes back more than sixty years, and its witnesses are now elderly. If the historic buildings were left in place, they would surely be able to endure and help to tell the tale for fifty to a hundred years more, not a long time

W4-18

06/12/2002 18:39 5109862653

PAGE 05

6-12-2002 12:28PM FROM

P. 5

in the larger human story. As it is a critical passage in Oakland history, it is imperative to require such a time frame.

W4-18
(continued)

2. The DEIR's proposed list of mitigations

[Overall, we concur with the Landmarks Preservation Advisory Board in saying that this list is rather patchy and would make inefficient use even of the very modest expenditures they require.] Therefore we suggest

W4-19

4.6-2 COMMEMORATION SITE

Making a new sculpture, stature, plaque, architectural feature or other commemoration is not supported by OHA, nor by West Oakland community representatives, nor by common sense. Any funds available for such a mitigation should be devoted to retaining some or all of the historic structures. Any commemorative monument, artifacts, evidence, interpretive displays or architectural fragments should be presented in context. A historic display in some building that in itself is historically of interest would be a far better and more interesting feature, could provide educational opportunities for children and adults, and could serve to connect the area to its citizenry.

W4-20

4.6-3 LINK TO BAY TRAIL

We support linking the site to the trail, but would not consider this an excuse to relocate a commemorative site in an arbitrary location. A historic site is not movable, and loses authenticity by having its location switched for convenience. Thus, if the historic site that is still evident happens to be on another part of the site, consideration should be given to access, and markers installed along the Bay Trail describing how to access the historic site even if it is not contiguous to the trail itself.

W4-21

4.6-4 ORAL HISTORIES

OHA applauds the idea of collecting oral histories, but only if they can be preserved in a long-term, archivally stable manner, and the accounts made easily accessible to the public and to researchers. One way to do this is to transcribe the oral histories as well as keeping audio archives.

W4-22

4.6-5 WEBSITE

While a website is a fine idea, it is not a mitigation because this format is not permanent. Any available funds (and websites can use up substantial funds) should go toward a permanent historic site such as a historic structure. Remaining funds can be used for a website, but websites are notoriously impermanent; we can only expect 2 to 5 years from a typical website. We need to look for mitigations with a life of 50-100+ years. Website durations are measured in months, or at the outside, years, are subject to a quickly changing technology, and over the long term would require constant expenditure for upkeep. All in all, a website does not qualify as a mitigation.

W4-23

4.6-6 HABS/HAER

The HABS/HAER documentation was required by previous agreements and is thus NOT a mitigation to the present project. It is a fine thing to put copies at the sites noted, but that would not constitute mitigation for the loss of national register eligible historic districts. The material is also relatively specific and detailed, and may not be suitable for the teaching of history to the public at large without additional interpretation.

W4-24

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6-12-2002 12:29PM FROM

PAGE 06
P. 6

4.6-7 VIDEO

OHA has not viewed the video. This video is apparently already in existence, so cannot be considered as a mitigation for a contemplated action as yet to be decided. Again, the video medium has a short life and while it is helpful in the short term as an educational medium, there is a limited amount of information that it can convey. Magnetic media are impermanent, as is revealed by many instances of total loss of valuable data in all kinds of contexts, including the television industry archives and NASA projects.

W4-25

4.6-8 MURALS

We agree that the murals should be preserved, and further suggest that Building 1 would be a good place to preserve them.

W4-26

4.6-9 CONSTRUCTION MATERIALS

The construction material is quite valuable; far from a mitigation for demolition, it may unfortunately serve as a spur to demolition, at least in the case of the warehouses. Timbers such as found in the warehouses are now very expensive and hard to obtain. Thus this is not a mitigation at all, but a cost-reduction plan. If demolition occurs, the materials should be creatively reused at the site in such a way that the public can benefit from at least these "deconstructed" reminders of the base's history.

W4-27

4.6-10 BROCHURE

A brochure might be slightly useful as mitigation if one building or two are being demolished. But, it would have a short life: brochures are an ephemeral sort of publication. Over the long term, it is not a mitigation since it could not contribute beyond the first couple of years to an understanding of Bay Area history. Any funds available for such project would be better spent either on retention of historic structures, or on other measures, as listed under heading 3. below.

W4-28

4.6-11 DOCUMENTATION

We agree that construction documents and photos and other historic materials should certainly be archived. Unless there are very few, there may not be sufficient space for them in the Oakland History Room as now configured. We propose devoting a space at the base—for example, adjoining a historic display and murals in Building 1, or in another retained structure, with funding allocated for curation and cataloging of the whole collection.

W4-29

4.6-12 IMITATING HISTORIC ELEMENTS

OHA feels that the imitation of historic elements may be inappropriate, and certainly in no way constitutes a mitigation for the loss of authentic historic architecture. Far better would be to retain some or all of the historic structures and creatively reuse them, so that our children's children can see something real, not a meaningless and vague imitation. "Evocation" does not work as a teaching device. One thing authentic is worth a great deal more than many evocative but inauthentic architectural details.

W4-30

4.6-13 SPRR STATION

We strongly support historic preservation of the interior and exterior of the SPRR Station and 16th St. Tower, and look forward to working with the private owner to ensure its future as a local, state and national landmark. However, nothing about this site mitigates activities on the base. This is in reality a separate parcel, privately owned, and tacked on to the project for technical reasons. It has absolutely no bearing on the proposed demolitions at the base.

W4-31

3. Additional and alternative mitigations

OHA proposes that a whole new scheme of mitigations is required.

A. A tiering of mitigation measures should be agreed upon between community groups, historic preservation experts, and OBRA, with degree of mitigation related to the degree of damage to the historic fabric. For the loss of all the historic structures there should be much greater degree of mitigation than for the loss of one structure.

W4-32

B. No demolitions should proceed until a particular project component on the site at issue has been through a specific EIR, has project, plan and permit approvals and is ready to go.

W4-33

C. The appropriate site for a commemoration of some kind is a historic building. Such a site could serve as a repository for interesting or historically valuable artifacts, documents, and accounts, and requires staffing to maintain it. This should be worked out in conjunction with the Oakland Museum and the Oakland Library.

W4-34

D. Magnetic media are not archivally stable. Oral histories must be preserved in transcribed form as well as in a stable recording medium and be made available to the public and to researchers.

W4-35

E. Prepare a substantial book of at least 200 pages, incorporating a historic account of military activities and earlier activities at the site, using photos and other archival materials, incorporating oral accounts. Employ for this project an author or authors with appropriate experience and qualifications. Consult with Bancroft Library, University of California Press, and historic societies, as appropriate. Print 2000 to 8000 copies, using archivally stable paper, and a high-quality printer who can do justice to the photographs. Provide copies to all East Bay public schools, libraries, and educational institutions. Printed books are a far more permanent form of record than any current electronic or digital medium. Ink on paper has a proven life of hundreds of years. The form lends itself to a fuller record of the importance of the historic site than does video or website.

W4-36

F. Consider locating veterans' services at the former base. We note that the WWII veterans are not the last veterans to need services. Since WWII, and even now, new vets with new needs are coming through the military, and numbers of them live in the Bay Area. The Alameda County Veterans' Commission has apparently been requesting for some time that they might locate a clinic at the OAB, replacing their current high-rent facility.

W4-37

G. Fund a position in the Oakland Planning Department to assist and oversee the historic and other environmental aspects of this large project's development. This position should be funded until the project is completely built out.

W4-38

H. Another potential mitigation could be to assist Union Pacific in stabilizing and retaining the even older Amtrak car paint shop as a historic landmark.

W4-39

I. Last, if everything is to be levelled, a Historic Preservation fund should be established as a grant- and revolving loan fund to assist in preserving other reminders of Oakland waterfront history, in the amount of \$7.5 million dollars, to be administered by a nonprofit established for the purpose of encouraging economic development through historic preservation within the community, a precedent in the field which was established concurrent with the transfer of the Long Beach Naval Station to the Port of Long Beach several years ago.

W4-40

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PAGE 08

6-12-2002 12:30PM FROM

P. 8

4. Reworking the mitigations

The mitigations sections should be completely reworked, preferably after fresh consultation with the Landmarks Preservation Advisory Board, Oakland Heritage Alliance, West Oakland neighborhood groups, the National Trust for Preservation, California Preservation Foundation, Oakland Museum, Alameda County Veterans Commission and other interested groups.

W4-41

F. CONCLUSIONS

Oakland Heritage Alliance believes that the historic nature of the site has been undervalued in the basic assumption of this EIR, and will continue working with the port, redevelopment, and city agencies to come up with a plan that will further economic development while still preserving an important—and economically valuable—part of our history

W4-42

We look forward to working with the public agencies, othe community groups, and consultants to improve this large project.

Thank you again for the opportunity to comment.

Sincerely,



Naomi Schiff
Vice President, Preservation Action
Oakland Heritage Alliance.

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510-535-6699

p. 2

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City of Alameda • California

June 12, 2002

Scott Gregory
C/o Ms. Aliza Gallo
250 Frank Ogawa Plaza, Suite 3315
Oakland, California 94612

Subject: Oakland Army Base Area Redevelopment Plan
Draft Environmental Impact Report (State Clearinghouse #2001082058)

Dear Mr. Gregory:

Thank you for the opportunity to comment on the City of Oakland's Draft Environmental Impact Report for the Oakland Army Base Area Redevelopment Plan (OARB EIR). The following comments on the adequacy of the environmental analysis included in the draft OARB EIR are based upon our understanding of the California Environmental Quality Act (CEQA) and recent letters from the City of Oakland in which the City of Oakland outlined its own standards for a legally adequate EIR.

We have concluded that in certain important issue areas Oakland's analytical approach, scope of analysis, and/or mitigation measures are inconsistent with CEQA requirements and Oakland's own standards as outlined in a January 17, 2002 letter on the City of Alameda's General Plan Amendment draft EIR for the reuse and redevelopment of Alameda Point. Without a consistent approach for the analysis of the OARB project and Alameda Point project, the CEQA process will not adequately disclose the environmental effects of projects so that informed, reasoned decisions can be made---this is particularly the case for the general public in both Oakland and Alameda and for responsible agencies (such as the San Francisco Bay Conservation and Development Commission) that will have a prominent regulatory role in both Oakland and Alameda's military base reuse projects.

W5-1

We invite the City of Oakland to work with the City of Alameda to establish a common approach for the evaluation of regional environmental effects resulting from military base reuse/redevelopment in each of our respective communities. We would welcome the opportunity to collaboratively work on issues of mutual concern so that the environmental effects of projects in both jurisdictions can be more clearly understood and disclosed to the public and decision makers in both Oakland and Alameda. In this regard, we would support formation of a staff level technical working group on traffic and any other issues of mutual concern to resolve any inconsistencies in methodology and scope of analysis. The efforts of the working group could also extend to discussing mitigation approaches for any issues of joint concern. Working together collaboratively on these issues will further the interests of our respective communities in completing the transition of these former military facilities to productive alternative land uses that will generate substantial local and regional benefits.

W5-2

Planning & Building Services Department

2263 Santa Clara Avenue, Room 190
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p. 3

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Comments on Oakland Army Base EIR

Page 2

Traffic Mitigations

The OARB EIR does not adequately evaluate potential mitigation measures to lessen or reduce the regional traffic impacts caused by Oakland Army Base redevelopment, as required by CEQA guideline section 15126.4. The draft EIR concludes that the Oakland Army Base project's 46,000+ automobile trips would cause significant unavoidable congestion impacts on the regional transportation network from the City of Emeryville to the City of Hayward. In response to these significant regional impacts, the City of Oakland proposes to prepare a "transit access plan" which the draft EIR acknowledges will not adequately address the regional traffic problems caused by Oakland Army Base redevelopment. On page 4.3-31, the draft EIR concludes in two sentences that no other mitigation measures are feasible.

In contrast, the City of Oakland's January 17, 2002 letter to the City of Alameda states that the City of Alameda's draft EIR analysis of the 33,000+ automobile trips from the Alameda Naval Station can not be considered legally adequate unless it includes a "reasoned analysis of all such proposed mitigations/alternatives, including without limitation the Gondola, a new bridge, water taxis, shuttle buses, as well as street improvements. The analysis must address all feasibility issues including funding and must fully assess all secondary environmental impacts." The letter goes on to say: "The DEIR should address both funding and institutional issues in determining whether a mitigation measure is feasible."

W5-3

Given the extensive, significant impacts of the Oakland Army Base project on the regional roadway system, the requirements of CEQA Guidelines Section 15126.4, and the City of Oakland's own standards as articulated on January 17, 2002, the Oakland Army Base draft EIR should include an analysis of other potential mitigation measures, such as project funding for shuttle buses to West Oakland BART, addition of ferry service to the site, and the other mitigations suggested by the City of Oakland for Alameda. We would welcome the opportunity to discuss joint approaches to these issues in the context of the staff-working group suggested earlier.

In your response, please explain why the City of Oakland chose not to examine any other possible mitigation, despite the extensive, significant impacts to the regional roadway system. If those evaluations did take place, please provide copies of those evaluations and explain why you chose not to include any financial analysis or secondary impact analysis in the Draft EIR. Alternatively, if you believe that an analysis of the feasibility/adequacy of these measures is not necessary, please provide the rationale for that determination.

Alternatives Analysis

The OARB EIR does not provide an adequate evaluation of alternatives as required by CEQA Guidelines section 15126.6 because it does not include an evaluation of an alternative that would reduce the significant impacts of the project to the regional roadway system.

W5-4

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Comments on Oakland Army Base EIR

Page 3

On January 17, 2002, the City of Oakland stated: *"In addition to analyzing a transit oriented land use alternative, the DEIR must include one land use alternative (aside from the "no project" alternative) where all environmental impacts can be mitigated to less than significant levels. The DEIR does not contain such an alternative. Therefore, the DEIR fails to provide the legally mandated "reasonable range of alternatives".* The January 17th letter concludes that due to regional traffic impacts, the City of Alameda should prepare another EIR that *"fully analyzes a lesser-intensity land use alternative where feasible mitigation measures can be developed, funded, and implemented."*

Despite these unequivocal statements from the City of Oakland, the OARB EIR does not include an alternative (aside from the "no project" alternative) where any of the regional transportation impacts are mitigated to less than significant levels, does not include a transit oriented land use alternative that would "realistically accommodate and promote transit, walking and biking", and does not include an alternative with feasible mitigation measures that can be developed, funded, and implemented.

We therefore conclude that the OARB EIR fails to provide the legally mandated "reasonable range of alternatives". In your response, please explain why the City of Oakland believes the range of alternatives provided is adequate and indicate whether that range includes an alternative that eliminates all of the significant regional roadway impacts associated with the preferred project. If the range of alternatives does not include such an alternative, please explain why you believe such an alternative is not necessary.

Traffic Analysis

The traffic analysis for the project includes a number of inconsistencies and inaccurate statements that raise questions about the overall adequacy of the traffic analysis. Based upon comments received from the City of Oakland on January 17, 2002 requesting that the City of Alameda broaden the scope of its traffic analysis for the Alameda Point General Plan Amendment, including an evaluation of traffic problem areas in Oakland. Alameda staff, in cooperation with Oakland staff, has begun a systematic review of Oakland intersection levels of service and traffic conditions in the vicinity of the two cities. As a result of this work, we have discovered a number of concerns with the OARB EIR traffic analysis:

- A. Inconsistent LOS Calculations: A number of the intersection LOS calculations are inconsistent with other recent City of Oakland environmental analyses. For example, the OARB EIR finds that the following intersections will be operating at LOS C or better in the year 2025: 6th/Jackson, 7th/Jackson, and 7th/Harrison. However, the City of Oakland 425 Alice Street EIR (January 2002) and the City of Oakland Broadway EIR (February 2002) show those same intersections operating at LOS F by 2020. The Broadway EIR shows 7th/Jackson operating at LOS E in 2001. The OARB EIR shows this same intersection operating at LOS C in 2025. The January 2000 City Center EIR shows 5th/Broadway operating at LOS E without the City Center projects

W5-4
(continued)

W5-5

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Comments on Oakland Army Base EIR

Page 4

in 2010, but the OARB EIR shows 5th/Broadway at LOS C in 2025. Please explain and resolve these inconsistencies.

W5-5
(continued)

B. Inconsistent Trip Generation Rates: The trip generation rates on Table 4.3-6 of the OARB EIR, when applied to the trip distribution shown on Table 4.3-7, show 6% trip distribution on both Webster Street and Constitution Way in Alameda. This rate equates to 347 vehicles per hour (vph) in the AM peak hour and 329 vph in the PM peak hour through the Webster/Posey Tubes between Oakland and Alameda. However Appendix 4.3, Tables 3 and 4 show 61 vph in AM peak hour and 54 vph in the PM peak hour through the Webster/Posey Tubes. Please explain and resolve these inconsistencies.

W5-6

C. Old Traffic Counts: On January 17, 2002, the City of Oakland stated that 1998 traffic counts were too old to be used by Alameda, yet on Page 4.3-10 the OARB EIR uses 1998 data for an intersection in Alameda. Please explain why the City of Oakland felt that it was not necessary to update 4-year-old data for Alameda intersections. We would be happy to assist Oakland in obtaining more current data.

W5-7

D. Unclear Development Assumptions: Please describe the level of development assumed by the OARB EIR at Alameda Point. Specifically, how did the OARB EIR take into account the reasonably foreseeable level of development that was contemplated by the City of Alameda's certified Final EIR for the Reuse of the Naval Air Station Alameda and Fleet and Industrial Supply Center, Alameda Annex and Facility (March 2000)?

W5-8

Pedestrian Safety

The OARB EIR does not adequately assess the impacts of 44,600 additional automobile trips generated by Oakland Army Base redevelopment on pedestrian safety in adjacent neighborhoods and communities, such as West Oakland.

Data available from the City of Oakland indicates that West Oakland has over 20 intersections at which at least 2 or more pedestrian/automobile collisions have occurred in recent years. The OARB EIR devotes a single paragraph to assessing the potential for pedestrian and bicycle impacts on the Army Base due to "inadequate design features or incompatible uses", but includes no analysis of the impact of the project's 44,600 additional automobile trips on pedestrian safety outside the Base in West Oakland, Chinatown, or any other nearby communities or neighborhoods.

W5-9

The January 17, 2002 City of Oakland letter states that to be legally adequate, the Alameda draft EIR must analyze how project related traffic might impact pedestrians in Oakland. On April 15, 2002, the City of Oakland states that the City of Alameda's EIR should include: "A full analysis of the project's impact on pedestrian safety in Chinatown for all scenarios."

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Comments on Oakland Army Base EIR

Page 5

In your response, please explain why the City of Oakland felt that it was not necessary to consider the pedestrian safety impacts of project traffic in adjacent neighborhoods and jurisdictions. In your response, also please, provide your estimates regarding how much congestion can occur on the freeway system in the vicinity of the project and the I-80/I-580 "maze" before automobile and truck traffic leaving or heading for the Army Base will begin diverting to surface streets to avoid that congestion. Please explain why you felt that the additional traffic diverting to adjacent streets did not warrant an analysis of pedestrian impacts that might occur as a result of that additional traffic.

W5-9
(continued)

Construction Related Traffic Impacts

The OARB EIR does not adequately address construction related traffic impacts on adjacent neighborhoods and communities. The EIR states that a construction related trips would "substantially degrade LOS on area roadways and the impact is considered potentially significant." The EIR concludes that the impact can be mitigated to a level of insignificance by implementation of a mitigation that makes no mention of specific routes and only passing mention of some general hours. The mitigation states "a traffic control plan (TCP) shall be implemented to control peak hour trips to the extent feasible, assure, the safety of the street system and assure that transportation activities are protective of human health, safety, and the environment."

W5-10

The City of Oakland's January 17th letter to Alameda proposes a more rigorous approach for construction related traffic mitigation, stating: "Although the document alludes to a traffic management plan, it does not mention specific routes and trucking hours, which can severely impact residential and commercial areas... The EIR should be revised to include this information."

Please explain why you believe the level of detail provided in the OARB EIR adequately addresses construction related traffic impacts associated with the project in light of the more demanding approach Oakland recently requested from Alameda.

Consistency with Other Agency's Plans

The January 17, 2002 City of Oakland letter states that the City of Alameda draft EIR must include an analysis of the project's consistency with the City of Oakland's General Plan. The OARB EIR does not include any evaluation of the consistency of the Oakland redevelopment plan for the Army Base with the General Plans of neighboring jurisdictions. Please provide this analysis or explain why you believe such an analysis is not necessary for the OARB EIR.

W5-11

The OARB EIR states that the project is inconsistent with the Bay Port and Sea Port Plan and that the significant impact can be mitigated to a level of insignificance by amending the Bay Port and Sea Port Plan to be consistent with the Oakland project (Mitigation Measure 4.1-1). Does the City of Oakland have the legal authority to require amendment to the Bay Port and Sea Port Plan? Would a similar approach be proposed if an analysis of neighboring jurisdiction's plans reveals inconsistencies?

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Comments on Oakland Army Base EIR

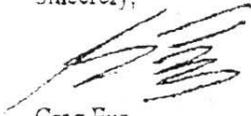
Page 6

We look forward to working closely with Oakland to establish a mutually acceptable approach for the evaluation and mitigation of any environmental effects of joint concern to both communities, particularly with respect to the issues identified above.

W5-11
(continued)

If you have any questions regarding our comments, please feel free to contact Andrew Thomas, Supervising Planner at (510) 748-4554.

Sincerely,



Greg Fuz,
Planning and Building Director

Cc: Mayor and City Council
Planning Board President and Members
City Manager
Development Services Director
Public Works Director
City Attorney

CALIFORNIA STATE LANDS COMMISSION
100 Howe Avenue, Suite 100-South
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June 12, 2001

File Ref: W 25351

Scott Gregory
C/o Ms. Aliza Gallo
150 Frank Ogawa Plaza
Suite 3315
Oakland, CA 94712

RE: Oakland Army Base Redevelopment Plan; Comments to Draft EIR

Dear Mr. Gregory:

Thank you for the opportunity to review the Draft Environmental Impact Report (DEIR) written for the Oakland Army Base Area Redevelopment Plan. Our preliminary comments follow. The comments are necessarily preliminary because we received the DEIR in a compact diskette, and printed those portions of the document which would likely deal with the issues of public trust ownership, land exchanges, and land uses. Our comments are:

1. The DEIR does not adequately describe the purposes of a land exchange involving public trust lands. This issue arises in sections 3.1.3 and 4.2.6, and may also be discussed elsewhere in the document. Through a legally-appropriate exchange of land, the public trust for commerce, navigation, and fisheries is terminated in an identified piece of land, so that the property may be put to uses outside the public trust and, if desired, title to the property transferred to a non-trustee. Under California case law and statutes, a trust termination by land exchange may occur only where the land to be freed from the public trust is no longer useful for public trust purposes. In exchange for freeing land from the public trust, other land useful for public trust purposes and of equal or greater monetary value is transferred into or confirmed in public trust ownership, to be used for public trust purposes.

In the Oakland Army Base situation, the Port of Oakland, the City of Oakland, the State Lands Commission, and the Office of the Attorney General have discussed

Scott Gregory
June 12, 2002
Page 2

entering a land exchange concerning lands granted in trust to the City of Oakland by Chapter 657, Statutes of 1911. The entity which is the trustee of public trust lands in this area for the City is the Port of Oakland, as provided by Oakland City Charter. Several matters need to be further developed before the parties seek legislative authority to enter a land exchange: First, the land which in which the public trust would be terminated, and in which the public trust would be confirmed, will need to be determined with precision. This includes determining what land along water will be confirmed as a public trust asset, possibly with larger areas to be used as sites for restaurants or for other visitor-serving purposes, together with access. This has not been done yet, so the development land considered to be free of the trust in the future may not be accurate. Second, a real estate appraisal performed according to instructions approved by the State Lands Commission will need to be completed in relation to the State's requirement to find equal or greater value through the exchange.

W6-1
(continued)

If the parties decide to go forward, legislation will be necessary to authorize an exchange. Statutes of this type have proven beneficial for NTC San Diego (Chapter 734, Statutes of 2000) and NAS Alameda (Chapter 714, Statutes of 2000). The exchange at NTC San Diego has been completed.

2. Sections 3.1.3 , 4.2.4, and 4.2.7 incorrectly state that it is the position of the State Lands Commission that the public trust is limited to lands lying west of Maritime Street. That is not the case. There is substantial evidence that public trust title extends inland of Maritime Street. This matter would be put to rest through a land exchange in which the State Lands Commission considers as evidence related to existing land title.

W6-2

Thank you for the opportunity to comment.

Sincerely,



Dave Plummer
Land Manager

Cc: Joseph C. Rusconi

Jun 12 02 04:45p
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A C TRANSIT

510-535-6699

p. 2

AC Transit

Alameda-Contra Costa Transit District
1600 Franklin Street, Oakland, California 94612



Nathan Landau
Senior Transportation Planner

Phone ☐ (510) 891-4792
Fax (510) 891-4874
e-mail ☐ nlandau@actransit.org

June 12, 2002

Mr. Scott Gregory
C/o Aliza Gallo
City of Oakland
Community and Economic Development Agency
250 Frank Ogawa Plaza, Suite 5315
Oakland, Ca. 94612

RE: Environmental Impact Report, Oakland Army Base Area Redevelopment Plan

Dear Mr. Gregory:

Thank you for the opportunity to comment on the Environmental Impact Report (EIR) for this important project in Oakland.

AC Transit supports the approach outlined in Mitigation 4.3-4 (p. 4.3-31) which requires "The City and the Port to jointly create and maintain an a transit access plan for the redevelopment project area ... Major project area developers shall fund on a fair share basis the plan(s)." We look forward to working with the Port, the City, and other transit agencies on this Plan (and the language of the mitigation should be modified slightly to note that the Plan should be developed "in consultation with transit agencies.") It is very valuable that the EIR acknowledges that funding from outside AC Transit will be needed, since AC Transit does not funding for this purposes.

W7-1

In 1997, AC Transit requested space on the Base for a park and ride lot and bus storage. We understand that the 1998 Base Reuse Plan did not incorporate this use, and we accept that decision. However, we wish to note that if an appropriate site for a park and ride use were to become available, AC Transit would be interested in pursuing that possibility.

W7-2

Concerning new AC Transit ridership (p. 4.3-34), it is not clear how the ridership estimate was derived. The analysis assumes that approximately 4.5% of redevelopment area trips would use AC Transit. Please describe the basis for selecting this figure.

W7-3

The EIR indicates that increased congestion at all affected intersections can be successfully mitigated. Any increase in congestion would have an impact on AC Transit operations. Buses would travel more slowly, requiring more time to complete their routes, and incurring additional costs for the District. Substantial slowing in service could discourage riders from using the bus.

W7-4

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P. 3

The Operational Characteristics and Activities section includes some very peculiar statements about requirements for different types of land use. It asserts (p.3-38) that Office/ R&D uses require 25 contiguous acres to develop facilities. This is simply not the case--high quality office developments have occurred throughout the District on much smaller sites. A similar assertion (p.3-39) is that mid-sized retail requires 15-20 acres per store. Experience here does not bear this out.

W7-5

Finally, I would note that finding information in this EIR was very difficult. It was particularly difficult to find basic information on anticipated development levels. The problem seems to be not so much that the information is missing from the document, but that it is not clearly organized. Some of the same problems arose with the travel modeling information.

W7-6

Please contact me at 891-4792 to discuss any of the topics outlined in this letter.

Thank you for your interest in our concerns. AC Transit looks forward to continuing to work with the City of Oakland on this project.

Very truly yours,


Nathan Landau
Senior Transportation Planner

Jun 12 02 04:46p

LAMPHIER-GREGORY

510-535-6699

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TRANS PLANNING B

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P. 4

STATE OF CALIFORNIA—BUSINESS, TRANSPORTATION AND HOUSING AGENCY

GRAY DAVIS, Governor

DEPARTMENT OF TRANSPORTATION

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June 10, 2002

ALA-880-PM34.11
File #ALA880490
SCH #2001082058

Mr. Scott Gregory
c/o Ms. Aliza Gallo
Community and Economic Development Agency
City of Oakland
250 Frank Ogawa Plaza, Suite 3315
Oakland, CA 94612

Dear Mr. Gregory:

Oakland Army Base Area Redevelopment Plan (OARB) – Draft Environmental Impact Report (DEIR)

Thank you for including the California Department of Transportation (Department) in the environmental review process for the above-referenced project. We have reviewed the DEIR dated April 29, 2002 and have the following comments to offer:

The Department holds property ownership interests within the Redevelopment Plan boundaries. Some land uses that are proposed in the redevelopment plan might be incompatible with the bridge, highway and road purposes for which these lands are currently held. Generally, these land use classifications include Business Mix, General Industrial/Transportation, "Flexible Alternative" land use program, and/or Operational Characteristics and Activities (Section 3.6.1; Section 3.6.2, Page 3-31, Lines 12-22; Section 3.7) uses and redevelopment activities. Department-owned property interests include:

- A. Lands immediately adjoining Interstate Highway 80 (I-80) near the San Francisco-Oakland Bay Bridge (SFOBB) Toll Plaza presently contain the SFOBB Maintenance Station buildings and facilities. The Department is proceeding with construction projects to erect improved maintenance facilities on this parcel, with an anticipated build-out occurring over approximately the next ten years. As discussed previously with City representatives, this parcel might be available for redevelopment as set forth in the DEIR if suitable replacement lands and facilities within the OARB Sub-district can be supplied by the City of Oakland on such terms and conditions (including schedules) as are found to be acceptable by the Department. Absent this strategy, the Department recommends that these Maintenance Station lands be removed from the Redevelopment Project Area and Survey Boundaries. (Section 3.1.2, Page 3-4, Lines 24-28; Section 3.6.2, Page 3-31, Lines 23-30)

W8-1

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TRANS PLANNING B

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Gregory/ DEIR
June 10, 2002
Page 2

- B. In February 2002, the United States of America transferred to the State of California, in fee, lands within the former Oakland Army Base containing pre-existing transportation facilities owned by the Department, including the I-880 Connector (elevated freeway structure connecting I-80 near the SFOBB Toll Plaza to I-880). The terms of the transfer allow the City of Oakland the option of leasing portions of the right of way for truck parking purposes in recognition of the City's obligations under BCDC permit conditions. This parcel traverses portions of the OARB Sub-District and the Maritime Sub-District.
(Section 3.6.4 - Ancillary Marine Support)
- C. In 1966, the City of Oakland, by agreement, transferred to the Department its ownership of the portion of West Grand Avenue (former 22nd Street) lying between Wood Street and Maritime Street. This parcel is not within the boundaries of the OARB but traverses portions of the OARB Sub-District and the Maritime Sub-District.
- D. In February 2002, the United States of America transferred to the State of California a temporary construction easement (TCE) over Wharf 7 lands within the former Oakland Army Base for use by the Department in support of the construction of the SFOBB East Span Seismic Safety Project. It is expected that the TCE will be used for three of the four construction impacts for the replacement east span of the SFOBB and possibly for the demolition contract. This is expected to require use of the site for six to seven years. The TCE deed from the United States to the State of California makes the site available for the duration of the East Span project. However, the Department's interest will terminate and the use of the land returned to the United States or its assignee at whatever time it ceases to be used for highway purposes. The area will then become available to the City for the activities outlined in the DEIR necessary to meet land-use and other redevelopment objectives. This parcel is within the Gateway Development Area of the OARB Sub-District.
- E. In February 2002, the United States of America transferred to the State of California a permanent non-exclusive easement over Burma Road for immediate use by the Department for providing access from Maritime Street to the temporary construction yard at Wharf 7 for the construction of the new east span of the San Francisco Oakland Bay Bridge. It also provides access to the Department's maintenance station located between Burma Road and I-80. Upon completion of the bridge project, the easement will provide assured public access to the future Gateway Park to be located at the west end of the Oakland Molc. This parcel is within the Gateway Development Area of the OARB Sub-District.
2. Section 3.6.2, Section 3.6.3, Section 3.6.4, Section 3.8.1 - Demolition, Site Preparation, and Remediation:
The Department cannot support "deconstruction" and clearing of structures/buildings, including existing I-80/I-880 buildings, highway structures and other transportation facilities, on lands or easements owned by the Department except to the extent such activities are consistent with the Department's own operational/developmental plans in support of bridge and highway transportation purposes.

W8-1
(continued)

W8-2

Gregory/ DEIR
June 10, 2002
Page 3

- 3. Section 3.6.2, Section 3.6.3, Section 3.6.4 - Transportation Improvements; Build-Out Projections:

The Department has the responsibility for the planning, design, construction, operation and maintenance of all state and interstate highways located within California. Coordination with the Department is necessary for all local transportation improvements in which an interface with the Department's facilities occurs, whether new or with modifications, including the review and, in many cases, approval of the design and construction.

W8-3

- 4. Chapter 3, Section 8, page 3-43, Line 15-17:

The Department has not been permitted to dispose of dredged material from its new east span project at the site for New Berth 21. Please remove reference to the east span project providing any dredged material.

W8-4

- 5. Chapter 4, Figure 4.10-1:

The Department has no requirements from any permitting agencies to provide a trail to Radio Beach. Please remove this reference. Also, the reference in Note 2 suggesting the Department's trail segment on Alaska Street (New Access Road alignment) is unclear. Perhaps it is the intent here to show that the connection from Burma Road to Maritime Street may be changed to Alaska Street. Please make Note 2 more clear on its intent.

W8-5

- 6. Chapter 4, Section 10, page 4.10-7:

Beginning on Line 16, please insert the entire relevant portion of the BCDC Permit 8-01 as follows: "The approximately 4.2 acre area at the OTD shall be incorporated into the East Bay Regional Park District's Gateway Park to the extent the permittee (Caltrans) is legally able to do so. Provision of this land for use as part of the "Gateway Park" shall be subject to Caltrans' existing and future operational and maintenance needs, as may be approved by or on behalf of the Commission, such as providing stormwater best management practices (BMP's) to treat stormwater runoff, providing continued access to serve, install, and maintain existing and necessary future utilities, and providing access to maintain the new East Span and at-grade roadways. New utilities and stormwater facilities shall be designed to be consistent with recreation and public access uses in the area." Including the specific permit condition recognizes that the land is subject to the Department's own operation and maintenance needs.

W8-6

- 7. Chapter 4, Section 10, page 4.10-7:

On Line 20, please add the word "temporary" in front of "parking lot." The BCDC Permit 8-01 requires the Department to provide a temporary parking lot.

W8-7

- 8. Chapter 5, Table 5-1:

Please revise the entry for Bay Bridge Replacement Status to show the construction timeframe as 2002-2010.

W8-8

- 9. Section 3.5.1, Line 34:

Please revise the reference "highway maintenanc" to "highway operation and maintenance."

W8-9

- 10. Figure 1-2, Note 2:

Please add the words "owned or" prior to the word "controlled" to conform to the information in Section 3.5.1 where it correctly notes that the Department owns lands within the OARB Sub-District.

W8-10

Jun 12 02 04:46p

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P. 7

Gregory/ DEIR
June 10, 2002
Page 4

11. Section 3.5.2:

A large portion of the I-880 Freeway is located within the Maritime Sub-District.

W8-11

12. Traffic Impacts: Because specific site redevelopment is not yet defined and the exact amount of related traffic is not yet developed, specific traffic impacts to State freeways cannot be evaluated. However, redevelopment will likely add a substantial amount of traffic to surrounding freeways, and the additional traffic could cause freeway segments to either operate at level of service (LOS) F, or increase the volume to capacity (V/C) ratio by more than 3% for the segments that would operate at LOS F without redevelopment. This impact is considered significant. Feasible mitigation measures should be identified that would reduce freeway impacts to a level that is less than significant, and major project area developers should fund them on a fair share basis.

W8-12

13. Noise: The redevelopment plan and DEIR should contain a statement as follows: "All new residential, park, or recreation development planned within 800 feet of State highways must include noise abatement/ mitigation measures in conformance with FHWA and Caltrans policy."

W8-13

14. Air Quality: Microscale impacts mean that the Department's roadways are adequately addressed, but regional adverse impacts may not be. Such issues are outside the Department's scope of review and should be addressed by the State Air Resources Board or the Bay Area Air Quality Management District.

W8-14

The Department may have additional comments regarding water quality and traffic safety issues, which we will provide in writing within one week from the date of this letter. We look forward to your response to our comments pursuant to Section 21092.5(a) of the California Environmental Quality Act (CEQA). Should you require further information or have any questions regarding this letter, please call Paul Svedersky of my staff at (510) 622-1639.

Sincerely,

JEAN C. R. FINNEY
District Branch Chief
IGR/CEQA

c: Katie Shulte Joung, State Clearinghouse
Bill Wong, FHWA (California Division)

CITY OF OAKLAND



250 FRANK H. OGAWA PLAZA, SUITE 2114 • OAKLAND, CALIFORNIA 94612-2031

Landmarks Preservation
Advisory Board

(510) 238-3912
FAX (510) 238-4730
TDD (510) 839-6451

June 12, 2002

Scott Gregory, EIR Project Manager
c/o Aliza Gallo, Executive Director, OBRA
250 Frank Ogawa Plaza, Suite 3315
Oakland CA 94612

Re: Landmarks Preservation Advisory Board Comments on Army Base DEIR

Dear Mr. Gregory:

The Landmarks Board has reviewed the Draft Environmental Impact Report for the Oakland Army Base Area Redevelopment Plan and the Nancy Stoltz report during the recent comment period. The Board has also participated in numerous public and working group meetings on base reuse issues over more than two years. Following are the Board's comments on the cultural resources aspects of the DEIR. Comments are organized in four sections: adequacy of the analysis, additional mitigations the Board considers necessary, itemized comments on the mitigations proposed in the DEIR, and miscellaneous technical corrections. Thank you for your attention.

I. Adequacy of Analysis

Level of Historical Significance. The Landmarks Board finds that the historical **significance of the Oakland Army Base is very inadequately represented** in the DEIR. Although the DEIR frequently and formally acknowledges the existence of a National Register-eligible district at the base, the **historical summary** in Section 4.6.3, Regional Setting, **does not convey its significance in a way that would adequately inform a reader or decision-maker not already familiar with the base.** After three pages of early Oakland history and prehistory, the Army Base in World War II gets less than three lines (page 4.6-8). The following section on Local Setting is mainly a list and enumeration of historic resources and previous reviews, but does contain a paragraph summarizing Caltrans's finding of significance for the base (page 4.6-11), which might

W9-1

have been placed more prominently or at least referenced from the historical narrative. The statement on page 4.6-22 that the project “would eliminate evidence of a specific period in the history of West Oakland military transportation and operations” seems to **underplay the significance** of the Oakland Army Base and its role in World War II – a more appropriate level of significance would be state or national, as reflected in the determination of National Register eligibility.

W9-1
(continued)

“Temporary” buildings. The in-house Army label “temporary” for the warehouses is unfortunate. It can **appear to minimize their significance** and the impact their removal would have, especially for a reader who has not seen them first-hand. **Nancy Stoltz’s report makes clear that this was an Army classification** related to ongoing military uses, not an indication of substandard construction or limited value. The 1985 nationwide programmatic agreement authorizing the Army for its own purposes to remove World War II-era temporary wooden buildings was for a different purpose – continued evolution of active military installations – and does not lessen the significance of the warehouses as historic and visual resources.

W9-2

Historic Preservation Element. The discussion of the Historic Preservation Element of the Oakland General Plan in the section on Consistency With Plans and Policies is **inadequate to inform a general reader.** The statement that the two designated City Landmarks in the area “would be subject to the policies of the Historic [Preservation] Element” is misleading. The Element is not only about landmarks. The Element chapter on “Preservation and Ongoing City Activities” applies to Local Register properties (including Areas of Primary Importance like the Army Base) as well as to the broad category of Potential Designated Historic Properties. That chapter’s basic principle is **Policy 3.1, “Avoid or minimize adverse historic preservation impacts related to discretionary actions,”** and a whole series of policies spell out that intent in detail. Particularly relevant to the Army Base, **Policy 3.2 directs the City to set an example** for other owners in its treatment of its own properties.

W9-3

Section 106. We remain concerned that the **Oakland Landmarks Preservation Advisory Board was not consulted regarding the 1995 Memorandum of Agreement accepting HABS/HAER documentation as adequate mitigation** for alteration or demolition of all historic properties at the Oakland Army Base. We recognize that this is past history in that Section 106 review has been completed, that the present CEQA review is a separate process, and that recent (1998) developments in CEQA have established that recordation does not adequately mitigate complete loss of a historic resource. Nevertheless, we are concerned that references to the 1995 MOA may undermine present efforts to secure more meaningful mitigations.

W9-4

16th and Wood subarea. Inclusion of the 16th and Wood Streets subarea in the same analysis with the Army Base feels disingenuous, as if rehabilitation of the Southern Pacific station – which would almost certainly be dictated anyway by its City Landmark status and its value as a historic tax credit project – were a compensation for loss of the Army Base, an **entirely different resource.**

W9-5

II. Additional Mitigations

No demolition until necessary for redevelopment activities, e.g. construction or site remediation. This very important provision is currently included in the DEIR but is buried deep in the commentary on mitigation 4.6-2. This **should be a separate item** in the list of mitigations, numbered individually, prominently placed, and included in the summary in Table 1-1. It also **needs to be reflected in the flow chart Figure 3-4**

W9-6

Building preservation. The Board has consistently advocated saving real buildings at the Base. At the Planning Commission's scoping hearing on September 19, 2001, the Board stated that at least four Army Base buildings should be retained. Under the currently proposed site configuration, the likeliest candidates are the entire **Buildings 812, 821, 822, and 823, and part of Building 808**. Special consideration should also be given to preserving Building 1, due to its extreme significance in the operations of the Army Base during World War II and the wars in Korea and Viet Nam. We continue to advocate **preservation of buildings and portions of buildings as the only real way to perpetuate the significance of the Oakland Army Base.**

W9-7

Museum/interpretive center. One of the Army Base buildings should be retained for use as a museum or interpretive center. This was also a Board proposal at the scoping meeting last September. As the project is currently presented, the likeliest prospects are **Buildings 812 - 823, along the Bay Trail** at the top of Maritime Street. Exhibit space is one of the uses **examined for Building 812 in the Nancy Stoltz report and found to be cost effective.** The Board also recommends retaining part of Building 808, ending at the tracks, as feasible under the proposed site configuration and of great interpretive value.

W9-8

Coordinated documentation, research, and book. The piecemeal documentary mitigations (video, oral histories and summary, copies of HABS and photos, web site, brochure, interpretive markers) should be coordinated in a **single well-planned original research and documentation effort with a substantial scholarly and publicly available product** comparable to the Port's recent book *Pacific Gateway*. The book and its sources can then be excerpted for the brochure, interpretation, and web site.

W9-9

Future review. The Landmarks Board seconds several Planning Commissioners' statements at the June 5, 2002, Commission meeting, that the program presented in the DEIR is **too unspecific to be reviewed** in any meaningful way, and that there must be **assurance of thorough environmental review of the actual projects** as they emerge.

W9-10

III. Comments on Mitigations Proposed in the DEIR

4.6-1: Archaeology. The Board recognizes that stopping work in case of an unexpected find is a standard mitigation, and notes several statements in the DEIR that there are "no known archaeological sites" in the area and that the area has "low archaeological sensitivity" because it is filled land. Given the history of Outer Harbor shipbuilding, industries, and refuse deposits, and the general proximity of creeks and the Emeryville

W9-11

shellmound, the Board would like to see some **additional preliminary sensitivity analysis** beyond what appears in the DEIR, such as maps of historic uses and landforms, to improve the chances of anticipating and recognizing any potential finds.

W9-11
(continued)

4.6-2: Gateway commemoration site, including physical elements. This important mitigation, like the redevelopment project itself, is still conceptual and will evolve along with the project. The mitigation states that a **master plan will developed by the City, Port, public, and interested groups and agencies.** We believe this master plan provision is significant enough to be **added to the summary** of this mitigation in Table 1-1 **or presented as a separate mitigation.**

W9-12

4.6-2, third bullet: **No demolition until necessary for redevelopment.** This very important provision **should be a separate item** in the list of mitigations, numbered individually, **prominently placed** and included in the summary in Table 1-1 and reflected in the flow chart Figure 3-4.

W9-13

4.6-3: Public access trail to commemoration site, with interpretive material. We note that if the Bay Trail follows Maritime Street, a **building in the upper 800 series** (812, 821, 822, 823, 808) will be an ideal site for a museum and visitor center.

W9-14

4.6-4: Oral histories and summary report.

4.6-5: Web site.

4.6-10: Brochure.

These **piecemeal items** might more effectively be **combined into a single substantial and permanent product.** The oral histories, HABS/HAER documentation, and photographs (below) offer a rich foundation for a book along the lines of the Port's recent *Pacific Gateway*. A web site, brochure, and on-site interpretive materials can then be developed on a solid scholarly basis from the book and its sources. Primary source material such as World War II films or the 1946 volume *Gateway to Victory* might also have potential for re-publication. Like the commemoration site, the **exact nature of documentary mitigations deserves some master planning.**

W9-15

4.6-6: Distribute copies of HABS/HAER documentation.

4.6-11: Copy and archive construction documentation and photographs.

Improving public access to these documents is commendable, and will, as stated in the DEIR, "preserve [the buildings'] images and provide a description of their function and role to the interested public." However, we **cannot agree that documentation can "offset the modification and/or destruction** of many of the historic buildings on the Base."

W9-16

4.6-7: Distribute "A Job Well Done" video. The Board has not seen this documentary, nor have we found anyone who has. **Without seeing the product we cannot comment on its value** as a mitigation. (Incidentally, Nancy Stoltz's bibliography lists "Oakland Army Base – A Pictorial History and Official Closure Program," U. S. Government Printing Office, 1999 – apparently another existing product that has not been generally seen.)

W9-17

4.6-8: Preservation of murals from Building 1. These panels would ideally **remain on the site as part of the public commemoration**. If not, they might be better in another **appropriate site where they will be regularly viewed** – for instance, the military charter school – than in storage at the Oakland Museum.

W9-18

4.6-9: Salvage and deconstruction. This is **only tangentially a historic mitigation**, since City policies and regulations on sustainable development **already require salvage** and recycling and diversion from the landfill. The Board does, however, commend any effort at resource conservation, and particularly the conservation of the gigantic timbers in the warehouses. Reassembly of all or part of a deconstructed building, or other use of parts for **interpretive purposes**, would enhance the commemorative mitigations.

W9-19

4.6-12: New building(s) imitating warehouse design elements. This could be an interesting design approach, but **does not seem worth requiring as a mitigation**. It is a counterpart of 4.6-9: one preserves the materials dismembered from their historic configuration, and the other carries on selected elements of design in other materials. Neither preserves an authentic historic resource, which is a whole greater than its parts.

W9-20

4.6-13: Renovation of 16th Street Station. The station is a City Landmark and has been determined eligible for the National Register, so any work would be expected to follow the Secretary of the Interior’s Standards for Rehabilitation (not “Standards for Historic Preservation Studies”) almost as a matter of course. In addition, as a private property, it would be eligible for the 20% historic investment tax credit if rehabilitated to the Secretary’s Standards. Accordingly it is **difficult to see this as a mitigation**. The reference to recording and depositing “historically significant artifacts and features” seems hasty – unless found infeasible in the context of a specific project requiring their removal, first choice would be to retain and protect them in place. This is another instance of the need to assure adequate review as the details of the project develop.

W9-21

IV. Miscellaneous additional clarifications and corrections

Page 4.6-6: Correct spellings are Horace *Carpentier* and *Vicente* Peralta.

Page 4.6-12: Correct National Register status code for properties determined eligible as district contributors is “2D”, not “3d”.

Page 4.6-17: Oakland Cultural Heritage Survey ratings for the two PG&E properties are actually the same, “X” being the data-entry version of the field note “✓” whose prose translation is “not a PDHP [Potential Designated Historic Property].”

Page 4.6-18: The Shorey Street houses have not been determined eligible for the National Register; to date *one* has been moved and *two* remain at 9th and Cedar.

Page 4.6-19: Correct count seems to be two districts and *three* individual resources.

Page 4.6-22: “designated historic district” – the Army Base has been *identified* as an API and *determined* to be a National Register eligible district, but it has not been *designated*.

References to its status – determined eligible for the National Register - should be consistent throughout the document.

W9-22

Thank you for the opportunity to comment. The Landmarks Board looks forward to a worthy reuse of the Oakland Army Base and believes that preservation can be a valuable part of that vision.

Sincerely,

Annalex Allen
Vice Chair

Una Gilmartin
Chair, Oakland Landmarks Preservation Advisory Board

1567 Mountain Blvd
Oakland, CA 94611
June 9, 2002

Scott Gregory
C/o Aliza Gallo
250 Frank Ogawa Plaza, #3315
Oakland, CA 94612

Dear Mr Gregory:

This letter is written regarding the demolition of seven warehouses at the Air Base. There are many uses for these buildings and they are sturdily built, I think.

Oakland desperately needs a new produce market. The East Bay does not have a flower market, Light manufacturing and offices could occupy these buildings.

Instead of constructing a new intertidal rail facility on this site, why not make an addition to the costly, new facility built for this purpose?

I was unable to attend the June 5 Oakland Planning Commission public hearing on DEIR. Please accept this opinion in lieu of my speaking at the meeting. Thank you.

Sincerely,



Nancy A. Auker

W10-1

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510-535-6699

P. 7

PAGE 06

CITY OF OAKLAND



CITY HALL • 1 FRANK H. OGAWA PLAZA • OAKLAND, CALIFORNIA 94612

NANCY J. NADEL
Councilmember
District #3

(510) 238-7003
FAX (510) 238-6129
TTY (510) 238-7413

June 12, 2002

Mr. Scott Gregory
EIR Project Manager
c/o Aliza Gallo
250 Frank Ogawa Plaza
Oakland, CA 94612

Re: Comments on the Draft EIR for the Oakland Army Base Area Redevelopment Plan

Dear Mr. Gregory,

Thank you for the opportunity to comment on the above named EIR. My comments are attached. My main concerns are:

1. the process flaw that appears to prevent analysis of real alternatives to the proposed configuration which I believe would have significantly fewer negative impacts;
2. the air pollution impacts for the proposed program configuration and the associated limited mitigations proposed, as well as
3. the impacts on historical resources.

Please contact me regarding the availability of the final EIR.

Sincerely,

A handwritten signature in black ink, appearing to read 'Nancy J. Nadel', written over a horizontal line.

Nancy J. Nadel

Enclosure

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p. 8

PAGE 29

Comments on the Draft EIR for the OARB Redevelopment Plan

by Nancy J. Nadel
Oakland City Council District 3

General Comments

My first comment addresses what appears to be an inherently flawed process that denies us the opportunity to address alternatives to the forced configuration that the Port and the Bay Conservation and Development Commission (BCDC) insisted we accept to satisfy the BCDC Seaport Plan cargo throughput goals. In expressing concern to the BCDC about the lack of environmental analysis of their Seaport Plan changes over the years which consistently removed port priority designation from other Bay Area locations thus adding the burden to Oakland, I was told that the proper time to address it is in the EIR for the actual program/project. However, the new configuration is taken as a given with alternatives only within the confines of that revised configuration. Thus we never can weigh the environmental impacts of alternative configurations and see whether there might be less pollution or less impact on historic resources with a different configuration.

The public is thus denied analysis of some very viable alternatives at this site that could make the original goal of significant job creation with minimum pollution a reality. The public is denied the right to save millions of tax dollars by utilizing existing buildings that will be destroyed in the revised configuration. The environmental impacts of this revised configuration are significant with respect to increased demolition debris going to the landfill, loss of viable historic resources and loss of opportunity for lower cost industrial development in the warehouse structures. We also lose the opportunity to use Garrison area buildings for homeless programs, and the childcare center for an ongoing childcare program. It makes our original plan for a sustainable eco-industrial park virtually impossible economically because the structures that would have made it viable economically will be destroyed for port construction.

I think the EIR should include environmental analysis of the original configuration and plan to compare to what is proposed. Otherwise, Oakland never has the opportunity to look at less environmentally damaging alternatives to the Seaport Plan. At minimum that would give us the opportunity to compare the impact on landfills from the demolition, the decreased impact on air from decreased cargo throughput, the decreased impact of traffic from decreased cargo throughput, etc. In addition, we could compare the impact of alternative configurations on the tidelands trust designated lands.

W11-1

Significant Impacts of Concern

Traffic

Impact 4.3.2

Not enough emphasis is placed on transit to reduce the Residual Significance that remains in the text as Significant and unavoidable. I believe more specific mitigations must be included to determine at what level insignificance is reached.

W11-2

Air Quality

Impact 4.4

I disagree that air impacts no matter how significant are unavoidable if there is a will to avoid them. There appears to be no analysis of the significant unmitigated air pollution on school attendance due to asthma attacks sparked by unmitigated air pollution.

W11-3

Impacts 4.4.3, 4.4.4

I don't understand the definition of the term "to the maximum extent feasible" as the limit to mitigations when the mitigated condition is still significant and considered "unavoidable." Who sets the standard of what is feasible and therefore unavoidable? We need a health impact study considering cumulative conditions so that policy makers can better weigh the financial feasibility of mitigations juxtaposed against the health of the very community members this development hopes to serve.

W11-4

Ships and tugs are not subject to local or federal law with respect to the cheap fuel they use. This doesn't mean a mitigation shouldn't be included about what it would take to develop international standards to disallow the heavily polluting cheap fuel used by these ships.

W11-5

One of the mitigations suggested is to reduce truck idling times. Council and Port have the opportunity to do this by supporting the Lowenthal bill AB 2650 which the Port has refused to date to support.

W11-6

Noise

There doesn't appear to be analysis of, nor mitigations for, the noise of the increased trucking on the maritime part of the redevelopment area.

W11-7

Cultural Resources

Impact 4.6-2, 3 - a commemorative site rather than saving an historic building or part of a building to me is a weak and insufficient mitigation. Because we have no analysis of another configuration, we are forced into this weak mitigation as the only choice. The resulting residual significance is described as significant and unavoidable when indeed it is avoidable. Destruction of the warehouses prevents lower cost development of potential manufacturing industry, increases some load to the landfill (if not the major wooden beams), and destroys the contributing elements to the historic district. Thus we have

W11-8

environmental, socio/economic and historic impacts with this alternative that actually are avoidable

W11-8
(continued)

Impact 4.6-4 – preservation of the historic train station. If the Port is allowed to destroy all historic buildings on the base, I believe they should be required to fund, as a mitigation, the historic train station renovation for a public space including an exhibit of the Pullman Porters history in West Oakland.

W11-9

Population, Housing and Employment

Section should discuss establishment of an appropriate jobs/housing mix between the potential housing site at the train station and job creation at the Army Base that would decrease traffic and air pollution

W11-10

Public Services and Utilities

Impact 4.9-10 – Discussion should be included of demolition impacts on reaching county recycling goals of 75%. There is only mention of state goals of 50%. Impacts might be significant.

W11-11

Aesthetics

Impact 4.11-2 – Redevelopment in the proposed configuration would remove buildings that have significant impact. To say this is unavoidable without analyzing other configurations seems disingenuous.

W11-12

Cumulative Impacts

I have similar concerns regarding air pollution, and traffic as stated above. Without looking at alternative configurations and limiting increased maritime expansion as an alternative, policy makers never get the option to evaluate and consider the potentially less significant impacts on an already health-impaired West Oakland community. There is no discussion on the existing health condition of the West Oakland community, no commitment to evaluate it and mitigate it as a mitigation. The magnitude of the truck-parking problem with the imposed configuration might also be reduced with a limited maritime expansion alternative.

W11-13

Alternatives to the Proposed Redevelopment Program

7.3.1 – Full adaptive reuse – This alternative attempts to address the issue of an alternative configuration as I suggested should occur but considers it infeasible because it doesn't conform to the BCDC Seaport plan. Again this puts us in a Catch 22 since the environmental impacts of the incrementally changing Seaport Plan placing more and more of the cargo throughput goal impacts on Oakland have never been analyzed as an alternative to the proposed configuration. The comment that this alternative "would not create the types of high-quality jobs envisioned" does not address the job-education match of West Oakland unemployed, and a phased development option that might raise Oakland residents' out of poverty and then able to phase them or their offspring into higher quality jobs, in future years. The analysis appears to value competition with West Coast ports as a higher goal than raising West Oaklanders out of poverty.

W11-14

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P. 5

PAGE 12

June 11, 2002

Mr. Scott Gregory, EIR Project Manager
250 Frank Ogawa Plaza, Suite 3315
Oakland, CA 94612

Subject: COMMENT ON THE DRAFT EIR FOR OAKLAND ARMY BASE AREA
REDEVELOPMENT PLAN.

Dear Mr. Gregory:

We the members of the WOCAG Land Use Committee have reviewed the subject EIR and offer the following comments.

As indicated in the EIR the WOCAG was created by the OBRA, and as such was charged with the responsibility of preparing and providing a recommending a land use plan (later to be considered an alternative) and goals and objectives for the development of the base. The land use plan (alternative) was not included as an alternative in this EIR.

W12-1

It is an insult to the many citizens of the City of Oakland who have given freely of their time and effort to serve the OBRA and the City of Oakland in the base conversion process to have their efforts ignored and not evaluated in this EIR.

The EIR and the Redevelopment Plan are vague, ambiguous, and without sufficient clarity to determine the direction the development of the base will take. The EIR covers approximately one thousand acres most of which are not on the Army Base. Additionally there are areas that are under private ownership and/or committee to other entities

W12-2

In many instances this EIR speaks of residential housing, specifically with reference to Building Number One as it could relate to the Homeless Accommodation. On no previous occasion was housing ever indicated as part of the overall development of the Base. Therefore, housing should not be a consideration for the disposition of any structure in the Historical district.

W12-3

The EIR uses as a determinant for future uses of Building Number One, the existence of hazardous substances beneath the building. A report provided by, Harding Lawson Associates of Oakland, (containing analysis of the material beneath and outside the building) performed by Chroma Lab Environmental Services, which indicates the toxicity of the material and therefore its removal would not be as extreme as to require the demolition of the building, which is the most valuable historical resource on the Base.

W12-4

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P. 6

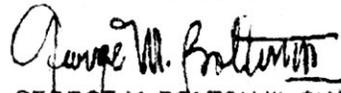
PAGE 13

Finally, we will agree with the reports findings for the Gateway Adaptive Reuse/Eco-Park Alternative. The adaptive reuse alternative would be the superior alternative for the base although it would not meet the very high job generation goals. The alternative would cause the least damage to the environment, and impact the adjoining infrastructure and neighborhood while preserving important cultural and historical resources

W12-5

The WOCAG requests that serious consideration be given to the aforementioned comments.

Sincerely,



GEORGE M. BOLTON III, CHAIRMAN
WEST OAKLAND CITIZENS ADVISORY GROUP

GB/rwc
cc: File

Jun 13 02 10:53a

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510-535-6699

PAGE 16

05/31/02

To: Scott Gregory

re: Oakland Army Base

I read that the City of Oakland wants to acquire the Oakland Army Base. If this happens, I urge you to keep and use the existing buildings on the site - particularly the 160,000-sq-ft administration building and the 7 large warehouses. It makes sense to use what's there. Don't tear them down!

W13-1

Agella

L.J. White
Post Office Box 6271
Berkeley, CA 94700

Jun 13 02 10:53a

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P. 2

PAGE 14



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June 12, 2002

Transmitted Via Hand Delivery

Scott Gregory
% Ms. Aliza Gallo
250 Frank Ogawa Plaza, suite 3315
Oakland, CA 94612

Re: Comments Regarding Draft Environmental Impact Report
for the Oakland Army Base Area Redevelopment Plan

Dear Mr. Gregory:

In response to the request for public comments, on June 5, 2002 at 6:30 p.m., the West Oakland Commerce Association (WOCA) testified, and this letter is the confirmation of that testimony.

We believe that the Draft Environmental Impact Report (DEIR) is deficient in that it is incomplete and insufficient, and as such requires that there be further review and study, and that a supplement DEIR be issued accompanied by a public hearing.

Such deficiencies were stated in our public testimony on June 5, 2002, these being:

- I. The full maritime alternative was not examined in sufficient detail to determine that (1.) if this alternative's predominant use was for maritime support / ancillary activity (which is predominantly trucking), what environmental impact would that use cause, considering that the actively would not be new, but relocated from other areas? (2.) it did not establish a baseline for the current uses occurring today, which is predominantly trucking (3.) it did not measure the positive and, if any, negative impacts in the relocation to the base of these

W14-1

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P. 3

PAGE 15

June 12, 2002 Page 2

predominantly trucking operations from other areas; areas should include Oakland (East and West), San Leandro, Hayward, Richmond and any other area that maritime trucking is now domiciled (4.) It did not quantify the impacts to the regional Federal / State Highway system in adequate detail throughout the regional transportation corridors in which the maritime trucking is now domiciled, should this full maritime alternative be adopted.

W14-1
(continued)

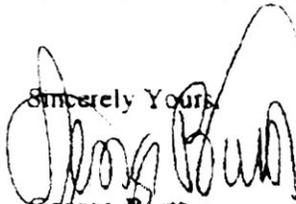
II. A "no build" alternative should be considered for the use of the base for exclusive maritime support / ancillary activity (predominantly trucking) which would articulate the result of not allowing sufficient maritime support / ancillary activity to take place that would be sufficient to handle the projected increase in Port of Oakland maritime volume that is anticipated over the next twenty years. That is, in simple terms, when we do not allow land use for these trucking activities to occur adjacent to the container berths, and since the trucks "show up to work daily in the harbor area," then where will they come from if not located next to the container berths, and what will be the environmental impacts to our roads and to the citizens of Oakland and other cities by this daily truckers commute to work in the port area?

W14-2

III. Additionally, it makes no sense to us that demolition plans are made for potentially historic buildings that may have adaptive reuse without there first being precise and specific plans in place.

W14-3

Sincerely Yours,



George Burt
Vice President
West Oakland Commerce Association



June 12, 2002

By facsimile and mail

Mr. Scott Gregory, EIR Project Manager
c/o Ms. Aliza Gallo
250 Frank Ogawa Plaza
Oakland, California
Fax: (510) 238-2226

Re: Draft Environmental Impact Report – Oakland Army Base

Dear Mr. Gregory:

Thank you for the opportunity to comment on the Draft Environmental Impact Report for the Oakland Army Base Redevelopment Plan.

The National Trust for Historic Preservation, the country's largest private nonprofit organization, is dedicated to protecting the irreplaceable. With more than a quarter million members nationwide, it provides leadership, education and advocacy to save America's diverse historic places and revitalize communities. It has six regional offices and works with thousands of local community groups in all 50 states, representing over 26,000 members in California alone. The National Trust has served as a consulting party or otherwise commented on a number of military base reuse projects throughout California, including the Presidio and Mare Island in the Bay Area.

The DEIR for the Oakland Army Base generally states that the objective of the redevelopment is to "eliminate or alleviate blight...over the whole project area," although specific project information in individual sub-districts is not included. (DEIR, 3-18) Indeed, the DEIR acknowledges that "[d]etailed information regarding redevelopment activities on specific parcels is, for the most part, not yet available." (DEIR, 3-24) Nonetheless, widespread demolition of historic resources, including the entire OARB Historic District, is deemed necessary to achieve project objectives. (DEIR, 4.6-20)

This conclusion appears premature given the lack of information available on development projects in individual sub-districts, precluding consideration of a range of alternatives as required by CEQA. As such, the DEIR cannot legitimately be relied on to justify demolition of historic resources in future development projects without additional environmental review, including a detailed analysis of the potential for adaptive reuse. If adaptive reuse of historic buildings cannot be "feasibly" accomplished in compliance with the *Secretary of the Interior's Standards*, other options should be considered before total demolition, including additions, interior renovations, relocation, and partial demolition/new construction.

W15-1

Thank you for the opportunity to comment on the DEIR. Please feel free to contact me at (415) 956-0610 or mike_buhler@nthp.org should you have any questions.

Sincerely,



Michael Buhler
Regional Attorney

06/13/2002 12:16 5109862653

06/12/02 WED 15:52 FAX 415 956 0837

NATIONAL TRUST WRO

PAGE 03

001

WESTERN OFFICE



NATIONAL TRUST
for HISTORIC PRESERVATION

Fax Transmission

To: Mr Scott Gregory, EIR Project Manager, c/o Aliza Gallo

Fax: (510) 238-2226

From: Michael Buhler, Regional Attorney *MB*

Fax: (415) 956-0837

Subject: Oakland Army Base - Draft EIR Comments

Date: June 12, 2002

Pages: Number of Pages, including this cover sheet: 2

COMMENTS:

Protecting the Irreplaceable

(415) 956-0610; Fax (415) 956-0837

<http://www.nationaltrust.org>; E-mail: wro@nthp.org

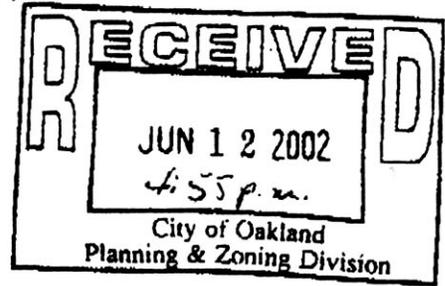
8 California Street, Suite 400, San Francisco, California 94111-4828



Sierra Club
Northern Alameda County Regional Group
San Francisco Bay Chapter
2530 San Pablo Ave., Suite I, Berkeley, CA 94702 (510) 848-0800

June 12, 2002

Mr. Scott Gregory, EIR Project Manager
c/o Ms. Aliza Gallo
250 Frank Ogawa Plaza, Suite 3315
Oakland, CA 94612



Re: DEIR for Oakland Army Base Area Redevelopment Plan

Dear Mr. Gregory

The Sierra Club's Northern Alameda County Group concurs with the comments submitted on June 12, 2002 by Oakland Heritage Alliance and by this reference, incorporate them.

W16-1

The purpose of an EIR is to identify significant impacts of a proposed project so an environmentally sustainable proposal can be selected. In this case, there is no clear, consistent plan but the proposed uses for the Gateway development area includes hotels, retail and class "A" office space. This EIR shows that this preferred project has far more significant impacts than the alternatives that focus more on maritime uses, the Full Adaptive Reuse (partial reuse was not studied), Full Maritime, and Gateway Adaptive Reuse/Eco-Park.

W16-2

There is no evidence that these uses, retail, hotels and class "A" office space, are appropriate for this site. There are no market studies to show they would be economically viable in this isolated location or which study the impacts on downtown revitalization. Is it assumed that downtown hotels, stores, and offices are bursting at the seams so we have to look for new sites?

W16-3

The traffic, parking and air pollution impacts alone point out the inadvisability of such development, which requires patronage from great numbers of people at an isolated, auto-dependent site. And by inference, it shows the wisdom of locating such uses at transit nodes like downtown.

W16-4

The City's sustainability policy, as well as smart growth principles dictates that such uses should be located at transit nodes like our downtown.

Common sense says the economic numbers will not add up for these uses at this site and these are fantasy plans. Therefore, the jobs projected are fantasy jobs.

W16-5

06/13/2002 12:16 5109862653

PAGE 02

Whereas reusing the gifts from the Army, such as the warehouses, which are suitable for light industry, media studios, R & D, wholesale markets like the produce market and a variety of maritime related uses, would foster real jobs. In this case, historic preservation, which is resource conservation, is on the same page as job development.

W16-6

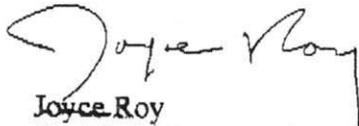
EIRs will be needed to ascertain actual environmental impacts of real projects as they come forward. Demolition of historic resources should only be considered if specific development plans make their reuse infeasible. And certainly there should be no demolition before there are approved, permitted projects.

W16-7

This EIR which has no real proposed project seems to have only one end in sight—clearing the site. Certification of this EIR should not constitute a license to scrape the Army base of all of its historic resources.

W16-8

Sincerely,



Joyce Roy
Co-Chair Conservation

FROM: Kerkard & Associates

FAX NO.: 510-655-5631

27 2002 02:08PM P2/23

STATE OF CALIFORNIA

GRAY DAVIS, Governor

SAN FRANCISCO BAY CONSERVATION AND DEVELOPMENT COMMISSION

50 CALIFORNIA STREET, SUITE 2600
 SAN FRANCISCO, CALIFORNIA 94111
 PHONE: (415) 352-3800
<http://www.bcdc.ca.gov>

VIA FACSIMILE

June 12, 2002

Mr. Scott Gregory
 c/o Ms. Aliza Gallo
 250 Frank Ogawa Plaza, Suite 3315
 Oakland, California 94612

SUBJECT: Draft Environmental Impact Report
 Oakland Army Base Area Redevelopment Plan
 State Clearinghouse Number 2001082058

Dear Mr. Gregory:

We are transmitting the comments of the San Francisco Bay Conservation and Development regarding the above referenced document dated April 2002, hereafter referred to as the DEIR. Although our Commission has not had the opportunity to review the DEIR and therefore these are staff comments only, the comments are based on the Commission's law, the McAteer-Petris Act (California Government Code Sections 66600 through Section 66682), the provisions of the Commission's *San Francisco Bay Plan* (Bay Plan) and the *San Francisco Bay Area Seaport Plan* (Seaport Plan), and the Letter Of Agreement For Consistency Determination No. CN 12-99 regarding the transfer of ownership of the Oakland Army Base from the U.S. Army to the City of Oakland, and transfer of site management to the Oakland Base Reuse Authority and the Port of Oakland. Our comments are directed to the proposed land uses in the Gateway Development Area of the OARB Sub-District and the 16th/Wood Sub-District and focus on the inconsistency of these proposed uses with the documents referred to above.

Gateway Development Area. According to the DEIR, the 189-acre Gateway Development Area would be developed with ancillary maritime support uses that "may include a variety of port-related transportation-supporting facilities..." including truck parking, container freight stations and similar port-related ancillary uses and activities (page 3-41). Figure 3-6b of the DEIR indicates that the Gateway Development Area would be designated in the Oakland General Plan as a "Business Mix" area (Figure 3-6a). We understand that the Oakland zoning code is being revised so the specific uses that would be allowable in the Gateway Development Area designated "Business Mix" are unknown. (page 4.1-15). The Bay Plan and the Seaport Plan designate the approximately 15-acre former Baldwin Railyard parcel as a port priority use area to be used exclusively for port ancillary facilities such as truck parking and container freight stations. It is not clear from reading the DEIR that the Baldwin Railyard property will be designated in the Oakland General Plan for exclusive port-related ancillary uses, nor that the revised Oakland zoning code will designate the property as a zoning district for the exclusive use of port ancillary uses. Without this assurance, it appears that the Redevelopment Plan for the Gateway Development Area is inconsistent with the Commission's planning documents and CN 12-99. This inconsistency should be considered a significant adverse impact. To eliminate the inconsistency and the significant impact, the project proponent could either designate the site in the Oakland General Plan and zoning code for exclusive ancillary port-related uses or apply and have the Commission approve an amendment to the Bay Plan and Seaport Plan deleting the port priority use area designation. If an amendment to the Commission's planning documents were to be proposed by the City of Oakland, the City should consider proposing the substitution of a parcel of land that would serve the identical use and function as the Baldwin Railyard parcel for port ancillary use.

W17-1

16th/Wood Sub-District. As accurately described in the DEIR, the approximately 10-acre area below West Grand Avenue between I-880 and Wood Street is designated in the Bay Plan and the Seaport Plan as a port priority use area to be used for port ancillary uses, primarily truck parking and

W17-2

FROM : g. borcharad & associates FAX NO. : 510-655-5631

27 2002 02:09PM P3/23

Mr. Scott Gregory
June 12, 2002
Page 2

support uses (page 3-37). Any other use of the land, such as the DEIR states is being considered by the City of Oakland, would be inconsistent with the Commission's planning documents and CN 12-99, as is pointed out in the DEIR, and would be a significant adverse impact (pages 3-37 and 4.1-20). To eliminate the inconsistency and the significant impact, the project proponent could either designate the site in the Oakland General Plan and zoning code for exclusive ancillary port-related uses or apply and have the Commission approve an amendment to the Bay Plan and Seaport Plan deleting the port priority use area designation. If an amendment to the Commission's planning documents were to be proposed by the City of Oakland, the City should consider proposing the substitution of a parcel of land that would serve the identical use and function as the 10-acre parcel for port ancillary use.

W17-2
(continued)

Thank you for the opportunity to comment on a very comprehensive and well written DEIR.

Regards,



JEFFRY S. BLANCHFIELD
Chief Planner

cc: Ms. Aliza Gallo, Executive Director, Oakland Base Reuse Authority
Ms. Leslie Gould, Director of Planning and Zoning
Ms. Elois A. Thornton, Oakland Department of Planning and Zoning
Mr. John Glover, Acting Deputy Executive Director, Port of Oakland
Mr. Roger Caswell, BRAC Environmental Coordinator
Rod Blake, Reefer Depot Services, Inc.
Ms. Katie Shulte Jourg, State Clearinghouse, Office of Planning and Research

FROM : g. borchard & associates

FAX NO. : 510-655-5631

27 2002 02:09PM P4/23

EAST BAY REGIONAL PARK DISTRICT



BOARD OF DIRECTORS

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June 7, 2002

Mr. Scott Gregory
c/o Ms. Aliza Gallo
250 Frank Ogawa Plaza, Suite 3315
Oakland, CA 94612

RE: DEIR, Oakland Army Base Area Redevelopment Plan

Dear Mr. Gregory,

Thank you for transmitting a copy of the subject Draft EIR to the East Bay Regional Park District. The District acknowledges references in the document to its plans for the future East Bay Gateway Park and segments of the Bay Trail within the former Oakland Army Base property. We would like to make the following specific comments with regard to the *Cultural Resources, Hazardous Materials* and *Biological Resources* sections of the EIR:

Cultural Resources

The District acknowledges statements in the document that one of the proposed features of Gateway Park will be interpretation of the significant history of the area, including the Bay Bridge, San Francisco ferries, and Oakland Army Base. Part of this interpretive development may include providing a site for historical artifacts from the Army Base; however, we need to point out that there are several factors which may limit the District's ability to make any firm commitment in this regard at present: Specific planning for the park has not yet occurred and will probably not commence for some time, since the park cannot be constructed before completion of the Bay Bridge seven to ten years from now. No funding has yet been allocated for the park's construction or ongoing management. Many historical artifacts require special maintenance and present significant additional management costs. The District therefore concurs with the statement, under Mitigation 4.6-2, that an endowment be funded to cover ongoing maintenance, replacement and curatorial costs. Further investigation needs to be done to determine these costs and the size of an endowment required to provide an adequate maintenance and interpretive program.

Additionally, the size and shape of the Gateway park area on the Bay Bridge spit is extremely limited, and this may be a limiting factor in the design of the park and its capacity to house and display historical artifacts. There may also be some limitations on our ability to site new structures because of concerns about raptor perching, and proposed mitigations (see additional comments under "Biological Resources").

W18-1



FROM : g. borchard & associates FAX NO. : 510-655-5631 27 2002 02:09PM P5/23

Mr. Scott Gregory

Oakland Army Base Redevelopment Area / DEIR

2

Hazardous Materials

The document states that, "...the Army may retain liability for remedial activities at the East Bay Regional Park District Gateway park..." Based on recent discussions between the Army, OBRA and the District, this information may no longer be accurate; and OBRA may be asked to include the Gateway Park area in its scope of work as contractor remediating the remainder of the base. Beyond the statement that, "...there appears to be a landfill area and VOC-impacted area on the Gateway Park site, which is to be transferred to the EBRPD..." (p. 4.7-24, line 18) there is no specific characterization of the contamination problems on the designated public benefit conveyance property for the Gateway Park. This area is part of the Army Base and the redevelopment area; and specific information on site contamination needs be included in the EIR along with other HazMat sites on the base prior to the City's conducting any remedial action. New information indicates that the extent and nature of contamination may be more significant than originally anticipated, both in terms of public health consequences and remediation costs. Remediation represents a potentially significant impact, which should be addressed in the Final EIR.

W18-2

W18-3

Proposed mitigation actions should include a characterization of proposed land use (in this case, Open Space / Outdoor Recreation) upon which to establish risk-based cleanup standards. This will facilitate DTSC review of and comment on proposed mitigation procedures.

W18-4

Remediation strategies should include and evaluate alternatives to site excavation and removal, including a containment strategy for the landfill site consisting of a cap-and-seal and, if necessary, a perimeter containment dike. The site description earlier in the EIR (p. 4.1-18) notes that much of the Gateway spit area is inundated during high tide and storm conditions, and that shoreline armoring and minor Bay filling may be required to prevent further erosion and damage to the property. Proposed mitigation strategies should take this condition into account and consider a variety of remediation alternatives which may address both contamination and tidal inundation in a coordinated and comprehensive manner.

W18-5

Biological Resources

Impact 4.12-2, "Redevelopment could result in increased raptor predation on least terns that may forage on the Gateway peninsula," as well as language supporting it in the background discussion, is vague, unsubstantiated and generally speculative. The section on the California least tern (p. 4.12-12) states: "The terns are known to forage in the open water and are purported to roost around the unpaved peninsula on the OARB sub-district, although surveys have shown that most foraging occurs south of Alameda Island." (emphasis added) Discussion of the Peregrin falcon states: "This species has the potential to forage and roost in the study area." (emphasis added) In fact there is no documentation for roosting activity by either species on the Gateway peninsula.

W18-6

Correspondence from Mr. Roger Caswell, BRAC Environmental Coordinator, to Wayne White, USFWS, states: "...field surveys as well as a review of extensive studies conducted for the Port of Oakland's Vision 2000 and Harbor Improvement programs, and the San Francisco-Oakland Bay Bridge East Span Seismic Safety Project indicated that least terns and brown pelicans

Mr. Scott Gregory

Oakland Army Base Redevelopment Area / DEIR

3

occasionally use the waters of the Outer Harbor south of the sand spit for foraging. Least terns were observed resting in the waters of the Outer Harbor during field surveys of the project... The areas south and west of the colony [at Alameda NAS], however, are proven to be much more popular for least tern foraging than the Oakland Outer Harbor area near OARB. Only a small percentage of the tern sightings and diving attempts were observed in the Outer Harbor." He continues: [The least tern and brown pelican] "occasionally use the waters around OARB to forage for fish. They may occasionally use the sand spit land area for resting, though they have never been observed doing this." Mr. Caswell concludes that, "...the disposal and reuse of the OARB is not likely to adversely affect any listed species or critical habitat under the jurisdiction of the USFWS. Formal consultation under the ESA will therefore not be necessary." and requests the concurrence of the Service to that effect. (letter to Wayne White, USFWS, stamped Sept 30, 1999, appendix 4.12j, emphasis added)

In a separate letter, dated August 3, 2000, Mr. Caswell states that, "...the army, OBRA, and the EBRPD believe that it would not be appropriate for the Army to set specific restrictions on reuse. We believe that it would be more effective for the new owner [EBRPD] to negotiate restrictions with [USFWS] when specific design and use intentions for the parcel are available to be reviewed. Therefore, we propose to include the following more general restriction within the [property] transfer document:

'Prior to site development or other opening of the property parcel known as the 'Spit' area ... to public access or other reuse, the new owners will coordinate with and obtain approval of their specific development plan for the property from the USFWS Endangered Species Office.'

In a response, dated October 11, 2000, Karen J. Miller, Chief, Endangered Species Division, USFWS, states: "The US Fish and Wildlife Service has reviewed the provided documents regarding the disposal and reuse of the Oakland Army Base, and concurs that the action(s) are not likely to adversely affect least terns." (emphasis added)

These conclusions notwithstanding, Mitigation 4.12-2, proposes that "Tall ornamental trees that could provide perches for raptors shall be prohibited in the design of the Gateway Park." As noted above, detailed design for the Gateway Park has not yet begun; and the Park District, in preparing a Land Use Plan for the park will hold natural resource and habitat protection high among its priorities and design criteria. However, it should be noted that the absence of landscape trees presents a serious constraint to the design of a park, particularly one located in a primarily industrial redevelopment area. In this situation, landscape plantings may be an important element in creating a visual and sound buffer between the park and the adjacent freeway, as well as an amenity to other development anticipated on the Army Base. We would also point out the logical inconsistency of discouraging the use of trees in the park, when adjacent development is required to preserve them, and when virtually all adjacent land uses will offer superior raptor perches, including multi-story buildings, Port cranes and light standards, and the Bay Bridge, itself. In this context, any minor increase in potential perching locations due to park development would have an inconsequential impact to least tern—if any were present—as well as other birds.

W18-6
(continued)

FROM : g. borchard & associates

FAX NO. : 510-655-5631

27 2002 02:10PM P6/23

Mr. Scott Gregory

Oakland Army Base Redevelopment Area / DEIR

4

In conclusion, sections of the EIR relating to least terns and potential raptor predation should be revised to consider the following facts:

- There is no documentation of least tern roosting on the subject site. (Reference to a failed nesting attempt, PRBO, 2002, appears to be anecdotal). Existing documentation indicates that there is scarce least tern presence of any kind in the entire area.
- OBRA, the Army and USFWS all concur that there is no likely affect of reuse actions on the least tern, and that there is no need for specific mitigation measures or restrictions on site use at this time. The text of the EIR should be revised to include all of the above documentation. Impact 4.12-2 lacks factual basis and should be deleted.
- Mitigation 4.12-2 is logically inconsistent with Impact 4.12-6, referring to the potential loss of protected trees on the base and Mitigation 4.12-7, requiring the replacement of native trees at a minimum ratio of 1:1, as well as with actual and anticipated raptor perches including multi-story buildings, cranes, light standards and the Bay Bridge.
- BBRPD has not yet engaged in specific site planning for the Gateway Park. When it does so, it will comply with CEQA requirements and will include USFWS in the review. Parts of the Gateway Park will be additions to Army Base property, outside the geographic scope of the subject document. It is not appropriate for the current programmatic document to propose specific mitigations for the future Gateway Park.

W18-6
(continued)

The Park District requests that the document be revised to reflect these conclusions. Thank you for the opportunity to comment. Please feel free to contact me at 544-2623 with any questions.

Sincerely,



Brian Wiese
Interagency Planning



PORT OF OAKLAND

June 14, 2002

BY HAND DELIVERY

RECEIVED

JUN 18 2002

Mr. Scott Gregory
c/o Ms. Aliza Gallo
250 Frank Ogawa Plaza
Oakland, CA 94612

Dear Mr. Gregory:

**RE: Port of Oakland Comments on Oakland Army Base Area
Redevelopment Plan Draft Environmental Impact Report**

Thank you for the opportunity to review the Oakland Army Base Area Redevelopment Plan Draft EIR. The Port's comments are set forth below and in the enclosed comment letter by Jody Zaitlin.

1. At page 1-13, the Draft EIR states that "the mechanism for enforcing mitigation measures would be through the City's implementation of the Mitigation Monitoring Program, the Port's role as a responsible agency to the EIR, and potentially through subsequent land conveyance conditions from the City to the Port." The City has agreed with the Port to revise the last portion of the sentence to read, "subsequent land conveyance conditions as agreed to by the City and the Port." W19a-1

2. At page 1-19, line 24, the word "Potential" should be added before "Increases in risk of introduced invasive species in San Francisco Bay under redevelopment-specific and cumulative conditions." As the Port explains in its comment letter regarding non-indigenous species, it is unknown whether the increased ship traffic associated with reuse of OARB will lead to increased risk of invasive species becoming established in San Francisco Bay, in part because no accepted method exists to quantify that risk, and in part because improved ballast water management technologies may be identified and implemented at the national level before buildout is completed. However, because risk may increase due to the project, and because it is unknown whether new mitigation measures will become available to reduce this potentially significant impact to a less-than-significant level, the Port believes this impact is both potentially significant and potentially unmitigable. W19a-2

3. At page 1-20, line 15, the City has agreed to insert the following two sentences after the first sentence: "As required by CEQA, the Port and City will each implement feasible mitigation measures identified in the Environmental Impact Report (EIR); no mitigation W19a-3

Mr. Scott Gregory
June 14, 2002
Page 2

- measure may be modified in the future until further CEQA review has been conducted. The Port and the City would pay their respective fair shares of mitigation funding obligations based on a “nexus” analysis of Port and City development impacts, to be agreed to in good faith between City and Port.” W19a-3 (continued)
4. With respect to the discussion of the California State Lands Commission (“SLC”) at pages 3-6 and 3-8, while the Port does not entirely concur with the description of the trust issues, this is not an environmental issue and the City is aware of the SLC’s position. W19a-4
 5. On page 3-28, Figure 3-6b - Proposed for Oakland General Plan Land Use Classification, the land use labeled Park and Urban Open Space on the western most strip of Port View Park in Middle Harbor does not contiguously run to the end of Berth 38. The small strip of park ends about 200 feet short of the southeast corner of Ben E. Nutter Terminal, between the small notch shown on the graphic and the corner of the terminal area. W19a-5
 6. With regard to page 3-29, lines 24-28, the City has agreed to clarify that responsibility for funding the relocation of the “Loop Road” has not yet been determined and would be the subject of “fair share” negotiations between the City and the Port. W19a-6
 7. The City has agreed to delete the bullet point at page 4.1-5, lines 14-15, of the Draft EIR because the January 29, 2001 Amendment to the BCDC Seaport Plan does not include the provision identified. W19a-7
 8. Mitigation Measure 4.2-3 is not feasible for the Port to implement. That mitigation measure states that if, despite Mitigation Measures 4.2-1 and 4.2-2, “subsequent land use incompatibilities are identified, the Port and City shall jointly develop, implement, and fund on a fair share basis additional strategies to reduce incompatibilities. . . . Strategies to reduce incompatibilities may include and are not limited to the following: setbacks from the property line; landscape buffering; and fencing or walls.” The Port cannot implement a setback on its side of the Port/City property line without reducing the 1000 acres of marine terminal space necessary to meet the cargo throughput projections of the Seaport Plan. For the Port to fund a setback on the City side of the property line, landscaping, fencing, and/or walls--based on an impact that would arise only because the City has decided to introduce “dissimilar uses” adjacent to the Port—would be an inappropriate use of Port funds under the tidelands trust and the City Charter. W19a-8
 9. Having reviewed the traffic and air quality appendices to the Final EIR, the Port believes the Draft EIR may have overstated the traffic and air quality impacts arising from redevelopment. The City has agreed to discuss these technical questions with the Port. W19a-9
 10. The City has agreed that at page 4.3-28, Mitigation Measure 4.3-1 should state that necessary intersection improvements should be funded on a fair-share basis or tax increment financing should be used for this redevelopment infrastructure. W19a-10

Mr. Scott Gregory
June 14, 2002
Page 3

11. Similar to Mitigation 4.3-1, the City has agreed that Mitigation 4.3-3 should be funded on a fair-share basis or through tax increment financing. W19a-11
12. Mitigation 4.3-4 calls for the Port and other developers to fund, on a fair-share basis, the City's new "Transportation Enhancement Association" to pay for measures intended to reduce single-occupant vehicle peak hour ridership by 15%. It is understood that the Port's fair share contribution may be achieved either through the Transportation Enhancement Association or through expansion of existing Port programs. W19a-12
13. Section 4.7.2.2. describes regulatory oversight for remediation of the OARB. It is understood that the Port will be given the opportunity to fully participate in the discussions with the regulators. W19a-13
14. The Port understands that the City intends to delete Mitigation 4.9-1 requiring a fire station and instead refer to the fire boat mitigation measure. W19a-14
15. Mitigation Measure 4.12-7 should be revised to make clear that the City's Tree Ordinance does not apply to the Port and that the Port does not obtain tree preservation/tree removal permits from the City. Port staff believes, however, that it is reasonable for the Port to replace any coast live oaks or redwoods removed from Oakland Army Base at a 1:1 ratio, as described in Measure 4.12-7. W19a-15

Sincerely,



Jon Amdur
Acting Department Manager
Port of Oakland
Environmental Planning Department.

cc: Tay Yoshitani
Dan Westerlin
John Glover
David Alexander
Tom Clark
Gay Joseph
Jim McGrath
Diane Heinz
Jim Fowler
Julie Jones
Karita Zimmerman



PORT OF OAKLAND

June 12, 2002

RECEIVED

JUN 18 2002

HAND DELIVERY

Mr. Scott Gregory
c/o Ms. Aliza Gallo
250 Frank Ogawa Plaza, Suite 3315
Oakland, CA 94612

Subject: Oakland Army Base Redevelopment Plan Draft Environmental Impact Report

Dear Mr. Gregory:

On behalf of the Port of Oakland, I have reviewed the Biological Resources chapter of the Draft EIR and have the following comments regarding the non-indigenous species (NIS) discussion in the document. With minor exceptions described below, the Port agrees with the analysis in the Draft EIR. I am writing this letter to provide additional background and to ensure that relevant documents are included in the City's record.

I am an associate Port Environmental Planner and have an M.A. in marine biology, with an emphasis on fishes. Since 1998, I have been actively involved in addressing invasive species issues related to Port projects. I regularly participate in conferences and workshops on aquatic nuisance species and am a member of the California State Lands Commission's Ballast Water Technical Advisory Group and the California Sea Grant West Coast Ballast Outreach Project Technical Advisory Group.

1. The discussion of foreign ballast water beginning at page 4.12-26 of the Draft EIR does not fully explain the difficulty of attempting to assess potential NIS impacts from ballast water discharges. Today, as in the past, there is no accepted methodology for assessing whether a particular port project will significantly increase the risk of NIS

W19b-1

Mr. Scott Gregory
June 12, 2002
Page 2

invasions. It is clear that the risk associated with any particular project is very small. Despite the thousands of species that are carried in ships' ballast water daily, ballast water has been traced as the "probable" source of only 27-87 of the 230 documented NIS in San Francisco Bay since 1849 (Cohen, 1998). The vast majority of the species transported daily in ballast water never take hold in new environments, and many of those cause no ecological harm—but where harm occurs, it can be very severe (Carlton, 2001). A recent report explains the difficulty of predicting invasions for all potential invasion vectors, including ballast water:

The inoculation of a species—the release of one or more species into the environment—is akin to a game of ecological roulette. A species may not travel on a vector, such as ballast water. However, if a species is entrained, it may not survive the voyage. If the species survives the voyage, its release into a new environment may fail. If the species is released, it may die. If it does not die, the species may not reproduce. Even if it reproduces, a host of existing conditions may inhibit the species from becoming established and from spreading. Predicting which species will arrive; their origin; the time of their arrival; and whether they will survive, persist, spread, and proliferate, continue to challenge scientists who study invasion biology. (Carlton, 2001).

W19b-1
(continued)

As the Draft EIR notes, all ballast water discharges into San Francisco Bay are now required to consist of water originating from the U.S. West Coast Exclusive Economic Zone (EEZ) or ocean water (unless ocean exchange cannot be conducted due to safety concerns, which is a rare occurrence for containerships). Beginning of August 1, 1999, with the Port of Oakland's ordinance, and continuing since January 1, 2000 under California legislation (AB 703), ships using Port of Oakland facilities have been required to exchange their foreign ballast water at sea. The concept of ocean exchange is that foreign nearshore waters including NIS are flushed from the ship's ballast water tanks into the open ocean, where the environmental conditions are not conducive to the survival of nearshore species, and replaced with ocean water. This replacement water, containing open ocean species unlikely to survive and reproduce in nearshore waters, is then discharged at the receiving port. Ocean exchange is recognized as the only currently available, effective method for reducing the risk of NIS introductions from ballast water (National Ballast Water Information Clearinghouse, 2002).

Ocean exchange is not, however, believed to be 100% effective in removing NIS from ballast water. Estimates of the effectiveness of ocean exchange for all classes of

Mr. Scott Gregory
June 12, 2002
Page 3

ships range from 39% to 99% (U.S. Coast Guard, 2002 and 1999). It is likely that containerships are the most able, of all classes of ships, to conduct effective ballast water exchange. Containerships are relatively stable and carry their ballast water in many small tanks, rather than a few large tanks. This means that containerships can generally exchange their ballast water, and generally can do so by the “empty/refill” method, without jeopardizing the safety or structural integrity of the ship (Herbert Engineering Corp., 1999). Although all ballast water exchange requirements include an exemption so that exchange need not be performed if the ship’s master determines that exchange would jeopardize the safety of the vessel or crew, this exemption has rarely been invoked for containerships calling at the Port (Falkner, 2002). Thus, although the effectiveness in practice of ballast water exchange has not yet been quantified, it is believed to be relatively effective for containerships and is currently required for ships using Port of Oakland facilities. [The Port is currently sponsoring work by the Smithsonian Environmental Research Center in this area, as described below.] It is unclear, in light of this recent development, whether the volume of ballast water discharged is a good predictor of NIS introductions.

Here, as the EIR notes, the Project may increase ballast water discharges compared to current (2001) conditions; the Project would also be expected to increase ballast water discharge volume compared to future No Project conditions. The number of containership calls throughout the Port is expected to increase with the Project to 2,455 in 2020 from 1,733 during the baseline year, so unless a lower percentage of vessels discharge ballast water with the Project, or the volume discharged per vessel declines, the overall volume of ballast water discharged would increase.

This conclusion is highly uncertain, however, because of other variables. Carriers report that when they discharge ballast water into San Francisco Bay, they do so for one of two reasons. The first is to avoid grounding their ships in shallow channels. Carriers report that when the Corps of Engineers and Port of Oakland completed the Oakland Harbor –42-foot dredging project in 1998, their need to discharge ballast water in order to clear shallow spots significantly decreased (Dames & Moore, 1998). With vessels increasing in size, similar benefits are anticipated when the Corps of Engineers’ and Port’s approved –50 Foot Dredging Project is completed. Thus a smaller proportion of vessels may discharge ballast water in 2020 than in 2001 because of the increased depth of the channels and berths serving the Port of Oakland.

The second category of ballast water discharges occur at berth, where containerships sometimes must discharge and take on ballast water in order to remain level during cargo loading and unloading. New containerships are available with internal ballast water transfer systems that allow ballast water to be shifted from tank to tank within the ship, thus eliminating the need for almost all “in-berth” ballast water discharges. When they

W19b-1
(continued)

Mr. Scott Gregory
June 12, 2002
Page 4

order new ships, carriers can specify this internal piping, which would further reduce future ballast water discharges (Schilling, 2002). Because containerships have useful lives of 20 to 25 years, and because not all carriers are ordering containerships with internal ballast water transfer systems when placing their orders for new ships, it is unknown to what extent these ships will be incorporated into the fleet by 2020.

Third, it is unclear if ships' captains are attempting to minimize their ballast water discharges after they have conducted open ocean exchange. Because it remains unknown precisely how effective ocean exchange by containerships is, it is possible that by reducing the volume of exchanged ballast water that they discharge, the carriers could further reduce the risk of NIS introductions.

W19b-1
(continued)

The fourth, and greatest, uncertainty is whether the United States or the International Maritime Organization will identify and impose new ballast water treatment/management measures before 2020 that are even more effective than ocean ballast water exchange. Over 20 different treatment/management measures are currently being studied on a small scale, including the cyclonic-separation and ultraviolet-light treatment that the State Lands Commission is testing with Port funding. If any of these measures is found effective and adopted, and is more effective than ocean exchange, then the relevance of volume of ballast water discharge will be further reduced.

2. At page 4.12-26, lines 7-18, the Draft EIR presents a list of variables affecting the probability that a discharge of invasive species will lead to successful establishment, including "the amount of sediment at the bottom of the ballast tanks or sea chests." It should be noted that the methods, timing, and location of sediment discharge are considered crucial to the relevance of this factor. As the Draft EIR notes elsewhere, the sediments in the ballast water tanks of containerships are normally discharged when the ship is in dry dock or during routine maintenance in the open ocean. Because San Francisco Bay has no dry docks for containerships, the Port does not believe sediment discharge is an important risk factor associated with Port expansion projects.

W19b-2

3. The Draft EIR briefly mentions hull fouling. "Hull fouling" refers to the attachment of organisms to the hull of a ship. It is possible for NIS to be introduced through hull fouling where an organism or its propagules are detached from a ship's hull in a new environment. Although historically, hull fouling was probably a significant source of invasions from wood-hulled ships, it is unknown to what extent hull fouling is currently a source of invasions, given anti-fouling paint on ships, shorter stays in port, and faster travel times than in the past (Carlton, 2002). However, the use of organotins which are effective anti-fouling agents in anti-fouling paints, including use on vessel hulls has recently been

W19b-3

Mr. Scott Gregory
June 12, 2002
Page 5

banned by the International Maritime Organization because of toxicity concerns. The ban becomes effective for new applications in 2003, with the total removal of overcoatings of organotin based-paints required by 2008. The effectiveness of the anti-fouling paints that will replace organotins in reducing the risk of NIS introductions is not known (Champ, 2002).

At present there is insufficient information known about the types and numbers of NIS introductions from organisms transported on ships' hulls from which to analyze impacts. The Port is sponsoring research by the Smithsonian Environmental Research Center (see below) that will perform quantitative surveys of the organisms attached to the hulls of certain containerships visiting the Port. This information, which is expected to be obtained by 2004, is expected to be a useful first step in assessing the risk of NIS invasions from hull fouling.

W19b-3
(continued)

4. According to the EPA, there are over 20 ballast water treatment/management methods currently under study. However, no technology is undergoing large-scale implementation yet as an alternative to ballast water exchange (EPA, 2001). Ballast water exchange is the only existing effective management tool to reduce the risk of ballast-mediated invasion (National Ballast Water Information Clearinghouse, 2002).

The Port of Oakland is funding research into NIS performed by the Smithsonian Environmental Research Center (SERC). SERC is studying the following three questions for containerships calling at the Port:

- The types and densities of organisms that are attached to the hulls of ships visiting the Port;
- The density of microorganisms present in ballast water, with particular emphasis on known fish pathogens; and
- The efficacy of mid-ocean ballast water exchange by containerships in terms of removal of the original water and removal of microorganisms and cyst-forming species.

W19b-4

Recently, SERC's research has been delayed by the increased difficulty of obtaining access to ships due to heightened security measures; SERC now expects to complete its research in late 2003 or 2004.

In addition, the Port is funding, through the California State Lands Commission, installation and evaluation of an experimental treatment system aboard a

Mr. Scott Gregory
June 12, 2002
Page 6

containership that frequently calls at Oakland. The system was installed on the ship in early 2002. Initial trials are scheduled to begin in the Summer of 2002.

According to the EPA (EPA, 2001), "...there are currently no ballast water management methods that are both universally applicable and proven effective at preventing ANS [Aquatic Nuisance Species] introductions." However, a number of management and treatment techniques are currently under investigation (*see* page 15 in EPA, 2001), and some of these or other approaches may prove to be effective and practicable for implementation by 2020. Until a coordinated national regulatory program is implemented (*see* EPA, 2001), the Port cannot require ballast water treatment, because any treatment method, whether ship-board or shore-based, would require physical retrofits to ships, and the Port cannot legally require ships in international commerce to conduct any such retrofits.

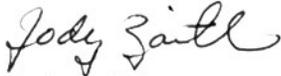
W19b-4
(continued)

5. Mitigation Measure 4.12-10 calls on the Port to continue to enforce its ballast water ordinance. Two points should be clarified. First, regardless of redevelopment, the Port's intent is to continue to enforce its ordinance and to continue requiring ocean ballast water exchange even if state law does not require such exchange until a more effective and practicable solution is found and adopted, preferably at the national or international level. Second, the word "useful" should be added to page 4.12-32, line 4: "...the Port will continue to operate those non-pre-empted portions of its program that provide *useful* information not obtained through other programs." The Port is currently collecting data regarding ballast water discharge from within the EEZ that, to the best of the Port's knowledge, no other entity is collecting. The Port is committed to do so as long as the collection of such information is useful, but does not intend to collect this information through the year 2020 if it is no longer deemed useful.

W19b-5

Mr. Scott Gregory
June 12, 2002
Page 7

Sincerely yours,



Jody Zaitlin

Enclosures:

Attachment 1: Cohen, A.N., 1998. Ships' Ballast Water and the Introduction of Exotic Organisms into the San Francisco Estuary: Current Status of the Problem, and Options for Management. San Francisco Estuary Institute, Richmond, CA.

Attachment 2: Carlton, J., 2001. Introduced Species in U.S. Coastal Waters; Environmental Impacts and Management Priorities. Prepared for the Pew Oceans Commission. Arlington, VA.

Attachment 3: Environmental Protection Agency, 2001. Aquatic Nuisance Species in Ballast Water Discharges; Issues and Options. Draft Report September 10, 2001.

Attachment 4: Herbert Engineering Corp., 1999. Ballast Water management for Containerships: Implications for the Port of Oakland. Report prepared for the Port of Oakland, September 7, 1999. Alameda, California.

Attachment 5: URS Corporation/Dames & Moore, 2000. Feasibility of Onshore Ballast Water Treatment at California Ports. A study conducted on behalf of the California Association of Port Authorities (CAPA) pursuant to a Small Grant Assistance Agreement with the U.S. Environmental Protection Agency.

Mr. Scott Gregory
June 12, 2002
Page 8

References:

Cohen, A.N., 1998. Ships' Ballast Water and the Introduction of Exotic Organisms into the San Francisco Estuary: Current Status of the Problem, and Options for Management. San Francisco Estuary Institute, Richmond, CA.

Carlton, J., 2001. Introduced Species in U.S. Coastal Waters; Environmental Impacts and Management Priorities. Prepared for the Pew Oceans Commission. Arlington, VA.

Carlton, J., 2002. Introduced Species and the Ocean. Accessed on the World Wide Web at <http://discuss.washingtonpost.com/wp-srv/zforum/02/carlton030702.htm> on March 7, 2002.

Champ, M.A., 2002. The Potential for the Implementation of the IMO Antifouling Convention (Banning TBT-Based Marine paints) to Promote the Introduction of Invasive Species. 11th International Conference on Aquatic Invasive Species, Alexandria, Virginia, February 27, 2002.

Dames and Moore, 1998. Technical Memorandum: Ballast Water Management, Port of Oakland. San Francisco, CA. Printed as Appendix F to the Port of Oakland's Berths 55-58 Project; Final Environmental Impact Report. April 1999.

Environmental Protection Agency, 2001. Aquatic Nuisance Species in Ballast Water Discharges; Issues and Options. Draft Report September 10, 2001.

Falkner, M., 2002. Personal Communication March 14, 2002. State Lands Commission.

Herbert Engineering Corp., 1999. Ballast Water management for Containerships: Implications for the Port of Oakland. Report prepared for the Port of Oakland, September 7, 1999. Alameda, California.

National Ballast Water Information Clearinghouse, 2002. Accessed on the World Wide Web on 2/24/02 at <http://invasions.si.edu/ballast.htm>.

Schilling, S. Herbert Engineering, Alameda Ca. Personal communication, January 31, 2002.

US Coast Guard, 2000. 67 Federal Register 9632-9638 (Mar. 4, 2002).

US Coast Guard, 1999. 64 Fed Reg. 26672-26690 (May 14, 1999)]

FROM : g. borchard & associates FAX NO. : 510-655-5631

27 2002 02:14PM P18/23



Gray Davis
GOVERNOR June 13, 2002

STATE OF CALIFORNIA
Governor's Office of Planning and Research
State Clearinghouse



Tal Pinney
INTERIM DIRECTOR

Scott Gregory
City of Oakland
250 Frank Ogawa Plaza, Suite 3315
Oakland, CA 94612

Subject: Oakland Army Base Area Redevelopment EIR
SCH#: 2001082058

Dear Scott Gregory:

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 12, 2002, 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."

Those 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.

W20-1

Sincerely,

Terry Roberts
Director, State Clearinghouse

Enclosures
cc: Resources Agency

1400 TENTH STREET P.O. BOX 3044 SACRAMENTO, CALIFORNIA 95812-3044
916-445-0613 FAX 916-323-3028 www.opr.ca.gov

FROM : g. borcard & associates

FAX NO. : 510-655-5631

27 2002 02:14PM P19/23

**Document Details Report
State Clearinghouse Data Base**

SCH# 2001082088
Project Title Oakland Army Base Area Redevelopment EIR
Lead Agency Oakland, City of

Type EIR Draft EIR
Description Adoption and implementation of a redevelopment plan for a 1,800 acre project area, with a decommissioned military base at its core. 710 acres are to be remediated, rehabilitated or re-constructed, infrastructure installed, and mixed use business-oriented uses as well as transportation-oriented industrial facilities built and operated.

Lead Agency Contact

Name Scott Gregory
Agency City of Oakland
Phone 510-835-8690 **Fax**
email
Address 250 Frank Ogawa Plaza, Suite 3315
City Oakland **State** CA **Zip** 94612

Project Location

County Alameda
City Oakland
Region
Cross Streets Maritime Street, West Grand Avenue
Parcel No. Multiple
Township **Range** **Section** **Base** West Oak

Proximity to:

Highways SR-24, I-80, I-880, I-580
Airports
Railways UP, BNSF, SP
Waterways S.F. Bay
Schools
Land Use Presently, a decommissioned military facility and surrounding port and industrial area; Rallyard facilities, maritime transportation, older administration and business military buildings, transportation-oriented industry; limited residential (20 loft units). Zoning is industrial.

Project Issues Air Quality; Archaeologic-Historic; Drainage/Absorption; Flood Plain/Flooding; Geologic/Seismic; Noise; Public Services; Sewer Capacity; Soil Erosion/Compaction/Grading; Toxic/Hazardous; Traffic/Circulation; Water Quality; Water Supply; Wetland/Riparian; Wildlife; Growth Inducing; Landuse; Cumulative Effects; Aesthetic/Visual; Coastal Zone; Economics/Jobs; Forest Land/Fire Hazard; Housing; Schools/Universities

Reviewing Agencies Resources Agency; Department of Boating and Waterways; Department of Conservation; 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; Integrated Waste Management Board; Regional Water Quality Control Board, Region 2; Department of Toxic Substances Control; Native American Heritage Commission; Public Utilities Commission; State Lands Commission; Other Agency(ies)

Date Received 04/29/2002 **Start of Review** 04/29/2002 **End of Review** 08/12/2002

Note: Blanks in data fields result from insufficient information provided by lead agency.

3 Responses to Comments

1 3. RESPONSES TO COMMENTS

2 This chapter presents the responses to comments received on the draft EIR. These responses
3 are generally presented in the same order that the issues appear in the draft EIR. Each
4 response also lists the comments it addresses.

5 3.1 PROCESS

6 Comments regarding process focused on the following issues:

- 7 • general EIR deficiencies
- 8 • establishment of an inter-jurisdictional working group
- 9 • CEQA processing
- 10 • extension of the public review period
- 11 • subsequent project-specific and environmental review
- 12 • flawed CEQA process regarding alternatives
- 13 • purpose of CEQA
- 14 • market analysis
- 15 • Caltrans properties
- 16 • Section 106 process
- 17 • development levels
- 18 • lack of analysis of a WOCAG alternative

19 3.1.1 General EIR Deficiencies

20 *This response addresses comments V6-3 and W5-1.*

21 **EIR Format.** The draft EIR was made available in book, compact disk (CD), and Internet
22 versions. Some confusion arose regarding the format of the CD. The CD contained files in
23 portable document file format (so-called “pdf” files). Two folders were on each CD, one labeled
24 “EIR Text” and one labeled “EIR Figures.” Text files were named with combined
25 numeric/descriptive file names corresponding to the numbers and titles of the chapters and
26 major sections of the book. Additionally, the Table of Contents file could be used to navigate the
27 remaining files (that is, the user could open the Table of Contents, click on chapter file names,
28 and the file for the indicated chapter or major section would be opened for viewing). Figure files
29 were named F#-#, corresponding to their unique numbers in the book. The website edition of
30 the draft EIR originally identified chapters by only numeric names; within a few days of the draft

1 EIRs placement on the City's internet site, combined numeric/descriptive names were used to
2 identify each chapter.

3 **Consistency with CEQA and Other Standards.** One comment stated the draft EIR was
4 generally inconsistent with the requirements of CEQA, and with recent environmental analyses
5 for nearby programs in adjacent jurisdictions. The comment also stated the draft EIR was
6 inconsistent with the standards of the City of Oakland. The comment was not specific. The EIR
7 is both consistent with the requirements of CEQA, and with Oakland City standards, as both
8 may change from time to time, and from project to project, depending on the unique
9 circumstances of the project, its location, and impacts. Because lead agencies will differ in their
10 approaches to CEQA, it is likely this EIR may differ from those evaluating projects or programs
11 in other jurisdictions.

12 **3.1.2 Establishment of an Inter-Jurisdictional Working Group**

13 *This response addresses comment W5-2.*

14 The City of Oakland is pleased to continue its ongoing dialogue with its neighbors regarding
15 inter-jurisdictional cooperation for environmental review of the community reuse of former
16 military facilities. The City would welcome establishment of an inter-jurisdictional working group
17 to identify common opportunities and areas of concern, and to develop, if possible, a consistent
18 approach to environmental analysis.

19 **3.1.3 CEQA Processing**

20 *This response addresses comment W20-1.*

21 One comment from the Governor's Office of Planning and Research, State Clearinghouse,
22 acknowledges the City complied with the State Clearinghouse review requirements for draft
23 environmental documents pursuant to CEQA. The City acknowledges the comment.

24 **3.1.4 Extension of the Public Review Period**

25 *This response addresses comments V1-4, V3-1, V3-2, V3-4, V3-3, V5-12, V5-15, V6-1, V6-2,*
26 *V6-4, W4-5 W4-13, W11-1, and W11-13.*

27 Several comments assert that the public review period for the draft EIR should be extended to
28 enable further comment and review. The City of Oakland, as lead agency for this EIR, has
29 complied with all CEQA Guidelines concerning the public review period. These guidelines
30 (Section 15105) provide that; "the public review period for a draft EIR should not be less than 30
31 days nor longer than 60 days except in unusual circumstances. When a draft EIR is submitted
32 to the State clearinghouse for review by state agencies, the public review period shall not be
33 less than 45 days, unless a shorter period, not less than 30 days, is approved by the State

1 Clearinghouse.” This EIR complies with CEQA’s public review regulatory requirements as
2 follows:

- 3 • As soon as the draft EIR was completed, a Notice of Completion consistent with CEQA
4 Guidelines (Section 15085) was filed with OPR. The date of this notice was April 29, 2002.
- 5 • At the same time that the Notice of Completion was submitted to the OPR (April 29, 2002),
6 the City provided a public Notice of the Availability of the draft EIR, consistent with the
7 requirements of Section 15087 of CEQA Guidelines. This Notice of Availability was
8 published in the Oakland Tribune, and was mailed to the last known name and address of
9 all organizations and individuals who have previously requested such notice in writing. The
10 notice was mailed to all responsible agencies and other public agencies which have
11 jurisdiction by law and/or special expertise with respect to various projects and project
12 locations (including the Oakland Heritage Alliance), to all members of the West Oakland
13 Community Advisory Group (WOCAG), and to other agencies or organizations which are
14 included in the City’s list of standard notice recipients. The Notice of Availability was also
15 posted at the offices of the Alameda County Clerk.
- 16 • On or about April 29th, individual copies of the draft EIR were mailed or delivered to City
17 decision-making bodies (i.e., OBRA, the Oakland Redevelopment Agency, the Planning
18 Commission, the Landmarks Preservation Advisory Board) and to West Oakland Community
19 Advisory Group (WOCAG) sub-committee chairpersons. Copies of the draft EIR were also
20 furnished to the Oakland Main Library and the West Oakland Branch public library.
21 Additional copies of the draft EIR were also made available to individuals and/or
22 organizations (such as members of the Oakland Heritage Alliance) as requested during the
23 public review period.
- 24 • Copies of the draft EIR and documents referenced in the EIR were made available for public
25 review throughout the duration of the public comment period during the lead agency’s
26 normal working hours at the Planning Department , 250 Frank Ogawa Plaza, Suite 3330.
- 27 • The main text of the draft EIR (Volume I) was posted on the City of Oakland web site. This
28 was followed by posting of Volume II (the Technical Appendices) and the technical Traffic
29 Supplement on the web site.
- 30 • A public hearing was held on the draft EIR at the regularly scheduled June 5th meeting of
31 the Planning Commission, during which oral comments on the EIR were received. Oral
32 comments from that meeting are responded to in this Final EIR.
- 33 • The public comment period was closed at the end of business, 4:00 p.m. on June 12, 2002,
34 45 days after the Notice of Completion was filed and the Notice of Availability was provided.
35 All comments received as of that date are included in, and responded to in this final EIR.

36 Based on the City’s compliance with the public review process required under CEQA, there are
37 no legal requirements that would mandate a longer public review period. Adequate time was
38 provided for the public to review and comment on the draft EIR. Accordingly, the Planning

1 Commission hearing to receive oral comments was closed on June 5th, and the written
2 comment period was closed at 4:00 p.m. on June 12th.

3 **Adequacy and Availability of the Oakland Army Base Historic Building Reuse**
4 **Alternatives Report.** Several comments base their request for an extended public review
5 period on the belief that a document critical to the EIR was not adequately made available to the
6 public. This report, titled the *Oakland Army Base Historic Building Reuse Alternatives Report*
7 (Nancy Elizabeth Stoltz , April 18, 2002), commonly called the Stoltz Report, contained
8 information pertaining to the possibility of reuse of existing buildings that are contributors to the
9 OARB Historic District. The purpose of the Stoltz Report was to provide an analysis of the
10 physical suitability and cost of rehabilitation and reuse of a number of OARB Historic District
11 structures. As described in Chapter 5 of the Stoltz Report, cost estimates were independently
12 developed by Davis Langdon Adamson based on a component cost system (Stoltz 2002).

13 In addition to the Stoltz Report, this EIR has depended upon information from numerous related
14 materials.. As indicated in the reference section of the draft EIR (Chapter 10 of that document),
15 more than 350 individual sources were consulted. Pursuant to CEQA Guidelines (§15148), each
16 of these sources has been identified, but not included in this EIR.

17 Nevertheless, recognizing the importance that many members of the public have attached to
18 this report, it was made available for review by the public at the Planning Department , 250
19 Frank Ogawa Plaza, Suite 3330, throughout the public comment period. Copies of this report
20 were provided to all members of the Landmarks Preservation Advisory Board along with their
21 copies of the draft EIR prior to, or on May 13, 2002; and as requested by members of the
22 Oakland Heritage Alliance. Additionally, copies of this document have been provided to those
23 members of the public requesting them, free of charge. For brief periods of time, demand for
24 this document exceeded the number of copies available. During these periods, additional copies
25 were made at the printers and then provided to those requesting them.

26 In summary, there was no legal requirement to include the Stoltz Report in the draft EIR, nor to
27 provide advance copy to the Oakland Heritage Alliance. In addition, the 45-day public comment
28 period provided sufficient time to review the draft EIR and related materials.

29 **3.1.5 Subsequent Project-Specific and Environmental Review**

30 *This response addresses comments V4-6, V5-1, V7-1, V7-9, V7-10, V7-11, V11-1, V11-3 W9-*
31 *10, and W15-1.*

32 Several comments have questioned whether this EIR represents the final opportunity for public
33 review of all future, subsequent redevelopment activities within the redevelopment project area.
34 In response to these comments, future public review of individual development projects will
35 occur as part of future project approvals (see also section 3.8.4 of this Response to Comments
36 chapter), and subsequent or supplemental environmental review may occur under certain
37 circumstances as more fully described below.

Future Project Review and Approvals

Future redevelopment activity (individual projects) within the OARB Gateway development area or the 16th & Wood Sub-district will follow the standard project review procedures of the City. Future project review processes anticipated to be necessary to implement the Redevelopment Plan include, without limitation, the following:

- Redevelopment Plan amendment;
- General Plan amendment;
- re-zoning;
- Planned Unit Development (PUD) applications;
- design review;
- Conditional Use permits;
- potential variances; and
- building and other construction permits.

Each of these processes will involve a level of public review consistent with City requirements. Many of these subsequent processes will include hearings before the Planning Commission and potentially before the Landmarks Preservation Advisory Board and/or the City Council. Staff reports will be prepared for these activities analyzing whether these activities are consistent with the General Plan and zoning, and whether they are consistent with the Redevelopment Plan. Approvals for each of these subsequent implementation processes will involve discretionary actions of the appropriate approving bodies.

The City will also continue to provide a liaison for major development efforts in the Port of Oakland jurisdiction. The Port of Oakland, as lead agency for major development efforts within their jurisdiction, will be responsible for subsequent approvals of demolition, infrastructure improvements and subsequent redevelopment activities.

Potential for Additional Environmental Review

Pursuant to Section 21166 of CEQA, subsequent or supplemental environmental review of individual redevelopment activities may be required should one or more of the following events occur:

- Substantial changes are proposed in the project which will require major revisions of the EIR.
- Substantial changes occur with respect to the circumstances under which the project is being undertaken which will require major revisions in the EIR.
- New information, which is not known and could not have been known at the time that the EIR was certified as complete, becomes available.

1 When a subsequent redevelopment activity is proposed, the Lead Agency for that activity (the
2 City, ORA, OBRA, the Port of Oakland¹, the East Bay Regional Park District [EBRPD], or the
3 Department of Toxic Substances Control [DTSC]), will make a determination whether additional
4 environmental review is warranted based on substantial evidence in light of the entire record.
5 Pursuant to CEQA Section 21166, as implemented by the CEQA Guidelines, (14 California
6 Code of Regulations [CCR] §§15162, 15163), the Lead Agency will make one of the following
7 determinations regarding subsequent redevelopment activities:

- 8 1. The activity is not subject to or is exempt from CEQA. No additional environmental review
9 will be required.
- 10 2. The activity would not result in a new significant impact not already disclosed in this EIR or a
11 substantial increase in the severity of a significant impact identified in the EIR. No additional
12 environmental review will be required.
- 13 3. The activity may result in a new significant impact not already disclosed in this EIR, or a
14 substantial increase in the severity of a significant impact identified in the EIR. However,
15 through modification of that subsequent activity or implementation of additional mitigation
16 measures not identified in this EIR, the impact would be avoided or reduced to a less than
17 significant level. A Mitigated Negative Declaration will then be prepared.
- 18 4. The activity may result in a new significant impact not disclosed in this EIR, or a substantial
19 increase in the severity of a significant impact identified in the EIR, and that impact cannot
20 be reduced to a level that is less than significant (the significant impact would be
21 unavoidable). A subsequent or supplemental EIR will then be prepared.

22 3.1.6 Flawed CEQA Process Regarding Alternatives

23 *This response addresses comment W11-1 and W11-13.*

24 A comment has been made that the CEQA process conducted for this EIR has denied the
25 public of an opportunity to consider and analyze an alternative that could achieve the goal of
26 significant job creation with minimum environmental impacts. It has been suggested this
27 alternative, the plan embodied in the original Draft Reuse Plan for the OARB dated July 1998,
28 should have been studied in the draft EIR.

29 **Background.** By way of background on this comment, OBRA approved a Draft Reuse Plan for
30 the OARB in July of 1998 that allocated property to the ORA and the Port for future reuse and
31 redevelopment. Under the 1998 Draft Reuse Plan, ORA would use the area east of Maritime
32 Street for a variety of industrial, office, warehouse and workforce development uses. The Port

¹ The redevelopment district spans the project approval jurisdiction of both the City of Oakland and the Port of Oakland. Within their respective jurisdictions, each agency would exert project approval authority, and would serve as Lead Agency under CEQA, should further environmental review be warranted.

1 would use the area generally now referred to as the Gateway development area for Port Priority
2 uses. This original Draft Reuse Plan was included as Alternative 4 in the Army's EIS for the
3 disposal and reuse of the OARB, as discussed below.

4 Under the federal Coastal Zone Management Act of 1972, the Army must dispose of the OARB
5 in a manner that is consistent to the maximum extent practicable with BCDC's federally
6 approved Coastal Management Program (CMP) for San Francisco Bay. In the San Francisco
7 Bay area, two documents embody the CMP: the McAteer-Petris Act and the Bay Plan (BCDC
8 1998, as amended), which incorporates the Seaport Plan (BCDC and MTC 1997, as amended).
9 In November of 1999, the Army submitted its consistency determination for disposal of the
10 OARB, based on the 1998 Draft Reuse Plan, to BCDC. BCDC staff then informed the Army and
11 OBRA that the proposal to transfer the OARB for reuse under the Draft Reuse Plan was not
12 consistent with BCDC's management program for the Bay. In order to concur with a consistency
13 determination, BCDC would require a reuse plan for the OARB that reserved adequate land for
14 maritime use to avoid unnecessary fill in the Bay for future port expansion.

15 BCDC, the Port of Oakland, the ORA and OBRA then developed a new reuse planning concept
16 for the OARB. This new concept involved numerous subsequent planning efforts, including the
17 following:

- 18 • OBRA and the Port of Oakland applied for an amendment to the Bay Plan and Seaport Plan
19 in September 2000 (OBRA and Port of Oakland, September 2000). The amendment was
20 designed to ensure that adequate acreage would be devoted to meeting BCDC's year 2020
21 container throughput forecasts for the Port, while reserving sufficient property for the City to
22 meet its goals of economic development and job generation.
- 23 • BCDC prepared an environmental assessment analyzing the effects of the proposed
24 amendment in December 2000. This analysis complied with the requirements of CEQA.
- 25 • The application for the plan amendments was approved by BCDC in January 2001.
- 26 • The City of Oakland and OBRA's governing body then approved an Amended Draft Final
27 Reuse Plan on April 2001, consistent with the Bay Plan and Seaport Plan amendments.
28 This April 2001 Reuse Plan identified the "Flexible Alternative" as OBRA's preferred plan for
29 reuse of the OARB.
- 30 • BCDC then issued a letter concurring with the Army's consistency determination for the
31 OARB closure and transfer, consistent with the Amended Draft Final Reuse Plan. This
32 consistency concurrence was issued in May 2001.
- 33 • The Army then prepared a Supplemental draft EIS in June of 2001, describing the Amended
34 Draft Final Reuse Plan as the "Reconfigured Reuse Plan", and analyzing its potential
35 environmental and socioeconomic consequences, comparing it to the original 1998 Reuse
36 Plan considered in the Army's original draft EIS.

1 **Prior Environmental Review.** The comment also specifically suggests that the environmental
2 effects of the currently proposed OARB Reuse Plan have not been weighed against the
3 environmental impacts of the previous 1998 Draft Reuse Plan, and the public has been deprived
4 of an opportunity to compare and comment on these two plans. However, two previous
5 environmental reviews have been conducted.

6 First, BCDC conducted an environmental assessment of the potential impacts of the September
7 2000 amendments to the Bay Plan and the Seaport Plan (BCDC, December 7, 2000).² The
8 public was provided opportunity to comment on BCDC's environmental document both in writing
9 and at the December 2000 BCDC hearing. An additional opportunity to comment on the
10 proposed amendments was provided at the Metropolitan Transportation Commission's (MTC's)
11 January and February meetings, where MTC considered the Seaport Planning Advisory
12 Committee's recommendation to approve the proposed amendments. All comments on the
13 environmental assessment were responded to by BCDC, and the plan amendments were
14 approved by BCDC in January 2001.

15 Second, the Army conducted an environmental analysis of the original 1998 Draft Reuse Plan in
16 its draft EIS (Army 1999), and an analysis of the Amended Draft Final Reuse Plan in its
17 supplemental draft EIS (Army 2000). In the Army's final EIS, an environmental comparison was
18 made between the original Reuse Plan and the "Reconfigured Reuse Plan". In the final EIS, the
19 Army determined that potential effects of the Reconfigured Reuse Plan (both the types and
20 degrees of effects) fall within the range of effects for the six draft EIS reuse alternatives. That is,
21 the Reconfigured Reuse Plan will not cause additional effects not already considered for the six
22 draft EIS alternatives, or increase the severity of impacts previously identified in the draft EIS
23 (Army December 2001). Specifically, Table ES-1c of the Army's final EIS provides a comparison
24 of the benefits and adverse effects of the Reconfigured Reuse Plan. The conclusions from this
25 table are summarized below:

26 1. Issues where the Reconfigured Reuse Plan would result in potentially more significant
27 environmental effects than the original Reuse Plan include:

- 28 • Inconsistency with the Oakland General Plan, requiring a General Plan amendment;
- 29 • Potential land use incompatibilities with odors from EBMUD facility expansion;
- 30 • Additional rail facility emissions at sensitive receptor locations from the new rail terminal
31 on the east side of the Base; and
- 32 • Additional noise at sensitive receptors from the new rail terminal on the east side of the
33 Base.

² The Secretary of the Resources Agency has certified BCDC's regulatory program, including the preparation of environmental assessments, as the "functional equivalent" to environmental review under CEQA pursuant to CEQA Guidelines Section 15251 (14 CCR 15251).

- 1 2. Environmental topics and other issues where the Reconfigured Reuse Plan would result in
2 no consequential difference compared to effects of the original Reuse Plan include:
- 3 • Water resources;
 - 4 • Geology and soils;
 - 5 • Infrastructure;
 - 6 • Hazardous and toxic materials;
 - 7 • Permits and regulatory authorizations;
 - 8 • Biological resources;
 - 9 • Cultural resources; and
 - 10 • Sociological environment.
- 11 3. Issues where the Reconfigured Reuse Plan would result in potentially greater benefits than
12 the original Reuse Plan include:
- 13 • Additional improvements that would be made to public transit and alternative
14 transportation;
 - 15 • Higher employment and sales levels; and
 - 16 • Multi-use waterfront access to the Bay, and additional quality of life benefits.
- 17 In conclusion, the original Reuse Plan was not analyzed in the draft EIR because it has been
18 determined to be infeasible. The Army cannot convey the OARB to OBRA unless it can
19 determine, with BCDC's concurrence, that the disposal and reuse of the OARB will be
20 consistent to the maximum extent practicable with the federally approved Coastal Management
21 Program for San Francisco Bay. The original 1998 Draft Reuse Plan was found inconsistent
22 with that program. BCDC conducted CEQA-compliant environmental review and approved the
23 amendments to the Bay and Seaport plans based on the amended Draft Final Reuse Plan. No
24 appeal was filed challenging that approval. Moreover, the Army analyzed both the original
25 Reuse Plan and the reconfigured Reuse Plan, providing adequate opportunity for public input.

26 3.1.7 Purpose of CEQA

27 This response addresses comment W16-2.

28 This comment states that the purpose of CEQA is to identify significant impacts of a proposed
29 project so that an environmentally sustainable proposal can be selected. It also states that the
30 "preferred project" has far more significant impacts than many of the identified alternatives.

31 According to CEQA Guidelines (Section 15002), the basic purposes of CEQA are slightly
32 different than as stated in this comment, and are to:

- 1 • “Inform government decision makers and the public about the potential, significant
2 environmental effects of proposed activities.
- 3 • Identify ways that environmental damage can be avoided or significantly reduced.
- 4 • Prevent significant, unavoidable damage to the environment by requiring changes in
5 projects through the use of alternatives or mitigation measures when the government
6 agency finds the changes to be feasible.
- 7 • Disclose to the public the reasons why a government agency approved the project in the
8 manner the agency chose if significant environmental effects are involved.”

9 CEQA (Section 15093) also requires the decision making agency (in this case OBRA) to
10 “balance, as applicable, the economic, legal, social, technological or other benefits of a
11 proposed project against its unavoidable environmental risks when determining whether to
12 approve the project. If the specific economic, legal, social, technological or other benefits of a
13 proposed project outweigh the unavoidable adverse effects, the adverse environmental effects
14 may be considered ‘acceptable’.”

15 These are the factors that OBRA will need to consider and balance when they make their
16 decision, as informed by this EIR, to adopt the Reuse Plan. Additionally, to assist decision-
17 makers, a comparison of impacts from proposed redevelopment and each alternative (including
18 the Gateway Adaptive Reuse/Eco-Park alternative, which is a partial reuse alternative) is found
19 at draft EIR table 7.5-2.

20 3.1.8 Market Analysis

21 *This response addresses comments W4-6 and W16-3.*

22 These comments raise the question as to the appropriateness of the proposed uses for the
23 Gateway development area, and state that there has been no market analysis or studies
24 conducted to show that these uses would be economically viable. Although these comments are
25 more specifically aimed at the merits of the project and not the contents of the EIR (see also
26 Section 3.2.2 of this document), the question of economic viability is a CEQA concern. When
27 OBRA selected the ‘Flexible Alternative’ as their preferred plan for reuse of the OARB, they did
28 so specifically to retain the flexibility to respond to fluctuating market and economic conditions
29 and to maintain the economic viability of the plan over time. As the Reuse Plan states:

30 *Because of the long-term nature of this Plan and the need to retain in the [ORA]
31 the flexibility to respond to market and economic conditions, developer interests,
32 and opportunities from time to time presented for redevelopment, this Plan does
33 not present a precise plan or establish specific projects for the redevelopment,
34 rehabilitation, and revitalization of any area within the project area, nor does this
35 Plan present specific proposals in an attempt to solve or alleviate the concerns
36 and problems of the community relating to the project area. Instead, this Plan*

1 *presents a process and a basic framework within which specific plans will be*
2 *presented, specific projects will be established, and specific solutions be*
3 *proposed and by which tools are provided to the [ORA] to fashion, develop, and*
4 *proceed with such specific plans, projects, and solutions.*

5 These comments also advocate against retail, office, and hotel development in the project area
6 because they would compete with downtown Oakland uses, and should not be the basis for
7 removal of historic buildings. As indicated in Chapter 3, Description, of the draft EIR (Table 3-1,
8 page 3-8), retail uses are anticipated to comprise only 25,000 square feet of the total 2.347
9 million square feet of redevelopment space within the Gateway development area, or
10 approximately 1 percent of the buildout of the Gateway development area. The focus of
11 development within the Gateway development area would include light industrial, research and
12 development (R&D), and flex-office space uses. In addition, some warehousing and distribution
13 facilities and ancillary maritime support facilities would be located in this area. The Gateway
14 development area also includes commitments for public benefit uses (i.e., a park, job training,
15 and possibly homeless assistance programs). Depending on market conditions, the City may
16 elect to include high-end retail, regional-serving retail, and/or a hotel; however, these uses are
17 not included in the project, but are considered under the High Intensity Alternative, as analyzed
18 in Chapter 7 of the draft EIR. As noted in Section 3.1.7 of this document, the decision-making
19 agency will balance as applicable, the economic, legal, social, technological, environmental, or
20 other benefits of a proposed project against its environmental risks, including the potential loss
21 of structures that contribute to the OARB Historic District in making its decision.

22 **3.1.9 Caltrans Properties**

23 *This response addresses comments V2-7, W8-1, W8-2, W8-3 and W8-4.*

24 These comments specifically describe Caltrans' ownership of certain properties within the
25 Redevelopment project area, and limitations for their use under redevelopment. These
26 comments are noted. Specifically, no demolition or clearing of structures is contemplated under
27 the Redevelopment Plan on lands or easements owned by the California Department of
28 Transportation unless these activities are consistent with the Department's
29 operational/development plans. Similarly, no reuse of Department properties is contemplated
30 unless these properties are made available to the City. Coordination with the Department is
31 acknowledged as necessary for all local transportation improvements that interface with the
32 Department's facilities. Finally, it is no longer assumed that the east span of the Bay Bridge
33 project will provide any dredged material for the New Berth 21 project.

1 3.1.10 Section 106 Process

2 *This response addresses comment W9-4.*

3 This comment expresses concern that the 1995 Memorandum of Understanding executed
4 between the State Historic Preservation Officer and the Army pursuant to Section 106 of the
5 National Historic Preservation Act (NHPA), to which OBRA and the Port are concurring parties,
6 may undermine efforts to secure meaningful mitigation measures. Although the executed MOU
7 signifies completion of the NHPA Section 106 consultation, it in no way limits or materially
8 affects mitigation requirements under CEQA.

9 3.1.11 Development Levels

10 *This response addresses comment W7-6.*

11 One comment expressed difficulty in finding basic information about anticipated development
12 levels. This comment is noted, and the reader is referred to Table 31 on page 3-8 for a
13 summary of the Redevelopment project area buildout.

14 3.1.12 Lack of Analysis of WOCAG Alternative

15 *This response addresses comment W12-1.*

16 One comment from the West Oakland Citizen's Advisory Group (WOCAG) Land Use Committee
17 stated that they were insulted that the land use plan prepared and recommended by that
18 committee was ignored and not evaluated in the EIR. WOCAG has been an integral participant
19 in the planning process for the reuse of the OARB and its input on the Reuse Plan as well as
20 the EIR is highly valued. The land use proposal referred to by WOCAG (the "WOCAG
21 alternative") was submitted and considered during the Reuse Plan planning process in 2001.
22 The WOCAG alternative was included along with three other OARB Reuse Plan alternatives in
23 a submittal to the Oakland Redevelopment Agency in early 2001, with a request that the ORA
24 identify a preferred alternative to be forwarded on to OBRA. At that time, the ORA considered
25 the submitted proposals and developed an additional alternative (the "Flexible Alternative") as
26 their preferred alternative. The Flexible Alternative, together with the WOCAG alternative and
27 the three other alternatives were then submitted to OBRA for its consideration at a public
28 hearing. On April 9, 2001, OBRA selected the Flexible Alternative as its preferred alternative,
29 and staff prepared the Amended Draft Final Reuse Plan based on that direction. The WOCAG
30 alternative and the other three alternatives, as a stand-alone alternatives, have no longer been
31 under consideration since that selection.

32 However, many of the recommendations contained in the WOCAG alternative have either been
33 incorporated into the project, or into one of the alternatives, and have been analyzed in this EIR.
34 The following is a comparison of the recommendations contained in WOCAG proposal and the
35 project and/or alternatives;

- 1 • Recommendation: Develop to accommodate the relocation of the Produce Market. Land
2 uses incorporated into the project description include warehouse and distribution, potentially
3 including the produce market.
- 4 • Recommendation: If the Historic Preservation Report indicates warehouses can and should
5 be restored, they should be restored to a use that would not adversely effect the structures.
6 Adaptive reuse of the warehouses was considered in the Full Adaptive Reuse alternative
7 and the Gateway Adaptive Reuse/Eco-Park alternative. Also, please see Section 3.8 of this
8 document regarding the potential for adaptive reuse of all contributing structures to the
9 OARB Historic District.
- 10 • Recommendation: Restore Building No. 1 to serve as office space. Adaptive reuse of
11 Building No. 1 was considered in the Full Adaptive Reuse Alternative and the Gateway
12 Adaptive Reuse/Eco-Park alternative. Also, please see Section 3.8 of this document
13 regarding the potential for adaptive reuse of all contributing structures to the OARB Historic
14 District.
- 15 • Recommendation: The parade grounds should be preserved as public open space,
16 connected to a 50-foot shoreline promenade leading to the spit. The balance of the area to
17 be developed as an Industrial Park. Please see Section 3.8 of this document regarding the
18 parade grounds. A 100-foot shoreline open space corridor has been preserved under the
19 project, leading to the Gateway Park. Additionally, land uses incorporated into the project
20 description include industrial uses.
- 21 • Recommendation: Motor vehicle parking should be reduced by one-half of that required in
22 lieu of off-site parking. Off-site parking to be provided on land beneath the freeway and
23 along the railroad right-of-way, with car pooling and shuttle service. This recommendation
24 was not considered because it would be inconsistent with City parking requirements, and the
25 land recommended for off-site parking is not available from Caltrans or the Port. However,
26 the EIR does recommend implementation of a transit access plan to reduce single-occupant
27 vehicles.
- 28 • Recommendation: Restore Wharves 6 and 6 ½ to house tugboat operations, and use the
29 balance of that area as an industrial park. Wharf 6 and portions of Wharf 6½ will not be
30 preserved under the project, but instead will be used for construction of new Berth 21.
31 However, Wharf 7 and portions of Wharf 6½ will be preserved under the project. Land uses
32 incorporated into the project description include industrial uses.
- 33 • Recommendation: Accommodate the relocation of Port-related trucking activities from the
34 West Oakland community. The project description does include designation of 15 acres of
35 land for ancillary maritime use within the Gateway development area at the site known as
36 the Baldwin Yard. An additional 90 acres of ancillary maritime uses are designated within
37 the Port development area and/or Maritime sub-district.

- 1 • Recommendation: Convey the public park site to the EBRPD for use as public open space.
2 This recommendation is included in the project description, and identified as EBRPD's
3 Gateway Park.

4 **3.2 DESCRIPTION—CHAPTER 3.0 OF THE DRAFT EIR**

5 In addition to suggested edits addressed in Chapter 4, Revisions to the Draft EIR, comments
6 regarding the project description include the following issues:

- 7 • adequacy of the project description
8 • appropriate land uses at the OARB sub-district
9 • general land use descriptions
10 • inconsistencies between the Reuse Plan and the EIR
11 • Tidelands Trust
12 • timeframe for redevelopment

13 **3.2.1 Adequacy of the Project Description**

14 This response addresses comments V4-2, V8-1, V8-2, V9-1, W4-2, W4-4, and W12-2.

15 The comments listed above raise questions with respect to the adequacy of the project
16 description, especially the lack of specificity of contemplated land uses within the Oakland Army
17 Base (OARB). According to the California Environmental Quality Act (CEQA Guidelines, Section
18 15124), the description of a project shall contain the following information, "...but should not
19 supply extensive detail beyond that needed for evaluation and review of the environmental
20 impact." Specifically, Section 15124 of the CEQA Guidelines requires a project description meet
21 the following four requirements:

- 22 (a) "The precise location and boundaries of the proposed project shall be shown on a
23 detailed map, preferably topographic. The location of the project shall also appear on a
24 regional map."

25 The location and boundaries of the project are specifically described in Section 3.3.1 of
26 the draft EIR and are shown on a map on Figure 3-2. A regional vicinity map is shown in
27 the draft EIR as Figure 3-1.

- 28 (b) "A statement of objectives sought by the proposed project. A clearly written statement of
29 objectives will help the lead agency develop a reasonable range of alternatives to
30 evaluate in the EIR, and will aid the decision-makers in preparing findings or a statement
31 of overriding considerations, if necessary. The statement of objectives should include the
32 underlying purpose of the project."

1 Detailed project objectives for the Redevelopment Plan are found in Section 3.3.3 of the
2 draft EIR, including a matrix showing how each objective relates to the individual sub-
3 districts within the Redevelopment project area. The underlying purpose of the project is
4 clearly defined in Section 3.3.1 of the draft EIR, indicating that the proposed
5 redevelopment “is to alleviate physical and economic blight in the project area resulting
6 in part from closure of the OARB.”

- 7 (c) “A general description of the project’s technical, economic and environmental
8 characteristics, considering the engineering proposals if any, and supporting public
9 service facilities.” (underline added).

10 The projects’ technical, economic and environmental characteristics are described in
11 Sections 3.6 through 3.8 of the draft EIR, including a description of anticipated
12 redevelopment activities by sub-district, a description of operational characteristics and
13 activities, and a description of construction characteristics and activities.

- 14 (d) “A statement briefly describing the intended uses of the EIR.”

15 Section 3.9 of the draft EIR includes a list of agencies that are anticipated to use this EIR
16 in their decision-making process, a list of permits and other approvals required to
17 implement the project, a list of related environmental review and consultation
18 requirements, and a list of all lead agency decisions on the project subject to CEQA.

19 Based on these four criteria, the description contained in the draft EIR complies with CEQA
20 Guidelines.

21 Additionally, the primary purpose of this EIR is to describe and disclose potential environmental
22 consequences of City adoption of the Redevelopment Plan (including the incorporated OARB
23 Reuse Plan). The Redevelopment Plan would authorize physical redevelopment activities within
24 the project area. Therefore, the Project Description contains as much information as is
25 available, and assumptions where necessary to enable evaluation and review of potential
26 environmental impacts associated with those physical redevelopment activities. As noted in the
27 draft EIR (page 3-24), the Redevelopment Plan itself only describes a framework, or program
28 for project area redevelopment. Detailed information regarding redevelopment activities on
29 specific parcels is, for the most part, not yet available. However, stable assumptions regarding
30 overall redevelopment densities and activities do exist. Since the majority of comments on this
31 topic focus on the Gateway development area within the OARB, the assumptions regarding
32 redevelopment activities within this area, as described in the draft EIR Project Description,
33 include:

- 1 • The Gateway development area would generally be cleared for new construction. All
2 structures³ would be demolished or de-constructed, and existing paving and concrete would
3 be removed.
- 4 • Surface and subsurface contaminants would be removed or remediated as appropriate to
5 comply with applicable federal, state, and local requirements. Remediation activities will
6 include a variety of activities, such as subsurface excavation and removal of impacted soils,
7 containment and removal of regulated building materials, and ongoing soil and groundwater
8 management programs.
- 9 • Existing Maritime Street would be realigned approximately 400 to 600 feet to the east, and
10 extended in a loop configuration to connect with West Grand Avenue.
- 11 • The Gateway development area would be redeveloped to provide an attractive entry to the
12 City of Oakland, create significant new employment opportunities, and bring new industry
13 and business to the area. Proposed land uses and development intensities for the Gateway
14 development area are based on the “Flexible Alternative” land use plan of the OARB Reuse
15 Plan. As its name implies, this land use program is intended to provide the flexibility to
16 balance economic and community interests for the Gateway development area over time.
17 According to the Reuse Plan, approximately 165 acres within the Gateway development
18 area would be developed with a mix of light industrial, office, R&D, ancillary (and possibly
19 regional) retail, and warehouse/distribution uses, with a maximum development potential of
20 approximately 2,347,000 square feet. Based on gross land availability (including land
21 needed for future roadways, pedestrian circulation, utility easements, etc.), overall
22 development intensity for this area would be a floor-to-area ratio (FAR) of 0.35.

23 These assumptions provide the basis for the analysis contained in the draft EIR, and are
24 sufficient for a general level of impact analysis and development of a mitigation program.
25 Although these assumptions cannot provide the specificity that a more detailed construction
26 project may include, CEQA recognizes that the degree of specificity required in an EIR should
27 correspond to the degree of specificity involved in the underlying activity (CEQA Guidelines,
28 Section 15146). This EIR focuses on the secondary effects that can be expected to follow from
29 the adoption of the OARB Area Redevelopment Plan and the implementation of redevelopment
30 activities, and does not need to be as detailed as an EIR on the specific construction projects
31 that might follow.

32 The assumptions included in the Project Description also provide for a “worst-case” impact
33 analysis. No redevelopment activities outside of the parameters of these assumptions could
34 take place without subsequent environmental review and approval. As a worst-case
35 assumption, it may be possible that future, more detailed plans for the Gateway development
36 area would not result in environmental impacts that are as significant as those described in the
37 draft EIR. For example, the ultimate development plan for the Gateway development area may

³ Wharf 7 and the majority of Wharf 6½ would remain and be reused.

1 comprise a combination of the land use types that is different than that contemplated in the draft
2 EIR (*i.e.*, it may contain more light industrial space and less retail space). This different
3 combination of land uses may result in generation of less than the 19,832 daily trips assumed in
4 the draft EIR. Therefore, the traffic impacts identified in the draft EIR may be overstated.
5 Similarly, if an eventual development scheme for the Gateway development area is established
6 that enables the feasible reuse of certain existing historic structures within the OARB, then the
7 historic resource impacts identified in the draft EIR may be overstated. While this worst-case
8 analysis approach may overstate the eventual environmental effects associated with
9 subsequent redevelopment activities, this approach ensures that all potential effects are
10 identified and that appropriately commensurate mitigation measures are recommended.

11 Finally, other comments on the Project Description assert that the lead agency has “blurred” the
12 project description by including large amounts of land outside of the Oakland Army Base. In
13 fact, the project before the lead agency is the approximately 1,800-acre OARB Area
14 Redevelopment Project area, which includes the lands within the OARB as a critical, but not
15 singular, component. It would not be reasonable to consider just the OARB as the project area
16 in that much of the OARB will be integrated with other, on-going planning efforts within the
17 Port’s Maritime area. To piecemeal the OARB-portion of the Redevelopment project area would
18 only serve to omit important ramifications of the project as a whole. However, where it is
19 particularly relevant the EIR does allocate the increment of certain environmental effects across
20 each of the redevelopment sub-district (*i.e.*, impacts are allocated between the OARB Gateway
21 development area, the OARB Port development area, the Port Maritime Sub-district and the 16th
22 and Wood Sub-district). This sub-district allocation of environmental effects enables the reader
23 to desegregate the environmental effects related solely to the OARB, and is particularly evident
24 in discussions related to traffic generation, air quality emissions, cultural resources impacts, job
25 generation, and aesthetics.

26 **3.2.2 Appropriate Land Uses at the OARB Sub-District**

27 *This response addresses comments V1-5, V2-5, V2-6, V2-9, V7-3, V7-4, V10-1, V10-2, V10-3,*
28 *and W16-4.*

29 Several comments identified the proposed land uses as inappropriate for the site, but did not
30 suggest other uses or alternative project descriptions; several comments from representatives
31 of West Oakland commerce associations and from owners of truck-oriented businesses
32 currently located in West Oakland suggest the entire OARB redevelopment sub-district be used
33 for ancillary maritime support (AMS) land uses. One comment questioned the descriptions of
34 general land uses discussed in draft EIR Chapter 3, Description.

35 The appropriateness of land uses as proposed is a policy issue for the OBRA and Port decision-
36 makers. The draft EIR adequately analyzes the environmental impacts of the Redevelopment
37 Plan, which incorporates the Draft Reuse Plan. Notwithstanding the foregoing, the program
38 description defines General Plan land use classifications as well as a reasonable scenario for

1 site development, given an 18-year development horizon. As recent changes in the Bay Area
2 real estate market underscore, what may be a reasonable and market-supported land use for a
3 site at a particular point in time, may not be market supported or reasonable at another point in
4 time. The land use assumptions of the program description:

- 5 • reflect uses described in the Reuse Plan for the OARB and represent a reasonable
6 development scenario on the full redevelopment area for purposes of environmental
7 analysis;
- 8 • balance environmental costs with environmental and social/economic benefits resulting from
9 area redevelopment;
- 10 • meet the requirements of the Bay and Seaport plans;
- 11 • allow the City, developers, and the Port to flexibly respond to the market over the relatively
12 long development horizon;
- 13 • represent a level of development and return for development at the OARB necessary for the
14 City to demonstrate to the U.S. Army that it is qualified to receive the OARB under a “no
15 cost” economic development conveyance.

16 Several comments from representatives of West Oakland commerce associations and from
17 owners of truck-oriented businesses suggest the entire OARB sub-district be used for ancillary
18 maritime support (AMS) land uses. The redevelopment program does not propose the entire
19 area of the OARB sub-district be dedicated to such uses, but rather 105 acres within the OARB
20 and Maritime sub-districts be developed and dedicated to new AMS land uses. The program as
21 proposed does not preclude development of port-related land uses on the remainder of the land
22 within these sub-districts, as long as land uses to be implemented are consistent with General
23 Plan land use classifications.

24 Moreover, the draft EIR does consider an alternative whereby the full OARB would be used for
25 maritime and AMS uses: the Full Maritime alternative. A comparison of the impacts from
26 proposed redevelopment and each alternative, including the Full Maritime alternative, is found
27 at draft EIR Table 7.5-2. As noted in Section 3.1.7 of this document, the decision-making
28 agency will balance, as appropriate, the socioeconomic, legal, social, technological, and
29 environmental benefits of the proposed project against its environmental risks in reaching its
30 decision as to which project or alternative to select.

31 The merits of the proposed program, including land uses, as presented in the EIR may be
32 further discussed in public forums as individual projects with well-defined land uses are brought
33 before OBRA, City, and Port decision-makers.

34 3.2.3 General Land Use Descriptions

35 *This response addresses comment W7-5.*

1 One comment questioned the descriptions of general land use requirements, as presented in
2 draft EIR Section 3.7, Operational Characteristics and Activities. As stated in the text, these are
3 general requirements; they represent preferred or idealized characteristics of a site and
4 surrounding area, and infrastructure in support of a specific land use. Great variation can and
5 does exist in site development, and few sites will meet all criteria described in this description of
6 preferred conditions. This information was provided in the EIR to assist the reader to understand
7 generally desired characteristics of an area in support of specific land uses.

8 **3.2.4 Inconsistencies between the Reuse Plan and the EIR**

9 *This response addresses comments V4-3 and W4-3.*

10 Two comments point to perceived inconsistencies between descriptions of proposed land uses
11 in the draft EIR and the Reuse Plan. Specifically, the comments indicate the Reuse Plan
12 describes warehousing, retail, and hotel in the Gateway development area, while the EIR does
13 not. This is incorrect. The Reuse Plan actually describes Office uses in the western Gateway
14 development area, with the “possibility of” a hotel. Similarly, the description in the EIR assumes
15 the Office land use is implemented in the western Gateway (see draft EIR Table 3-1 at page 3-
16 31), but holds open the opportunity for other uses in the Gateway, including “high-end retail,
17 regional-serving retail, and/or a hotel,” and indicates these options are evaluated in Chapter 7,
18 Alternatives (see page 3-31). The draft EIR does, in fact, describe warehousing and retail as
19 uses in the Gateway development area (see draft EIR at Table 3-1 and at Section 3.6-2, page
20 3-31).

21 Comment W4-3 states the EIR does not describe specific land uses within the Gateway
22 development area. This is incorrect. Details regarding proposed land uses, activities, and
23 facilities are located in the draft EIR at Chapter 3, Description.

24 **3.2.5 Tidelands Trust**

25 *This response addresses comments W6-1, W6-2, and W19a-4.*

26 Two comments question the description of the State Lands Commission’s (SLC) position
27 regarding the location of Tidelands Trust properties in the redevelopment area (located first in
28 the program description, and subsequently in two other locations). The SLC notes in its
29 comments that the location of Tidelands Trust properties requires further research related to a
30 proposed transfer of the public trust from one property to another within the redevelopment
31 area. The language of the draft EIR will be so revised, as indicated in Chapter 4, Revisions to
32 the Draft EIR.

33 Comments provided by the SLC also clarify the purposes of a land exchange involving public
34 trust lands. The language of the draft EIR will be so revised; clarifications are located in Chapter
35 4, Revisions to the Draft EIR.

1 3.2.6 The Timeframe for Redevelopment

2 *This response addresses comment V4-5.*

3 One comment states the timeframe for redevelopment is unclear. The EIR assumes full
4 redevelopment occurs by 2020, but does not make assumptions regarding phasing of
5 subsequent redevelopment activities, such as building construction, park construction, etc. With
6 respect to remediation activities, site clean-up is expected to occur within the OARB sub-district
7 during the first five to 10 years of program development, and as necessary over the remainder
8 of the redevelopment area through 2020.

9 3.3 PLANS AND POLICIES—SECTION 4.1 OF THE DRAFT EIR

10 In addition to suggested edits addressed in Chapter 4, Revisions to the Draft EIR comments
11 regarding plans and policies focused on issues of consistency.

12 3.3.1 Consistency with Plans or Policies

13 *This response addresses comments W5-11, W9-3, and W17-2.*

14 **General Plans of Neighboring Jurisdictions.** One comment notes the draft EIR does not
15 include an analysis of the consistency of the proposed program with general plans of
16 neighboring jurisdictions. This is because the redevelopment program does not propose
17 physical improvements to be located in neighboring jurisdictions beyond one minor intersection
18 re-striping (to be funded on a fair-share basis by project area developers). Such re-striping,
19 located entirely within an existing street right-of-way, and not including any new physical
20 facilities, would not constitute a “project” subject to an analysis of consistency with General Plan
21 policies.

22 **The Historic Preservation Element of the Oakland General Plan.** One comment expresses
23 the opinion that the draft EIR too narrowly defines properties subject to the policies of the
24 Oakland Historic Preservation Element. The comment also implies the proposed program is not
25 consistent with Policies 3.1 and 3.2, which guide the City to avoid or minimize adverse historic
26 preservation impacts to both privately and publicly held properties.

27 In response, first, all properties identified as cultural resources in Section 4.6: Cultural
28 Resources (see Figure 4.6-2) were considered when assessing consistency with policies of the
29 Historic Preservation Element. See also Section 3.8, Cultural Resources, of this document.

30 Second, according to the Historic Preservation Element, Policy 3.1, which directs the City to
31 make all reasonable efforts to avoid or minimize adverse effects on the character-defining
32 effects of existing or potential Designated Historic Properties, is a general policy which is
33 expressed more specifically in “Other Policies and Their Related Actions,” including Policy 3.2.
34 Policy 3.2, which encompasses policy 3.1, applies only “to the extent consistent with other
35 General Plan objectives.” Additionally, Policy 3.2 specifically exempts properties held by the City

1 for purposes of subsequent disposition, the situation with most structures within the OARB sub-
2 district. The draft EIR at pages 4.1-20 and 4.1-21 describes the tension between the Historic
3 Preservation policies and certain other General Plan policies of the Land Use and
4 Transportation (LUTE) and Hazards elements relevant to proposed redevelopment. The draft
5 EIR further explains that the relevant policies of the LUTE and Hazards elements are applied
6 absolutely, not to the extent they are consistent with other policies, as is the case with relevant
7 preservation-oriented policies. Therefore, because the Historic Preservation Element itself does
8 not identify application of its preservation-oriented policies as absolute, the EIR finds the
9 redevelopment program consistent with the policies as they are applied. The City has made
10 such reasonable efforts by conducting several evaluations of the feasibility of adaptively reusing
11 historic resources (Stoltz 2002; OBRA 2002; Port of Oakland 2002). See also Section 3.8,
12 Cultural Resources, of this document.

13 **The Bay and Seaport Plans.** Several comments address consistency of redevelopment with
14 plans implemented by the Bay Conservation and Development Commission (BCDC). The draft
15 EIR at page 4.1-20 recognizes that approximately 10 acres of proposed redevelopment in the
16 16th/Wood sub-district are not consistent with the underlying Port Priority Use designation of the
17 Bay and Seaport plans, and therefore, the redevelopment program as proposed is not
18 consistent with these plans. Until such time BCDC amends the Bay and Seaport plans to
19 remove the Port Priority Use designation on the 10 acres within the 16th/Wood sub-district,
20 development of non-Port Priority uses as proposed at that site cannot occur. As BCDC has
21 stated in its comments on the draft EIR, if an amendment to the Bay and Seaport plans is
22 proposed to remove Port Priority Use designation from the relevant 10 acres in the 16th/Wood
23 sub-district, the City should substitute 10 other acres of lands for Port Priority Use. Mitigation
24 Measure 4.1-1 (at draft EIR page 4.1-21) provides for this. The measure states the City and Port
25 would not make application to BCDC for plan amendments until a sufficient amount of land for
26 AMS has been identified in the Port and near-Port areas. BCDC did not indicate any other
27 conditions or impediments to the required amendments.

28 **Authority to Amend Plans.** One comment asks the question whether the City of Oakland (a)
29 has the legal authority to require amendment to the Bay and Seaport plans, and (b) would use a
30 similar approach where an analysis of neighboring jurisdiction's plans revealed inconsistencies.
31 In response to (a), the City of Oakland does not have, and the draft EIR does not assume it to
32 have, the legal authority to require amendment of any plan not within its jurisdictional control.
33 BCDC has jurisdiction over portions of this redevelopment area. The EIR reasonably assumes,
34 based on input from BCDC, the relevant jurisdictional agency, and an understanding of BCDC's
35 requirements for the regional shipping industry, that amendment of the Bay and Seaport plans
36 may be reasonably expected under the conditions and assuming the local agency commitments
37 described in the draft EIR. In response to (b), as described above under responses to "General
38 Plans of Neighboring Jurisdictions," redevelopment facilities are not proposed to be located in
39 neighboring jurisdictions, and redevelopment is not subject to a review of consistency with
40 others' general plans.

3.4 LAND USE—SECTION 4.2 OF THE DRAFT EIR

Comments regarding land use focused on the following issues:

- specific land uses
- mitigation for land use incompatibilities

3.4.1 Specific Land Uses

This response addresses comments V1-2, V4-4, V5-13, and W12-3.

The appropriateness of particular land uses will be considered by OBRA during review of the draft Reuse Plan. The environmental impacts of particular land uses have been adequately analyzed in the draft EIR.

Residential. One comment identified residential as an inappropriate land use for the OARB sub-district. Only the Full Adaptive Reuse alternative, which considered locating all components (including residential) of the Homeless Collaborative on the OARB sub-district, included residential uses at the OARB. No other alternative to the proposed program included residential uses at the OARB, nor does the Redevelopment Plan. The Full Adaptive Reuse alternative was determined to be infeasible (draft EIR at page 7-4).

Retail. Several comments identified retail as an inappropriate land use for the redevelopment area. Retail represents less than 0.65 percent (just over ½ percent) of the building square footage of the proposed program (and represents approximately one percent of the proposed square footage of the Gateway development area). This retail is likely to include ancillary retail uses (copy shops, small restaurants, etc.) that support other businesses located in the OARB and Maritime sub-districts, or a small, local community store in the 16th/Wood sub-district. The High Intensity alternative, which is the least environmentally preferred alternative and would result in substantially more severe environmental impacts than the proposed program, is the only alternative that proposes substantial amounts of retail development.

Veteran's Clinic. One comment suggested a Veteran's clinic be incorporated into the proposed program. Such a clinic would be a federal government facility; the federal government has not proposed to place such a facility in the redevelopment area. Should the federal government propose to develop such a facility in the OARB sub-district, its location would isolate the clinic away from a critical mass of other medical facilities, which may make it inconvenient for veterans. However, as long as such a facility is consistent with the General Plan Business Mix land use classification of a portion of the redevelopment area, it would be a compatible use.

Existing Land Uses. One comment stated the EIR did not consider the current land use setting at the OARB, and also does not take into account current jobs at the Base. Draft EIR Section 4.2.4, Subsection OARB Sub-District, details current land uses occurring at the Base under the interim leasing program. Draft EIR Section 4.8.4, Subsection Employment, Setting, describes

1 the current number of jobs at the OARB; Subsection Employment, Alternative Baseline
2 describes the number of jobs at the OARB in the last operational year of the Base (1995). Draft
3 EIR Section 4.8.6 provides the results of an analysis of job generation due to redevelopment.
4 This analysis takes into account jobs currently existing in the OARB sub-district, and those that
5 existed at the Base in the alternative baseline year of 1995. The proposed redevelopment
6 program recognizes the environmental costs of redevelopment, and attempts to balance these
7 costs against the environmental and economic benefits of redevelopment (the latter including
8 job generation).

9 3.4.2 Mitigation for Land Use Incompatibilities

10 *This response addresses comment W19a-8.*

11 One comment addressed Mitigation Measure 4.2-3, which is supplemental to measures 4.2-1
12 and 4.2-2 in addressing potential land use conflicts. The Port finds the measure infeasible to
13 implement for several reasons:

- 14 1. The measure as written is inconsistent with the Seaport Plan because it could require the
15 Port to dedicate land necessary for operations to meet the Port's share of 2020 cargo
16 throughput to non-operational uses.
- 17 2. Funding of some of the requirements of this measure would be an inappropriate use of Port
18 funds under the Tidelands Trust and City Charter.

19 Upon further review, Mitigation Measures 4.2-1, 4.2-2, and the first part of 4.2-3 (City and Port
20 coordination), are adequate to mitigate potential impacts to less than significant levels.
21 Therefore, the second part of Mitigation Measure 4.2-3 is deleted (starting with "If despite these
22 efforts..."). See Chapter 4, Revisions to the Draft EIR.

23 3.5 TRANSPORTATION—SECTION 4.3 OF THE DRAFT EIR

24 Comments regarding potential impacts to transportation systems focused on the following:

- 25 • maritime use of the Gateway development area
- 26 • organization of the draft EIR relative to transportation impacts
- 27 • mitigation measures
- 28 • analysis methodology
- 29 • development assumptions
- 30 • pedestrian safety
- 31 • construction traffic
- 32 • transit operations

- 1
- overestimation of impacts

2 **3.5.1 Maritime Use of the Gateway Development Area**

3 *This response addresses comments V1-1, V2-1, V2-2, V2-3, V2-4, and V2-8.*

4 Several comments indicated the effect of an “all maritime” land use scenario of the OARB would
5 be to remove truck traffic from East Oakland, West Oakland, and Richmond, and improve traffic
6 operations on the circulation system including freeways. The draft EIR at Section 7.5, which
7 describes the effects of alternatives to the proposed program, evaluates the Full Maritime
8 alternative, which assumes only 50,000 square feet of Light Industrial uses (for the Joint
9 Apprenticeship Training Committee) on three acres at the at the Gateway development area.
10 The remainder of that area (except for the Gateway Park), the Port development area, and the
11 Maritime sub-district would be developed as maritime and maritime-related uses, including
12 marine terminals, ancillary maritime support, and the New Intermodal Facility. As the draft EIR
13 states, the Full Maritime alternative would reduce the deficit in truck parking facilities in relation
14 to the proposed program. The draft EIR also states that the Full Maritime alternative is expected
15 to modestly reduce the effect of redevelopment on MTS facilities, including area freeways, but
16 would not provide enough reduction to avoid significant impacts. Many of the freeways in the
17 area would operate at degraded levels of service without redevelopment, and any significant
18 level of redevelopment would likely impact the freeways.

19 Full maritime development of the OARB would provide space at or near the Port for port-related
20 businesses to relocate away from areas sensitive to trucking activity. It could also attract truck
21 activity to the area that would not otherwise be attracted. For example, development of a truck
22 stop at the OARB could attract long-haul truckers who would otherwise not enter the
23 redevelopment area (e.g., a moving van that would pass near or through Oakland, but not stop
24 without a truck stop).

25 Relocation of port-related businesses to the OARB would affect traffic levels depending on two
26 primary factors:

- 27
1. The type of businesses that are relocated.
 2. The types of land uses that would occupy the areas vacated by relocated businesses.
- 28

1 With regard to the second factor, land values have recently escalated in West Oakland and
2 other nearby areas where port-related businesses are currently located. Vacated land in West
3 Oakland could be re-occupied with commercial, office, or other uses that would generate
4 substantial traffic and contribute to a secondary impact of full maritime redevelopment on the
5 MTS, including freeways. Businesses similar to those relocating could occupy these sites,
6 resulting in two truck-related businesses in the West Oakland area, where currently one exists.

7 The Port Services Location Study (Tioga Group 2001) showed that relocation of core services
8 close to the marine terminals could reduce cross-town traffic. Core services include:

- 9 • Port-based, centrally located drayage
- 10 • Frequently used truck services: short-term parking, fuel, tires, and scales
- 11 • Service-oriented portion of refrigerated (“reefer”) container depots
- 12 • Transloaders and consolidators handling heavy cargo

13 Relocation of non-core services would likely have little effect on cross-town traffic. Non-core
14 services include, but are not limited to:

- 15 • Maritime support services such as vendors of ship supplies or related goods
- 16 • Trucking operations: autos, mail, seafood, other commodities
- 17 • Infrequently used trucking support services: road service, repair, sales, and leasing
- 18 • Professional services: customs brokers, engineers, contractors

19 Many of these non-core businesses are located in West and East Oakland to take advantage of
20 the favorable rents and central location. Without Port or City intervention, many could be forced
21 out of the immediate port area due to economic and real estate trends. Inclusion of non-core
22 services in maritime support development areas could attract trucks to the area.

23 The net effect of maritime development on the MTS, including freeways, depends on the types
24 of port support services that would relocate to the OARB, the type of other businesses that
25 might locate there, and the type of businesses that would occupy the areas vacated by
26 businesses that would relocate. In its evaluation of the proposed project and alternatives, the
27 draft EIR made reasonable assumptions regarding the types of maritime and maritime-
28 supporting businesses that would locate in the Port area based on information from a recent
29 study of Port area needs, the *Port of Oakland Services Location Study* (The Tioga Group 2001).
30 Trip generation by maritime and maritime support land uses were based on standard
31 professional industry (Institute of Transportation Engineers) trip generation rates.

32 3.5.2 Organization of the Draft EIR Relative to Transportation Impacts

33 *This response addresses comments W1-1, W1-3, and W1-5.*

1 Several comments indicated confusion regarding the organization of the draft EIR. One
2 comment indicated Table 1-1, Summary of Significant Impacts and Mitigation, was vague and
3 did not indicate specific proposed transportation improvements. Draft EIR Table 1-1, a summary
4 of impacts and mitigation, is not intended to be as detailed as information contained in draft EIR
5 Chapter 4, Setting and Baseline, Impacts and Mitigation.

6 In draft EIR Chapter 4, each impact is numbered and described briefly, followed by a statement
7 of its level of significance, then a description of one or more numbered mitigation measures, and
8 a statement of the residual significance after mitigation. Immediately following that summary
9 information is a detailed discussion of the impact. At the end of the discussion of all the impacts
10 for each topic is a detailed discussion of each mitigation measure related to that topic.
11 Additionally, in Chapter 5, Cumulative Impacts, each cumulative impact of the program (in
12 combination with past, other current, and probable future projects) is fully described with an
13 assessment of the level of significance, immediately followed by a complete discussion of the
14 measure(s) to mitigate the impact.

15 In response to specific comments on incomplete or missing sections in the text and improper
16 cross-references, Impact 4.3-2 (page 4.3-30) lists the MTS roadways that are impacted in the
17 detailed discussion of the impact at page 4.3-31. Mitigation measures 4.3-7, -8, -10, and -12 are
18 summarized at draft EIR pages 1-23, 1-24, 4.3-32, 4.3-33, and 4.3-34, and are described in
19 detail at pages 4.3-42 through 4.3-44. All impacts and mitigation measures are summarized in
20 draft EIR Table 1-1 and described in greater detail in chapters 4 and 5. All cross-references in
21 Chapter 5 to mitigation measures found in Chapter 4 were checked and appear to be correct.

22 3.5.3 Mitigation Measures

23 *This response addresses comments W5-3, W8-12, W11-2, and W19a-12.*

24 Two comments indicated that feasible mitigation measures should be developed that would
25 reduce the unavoidable traffic impacts of redevelopment to levels that are less than significant,
26 and one comment specifically calls for analysis of mitigation measures such as shuttle buses to
27 West Oakland BART, addition of ferry service to the site, and (by reference) a gondola, a new
28 bridge (between Alameda and Oakland), and water taxis. Finally, the Port clarified that its fair
29 share contribution to Mitigation Measure 4.3-4 may be achieved, either through the
30 Transportation Enhancement Association or through expansion of existing Port programs. The
31 City agrees.

32 As stated in the draft EIR at pages 5-13 and 5-14, no feasible measures have been identified
33 that would reduce cumulative freeway impacts to a level that is less than significant. Increasing
34 freeway capacity by adding lanes would not be feasible because of high cost, negative impacts
35 to air quality, and other factors. Adding lanes is inconsistent with the policies of the responsible
36 regional agencies. The City of Oakland has participated in the I-880 Intermodal Corridor Study
37 and the North I-880 Operations and Safety Study, which assessed measures of improving traffic

1 flow on I-880. No measures (other than adding freeway lanes) have been identified that would
2 reduce freeway impacts to less than significant levels.

3 Likewise, no mitigation measures for cumulative conditions have been identified that would
4 improve traffic operations at the West Grand Avenue/Maritime Street intersection to less than
5 significant levels. The intersection is located under the elevated portion of the I-80 West/I-880
6 freeway connection. The reduction of cumulative impacts to less than significant levels would
7 require additional lanes at the intersection. Adding more lanes than shown in Mitigation
8 Measure 4.3-1 at the intersection would require major modifications to the elevated freeway.
9 Major modifications of the elevated freeway were not considered feasible based on technical,
10 environmental, and economic criteria.

11 The portion of the I-80 West/I-880 freeway connection that passes above West Grand Avenue is
12 supported on columns that straddle West Grand Avenue and Maritime Street. Structural beams
13 that support the freeway superstructure above West Grand Avenue are integrated with and
14 supported by the columns. In order to add lanes to the West Grand Avenue/Maritime Street
15 intersection, the columns would have to be set further from West Grand Avenue and/or Maritime
16 Street and the structural beams would need to be longer and thicker to support the
17 superstructure. Reconstructing the elevated freeway may not be technically possible without
18 prohibiting traffic from using either the freeway or the roadways beneath during construction.
19 Diversion of traffic from the I-80 West/I-880 freeway connection to other freeways would
20 exacerbate congestion on the freeways – particularly during peak commute hours – and would
21 increase air pollution. In addition to the structural work previously described, adding lanes
22 sufficient to fully mitigate impacts would require widening the structures on West Grand Avenue
23 either east or west of Maritime Street. Reconstruction that would improve traffic operations at
24 the West Grand Avenue/Maritime Street intersection to less than significant levels is estimated
25 to cost in the tens of millions of dollars.

26 Mitigation 4.3-4 requires the development of a transit access plan with funding from major
27 developers within the project area. The plan would include transportation demand management
28 strategies designed to reduce peak hour trip generation. The detailed discussion of the
29 mitigation measure on page 4.3-40 and 4.3-41 lists many non-transit measures to reduce peak
30 hour trip generation including shuttle service to BART, a parking cash-out program, flextime
31 schedules, telecommuting, and a variety of other measures. The plan shall be funded at a level
32 that would enable the goal of a 15 percent reduction in single-occupancy peak hour ridership.
33 No evaluation of a new bridge, a gondola or addition of water taxi service between Alameda and
34 Oakland was performed because such measures would not substantially reduce the impact of
35 redevelopment on freeways; moreover, redevelopment as proposed would not result in other
36 significant impacts that could be mitigated by such facilities.

1 3.5.4 Analysis Methodology

2 *This response addresses comments W5-5, W5-6, W5-7, and W5-8.*

3 **Trip Generation and Distribution.** One comment (W5-6) concluded that applying the trip
4 generation rates on Table 4.3-6 and the distribution rates on Table 4.3-7 would result in 6
5 percent trip distribution on both Webster Street and Constitution Way in Alameda and stated
6 that conclusion was inconsistent with the volumes shown in Appendix 4.3.

7 First, Table 4.3-7 shows that 2 percent of traffic generated from each of the three sub-districts of
8 the redevelopment area was distributed to Webster Street and Constitution Way. The amount of
9 traffic generated by the entire redevelopment area to each of those streets would be 2 percent.
10 The Webster/Posey Tubes would carry approximately 230 a.m. peak hour trips and 220 p.m.
11 peak hour trips.

12 Second, with respect to the inconsistency with the data in Appendix 4.3, Chapter 5, Cumulative
13 Impacts, of the draft EIR explains that while the CMP analysis is included in Appendix 4.3, a
14 more conservative methodology was utilized in the draft EIR analysis to assess the contribution
15 of redevelopment to cumulative impacts. A more conservative methodology would tend to
16 estimate impacts as more, rather than less, severe. That process is presented in the draft EIR at
17 page 56, which describes a methodology whereby ITE trip generation rates were used to
18 develop traffic volumes resulting from redevelopment. ITE trip generation rates were used to
19 estimate redevelopment traffic because it is customary for EIR analysis and results in a more
20 conservative assessment of project impacts.

21 For example, the CMP analysis shows that the addition of a large employment center within the
22 redevelopment area would capture work trips that would otherwise leave the City of Alameda to
23 go to other employment centers if no redevelopment took place. In other words, people in
24 Alameda that would work at other locations in the East Bay without redevelopment would have
25 an option to work at the redevelopment area instead. The environmental analysis considers all
26 trips attracted to the redevelopment area as new trips and therefore results in a conservative
27 (higher) assessment of impacts.

28 **LOS Analysis.** One comment (W5-5) indicated the levels of service at the 6th/Jackson streets,
29 7th/Jackson streets, 7th/Harrison streets, and 5th Street/Broadway intersections are inconsistent
30 with previous studies.

31 Different analysis methodologies and assumptions were used in the 426 Alice Street EIR and
32 210-228 Broadway EIR traffic studies. These previous studies used the 1985 (as revised in
33 1994) Highway Capacity Manual (HCM) methods. The analysis of traffic impacts of
34 redevelopment in this EIR, however, was performed using the updated 1997 HCM methods and
35 default input values contained in the HCM consistent with standard City practices for EIRs which
36 have NOPs prepared after August 1, 2001. Observations of field conditions during the peak
37 commute periods on February 20 and 21, 2002, indicated that levels of congestion at the

1 intersections were consistent with levels of service calculated using the 1997 HCM methodology
2 – LOS C or better. For cumulative conditions, the level of service at these intersections would
3 be LOS D or better. The analysis of traffic impacts at the 5th Street/ Broadway intersection was
4 also performed using 1997 HCM methods and default input values, which produced level of
5 service estimates that matched existing observed conditions.

6 **Traffic Counts.** One comment (W5-7) asked for an explanation of why it was not considered
7 necessary to collect more current traffic data at intersections in Alameda. The traffic analysis
8 used traffic counts conducted in 2000 (within one year of the Notice of Preparation of the draft
9 EIR) at two of the three intersections studied in Alameda. The Atlantic Avenue/Constitution Way
10 intersection was counted in 1998, as stated on page 4.3-10. This count was conducted
11 approximately three years prior to the NOP.

12 A more recent count at the Atlantic Avenue/Constitution Way intersection is not necessary,
13 because it would not change conclusions of the draft EIR. No unusual increases in traffic
14 volumes were observed between 1998 and 2000 at the two other intersections in Alameda
15 adjacent to the Atlantic Avenue/Constitution Way intersection, which indicates that traffic
16 volumes at the Atlantic Avenue/Constitution Way intersection also would not have increased
17 abnormally over the two-year period. There is ample capacity at the intersection, as shown in
18 Table 4.3-8, and no new significant impact would be reasonably expected to be identified if a
19 newer traffic count were used.

20 Even if it were possible that use of an updated traffic count could result in a cumulative impact
21 at the intersection, redevelopment would contribute less than five percent (the threshold for
22 significance) of the increase in cumulative traffic at the Atlantic Avenue/Constitution Way
23 intersection, therefore the contribution of redevelopment would be less than cumulatively
24 considerable.

25 3.5.5 Development Assumptions

26 *This response addresses comment W5-8.*

27 The level of development assumed throughout the City of Alameda, including Alameda Point,
28 was the same as reflected in the CMA's Countywide Model, as of the date of the Notice of
29 Preparation. In Appendix 5, page 12, reference was made to a contact with Alameda's Planning
30 Department (staff contact on May 23, 2001) to confirm that use of land use/growth assumptions
31 based on ABAG Projections 2000 would adequately capture anticipated future growth in
32 Alameda. During that conversation, it was stated that Alameda had worked closely with ABAG
33 and had reviewed the ABAG 2000 Projections (reflected in the Countywide Model), and those
34 projections sufficiently reflected anticipated growth in Alameda. Further, it was explained that
35 the City of Alameda did not have an alternative growth scenario or alternative set of future
36 numbers for use in EIR cumulative analyses and planning efforts.

1 3.5.6 Pedestrian Safety

2 *This response addresses comment W5-9.*

3 This comment requested an explanation of why pedestrian safety impacts were not considered
4 in adjacent neighborhoods and jurisdictions, and requested estimates of traffic diversion from
5 congested freeways to neighborhoods.

6 The traffic analysis performed to assess impacts of redevelopment used a travel demand model
7 that is capacity constrained. That is, the model assigns trips to the roadway system based on
8 the level of congestion along alternative routes. As a result, the traffic analysis considered the
9 amount of diversion from freeways to surface streets in West Oakland and other areas, but the
10 amount of diversion cannot be readily quantified.

11 Regardless, pedestrian safety is more directly related to design features, pedestrian traffic
12 volumes, and the potential for incompatible land uses, rather than motor vehicle traffic volumes,
13 as long as traffic volumes are within normal limits. The analysis of traffic conditions along routes
14 that are likely to receive traffic diverted from freeways showed peak hour traffic volumes
15 generally within normal limits. The highest traffic volumes would occur along arterial roadways
16 leading from the redevelopment area to freeways: the I-880 Frontage Road, West Grand
17 Avenue, and 7th Street west of the I-880 Frontage Road. The design of the arterial roadways
18 includes sidewalks and traffic signals with pedestrian indications to provide a high level of safety
19 for pedestrians. At the one location (the West Grand Avenue/Maritime Street intersection) where
20 cumulative congestion would remain after mitigation, pedestrian signals and sidewalks would be
21 provided and the surrounding land uses would not generate high pedestrian traffic through the
22 intersection.

23 3.5.7 Construction Traffic

24 *This response addresses comment W5-10.*

25 This comment requested an explanation of why additional detail regarding construction traffic
26 control was not provided in the draft EIR. In the absence of detailed information on each site-
27 specific subsequent redevelopment activity, specific routes and hauling hours cannot be
28 identified precisely. Nevertheless, Mitigation Measure 4.3-13 requires a site-specific TCP be
29 prepared for each subsequent redevelopment activity (see draft EIR at pages 4.3-44 and 4.3-
30 45). All TCPs would require that demolition and construction (including remediation) traffic be
31 restricted to designated truck routes within the City, a signage program be developed and
32 implemented to direct drivers of construction vehicles to use the designated truck routes, major
33 truck hauling be restricted to off-peak hours where feasible, staging areas be identified, off-
34 street parking with shuttle service be provided (if appropriate), and dust control measures be
35 implemented.

1 3.5.8 Transit Operations

2 *This response addresses comment W7-1, W7-2, W7-3, W7-4, and W11-2.*

3 Several comments requested additional information and expressed concerns that roadway
4 congestion would delay transit vehicles and affect patronage. With respect to comment W7-3,
5 the Alameda Countywide Model was used to estimate that 4.5 percent of redevelopment area
6 trips would use bus transit. That estimate assumes typical transit service would be provided.
7 However, in response to comment W11-2, it should be noted that a heavy emphasis on the
8 development of transit options is provided for in Mitigation Measure 4.3-4, which could
9 substantially increase patronage.

10 Increases in congestion at intersections would have an impact on both auto and AC Transit
11 travel times, but the impacts would be minimal except at locations that could not be mitigated to
12 less than significant levels for general traffic operations. The draft EIR shows that increased
13 congestion at all intersections, except one, can be successfully mitigated. Cumulative impacts at
14 the West Grand Avenue/Maritime Street intersection could not be mitigated to less than
15 significant levels during the p.m. peak hour. Some AC Transit riders that would otherwise take
16 transit routes that pass that intersection might shift to BART depending on the total travel times
17 for each travel option considering the availability of BART/bus transit connections and/or walk
18 times at the ends of the routes. It is not likely that AC Transit riders would shift to auto travel
19 because autos would be affected similarly to buses by congestion at the West Grand
20 Avenue/Maritime Street intersection and alternative auto routes would likely provide no travel
21 time savings.

22 It is acknowledged that AC Transit has requested space within the redevelopment area for a
23 park-and-ride lot and bus storage. The language of Mitigation 4.3-4 has been revised to include
24 consultation with transit agencies in the development of the transit access plan (see Chapter 4,
25 Revisions to the Draft EIR).

26 3.5.9 Overestimation of Impacts

27 *This response addresses comment 19a-9.*

28 Overall, the traffic operations analysis is somewhat conservative, but even without the
29 conservative assumptions discussed below, the significant impact finding would not be revised.

30 The analysis of baseline conditions at the OARB was performed for 1995 based on differences
31 in OARB employment levels between 1995 and 2001. The trip generation information shown in
32 Table 4.3-3 was developed from Institute of Transportation Engineers (ITE) data and was used
33 to establish the number of trips generated in 1995 that would not have been observed in the
34 traffic data collected more recently. The ITE trip generation information for warehouses does not
35 identify how many trips are truck trips and how many are auto trips, so no conversion of truck

1 trips to passenger car equivalents was made for baseline conditions. This resulted in a slightly
2 conservative baseline estimate (i.e., slightly lower OARB trip generation in 1995).

3 For incremental traffic impacts from redevelopment, as shown in draft EIR Table 4.3-6, traffic
4 estimates used were conservative in some ways, but not in others. For example, the overall
5 redevelopment program 2020 traffic estimates included the sum of (1) existing traffic counts, (2)
6 the ITE traffic estimates for redevelopment in the Gateway development area and 16th/Wood
7 sub-district, and (3) only the new Port traffic that had not been considered in earlier EIRs based
8 on ITE traffic estimates and methodology provided by the Port of Oakland for Port truck traffic.
9 The fact that some of the existing traffic counts include traffic from interim uses that will not exist
10 at the time of ultimate build-out is conservative.

11 Neither (1) the use of a lower 1995 baseline for the OARB than might otherwise have been
12 established if truck trips had been converted to passenger car equivalents nor (2) the inclusion
13 of existing traffic counts from interim uses in the incremental redevelopment build-out traffic
14 estimates had an effect on the identification of significant impacts.

15 For an explanation of the methodology used to determine cumulative conditions, see Section
16 3.5.4 of this document.

17 3.6 AIR QUALITY—SECTION 4.4 OF THE DRAFT EIR

18 Comments regarding air quality focused on the following issues:

- 19 • complete mitigation of air impacts
- 20 • traffic-related emissions
- 21 • health impacts to West Oakland

22 3.6.1 Complete Mitigation of Air Impacts

23 *This response addresses comments W4-7, W11-3, W11-4, and W11-5.*

24 **Adequacy of EIR Mitigation.** Several comments expressed concern regarding air quality
25 impacts of the proposed program on residential neighborhoods in West Oakland, especially
26 from emissions of particulate matter, and questioned the effectiveness of mitigation measures
27 included in the draft EIR to address significant air quality impacts.

28 As discussed in the draft EIR, emissions of air pollutants would be associated with both
29 construction and operations phases of the redevelopment program. The draft EIR
30 conservatively identifies a potential significant impact associated with emissions from the
31 construction equipment. As noted in the draft EIR, construction equipment exhaust emissions
32 cannot be definitively quantified because specific construction activities and their timing are not
33 yet defined. The draft EIR further notes that although impacts to air quality from construction

1 emissions are included in the BAAQMD's emissions inventory which is the basis of regional air
2 quality planning, and are not normally taken into consideration in the evaluation of air quality
3 impacts in the Bay Area, because the proposed redevelopment program is unusual in its size
4 and scope, these air emissions would be considered a potentially significant impact of
5 redevelopment. To address this impact, the draft EIR includes Mitigation Measure 4.4-2, which
6 sets forth a program of nine construction exhaust control measures—a program which exceeds
7 the control measures recommended by BAAQMD for construction-related emissions. Because
8 construction emissions cannot reasonably be definitively quantified, the likely reduction in
9 emissions from implementation of Mitigation Measure 4.4-2 also cannot reasonably be
10 definitively quantified, and the EIR conservatively finds there could be a significant unavoidable
11 impact associated with construction emissions.

12 Relative to long-term operational impacts, the draft EIR discloses Impact 4.4-3, which
13 addresses potential emissions associated with marine, rail, and trucking operations that would
14 occur as a result of redevelopment. A variety of mobile emission sources contribute to this
15 impact. The City and the Port do not own or operate the vast majority of these sources, nor do
16 they have jurisdiction over them. Instead, state (California Air Resources Board [CARB]), federal
17 (U.S. EPA), and international (International Maritime Organization [IMO]) entities regulate
18 emissions from these sources. Despite this, the City and the Port have committed to a number
19 of focused mitigation programs to address each of the identified sources. Per Mitigation
20 Measure 4.4-3, the Port shall develop a criteria pollutant reduction program aimed at reducing
21 Port-related emissions from maritime and rail operations. Details of this mitigation measure are
22 provided on pages 4.4-26 through 4.4-27, and include a cargo handling equipment re-powering
23 and retrofit program for any new terminals and rail yard added to Port facilities as a result of
24 redevelopment. This also includes measures to address other sources not under the Port's
25 control, such as tugboats and locomotives, accommodation of alternative fuel facilities, and a
26 measure to encourage ships to implement source control technologies. Most of these mitigation
27 measures were evaluated for their effectiveness in reducing Port-related emissions at the time
28 that the EIR for the Port's Berths 55-58 project was prepared, and were determined to be
29 effective and feasible.

30 Similarly, per Mitigation Measure 4.4-4 the City and Port shall jointly create, maintain, and fund
31 a truck diesel emission reduction program. Details of this mitigation measure are provided on
32 pages 4.4-27 and 4.4-28 of the draft EIR. This mitigation program includes a variety of
33 measures that would contribute towards reduction of emissions from truck movement and idling
34 in the program area. Similar to Mitigation Measure 4.4-3, most of these measures were
35 evaluated in the Berths 55-58 EIR and found to be effective in reducing emissions of concern.
36 Finally, Mitigation Measure 4.4-5 includes BAAQMD-recommended Transportation Control
37 Measures (TCMs) that are designed to reduce vehicle emissions from commercial, institutional,
38 and industrial operations associated with the proposed project. Finally, Mitigation Measure 5.4-1
39 requires the City and Port to lobby and potentially participate in emissions reduction programs.

1 It should be noted that Mitigation Measure 4.4-4 as well as 4.4-3 discussed above, provide for
2 an adaptive management approach so that all feasible, effective emissions reduction measures
3 may be implemented. Specifically, the measures provide that both programs shall be reviewed
4 and updated every one to three years, including an assessment of potential new strategies (as
5 clarified in Chapter 4, Revisions to the Draft EIR), funding requirements, technical feasibility,
6 and cost benefit assumptions. Mitigation Measure 4.4-5 is to be implemented in coordination
7 with Mitigation Measure 4.3-4 to enable the goal of a 15 percent reduction in single-occupancy
8 peak hour ridership.

9 **Ship and Tugboat Mitigation.** One comment requested inclusion of a mitigation measure that
10 addresses ship and tugboat emissions. Tugboats are subject to EPA's commercial marine
11 diesel engine standards, with new standards taking effect in 2004, 2005, or 2007, depending on
12 engine size. Nevertheless, the draft EIR includes Mitigation Measure 4.4-3, which extends the
13 Port's existing grant program to provide financial incentives to tugboat operators to implement
14 emissions reduction control measures or to replace tugboat engines with low NO_x technology.
15 With regard to mitigation of emissions from ships traveling international waters, the draft EIR
16 provides for the Port to encourage ships to implement source control technologies (Mitigation
17 Measure 4.4-3) and lobby for emission-reducing programs, such as ship use of reduced sulfur
18 fuels and emissions-based berthing fees (Mitigation Measure 5.4-1). The Port of Oakland also
19 participates in the CARB-sponsored Maritime Working Group. The purpose of this group is to
20 find ways to reduce the emissions from ships that visit California ports. Other members of this
21 group include the ports of Los Angeles and Long Beach, and San Francisco, EPA Region IX,
22 BAAQMD, Santa Barbara County, Air Pollution Control District, and South Coast Air Quality
23 Management District. EPA, in turn, participates in IMO negotiations to set marine diesel
24 emissions standards under the International Convention of the Prevention of Pollution from
25 Ships (Port of Oakland 2002).

26 **School Attendance as a Variable in Impact Analysis.** One comment suggested that air
27 quality impacts should in part be evaluated by taking into account absentee rates in local
28 schools related to asthma. Such an analysis cannot be reasonably conducted for a number of
29 reasons. As is well established, air quality is one of several contributing factors known to cause
30 respiratory health problems. Moreover, school attendance is influenced by numerous factors, of
31 which poor respiratory health is only one. Because numerous variables are involved, such an
32 analysis, assuming the data could be obtained, could provide misleading results regarding the
33 importance of a single contributing variable. The draft EIR on the other hand uses well-
34 established methods of estimating and evaluating particulate matter (PM₁₀ and PM_{2.5})
35 emissions, and finds that increased levels of particulate matter from the proposed project could
36 result in a significant and unavoidable impact. Mitigation measures discussed above would
37 reduce that impact. In addition, it is important to note that much of the ambient PM₁₀ and PM_{2.5}
38 levels are from regional sources. The Port of Oakland operates two monitoring stations: one at
39 7th Street/Middle Harbor Road, and one at 14th and Filbert streets. The 7th Street/Middle Harbor
40 Road station is adjacent to activities at the Port, while the other station is approximately 1½
41 miles to the east. Concentrations monitored at these two stations over the past five years are

1 summarized on page 4.4-11 of the draft EIR. The 24-hour and annual average concentrations at
2 both stations are similar to each other. If the ambient concentrations were heavily influenced by
3 activities at the Port, the 7th Street/Middle Harbor Road station would indicate much higher
4 values, as it is adjacent to the port. This suggests that local ambient PM₁₀ and PM_{2.5} levels are
5 largely influenced by regional factors such as regional anthropogenic and natural sources, and
6 meteorology. A recent study regarding PM₁₀ in the region and in Oakland (Ballanti 2002) states
7 that the 10-year trend in PM₁₀ concentrations is definitely downward, but discontinuous on a
8 year-to-year basis due to the effects of weather during a given year. Table 3-1 on the following
9 page demonstrates this downward trend. It also demonstrates that local PM₁₀ concentrations
10 reflect overall regional concentrations, and are therefore likely more influenced by regional—
11 rather than local—factors. See also Section 3.6.3 of this document.

12 3.6.2 Traffic-Related Emissions

13 *This response addresses comments W4-8, W8-14, W11-6, and W19a-9.*

14 In response to comment W8-14, the draft EIR presents information regarding regional emissions
15 of criteria pollutants from traffic (trucks and passenger cars) associated with the program.
16 Impacts 4.4-3 and 4.4-4 in the draft EIR disclose estimates of emissions from trucks and
17 passenger cars, and show the levels relative to significance thresholds.

18 In response to comments W4-8 and W11-6, first, the proposed program would not route trucks
19 through residential streets. The program also includes Mitigation Measure 4.3-7, whereby the
20 Port and the City will continue to work together to create and implement a truck management
21 plan designed to reduce the effects of transport trucks on local streets (see page 4.3-42 of the
22 draft EIR). In addition, redevelopment involves improvement of intersections (West Grand
23 Avenue/Maritime Street, West Grand Avenue/I-880 frontage road, and 7th/Maritime streets) as
24 well as the realignment of Maritime Street above 7th Street and the Loop Road connection to
25 West Grand Avenue at existing Wake Avenue. These improvements will improve traffic flow,
26 reducing intersection congestion and substantially reducing idling times at intersections. In
27 addition, it should be noted that at peak congestion hours Port-related trucks are expected to
28 contribute approximately 10 percent of the traffic caused by redevelopment (see Table 4.3-6,
29 pages 4.3-20 to 4.3-21 of the draft EIR). Finally, Mitigation Measure 4.4-4 requires the City and
30 Port to develop and implement a truck diesel emissions reduction program, which shall include
31 such emissions reduction strategies as configuring truck parking to reduce truck idling time,
32 allowing easy access to a truck parking facility at the Port 24 hours a day, and synchronizing
33 traffic lights to reduce truck idling, and conducting ongoing studies to explore methods to reduce
34 truck idling.

1

Table 3-1

PM₁₀ Standard Exceedances in the Bay Area, 1991-2000

Site	1991	1992	1993	1994	1995	1996	1997	1998	1999	2000
Fremont	14	4	3	3	1	1	1	1	2	1
Livermore	12	5	3	4	1	1	2	2	3	2
San Leandro	10	2	1	1	0	1	1	0	--	--
Concord	13	8	2	4	1	1	2	1	3	1
Richmond	9	3	3	3	1	0	--	--	--	--
Bethel Island	10	4	6	3	3	1	2	2	6	1
San Rafael	10	5	1	4	1	0	2	1	2	0
Napa	11	5	3	2	1	1	3	1	2	0
San Francisco	15	9	5	6	0	2	0	1	6	2
Redwood City	12	7	5	6	0	0	2	0	3	1
San Jose 4 th Street	10	13	10	7	4	2	3	3	5	7
Tully Road	11	11	7	7	0	1	3	1	4	2
Vallejo	--	--	--	1	1	0	3	1	3	1
Santa Rosa	--	--	--	1	0	0	2	1	1	0
Pittsburg	--	--	--	--	--	--	--	--	--	2
Port of Oakland*	--	--	--	--	--	--	2	6	14	2
West Oakland*	--	--	--	--	--	--	1	1	4	2

* Monitoring data from the Port of Oakland monitoring sites.

Source: Donald Ballanti, Certified Consulting Meteorologist, June 2002.

2

1 One comment noted the Port does not support the Lowenthal Bill (AB 2650) which is intended in
2 part to lead to a reduction of truck idling times. The Port has not yet taken a position on this bill
3 because it continues to change as it goes through the legislative process, and the Port does not
4 feel it would be prudent to take a position at this point. However, the Port has taken many steps
5 toward mitigation of impacts from trucks and other sources, as mentioned above. In addition,
6 the Port supports SB 1647, which would contribute substantial funds to a program known as the
7 Neighborhood Air Quality Improvement Fund.

8 In response to input from the Port of Oakland regarding air emissions from transport trucks, the
9 City reassessed its assumptions, and identified that truck trips were assessed at twice their
10 actual estimated number. Modifications have been made to the air quality analysis of emissions
11 from transport trucks, which would be lower than identified in the draft EIR. See Chapter 4,
12 Revisions to the Draft EIR

13 3.6.3 Health Impacts to West Oakland

14 *This response addresses comments W11-4 and W11-13.*

15 Two comments request a health risk study for air emissions impacts from the redevelopment on
16 the nearby West Oakland community.

17 The draft EIR examined the air impacts from redevelopment in Chapter 4.4, particularly in
18 relation to diesel emissions, and concluded that diesel emissions, measured as PM_{10} , would
19 increase significantly. The City recognizes that PM_{10} is a toxic air contaminant (draft EIR at page
20 4.4-5). Therefore, any project that results in a substantial increase in diesel emissions triggers a
21 finding of significance, as it would exceed the City's thresholds of significance (draft EIR at page
22 4.4-14).

23 The draft EIR notes that proposed redevelopment of the Oakland Army Base includes industrial
24 transportation facilities (marine, rail, and supporting facilities), as well as non-transportation
25 uses (R&D, office, etc.) that will attract sources of diesel emissions. Specifically, the draft EIR
26 estimates PM_{10} emissions from the increment of cargo operations (ships, tugs, cargo handling
27 equipment, and locomotive), transport trucks, and passenger vehicles (including delivery trucks)
28 associated with the redevelopment program. Based on the estimated emissions, the draft EIR
29 concluded that the redevelopment program would substantially increase diesel particulate
30 matter emissions, causing a significant impact. Additionally, the draft EIR proposed two
31 extensive diesel emission reduction mitigation programs: one for maritime and rail activities
32 (Mitigation Measure 4.4-3) and one for trucks (Mitigation Measure 4.4-4). Nevertheless, the draft
33 EIR concluded that, even after mitigation, the residual impacts, both for the redevelopment
34 alone and cumulatively, would be significant and unavoidable.

35 A health risk study provides an additional analytical framework for considering the same air
36 emissions. In response to comments, a screening level health risk analysis, conducted by
37 ENVIRON Corporation, again confirms that diesel emissions from redevelopment would

1 substantially increase diesel particulate matter emissions, and again confirms that these
2 emissions are significant and unavoidable impacts.

3 In using this additional health risk evaluation methodology for assessing these diesel emissions,
4 ENVIRON looked at the current air quality background information with respect to diesel
5 particulate emissions and, using the redevelopment description, emissions information, and
6 quantifiable mitigation measures contained in the draft EIR, conducted a conservative (*i.e.*,
7 health protective) screening level risk assessment to estimate the incremental diesel emission
8 effects from the redevelopment program to the nearby West Oakland community. A screening
9 level analysis was prepared because a full health risk assessment would require details
10 regarding redevelopment that are not currently available, such as the precise location of each
11 emission source on each individual site; and the distribution of emissions for each emission
12 source by time of day, day of month, and month of year. These factors cannot be known until
13 individual tenants are identified, and detailed site layouts for each individual site have been
14 prepared to accommodate the needs of those tenants.

15 The screening level assessment indicates that risks are estimated to be less than 100 in a
16 million (1×10^{-4}) at the project boundary (approximately 80 in a million) and range down to ten in
17 a million (1×10^{-5}) in the nearby West Oakland community. This preliminary conclusion does not
18 take into account the mitigation measures that are not readily quantifiable or the anticipated
19 tightening of regulatory emissions standards for diesel engines prior to 2020, which would result
20 in technological improvements that reduce diesel emissions. For example, through EPA's
21 January 2001 final rule tightening emission standards for heavy-duty diesel engines of model
22 year 2007 and later (66 Fed. Reg. 5002), there will be a 90% reduction of PM emissions
23 compared to the 2004 model year emission standards (EPA estimate, www.epa.gov/otaq).

24 Nevertheless, even if these factors were taken into account, it is not certain that in 2020 the
25 incremental health risk associated with redevelopment-related diesel emissions would be less
26 than 10 in a million (1×10^{-5}), the risk standard or significance threshold set by the Bay Area Air
27 Quality Management District (BAAQMD) in its CEQA Guidelines. Note, however, that the
28 National Contingency Plan (NCP, 40 CFR § 300), which is a U.S. EPA regulation commonly
29 cited as the basis for target risk levels for contamination remediation, provides that lifetime
30 incremental cancer risks posed by a site should not exceed 100 in a million (1×10^{-4}), and a
31 potentially acceptable range of risks is (1×10^{-6} to 1×10^{-4}). The screening level results for the
32 redevelopment program fall within this range. However, the results exceed the BAAQMD CEQA
33 standard of (1×10^{-5}). Therefore, as reported in the draft EIR, and confirmed by this screening
34 level assessment, the diesel emission risk from this redevelopment program is deemed
35 significant.

36 The conservative screening risk assessment conducted by ENVIRON used:

- 37 • Incremental emissions estimations presented in the draft EIR;

- 1 • Readily quantifiable mitigation measures such as the use of exhaust treatment devices (like
2 diesel particulate filters) and ultra-low sulfur diesel for diesel equipment used on-site (not
3 including trucks);
- 4 • Conservative assumptions regarding future onsite activities;
- 5 • USEPA-approved Industrial Source Complex Short Term 3 (ISCST3) Version 02035
6 Gaussian air dispersion model to evaluate dispersion of the incremental diesel PM
7 emissions from trucks, trains, ships, and cargo handling operations;
- 8 • The cancer unit risk factor for diesel PM proposed by California's Office of Environmental
9 Health Hazard Assessment (OEHHA,
10 <http://www.oehha.ca.gov/risk/ChemicalDB/cancerpotency>); and
- 11 • Default state exposure factors for off-site residential and commercial receptors.

12 These estimates assume a resident is exposed at the same location continuously 24 hours/day,
13 350 days/year, for 30 years. These are conservative assumptions that are likely to over estimate
14 risk. For instance, if actual exposure at individual locations is only 9 year (50th percentile
15 residence time from United States Bureau of Census Data⁴), rather than the 30 years used in
16 the screening level health risk assessment, then the predicted risk would be 70 percent lower.

17 To put the screening assessment numbers in perspective, the estimated excess lifetime cancer
18 risk due to incremental diesel particulate emissions from the redevelopment were compared to
19 cancer risks for background or ambient diesel PM emissions. As discussed in the draft EIR, the
20 BAAQMD has estimated the average cancer risk associated with diesel particulate exposure in
21 the Bay Area, based on California Air Resources Board (CARB) estimates of population-
22 weighted average ambient diesel PM concentrations for the Bay Area in the year 2000, to be
23 about 450 in one million (4.5×10^{-4}). Furthermore, background cancer risk from all other air
24 toxics is estimated as an additional risk of about 170 in one million (1.7×10^{-4}) by the BAAQMD.⁵
25 Thus, the total estimated background risk from air toxics (including diesel) within the Bay Area
26 would be about 620 in a million (6.2×10^{-4}) or almost eight times higher than the maximum off-
27 site impact determined by the screening level assessment.

28 As noted above, the draft EIR includes two mitigation measures related to reducing diesel
29 emissions impact: (1) Mitigation Measure 4.4-3, which calls for a program aimed at reducing
30 diesel emissions from maritime and rail activities and (2) Mitigation Measure 4.4-4, which calls
31 for a program aimed at reducing diesel emissions from trucks. The adequacy of these measures
32 is discussed in Section 3.6.1 of this Response to Comments Chapter. With respect to feasibility
33 of mitigation, CEQA policies provide that public agencies should identify significant effects and

⁴ United States Environmental Protection Agency (USEPA). 1997. *Exposure Factors Handbook, Volume III: Activity Factors*. EPA/600/P-95/002Fc. Washington, D.C. August.

⁵ BAAQMD. 2001. *Toxic Air Contaminant Control Program Annual Report 2000, Volume 1*. December.

1 feasible mitigation measures. However, “in the event that specific economic, social or other
2 considerations make infeasible such project alternatives or such mitigation measures, individual
3 projects may be approved in spite of one or more significant effects thereof.” Public Resource
4 Code [PRC] § 21002. As clarified in the statute, the lead agency must make the determination
5 as to whether a particular mitigation measure is infeasible, and that finding must be based on
6 substantial evidence in the record. PRC § 21081, 21081.5. "Feasible' means capable of being
7 accomplished in a successful manner within a reasonable period of time, taking into account
8 economic, environmental, legal, social and technological factors." 14 California Code of
9 Regulations [CCR] § 15364; see also PRC § 21061.1.

10 3.7 NOISE—SECTION 4.5 OF THE DRAFT EIR

11 Comments concerning noise focused on the following issues:

- 12 • compatibility of future uses with existing noise sources
- 13 • trucks

14 3.7.1 Compatibility of Future Uses with Existing Noise Sources

15 *This response addresses comment W8-13.*

16 One comment requested that any new residential or recreational development planned within
17 800 feet of state highways include noise abatement measures in conformance with FHWA and
18 Caltrans policy. Further clarification was provided by the commentor. The commentor suggests
19 that when noise-sensitive uses are proposed in the redevelopment area, they be evaluated for
20 exposure to highway traffic noise and noise abatement measures be included in the design of
21 those projects.

22 There are only two areas within the redevelopment area that may develop residential and
23 recreational uses within 800 feet of a state highway. These include the Gateway Park , and the
24 16th/Wood sub-district which is designated Business Mix, and where live/work units are
25 proposed. As stated on page 4.5-14 of the draft EIR, redevelopment would incorporate state
26 land use compatibility guidelines promulgated by the state for determination of acceptability of
27 noise levels; as such, redevelopment would not conflict with state guidelines, and no impact
28 related to exposure of sensitive land uses to highway traffic noise would occur.

29 3.7.2 Trucks

30 *This response addresses comment W11-7.*

31 As discussed in the draft EIR (at pages 4.5-15 through 4.5-20), the proposed land use
32 classification for the majority of the redevelopment area is Business Mix, allowing for a variety of
33 business and related industrial/commercial uses. These uses would cause increased light- and
34 medium-duty truck traffic. The land use designation in the Port area is General

1 Industrial/Transportation, allowing development of heavy industrial uses, including maritime
2 operations and railyards. Heavy-duty trucks would be one of the primary noise sources
3 associated with this land use designation.

4 The focus of the noise analysis in the draft EIR is vehicular and rail noise. Trucks are included in
5 the assessment of vehicular noise. The traffic analysis yielded an increase of 11 percent in the
6 local area (external to the Port) weekday truck trips from the number of trucks previously
7 evaluated in certified EIRs. These additional trucks were accounted for in the number of
8 vehicles used to estimate vehicular noise increases. The vehicle counts and associated noise
9 increases are presented in Table 4.5-5 of the draft EIR. Furthermore, the traffic analysis
10 addresses all portions of the redevelopment area, including the maritime operations and related
11 truck traffic, and because the noise analysis is based on the traffic analysis, it evaluates all
12 areas within the redevelopment area. Because no significant impacts would occur, mitigation is
13 not warranted. It should be noted the draft EIR includes Mitigation Measure 4.3-7, which is
14 designed to reduce the effect of truck traffic, including truck noise, on local streets in West
15 Oakland. Among other things, this measure includes expanded signage and signed truck
16 prohibitions (not just signed truck routes), as well as traffic calming strategies to discourage
17 truck through traffic on local streets. The draft EIR also includes Mitigation Measure 4.3-11,
18 which is designed to reduce the incidence of truck parking and associated noise in residential
19 neighborhoods near the Port.

20 **3.8 CULTURAL RESOURCES—SECTION 4.6 OF THE DRAFT EIR**

21 In addition to suggested edits addressed in Chapter 4, Revision to the Draft EIR, comments
22 regarding cultural resources focused on the following issues:

- 23 • historical resources
- 24 • archeological resources
- 25 • preservation and adaptive reuse and recommended additional/revised mitigation
- 26 • off site mitigation
- 27 • Bay Trail connections
- 28 • design elements evocative of historic architecture
- 29 • adequacy of mitigation
- 30 • Historical Resource Documentation Program / book
- 31 • oral histories
- 32 • Web site
- 33 • HABS/HAER documentation
- 34 • “A Job Well Done” video

- 1 • murals from Building No. 1
- 2 • materials salvage
- 3 • brochure
- 4 • documents and photographs
- 5 • staffing needs for implementation of mitigation measures
- 6 • re-working mitigation measures

7 **3.8.1 Historical Resources**

8 *This response addresses comments W9-1, W9-2, W9-5, W9-22, and W16-1.*

9 The OARB Historic District is not formally listed on the National Register of Historic Places
10 (NRHP), but it has been *determined eligible* to the NRHP by the Federal Highway
11 Administration (FHWA). Since it has been determined eligible to the NRHP, it is treated as a
12 significant resource for purposes of environmental review under CEQA.

13 The U.S. Army is responsible for compliance with the National Historic Preservation Act (NHPA)
14 for the disposal of the Oakland Army Base. During the NHPA compliance process, the U.S.
15 Army determined that all of the buildings they defined as “temporary” were not subject to further
16 Section 106 consultation. This determination was made based on a 1985 Programmatic
17 Agreement between the Department of Defense and the National Council of State Historic
18 Preservation Officers.

19 However, for purposes of CEQA and this EIR, all of the “temporary” buildings on the Oakland
20 Army Base (Buildings No. 4, 85, 88, 90, 802-808, 821, 822, 823, and 991) are considered
21 contributing elements to the OARB Historic District using the evaluation criteria defined by the
22 California Register of Historic Places. All of these structures, including the warehouses, are
23 historically significant resources under CEQA. These structures are treated equally in the EIR
24 with the other “permanent” structures that are part of the OARB Historic District.

25 The individual contributors to the OARB Historic District were originally categorized as “3D”
26 (appears eligible as a contributor to a fully documented historic district) by Caltrans (1990).
27 When the FHWA submitted the NHPA concurrence request letter for its determination of
28 eligibility to the State Historic Preservation Officer, however, the official state categorization
29 changed to “2D2” (determined eligible for listing to the National Register as a contributor by
30 consensus determination). The correct status code for the OARB, as shown on the January 8,
31 2002 Directory of Properties in the Historic Properties Data File for Alameda County, is “2D2,
32 Criterion A.” It is important to note that the OARB Historic District is treated as a District eligible
33 to the California Register of Historic places throughout the EIR document, and it is analyzed for
34 impacts as a significant resource. This change in code does not alter the treatment of the
35 resources by the EIR. The classification “2D2” means the structures are not individually eligible
36 to the National Register, but are considered contributing elements of the District; this was the

1 assumption regarding these resources in the EIR analysis. This information does not alter the
2 impacts discussed in the EIR, nor does it result in any new significant impacts not already
3 disclosed in the EIR.

4 The OARB as a whole has played a significant role in our collective history at the local, state,
5 and national levels. The OARB is recognized for its role in providing a critical link in our nation's
6 military operations, especially for its mission of providing a rail-seaport connection for military
7 transportation during World War II, and the Korean, Vietnam, and Gulf wars. The railyards at the
8 OARB, along with the large warehouses, provided a logistical path to transport military goods
9 onto the break-bulk (and later container) cargo ships bound for overseas military posts. In
10 addition to cargo, the OARB was also an important debarkation point for Army troop transports
11 in World War II. Aside from its significance at the national level, it also played an important role
12 in the history of the California and the San Francisco Bay Area. The base served as the
13 induction center for the Army in the Bay Area during the Vietnam War. The gates to the OARB
14 played an important role in the Bay Area's anti-war movement, as a rally point for protests
15 during the Vietnam Era. Direct project effects to the OARB Historic District, and cumulative
16 effects to similar Bay Area Historic Districts, were considered in light of their historic significance
17 at the national, state, and local levels.

18 Analysis of the former Southern Pacific Rail Road (SPRR)/Amtrak Rail Station and associated
19 16th Street Tower is included in the EIR because this resource is within the OARB
20 redevelopment area. Impacts to the SPRR/Amtrak Rail Station and associated 16th Street
21 Tower are addressed by the EIR, and mitigation measures are provided to avoid adverse effects
22 to these two significant historic resources that may occur as a result of their restoration, which is
23 included as part of the proposed program. Impact 4.6-4 and Mitigation Measure 4.6-13 are
24 targeted directly at the SPRR/Amtrak Station and Tower, and are not meant to address impacts
25 to, or provide mitigation for, any effects to historic resources on the OARB.

26 The PG&E Substation C (689 2nd Street) and the PG&E Howard Terminal Substation on
27 Embarcadero Street were visited by the Oakland Cultural Heritage Survey in the 1980s, and, in
28 2001, by the cultural resources consultant for this project, URS Corporation. The City of
29 Oakland considers neither structure a PDHP (Potentially Designated Historic Property) (Betty
30 Marvin, City of Oakland Historic Preservation Planner, personal communications 2001 and
31 2002). However, as stated on page 4.6-17 of the EIR, the Howard Terminal Substation is now in
32 excess of 50 years of age and may qualify for a ranking of "D" in the Oakland Cultural Heritage
33 Survey. If a subsequent redevelopment activity were proposed and the Howard Terminal
34 Substation property were to be affected, an examination by a qualified architectural historian of
35 the substation and its building equipment would be needed to make a formal determination of its
36 eligibility. Neither the PG&E Substation C, nor the PG&E Howard Terminal Substation, is
37 considered significant in this EIR, nor will they be affected by the proposed actions within the
38 OARB redevelopment area.

3.8.2 Archaeological Resources

This response addresses comment W9-11.

Historic archaeological resources may exist throughout the areas of the redevelopment district where the fill is more than fifty years of age. However, given the extensive land disturbance activities at the former Fleet and Industrial Supply Center, Oakland, Howard Terminal, Phoenix Ironworks area, and the replacement I-880 freeway, it is unlikely that intact historic archaeological resources exist in these areas. Archaeological sensitivity for historic archaeological deposits should be considered low for the vast majority of the Maritime sub-district (excluding the area bounded by Martin Luther King, Jr. way, Brush Street, 3rd Street, and the Embarcadero) and the 16th/Wood sub-district. Archaeological sensitivity for historic archaeological deposits should be considered higher for the OARB sub-area where the fill is more than fifty years old and the area bounded by Martin Luther King, Jr. Way, Brush Street, 3rd Street, and the Embarcadero, which is located on native soil.

However, as noted in the draft EIR at page 4.6-10, only one archaeological site, prehistoric site number CA-ALA-17, is reported to be within a ½ mile radius of the redevelopment area. There are other known prehistoric deposits all along the San Francisco Bay shore, especially in areas near the mouths of perennial creeks (notable examples include CA-ALA-309 [the Emeryville Shellmound] at the mouth of Temescal Creek approximately one mile from the redevelopment area, and CA-ALA-307 [the West Berkeley Shellmound] at the mouth of Strawberry Creek approximately four miles from the redevelopment area). Moreover, the OARB redevelopment area sits almost entirely on man-made fill, is not traversed by a perennial creek, and is therefore still considered to have a low sensitivity for the presence of prehistoric resources. Mitigation Measure 4.6-1 adequately protects unknown archaeological resources, including historic archaeological resources, from inadvertent impact during ground disturbing activities, and provides a procedure to stop work, evaluate the eligibility of such finds and, if necessary, mitigate for impacts.

3.8.3 Preservation and Adaptive Reuse

This response addresses comments V1-3, V4-1, V4-7, V5-2, V5-11, V7-2, V7-5, V7-6, V7-7, V7-11, V10-7, V10-8, V11-2, W4-11, W4-12, W4-15, W4-16, W4-20, W4-32, W4-33, W4-34, W4-37, W4-42, W9-6, W9-7, W9-8, W9-12, W9-13, W10-1, W11-8, W13-1, W14-3, W15-1, W16-6, W16-7, and W16-8.

Several comments on the draft EIR have suggested additional mitigation measures that would result in the preservation of one or more buildings within the OARB Historic District. Buildings suggested for preservation include Building No. 1 (the Administration building), Buildings No. 812, 821, 822 and 823 (smaller warehouse and mechanical shop structures), and all-or-portions of Building No. 808 (the most northerly of the larger 800-series warehouses). Additionally, comments have suggested preservation of at least one of the existing historic wharves and preservation of the existing parking lot to Building No. 1, which has been described as being the

1 site of a prior parade grounds. In order to consider the preservation of any or all of these
2 buildings as mitigation for the removal of the National Register-eligible OARB Historic District,
3 OBRA must consider whether such preservation is practical and/or feasible. A determination of
4 the feasibility of preserving any or all of the Historic District-contributing buildings within the
5 OARB Historic District is discussed below.

6 **Port Development Area Activities Impacting Historic District Contributors**

7 The Redevelopment Plan anticipates three specific projects occurring entirely or partially within
8 the Port development area of the OARB. These projects include the development of a new
9 intermodal rail facility, the creation of additional marine terminal capacity through construction of
10 new Berth 21, and the relocation of existing Maritime Street/ construction of the Loop Road.
11 These projects would enable the Port to accommodate the growth in cargo throughput that is
12 projected by BCDC to occur by the year 2020. Accommodation of this projected year 2020
13 cargo throughput is one of the major objectives of the Redevelopment Plan.

14 **New Intermodal Facility (NIF).** Through engineering analysis and consultant studies, the Port
15 developed a design for the NIF that would be capable of meeting functional use criteria
16 including rail track length, track geometry, loading and unloading space requirements and
17 storage space requirements. The resulting design of the NIF is based on physical and
18 regulatory constraints of the site and on these operational requirements. These constraints and
19 design criteria are more fully described in the Port of Oakland's report titled "*Basis for Location*
20 *of the Proposed New Intermodal Rail Facility at Oakland Army Base*" (Port of Oakland 2002).
21 Construction of the NIF would require removal of all or portions of the entire 800-series
22 warehouse buildings. Redesign of the NIF to avoid Building No. 808 (the most northerly
23 warehouse), or any of the other 800-series warehouses would reduce the footprint of the NIF
24 and result in a significant loss of cargo throughput capacity. This footprint is most constrained at
25 the northerly end of the site nearest to Building No. 808, where the rail alignments must be
26 threaded through a narrow passage between the Cypress Freeway, the EBMUD Wastewater
27 Treatment Facility and the UP Railyard. Rail and transportation consultants to the Port and
28 OBRA (including OBRA's consultants TransSystems) have reviewed the design of the NIF at
29 this northerly end of the site, and these reviews have confirmed that the design of the NIF is the
30 minimum necessary for a functional facility. In conclusion, the designed footprint of the NIF
31 cannot be reduced any further in an attempt to reduce or avoid the loss of contributing
32 structures to the OARB Historic District without compromising the effectiveness of the new
33 railyard and, therefore, causing significant loss of cargo throughput capacity. Such a loss in
34 throughput capacity would not achieve a major objective of the Redevelopment Plan and would
35 result in an inconsistency with the BCDC Seaport Plan.

36 **New Berth 21.** Another major component of the Redevelopment Plan is construction of new
37 Berth 21. This new berth and related cargo terminal yard are part of the Port's overall plan to
38 achieve a total of 1,000 acres of terminal space, the space required to meet the BCDC cargo
39 throughput projections. This new berth requires the fill of approximately 23 surface acres of
40 water, and the reuse of approximately 160 acres of adjacent land needed for container storage.

1 This component of the Redevelopment Plan is more fully described in the draft EIR Project
2 Description. The location of new Berth 21 and the reconfiguration of adjacent lands for marine
3 terminal uses will necessitate removal of Wharf 6 and portions of Wharf 6½, Buildings No. 88,
4 90 and 99, as well as portions of Buildings No. 802 through 804. Each of these structures is a
5 contributor to the OARB Historic District. However, the reconfiguration of this property and the
6 removal of these existing buildings are necessary to achieve the basic Redevelopment Plan
7 objective of accommodating the Port's share of regional cargo throughput by year 2020.

8 **Relocated Maritime Street and the Loop Road.** To accommodate the operational
9 characteristics of the proposed NIF and new Berth 21, the existing segment of Maritime Street
10 above 7th Street would be realigned 400 to 600 feet to the east, forming a boundary between the
11 NIF, and the new Berth 21. Maritime Street would also be extended from and along the
12 boundary between the Gateway development area and the Port development area, and connect
13 with West Grand Avenue in a northerly loop configuration (the Loop Road). Construction of the
14 Loop Road extension to Maritime Street adjacent to the NIF would require further removal of
15 most of those portions of the 800-series warehouses.

16 Thus, the configuration of Redevelopment Plan elements within the Port development area
17 cannot be altered to accommodate reuse of buildings that are contributors to the OARB Historic
18 District. The design of these facilities has already been pared down to the minimum that will fit
19 into the available acreage and remain able to satisfy the projected 2020 maritime container
20 throughput demand (Port of Oakland 2002). Based on the minimally required design for these
21 fundamental Redevelopment Plan components, it would not be feasible to preserve any of the
22 following buildings that are contributors to the OARB historic district:

- 23 • Wharf 6 and a portion of Wharf 6½,
- 24 • Building No. 88,
- 25 • Building No. 90,
- 26 • Building No. 99,
- 27 • Buildings No. 802, 803, 804, 805, 806 and 807,
- 28 • Approximately one-half of Building No. 808, and
- 29 • Building No. 991.

30 The loss of these structures would materially impair the integrity of the OARB Historic District,
31 resulting in a loss of eligibility for the federal National Register of Historic Places and local Area
32 of Primary Importance status (OBRA, 2002).

33 **Hazardous Material Remediation Activities Impact on Historic District Contributors**

34 As specifically described in the draft EIR Chapter 4.7, hazardous materials are currently present
35 at the OARB. Most of these hazardous materials are limited to those associated with the
36 industrial and commercial activities occurring at the Base; such as paints, oils, solvents,

1 automotive fluids, compressed gases, ammonia for refrigeration, and lead-acid batteries.
2 Hazardous wastes are also currently present at the OARB, and include waste oil and other
3 maintenance-related chemicals and wastes, asbestos- or PBC-containing materials and lead-
4 based paint. Additionally, contaminated soil and groundwater is also present at the OARB as
5 discussed in Chapter 4.7, Hazardous Materials. See Chapter 4, Revisions to the Draft EIR, for
6 the updated description of contaminated soil and groundwater site conditions at the OARB.

7 **Building No. 1 Site Remediation.** The most significant subsurface contamination found at the
8 OARB is due to operation of an oil reclaiming plant that was active in the 1920s and 1930s. The
9 oil reclaiming plant was demolished after Army occupancy but prior to Army redevelopment.
10 The plant was situated below and adjacent to the current Building No. 1 site. Tarry residue from
11 the plant was deposited in an area near where Building No. 1 now stands. According to several
12 studies referenced in the draft EIR, this residue is contaminated and requires remediation. (IT
13 2000j, 2001i, 2002d and 2002b). Removal of the residue, and demolition of at least those
14 portions of Building No. 1 that are above the residue, is also required by the RAP/RMP released
15 for public review by DTSC concurrently with this EIR. (DTSC 2002a) Laboratory analysis of the
16 tarry residue has confirmed that it is highly acidic in nature, and lead has been measured at a
17 concentration as high as 11,800 mg/kg in the oily residue. The material also contains polycyclic
18 aromatic hydrocarbons (PAHs), PCBs, polychlorinated dibenzodioxins (PCDDs), and
19 polychlorinated dibenzofurans (PCDFs) at concentrations of concern. One sample of fill that
20 overlies the oily residue also contained 320 µg/kg of 1,2,3-trichloropropane (TCP) (DTSC
21 2002a). See also Chapter 4, Revisions to the Draft EIR, for the updated description of
22 contaminated soil and groundwater site conditions at the OARB.

23 Historical information indicates that this hazardous tarry residue is most prevalent in the general
24 area of Wings 1 and 2 of Building No. 1, although the full depth of oily residue has not been
25 determined at all locations. In the Draft Feasibility Study that considered the Building No. 1 area,
26 IT (2001i) estimated the in-situ volume of tarry residue to be approximately 6,000 cubic yards
27 (cy) that exists primarily between 3.5 to 5.5 feet below ground surface. IT also estimated the
28 in-situ volume of TCP- impacted fill overlying the tarry residue, to be roughly 2,000 cy distributed
29 from ground surface to a depth of 3.5 feet below ground surface over an approximate 13,700
30 square foot area. The volume estimates by IT are uncertain and the actual quantities of oily
31 residue and any TCP-impacted soil that must be addressed by remedial actions may be greater
32 or less than estimates by IT (DTSC 2002a). See also Chapter 4, Revisions to the Draft EIR, for
33 the updated description of contaminated soil and groundwater site conditions at the OARB.

34 The Army has already determined that remediation of the tarry residue under and around
35 Building No. 1 is warranted due to potential mobility of the residue and the unacceptable health
36 risks from exposure (IT 2001i, Draft Feasibility Study at page 2-9). The Army has also evaluated
37 two options for remediation of this area:

38 a) temporary relocation of Wings 1 and 2, and

1 b) demolition of Wings 1 and 2.

2 Building No. 1 is a large, multi-winged structure, and Wings 1 and 2 comprise approximately
3 one-half of the building, or about 80,000 square feet. Temporary relocation would involve
4 separating Wings 1 and 2 and utilities from the remaining wings, stabilizing both segments,
5 placing the structure to be removed on a dolly, raising the structure, and cutting the existing
6 wood pilings after the building has been lifted. After remediation (which would involve
7 excavation with heavy equipment), new pilings would be constructed and the building would be
8 returned to the site and reconnected. The Army concluded that based on the “inherent risk and
9 uncertainties involved with the temporary relocation of Wings 1 and 2, option b, demolition, was
10 selected” (see IT 2001i, Draft Feasibility Study at pages 2-12 to 2-13). This conclusion is also
11 consistent with the findings in the *Draft Historic Building Reuse Alternatives Report*, which
12 concludes; “Building 1, though modular in plan, was considered excessively large to consider
13 relocating. Additionally, its historic significance and prominence on the Base would be
14 compromised by relocation. For these reasons, relocation of Building 1 has not been included in
15 the cost estimates presented in this report” (Stoltz 2002). Additionally, the conclusion is
16 consistent with OBRA’s evaluation of potential remedial actions, which found that “demolition of
17 Wings 1 and 2 are necessary because the building apparently cannot be relocated, and
18 clearance for excavators and other heavy equipment is required to access the tarry residue”
19 (OBRA 2002, Attachment 3). For these reasons, the Army intends to demolish Building No. 1.

20 Representatives of the OBRA and the ORA have held many discussions, meetings, and
21 negotiations with the DTSC and the Army regarding the remediation process to be followed after
22 transfer of the OARB occurs. These efforts culminated in a Draft Remedial Action Plan and
23 Draft Risk Management Plan (RAP/RMP), which was released by DTSC concurrently with this
24 EIR(DTSC 2002a). See also Chapter 4, Revisions to the Draft EIR, for the updated description
25 of the regulatory oversight process for remediation at the OARB. Excavation, neutralization,
26 transport and disposal of the tarry residue from the ground underneath and in the vicinity of
27 Building No. 1 to an off-site permitted facility, as well as five years of groundwater monitoring is
28 proposed in the RAP/RMP (DTSC 2002a). The RAP/RMP also assumes that Building No. 1 will
29 be demolished to allow access for the remediation described in the RAP/RMP (DTSC, 2002a).

30 Thus, based on currently known hazardous materials remediation requirements, it is not feasible
31 to preserve Building No. 1, a building which is a contributor to the OARB Historic District. In
32 addition to Building No. 1, per the Draft RAP/RMP, additional sites may require remediation of
33 contaminated soil and groundwater, which could affect the potential to preserve other
34 contributors to the OARB Historic District (see DTSC 2002a).

35 **Gateway Development Area Activities Impact on Historic District Contributors: Economic**
36 **Feasibility of Adaptive Reuse**

37 The Gateway development area of the OARB includes all or portions of 15 buildings and two
38 wharves within the OARB Historic District. Thirteen of these buildings have been identified as
39 potential candidates for reuse (Stoltz 2002). Of these 13 candidates, 8 will be demolished in part
40 by the Port redevelopment activities or remediation (see above). Of the three wharves that are

1 contributing structures to the OARB Historic District, Wharf 6 and a portion of Wharf 6½ will be
2 removed for Port-related redevelopment activities. The remaining Wharf 7 is anticipated to be
3 retained as part of the Gateway development area. In regard to the area identified as the parade
4 ground, the information contained in the *Draft Historic Building Reuse Alternatives Report*
5 indicates the following: “Early plot plans and a Post map dated May 1948 do not indicate the
6 location of a parade ground in the vicinity of this building [Building No. 1] or elsewhere. An
7 advertising map published in 1956 shows a parade ground located in the area of the
8 Administration Building’s parking lot adjacent to Maritime Street. The date of that map and lack
9 of an identified parade ground on the 1948 Post Map indicate that it was likely a post-World War
10 II feature” (Stoltz 2002).

11 There is no hard and fast rule regarding how much of a building would have to be retained to
12 avoid a loss of its essential physical features and design integrity. However, if half of the
13 structure was to be demolished, and probably much less, a clear loss would result and the
14 structure would lose its eligibility for the national Register of historic Places (Stoltz 2002). Only
15 six of the 13 candidate structures and one wharf meet the conservative, 50 percent criterion,
16 including Buildings 812, 60, 808,⁶ 821, 822 and 823, and Wharf 7. Using information from the
17 *Draft Historic Building Reuse Alternatives Report* (Stoltz 2002), OBRA staff has conducted a
18 *Feasibility Analysis of Preserving OARB Historic District Structures* (OBRA 2002). Based on the
19 results of this analysis, reuse of these six candidate buildings would generate significantly
20 adverse economic impacts to the overall development plan if integrated into the Gateway
21 development area.

22 This conclusion is based on an analysis of future revenues that are anticipated to accrue related
23 to new construction that would be consistent with the “Flex-use” real estate products as
24 anticipated under the OARB Reuse Plan. Such new construction is projected to generate sales
25 values approximately 70 percent greater than their corresponding construction costs (OBRA
26 2002, Table 3). In contrast, rehabilitation of the six candidate buildings would result in a
27 combined market value of 18 percent less than their associated construction costs (OBRA 2002,
28 Table 8). According to the OBRA analysis, “Most of the potential building reuse projects cannot
29 reasonably be expected to defray their related construction costs. None can reasonably be
30 projected to cover the full expenses of their development. If such reuse projects are integrated
31 into the Gateway development area, the development approach used in the City EDC
32 application becomes infeasible. Such a result in turn undermines the rationale for the no-cost
33 EDC transfer of the OARB to the City. Reuse of the contributing Historic District buildings
34 cannot be feasibly accomplished without unacceptably affecting project economics and
35 jeopardizing the completion of the EDC” (OBRA 2002, page 16).

⁶ With the construction of the Loop Road, half of Building No. 808 will be demolished; nevertheless, the economic analysis considered reuse of this partial building (OBRA 2002).

1 **Conclusions Regarding the Feasibility of Historic District Contributor Building Reuse**

2 Currently known, specific redevelopment activities planned within the Port development area,
 3 hazardous materials remediation requirements, and projected economic feasibility of building
 4 reuse in the Gateway development area all affect the feasibility of preserving existing contributor
 5 buildings within the OARB Historic District. Table 3-2 identifies all of the contributing structures
 6 within the Historic District and the factors that influence or determine their feasibility for
 7 preservation and adaptive reuse.

**Table 3-2
 Feasibility of Preserving OARB Historic District Contributor Buildings**

Building No.	Factors Contributing to Infeasibility of Preservation/Reuse:			Economic Yield Projections
	Remediation Site ¹	New Berth 21	New Intermodal Facility	
001	X			X
004				X
060				X
085				X
088		X		X
090		X		
099		X		
Wharf 6		X		
Wharf 6½		X		
Wharf 7				
802		X	X	
803		X	X	
804		X	X	
805			X	
806			X	
807			X	
808			50%	X
812				X
821				X
822				X

**Table 3-2
Feasibility of Preserving OARB Historic District Contributor Buildings**

Building No.	Factors Contributing to Infeasibility of Preservation/Reuse:			
	Remediation Site ¹	New Berth 21	New Intermodal Facility	Economic Yield Projections
823				X
991			X	

Notes: 1. Remediation per the RAP/RMP may potentially affect all OARB Historic District contributing buildings within the OARB, see Section 4.7.
X – indicates factor applies to building

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Recommended Additional/Revised Mitigation

As discussed above, there are known determinants making infeasible the reuse of OARB Historic District contributing structures based on Redevelopment Plan activities, including new Port development projects in the Port development area and remediation requirements throughout the OARB sub-district. There are also economic factors that indicate the infeasibility of preservation and reuse of historic district contributor buildings within the Gateway development area. However, it is possible that market conditions and the final plan for the City Gateway development area under the Redevelopment Plan could change over time.

Additionally, numerous comments have suggested that demolition of OARB structures not be allowed until such time as all issues of feasibility have been determined and final project development plans have been proposed and approved. Given these conditions, the following additional mitigation measures and revisions to mitigation measures as presented in the draft EIR, are recommended. These new mitigation measures and modifications to mitigation measures strengthen and enhance the mitigation as presented in the draft EIR. These strengthened and enhanced measures also respond to several comments suggesting that the measures contained in the draft EIR are inadequate. The mitigation measures, as discussed below, are based on the assumption that all contributing buildings to the OARB Historic District will be lost. All of the mitigation measures, taken together, comprise a suite of mitigation to address this loss of the OARB Historic District. Implementation of these measures may be phased along with the timing of new redevelopment activity. These OARB Historic District-related mitigation measures can generally be grouped into three major categories:

- Preservation of all historic district contributor buildings until such time as demolition is needed, as described below, including hazardous materials remediation, 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, discussed below),

- 1 • Development of a Master Plan for, and implementation of, a commemoration site to
2 memorialize the contributions of civilians and the military in the Bay Area to all wars (see
3 Mitigation Measure 4.6-2, discussed below, and Measure 4.6-3), and
- 4 • Preparation of a Historical Resource Documentation Program, consisting of a coordinated
5 effort of primary research and documentation, with a substantial scholarly input and publicly
6 available products (Mitigation Measures 4.6-16 and 4.6-4 through 4.6-11, discussed below).

7 These mitigation measures are more fully described below. The text changes associated with
8 these measures are also located in Chapter 4, Revisions to the Draft EIR. New Mitigation
9 Measures 4.6-14 and 4.6-15 are added to the draft EIR as follows:

10 **Mitigation 4.6-14: No demolition or deconstruction of contributing structures to the OARB**
11 **Historic District shall occur until necessary.**

- 12 • Demolition or deconstruction of contributing structures to the OARB Historic District
13 necessary for the protection of public health and safety, particularly as related to the
14 remediation of hazardous materials and hazardous wastes within the OARB, may be
15 initiated at any such time as determined necessary by the lead agency undertaking such
16 remediation activity. The potential for partial removal of structures where remediation activity
17 will not require the total demolition of the historic district contributor building shall be
18 considered. The totality of costs involved in partial building salvage shall be included in this
19 consideration.
- 20 • Demolition or deconstruction of contributing structures to the OARB Historic District
21 necessary for Port redevelopment as described in Chapter 3, Description shall not occur
22 until such time as the Port has approved a final development plan for the relevant new
23 facility or facilities. Buildings affected by this measure include Buildings No. 88, 90, 99, 802
24 through 807, the easterly portion of 808, 991, and Wharves 6 and 6½. The potential for
25 partial removal of structures where Port redevelopment will not require the total demolition of
26 the historic district contributor building shall be considered, specifically including, but not
27 limited to the westerly portion of Building 808.
- 28 • Demolition or deconstruction of contributing structures to the OARB Historic District
29 necessary for redevelopment activity within the Gateway development area (except as
30 necessary for the protection of public health and safety, including hazardous material or
31 waste remediation) shall not occur until such time as actual development projects are
32 proposed and permits for their construction have been approved. No such permits shall be
33 approved until such development projects can demonstrate that they have considered
34 adaptive reuse of historic structures, but that adaptive reuse is found to be infeasible. OBRA
35 and/or any developer shall make a pro-active, good faith effort to incorporate preservation of
36 some of the following buildings - 4,60,85, the westerly portion of 808, 812, 821,822, and 823
37 - in a location proximate to the final alignment of the Bay Trail. The consideration of adaptive
38 reuse, including reuse as a commemoration site, shall be a required component of

1 subsequent land use approvals, such as PUD, design review or conditional use permits. To
2 be considered as a commemoration site, the adaptive reuse opportunity would need to
3 include an interpretive center, museum or other similar, publicly accessible use, and would
4 need to serve as a repository for historically valuable artifacts, documents and accounts. No
5 additional CEQA review shall be required for these subsequent applications unless the
6 statutory requirements for subsequent environmental review are triggered.

7 **Mitigation Measure 4.6-15:** As part of the deconstruction and salvaging requirements for
8 demolition of any contributing structure within the OARB Historic District (see Mitigation
9 Measure 4.6-9), specific architectural elements, building components or fixtures should be
10 salvaged. A qualified architectural historian shall determine which, if any of such elements,
11 components or fixtures should be retained for potential future public display.

12 **Mitigation 4.6-2:** The City, Port and OARB sub-district developers shall fund on a fair-share
13 basis a commemoration site, including preparation of a Master Plan for such a site, to be
14 located at a public place located within the Gateway development area.

- 15 • An appropriate location shall be set-aside for development of a commemoration site. The
16 commemoration site shall be at a publicly accessible place. It may be located within or
17 adjacent to any historic district contributor buildings that are preserved on a permanent
18 basis (see Mitigation Measure 4.6-14). If that is not feasible, another potential location is
19 within or near to the Gateway Park.
- 20 • A design plan for the commemoration site shall be prepared, and shall include the design of
21 monuments and the selection of appropriate relocated physical elements from the OARB,
22 potentially including relocated structures and/or portions of structures to be included in the
23 site. The City and the Port shall identify structures and/or portions of structures to be
24 preserved or moved to the commemoration site prior to demolition.
- 25 • The master planning process should involve the City and the Port, the public and interested
26 historical and veterans groups, historic experts, and other public agencies.
- 27 • Implementation of the commemoration site master plan may be phased along with the
28 timing of new development.
- 29 • The master plan shall include an endowment to be funded by the City and the Port, or their
30 designee, for ongoing maintenance and replacement and may also include curator costs
31 associated with the commemoration site and with trail signage, exhibits and design
32 elements as described below.
- 33 • The City and the Port shall develop an ongoing outreach program informing the public of the
34 importance of the OARB to the community and the region, and of the existence of the
35 commemorative site.

36 3.8.4 Off Site Mitigation

37 *This response addresses comments W4-31, W4-39, W4-40, W9-5, W9-21, and W11-9.*

1 Several comments on the draft EIR have suggested that a mitigation fund or other funding be
2 made available to protect and restore other existing historic resources located off site (not within
3 the OARB Historic District). Specific historic structures that have been recommended as a
4 recipient of such funding include the Amtrak car paint shop located within the Union Pacific
5 Railroad property and the Amtrak train station, with space to be provided for an exhibit of the
6 Pullman Porter's history in West Oakland. Other comments suggest establishment of a general
7 mitigation fund that could be used to subsidize historic preservation efforts within other portions
8 of the Oakland waterfront area.

9 The mitigation measures that are recommended in the draft EIR are intended to specifically
10 address the loss of contributing structures within the OARB Historic District. Funding necessary
11 to implement these mitigation measures will be derived from future revenues associated with
12 those redevelopment activities that cause the impact. If these funds were instead used to
13 subsidize preservation of off-site, or non-OARB Historic District resources, it would dilute the
14 funding made available to measures identified as direct mitigation for the loss of OARB Historic
15 District resources.

16 Several comments on the draft EIR have indicated that it is inappropriate for the EIR to consider
17 preservation of the Amtrak station within the 16th and Wood Sub-district as mitigation for the
18 loss of historic resources within the OARB. The draft EIR did not make this recommendation.
19 Nothing within the text of the draft EIR suggests that preservation of the Amtrak station was
20 intended to reduce the impact occurring as a result of the loss of the OARB Historic District. In
21 fact, preservation of this station is part of the redevelopment Plan project description. The
22 mitigation related to the Amtrak station requires that renovation be conducted consistent with
23 Secretary of Interior Standards.

24 Other comments have suggested strengthening this mitigation measure to retain and protect
25 historically significant artifacts and features. In response, Mitigation Measure 4.6-13 is revised
26 as follows:

27 **Mitigation 4.6-13:** Prior to major renovation of these historically significant structures, the
28 redeveloper of the SPRR Station and 16th Street Tower shall ensure that historically significant
29 artifacts and features, if present, are retained and protected in place if feasible. If retention and
30 protection is found infeasible, such artifacts and features shall be are recorded and deposited
31 with the appropriate museum.

- 32 • All renovation of the exterior of a historic structure shall be consistent with the Secretary of
33 Interior's Standards.

34 3.8.5 Bay Trail Connections

35 *This response addresses comments W4-21 and W9-14.*

1 One comment supports linking the commemoration site to the Bay Trail, but does not consider
2 this an excuse to relocate a commemorative site to an arbitrary location. Another comment
3 notes that existing Buildings No. 812, 821, 822, 823 and 808 may be conveniently located vis-à-
4 vis the Bay Trail to serve as the commemoration site. In response, please see the discussion
5 under “Preservation and Adaptive Reuse,” above, in regard to preservation of buildings within
6 the Gateway development area. The location of the commemoration site shall be determined
7 based upon a master planning process, not an arbitrary location. As necessary, the Bay Trail
8 segment will be linked to this site, wherever it is eventually located.

9 **3.8.6 Design Elements Evocative of Historic Architecture**

10 *This response addresses comments W4-30 and W9-20.*

11 Comments have questioned the value of Mitigation Measure 4.6-12, which requires that at least
12 one building each in the Gateway and Port development areas of the OARB sub-district, if
13 feasible, shall include architectural design such as double eaves and clerestory windows
14 elements evocative of the warehouse structures. The draft EIR suggested that inclusion of these
15 distinctive elements in the modern architecture would provide an aesthetic connection to the
16 historic architecture of the site, and would partially compensate for the visual loss of these
17 architectural elements.

18 Any aesthetic connection that this measure may provide would not constitute tangible mitigation,
19 and, consistent with the comments, this measure has been deleted.

20 ~~**Mitigation 4.6-12:** At least one building each in the Gateway and Port development areas of the~~
21 ~~OARB sub-district, if feasible, shall include architectural design such as double eaves and~~
22 ~~clerestory windows elements evocative of the warehouse structures.~~

23 **3.8.7 Adequacy of Mitigation**

24 *This response addresses comments W4-17, W4-18, W4-19, and W4-24.*

25 Several comments on the draft EIR suggested that a number of the mitigation measures
26 recommended in the draft EIR for the loss of historic resources are in fact not mitigation, but
27 simply temporary actions, or actions that should be taken, or are required to record important
28 historical resources prior to their loss. Other comments have recommended additional
29 recordation strategies to further reduce impacts to historical resources. The following discussion
30 addresses these general and specific comments pertaining to the recordation of historical
31 resources as mitigation.

32 One of the significant impacts identified in the draft EIR is that: “Redevelopment would eliminate
33 evidence of a specific period in the history of West Oakland military transportation and
34 operations, potentially including all structures contributing to a designated historic district” (draft
35 EIR at page 4.6-22). According to CEQA Guidelines (Section 15370), one of the criteria for

1 determining the adequacy of a mitigation measure(s) is whether it is capable of “minimizing
2 impacts by limiting the degree or magnitude of the action and its implications.” Recordation of
3 historic resources does serve to limit the degree or magnitude to which evidence of a specific
4 period in the history of West Oakland military transportation and operations would be eliminated.
5 To the extent that these mitigation measures may also be requirements under local ordinances
6 (e.g., building material salvage) or federal requirements (i.e., HABS/HAER documentation) does
7 not disqualify them as mitigation.

8 CEQA Guidelines (Section 15126.4) state; “In some circumstances, documentation of an
9 historical resource by way of historic narrative, photographs or architectural drawings as
10 mitigation for the effects of demolition of the resource will not mitigate the effects to a point
11 where clearly no significant effect on the environment would occur.” Consistent with this
12 guideline, the draft EIR has identified such documentation efforts as mitigation for the impact,
13 but has not found such mitigation capable of reducing the impact to a less than significant level.
14 Even with the addition of mitigation measures that go beyond documentation, the loss of
15 evidence of a specific period in the history of West Oakland military transportation and
16 operations is found to be a significant and unavoidable effect of redevelopment.

17 Other comments on the draft EIR have suggested that the documentation efforts identified in the
18 draft EIR (mitigation measures 4.6-4 through 4.6-11) could and should be strengthened or
19 expanded. Such suggestions include involving the community in identifying additional
20 appropriate documentation strategies, recommendations for additions to the strategies included
21 in the draft EIR, and recommendation for strengthening the effectiveness of those strategies
22 already included. In response to these comments, an Historical Resource Documentation
23 Program will be developed, including Mitigation Measures 4.6.16, and 4.6-4 through 4.6-11 as
24 revised and discussed below in Sections 3.8.8 to 3.8.16 of this Response to Comment chapter.
25 Text changes associated with these revisions are also located in Chapter 4, Revisions to the
26 Draft EIR.

27 **3.8.8 Historical Resource Documentation Program/Book**

28 *This response addresses comments V5-10, V7-8, W4-36, W9-9, and W9-15.*

29 Comments have suggested that all of the recordation and documentary mitigation measures
30 should be coordinated under a primary research and documentation effort, with a substantial
31 scholarly and publicly available product, consisting of a book. In response to these comments,
32 the following additional mitigation measure has been added:

33 **Mitigation 4.6-16: The City, Port, and OARB sub-district developers shall fund on a fair share**
34 **basis preparation of a Historical Resource Documentation Program. This program shall consist**
35 **of a coordinated effort of primary research and documentation, with a substantial scholarly input**
36 **and publicly available products. The first product of this program shall include a coordinated**
37 **effort to conduct the research, writing, photo documentation, assembly and publication efforts**
38 **needed to prepare a comprehensive book on the history of the Oakland Army Base. The book**

1 shall document the important contribution the Base has made to the U.S. military, to Oakland
 2 and to the nation at large.

- 3 • The research and documentation needed to prepare this book should provide the basis and
 4 background for coordinated subsequent documentary mitigation such as the brochure,
 5 interpretation exhibits along the Bay Trail, the web site and others.
- 6 • Primary source material such as construction documents, photographs from World War II
 7 films, the 1946 volume "Gateway to Victory," and oral accounts should be considered for
 8 publication or re-publication within this book.
- 9 • An author, or authors, with appropriate experience and qualifications should prepare the
 10 book. The author shall consult with the Bancroft Library, the Oakland History Room, U.S.
 11 Army Center for Military History, the National Archives, University of California Press, and
 12 historical societies as appropriate.
- 13 • Copies of the book shall be provided to all East Bay public libraries, and to other educational
 14 institutions.

15 3.8.9 Oral Histories

16 *This response addresses comments V5-3, W4-22, and W4-35.*

17 Mitigation Measure 4.6-4 has been amended to add more detail regarding measures to ensure
 18 permanency of oral histories, as indicated below:

19 **Mitigation 4.6-4:** The City, Port and OARB sub-district developers shall fund on a fair-share
 20 basis collection and preservation of oral histories from OARB military and civilian staff. Oral
 21 histories shall be collected from OARB staff working at the Base from the 1940s through Base
 22 closure, as appropriate. Implementation of this measure should begin as soon as possible. The
 23 scope of this measure should include the following:

- 24 • professional quality publication of a master catalog of the interviews;
- 25 • a summary report made available at the Oakland Museum, Port Archives, the Oakland
 26 History room, and/or the UC Berkeley Regional Oral History Office at the Bancroft Library;
 27 and
- 28 • publication of copies of audio CD's or other stable recording medium, and the summary
 29 report for sale to the public; and
- 30 • all interviews shall be transcribed and saved in a long-term, archive-stable medium.

31 3.8.10 Web Site

32 *This response addresses comments V5-4, W4-23 and W9-15.*

1 Some comments state that web site development such as that recommended in Mitigation
2 Measure 4.6-5 does not constitute “mitigation,” and that any available funds should be spent on
3 more permanent measures. However, a web site, even if not permanent, could enable other
4 recordation documents to be more widely distributed and made available to a larger audience
5 interested in the history of the Base, and the measure has been retained with the following
6 modifications:

7 **Mitigation 4.6-5:** The City, Port, and OARB sub-district developers shall fund on a fair share
8 basis collaboration with “military.com” or a similar military history web site.

- 9 • The parties shall fund development of an interactive web page to be provided to military.com
10 or other web-based organization where ~~and web community~~ for former military personnel
11 can be connected to the OARB documentation.
- 12 • A list of list of draftees/enlistees processed through the OARB during WWII and the Korean
13 and Vietnam wars may be an element of such a site.

14 3.8.11 HABS/HAER Documentation

15 *This response addresses comments V5-5, W4-24, and W9-16.*

16 The Army has produced set of documentation for the structures within the OARB Historic
17 District. These documents were prepared for the Historic American Building Survey and Historic
18 American Engineering Record (HABS/HAER) as part of their Section 106 responsibilities to
19 preserve the historical significance of the OARB. These documents are currently available to the
20 public, but are not widely distributed. This mitigation measure will ensure that the documents
21 are widely distributed and made available to a larger audience interested in the history of the
22 Base.

23 In response to comments V5-5 and W4-24, see Section 3.8.8 above. In response to comment
24 W9-16, Chapter 4 of this document reflects the following text change:

25 “It will also offset (but not substantially reduce or avoid) the modification and/or destruction of
26 many of the historic buildings on the base, preserve their images, and provide a description of
27 their function and role to the interested public.”

28 This measure has been retained, with the following addition:

29 **Mitigation 4.6-6:** The City, Port, and OARB sub-district developers shall fund on a fair share
30 basis distribution of copies of the complete OARB HABS/HAER documentation prepared by the
31 Army to: Oakland History Room, Oakland Public Library; Bancroft Library, University of
32 California; and Port of Oakland Archives for the purpose of added public access to these
33 records.

- 1 • If such a summary does not exist, the City, Port, and OARB sub-district developers shall
2 also fund on a fair share basis preparation of an introductory summary to provide greater
3 context and interpretation of the contents of these documents.

4 **3.8.12 Job Well Done Video**

5 *This response addresses comments V5-6, W4-25, and W9-17.*

6 Several comments have indicated that the Army's "Job Well Done" video has not been viewed
7 by the general public or interested historic preservation groups, and that in absence of such
8 review it is not possible to comment on the value of wider public distribution. In response to
9 these comments, the draft EIR is amended **at page 4.6-27, line 2** to reflect the following text
10 change:

11 "The Army has produced a television broadcast-quality video documentary that describes the
12 mission and historical significance of the OARB. This documentary is not widely distributed, and
13 has not been viewed by the Oakland Landmarks Preservation Advisory Board or the Oakland
14 Heritage Alliance.

15 The mitigation measure as modified below is intended to ensure that, pending a determination
16 of its value, the documentary is widely distributed and made available to a larger and more
17 permanent audience interested in the history of the Base.

18 **Mitigation 4.6-7:** If determined of significant historical educational value by the Oakland
19 Landmarks Preservation Advisory Board and the Oakland Heritage Alliance, the City, Port, and
20 OARB sub-district developers shall fund on a fair share basis distribution of copies of "A Job
21 Well Done" documentary video published by the Army.

- 22 • Copies of the video shall be distributed to: the Oakland History Room, Oakland Public
23 Library, Bancroft Library, University of California; the Port of Oakland Archives; local public
24 schools and libraries; and local public broadcasting stations.
- 25 • Funding shall also be used to copy this video onto more permanent archive-stable medium
26 such as a CD.

27 **3.8.13 Murals from Building No. 1**

28 *This response addresses comments V5-7, W4-26 and W9-18.*

29 A mural commemorating the military transportation function of the Base is currently in storage at
30 the OARB. The mural was previously displayed in Building No. 1, but is no longer located in this
31 building. Comments have suggested that this mural should be displayed in Building No. 1 on a
32 permanent basis.

33 In response to the comments, the preservation of Building No. 1 has been determined to be
34 infeasible because at least half of the building will need to be removed to accommodate

1 hazardous materials remediation, and preservation of the remaining portions is economically
2 infeasible. Therefore, re-displaying the mural in Building No. 1 is not being considered.
3 However, preservation through stabilization, conservation, and display in some other publicly
4 accessible location will ensure this mural is preserved for future generations. This artwork is a
5 unique historical document that evokes the historical importance of the Base, and
6 commemorates the contributions of the U.S. military to Oakland and the nation at large. This
7 measure is modified as follows:

8 **Mitigation 4.6-8:** The City, Port, and OARB sub-district developers shall fund on a fair share
9 basis preservation and long-term curation of murals from OARB Building No. 1, and OBRA shall
10 either donate the murals to the Oakland Museum of California, or provide a permanent location
11 elsewhere. ~~within the project area.~~

- 12 • The mural shall be preserved in a publicly accessible location, which may include the
13 Gateway Park, the military charter school, a building within the Gateway development area,
14 Middle Harbor Shoreline Park, or the Oakland Museum.
- 15 • This measure should include funding for long-term curation to standards approved by a
16 qualified art historian.

17 3.8.14 Materials Salvage

18 *This response addresses comments V5-8, W4-27, and W9-19.*

19 Comments have expressed preference for saving warehouse buildings when possible, and
20 where preservation is not feasible, reuse of existing timbers on-site, within a publicly accessible
21 site. In response to these comments, this measure is revised to reinforce the preference for on-
22 site reuse opportunities.

23 **Mitigation 4.6-9:** The City, Port, and OARB sub-district developers shall fund on a fair share
24 basis a program to salvage as whole timber posts, beams, trusses, and siding of warehouses to
25 be demolished to the maximum extent feasible.

- 26 • To the extent feasible, these materials shall be used in whole, on site, in the construction of
27 new buildings within the Gateway development area. Special consideration shall be given to
28 the use of these materials at the commemoration site through the site's Master Planning
29 effort.
- 30 • If on-site reuse is found infeasible, opportunities shall be sought for reuse of these materials
31 ~~if used~~ in other East Bay Area construction, or be sold into the recycled construction
32 materials market. Landfill disposal of salvageable construction material from contributing
33 historic structures shall be prohibited by contract specification. Salvage and reuse
34 requirements shall be enforced via contract specification.
- 35 • Salvage operations shall employ members of local job-training bridge programs (Youth
36 Employment Program, Joint Apprenticeship Training Committee, Homeless Collaborative) or

1 other similar organizations as feasible, to provide construction-training opportunities to
2 Oakland residents.

3 3.8.15 Brochure

4 *This response addresses comments V5-9 and W4-28.*

5 As provided for in Mitigation Measure 4.6-3, the City shall ensure that any commemoration site
6 established for the OARB is linked to the Gateway Park and the Bay Trail via a public access
7 trail. The design and development of this on-site trail is to include a series of interpretive panels,
8 exhibits and design elements that communicate the scope and historical significance of Base
9 activities and their impact on the community throughout the life of the Base. A brochure is
10 recommended to be developed and made available describing the history of the Army Base.
11 The brochure could be used as a self-guided tour, related to the interpretive panels and exhibits.

12 Comments have expressed doubt as to the overall value of such a brochure given its
13 impermanent and non-comprehensive nature, questioning its use as a mitigation measure. In
14 response, a brochure would provide valuable interpretive capability if used in conjunction with
15 the trails and exhibits. The mitigation measure is amended as follows:

16 **Mitigation 4.6-10:** The City, Port, and OARB sub-district developers shall fund on a fair share
17 basis production and distribution of a brochure describing the history and architectural history of
18 the OARB.

- 19 • The brochure shall be distributed to local libraries and schools, and be made available to the
20 public at select pick-up and drop-off locations along the Bay Trail to be used for self-guided
21 tours.
- 22 • This brochure shall build upon the previously completed historical documentation produced
23 by the Port of Oakland, the Navy, and the Army for previous projects and on the original
24 research completed for preparation of the Historical Resource Documentation Program and
25 book.
- 26 • This brochure shall ~~will~~ document the history of the redevelopment area and provide
27 references to where more detailed information about the Base may be found.

28 3.8.16 Documents and Photographs

29 *This response addresses comment W4-29.*

30 The Army has amassed a collection of historical photographs, engineering records, and
31 administrative records related to the OARB. This collection is currently not available to the
32 public at large. Mitigation Measure 4.6-11 is intended to ensure that the collection is made
33 available to a larger audience interested in the history of the Base. It will also preserve the
34 images and provide a description of the OARB's function and role to the interested public. In

1 response to a comment about curator costs for such information, this measure has been revised
2 as follows:

3 **Mitigation 4.6-11:** The City, Port, and OARB sub-district developers shall fund on a fair share
4 basis acquisition of copies of construction documentation and photographs of historic buildings
5 currently in the OARB files and transfer the copies to the Oakland History Room files and Port
6 historic archives, including funding to cover costs of archiving and cataloging these materials, as
7 well as curator costs at the Oakland History Room. While select photos and information maybe
8 exhibited at the commemoration site, the Oakland history Room is the most appropriate location
9 for the archive.

10 3.8.17 Staffing Needs for Implementation of Mitigation Measures

11 *This response addresses comments V5-14, and W4-38.*

12 Comments have requested an additional mitigation measure to fund a City CEDA planning
13 position specifically to oversee implementation of the historic mitigation measures. In response,
14 CEQA Guidelines (Section 15097) require that a mitigation monitoring program be prepared to
15 “ensure that implementation of the mitigation measures occurs in accordance with the program.”
16 Under these established requirements, all mitigation measures will require monitoring to ensure
17 ongoing oversight of mitigation measures. This monitoring program will be funded through a
18 combination of financing from the City, the Port and project area developers. Therefore, no
19 additional mitigation measure is required.

20 3.8.18 Re-Working Mitigation Measures

21 *This response addresses comments W4-14, W4-32, and W4-41.*

22 Comments have suggested the mitigation measures need to “re-worked,” preferably after
23 consultation with numerous interested groups. The public comment and response process that
24 has been provided under CEQA, as embodied in this document, has provided public input and
25 enabled the “re-working” of a majority of mitigation measures related to historical resource
26 issues, incorporating all identified and feasible recommendations. Mitigation Measure 4.6-14, as
27 currently drafted, also provides for a master planning effort related to establishment of the
28 commemoration site. This master planning effort is to involve the City and the Port, the public
29 and interested historical and veterans groups, historic experts, and other public agencies in that
30 process. Therefore, no additional mitigation measure is required.

31 3.9 HAZARDOUS MATERIALS—SECTION 4.7 OF THE DRAFT EIR

32 In addition to suggested edits addressed in Chapter 4, Revisions to the Draft EIR, comments
33 regarding hazardous materials include the following issues:

- 34 • Building No. 1

- 1 • regulatory oversight
- 2 • obligation to remediate the Gateway Park area

3 3.9.1 Building No. 1

4 *This response addresses comments W4-9 and W12-4.*

5 The contamination data regarding the tarry residue under and around Building No. 1 has been
6 reviewed multiple times by multiple entities, and no further review is necessary. As noted in the
7 draft EIR, contamination issues around Building No. 1 have been investigated and analyzed by
8 the Army's consultants, IT Corporation, and the findings are presented in numerous reports (IT
9 2002b, 2002d, 2001i, 2000f, 2000g, 2000j). In addition, OBRA has had its own consultants,
10 Erler & Kalinowski, Inc., review and analyze the data. Moreover, through its review and release
11 of the Draft Remedial Action Plan/Risk Management Plan (RAP/RMP) (DTSC 2002) as well as
12 review of the draft EIR, DTSC has thoroughly reviewed and analyzed the data regarding the
13 tarry residue under and around Building No. 1. All of the experts agree that the contamination
14 data regarding Building No. 1 is accurate and that the appropriate remedy is to excavate and
15 dispose of the contaminated soil at an off-site permitted waste management facility as
16 hazardous waste under the Resource Conservation and Recovery Act.

17 Comment W12-4 appears to reference a February 13, 2001 letter prepared by STL ChromaLab
18 transmitting the laboratory analytical results of a sample of tarry residue that exuded to the
19 surface in the crawlspace beneath Building No. 1. The ChromaLab analytical results concerning
20 the tarry residue under and around Building No. 1, along with numerous others, are included in
21 Appendix B of the Army's *Draft Building 1 Site Supplemental Investigation Report* (IT 2002d).
22 The ChromaLab analytical results alone do not provide a complete picture of the contaminants
23 present in the tarry residue. First, the testing done by ChromaLab was incomplete and failed to
24 measure lead and dioxin-like compounds that are present at significant concentrations in the
25 tarry residue. Further, polycyclic aromatic hydrocarbons (PAHs) are also present in the tarry
26 residue at concentrations of concern. PAHs were missed by ChromaLab in its testing for semi-
27 volatile organic compounds because the analytical method reporting limits for this sample were
28 particularly high, which means PAHs may have been present in the sample but the testing
29 performed was not sensitive enough to detect them.

30 Friedman & Bruya, Inc. conducted more careful testing on a tarry residue sample collected
31 beneath the Building No. 1 crawlspace in 2000. Friedman & Bruya, Inc.'s analytical results are
32 also included in Appendix B of the Army's *Draft Building 1 Site Supplemental Investigation*
33 *Report* (IT 2002d). Friedman & Bruya, Inc.'s testing confirmed the tarry residue is contaminated
34 with lead, dioxin-like compounds, and PAHs. In addition, Friedman & Bruya, Inc. reported the
35 tarry residue contains polychlorinated biphenyls (PCBs).

36 The contamination beneath Building No. 1 could pose potential health hazards if the structure
37 was to be reoccupied. The Army (IT 2002d) estimates that the cumulative, incremental lifetime

1 carcinogenic risk to office workers is on the order of 4×10^{-5} if Building No. 1 was to be reused.
2 The Army (IT 2002d) estimates that the cumulative non-carcinogenic risk to this same
3 potentially exposed population corresponds to a hazard index (HI) of 2.1. The Army (IT 2002d)
4 estimates even higher potential risks to individuals (e.g., construction workers or maintenance
5 personnel) that may directly come into contact with the tarry residue.

6 The DTSC has established remedial action objectives, or clean-up standards, in the draft
7 RAP/RMP for the OARB (DTSC 2002a). DTSC is proposing that remediation be performed for a
8 release of any chemical on the OARB that represents a potential carcinogenic risk greater than
9 1×10^{-6} or a non-carcinogenic risk greater than a HI of 1. If multiple chemicals are involved with a
10 release, as is the case with the tarry residue under and around Building No. 1, the cleanup
11 required by DTSC must result in a potential carcinogenic risk less than 1×10^{-5} and a potential
12 non-carcinogenic risk less than a HI of 1. Since the risks associated with the tarry residue
13 exceeds these standards, as noted above, the contaminated soils must be excavated and
14 disposed at an off-site permitted waste management facility as hazardous waste under the
15 Resource Conservation and Recovery Act (DTSC 2002a).

16 3.9.2 Regulatory Oversight

17 *This response addresses comment W19a-13.*

18 In response to a comment from the Port of Oakland, the City agrees the Port will be provided
19 the opportunity to fully participate in discussion with the regulators.

20 3.9.3 Obligation to Remediate the Gateway Park Area

21 *This response addresses comments W18-2, W18-3, W18-4, and W18-5.*

22 The Army's obligation with respect to the Gateway Park remains unchanged. The Army plans to
23 transfer 15 acres at the Gateway peninsula by Public Benefit Conveyance (PBC) to the EBRPD
24 via the Department of the Interior. This conveyance is planned to be accomplished with a
25 Finding of Suitability to Transfer, meaning that the Army must complete all hazardous
26 substances clean up activities necessary to protect human health and the environment before
27 transferring the property per CERCLA Section 120(h). This is a separate project considered in
28 draft EIR Chapter 5, Cumulative Impacts. This issue is clarified in this document in Chapter 4,
29 Revisions to the Draft EIR.

30 In contrast, the remainder of the OARB is planned to be transferred to the OBRA by Economic
31 Development Conveyance (EDC) using a Finding of Suitability for Early Transfer. Under the
32 early transfer process, the Army may transfer the property before all the necessary clean up is
33 complete and may also transfer the clean up responsibility, provided that the cleanup program is
34 acceptable to DTSC, and the early transfer is approved and requested by the Governor. See
35 discussion of early transfer process in draft EIR Section 4.7, Hazardous Materials. OBRA is not

1 assuming any cleanup responsibility for the Gateway Park area, nor has a cleanup proposal for
2 this area been reviewed or approved by DTSC.

3 In sum, with respect to the PBC transfer of the Gateway Park, unlike the EDC transfer of the
4 remainder of the Base, the Army plans to retain responsibility for remedial activities. Existing
5 data with respect to the soil and groundwater contamination at the Gateway Park is included in
6 the EIR by reference. Specifically, all of the data related to contamination issues in the Gateway
7 Park area has been compiled in the following report by Harding ESE: *Remedial Investigation*
8 *Report for Operable Unit 4, Oakland Army Base, Oakland, California*. Draft Final (July 27,
9 2001), which is included in the reference list.

10 **3.10 POPULATION, HOUSING, AND EMPLOYMENT—SECTION 4.8 OF THE DRAFT EIR**

11 Comments regarding population, housing, and employment focused on the following issues:

- 12 • jobs/housing
- 13 • validity of the employment analysis

14 **3.10.1 Jobs/Housing**

15 *This response addresses comments W11-10.*

16 One comment requested the EIR discuss establishment of an appropriate jobs/housing mix
17 between the 375 live/work units proposed for the 16th/Wood sub-district and the OARB sub-
18 district. As described at pages 4.8-8 and 4.9-19 of the draft EIR, a conservative estimate
19 (treating the live-work units as average households) of total and work population for the
20 16th/Wood sub-district is as follows:

21	Total population:	975	2.6 persons per unit
22	Children	<u>190</u>	0.51 per unit
23	Potential workers	785	(975 – 190 = 785)
24	16 th /Wood jobs	<u>375</u>	1 per unit
25	Available workers	410	(785 – 375 = 410)

26 As described in the draft EIR at Table 4.8-1, approximately 5,010 (5,260 – 250 = 5,010) net new
27 on-site jobs would occur in the OARB sub-district as a result of redevelopment, the equivalent of
28 12.2 jobs per new 16th/Wood available worker. The OARB sub-district, the job center, is within a
29 mile of the 16th/Wood sub-district, a potential source of employees. This is considered a positive
30 situation. There would be many more available local jobs than new local workers as a result of
31 redevelopment, and it is assumed that local West Oakland residents would benefit from the
32 number of available new, local jobs proximate to their homes. Where available employees

1 reside near the job base, vehicle miles traveled are reduced, as well as associated traffic, air,
2 and noise impacts.

3 **3.10.2 Validity of the Employment Analysis**

4 *This response addresses comment W16-5.*

5 A major assumption of the Redevelopment Plan (incorporating the OARB Reuse Plan) that
6 underpins the economic analysis is that an 18-year build-out period allows for market absorption
7 of a variety of uses. The plan does not assume specific program phasing or specific rate of
8 absorption, but buildout by 2020. This allows the City, developers, and the Port to respond to
9 market demand as it arises, and the buildout projections of the project description are intended
10 to be a reasonable estimate of what might be expected to develop at the site over the relatively
11 long program horizon. The economic model used to project jobs is based on standard job
12 multipliers of the U.S. Bureau of Labor Statistics, and on the Port of Oakland's economic model,
13 which has been developed and refined over more than 10 years. No non-standard techniques
14 were used to alter the model or its results.

15 **3.11 PUBLIC SERVICES AND UTILITIES—SECTION 4.9 OF THE DRAFT EIR**

16 In addition to suggested edits addressed in Chapter 4, Revisions to the Draft EIR, comments
17 regarding public services and utilities include the following issues:

- 18 • solid waste goals
- 19 • fire service mitigation
- 20 • potable water service
- 21 • recycled water
- 22 • wastewater service

23 **3.11.1 Solid Waste Goals**

24 *This response addresses comment W11-11.*

25 One criteria for impact assessment of solid waste was the City's ability to meet the state
26 mandated goal of 50 percent waste diversion. This criteria is used because it has been the
27 policy of the City to use this goal as a significance criteria, and because current City policy
28 reflects this goal. The proposed program includes three mitigation measures to maximize waste
29 diversion during construction, and to require long-term waste reduction in the redevelopment
30 area of 50 percent (the state goal). If, in the future, the City and/or Port amend the policy to
31 reflect a higher waste diversion goal, then specific development proposals would be required to
32 comply with the new policy.

3.11.2 Fire Service Mitigation

This response addresses comment W19a-14.

Mitigation Measure 4.9-1 requires the City and Port to cooperatively fund an investigation of the need for an additional fire station in the OARB or Maritime sub-district, and if such a facility is required, to fund its construction and operation on a fair-share basis. The City and Port have further studied this issue and believe that substitute mitigation measures are adequate to mitigate potential impacts to less than significant levels. Therefore, Mitigation Measure 4.3-8 is modified to include emergency response service to the area via increased fireboat service (instead of a new fire station), to be funded on a fair-share basis by the City and Port. Text revisions to reflect this agreement are included in Chapter 4, Revisions to the Draft EIR.

3.11.3 Potable Water Service

This response addresses comments W3-1 and W3-3.

Removal of In-Ground Utilities. Regarding a comment asking for better definition of the nature and type of demolition, de-construction, and remediation activities, it is anticipated that as part of redevelopment, removal of above-ground facilities or remediation of soils or groundwater may also require removal of above- and removal or abandonment of in-ground utilities. Depending on their composition and status, these removed materials will be recycled, land filled, or disposed of at a licensed facility.

Availability of Site Information for Service Providers. Substantial information is provide in the draft EIR at Section 4.7 regarding site conditions relative to contamination of soil and groundwater. Prior to completion of design and construction of potable water pipelines or other in-ground utilities, the City and/or Port will provide all available relevant information regarding hazardous materials, hazardous contaminated soils and groundwater to the service provider.

3.11.4 Recycled Water

This response addresses comments W3-5 and W3-6.

Inter-Agency Coordination. The proposed program includes the use of recycled water as described in the draft EIR at Chapter 3, and as described in Mitigation Measures 4.9-4, 4.9-5, and 4.9-6. The City will continue to work with the East Bay Municipal Utility District regarding coordination of City redevelopment plans with EBMUD's upcoming East Bayshore Recycled Water Project to ensure efficient delivery of recycled water to the area.

Scope of Other Area Environmental Documents. The City understands that construction impacts of the East Bayshore Recycled Water Project in the redevelopment area were limited to impacts from construction of major facilities (located in Maritime and Wood Streets), and that non-transmission distribution and service systems were not included in that analysis.

1 3.11.5 Wastewater Service

2 *This response addresses comments W3-8 and W3-9.*

3 The analysis of wastewater service in the draft EIR assumed some redirection of wastewater
4 flow allocation would occur from sewer sub-basin 64-X to sub-basin 64-15. EBMUD has
5 indicated this redirection has been approved, and that each additional requests for redirection of
6 flow allocation must be requested of EBMUD and approved in advance. In addition, EBMUD
7 indicated the gross wastewater capacity allocation for the OARB study area of 14.2 million
8 gallons per day (mgd) must be reduced by the amount of capacity allocated to the Army
9 Reserve site located above West Grand Avenue. Total peak flows for the entire redevelopment
10 area are estimated to be 2.62 mgd, a fraction of the gross area-wide allocation of 14.2 mgd, and
11 the small Army Reserve facility does not reasonably have the ability to materially impact the
12 effective sewer allocation available to the redevelopment program.

13 3.12 RECREATION AND PUBLIC ACCESS—SECTION 4.10 OF THE DRAFT EIR

14 In addition to suggested edits addressed in Chapter 4, Revisions to the Draft EIR, comments
15 regarding recreation and public access focused on design of the Gateway Park.

16 *This response addresses comment V10-6.*

17 Regarding the ultimate size and design of the Gateway Park, the East Bay Regional Park
18 District (EBRPD) will receive approximately 15 acres of OARB land located on the Outer Harbor
19 side of the Bay Bridge within the redevelopment project area. This is not the entire area located
20 below the Bay Bridge, and EBRPD may acquire additional nearby parcels located outside the
21 redevelopment project area. It is not known, however, if the District will successful in obtaining
22 additional property. In addition, the District has not yet developed a detailed design for the
23 Gateway Park. Therefore, the final configuration of the Gateway Park is not currently known.

24 3.13 AESTHETICS—SECTION 4.11 OF THE DRAFT EIR

25 Comments regarding aesthetics focused on development of additional alternatives specifically
26 intended to reduce aesthetic impacts.

27 *This response addresses comment W11-12.*

28 This comment states that alternatives should have been evaluated in the draft EIR that would
29 mitigate for the visual loss of OARB historic resources anticipated under the proposed program.

30 Five alternatives were evaluated in detail for their ability to reduce the unavoidable adverse
31 impacts of the proposed program; the Gateway Adaptive Reuse/Eco-park alternative would
32 result in adaptive reuse of buildings within the City's portion of the OARB sub-district (*i.e.*, the
33 Gateway development area). The alternatives analysis of the draft EIR found that sufficient
34 resources would be retained under the Gateway Adaptive Reuse/Eco-park alternative to

1 substantially reduce the residually significant impact of the proposed program regarding loss of
2 the visual evidence of the historic district. See draft EIR at page 7-46, lines 7 through 11, and
3 Table 7.5-2 under “Aesthetics” at page 7-36. Moreover, a Full Adaptive Reuse alternative was
4 considered, which preserved all historic structures at the Army Base, but was rejected from
5 detailed evaluation because it was determined infeasible (see draft EIR at pages 7-4 through 7-
6 10).

7 Furthermore, implementation of the proposed program neither requires nor assures loss of all
8 resources of the OARB Historic District would occur, it simply allows for it. See also Section 3.8,
9 Cultural Resources, of this document. Development that fundamentally meets the objectives of
10 the proposed program, which would not result in new significant impacts not already disclosed
11 in this EIR, and which would preserve historic resources, is not precluded by approval of the
12 proposed program.

13 3.14 BIOLOGICAL RESOURCES—SECTION 4.12 OF THE DRAFT EIR

14 In addition to suggested edits addressed in Chapter 4, Revisions to the Draft EIR, comments
15 regarding biological resources focused on the following issues:

- 16 • resources at or near the Gateway peninsula
- 17 • reliance on permit conditions as mitigation
- 18 • trees
- 19 • invasive species
- 20 • other aquatic issues

21 3.14.1 Resources at or Near the Gateway Peninsula

22 *This response addresses comments W2-1, W2-2, W2-3, W2-4, W2-5, and W18-6.*

23 **Jurisdiction.** As described in the draft EIR, under the Redevelopment Plan, 15 acres of the
24 OARB at the Gateway peninsula would be remediated by the Army, then transferred to the
25 EBRPD via the Department of Interior for eventual development as a park by the EBRPD (see
26 discussion above regarding ultimate area of EBRPD facilities in and near the redevelopment
27 project area). This would occur at the western end of the peninsula, south of the approach to the
28 Bay Bridge. Although there is no park design information available at this time, and any such
29 design may be affected by the Army’s future remediation program (which also has not been
30 proposed or designed at this time), the draft EIR notes that interpretive and passive recreation
31 park uses are reasonably assumed to be planned for this area. The EBRPD is a responsible
32 agency for this EIR and will be the lead agency for acquisition of the park acreage as well as
33 approval of the final plan for the Gateway Park. When this future park property becomes
34 available for transfer from the Army to EBRPD, and a specific design for the Gateway Park is
35 developed, it will be subject to additional CEQA review by the EBRPD acting as the lead agency

1 for the park development project. Furthermore, as noted by the EBRPD in its comments on the
2 draft EIR, the park district will include USFWS in review of its project. Text changes are found in
3 Chapter 4, Revisions to the Draft EIR.

4 **Biological Resources.** The portion of the Gateway peninsula slated for park development is
5 unpaved and sparsely vegetated, and is the only portion of the redevelopment area generally
6 which has remained undeveloped from the time it was created by historic fill activities. Two
7 small, tidally influenced beaches approximately 30 to 40 meters wide are located along the
8 south shoreline of the peninsula; the remaining shoreline areas are rip-rapped. There are no
9 trees currently present in the area. Common plant species such as pickleweed (*Salicornia*
10 *virginica*) and yellow-star thistle (*Centaurea solstitialis*) are present along the margins of the
11 peninsula. Brass buttons (*Cotula coronopifolia*), red-stemmed storksbill (*Erodium cicutarium*),
12 plantain (*Plantago* spp.) and sweet clover (*Melilotus* spp.) are also present. The area is
13 periodically mown and sprayed.

14 Impacts to biological resources of the Gateway peninsula from redevelopment for park purposes
15 were described in the draft EIR at pages 4.12.20 through 4.12.22. However, it is premature to
16 speculate as to whether or when such impacts may occur as part of park development given
17 that site disturbance is likely to occur during the Army's future remediation program of this area.
18 These impacts, and corresponding mitigation measures, have accordingly been deleted from
19 the Final EIR as speculative.

20 Additionally, comments on the draft EIR regarding biological resources known to or with
21 potential to occur at or near the Gateway peninsula highlight some differences of opinion among
22 experts and community members regarding such resources. Specifically, comments provided by
23 the Golden Gate Audubon Society and the EBRPD differ in their opinion of the presence or
24 absence of certain species. Some comments state that sensitive bird species are thought to be
25 present, and that additional studies should be required prior to finalizing park design that would
26 result in any uses other than bird habitat. One comment states that, even with mitigation as
27 proposed in the draft EIR, impacts would not be reduced to a level that is less than significant.
28 Conversely, other comments cite various correspondence between resource agencies and other
29 entities to argue that least terns or other sensitive bird species do not extensively roost at or
30 near the proposed park area.

31 Numerous existing surveys and studies were consulted in preparation of the draft EIR and used
32 to characterize the resources that are known to or have potential to occur at the Gateway
33 peninsula. These studies include:

- 34 • Supplemental Biological Assessment for the Interstate 80 Improvement Project High
35 Occupancy Vehicle (HOV) Lanes, San Francisco-Oakland Bay Bridge Toll Plaza. (1990)
- 36 • Biological Assessment for the San Francisco/Oakland Bay Bridge Seismic Retrofit (1996)

- 1 • Berths 55-58 and Oakland Harbor Navigation Improvement Project (both general avian
- 2 surveys and least tern surveys were conducted in 1997)
- 3 • Environmental Assessment for Interim Leasing and FONSI for OARB (1997)
- 4 • Biological Assessment for the Disposal and Reuse of the OARB (1997)
- 5 • Disposal and Reuse of the OARB (this was an incidental survey conducted in 1997)
- 6 • General survey for OARB (these data are unpublished and the survey was conducted in
- 7 1997)
- 8 • Draft Remedial Investigation Report for Operable Unit 4, OARB (conducted in 2001)

9 Not all of these studies provide bird survey data for the peninsula.

10 The surveys for the proposed Gateway Park area do contain conflicting information. Voluntary
11 surveys conducted by the Golden Gate Audubon Society in 1994 and 1995 found that this area
12 supports the largest concentration of sandpipers and dunlins at high tides in the central East
13 Bay (LSA. 2002). Other surveys for the proposed Gateway Park area have generally indicated
14 that, while providing some habitat for waterbirds, the area does not provide extensive habitat for
15 these or other birds. Typical species present on land include dunlin (*Calidris alpina*),
16 semipalmated plover (*Charadrius semipalmatus*), least sandpiper (*Calidris minutilla*) and
17 western sandpiper (*Calidris mauri*). The general avian survey conducted for Berths 55-58
18 project and Oakland Harbor Navigation Improvement Project counted 208 semipalmated
19 plovers, 173 western sandpipers, 216 least sandpipers, and 4 dunlin on the peninsula during
20 high and low tide surveys between January 1997 and April 1997 (ENTRIX 1997). These
21 numbers indicate relatively low usage of the area by shorebirds.

22 While only a small percentage of diving attempts of least terns occurred in the Oakland Outer
23 Harbor during studies conducted in 1997, these birds are known to use the area, if infrequently.
24 A group of 11 least terns were recorded foraging within 50 feet of the peninsula in 1997
25 (ENTRIX 1997), and there exists the potential that these birds could roost on the peninsula.
26 There has been no recent documented least tern nesting sites within the project area, although
27 they have been observed foraging in the vicinity of the Gateway Park (ENTRIX 1997). As noted
28 in the EIR, one unsuccessful nesting attempt was observed in 1985 (California Department of
29 Fish and Game 2002). Based on this information, the City confirms the conclusion in the draft
30 EIR that even though the quality of the habitat is marginal for wildlife and shorebird habitat value
31 is low, the peninsula does provide probable foraging and roosting habitat for shorebirds and
32 other birds, including least terns (observed foraging, possible roosting).

33 **Impacts and Mitigation.** These potential wildlife habitat impacts, as well as appropriate
34 mitigation measures, will be addressed in a future CEQA document prepared by EBRPD as
35 CEQA Lead Agency for the Gateway Park. As noted in the EBRPD's comment letter, a park
36 design has not been developed. Additionally, extensive site disturbance may or may not occur
37 as part of the Army's remediation of this property. Both the scope of further investigation, and

1 the scope of potential remediation requirements, have not been developed by the Army and
2 thus remains speculative at this time. Due to the unknown scope and timing of the Army's
3 remediation program, and the unknown conditions that may exist at the conclusion of that
4 program and at the time of the transfer to the EBRPD for future park development, it has been
5 determined that discussion of potential impacts in the draft EIR was premature and speculative
6 in nature.

7 Therefore, Impacts 4.12-1 and 4.12-2 as well the associated mitigation measures (Measures
8 4.12-1, 4.12-2 and 4.12-3) are deleted. Additionally, Impacts 4.1-1, 4.12-3, and 4.12-5 are
9 modified to remove the reference for the Gateway Park since this is a design detail which may
10 or may not be required or proposed as part of the Army's remediation program and/or EBRPD
11 park project. See Chapter 4, Revisions to the Draft EIR.

12 3.14.2 Reliance on Permit Conditions as Mitigation

13 *This response addresses comments W2-5 and W2-9.*

14 Several comments question reliance on permit conditions to provide adequate mitigation for
15 environmental impacts identified in the draft EIR.

16 Comment W2-5 asserts the draft EIR should not rely solely on compliance with permit
17 conditions to mitigate the loss of 27 acres of open and covered water. As is noted below,
18 compliance with regulatory standards is valid mitigation under CEQA. In addition, Mitigation
19 Measure 4.12-4 (pages 4.12-29 to 4.12-30 of the draft EIR), provides a range of specific
20 measures that would reduce the impact to a less than significant level and that have been
21 applied to similar impacts in San Francisco Bay. The mitigation measure also supplies
22 standards that the Port and regulators will use to select among the listed measures at such time
23 as site-specific design is developed.

24 It is well established under CEQA case law that a "condition requiring compliance with
25 environmental regulations is a common and reasonable mitigating measure." Sundstrom v.
26 County of Mendocino (1988) 202 Cal.App.3d 296, 308, citing Perley v. Board of Supervisors
27 (1982) 137 Cal.App.3d 424, 430. Mitigation Measure 4.12-13 (compliance with all conditions
28 imposed by the RWQCB for the fill of isolated wetlands) is appropriate mitigation for the
29 potential impact (loss of up to 0.5 acre of isolated, urban wetlands). The RWQCB has the legal
30 authority to regulate the fill of isolated wetlands through the Porter-Cologne Water Quality Act,
31 Cal. Water Code § 13000 et seq., and approval of any fill must comply with the Act's regulations
32 and the policies of the Water Quality Control Plan, San Francisco Bay Basin (Basin Plan, 1995).

33 Depending on the extent of fill, mitigation could range from a grant to a wetlands project, to
34 funding of seasonal and/or tidal wetland restoration around Bay margins or contribution of
35 funding to another agency exclusively for that purpose. Wetlands restoration should replace as
36 closely as possible the habitat resources lost, be as close to the impact site as possible, and be

1 similar in size to the impact area. Thus, if and when fill of the isolated wetlands is proposed,
2 compliance with the RWQCB regulations will mitigate for any impacts.

3 **3.14.3 Trees**

4 *This response addresses comments W2-8 and W19a-15.*

5 The draft EIR includes two impacts that address removal of trees. The first impact, Impact 4.12-
6 6, addresses removal of protected trees due to redevelopment. Redevelopment exceeds the
7 City's significance criteria because it may conflict with the Oakland Tree Ordinance, not
8 because it would remove nesting habitat. The City's Tree Ordinance recognizes the value of
9 trees for a variety of reasons, and requires compensation for removal of all trees 9 inches or
10 greater in diameter at breast height (dbh), except Monterey pine and eucalyptus. The draft EIR
11 includes Mitigation Measure 4.12-7, which requires compliance with the City's Tree Ordinance
12 through the tree removal permit program. Compliance with the tree ordinance will adequately
13 compensate for loss of protected trees. It should be noted the City's Tree Ordinance does not
14 apply to the Port, and the Port does not need to obtain tree preservation/tree removal permits
15 from the City. However, as noted in Mitigation Measure 4.12-7 the Port has agreed to replace
16 native trees at a minimum ratio of 1:1.

17 The second impact, Impact 4.12-7, is incorrectly titled in the draft EIR as the loss of breeding
18 nesting habitat. Rather, this impact concerns the potential to affect nesting migratory birds either
19 through tree removal or from construction noise (see Chapter 4, Revisions to the Draft EIR, for
20 revision of the title of this impact). Under the Migratory Bird Treaty Act, migratory birds, including
21 nesting migratory birds, are afforded protection. Therefore, to avoid a potentially significant
22 impact on nesting birds, the draft EIR requires that trees be removed outside the nesting
23 season, or that field surveys be conducted to ensure that birds are not nesting in the trees to be
24 removed. It also includes a mitigation measure that requires no construction occur within 150
25 feet of an active nest until fledging is completed.

26 **3.14.4 Invasive Species**

27 *This response addresses comments W19a-2, W19b-1, W19b-2, W19b-3, W19b-4, and W19b-5.*

28 The draft EIR (pages 4.12-25 through 4.12-27) presents the potential for the Redevelopment
29 Plan to increase shipping activity at the Port, which in turn could lead to increased discharge of
30 ballast water and a resultant, non-quantifiable increase in the risk of establishment of invasive
31 species in the Bay. The Port of Oakland provided additional information regarding this issue.
32 The additional information provided by the Port does not change the conclusions of the draft
33 EIR with respect to the impact disclosed regarding invasive species or the effectiveness of the
34 mitigation measure identified for this impact.

1 This EIR hereby incorporates by reference the content of the informational materials provided
2 by the Port of Oakland. These materials are available for review during regular business hours
3 at 250 Frank Ogawa Plaza, Suite 3330, Oakland, and include the following:

- 4 • Cohen, Andrew N., 1998. Ship's Ballast Water and the Introduction of Exotic Organisms into
5 the San Francisco Estuary: Current Status of the Problem and Options for Management.
6 October.
- 7 • Carlton, James T., 2001. Introduced Species in U.S. Coastal Waters: Environmental Impacts
8 and Management Priorities.
- 9 • U.S. Environmental Protection Agency, 2001. Aquatic Nuisance Species in Ballast Water
10 Discharges: Issues and Options. September 10.
- 11 • URS/Dames & Moore, 2000. Feasibility of Onshore Ballast Water Treatment at California
12 Ports. September.
- 13 • Herbert Engineering Corporation, 1999. Ballast Water Management for Containerships:
14 Implications for the Port of Oakland. September 7.

15 3.14.5 Other Aquatic Issues

16 *This response addresses comments W2-6 and W2-7.*

17 **Pacific Herring.** Impact 4.12-4 discusses potential impacts to Pacific herring both in terms of a
18 short-term impact from construction activities that could disturb herring spawning in the area
19 and a long-term impact from the removal of strata used by herring to spawn. The short-term
20 impact was found to be potentially significant and mitigation was provided in the draft EIR to
21 address this impact. The long-term impact was determined to be less than significant because
22 existing surfaces such as pilings and riprap that would be removed due to redevelopment would
23 be replaced with new pilings and riprap due to redevelopment. No mitigation for this less than
24 significant long-term impact is warranted.

25 **Turbidity.** Impact 4.12-5 concerns the short-term effect of increased turbidity on special status
26 bird and fish species. As explained in the draft EIR, construction operations in the Bay,
27 particularly those related to construction of New Berth 21, could locally increase turbidity and
28 pelagic fish would avoid the affected area. This in turn could reduce the ability of special status
29 birds to obtain fish as food from this portion of the Outer Harbor. The draft EIR explains that
30 based on surveys conducted in the Outer Harbor in 1997, special status birds such as double-
31 crested cormorants and the American peregrine falcon use the area only occasionally and
32 forage over a much larger area of the Bay. Therefore a short-term reduction in the area to
33 forage would not significantly affect the species. Similarly, impacts to Chinook salmon and
34 steelhead are not expected because their migration routes are not through the Outer Harbor.

3.15 GEOLOGY, SEISMICITY, AND SOILS—SECTION 4.13 OF THE DRAFT EIR

Comments regarding geology, seismicity, and soils focused on appropriate and safe seismic design, specifically related to liquefaction and ground acceleration.

This response addresses comments V10-4, V10-5, and W4-10.

As stated in the draft EIR, redevelopment elements shall be designed in accordance with criteria established by the Uniform Building Code (UBC), as well as soil investigation and construction requirements established in the Oakland General Plan, the BCDC Safety of Fill Policy, and wharf design criteria established by the Port of Oakland. Thus, while the UBC may not have standards that account for site conditions, compliance with the City, Port and BCDC requirements will account for those site conditions. Specifically, the City, Port and BCDC require the submittal of, approval of and adherence to soil and geologic reports that include site-specific seismic construction measures. These agencies represent extensive experience in designing for Bay Area seismic conditions. By following design criteria approved by the respective agencies, potential impacts to redevelopment elements from seismic hazards, including liquefaction and ground acceleration, can be avoided or minimized to a level that is less than significant.

Specifically, the Oakland General Plan has established criteria to address seismic hazards that include the following:

The Health and Safety element of the Oakland General Plan requires a soils and geologic report be submitted to the Department of Public Works (DPW) prior to the issuance of any building permit. The site-specific, construction level geotechnical, soils, and foundation investigation report shall be prepared by a licensed geotechnical or soil engineer experienced in construction methods on fill materials in an active seismic area. The reports shall provide site-specific construction methods and recommendations regarding grading activities, fill placement, compaction, foundation construction, drainage control (both surface and subsurface), and seismic safety. Mitigation measures recommended in the report shall be applied.

The BCDC Safety of Fills policy include the following (BCDC 2001):

Policy 1. "The BCDC has appointed the Engineering Criteria Review Board consisting of geologists, civil engineers specializing in geotechnical and coastal engineering, structural engineers and architects competent to and adequately empowered to: (a) establish and revise safety criteria for bay fills and structures thereon; (b) review all except minor projects for the adequacy of their specific safety provisions and make recommendations concerning these provisions; (c) prescribe an inspection system to assure placement of fill according to approved designs, (d) with regards to inspections of marine petroleum terminals, make recommendations to the California State Lands Commission and the U.S. Coast Guard, which are responsible for regulating and inspecting these facilities, (e) coordinate with the California State Lands Commission on

1 projects relating to marine petroleum terminal fills and structure to ensure compliance
2 with other Bay Plan policies and the California State Lands Commission's rules,
3 regulations, guidelines and policies, (f) gather, and make available performance data
4 developed from specific projects. These activities would complement the functions of
5 local building departments and local planning departments, none of which are presently
6 staffed to provide soil inspections.”

7 Policy 2. “Even if the Bay Plan indicates that a fill may be permissible, no fill or building
8 should be constructed if hazards cannot be overcome adequately for the intended use in
9 accordance with the criteria prescribed by the Engineering Criteria Review Board. “

10 Finally, the Port of Oakland has developed wharf design criteria to be used in the design,
11 construction, reconstruction and or repairs of all existing and future wharf structures, except in
12 the event that current engineering practice require adjustments or modification of the wharf
13 design.

14 **3.16 ALTERNATIVES—CHAPTER 7.0 OF THE DRAFT EIR**

15 Comments regarding alternatives focused on the following issues:

- 16 • the range of alternatives
- 17 • support for a specific alternative
- 18 • detail of analysis
- 19 • new alternatives

20 **3.16.1 The Range of Alternatives**

21 *This response addresses comment W5-4.*

22 A comment expressed the opinion that the EIR did not evaluate the legally-mandated range of
23 reasonable alternatives to the proposed program (as defined in CEQA Guideline 15126.6(c))
24 because an alternative was not put forth for analysis that would mitigate all of the significant
25 impacts to the regional roadway system associated with the proposed program.

26 The cited guideline requires an EIR to select a range of alternatives to a proposed project that
27 would include those that could feasibly accomplish most of the basic objectives of the project,
28 and could avoid or substantially lessen one or more of the significant effects of that proposed
29 project. An EIR need not analyze alternatives that cannot substantially reduce significant
30 environmental effects of the proposed project, cannot attain most basic project objectives, are not
31 potentially feasible, or are plainly unreasonable.

32 The EIR meets its mandated requirement to investigate a range of reasonable alternatives, and
33 evaluates several alternatives that would reduce redevelopment-related impacts to regional

1 roadways relative to the proposed program, including one that would reduce impacts to regional
2 roadways to levels that are less than significant (the No Program alternative). Other alternatives
3 would result in relatively less severe impacts that would still be considered significant (Reduced
4 Intensity, Full Maritime, and Gateway Adaptive Reuse/Eco-Park alternatives).

5 As presented in the draft EIR (Appendix 4.3C: Freeway Levels of Service), 14 area freeway
6 segments operated at LOS F (were significantly impacted) in the alternative baseline year of
7 1995. Under the No Project alternative (in the absence of redevelopment), 18 area freeway
8 segments are expected to operate at LOS F in 2025; with implementation of the proposed
9 program, 23 segments are expected to operate at LOS F. Therefore, nearly 80 percent of the
10 number of MTS roadway segments impacted by the proposed program would be significantly
11 impacted in the absence of the redevelopment program. Alternatives that could fully avoid or
12 substantially reduce impacts to MTS facilities would require construction of additional lanes or
13 other large-scale modifications of major freeway facilities; such modifications are likely to have
14 very high environmental costs, and could result in additional trip attraction that could degrade air
15 quality and traffic operations the overall MTS system; in addition, they would have very high
16 actual costs. On the basis of environmental and actual costs, the City would not consider such
17 alternatives feasible. In addition, given the results of LOS F on the vast majority of area MTS
18 segments, even with implementation of an alternative that could mitigate impacts of the
19 proposed program, the City does not consider such an alternative reasonable.

20 3.16.2 Support for a Specific Alternative

21 *This response addresses comments W4-1, W11-14 and W12-5.*

22 One comment supported the Gateway Adaptive Reuse/Eco-Park alternative, which was found
23 feasible.

24 Other comments supported the Full Adaptive Reuse alternative, which was found infeasible.
25 This alternative was found infeasible for a number of reasons. It is fundamentally inconsistent
26 with the Bay and Seaport plans (which also means that developers would not be likely to obtain
27 necessary permits from BCDC to implement the alternative), it is unable to fundamentally
28 achieve basic objectives of redevelopment, and it has the potential to result in substantially
29 greater environmental impacts than the proposed program.

30 3.16.3 Detail of Analysis

31 *This response addresses comment W14-1.*

32 One comment states the Full Maritime alternative did not take into account that the ancillary
33 maritime support (AMS) uses of that alternative would not be new uses, but relocated uses from
34 around the Bay Area, and that the analysis did not take into account the benefits and impacts of
35 this relocation of uses.

1 As the comment notes, the analysis of the Full Maritime alternative in fact, does not assume that
2 all AMS at the Port would be composed of relocated AMS businesses from other parts of the
3 Bay Area. To do so, would ignore the growth in the need for AMS as the Port throughput grows,
4 which the analysis does take into account. Moreover, if a high degree of relocation of existing
5 AMS businesses from outside to inside the port area does occur, in the absence of a Bay Area
6 wide re-zoning or other land use controls, there is no guarantee that additional AMS businesses
7 would not fill the void left behind by those relocating to the Port area. While it make sense to
8 place AMS near its need—at the Port—as the acreage within the Port area for AMS becomes
9 saturated (limited by the 1,000 acres of marine terminals needed to meet the Port's share of
10 regional cargo throughput), AMS businesses are likely to continue to locate near but outside the
11 Port area. There is no guarantee of an environmental benefit, nor surety of environmental
12 degradation from the relocation of AMS businesses from outside to within the port area under
13 the Full Maritime alternative. Finally, the analysis did not quantify impacts on the MTS for any
14 alternative, including the Full Maritime alternative. Each feasible alternative was analyzed to an
15 equal level of detail, including sufficient information to allow meaningful evaluation, analysis,
16 and an objective comparison of each alternative with the proposed program. The analysis
17 included a qualitative comparative assessment of impacts to the MTS.

18 3.16.4 A New Alternative

19 *This response addresses comments V7-1 and W14-2.*

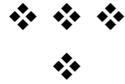
20 Several comments suggested an additional alternative for a “no AMS” or “reduced Port
21 development” alternative that evaluates the ramifications of not providing sufficient AMS uses at
22 the Port to accommodate the need through 2020.

23 To one extent or another, the proposed program and all alternatives to that program provide
24 information regarding limits on AMS in the near-Port area, depending on the amount of AMS
25 acreage assumed for each. The Full Maritime alternative analyzes the impacts of satisfying
26 most of the required AMS acreage through 2020, but even that alternative assumes a shortfall
27 in such acreage as identified in a study of needed AMS (Port of Oakland Port Services Location
28 Study, Tioga Group 2001). The traffic analysis of the proposed program, and the qualitative
29 assessments of the feasible alternatives assume that not all required AMS acreage occurs
30 within the Port area, and impacts identified in the traffic analyses of the EIR reflect this shortfall
31 in near-Port AMS acreage.

32 The proposed program as well as all feasible alternatives meet, but do not exceed,
33 requirements of the Seaport Plan for the Port of Oakland's share of regional cargo throughput
34 through 2020. Suggestions to analyze alternatives that would reduce Port activities, thereby
35 reducing Port throughput, are fundamentally inconsistent with the policies of BCDC, a state
36 agency with jurisdiction over development of the shoreline portions of the redevelopment area,
37 and of MTC, the regional transportation planning agency. Decisions by BCDC to concentrate

1 the majority of regional cargo port activity at the Port of Oakland (among other sites) were
2 subject to public review and comment prior to and at the time these decisions were made.

3
4



4 Revisions to the Draft EIR

4. REVISIONS TO THE DRAFT EIR

This chapter contains revisions to the OARB Redevelopment Draft EIR dated April 2002. New text is indicated by underlined italics. Deletions are shown in ~~striketrough~~. Revisions are presented by draft EIR section. To provide context, in most cases the entire paragraph where a revision occurs is provided; the line number cited for a revision is the location where the revision begins, not the number of the first line of the paragraph.

SUMMARY—CHAPTER 1 OF THE DRAFT EIR

In response to comment W8-10, the draft EIR is modified at Note 2 of Figure 1-2 at page 1-7 as follows:

2. Not all lands within the Gateway sub-district are owned or controlled by the OBRA.

As a result of discussions between the Port and City of Oakland, and in response to comment W19a-1, draft EIR is modified at page 1-13, starting at line 1 as follows:

...the mechanism for enforcing mitigation measures would be through the City's implementation of the Mitigation Monitoring and reporting Program, the Port's role as a responsible agency to the EIR, and potentially through subsequent land conveyance conditions ~~from the City to the~~ as agreed to by the City and the Port.

In response to comment W19a-2, draft EIR text is modified at page 1-19, line 24 (the last bullet item in the list) as follows:

- Potential increases ~~Increases~~ in risk of introduced invasive species in San Francisco Bay under redevelopment-specific and cumulative conditions.
-

As a result of discussions between the Port and City of Oakland, and in response to comment W19a-3, draft EIR text is modified at page 1-20, starting at line 15 as follows:

Table 1-1 provides a summary of mitigation measures. All measures proposed are intended to serve as specific, enforceable requirements. As required by CEQA, the Port and City will each implement feasible mitigation measures identified in the EIR; no mitigation measures may be modified in the future until further CEQA review has been conducted. The Port and City would pay their respective fair shares of mitigation funding obligations based on a "nexus" analysis of Port and City development impacts, to be agreed to in good faith between the City and Port.

The Mitigation Monitoring and Reporting Program required by CEQA will ensure compliance with all measures described herein and ~~where the timing~~ will include the timing for implementing the measures that will fully avoid or minimize the impacts. While the timetable for future redevelopment activities cannot be known with certainty given market uncertainties, the

1 measures mitigating impacts from future remediation, demolition, or construction activities will
2 be required to be implemented in tandem with those activities.

3 INTRODUCTION—CHAPTER 2.0 OF THE DRAFT EIR

4 The draft EIR is modified at page 2-1, lines 26 through 28 as follows:

5 This EIR is intended to be used by the City and other responsible agencies, such as the
6 Oakland Base Reuse Authority (OBRA), the Redevelopment Agency of the City of Oakland
7 (ORAA), and the Port of Oakland (Port), and the Department of Toxic Substances Control
8 (DTSC),¹ to disclose environmental impacts of the following:

9 The draft EIR is modified at page 2-3, lines 1-2 as follows:

10 When a subsequent redevelopment activity is proposed, the lead agency for that activity—the
11 City, ORA, OBRA, or the Port of Oakland,² or DTSC—will make a determination whether
12 additional environmental review is warranted pursuant to CEQA Section 21166, as implemented
13 by the CEQA Guidelines, (14 California Code of Regulations [CCR] §§ 15162, 15163).

14 DESCRIPTION—CHAPTER 3.0 OF THE DRAFT EIR

15 In response to comments W6-1 and W6-2, draft EIR text is modified starting at page 3-6, line 19
16 as follows:

17 **The California State Lands Commission.** The California State Lands Commission (SLC) has
18 jurisdiction over “tidelands trust” lands, which are certain former or presently existing tidal and
19 submerged lands granted by the state in trust to cities and counties to develop harbors in
20 furtherance of state and national commerce. These grants require that granted lands be used
21 consistent with the public trust and terms of the grant and require the grantee to use the
22 revenues produced from these lands for trust purposes consistent with the grants. The
23 ~~existence and extent of lands subject to the trust at OARB has not been determined. The SLC~~
24 ~~has taken the position that a portion of the OARB that includes the property west of Maritime~~
25 ~~Street, is within the tidelands trust boundary.~~ The Port and OBRA are working with the SLC to
26 execute an “exchange,” whereby tidelands trust requirements would be transferred from
27 portions of the Gateway development area to the Port development area and Maritime sub-
28 district. Through a legally-appropriate exchange of land, the public trust for commerce,
29 navigation, and fisheries is terminated in an identified piece of land, so that the property may be
30 put to uses outside the public trust and, if desired, title to the property transferred to a non-
31 trustee. Under California case law and statutes, a trust termination by land exchange may occur
32 only where the land to be freed from the public trust is no longer useful for public trust purposes.
33 In exchange for freeing land from the public trust, other land useful for public trust purposes and
34 of equal or greater monetary value is transferred into or confirmed in public trust ownership, to
35 be used for public trust purposes.

1 In response to comments W17-1 and 19a-5, Figure 3-6b, Proposed General Plan Land Use
2 Classifications, located at draft EIR page 3-28 is modified to (1) revise land use classifications
3 from Business Mix to Transportation/General Industrial at the Baldwin Yard area; and (2)
4 correctly portray limits of the Park & Urban Open Space land use classification along the
5 northern Middle Harbor shoreline. The revised figure is located at the end of this chapter.

6 The draft EIR is modified at page 3-14, line 14 as follows:

7 The Army, the lead agency for base closure and transfer of OARB, first realigned the
8 approximately ~~430-~~ 426 acre Base, reserving approximately 26 acres for the Reserves. The
9 Army then began the process of OARB “disposal” by screening requests for property. Caltrans,
10 through FHWA, has obtained approximately 20 acres (subject to a pending lawsuit). The Army
11 plans to convey ~~384 acres~~ approximately 364 acres, excluding the off-shore parcel adjacent to
12 the Gateway Park, to the OBRA and approximately 15 acres to the EBRPD.⁹ The OBRA, in
13 turn, plans to transfer the land to the ORA; the ORA will transfer ~~244~~ approximately 240 acres
14 to the Port (approximately ~~485~~ 184 acres of upland and 56 acres of submerged land), and 3
15 acres to the JATC.

16 ⁹ The Army will assign approximately 15 acres to the Department of Interior who will
17 transfer this acreage to the EBRPD.

18 The draft EIR is modified at page 3-16, line 23, to add a footnote after the following sentence:

19 Once the Army transfers ownership of the majority of OARB land to the OBRA, the OBRA will,
20 in turn, transfer the land to the ORA.

21 The text of the footnote is:

22 For a discussion of the transfer process, including remediation requirements for early transfer by
23 FOSET, see Section 4.7.2.2, in Chapter 4.7, Hazardous Materials.

24 The draft EIR is modified at page 3-23, line 26 as follows:

25 With the exception of approximately 12 acres at the Gateway peninsula and several parcels
26 above West Grand Avenue, the OARB sub-district is developed. Its focus is transportation-
27 oriented, with highway operations and maintenance facilities, cargo container storage and
28 maintenance facilities, ship berths and terminals, rail yards, and large warehouses. A major
29 truck route, Maritime Street, runs southwest-northeast through the Base. Industrial
30 transportation uses dominate. An institutional multi-story, multi-winged Army administration
31 building (Building No. 1) is centrally located within this sub-district, along with other Army-related
32 transportation-supporting, residential, community services, recreation, and office uses. Some of
33 the buildings, including the large administration building, are in obvious disrepair. The current
34 uses are discussed in Section 4.2.4, Chapter 4.2, Land Use.

1 In response to comment W8-9, draft EIR text is modified at page 3-23, line 34 as follows:

2 The miscellaneous parcels located within this sub-district but not within the Base are owned by
3 a variety of owners, but primarily the Port and Caltrans. These parcels are used for such
4 purposes as highway operation and maintenance, container storage and materials storage,
5 Port-related trucking operations and other storage and temporary uses.

6 In response to comment W8-11, the draft EIR is modified at page 3-24, line 11 as follows:

7 The shoreline of the Middle Harbor is dedicated to public access. The 4.5-acre Port View Park
8 exists in the southwest shoreline of the 7th Street Terminal. The approximately 30-acre Middle
9 Harbor Shoreline Park is under construction, and will extend along the entire Middle Harbor
10 shoreline to join with Port View Park (Port of Oakland 1999). This sub-district encompasses
11 some inland areas not in port use, including a portion of the I-880 freeway.

12 The draft EIR is modified at page 3-26, line 16 as follows:

13 Under the Redevelopment Plan, no new land use classifications would be added to the project
14 area. The majority of the project area would retain its current classification, with some acreages
15 shifting between Business Mix and General Industrial/Transportation in the OARB sub-district.
16 In addition, some existing General Industrial/Transportation in the vicinity of the Bay Bridge and
17 the shoreline of the Gateway development area would be reclassified Park & Urban Open
18 Space. The City would amend land use classifications and zoning within the OARB sub-district
19 to allow for redevelopment as envisioned in the OARB Reuse Plan. Allowable uses or zoning
20 within the OARB sub-district would be subject to any Covenants to Restrict the Use of Property
21 as required by the Army and/or the Department of Toxic Substances Control (DTSC).

22 The draft EIR is modified at page 3-26, line 36 as follows:

23 The City is currently updating its zoning regulations to make them consistent with the General
24 Plan. This update process is expected to conclude in the near future. As part of this city-wide
25 zoning update, the City will re-zone the project area with new zoning designations that best
26 match the land use classifications of the Reuse Plan and the Redevelopment Plan. These
27 zoning designations would be consistent with the "Business Mix" and General
28 Industrial/Transportation land use classifications, allowing such uses as Office, Research and
29 Development, Warehouse/Distribution, and Light Industrial. As noted above, the zoning
30 designations would be subject to any Covenants to Restrict the Use of Property as required by
31 the Army and/or the DTSC.

32 Partially in response to Comment W19a-6, the draft EIR is modified at page 3-29, starting at line
33 28 as follows:

34 **Realignment and Extension of Maritime Street.** To accommodate the Port's reuse of OARB,
35 existing Maritime Street (above 7th Street) would be realigned 400 to 600 feet to the east. In

1 order to accommodate this realignment, Maritime Street would also be extended along the
2 Gateway development area/Port development area boundary to connect with West Grand
3 Avenue at the current Wake Avenue intersection in a loop configuration (the Loop Road). The
4 City may reserve some land within the Gateway development area for right-of-way to allow
5 construction and connection of the Maritime Street extension to West Grand Avenue. Funding of
6 the construction of the Loop Road will be subject to fair share negotiations between the City and
7 the Port.

8 The draft EIR is modified at page 3-30, starting at line 9 as follows:

9 **Storm Drainage.** The OARB storm drain system in the Gateway development area is in
10 substantial disrepair due to age and settlement. Certain areas are subject to insufficient
11 drainage and contamination from storm event and dry season flows. Storm drain upgrades
12 would include remediation, replacement and/or rehabilitation of the existing system, and installing
13 a network of new storm drainpipes. Broken storm drains are a potential source of contaminants
14 that would require investigation and remediation under the Draft Remedial Action Plan/Risk
15 Management Plan (RAP/RMP) discussed in Chapter 4.7, Hazardous Materials. In addition,
16 manholes, inlets and outfall structures with backflow gates would be replaced or repaired
17 (EarthTech 2000).

18 **Sanitary Sewer.** It is anticipated that redevelopment of the Gateway development area would
19 require installation of new sewer infrastructure, including pipes, manholes, lift stations and
20 controls, and similar facilities, as well as the remediation. Broken sanitary sewer lines are a
21 potential source of contaminants that would require investigation and remediation under the
22 RAP/RMP discussed in Chapter 4.7, Hazardous Materials.

23 The draft EIR is modified at page 3-31, line 32 as follows:

24 Park. The EBRPD has requested 15 acres of land from the Army located immediately south of
25 the Gateway peninsula for use as a public park. Planning efforts for this Park will be conducted
26 by the EBRPD and impacts analyzed in a future CEQA document. This park would be visible to
27 eastbound travelers on the Bay Bridge and would serve as the gateway to the City of Oakland.
28 It is currently referred to as the "Gateway Park." The park would be accessible from Bay Trail
29 spurs constructed as part of both redevelopment and other activities¹ connecting to the
30 waterfront, the Bay Bridge, Maritime Street, and Shellmound Street (the latter in Emeryville).
31 Additionally, EBRPD is exploring the opportunity to acquire several additional non-OARB
32 properties (including 4 and possibly more acres in the immediate vicinity) that may be available
33 for expansion of this park.

¹ See Section 4.10: Recreation and Public Access, for a discussion of Caltrans' requirements to construct Bay Trail and other public access amenities resulting from BCDC permit conditions for the I880 (Cypress Structure) Replacement and Bay Bridge Replacement projects.

1 The draft EIR is modified at page 3-31, footnote 18 as follows:

2 Depending on market conditions, the City may elect to include high-end retail, regional-serving
3 retail, and/or a hotel. These uses are analyzed in Chapter 7: Alternatives to the Proposed
4 Redevelopment Program. A hotel is a commercial use.

5 The draft EIR is modified at page 3-32, line 5 as follows:

6 **Park.** The EBRPD has requested 15 acres of land from the Army located immediately south of
7 the Gateway peninsula for use as a public park. This park would be visible to eastbound
8 travelers on the Bay Bridge and would serve as the gateway to the City of Oakland. It is
9 currently referred to as the “Gateway Park.” The park would be accessible from Bay Trail spurs
10 constructed as part of both redevelopment and other activities connecting to the waterfront, the
11 Bay Bridge, Maritime Street, and Shellmound Street (the latter in Emeryville). Additionally,
12 EBRPD is exploring the opportunity to acquire several additional non-OARB properties
13 (including 4 and possibly more acres in the immediate vicinity) that may be available for
14 expansion of this park. While some known contaminated conditions exist on the Gateway Park,
15 as discussed in Chapter 4.7, Hazardous Materials, because the Gateway Park is not part of the
16 EDC transfer to the OBRA, this 15 acres, including the off-shore portion of the parcel as
17 designated by the Army, will not be transferred pursuant to the Early Transfer procedure, nor is
18 it part of the RAP/RMP discussed in Section 4.7.2.2 of Chapter 4.7, Hazardous Materials.
19 Rather, transfer of Gateway Park will occur after the Army remediates the site. See Chapter 5,
20 Cumulative Impacts.

21 Partially in response to Comment 19a-6, the draft EIR is modified at page 3-33, starting at line 4
22 as follows:

23 **Realignment and Extension of Maritime Street.** To accommodate 2020 cargo throughput
24 commitment of the Port, and operational characteristics of proposed rail facilities at the New
25 Intermodal Facility, existing Maritime Street (above 7th Street) would be realigned 400 to 600
26 feet to the east. In order to accommodate this realignment, Maritime Street would also be
27 extended along the Gateway development area/Port development area boundary to connect
28 with West Grand Avenue in a loop configuration (the Loop Road). A portion of the loop would be
29 located on the Gateway development area. Realignment would require consolidation and
30 reconfiguration of the existing intersections of Maritime Street and of Maritime Street West with
31 7th Street. The reconfigured intersection would be an at-grade four-way intersection. This would
32 require realignment of a portion of Maritime Street below 7th Street. Funding of the construction
33 of the Loop Road will be subject to fair share negotiations between the City and the Port.

34 The draft EIR is modified at page 3-33, lines 17-18 as follows:

35 **Storm Drainage.** The OARB storm drain system in the Port development area is in substantial
36 disrepair. Certain areas are subject to insufficient drainage and contamination from storm event

1 and dry season flows. Storm drain upgrades would include remediation, replacement and/or
 2 rehabilitation of the exiting system, and installing a network of new storm drainpipes. Broken
 3 storm drains are a potential source of contaminants that would require investigation and
 4 remediation under the RAP/RMP discussed in Chapter 4.7, Hazardous Materials. In addition,
 5 manholes, inlets and outfall structures with backflow gates would be replaced or repaired. Most
 6 runoff from the Port development area would be collected by the newly constructed storm drain
 7 system and would be conveyed to the Port’s existing main pipelines (Port of Oakland 2002).

8 The draft EIR is modified at page 3-33, lines 22-24 as follows:

9 **Sanitary Sewer.** It is anticipated that redevelopment of the Port development area would
 10 require installation of new sewer infrastructure, including pipes, manholes, lift stations and
 11 controls, and similar facilities, as well as the remediation. Broken sanitary sewer lines are a
 12 potential source of contaminants that would require investigation and remediation under the
 13 RAP/RMP discussed in Chapter 4.7, Hazardous Materials.

14 The draft EIR is modified at page 3-42, lines 17 through 23 and footnote 22 as follows:

15 This section describes the characteristics and reasonably anticipated activities of project are
 16 construction that could result in impacts to the environment. ~~Chapter 4. Baseline and Setting,~~
 17 ~~Impacts, and Mitigation, of this EIR describes potential effects of construction, as well as best~~
 18 ~~management practices (BMPs) and mitigation measures that would avoid or substantially~~
 19 ~~reduce impacts of construction. These practices and measures would be made conditions of~~
 20 ~~project approval, or required to be made enforceable through contract specifications.~~
 21 Construction is expected to occur on a parcel-by-parcel basis, from 2002 through 2020.

22 ²² Throughout Chapter 4: Baseline and Setting, Impacts, and Mitigation, “construction”
 23 includes demolition/deconstruction, removal/remediation (including hazardous waste and
 24 hazardous materials remediation), grading, excavating, and fill activities, as well as
 25 infrastructure building and facility construction.

26 The draft EIR is modified at Table 3-4 on page 3-34 as follows:

Table 3-4	
Permit, Approval, or Consultation Processes that May Rely on the Contents of this EIR	
Agency	Permit/Approval/Consultation Regulatory Trigger
	Federal
U.S. Army Corps of Engineers (Corps)	Section 404 (Clean Water Act) Permit Bay fill
	Section 10 (Rivers and Harbors Act) Construction in Waters of the U.S.

Table 3-4	
Permit, Approval, or Consultation Processes that May Rely on the Contents of this EIR	
Agency	Permit/Approval/Consultation Regulatory Trigger
U.S. Fish & Wildlife Service (USFWS)	Section 7 (U.S. Endangered Species Act) Consultation for effects to special status species related to federally-permitted (Corps) action
National Marine Fisheries Service (NMFS)	Section 7 (U.S. Endangered Species Act) Consultation for effects to special status anadromous species related to federally-permitted (Corps) action
State/Regional	
California Department of Fish and Game (CDFG)	CEQA review Effects to state-protected species
S.F. Bay Conservation and Development Commission (BCDC)	Development permit Fill or excavation in the shoreline band Amendments to Seaport Plan Priority Port Uses
Caltrans	CEQA review Effects to State transportation systems
Regional Water Quality Control Board (RWQCB), Region 2	National Pollution Discharge Elimination System Permit (Waste Discharge Requirements [WDRs]) Effects to surface water quality from discharge of site runoff
	General Permit Construction on site of 3 or more acres
	Clean Water Act 401 Certification for any Clean Water Act 404 permit
State Lands Commission (SLC)	Tidelands Trust Agreement Approve exchange of Tidelands Trust to place Trust on an area east of Maritime Street and remove Trust from area west of Maritime Street
	Approve Remedial Action Plan (RAP) and accompanying Risk Management Plan (RMP) ; <u>and</u> Consent Agreement; <u>make recommendation on</u> FOSET, <u>covenant deferral request, and</u> <u>Covenant to Restrict Use of Property</u> ; and oversee post-compliance remediation program
<u>Governor of California</u>	<u>Make findings, concur with, and approve covenant deferral request</u>
East Bay Regional Park District (EBRPD)	Accept property from Army <u>Evaluate property conveyance for park purposes</u> Approve subsequent redevelopment activities
Bay Area Air Quality Management District (BAAQMD)	Grant demolition permits, stationary source permits
Local	

Table 3-4	
Permit, Approval, or Consultation Processes that May Rely on the Contents of this EIR	
Agency	Permit/Approval/Consultation Regulatory Trigger
Oakland Base Reuse Authority (OBRA)	Adopt final Reuse Plan Continue Interim Leasing Program Approve acceptance of property from Army (including execution of necessary agreements) Obtain property from Reserves (including execution of necessary agreements) Approve transfer of property to ORA/City Approve a Finding of Suitability for Early Transfer, or FOSET (including execution of necessary agreements such as Consent Agreement and Environmental Services Cooperative Agreement) Secure environmental insurance for remediation program implementation Approve and execute Tidelands Trust Agreement for exchange of Trust between properties
City of Oakland (City)	Amend Redevelopment Plan Amend General Plan Re-zone Approve amendment of Port area boundary Approve infrastructure improvements Issue demolition permits Issue miscellaneous land use approvals
Oakland Redevelopment Agency (ORA)	Amend Redevelopment Plan Approve acceptance of the OARB property from OBRA (including execution of necessary agreements) Approve transfer of property to the Port Approve infrastructure improvements Approve and execute Disposition and Development Agreement with Master Developer for the Gateway development area and/or 16 th /Wood sub-district Implement redevelopment construction activities, including but not limited to infrastructure and remediation activities Approve subsequent redevelopment activities

Table 3-4
Permit, Approval, or Consultation Processes that May Rely on the Contents of this EIR

Agency	Permit/Approval/Consultation Regulatory Trigger
Port of Oakland (Port)	Recommend amendment of Port area boundary Approve acceptance of property from OBRA (including execution of related agreements) Approve and execute Tidelands Trust Agreement for exchange of Trust between properties Waive reversionary rights to Gateway development area property Obtain property from the Reserves Approve infrastructure improvements Approve demolition permits Approve subsequent redevelopment activities

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In response to comment W8-4, the draft EIR is modified at page 3-43, lines 16 and 17 as follows:

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In order to correct drainage, reduce the risk from flood or tsunami, and create sites geometrically suitable for development, site grading and land surface fill would be required. In addition, in order to develop a logical geometry for New Berth 21 in the Port development area of the OARB sub-district and a small portion of the Gateway development area, the shoreline would be reconfigured by filling 29 acres currently at a depth of -42 MLLW with approximately 2 million CY of material to create fastland, and excavating 3 acres to a depth of -50 feet MLLW to create open water (a net fill of 26 acres). While the excavated material would likely be one source of approximately 250,000 CY of the required fill, the source of the remaining approximately 1.8 million CY of the fill is not currently identified. This analysis assumes that material is imported from a location in the East Bay. It is estimated that approximately 90 percent of the fill material would arrive by barge., ~~probably from maintenance dredging or from the Bay Bridge reconstruction project, and that 10 percent would arrive by truck.~~

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SETTING AND BASELINE, IMPACTS, AND MITIGATION—CHAPTER 4.0 OF THE DRAFT EIR

18

The draft EIR is modified at page 4-1, lines 5 through 8 and to add footnote 2 as follows:

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This chapter is organized into sections by environmental factor; 15 factors in total are evaluated. Each section first provides a brief summary then describes the study area analyzed as well as the regulatory setting applicable to that environmental factor. Each section then examines the regional and local environmental setting as well as the alternative baseline, if relevant. Finally, each section describes the impact analysis methodology, discloses specific impacts that would result from redevelopment, operations, and construction activities² as described in Chapter 3: Description, and recommends best management practices (BMPs) as well as mitigation

1 measures to mitigate significant impacts. These BMPs and mitigation measures would be made
2 conditions of project approval, or required to be made enforceable throughout contract
3 specifications.

4 ² Section 3.6 defines “redevelopment” to include remediation, construction, operation, and
5 maintenance activities. Section 3.8 defines “construction” to include demolition/deconstruction,
6 removal/remediation (including remediation of hazardous waste and hazardous materials),
7 grading, excavating and fill activities, as well as infrastructure building and facility construction.
8 Thus, throughout this Chapter, use of the terms “redevelopment” and/or “construction” shall be
9 interpreted as including remediation activities.

10 **PLANS AND POLICIES—SECTION 4.1 OF THE DRAFT EIR**

11 In response to comment W19a-7, the draft EIR is modified at page 4.1-5, starting at line 14 to
12 delete the sixth bullet point:

- 13 • ~~addition of approximately 184 acres of OARB and Army Reserve Enclave property east of~~
14 ~~Maritime Street to Port Priority Use designation; and~~

15 The draft EIR is modified at page 4.1-17, line 30 as follows:

16 **Impact 4.1-1** Fill to create fastland for New Berth 21 plus a nominal portion of the adjacent
17 Gateway development area, ~~and potential minor fill for the Gateway Park shoreline stabilization~~
18 ~~may conflict with Bay Plan objectives and policies.~~

19 The draft EIR is modified at page 4.1-10, line 14 as follows:

20 The LUTE was amended in July 1998 (Resolution No. 74403 C.M.S.) to add policies to
21 implement the Alameda County Hazardous Waste Management Plan. This plan includes a
22 policy to reduce hazardous wastes and primarily relates to the siting of certain hazardous waste
23 facilities; e.g., facilities for hazardous waste storage, treatment, and disposal.

24 The draft EIR is modified at page 4.1-15, line 7 as follows:

25 The Oakland zoning code is in revision, and a new zoning system in development. While some
26 activities and facilities proposed under redevelopment would not conform to existing zoning, re-
27 zoning of the area, currently underway, would be consistent with proposed redevelopment as
28 presented in Chapter 3: Description. Should subsequent redevelopment activities be proposed
29 before re-zoning is complete, each would be evaluated for its conformity with zoning. Should the
30 subsequent activity not conform to current zoning, the activity would be modified to conform, the
31 site would be re-zoned under the existing system, or a variance would be granted. Regardless,
32 allowable uses or zoning designations within the OARB sub-district would be subject to
33 Covenants or other land use restrictions as required by the Army and/or the Department of
34 Toxic Substances Control.

1 The draft EIR is modified at page 4.1-18, starting at line 4 as follows:

2 As illustrated by Figure 4.1-1, approximately 29 gross acres of solid and covered fill would be
3 placed to create fastland for New Berth 21. Approximately 7 acres of the fill would be located in
4 areas currently occupied by marginal wharves, which represent covered fill. A minor portion of
5 this fill (~~less than~~ approximately one acre) would be located within the Gateway development
6 area, and the remainder within the Port development area. Approximately 3 acres of excavation
7 would occur to create the new berth, resulting in a net total fill of approximately 26 acres (both
8 solid and covered fill). This proposed 26 acres of net fill represents a substantial reduction in the
9 153 acres of fill for marine terminals previously allowed under the Bay and Seaport plans for
10 development of the Oakland Outer Harbor. Approximately 110 acres of previously allowed fill
11 near the Bay Bridge and 17 acres of previously allowed fill at the Army Terminal would not
12 occur. Therefore, redevelopment as currently proposed would result in a net reduction of
13 approximately 127 acres of Bay fill.

14 ~~Under high tide and storm conditions, the Outer Harbor shoreline of the Gateway peninsula is~~
15 ~~inundated to an access road that longitudinally traverses the site. In order to obtain the~~
16 ~~maximum useable site, reduce potential maintenance costs, avoid shoreline erosion, and~~
17 ~~increase the area of public access amenities, EBRPD may stabilize the Outer Harbor shoreline~~
18 ~~via revetment or other stabilizing means that would constitute Bay fill. Should EBRPD decide to~~
19 ~~stabilize the shoreline via fill, it could result in a shoreline fill of approximately 2,800 linear feet.~~

20 Bay Plan policies require that surface area and total volume of Bay water be kept as large as
21 possible, and that filling should be allowed only for purposes of providing substantial benefits,
22 and only if there is no reasonable alternative to filling. Policies regarding shoreline protection
23 and erosion control state that such activities should be authorized if a project is necessary to
24 protect the shoreline, the type of protection is appropriate to the site and erosion conditions,
25 and the protection is properly designed. Because ~~these fills~~ this fill would be the minimum
26 necessary to achieve ~~their~~ its purpose, and because no reasonable alternatives to the fills
27 would accomplish ~~their~~ its purpose, fill for New Berth 21 ~~and a minor portion of the adjacent~~
28 ~~Gateway development area, and potential fill for the Gateway park shoreline do~~ does not
29 fundamentally conflict with policies of the Bay Plan. (Sections 4.12: Biological Resources, and
30 4.15: Surface Water, include measures to mitigate physical impacts of Bay fill; analysis of
31 construction traffic, air, and noise [Sections 4.3, 4.4, and 4.5, respectively] take into account
32 impacts of Bay fill construction.)

33 Even for the minimum allowable fill consistent with Bay Plan policies, BCDC requires
34 compliance with permit conditions compensating for the loss of Bay volume and surface area.
35 When and if the Port of Oakland, ~~the EBRPD, or proponents of other subsequent~~
36 ~~redevelopment activities proposes~~ fill that complies with objectives and policies of the Bay Plan,
37 and yet would reduce the volume of surface area of Bay waters, ~~they~~ it may be required to
38 compensate for that reduction in accordance with permit conditions established by BCDC prior
39 to construction of the fill. The Port of Oakland's Vision 2000 Berths 55-58 Project resulted in a
40 net increase in Bay surface of approximately 14.5 acres (per BCDC permit 7-99, as amended

1 through April 26, 2000), and a net increase in Bay volume of approximately 1.6 million cubic
2 yards. Permitting agencies may consider these net increases when imposing conditions on Bay
3 fill for the Port's New Berth 21 action.

4 **LAND USE—SECTION 4.2 OF THE DRAFT EIR**

5 In response to comment W6-2, the draft EIR is modified at page 4.2-7, line 24 as follows:

6 Portions of the OARB This sub-district west of existing Maritime Street is are currently subject to
7 provisions of the Public Trust, including land use authority of the SLC (see above, under
8 Regulatory Setting). In addition, the Baldwin Yard site and the Port development area are
9 designated Port Priority Use areas in the Bay and Seaport plans, and are subject to the limited
10 land use authority of BCDC.

11 In response to comment W19a-8, Mitigation Measure 4.2-3 is modified as indicated below at
12 draft EIR page 4.2-10, starting at line 23; at page 4.2-12, starting at line 28; and at page 1-21, at
13 Table 1-1 under Land Use Impact 4.1-1:

14 The City and Port shall coordinate to implement Mitigation Measures 4.2-1 and 4.2-2.; ~~if despite~~
15 ~~these efforts, subsequent land use incompatibilities are identified, the Port and City shall jointly~~
16 ~~develop, implement, and fund on a fair share basis additional strategies to reduce~~
17 ~~incompatibilities.~~

18 In addition, at page 4.2-13, lines 4 to 7 are deleted and replaced as follows:

19 ~~Strategies to reduce incompatibility may include and are not limited to the following:~~

- 20 ~~• setbacks from the property line;~~
- 21 ~~• landscape buffering; and~~
- 22 ~~• fencing or walls.~~

23 The City and Port shall cooperatively coordinate regarding the types of land uses to be
24 developed at the coterminous boundary of their respective jurisdictions.

25 **TRAFFIC—SECTION 4.3 OF THE DRAFT EIR**

26 The following revisions respond to comments W1-2, W1-4, W7-1, W19a-10 and W19a-11.

27 The draft EIR is modified as starting at page 4.3-19, line 34, and continuing to page 4.3-20 as
28 follows:

29 The methodology for determining the impacts of redevelopment was based on the analytical
30 procedures described in the previous section. The analysis of traffic operations at intersections

1 was performed using the 1997 Highway Capacity Manual methodologies. For freeways, the
2 analysis was performed using the methodologies described in the ~~1984~~ 1985 Highway Capacity
3 Manual, ~~as required by the Alameda County CMA.~~

4 The draft EIR is modified at page 4.3-26, footnote 6 as follows:

5 ⁶ LOS and delay are based on the *Highway Capacity Manual*, Transportation Research
6 Board, National Research Council, 1985 (*as revised in 1994*), ~~as required by the~~
7 ~~Alameda County CMA.~~

8 The draft EIR is modified at page 4.3-31, line 25 to add text at the end of the paragraph:

9 The impact is considered significant. Implementation of Mitigation Measure 4.3-4 would reduce
10 traffic demand on the MTS, but the residual impact to existing congested freeway segments
11 would remain significant, and the impact is considered unavoidable. Mitigation Measure 4.4-5,
12 intended to primarily mitigate air quality impacts, would also reduce traffic impacts, but not to a
13 level that is less than significant. No feasible mitigation measures have been identified that
14 would reduce freeway impacts to a level that is less than significant. Increasing freeway
15 capacity by adding lanes would not be feasible because of high cost, negative impacts to air
16 quality, and other factors. Moreover, adding lanes is inconsistent with the policies of the
17 responsible regional agencies. *The City of Oakland has participated in the I-880 Intermodal*
18 *Corridor Study and the North I-880 Operations and Safety Study.*

19 Mitigation Measure 4.3-1 is revised as indicated below at draft EIR page 4.3-28, line 24; at page
20 4.3-37, line 23; and at page 1-22, Table 1-1 at Transportation and Traffic Impact 4.3-1:

21 **Mitigation 4.3-1: West Grand Avenue/Maritime Street.** As part of the design for the
22 realignment of Maritime Street, ~~the Port shall also provide~~ project area developers shall fund on
23 a fair-share basis modifications to the West Grand Avenue/Maritime Street intersection.

24 Mitigation Measure 4.3-3 is revised as indicated below at draft EIR page 4.3-28, line 30; at page
25 4.3-39, line 22; and at page 1-22, Table 1-1 at Transportation and Traffic Impact 4.3-1:

26 **Mitigation 4.3-3: 7th/Maritime Street.** As part of the design for the realignment of Maritime
27 Street, ~~the Port shall also provide~~ project area developers shall fund on a fair-share basis
28 modifications to the 7th/Maritime Street intersection.

29 Mitigation Measure 4.3-4 is revised as indicated below at draft EIR page 4.3-31, lines 1 to 5; at
30 page 4.3-40, lines 7 to 10; and at page 1-22, Table 1-1 at Transportation and Traffic Impact 4.3-
31 2:

32 **Mitigation Measure 4.3-4:** The City and Port, in consultation with transit agencies, shall jointly
33 create and maintain a transit access plan(s) for the redevelopment project area designed to

1 reduce demand for single-occupant, peak hour trips, and to increase access to transit
2 opportunities. Major project area developers shall fund on a fair share basis the plan(s).

3 Mitigation Measure 4.3-8 is revised as indicated below at draft EIR page 4.3-32, lines 29 to 31;
4 at page 4.3-42, lines 28 to 30; and at page 1-23, Table 1-1 at Transportation and Traffic Impact
5 4.3-4:

6 **Mitigation 4.3-8:** ~~Construct an emergency vehicle access to the western portion of the Gateway~~
7 ~~development area, or~~ Provide an emergency service program and emergency evacuation
8 program using waterborne vessels.

9 In addition, the draft EIR is modified at page 4.3-42, line 32 to line 33 and continuing to page
10 4.3-43 as follows:

11 ~~Should a second emergency access by land not be possible to the western portion of the~~
12 ~~Gateway development area, The City shall provide redundant emergency access to this area~~
13 ~~the OARB sub-district~~ by vessel. The area is currently served by fire boat out of the Jack
14 London Square Fire Station. The City may elect to equip that fire boat with first response
15 medical emergency personnel as well as limited hazardous materials response personnel and
16 equipment (see also Mitigation Measure 4.9-1). Major developers shall fund these
17 improvements on a fair share basis.

18 The draft EIR is modified at page 4.3-37, line 14 as follows:

19 Construction and/or remediation would generate haul, delivery, and employee trips.
20 Construction and remediation generally involve large diesel transport trucks. For traffic impacts,
21 transport trucks are considered equivalent to two passenger cars. Remediation vehicles include
22 those transporting both hazardous materials and hazardous waste. These trips may
23 substantially degrade LOS on area roadways and the impact is considered potentially
24 significant. Truck trips from remedial actions at the portions of the OARB subject to the
25 RAP/RMP, as described in Chapter 4.7, Hazardous Material. For example, remedial actions at
26 the former Oil Reclaiming Plant/Building 1 area and other RAP sites are anticipated to include
27 the excavation of approximately 6,000 to 7,000 cubic yards of tarry residue, which will be
28 disposed at a permitted off-site disposal facility. Up to an additional 10,000 cubic yards of
29 overburden may possibly require off-site disposal if this material cannot be reused onsite. This
30 volume of soil will likely be excavated over a three to four month time period, and the cumulative
31 number of truckloads, ranging from approximately 400 to 900, would be distributed over the
32 duration of the excavation process. Implementation of the TCP per Mitigation Measure 4.3-13
33 will reduce this impact to less than significant.

34 Remediation at the remainder of the OARB (RMP locations) will generally occur as development
35 progresses, over approximately five to ten years following transfer of the base. The anticipated
36 remediation locations are multiple small areas likely consisting of less than 50 or 100 cubic

1 yards of soil (mostly impacted with petroleum hydrocarbons), and which may include a former
2 structure (e.g., washrack or oil water separator) to be removed as well. Although possibly no
3 removals will be required at many locations, approximately three to five truckloads of soil and
4 debris may be removed from each of these locations over the planned five to ten year
5 development of the OARB as they are encountered during site preparation work and managed
6 in accordance with the Risk Management Plan. The truck traffic due to these remedial activities
7 is anticipated to coincide with the other site preparation work and to be indistinguishable from
8 the construction traffic associated with the redevelopment of these areas. Because occurrence
9 of this impact depends on details of construction/remediation timing and the exact amount and
10 location of related traffic not currently developed, the impact is considered potentially significant.
11 With implementation of Mitigation Measure 4.3-13, the impact would be substantially reduced,
12 and the residual impact would be less than significant.

13 **AIR QUALITY—SECTION 4.4 OF THE DRAFT EIR**

14 The draft EIR is modified at page 4.4-11, line 10 as follows:

15 Pollution-sensitive receptors (e.g., residences, schools, hospitals, etc.) are located within and
16 near the study area. The Oakland Military Institute College Preparatory Academy and Head
17 Start classrooms are interim uses at the OARB. As interim uses, they may continue during
18 and/or after the remediation period for five years.

19 Residences are located adjacent to and near the 16th/Wood sub-district, and the Phoenix Lofts
20 are located within the Maritime sub-district. The intervening UP West Oakland and Desert
21 railyards and elevated I-880 freeway separate most West Oakland residential receptors from the
22 majority of the OARB and Maritime sub-districts. Near Martin Luther King, Jr. Way, receptors
23 are separated from the project area by intervening land uses that include commercial and
24 industrial facilities, although some live/work units are located intermittently throughout this area.
25 The closest public schools to the project area are McLymonds High on Myrtle Street and
26 Prescott Elementary on Campbell Street.

27 The draft EIR is modified at page 4.4-14, line 22 as follows:

28 Redevelopment, including remediation, construction, and operations, would have a significant
29 impact on the environment if it would:

30 In response to comment 19a-9, the draft EIR is modified at page 4.4-17, Table 4.4-5 as follows:

31

**Table 4.4-5
Redevelopment Program Year 2020 Estimated Emissions from Operations (tons/year)**

	NO _x	ROG	CO	SO ₂	PM ₁₀ ^a
Port Development Area/Maritime Sub-District					
Marine Cargo Equipment	37	5	14	2	2
Ships	1,065	65	101	580	79
Tugs	33	1	5	6	1
Trains	29	2	7	5	1
Rail Cargo Equipment	8	1	2	Negligible	Negligible
	<u>398</u>	<u>66</u>	<u>619</u>		
Transport Trucks	402	67	625	Negligible	19
Cars/Delivery Trucks	9	16	94	Negligible	1
	<u>1,579</u>	<u>156</u>	<u>842</u>		
Total Gross Emissions, Port Activities:	1,583	157	848	593	103
Gateway Development Area					
Cars/Delivery Trucks	50	91	519	Negligible	8
Transport Trucks	54	9	85	Negligible	3
Total Gross Emissions, Gateway:	104	100	604	Negligible	11
16th/Wood Sub-District					
Cars/Delivery Trucks	37	67	382	Negligible	6
Transport Trucks	24	4	37	Negligible	1
Total Gross Emissions, 16 th /Wood:	61	71	419	Negligible	7
	<u>1,744</u>	<u>327</u>	<u>1,865</u>		
Redevelopment Program Gross Emissions:	1,748	328	1,874	593	121
Less Berths 55-58 and JIT Mitigated Emissions	454	68	0	0	40
Less 1995 Alternative Baseline Emissions	65	50	553	3	46
	<u>1,225</u>	<u>209</u>	<u>1,312</u>		
Redevelopment Program Net Total	1,229	210	1,318	590	35

Sources: Marine cargo equipment emissions and mitigated Port emissions from Berths 55-58 Project EIR (Port of Oakland 1998); Railyard cargo equipment and train emissions from JIT Project EIR (Port of Oakland 1999); transport trucks and passenger and delivery vehicle emissions from traffic analysis by Dowling Associates for this EIR (2002); alternative baseline emissions from Army EIS for disposal and reuse of the OARB (Corps 2001).

Note:

^a Considered a TAC from diesel fuel combustion.

1

2

In addition, at draft EIR Appendix 4.4A, the Table entitled "Truck and Passenger Car Emissions—OARB Project is deleted in its entirety and replaced with a new table, as indicated on the following pages of this document.

3

4

5

The draft EIR is modified at page 4.4-19, starting at line 25 as follows:

6

Construction and remediation-related generation of criteria pollutants and diesel exhaust, including the emissions from remediation at the OARB as discussed in Chapter 4.7, Hazardous

7

1 Materials, would be short-term, and, given meteorological conditions, pollutants are expected to
2 be dispersed. However, because details of construction and remediation across the entire
3 redevelopment area are not yet completely defined, the impact is considered potentially
4 significant. . With implementation of Mitigation Measure 4.4-2, the impact would be reduced, but
5 not to a level that is less than significant, and the residual impact is considered significant and
6 unavoidable.

7 The draft EIR is modified at page 4.4-26, line 9, as follows:

8 This program shall be periodically reviewed and updated every one to three years,
9 corresponding to regular updates of the Clean Air Plan. The review and update shall include an
10 assessment of the potential new strategies, a reassessment of funding requirements, technical
11 feasibility, cost benefit assumptions and other factors. The periodic updates shall be submitted
12 to the City/Port Liaison Committee or its equivalent.

13 The draft EIR is modified at page 4.4-27, line 26, as follows:

14 This program shall be periodically reviewed and updated every one to three years,
15 corresponding to regular updates of the CAP. The review and update shall include, and not be
16 limited to, an assessment of any potential new strategies, a reassessment of funding
17 requirements, technical feasibility, and cost benefit assumptions. Periodic updates shall be
18 submitted to the City/Port Liaison Committee or its equivalent.

19 **NOISE—SECTION 4.5 OF THE DRAFT EIR**

20 The draft EIR is modified at page 4.5-14, lines 9-12 and at page 1-28, Table 1-1 under Noise as
21 follows:

22 **Impact 4.5-1:** Construction, including remediation, could result in short-term noise levels in
23 excess of established standards, or that violate the City of Oakland Noise Ordinance at and
24 near the redevelopment project area, and along construction haul routes.

25

TRUCK AND PASSENGER CAR EMISSIONS – OARB PROJECT

Distance traveled within the SF Air Basin 80 miles one-way to Gilroy
 by Over-the-Road Trucks: 45 miles one-way to Tracy

PROJECT

			Emission Factors (g/mi)				Emissions (lb/day)				Emissions (tons/year)			
	Daily One-Way Trips	One-Way Trip Distance	ROG	CO	NOx	PM10	ROG	CO	NOx	PM10	ROG	CO	NOx	PM10
		(mi)												
<u>Port Area</u>														
Intermodal Trucks	3180	0.5	1.27	11.91	7.66	0.37	8.9	83.5	53.7	2.6	4	11	7	0
Over-the-Road Trucks	1438	62.5	1.27	11.91	7.66	0.37	503.3	4719.6	3035.5	146.6	65	614	395	19
Passenger Light Duty Autos	2662	18	0.37	2.24	0.22	0.04	78.2	473.2	46.5	8.5	10	62	6	1
Passenger Light Duty Trucks	887	18	0.68	3.51	0.33	0.04	47.9	247.2	23.2	2.8	6	32	3	0
<u>Gateway Development Area</u>														
Passenger Light Duty Autos	14874	18	0.37	2.24	0.22	0.04	436.8	2644.3	259.7	47.2	57	344	34	6
Passenger Light Duty Trucks	4958	18	0.68	3.51	0.33	0.04	267.6	1381.2	129.9	15.7	35	180	17	2
<u>16th and Wood Area</u>														
Passenger Light Duty Autos	10916	18	0.37	2.24	0.22	0.04	320.5	1940.5	190.6	34.7	42	252	25	5
Passenger Light Duty Trucks	3639	18	0.68	3.51	0.33	0.04	196.4	1013.6	95.3	11.6	26	132	12	2
TOTAL TRUCKS:							512.2	4803.1	3089.2	149.2	67	624	402	19
TOTAL CARS:							1347.3	7699.9	745.2	120.4	175	1001	97	16

1- assumption for vehicle mix for passenger cars: 75% Light Duty Auto, 25% Light Duty Truck

TRUCK AND PASSENGER CAR EMISSIONS - OARB PROJECT

Distance traveled within the SF Air Basin 80 miles one-way to Gilroy
by Over-the-Road Trucks: 45 miles one-way to Tracy

PROJECT

	<u>Emission Factors (g/mi)</u>						<u>Emissions (lb/day)</u>				<u>Emissions (tons/year)</u>			
	<u>Daily One-Way Trips</u>	<u>One-Way Trip Distance (mi)</u>	<u>ROG</u>	<u>CO</u>	<u>NOx</u>	<u>PM10</u>	<u>ROG</u>	<u>CO</u>	<u>NOx</u>	<u>PM10</u>	<u>ROG</u>	<u>CO</u>	<u>NOx</u>	<u>PM10</u>
<u>Port Area</u>														
<u>Intermodal Trucks</u>	<u>1590</u>	<u>0.5</u>	<u>1.27</u>	<u>11.91</u>	<u>7.66</u>	<u>0.37</u>	<u>4.5</u>	<u>41.7</u>	<u>26.9</u>	<u>1.3</u>	<u>1</u>	<u>5</u>	<u>3</u>	<u>0</u>
<u>Over-the-Road Trucks</u>	<u>1438</u>	<u>62.5</u>	<u>1.27</u>	<u>11.91</u>	<u>7.66</u>	<u>0.37</u>	<u>503.3</u>	<u>4719.6</u>	<u>3035.5</u>	<u>146.6</u>	<u>65</u>	<u>614</u>	<u>395</u>	<u>19</u>
<u>Passenger Light Duty Autos</u>	<u>2662</u>	<u>18</u>	<u>0.37</u>	<u>2.24</u>	<u>0.22</u>	<u>0.04</u>	<u>78.2</u>	<u>473.2</u>	<u>46.5</u>	<u>8.5</u>	<u>10</u>	<u>62</u>	<u>6</u>	<u>1</u>
<u>Passenger Light Duty Trucks</u>	<u>887</u>	<u>18</u>	<u>0.68</u>	<u>3.51</u>	<u>0.33</u>	<u>0.04</u>	<u>47.9</u>	<u>247.2</u>	<u>23.2</u>	<u>2.8</u>	<u>6</u>	<u>32</u>	<u>3</u>	<u>0</u>
<u>Gateway Development Area</u>														
<u>Over-the-Road Trucks</u>	<u>198</u>	<u>62.5</u>	<u>1.27</u>	<u>11.91</u>	<u>7.66</u>	<u>0.37</u>	<u>69.4</u>	<u>650.9</u>	<u>418.6</u>	<u>20.2</u>	<u>9</u>	<u>85</u>	<u>54</u>	<u>3</u>
<u>Passenger Light Duty Autos</u>	<u>14676</u>	<u>18</u>	<u>0.37</u>	<u>2.24</u>	<u>0.22</u>	<u>0.04</u>	<u>431.0</u>	<u>2609.0</u>	<u>256.2</u>	<u>46.6</u>	<u>56</u>	<u>339</u>	<u>33</u>	<u>6</u>
<u>Passenger Light Duty Trucks</u>	<u>4958</u>	<u>18</u>	<u>0.68</u>	<u>3.51</u>	<u>0.33</u>	<u>0.04</u>	<u>267.6</u>	<u>1381.2</u>	<u>129.9</u>	<u>15.7</u>	<u>35</u>	<u>180</u>	<u>17</u>	<u>2</u>
<u>16th and Wood Area</u>														
<u>Over-the-Road Trucks</u>	<u>87</u>	<u>62.5</u>	<u>1.27</u>	<u>11.91</u>	<u>7.66</u>	<u>0.37</u>	<u>30.6</u>	<u>286.6</u>	<u>184.3</u>	<u>8.9</u>	<u>4</u>	<u>37</u>	<u>24</u>	<u>1</u>
<u>Passenger Light Duty Autos</u>	<u>10828</u>	<u>18</u>	<u>0.37</u>	<u>2.24</u>	<u>0.22</u>	<u>0.04</u>	<u>318.0</u>	<u>1925.0</u>	<u>189.1</u>	<u>34.4</u>	<u>41</u>	<u>250</u>	<u>25</u>	<u>4</u>
<u>Passenger Light Duty Trucks</u>	<u>3639</u>	<u>18</u>	<u>0.68</u>	<u>3.51</u>	<u>0.33</u>	<u>0.04</u>	<u>196.4</u>	<u>1013.6</u>	<u>95.3</u>	<u>11.6</u>	<u>26</u>	<u>132</u>	<u>12</u>	<u>2</u>
<u>TOTAL TRUCKS:</u>							<u>607.7</u>	<u>5698.9</u>	<u>3665.3</u>	<u>177.0</u>	<u>79</u>	<u>741</u>	<u>476</u>	<u>23</u>
<u>TOTAL CARS:</u>							<u>1338.9</u>	<u>7649.1</u>	<u>740.2</u>	<u>119.5</u>	<u>174</u>	<u>994</u>	<u>96</u>	<u>16</u>

1. GDA Vehicle mix: 74% Light Duty Auto, 25% Light Duty Truck, 1% Medium heavy duty truck
2. 16th & Wood Vehicle mix: 74.4 % Light Duty Auto, 25% Light Duty Truck, 0.6% Medium heavy duty truck

1 The draft EIR is modified at page 4.5-14, lines 20 through 21 as follows:

2 Build-out is expected by 2020. Construction activities are expected to occur within all of the sub-
 3 districts. The primary purpose of redevelopment is the elimination of blighting influences. In
 4 general, this would involve demolition/deconstruction, selected remediation, grade correction
 5 and site preparation, excavation and filling, and infrastructure installation. Specifically, it would
 6 include remediation activities as required by the Remedial Action Plan/Risk Management Plan
 7 for the OARB sub-district, as discussed in Chapter 4.7, Hazardous Materials, realignment of
 8 Maritime Street and utilities located within that right-of-way, construction of a new Maritime
 9 Street extension (the “loop road”), reconfiguration of the Outer Harbor shoreline for New Berth
 10 21, construction of the Gateway Park, construction of the New Intermodal Facility, and creation
 11 of public access. In addition, subsequent redevelopment activities would include construction of
 12 internal circulation, buildings, parking, landscaping, etc.

13 The draft EIR is modified at page 4.5-14, lines 26 through 29 as follows:

14 Noise levels would increase within the redevelopment project area and adjacent areas from
 15 operation of construction and remediation equipment. In the OARB and Maritime sub-districts,
 16 pile driving would be required for construction of wharves (installation of pilings and possibly
 17 sheet pile), as well as buildings, which due to geotechnical conditions are expected to be built
 18 on friction piles. In the OARB sub-district, remediation noise would be associated with
 19 excavation and treatment. Table 4.5-3 summarizes typical major noise source equipment
 20 expected to be used during redevelopment construction activities.

21 The draft EIR is modified at page 4.5-15, Table 4.5-3 as follows:

**Table 4.5-3
 Major Sources of Construction Noise**

Activity	Source	Typical L_{eq} (dBA) at 50 Feet
<u>Remediation</u>	<u>Excavators, backhoes, loaders, trucks, compactors, rollers, drillers, jackhammers, air compressors, de-watering pumps</u>	<u>80 to 91 dBA</u>
Demolition/deconstruction	Bulldozers, concrete crushers, backhoes, loaders, trucks	80 to 91 dBA
Site preparation, construction of roads, utilities, parking areas	Bulldozers, backhoes, scrapers, compacters, trucks	80 to 91 dBA
Shoreline reconfiguration	Dredges, excavators, trucks	67 dBA (dredge at 250 feet) 80 to 91 dBA (excavators and trucks)
Wharf construction, building foundations	Pile drivers, trucks	101 dBA (L _{max} for pile driver) 80 to 91 dBA

**Table 4.5-3
Major Sources of Construction Noise**

Activity	Source	Typical L _{eq} (dBA) at 50 Feet (L _{eq} for trucks)
Source: Port of Oakland 1998, Table 3.4-3.		

1

2 **CULTURAL RESOURCES—SECTION 4.6 OF THE DRAFT EIR**

3 The draft EIR is modified partially in response to comments W16-1 and W9-22 as follows:

4 Throughout Section 4.6, the following correction is made: Horace W. ~~Carpenter~~ Carpentier

5 Throughout Section 4.6, the following correction is made: ~~Vincente~~ Vicente Peralta

6 The draft EIR is modified at page 4.6-1, line 17 as follows:

7 The National Environmental ~~Quality~~ Policy Act (NEPA, 42, United States Code (USC) §§ 4321-
8 4327), requires federal agencies to consider potential environmental impacts and appropriate
9 mitigation measures of actions with federal involvement. The National Historic Preservation Act
10 (NHPA) (16 USC §470 *et seq.*) addresses concerns pertinent to an action's effect on cultural
11 resources.

12 The draft EIR is modified at page 4.6-3, starting at line 2 as follows:

13 CEQA *The California Environmental Quality Act (CEQA, Public Resources Code [PRC] §§*
14 *21000-21178) at Sections 21083.2 and 21084.1* requires lead agencies to consider the effects
15 of their proposed action on historic resources (these include ~~built-environment~~ historic and
16 prehistoric archaeological resources). Historical resources are defined as those that meet any of
17 the following criteria for listing on the California Register of Historic Places (CRHR). These
18 criteria are set forth in ~~Sections 15064.5 and 15126.4 of~~ the CEQA *Guidelines, 14 California*
19 *Code of Regulations (CCR) Section 15064.5:*

20 The draft EIR is modified at page 4.6-3, line 36 as follows:

21 Section 15064.5 of the CEQA *Guidelines* also assigns special importance to human...

22 The draft EIR is modified at page 4.6-12, line 4 as follows:

23 The Army and the State Office of Historic Preservation (OHP) dropped all OARB structures
24 designated "temporary WWII" (Buildings No. 4, 85, 88, 90, 802–808, 821, 822, 823, and 991)
25 from federal consideration pursuant to a national Programmatic Agreement concerning World
26 War II-era military facilities. For the purpose of CEQA and the analysis for this EIR, however,

1 these temporary World War I structures are considered to be historic resources (as Historic
 2 District contributors). All of the contributing structures within the OARB Historic District are
 3 categorized as “~~3e~~” “2D2” by the OHP (2001: PRC Reference Numbers 4623-0441-0001
 4 through 00024). This category means that the structures are not individually eligible, only
 5 contributing elements to the Historic District as a whole.

6 The draft EIR is modified at page 4.6-17, line 15 as follows:

- 7 • **PG&E Substation C.** This structure, located at 689 2nd Street, appears to be a 1950s
 8 addition to the historic 1931 PG&E Substation located outside the study area, between
 9 Martin Luther King, Jr. Way and Jefferson Street. The substation addition within the study
 10 area has been preliminarily rated “~~x~~” “not a PDHP” by the Oakland City Planning
 11 Department’s Cultural Heritage Survey. As such, it is not considered a significant historic
 12 resource for the purposes of CEQA, and is not considered further in this EIR as a historic
 13 resource.

14 The draft EIR is modified at page 4.6-17, line 22 as follows:

- 15 • **PG&E Howard Terminal Substation.** One small corrugated metal structure is located
 16 immediately adjacent (east) of the entrance gate to the Howard Terminal on Embarcadero
 17 Street. The structure appears to be a small PG&E substation associated with supplying
 18 power to the Howard Terminal. The substation within the study area was examined in the
 19 1980s by the Oakland Heritage Survey, and given a ranking of “~~check~~ not a PDHP,” based
 20 on the fact that it did not appear to be over 50 years of age at that time.

21 The draft EIR is modified at page 4.6-18, starting at line 3 as follows:

22 Three other ~~NRHP-eligible historic properties~~ Potentially Designated Historic Properties were
 23 removed from 714 Pine Street, 1815 Shorey and 1817 Shorey (later Short) Street during the re-
 24 construction of I-880 and temporarily stored on blocks on the corner of 9th and Cedar streets.
 25 The three structures are collectively known as the “Shorey Street Houses.” These houses are
 26 the Bachman-Jackson-Netherland house (formerly 714 Pine Street), the Thomas Stephens &
 27 Thomas Wood house (formerly 1817 Shorey Street), and the Collins house (formerly 1815
 28 Shorey Street). Two of the structures remain on blocks at the corner of 9th and Cedar Streets,
 29 and the other house has been rehabilitated and moved to Tremont Street on the
 30 Oakland/Berkeley city border (Betty Marvin –City of Oakland Historic Preservation Planner,
 31 personal communication June 2002). The January 8, 2002 Directory of Properties in the
 32 Historic Properties Data File for Alameda County lists all three structures as category, “5D1”
 33 (Eligible for local listing only as a contributor to an historic district listed, or eligible under a local
 34 ordinance). At the local level, the Oakland Heritage Survey rated these structures as
 35 contributors to the Phoenix Ironworks Area of Secondary Importance (ASI) (Betty Marvin –City

1 of Oakland Historic Preservation Planner, personal communication June 2002). The individual
2 Oakland Heritage Survey ranking for these houses are listed here:

- 3 1. Bachman-Jackson-Netherland house (formerly 714 Pine Street) – Oakland ranking ‘Cb2+’
- 4 2. Thomas Stephens & Thomas Wood house (formerly 1817 Shorey Street) – Oakland ranking
5 ‘C2+’
- 6 3. Collins house (formerly 1815 Shorey Street) – Oakland ranking ‘C2+’

7 The rankings provided to the three structures are now out of date, as the structures have been
8 moved and have suffered from loss of integrity of setting (Betty Marvin –City of Oakland Historic
9 Preservation Planner, personal communication June 2002). Since they have been moved and
10 have suffered loss of integrity, they do not meet the significance criteria of the National and/or
11 California Registers of Historic Places.

12 Two One of the houses have has since been moved outside of the project area and have has
13 been rehabilitated. The ~~third house remains~~ other two houses remain at 9th and Cedar streets,
14 but is are not expected to be affected by redevelopment. These houses are not considered
15 further in this EIR.

16 The draft EIR is modified at page 4.6-18, line 23 as follows:

17 With redevelopment, some portions of the district would be subject to remediation requirements,
18 building demolition and land clearing activities. For purposes of impact analysis, it is assumed
19 that all buildings and structures on the Base (but not all buildings within the OARB sub-district)
20 would be demolished. This would include all OARB historic resources. For the Maritime sub-
21 district, no significant historic resources would be impacted. For the 16th/Wood sub-district, it is
22 assumed the extant historic resources—the SPRR (Amtrak) Station and Tower—would be
23 preserved.

24 The draft EIR is modified at page 4.6-19, line 17 as follows:

25 A total of two NRHP-listed eligible historic districts and ~~four~~ three individual historic resources
26 that are considered to be significant historic resources for the purposes of CEQA have been
27 identified within the study area. These include the OARB Historic District (NRHP and Local
28 Register), the SPRR Industrial Landscape District (NRHP and Local Register), the SPRR
29 Station, the SPRR 16th Street Tower, and the IEC Railway Bridge Yard Shop.

30 The draft EIR is modified at page 4.6-20, starting at line 12 as follows:

31 Most of the study area is located over fill material, and the potential to encounter unknown sub-
32 surface cultural resources is very low. However, a portion of the 16th/Wood sub-district is not

1 located on fill, and potential exists that such resources (archaeological, paleontological, human
2 remains) could be encountered during construction- or remediation-related excavation. Because
3 these resources are not known to occur in the area, the impact is considered potential. With
4 implementation of Mitigation Measure 4.6-1, the impact would be substantially rectified, and the
5 residual impact is considered less than significant.

6 The draft EIR is modified at page 4.6-22, lines 5 and 6 as follows:

7 Redevelopment would eliminate evidence of a specific period in the history of West Oakland
8 military transportation and operations, potentially including all structures contributing to a
9 designated the OARB Historic District (Buildings No. 1, 4, 60, 85, 88, 90, 99, 151 [Wharf 6], 152
10 [Wharf 6½], 153 [Wharf 7], 802–808, 812, 821, 822, 823, and 991). Loss of these resources is
11 considered a significant impact. Implementation of Mitigation Measures 4.6-2 through 4.6-7, as
12 well as Mitigation Measure 4.11-1 (intended to primarily mitigate impacts to aesthetic resources,
13 but which would partially mitigate impacts to cultural resources as well), would partially
14 compensate for this loss; however, the residual impact is considered significant, and the impact
15 unavoidable.

16 The draft EIR is modified at page 4.6-22, lines 20 and 21 as follows:

17 Redevelopment would eliminate evidence of a specific period in the history of West Oakland
18 military transportation and operations, potentially including all structures contributing to a
19 designated the OARB Historic District (Buildings No. 1, 4, 60, 85, 88, 90, 99, 151 [Wharf 6], 152
20 [Wharf 6½], 153 [Wharf 7], 802-808, 812, 821, 822, 823, and 991). Loss of the historic setting
21 that makes the District eligible to the NRHP, CRHP, or the Local Register is considered
22 significant impact. Implementation of Mitigation Measures 4.6-2 through 4.6-12 would partially
23 compensate for this loss; however, the residual impact is considered significant, and the impact
24 unavoidable.

25 Mitigation Measure 4.6-2 is revised as indicated below at draft EIR page 4.6-20, line 22; at page
26 4.6, line 25, and at page 1-29, Table 1-1 under Cultural Resources Impact 4.6-2:

27 **Measure 4.6-2:** The City, Port and OARB sub-district developers shall fund on a fair-share
28 basis a commemoration site, including preparation of a Master Plan for such a site, to be
29 located at a public place located within the Gateway development area.

30 In addition, the draft EIR is modified page 4.6-24, starting at line 34 and continuing on page 4.6-
31 25 as follows:

- 32 ~~• The City and the Port shall explore opportunities to identify structures and/or portions of~~
33 ~~structures to be preserved or moved to commemoration site.~~
- 34 ~~• A master plan shall be prepared for the commemoration site, including selection of~~
35 ~~appropriate physical elements, the design of monuments and the design of the~~

- 1 ~~commemoration site itself. The master planning process should involve the City and the~~
2 ~~Port, the public and interested historical and veterans groups, historic experts, and other~~
3 ~~public agencies.~~
- 4 • ~~Implementation of the commemoration site master plan may be phased along with the~~
5 ~~timing of new development. No demolition or deconstruction of historic structures shall occur~~
6 ~~until necessary for redevelopment activities.~~
- 7 • ~~The master plan may include an endowment to be funded by the City and the Port for on-~~
8 ~~going maintenance, replacement and potentially curator costs associated with~~
9 ~~commemoration site and with trail linkages as described below.~~
- 10 • ~~The City and the Port shall develop an ongoing outreach program informing the public of the~~
11 ~~importance of the OARB to the community and the region, and of the existence of the~~
12 ~~commemorative site.~~
- 13 • An appropriate location shall be set-aside for development of a commemoration site. The
14 commemoration site shall be at a publicly accessible place. It may be located within or
15 adjacent to any historic district contributor buildings that are preserved on a permanent
16 basis (see Mitigation Measure 4.6-16). If that is not feasible, another potential location is
17 within or near to the Gateway Park.
- 18 • A design plan for the commemoration site shall be prepared, and shall include the design of
19 monuments and the selection of appropriate relocated physical elements from the OARB,
20 potentially including relocated structures or portions of structures to be included in the site.
21 The City and the Port shall identify structures and/or portions of structures to be preserved
22 or moved to the commemoration site prior to demolition.
- 23 • The master planning process should involve the City and the Port, the public and interested
24 historical and veterans groups, historic experts, and other public agencies.
- 25 • Implementation of the commemoration site master plan may be phased along with the
26 timing of new development.
- 27 • The master plan shall include an endowment to be funded by the City and the Port, or their
28 designee, for on-going maintenance and replacement and may also include curator costs
29 associated with commemoration site and with trail signage, exhibits, and design elements as
30 described below.
- 31 • The City and the Port shall develop an ongoing outreach program informing the public of the
32 importance of the OARB to the community and the region, and of the existence of the
33 commemorative site.

34 Mitigation Measure 4.6-4 is revised as indicated below at page 4.6-26, line 22, starting with the
35 second bullet point:

- 1 • a summary report made available at the Oakland Museum, Port Archives, the Oakland
2 History room, and/or the UC Berkeley Regional Oral History Office at the Bancroft Library;
3 and
- 4 • publication of copies of audio CD's or other stable recording medium, and the summary
5 report for sale to the public, and
- 6 • All interviews shall be transcribed and saved in a long-term, archive-stable medium.

7 Mitigation Measure 4.6-5 is revised as indicated below at page 4.6-26, line 9:

- 8 • The parties shall fund development of an interactive web page to be provided to military.com
9 or other web-based organization where and ~~web community~~ for former military personnel
10 can be connected to the OARB documentation.
- 11 • A list of list of draftees/enlistees processed through the OARB during WWII and the Korean
12 and Vietnam wars may be an element of such a site.

13 The draft EIR is modified at page 4.6-26, line 25 as follows:

14 The draft EIR is modified at page 4.6-26, line 25 as follows:

15 The Army has produced set of documentation for the structures within the OARB Historic
16 District. These documents were prepared for the Historic American Building Survey and Historic
17 American Engineering Record as part of their Section 106 responsibilities to preserve the
18 historical significance of the OARB. These documents are currently available to the public, but
19 are not widely distributed. This mitigation measure will ensure that the documents are widely
20 distributed and made available to a larger audience interested in the history of the Base. It will
21 also offset (but not substantially reduce or avoid) the modification and/or destruction of many of
22 the historic buildings on the base, preserve their images, and provide a description of their
23 function and role to the interested public. If such a summary does not exist, the City, Port, and
24 OARB sub-district developers shall also fund on a fair share basis preparation of an introductory
25 summary to provide greater context and interpretation of the contents of these documents.

26 Mitigation Measure 4.6-7 is revised as indicated below, at page 4.6-21, replacing lines 7 through
27 12; at page 4.6-26, starting at line 29; and at page 1-30, Table 1-1 under Cultural resource
28 Impact 4.6-2:

29 **Mitigation 4.6-7:** If determined of significant historical educational value by the Oakland
30 Landmarks Preservation Advisory Board and the Oakland Heritage Alliance, the City, Port, and
31 OARB sub-district developers shall fund on a fair share basis distribution of copies of "A Job
32 Well Done" documentary video published by the Army.

33 In addition, the draft EIR is modified at page 4.6-27, line 2 and line 7 as follows:

1 The Army has produced a television broadcast-quality video documentary that describes the
2 mission and historical significance of the OARB. This documentary is not widely distributed, and
3 has not been viewed by the Oakland Landmarks Preservation Advisory Board or the Oakland
4 Heritage Alliance. This documentary is currently available to the public, but is not widely
5 distributed. This mitigation measure will ensure that the documentary is widely distributed and
6 made available to a larger audience interested in the history of the Base. It will also offset the
7 modification and/or destruction of many of the historic buildings on the base, preserve their
8 images, and provide a description of their function and role to the interested public. Copies of
9 the video shall be distributed to: the Oakland History Room, Oakland Public Library, Bancroft
10 Library, University of California; the Port of Oakland Archives; local public schools and libraries;
11 and local public broadcasting stations. Funding shall also be used to copy this video onto more
12 permanent archive-stable medium such as a CD.

13 Mitigation Measure 4.6-8 is revised as indicated below, at page 4.6-21, starting at line 13; at
14 page 4.6-27, starting at line 9; and at page 1-30, Table 1-1 under Cultural resource Impact 4.6-
15 2:

16 **Mitigation 4.6-8:** The City, Port, and OARB sub-district developers shall fund on a fair share
17 basis preservation and long-term curation of murals from OARB Building No. No. 1, and OBRA
18 shall either donate the murals to the Oakland Museum of California, or provide a permanent
19 location elsewhere. ~~within the project area.~~

20 In addition, the draft EIR is modified at page 4.6-27, line 19 as follows:

21 A mural commemorating the military transportation function of the Base is currently in storage at
22 the OARB. Preservation through stabilization, conservation, and display will ensure this mural is
23 preserved for future generations. This artwork is a unique historical document that evokes the
24 historical importance of the Base, and commemorates the contributions of the U.S. military to
25 Oakland and the nation at large. The mural shall be preserved in a publicly-accessible location,
26 which may include the Gateway Park, a building within the Gateway development area, Middle
27 Harbor Shoreline Park, the military charter school, or the Oakland Museum. This measure
28 should include funding for long-term curation to standards approved by a qualified art historian.

29 Mitigation Measure 4.6-9 is revised as indicated below, at page 4.6-21, starting at line 18; page
30 4.6-27, starting at line 23; and page 1-30, Table 1-1 under Cultural resource Impact 4.6-2:

31 **Mitigation 4.6-9:** The City, Port, and OARB sub-district developers shall fund on a fair share
32 basis a program to salvage as whole timber posts, beams, trusses, and siding of warehouses to
33 be demolished to the maximum extent feasible. ~~These materials shall be used onsite, used in~~
34 ~~other East Bay Area construction, or be sold into the recycled construction materials market.~~
35 ~~Landfill disposal of salvageable construction material from contributing historic structures shall~~
36 ~~be prohibited by contract specification. Salvage and reuse requirements shall be enforced via~~
37 ~~contract specification.~~

1 In addition, the draft EIR is modified at page 4.6-27, starting at line 31, and continuing on page
2 4.6-8, from line 1 to line 2:

3 ~~The long warehouses located within the OARB Historic District (Buildings No. 802-808) are~~
4 ~~constructed almost exclusively of high-quality lumber. The large scale of the buildings~~
5 ~~necessitated the use of large-dimension beams. Today it is ecologically and economically cost~~
6 ~~prohibitive to produce timbers of these dimensions and quality. Salvage operations shall employ~~
7 ~~members of local job-training bridge programs (Youth Employment Program, Joint~~
8 ~~Apprenticeship Training Committee, Homeless Collaborative) or other similar organizations to~~
9 ~~provide construction training opportunities to Oakland residents.~~

10 To the extent feasible, these materials shall be used in whole, on site, in the construction of new
11 buildings within the Gateway development area. Special consideration shall be given to the use
12 of these materials at the commemoration site through the site's Master Planning effort

13 If on-site reuse is found infeasible, opportunities shall be sought for reuse of these materials ~~if~~
14 used in other East Bay Area construction, or be sold into the recycled construction materials
15 market. Landfill disposal of salvageable construction material from contributing historic
16 structures shall be prohibited by contract specification. Salvage and reuse requirements shall be
17 enforced via contract specification.

18 Salvage operations shall employ members of local job-training bridge programs (Youth
19 Employment Program, Joint Apprenticeship Training Committee, Homeless Collaborative) or
20 other similar organizations, if feasible, to provide construction-training opportunities to Oakland
21 residents.

22 Mitigation Measure 4.6-10 is revised as indicated below, at page 4.6-21, starting at line 27; page
23 4.6-28, starting at line 7; and page 1-31, Table 1-1, under Cultural resource Impact 4.6-2:

24 **Mitigation 4.6-10:** The City, Port, and OARB sub-district developers shall fund on a fair share
25 basis production and distribution of a brochure describing the history and architectural history of
26 the OARB to local libraries and schools.

27 In addition, the draft EIR is modified at page 4.6-28, starting at line 16:

- 28 • The brochure shall be distributed to local libraries and schools, and be made available to the
29 public at select pick-up and drop-off locations along the Bay Trail to be used for self-guided
30 tours.
- 31 • This brochure shall build upon the previously completed historical documentation produced
32 by the Port of Oakland, the Navy, and the Army for previous projects and on the original
33 research completed for preparation of the Historical Resource Documentation Program and
34 book.

- 1 • This brochure shall ~~will~~ document the history of the redevelopment area and provide
2 references to where more detailed information about the Base may be found.
-

3 Mitigation Measure 4.6-11 is revised as indicated below, at page 4.6-21, starting at line 31; page
4 4.6-28, starting at line 17; and page 1-31, Table 1-1, under Cultural resource Impact 4.6-2:

5 **Mitigation 4.6-11:** The City, Port, and OARB sub-district developers shall fund on a fair share
6 basis acquisition of copies of construction documentation and photographs of historic buildings
7 currently in the OARB files and transfer the copies to the Oakland History Room files and Port
8 historic archives, including funding to cover costs of archiving and cataloging these materials, as
9 well as curator costs at the Oakland History Room. While select photos and information maybe
10 exhibited at the commemoration site, the Oakland history Room is the most appropriate location
11 for the archive.

12 The draft EIR is modified starting at 4.6-21, starting at line 37 and continuing to the next page;
13 page 4.6-28, starting at line 30 and continuing to the next page, and page 1-31, Table 1-1 under
14 Cultural Resources Impact 4.6-2:

15 ~~**Mitigation 4.6-12:** At least one building each in the Gateway and Port development areas of the~~
16 ~~OARB sub-district, if feasible, shall include architectural design such as double eaves and~~
17 ~~clerestory windows elements evocative of the warehouse structures.~~

18 ~~Implementation of this measure would provide new, modern buildings reflecting the most~~
19 ~~distinctive architectural elements of the visually prominent 800-series warehouses, contributing~~
20 ~~structures to the OARB Historic District. Inclusion of these distinctive elements in the modern~~
21 ~~architecture would provide an aesthetic connection to the historic architecture of the site, and~~
22 ~~would partially compensate for the visual loss of these architectural elements. It is preferred~~
23 ~~these elements be included in buildings constructed near the location of the 800-series~~
24 ~~warehouses. It is preferred the structures selected to implement these measures be in a~~
25 ~~prominent location visible from Gateway, nearby elevated, or arterial roadways. Finally, it is~~
26 ~~preferred, but not required, this measure be implemented on buildings comprising by number~~
27 ~~the first 10 percent of buildings constructed in each of the Gateway and Port development~~
28 ~~areas.~~

29 Mitigation Measure 4.6-13 is revised as indicated below, at page 4.6-22, starting at line 31; page
30 4.6-29, starting at line 13; and page 1-32, Table 1-1, under Cultural resource Impact 4.6-4:

31 **Mitigation 4.6-13:** Prior to major renovation of these historically significant structures, the
32 redeveloper of the SPRR Station and 16th Street Tower shall ensure that historically significant
33 artifacts and features, if present, are retained and protected in place if feasible. If retention and
34 protection is found infeasible, such artifacts and features shall be ~~are~~ recorded and deposited
35 with the appropriate museum. Renovation of the exterior of a historic structure shall be
36 consistent with the Secretary of Interior's Standards. ~~for Historic Preservation Studies.~~

1 The draft EIR is modified to add new Mitigation Measure 4.6-14 at page 4.6-22, following line 2;
2 at page 4.6-29, line 5, and at page 1-31, Table 1-1 under Cultural Resources Impact 4.6-2:

3 **Measure 4.6-14: No demolition or deconstruction of contributing structures to the OARB**
4 **Historic District shall occur until necessary..**

5 In addition, the following text is added after new Mitigation Measure 4.6-14, at page 4.6-29:

6 Demolition or deconstruction of contributing structures to the OARB Historic District necessary
7 for the protection of public health and safety, particularly as related to the remediation of
8 hazardous materials and hazardous wastes within the OARB, may be initiated at any such time
9 as determined necessary by the lead agency undertaking such remediation activity. The
10 potential for partial removal of structures where remediation activity will not require the total
11 demolition of the historic district contributor building shall be considered. The totality of costs
12 involved in partial building salvage shall be included in this consideration.

13 Demolition or deconstruction of contributing structures to the OARB Historic District necessary
14 for Port redevelopment as described in Chapter 3, Description shall not occur until such time as
15 the Port has approved a final development plan for the relevant new facility or facilities.
16 Buildings affected by this measure include Buildings No. 88, 90, 99, 802 through 807, the
17 easterly portion of 808, 991, and Wharves 6 and 6½. The potential for partial removal of
18 structures where Port redevelopment will not require the total demolition of the historic district
19 contributor building shall be considered, specifically including, but not limited to the westerly
20 portion of Building 808.

21 Demolition or deconstruction of contributing structures to the OARB Historic District necessary
22 for redevelopment activity within the Gateway development area (except as necessary for the
23 protection of public health and safety, including hazardous material or waste remediation) shall
24 not occur until such time as actual development projects are proposed and permits for their
25 construction have been approved. No such permits shall be approved until such development
26 projects can demonstrate that they have considered adaptive reuse of historic structures, but
27 that adaptive reuse is found to be infeasible. OBRA and/or any developer shall make a pro-
28 active, good faith effort to incorporate preservation of some of the following buildings - 4,60,85,
29 the westerly portion of 808, 812, 821,822, and 823 - in a location proximate to the final
30 alignment of the Bay Trail. The consideration of adaptive reuse, including reuse as a
31 commemoration site, shall be a required component of subsequent land use approvals, such as
32 PUD, design review or conditional use permits. To be considered as a commemoration site, the
33 adaptive reuse opportunity would need to include an interpretive center, museum or other
34 similar, publicly accessible use, and would need to serve as a repository for historically valuable
35 artifacts, documents and accounts. No additional CEQA review shall be required for these
36 subsequent applications unless the statutory requirements for subsequent environmental review
37 are triggered.

1 The draft EIR is modified to add new Mitigation Measure 4.6-15 after Measure 4.6-14 (see
2 immediately preceding discussion) at page 4.6-22; line 2; at page 4.6-29, line 5; and at page 1-
3 31, Table 1-1 under Cultural Resources Impact 4.6-2:

4 **Measure 4.6-15.** *As part of the deconstruction and salvaging requirements for demolition of any*
5 *contributing structure within the OARB Historic District (see Mitigation Measure 4.6-9), specific*
6 *architectural elements, building components or fixtures should be salvaged. A professional*
7 *historic preservationist shall determine which, if any of such elements, components or fixtures*
8 *should be retained.*

9 The draft EIR is modified to add new Mitigation Measure 4.6-16 after new Measure 4.6-15 (see
10 immediately preceding discussion) at page 4.6-22, line 2; at page 4.6-29, line 5; and at page 1-
11 31, Table 1-1 under Cultural Resources Impact 4.6-2:

12 **Mitigation 4.6-16:** *The City, Port, and OARB sub-district developers shall fund on a fair share*
13 *basis preparation of an Historical Resource Documentation Program. This program shall consist*
14 *of a coordinated effort of primary research and documentation, with a substantial scholarly input*
15 *and publicly available products. The first product of this program shall include a coordinated*
16 *effort to conduct the research, writing, photo documentation, assembly and publication efforts*
17 *needed to prepare a comprehensive book on the history of the Oakland Army Base. The book*
18 *shall document the important contribution the Base has had to the U.S. military, to Oakland and*
19 *to the nation at large.*

- 20 • *The research and documentation needed to prepare this book should provide the basis and*
21 *background for coordinated subsequent documentary mitigation such as the brochure,*
22 *interpretation exhibits along the Bay Trail, the web site and others.*
- 23 • *Primary source material such as construction documents, photographs from World War II*
24 *films, the 1946 volume “Gateway to Victory,” and oral accounts should be considered for*
25 *publication or re-publication within this book.*
- 26 • *An author, or authors, with appropriate experience and qualifications should prepare the*
27 *book. The author shall consult with the Bancroft Library, the Oakland History Room, U.S.*
28 *Army Center for Military History, the National Archives, University of California Press, and*
29 *historical societies as appropriate.*
- 30 • *Copies of the book shall be provided to East Bay public libraries, and other educational*
31 *institutions.*

32 **HAZARDOUS MATERIALS—SECTION 4.7 OF THE DRAFT EIR**

33 The draft EIR is modified from page 4.7-12, line 1, through, page 4.7-20, line 19 in locations
34 throughout. The following replaces that draft EIR text in its entirety. For reader clarity and to
35 provide the overall context fro these revisions, all text is shown below with modifications, and
36 the text it replaces is not shown in strikeout.

4.7.2.2 Regulatory Oversight for Remediation of the OARB

The ORA, as successor-in-interest to the OBRA, will assume *primary* responsibility from the Army for addressing most environmental matters that remain at the OARB after transfer, including implementing remediation required under CERCLA, the HSAA, and other applicable laws and regulations. It is anticipated that the Army will retain responsibility for radiologic compounds, unexploded ordnance, and chemical and biologic warfare agents, ~~although the presence of these materials is not expected at the OARB because the base was not used for training with or manufacture of these items.~~² The Army and the OBRA are presently in discussions regarding responsibility for completing the investigation and remediation of submerged lands and lands not being transferred to the OBRA, and it is anticipated the Army will retain responsibility for the environmental condition of these areas; in the alternative, these areas will be addressed as part of the DTSC oversight and review process which is applicable to the remainder of the OARB property being transferred to the OBRA. Under the Defense Base Closure and Realignment Act, the Army ~~also still~~ retains ultimate liability under CERCLA for *unremediated* hazardous substance releases ~~to the extent that unknown or significant liabilities attributed to the Army are identified in the future at the OARB.~~

The DTSC is the primary state agency overseeing investigation and cleanup of the OARB. Representatives of the OBRA and the ORA have held many discussions, meetings, and negotiations with the DTSC and the Army regarding the remediation process to be followed after transfer of the OARB is completed. These efforts have culminated in a ~~proposed RAP/RMP proposed by the OBRA~~ *Draft Remedial Action Plan, which contains a Draft Risk Management Plan as an appendix (hereinafter, "RAP/RMP")*,³ that recognizes the planned future commercial/industrial uses of the OARB, and provides for risk-based remediation of soil and groundwater for the portion of the base that will be transferred to the OBRA, the ORA, and ultimately to the Port and other Developers. The RAP/RMP *has been issued* ~~must be reviewed and approved~~ by the DTSC, *concurrently with this EIR for the* ~~with a~~ public participation process *required* under the HSAA. Implementation of the RAP/RMP will be required by a Consent Agreement between the DTSC, the OBRA, and the ORA.

The Consent Agreement prescribes a binding legal process by which all required remedial actions will be completed under the oversight of the DTSC. In order to achieve transfer before all remediation is complete and to satisfy the Army's Covenant responsibility under CERCLA, this Consent Agreement and RAP/RMP along with the associated federal documents must then go to the Governor with a request to approve the Army's CERCLA Covenant Deferral Request. The Governor's approval is required for the transfer (FOSET transfer) of the OARB.

² Additionally, the Army will remediate contaminated conditions at the East Bay Regional Park District (EBRPD) Gateway Park ~~and for any contaminated marine sediments located near the storm drain outfalls at the OARB (this area is referred to by the Army as former Parcel 1 and includes the off-shore portions of Parcel 1).~~

³ *The Draft RAP/RMP (DTSC 2002a), in its entirety, is incorporated by reference and available for review at 250 Frank Ogawa Plaza, Suite 3330, during regular business hours.*

1 The Army must also review and approve the FOSET transfer in conformance with its own
2 CERCLA compliance obligations. It is anticipated the Army will fund, in full or in part,
3 remediation required under CERCLA at the OARB, and that remediation funding will be
4 provided on a reimbursement basis pursuant to an Environmental Services Cooperative
5 Agreement entered into by the Army, the OBRA and the ORA. It is also anticipated that “cost
6 cap” and environmental liability insurance will be obtained to protect the OBRA and other City
7 entities, as well as the Army, from the risks of environmental cleanup cost exceedances and
8 other covered claims.

9 Remedial Action Plan/Risk Management Plan Process

10 The RAP/RMP is the heart of the early transfer procedure of the OARB. The understanding of
11 environmental conditions, establishment of remediation goals, and selection of remedial actions
12 are accomplished in the RAP. The RMP is a an appendix companion document to the RAP. The
13 RMP describes the health protective measures to be implemented ~~in the future~~, during and after
14 redevelopment, for identified chemical release sites, land uses and potential exposure
15 pathways. The use of a RMP is typically included in Brownfields projects where
16 commercial/industrial uses are planned — like those for the OARB. The RMP includes
17 obligations on property owners and tenants to always perform the measures prescribed in the
18 document to mitigate potential exposures to residual contamination in soil or groundwater. The
19 property owner must also update information and modify the measures in the RMP ~~based on~~
20 ~~whether~~ when changes in conditions are encountered, or if changes in property use, statutes, or
21 available chemical toxicity information occur. ~~For the OARB, there are both RAP Sites and RMP~~
22 ~~Implementation Area categories.~~

23 The RAP/RMP defines the target risk-based remediation goals for use during and after
24 redevelopment of the OARB and establishes the remedial actions for identified and reasonably
25 anticipated locations where releases have occurred that necessitate response when compared
26 with the agency-approved remediation goals. The RAP/RMP approach adopted by the OBRA, is
27 consistent with the City of Oakland ULR program and other applicable requirements of state and
28 federal regulations and, allows for the phasing of the investigation and remediation of most
29 locations at the OARB to coincide with implementation of planned infrastructure upgrades and
30 redevelopment activities. This integrated remediation/redevelopment program assures that
31 affected subsurface conditions are fully addressed in conjunction with planned redevelopment
32 uses and allows for substantial economies of scale in completing subsurface earthwork
33 activities for remediation purposes in tandem with site excavation and grading work needed for
34 redevelopment. Seven RAP sites, however, are not anticipated to be cost-effectively
35 implemented as part of redevelopment and will be started prior to redevelopment to prevent
36 conflicts with land use. It is anticipated that residual concentrations of hazardous substances
37 and petroleum constituents that remain after remediation and redevelopment activities are
38 completed are fully protective of human health and the environment.

1 DTSC and other state and local agencies have approved many redevelopment projects in the
2 San Francisco Bay Area for commercial/industrial properties that contain residual
3 concentrations of hazardous substances and petroleum constituents, such as those found on
4 the OARB. These types of redevelopment projects are often referred to as “Brownfields” and,
5 for projects within the City of Oakland, are facilitated by the City of Oakland’s ULR program and
6 its associated guidance document.

7 Brownfields redevelopment projects incorporate a range of techniques (e.g., institutional
8 controls such as restrictions on groundwater usage and restrictions on residential
9 redevelopment, removal actions requiring the excavation and removal of impacted soils or
10 groundwater, and engineering controls such as maintenance of caps or cover materials over
11 deeper impacted soils or building design features such as vapor barriers) that comprise the
12 remedial actions to be implemented at particular locations or applied to the property as a whole.
13 The remedial actions can consist of tasks that are conducted in the near term to abate known,
14 significant impacts to soil and groundwater, or the remedial actions can include health-protective
15 measures to be implemented over time, including institutional controls, like restrictions on land
16 or groundwater uses. Such remedial actions are implemented to achieve agency pre-approved,
17 site-specific remediation goals that are supported by human health risk analysis and, if
18 appropriate, ecological risk analysis.

19 The remedy selection process is guided by the National Contingency Plan (40 CFR § 300 *et*
20 *seq.*) (NCP), which explains that the goals of remedy selection under CERCLA are to develop
21 and implement remedial actions that protect human health and the environment, maintain
22 protection over time, and minimize untreated waste (40 CFR § 300.430(a)(1)(i)). To help meet
23 these goals, remedies for contaminated are selected that will achieve medium-specific remedial
24 action objectives (RAOs). Because protectiveness may be achieved by preventing exposure
25 (such as capping an area or limiting access) as well as by reducing contaminant levels, RAOs
26 should consider both risk-based remediation goals and potential exposure pathways (U.S. EPA
27 1988a). RAOs should reflect the reasonably anticipated future land uses because this leads to
28 practicable and cost-effective remedial alternatives (U.S. EPA 2001b). In addition, U.S. EPA
29 (2001c) has found that integrating realistic assumptions of future land use into remedial actions
30 is an important step toward encouraging cleanup and redevelopment of contaminated
31 properties.

32 OARB Remedial Action Plan Sites

33 In the draft-RAP/RMP submitted by the OBRA for DTSC and Army consideration, RAP Sites are
34 chemical release areas that require remediation to protect human health and the environment
35 prior to redevelopment to prevent land use conflicts defined as those locations with known or
36 potential chemical releases that may not be sufficiently characterized or remediated as part of
37 activities performed during or after redevelopment. Examples of RAP Sites include the tarry
38 residue beneath much of Building No. 1 and the adjacent parking lot, as well as VOC-impacted
39 groundwater at Building No. 807, Buildings No. 808 and 823, and Building No. 99. See

1 discussion in Section 4.7.4, below. Full integration of remediation and redevelopment activities
2 at these RAP Sites is not generally feasible because of the greater time required to complete
3 required remediation activities. For example, greater amounts of time are potentially needed to
4 implement active remediation measures that are capable of reducing VOCs in groundwater to
5 concentrations that achieve applicable remediation goals. ~~Alternatively, if active measures are~~
6 ~~not selected as remedies to reduce VOCs concentrations in areas with impacted groundwater,~~
7 ~~engineering controls can be designed and incorporated into new building construction to~~
8 ~~mitigate the vapor intrusion exposure pathway that potentially exists at locations near Building~~
9 ~~No. 807, Buildings Nos. 808 and 823, and Building No. 99.~~

10 A range of remedial alternatives was evaluated for RAP Sites in the RAP/RMP. Recommended
11 remedies ~~include range from~~ excavation and offsite disposal of impacted soils, ~~to~~ active
12 remediation of groundwater conditions, ~~and to groundwater monitoring or maintenance of~~
13 ~~existing conditions.~~ The RMP also includes health and safety requirements and other ongoing
14 measures to address post-remediation environmental conditions. Appendix 4.7 provides a
15 comparative summary of remedial alternatives for the seven RAP sites.

16 **Risk Management Plan Implementation Area**

17 The RMP Implementation Area consists of the remainder of the OARB, including, for example,
18 numerous locations which involve documented or suspected small releases of petroleum
19 hydrocarbons to soil. Petroleum releases have impacted groundwater to a minor extent at some
20 of these ~~sites~~ locations. In response, routine groundwater monitoring is being conducted at
21 some locations to fulfill closure requirements imposed by RWQCB. Such sites are common at
22 former industrial properties undergoing redevelopment (*i.e.*, Brownfields) in the San Francisco
23 Bay Area. Developers, contractors, and governmental agencies have found that these types of
24 releases can be effectively and easily managed during new construction through application of a
25 RMP.

26 A RMP is sometimes referred to as a Contingency Plan, Soil Management Plan, or a
27 Remediation and Risk Management Plan. Irrespective of the name given to the document, the
28 RMP can be considered analogous to an Operation and Maintenance Plan under CERCLA. The
29 Operation and Maintenance Plan is a typical component of remedial actions and includes
30 protocols for conducting inspections, performing routine sampling, maintaining institutional (*e.g.*,
31 covenants, groundwater use restrictions) and engineering controls (*e.g.*, cover integrity, wells),
32 and fulfilling reporting obligations (U.S. EPA 2001*ef*). The objectives and contents of the RMP
33 are similar. The RMP for the OARB will describe the health protective measures to be
34 implemented ~~in the future,~~ during and after redevelopment, for identified chemical release sites,
35 land uses, and potential exposure pathways. Institutional controls will obligate owners and
36 tenants of the ~~OARB~~ land covered by the RAP/RMP to update information in the RMP based on
37 conditions encountered, or changes in land uses, environmental statutes, or chemical toxicity
38 information.

1 The NCP at 40 CFR § 300.430(a)(1)(iii)(B) makes clear that containment or use of covers is an
2 appropriate remedial action for these kinds of releases (*i.e.*, low-level threat sites). Buildings,
3 asphalt roadways, concrete pavement, imported clean soil, and other cover types existing and
4 planned at the OARB adequately protect human health against direct contact with petroleum
5 hydrocarbons and other contaminants of concern identified at RMP locations. This fact, coupled
6 with available use history information and environmental data that indicate the RMP sites
7 identified at the OARB consist primarily of petroleum hydrocarbon releases that have affected a
8 small quantity of soil, makes the RMP ~~sites~~ locations relatively straightforward to address as
9 they are encountered during or after redevelopment. For example, properly trained workers can
10 be mobilized to excavate identified areas of contaminated soil for subsequent reuse, if shown to
11 be acceptable, or disposal at an off-site, permitted waste management facility.

12 For these reasons, the ~~OARA RAP/RMP~~ proposes to address RMP locations in a phased
13 manner that is consistent with the schedule for redevelopment of the OARB. In the event that
14 the nature and extent of the releases at RMP locations are found to differ significantly from the
15 conditions described in the RAP, the appropriateness of response measures contained in the
16 RAP will be re-evaluated for such specific RMP locations. The RMP, ~~which is provided as a~~
17 ~~companion document to the RAP~~, specifies the situations under which response measures will
18 be re-evaluated in consultation with DTSC.

19 A range of remedial alternatives was evaluated for RMP Implementation Areas in the
20 RAP/RMP. Recommended remedies ~~include range from~~ excavation and offsite disposal of
21 impacted soils, ~~to~~ monitoring or maintenance of existing conditions, ~~and to~~ no further action,
22 depending on the environmental conditions encountered at the RMP location. The RMP also
23 includes health and safety requirements and other ongoing measures to address post-
24 remediation environmental conditions. Appendix 4.7 provides a comparative summary of
25 remedial alternatives for RMP Implementation Areas.

26 **Soil Remediation Action Objectives**

27 Proposed soil RAOs for the OARB are as follows:

- 28 • Maintain existing conditions at the OARB to prevent direct contact with known or potentially
29 impacted soil prior to implementation of remedial actions or redevelopment.
- 30 • ~~Specifically for the ORP/Building 1 area, remove~~ Remove, or remove and treat, tarry residue
31 at ORP/Building No. 1 area to eliminate hazards associated with this source material and to
32 allow planned land uses consistent with the Amended Reuse Plan.
- 33 • Remove or treat impacted soil that interferes with planned land uses, or is encountered
34 during redevelopment or through post-redevelopment activities, or otherwise to the extent
35 necessary to achieve site-specific, soil remediation goals designated in the RAP .
- 36 • Contain impacted soil that will not unreasonably interfere with planned land uses by
37 maintaining existing cover or constructing new cover.

Groundwater Remediation Action Objectives

Proposed groundwater RAOs for the OARB are as follows:

- Implement institutional controls, alone or in combination with site-specific engineering controls as part of all selected remedies, to prevent incidental ingestion or dermal contact with impacted groundwater under existing and planned land uses consistent with the Reuse Plan.
- Treat VOC-impacted groundwater that interferes with planned land uses or as otherwise needed to achieve site-specific, groundwater remediation goals, or apply engineering controls to new structures to allow planned redevelopment or as otherwise necessary to reduce potential ~~such that hypothetical exposure posed by vapor intrusion to the target risk levels stated in the RAP is not greater than remediation goals designated in the RAP or as otherwise necessary to allow planned redevelopment.~~
- Prevent further significant increases of concentrations of metals and other non-volatile COCs ~~concentrations~~ in groundwater.

Determination of Acceptable Risk-based Soil Cleanup Goals Under the Urban Land Redevelopment Program

With the exception of the RAP Sites, which will be remediated on an accelerated basis independent of redevelopment, remediation at the OARB sub-district is expected to occur as existing structures and paved surfaces are demolished for new construction and contaminated soil is subsequently exposed. Achieving consensus among stakeholders on what degree of contamination constitutes an acceptable risk is a primary factor in determining the concentrations of contaminants that are permissible to leave in cleaned soil at the OARB. Through the ULR program, the City of Oakland has explored the issue of acceptable risk with members of the community, and representatives of federal, state, and local regulatory agencies charged with enforcing environmental regulations. The ULR program is fully funded by U.S. EPA Region 9, included extensive involvement from the community as well as state regulatory agencies including the DTSC and the RWQCB, and is intended to facilitate the cleanup and redevelopment of Oakland's contaminated properties, which are often referred to as "Brownfields."

As background, in 1996, staff from the City of Oakland Environmental Services Division met with representatives of the West Oakland Environmental Justice Pilot Project, the Mayor's office, and the Rose Foundation. The purpose of this meeting was to determine what kind of feedback was desired from the community and which types of individuals and organizations should convene the Community Review Panel to evaluate the objectives of the ULR program. On the basis of the meeting, several organizations were contacted directly, and a public notice soliciting applications for membership on the panel was published in the *Oakland Tribune* on July 31, 1996. Members of the Community Review Panel ultimately included individuals from the African American Development Association, GEI Consultants, People United for a Better

1 Oakland, Northern California Minority Business Opportunity Community, Sierra Club, Urban
2 Habitat Program, and Uribe & Associates. The panel met twelve times between September
3 1996 and July 1997 and presented its recommendations in the Community Review Panel report,
4 dated August 7, 1997, entitled *Consensus Recommendations for Implementing the Oakland*
5 *Urban Land Redevelopment Program*.

6 Although the panel expressed that the ideal would be the removal of all contaminants from
7 Oakland communities, the panel recognized that the resources to achieve this ideal simply do
8 not exist. The panel concluded that stalling redevelopment will likely result in a greater public
9 health threat, and larger environmental, social, and economic costs to the affected community
10 than implementation of risk-based cleanup. The Community Review Panel therefore
11 recommended that the ULR program adopt cleanup levels based upon conservative
12 assumptions that do not result in an incremental lifetime cancer risk greater than 10^{-5} .

13 The recommendations of the Community Review Panel ultimately led the City of Oakland to
14 include a set of tiered cleanup levels into the ULR program. Tier 1 presents a conservative,
15 health protective set of cleanup levels that are based on an individual COC "target" risk of 10^{-6} .
16 Tier 1 cleanup levels apply to properties where information on environmental conditions is
17 limited. Tier 2 cleanup levels are based on a target risk of 10^{-5} . Tier 2 cleanup levels generally
18 apply to properties where geologic and hydrogeologic conditions and uses are better
19 understood.

20 U.S. EPA has stated that remediation is generally not warranted for contaminated property if the
21 cancer risk to an individual is less than 10^{-4} . However, if remediation is undertaken at such a
22 site, U.S. EPA has expressed a preference for cleanups that achieve a 10^{-4} to 10^{-6} "target" risk
23 range, with 10^{-5} risk level being the midpoint of this target range. Additionally, the State of
24 California has adopted 10^{-5} as the "no significant risk" level for protecting persons from
25 contaminants in drinking water, and exposure to contaminants in consumer products and
26 commercial establishments under the Safe Drinking Water and Toxic Enforcement Act of 1986,
27 which is better known as "Proposition 65." The DTSC, in implementing the HSAA, has the legal
28 authority to require cleanups that achieve a 10^{-4} to 10^{-6} "target" risk range.

29 Given the precedents set by the City of Oakland, U.S. EPA, and the State of California, *the*
30 ~~RAP/RMP:OBRA has decided to: establish a media-specific individual remediation goal that~~
31 ~~corresponds to a 10^{-6} incremental lifetime cancer risk for each potential carcinogenic COC~~
32 ~~identified at the OARB. Remedial actions implemented at each OARB location are planned to~~
33 ~~achieve these individual carcinogenic COC remediation goals for the proposed uses at the~~
34 ~~OARB. The cumulative carcinogenic risk of COCs (associated with potentially complete~~
35 ~~exposure pathways) remaining in soil and groundwater at each OARB location after~~
36 ~~implementation of remedial actions will not exceed a cumulative, incremental lifetime human~~
37 ~~health risk of 10^{-5} .~~

38 . Establishes media-specific individual remediation goals that correspond to a Hazard
39 Index (HI) of 1 for each non-carcinogenic COC identified at the OARB. Remedial actions

1 implemented at each RAP site or RMP location will be designed to meet individual non-
2 carcinogenic COC remediation goals as established the RAP, unless the cumulative non-
3 carcinogenic risk goal as defined in the RAP can be met by alternative concentration limits
4 demonstrated for a specific RAP site or RMP location to the satisfaction of DTSC. When
5 multiple non-carcinogenic COCs are identified at a specific RAP site or RMP location, the
6 cumulative non-carcinogenic target hazard index can be met by determining aggregate non-
7 carcinogenic risk using the protocols in the RAP. Once remediation activities for a RAP site or
8 RMP location have been completed pursuant to the RAP and RMP, confirmation samples will
9 be collected to verify the cumulative non-carcinogenic hazard index of COCs (associated with
10 the potentially complete exposure pathways defined in the RAP) remaining in soil and
11 groundwater at each RAP site or RMP location will not exceed a cumulative HI of 1. The
12 individual remediation goals for non-carcinogens in are set forth in the RAP and represent the
13 maximum allowable concentrations for the respective COCs. However, these remediation goals
14 can be adjusted downward, as needed, if the total HI exceeds 1.

15 . Establishes media-specific individual remediation goals that correspond to a 10^{-6}
16 incremental lifetime cancer risk for each potential carcinogenic COC identified at the OARB.
17 Remedial actions implemented at each RAP site or RMP location will be designed to meet
18 individual carcinogenic COC remediation goals as established in the RAP, unless the
19 cumulative carcinogenic risk goal as defined in the RAP can be met by alternative concentration
20 limits demonstrated for a specific RAP site or RMP location to the satisfaction of DTSC. When
21 multiple carcinogenic COCs are identified at a specific RAP site or RMP location, the cumulative
22 carcinogen target risk level can be met by determining aggregate carcinogenic risk using
23 protocols and equations provided in the RAP. Once remediation activities for a RAP site or
24 RMP location have been completed pursuant to the RAP and RMP, confirmation samples will
25 be collected to verify the cumulative carcinogenic risk of COCs (associated with the potentially
26 complete exposure pathways defined in the RAP) remaining in soil and groundwater at each
27 RAP site or RMP location will not exceed a cumulative, incremental lifetime human health
28 carcinogen target risk level of 10^{-5} . The cumulative, incremental lifetime carcinogen target risk
29 level of 10^{-5} is determined to be appropriate for the OARB after considering the applicability of
30 the full risk range acceptable under the NCP and the cumulative carcinogenic risk goal of 10^{-6}
31 as used by DTSC as the “point of departure” for evaluating remedial alternatives at sites in
32 California under Chapter 6.8 of the HSC. The individual remediation goals are set forth in the
33 RAP and represent the maximum allowable concentrations for the respective COCs. These
34 remediation goals will not be increased to allocate amongst the residual COCs to meet the
35 overarching cumulative risk of 10^{-5} . However, these remediation goals can be adjusted
36 downward, as needed, if the total cancer risk level exceeds 10^{-5} .

37 . Establishes a remediation goal for lead that does not exceed a blood lead concentration
38 greater than 10 micrograms per deciliter ($\mu\text{g}/\text{dl}$) at the 99th percentile in potentially exposed
39 individuals resulting from the total exposure to lead at OARB locations and to naturally occurring
40 lead in the environment (e.g., air, food, water) as calculated using the DTSC Lead Spread 7.0

1 computer model or a more stringent site-specific lead goal determined appropriate for OARB by
2 the DTSC.

3 . Requires removal, or removal and treatment, of source material (i.e., principal threat
4 waste) that poses significant human health or environmental threats or is prone to continued
5 leaching of COCs to groundwater. (DTSC 2002a).

6 If ~~this~~ these remediation goals are ~~is~~ approved by the DTSC under the HSSA in a ~~Draft~~
7 ~~RAP/RMP~~ process, achieving these requirements would then become enforceable in the
8 Consent Agreement put in place prior to transfer of the OARB. Any changes to these
9 remediation requirements would be subject to review and approval by the DTSC, and would
10 trigger further public participation and processing requirements under the HSAA and CEQA.

11 **Determination of Acceptable Risk-based Groundwater Cleanup Goals Under the Urban** 12 **Land Redevelopment Program**

13 The area comprising the OARB was primarily marshland before 1916. Much of the area was
14 filled to construct the OARB beginning in 1941. Gravelly sand fill, reportedly imported from
15 quarries near Lake Temescal and Oak Knoll Naval Hospital, is encountered below buildings and
16 paved surfaces on the OARB and extends to a depth of approximately 5 feet below ground
17 surface (bgs). A second fill layer exists between approximately 5 to 15 feet bgs. This second
18 layer of fill consists of fine-grained sand that was hydraulically dredged from San Francisco Bay.
19 Groundwater is generally encountered between 5 to 7 feet bgs in these fill layers, which
20 comprise the shallow water-bearing zone at OARB. Beginning at approximately 15 feet bgs, a
21 sequence of clay on the order of 10-feet thick, referred to as Young Bay Mud, underlies the
22 shallow water-bearing zone. The Young Bay Mud clay is not very permeable and restricts
23 downward movement of groundwater to the next deeper water-bearing zone that is located at a
24 depth of approximately 25 feet bgs. This deeper water-bearing zone is referred to as the Merritt
25 Sand.

26 Groundwater at the OARB is of poor quality due to the proximity of the base to San Francisco
27 Bay. Although no hazardous substances have been detected in water samples collected from
28 the five monitoring wells completed into the Merritt Sand beneath the OARB, seawater intrusion
29 results in total dissolved solids (TDS) concentrations that are greater than 10,000 mg/L in
30 groundwater in the Merritt Sand. Seawater has also impacted the shallow water-bearing zone.
31 The mean TDS concentration is reported to be 4,600 mg/L for 43 monitoring wells completed
32 into the shallow water-bearing zone at the OARB (IT Corp. 2000~~n~~). The TDS concentrations in
33 the shallow water-bearing zone and Merritt Sand make the groundwater unsuitable for potable
34 use.

35 For TDS in drinking water, the State of California Department of Health Services (DHS) has
36 promulgated a recommended secondary Maximum Contaminant Level (MCL) of 500 mg/L and
37 a short-term secondary MCL of 1,500 mg/L (22 CCR § 64449). Although DHS recommends that

1 TDS concentrations in drinking water be below 500 mg/L, TDS concentrations as high as 1,000
2 mg/L are acceptable if DHS considers it “neither reasonable nor feasible to provide more
3 suitable waters” (22 CCR § 64449). Excursions to the short-term level of 1,500 mg/L are
4 acceptable only if on a temporary basis pending construction of new treatment facilities or
5 development of acceptable new water sources.

6 The RWQCB, Region 2, acknowledges the poor quality of groundwater near the OARB and has
7 proposed a formal determination that groundwater along the Oakland shoreline, including
8 groundwater under the OARB, cannot be used for drinking water supply. The RWQCB based
9 this determination on the fact that groundwater is brackish and meets the exemption criteria
10 under SWRCB Resolution No. 88-63. Under this resolution, SWRCB considers water with a
11 TDS greater than 3,000 mg/L to “be unsuitable, or potentially unsuitable, for municipal or
12 domestic water supply.” The RWQCB (1998) specifically stated in a letter to the Army that the
13 exemption criteria contained in Resolution No. 88-63 applies to the shallow water-bearing zone
14 at the OARB. The SWRCB has not yet approved the de-designation proposed by RWQCB. The
15 ULR Community Review Panel (Oakland 1997) supports the RWQCB findings.

16 Given the widespread recognition that TDS renders groundwater at the OARB nonpotable,
17 proposed cleanup levels for hazardous substances in the shallow water-bearing zone will not
18 consider MCLs for drinking water. Instead, groundwater cleanup goals for the OARB are
19 proposed to be governed by the protection of indoor commercial workers and outdoor industrial
20 workers from inhalation of volatile organic chemicals (VOCs) that may escape from groundwater
21 and migrate upward through soil into ambient air. In connection with remedies to reduce VOC
22 concentrations in the shallow water-bearing zone so VOCs do not pose a potential inhalation
23 threat, institutional controls will be implemented to prohibit extraction of groundwater for drinking
24 water supply at the OARB.

25 Institutional controls are non-engineering measures designed to limit exposure to hazardous
26 substances left in-place or to ensure the effectiveness of the chosen remedy. Institutional
27 controls include land use restrictions, which can also be referred to as deed restrictions. Deed
28 restrictions and land use restrictions are catchall phrases for legal controls such as easements,
29 restrictive covenants, and zoning ordinances. These controls either prohibit certain kinds of site
30 uses or notify potential owners or tenants of the presence of hazardous substances remaining
31 on-site at concentrations that are not protective of all uses.

32 The City of Oakland ULR program has established a computerized system that ensures land
33 use restrictions are enforced so properties with residual contamination are not redeveloped for
34 unintended uses unless additional cleanup is performed. The computerized system tracks
35 permits from filing to issuance and provides the user with a permitting and inspection history.
36 The CEDA maintains the system. CEDA is responsible for operations related to development,
37 inspection, and enforcement of zoning, planning, building, and housing codes within the City of
38 Oakland. The computerized system allows permits to be properly routed and held, if necessary.
39 The purpose of these procedures is to provide the appropriate City of Oakland staff with the

1 opportunity to review permit applications for work that may either conflict with land use
 2 restrictions or trigger further cleanup under an approved remedial action plan.

3 The draft EIR is modified at page 4.7-21, Figure 4.7-1 as follows (there are no graphical
 4 changes):

5 SVOCs, Lead & TPH Benzidine at Former Used Oil Tank 21

6 ~~Boiler-Debris~~ Area Near Building 99

7 The draft EIR is modified at page 4.7-3, Table 4.7-1 as follows:

**Table 4.7-1
 Hazardous Materials Laws and Regulations**

Law/Regulation	Hazardous Materials	Hazardous Waste	Contaminated Soil and Groundwater	Regulated Building Materials and Components
Federal				
Emergency Planning and Community Right to Know Act (EPCRA) 42 USC § 11001 <i>et</i> <i>seq.</i>	U	U		U
Hazardous Materials Transportation Act (HMTA), 49 USC § 1800 <i>et seq.</i>	U	U	U	U
Toxic Substances Control Act (TSCA), 15 USC § 2601 <i>et seq.</i>	U	U	<u>U</u>	U
Clean Air Act (CAA), 42 USC § 7401 <i>et seq.</i>	U	U		U

8
 9 The draft EIR is modified at page 4.7-10, lines 24-28 as follows:

10 In California, the Hazardous Waste Control Act (California Health & Safety Code § 25122.7) *and*
 11 HSAA (California Health and Safety Code § 25300 et seq.) regulates disposal *and remediation*
 12 of PCBs. In California, PCBs are regulated by both federal and state rules. EPA enforces the
 13 federal regulations for PCB disposal and storage in California, and Cal/EPA administers and
 14 enforces the state’s additional requirements for PCBs as hazardous waste under the state’s
 15 hazardous waste regulations. PCBs in soil are regulated as a release under Chapter 6.8 of the
 16 HSAA. Liquid hazardous wastes containing PCBs at concentrations equal or greater than 50
 17 milligrams per liter are subject to the state’s land disposal restrictions.

1 The draft EIR is modified at page 4.7-11, line 4 as follows:

2 Under the Cal/OSH Act governing occupational health and safety in the workplace, Cal/OSHA
3 has promulgated standards for lead in construction (8 CCR § 1532.1).

4 LBP in soil in regulated as a release under Chapter 6.8 of the HSAA (California Health and
5 Safety Code § 25300 et seq.).

6 The draft EIR is modified at page 4.7-23, line 35 as follows:

7 Hazardous wastes are generated from many common industrial and commercial activities. In
8 addition, contaminated soil and/or groundwater could be classified as a hazardous waste once
9 removed from the ground, if it meets any of the regulatory criteria for hazardous waste. Although
10 the Army has caused the release of hazardous wastes that may continue to release, Currently,
11 due to the limited level of activity at the OARB, the amount of hazardous waste present is
12 expected to be minimal.

13 The draft EIR is modified as indicated below from page 4.7-24, line 4, through, page 4.7-35, line
14 32. The following replaces that draft EIR text in its entirety. For reader clarity and to provide the
15 overall context fro these revisions, all text is shown below with modifications, and the text it
16 replaces is not shown in strikeout.

17 **OARB Sub-District, Contaminated Soil and Groundwater**

18 In most instances, contamination of soil and groundwater at the OARB is limited because Army
19 operations involved mostly warehousing and shipping of cargo overseas as opposed to
20 manufacturing activities. Identified chemical impacts derive mostly from the use of petroleum
21 products for activities that supported the OARB's primary military mission as a distribution
22 center. Other support activities that may have resulted in chemical releases included
23 maintaining and fueling railroad locomotive engines and trucks that transported cargo, draining
24 fluids from vehicles for overseas shipment, and repairing and servicing vehicles, equipment, and
25 base facilities (IT 2001a)².

² Contamination issues at the OARB discussed herein were identified primarily from the Basewide Environmental Baseline Survey for Oakland Army Base (EBS), by Foster Wheeler Environmental Corp., September 1996 (Corps 1996), the Preliminary Assessment/Site Inspection (PA/SI) by Kleinfelder, Inc., February 1998 (Kleinfelder 1998b), remedial investigations, studies and activities undertaken by the Army, and various other investigations undertaken by other entities. See Appendix 4.7 for a summary of these documents. In those documents, the Army divided the OARB into 26 areas, which were referred to as BRAC parcels. The Army also organized the BRAC parcels by seven operable units (OUs) for purposes of consolidating investigative and remedial actions at the base. OU 6 was reserved for future use and no BRAC parcels were ever placed there. However, BRAC parcels and OUs have no current significance as the corresponding property boundaries or subdivisions were not surveyed or recorded. Therefore, contaminated sites at the OARB are referenced herein by the designations assigned on Army maps and facility records to the tank, structure, or building that was involved with a given release. In addition to the surveys, studies and reports listed above, the Army and EKI ~~plan to perform~~ have conducted a Phase II investigation (IT, 2002a, EKI 2002a).

1 The most significant subsurface contamination found at the OARB is evidently due to operation
2 of the oil reclaiming plant (ORP) that was active in the 1920s and 1930s. The ORP was
3 demolished prior to Army occupancy. (IT 2000~~e~~) The ORP was situated below and adjacent to
4 the current Building No. 1 site. Oily residue from the ORP was deposited in an area near where
5 Building 1 now stands. See further discussion below under RAP Site 1 for Building No. 1.
6 Additionally, there appears to be a landfill area and VOC-impacted area on-shore at the
7 Gateway Park site, ~~which is to be transferred to the EBRPD~~ as well as possible contaminated
8 marine sediments near the sanitary sewer outfall in the off-shore portion of that parcel (Parcel
9 1)s. ~~Currently, these areas are not part of the OARB RAP/RMP, since the Army may retain~~
10 ~~liability—These areas are not part of the RAP/RMP, since the Army plans to conduct the~~
11 ~~remediation before transferring the Gateway Park site to EBRPD through DOI.~~

12 The ~~draft RAP/RMP prepared by the OBRA~~ issued by DTSC identifies known or possible
13 chemical release areas (i.e., hazardous substances, and petroleum hydrocarbons and related
14 constituents) (DTSC 2002a). As noted above, the identified areas on the OARB are divided into
15 RAP Sites and the RMP Implementation Area. Both RAP Sites and the RMP Implementation
16 Area are discussed below. The RAP Site discussion examines the issues surrounding each of
17 the seven RAP sites. The RMP Implementation Area discussion examines the use history, and
18 nature and extent of contamination for each of the ~~eight types or groups of RMP~~ Implementation
19 Areas locations.

20 **Remedial Action Plan Sites.** The following discussion identifies the seven OARB RAP sites,
21 and describes conditions at each site.

22 **RAP Site 1: Former ORP/Building No. 1 Area.** The former ORP consisted of a building and
23 several aboveground tanks. Review of historical aerial photographs taken in 1931 and 1939
24 show the ground to be stained around the building and tanks. IT (2001~~e~~) has postulated that
25 dumping of oily residue from waste oil recovery operations caused the staining observed in the
26 historical photographs. The oily residue was apparently covered by fill imported by the Army to
27 construct Building No. 1 in 1941.

28 A portion of the oily residue is a pliable, acidic semi-solid that demonstrates some mobility in the
29 subsurface. In 1994, the asphalt parking lot between Wings 1 and 2 of Building No. 1 buckled
30 due to oily residue that flowed to the surface. The Army removed the material and repaired the
31 parking lot. Four years later, in 1998, the Army excavated this same area in an effort to
32 eliminate the oily residue. The oily residue could not be completely excavated because it
33 extended under Wing 2 of Building No. 1.

34 In 2000, a video camera inspection of a sanitary sewer line that runs through the parking lot
35 found oily residue had infiltrated the sewer line through joints in the pipe. Also in 2000, oily
36 residue was observed to have migrated to the surface beneath the crawl space of Wing 1 of
37 Building No. 1, approximately 120 feet to the southwest where the oily residue was first noted in
38 the parking lot in 1994. The oily residue seemed to have exuded through a small gap between a

1 wooden piling that supports the building and an edge of the concrete slab that exists below the
2 building to discourage habitation by burrowing rodents and other vermin. The oily residue was
3 removed. Army representatives have indicated that the oily residue has again been observed
4 beneath the crawl space of Building No. 1 in March 2002. IT (2001e_n) described the physical
5 appearance of oily residue found beneath the crawl space of Building No. 1 as the following:

6 *The substance had a black skin that was stiff and slightly resilient, appearing to*
7 *be an oxidized layer over a softer interior. When the outer layer was penetrated,*
8 *a clear watery liquid welled up in the hole and bubbled and squirted out if under*
9 *sufficient pressure. The clear liquid reacted with the concrete slab, producing a*
10 *faint hissing and bubbling. A test with pH paper indicated a very strong acid (pH*
11 *near zero). Faint traces of sulfurous and nitrous gases were noted.*

12 Laboratory analysis (IT 2000e_j) of the oily residue has confirmed its acidic nature. Lead has
13 been measured at a concentration as high as 11,800 mg/kg in the oily residue. The material
14 also contains polycyclic aromatic hydrocarbons (PAHs), PCBs, polychlorinated dibenzodioxins
15 (PCDDs), and polychlorinated dibenzofurans (PCDFs) at concentrations of concern. The oily
16 residue does not appear to be contaminated with VOCs, although one sample of fill that overlies
17 the oily residue contained 320 µg/kg of 1,2,3-trichloropropane (TCP).

18 IT (2001e_j) describes the oily residue that has migrated to the surface as a “tar-like substance”
19 or “soft, pliable, non-viscous black solid.” However, the most common form of the oily residue
20 observed in soil samples collected from borings and trenches is a material that is characterized
21 as a “dark to light brown fluid with the consistency and look of motor oil.” The thickness of oily
22 residue in the subsurface varies from less than 0.5 feet to at least 3 feet. The full depth of oily
23 residue has not been determined at all locations. In the draft feasibility study that considered the
24 former ORP/Building No. 1 area, IT (2001e_j) estimated the in-situ volume of oily residue to be
25 approximately 6,000 cubic yards (cy) that exists primarily between 3.5 to 5.5 feet bgs. IT also
26 estimated the in-situ volume of TCP-impacted fill overlying the oily residue to be roughly 2,000
27 cy distributed from ground surface to a depth of 3.5 feet bgs over an approximate 13,700 square
28 foot (sf) area. The volume estimates by IT are uncertain and the actual quantities of oily residue
29 and any TCP-impacted soil that must be addressed by remedial actions may be greater or less
30 than estimates by IT. Review of available groundwater data does not suggest that the tarry
31 residue contains significant quantities of soluble contaminants.

32 **RAP Site 2: VOCs in Groundwater at the Eastern End of Building No. 807.** VOCs in the
33 shallow water-bearing zone at the eastern end of Building No. 807 were discovered in 1992
34 during the drilling of foundation piers for a prefabricated building (Camp Dresser & McKee
35 1996). Detected VOCs in groundwater in this area consist primarily of vinyl chloride,
36 cis-1,2-dichloroethene (cis-1,2-DCE), trans-1,2-dichloroethene (trans-1,2-DCE), trichloroethene
37 (TCE), and 1,1,2,2-tetrachloroethane. The VOCs are believed to be have been released as a
38 result of the Army’s past practice of allowing drums of solvent, paint, or other chemicals that

1 were damaged during shipping to drain along the railroad tracks in this area of the Knight
2 Railyard. The Army's Preliminary Assessment/Site Inspection (PA/SI) attributes the following
3 statement to an environmental assessment of the OARB conducted by the United States Army
4 Toxic and Hazardous Materials Agency (USATHMA) in 1988:

5 *In the past, damaged containers were placed adjacent to the tracks at the Knight*
6 *Railyard. The containers were allowed to drain on the railroad ballast rock in this*
7 *area, and any material which did not drain eventually was placed inside other*
8 *containers for transport and disposal at authorized disposal sites. OARB*
9 *changed this procedure after it was identified to management personnel as a*
10 *potential problem. The installation then provided lined drums throughout the*
11 *warehouses to receive any leaking or damaged containers.*

12 (Kleinfelder 1998b.) The location where VOC-impacted groundwater was encountered at the
13 eastern end of Building No. 807 is, however, approximately 200 feet northeast of the area
14 identified by USATHMA in its 1988 assessment as the location where the Army reportedly
15 drained damaged containers.

16 Maximum VOC concentrations detected in shallow groundwater at the eastern end of Building
17 No. 807 are vinyl chloride at 442 µg/L, cis-1,2-DCE at 2,020 µg/L, trans-1,2-DCE at 300 µg/L,
18 TCE at 363 µg/L, and 1,1,2,2-tetrachloroethane at 200 µg/L in water samples collected from
19 monitoring well ICFMW202. Nine monitoring wells in the shallow water-bearing zone define the
20 lateral extent of VOC-impacted groundwater. Review of water level and analytical data for these
21 wells indicates that VOCs are not migrating. The limited extent of VOC migration in groundwater
22 may reflect the fact that the hydraulic gradient in the shallow water-bearing zone is essentially
23 flat (IT 2000b_e). Investigations by the Army do not indicate that a significant chemical source
24 remains in soil at this area.

25 **RAP Site 3: VOCs in Groundwater Near Buildings Nos. 808 and 823.** Vinyl chloride and
26 lesser concentrations of other VOCs are present in shallow groundwater in an area north of
27 Building No. 808 and south of Building No. 823. No significant soil contamination has been
28 identified and the source of the VOCs is not known. Possible sources include Building No. 823,
29 and storm drains and sanitary sewers that run through the area. Building No. 823, and storm
30 drains and sanitary sewers are identified as potential chemical release sites and are discussed
31 below as RMP Implementation Area locations Group 6 and 7, respectively.

32 Maximum VOC concentrations detected in shallow groundwater near Buildings Nos. 808 and
33 823 are vinyl chloride at 267 µg/L, cis-1,2 DCE at 13 µg/L, trans-1,2 DCE at 3.6 µg/L, TCE at
34 4.1 µg/L, and 1,1-dichloroethene ("1,1-DCE") at 2 µg/L. These VOCs in shallow groundwater
35 are not migrating. ~~Except for the southern edge of VOC-impacted groundwater in this area, the~~
36 The lateral extent of VOC-impacted shallow groundwater was further delineated as part of
37 OBRA's Phase II Investigation (EKI 2002a). ~~contamination in the shallow water-bearing zone~~

1 has been delineated. OBRA will define the southern edge of VOC-impacted groundwater in this
2 area as part of its planned Phase II investigation.

3 **RAP Site 4: VOCs in Groundwater Near Building No. 99.** An area of the shallow water-
4 bearing zone near Building No. 99 is impacted with VOCs. The predominant VOCs detected in
5 groundwater are vinyl chloride and cis-1,2-DCE. No significant soil contamination has been
6 identified and the source of the VOCs is not known. Possible sources include Building No. 99
7 and storm drains and sanitary sewers, discussed below ~~as~~ under RMP Implementation Area
8 locations Group 6 and 7, respectively.

9 Vinyl chloride and cis-1,2-DCE have been detected at maximum concentrations of 29 µg/L and
10 41 µg/L, respectively. The impact of vinyl chloride to shallow groundwater in this area has been
11 fully delineated. The lateral extent of cis-1,2-DCE has been defined except for a portion of the
12 east edge of the area containing cis-1,2-DCE in groundwater. ~~Further delineation of impacts to~~
13 ~~shallow groundwater near Building No. 99 will be part of the Phase II investigation~~ As part of its
14 Phase II Investigation, the Army conducted groundwater sampling in this area. VOCs detected
15 in groundwater in this area included cis-1,2-DCE at a maximum concentration of 8.3 µg/L, vinyl
16 chloride at a maximum concentration of 13,8 µg/L, PCE at a maximum concentration of 7 µg/L,
17 and carbon disulfide at a maximum concentration of 4 µg/L (IT 2002a).

18 **RAP Site 5: Benzene and MTBE in Groundwater near Former USTs 11A/12A/13A.** Building
19 No. 828 was a former Army vehicle service station. Three 5,000-gallon gasoline USTs,
20 designated USTs 11/12/13, were installed west of Building No. 828 in 1969. These tanks were
21 replaced with three 6,000-gallon gasoline USTs, designated 11A/12A/13A, in 1990. The Army
22 removed tanks 11A/12A/13A in 1999. Following the tank removals, significant concentrations of
23 petroleum hydrocarbons, and benzene, toluene, ethylbenzene, and xylenes (BTEX) remain in
24 soil and shallow groundwater near the location of the former tanks. Methyl tertiary butyl ether
25 (MTBE), which is a fuel oxygenate, is also detected in the shallow water-bearing zone near
26 Building No. 828. Results from recent monitoring well sampling (IT 2002e) show MTBE
27 concentrations as high as 10,000 µg/L have been detected in groundwater. Recent maximum
28 concentrations of other fuel constituents include TPH measured as gasoline at 26,400 µg/L,
29 benzene at 1,880 µg/L; toluene at 3,910 µg/L, and xylenes at 3,510 µg/L.

30 **RAP Site 6: Building No. 991 Area.** In 1942, the Army constructed Building No. 991 in the
31 northeastern corner of the OARB. The building was used from 1942 to 1997 to repair, clean,
32 and fuel locomotive engines (IT 1999). Extensive chemical use and handling has occurred at
33 this area. As a result, petroleum hydrocarbons and lesser concentrations of other contaminants
34 of concern have impacted soil and groundwater in the vicinity of Building No. 991, including
35 wetlands outside of the redevelopment project area. MTBE has been detected at low
36 concentrations in groundwater near Building No. 991; the source of the MTBE is unknown.

37 ~~Within the locomotive engine maintenance shop is~~ Sanitary sewage from Building No. 991
38 initially discharged to a chemical tank (BASELINE 2002). It is not known if the tank was

1 removed or remains on-site. Sometime before 1976, the chemical tank was replaced with a
2 septic tank and an associated leach field. The leach field extended outside the boundary of the
3 OARB. Floor drains and a lubrication pit and sump. The sump drained inside Building No. 991
4 discharged to a gravel-filled trench adjacent to the west wall of Building No. 991 and through an
5 oil/water separator (BASELINE, 2002; IT 1999). According to the PA/SI, the oil/water separator
6 discharged to an undersized septic tank that caused the associated leach field to clog
7 (Kleinfelder 1998b). An eight-inch vitrified clay pipe and four-inch cast iron pipe were used to
8 drain the septic tank and oil/water separator, and the leach field, respectively. The locations of
9 the outfall from these pipes are unknown, and may be located off site. (BASELINE 2002). The
10 outfalls may be the source of an oil-soaked area at the OARB northern boundary behind
11 Building 991 (Baseline 2002).

12 A sample of sediment collected from the inside of the drain line from the septic tank contained
13 7,300 mg/kg of petroleum hydrocarbons measured as motor oil, 190 µg/kg of PCBs, and various
14 metals (IT 1999). Although the Army removed the oil/water separator, septic tank, and portions
15 of the septic tank drain line, soil and groundwater in the vicinity of these former structures
16 remain impacted by petroleum hydrocarbons.

17 A 10,000-gallon AST located outside of Building No. 991 supplied diesel fuel to a dispenser
18 inside the building. In May 1997, an estimated 780 gallons of diesel fuel spilled while a tanker
19 truck was supplying the AST (IT 1999). Over 430 tons of impacted soil was excavated, but
20 contaminated soil was not removed near a railroad trestle because of the potential for
21 weakening its structural integrity.

22 Chemical releases may have occurred near Facility 992, which was formerly located west of
23 Building No. 991. Waste oil and naphtha solvent were stored in this facility. IT (1999) reports
24 that naphtha solvent was used to clean engine parts.

25 From 1984 to 1995, engines were reportedly washed with water and water-based detergent on
26 the railroad tracks in front of Building No. 991. Until the late 1970s, engines had been washed
27 on a concrete slab southeast of Building No. 991. A sump, connected to the slab, discharged
28 wash water to the off-site wetlands situated between the railroad tracks. Besides cleaning
29 engines, pesticide application equipment was occasionally rinsed on the slab (IT 2002b,g).

30 Investigations of the off-site wetlands by the Army confirmed pesticide impacts to soil. In
31 response, the Army sealed the sump in place with cement grout and excavated approximately
32 950 cy of impacted soil. Pesticides remain in on-site soil along the eastern property boundary.

33 The Army conducted sampling at the Building 991 area as part of its Phase II Investigation to
34 determine the source of immiscible diesel fuel product floating on groundwater in monitoring
35 well CE-3 (IT, 2002a). TPH quantitated as diesel (TPHd) and TPH quantitated as motor oil
36 (TPHmo) were detected in soil at concentrations up to 1,200 mg/kg and 2,100 mg/kg,
37 respectively. TPHd and TPHmo were also detected in groundwater at concentrations up to 590

1 µg/L and 66 µg/L, respectively. However, no additional product floating on groundwater was
2 found.

3 **RAP Site 7: Building No. 99.** Building No. 99 was constructed in 1918 and used by Union
4 Construction Company for ship manufacturing until the mid 1930s (IT 2000d*j*, 2000f*k*). From the
5 mid 1930s until the Army's acquisition of the property in 1941, Pacific Coast Engineering
6 Company conducted metalworking operations in Building No. 99 that were related to production
7 of structural iron and piping. During that time, the northern portion of the building contained a
8 furnace, and blacksmith and machine shops. The middle portion of the building was used for
9 plate rolling and the southern portion of the building contained a plate shop. Metal plates were
10 marked, cut, shaped, and fastened inside the building (IT 2000d*j*).

11 In 1941, the Army apparently converted Building No. 99 to a vehicle and electrical maintenance
12 shop and installed a metal shop and paint room in the building (IT 2000d*j*). A report by the Army
13 Industrial Hygiene Laboratory, dated December 1944, indicates that Building No. 99 also
14 contained a jitney repair shop; truck repair shop for welding and "metallizing" (i.e., spraying
15 metal); and a shop where hot copper pipe was pickled in a 10 percent by weight sulphuric acid
16 solution, and where metal brazing, silver soldering, and "lead burning" were carried out.
17 According to this Army report, sand blasting was performed outside the building and dust
18 produced by the operation was allowed to blow about without any attempt to control it. The
19 exact location of the sand blasting area is unknown.

20 A gas fired boiler and a steam cleaner inside Building 99 were identified on property cards for
21 Building 99 (BASELINE, 2002). They were removed from the building in June 1961. The
22 location of the steam cleaner room ins unknown and was not located on any of the maps
23 reviewed by the Port of Oakland. An used oil accumulation area was also located along the
24 western side of Building 99 (BASELINE, 2002). More recently, the northern portion of Building
25 99 was used for the repair and maintenance of tractor-trailers operated by AAFES (IT 2000l).

26 The Army has advanced four borings beneath Building No. 99 that are identified as ICF10S10,
27 ICF10S11, ICF10S12, and ICF10S13. Soil samples collected from these borings were analyzed
28 for VOCs, PAHs, TPH, and metals. Analytical results of these samples do not suggest
29 significant releases have occurred from the building. Minor concentrations of VOCs, PAHs, and
30 TPH were measured in soil samples collected from borings ICF10S10, ICF10S11, ICF10S12,
31 and ICF10S13. No metals were detected in soil samples collected from the borings at
32 concentrations greater than naturally occurring levels reported for common soil types in
33 Oakland.

34 Groundwater in the Building No. 99 area has been extensively investigated, and VOC and
35 petroleum hydrocarbon impacts to the shallow water-bearing zone are generally well
36 characterized, as discussed above under RAP Site 4. Additional groundwater contamination
37 attributable to Building No. 99 is not anticipated. ~~Given the use history of this building, the~~
38 ~~OBRA and the Army will conduct sampling as part of Phase II investigations to confirm the~~

1 findings of available data that show no significant chemical releases in soil are associated with
2 Building No. 99. According to the Army's Phase II sampling, the only organic COCs detected
3 were petroleum hydrocarbons in soil samples at low concentrations. Selected metals were
4 present in soil and groundwater samples at ambient concentrations (IT 2002a).

5 Other known or potential chemical release sites near Building No. 99 include groundwater
6 impacted by vinyl chloride and cis-1,2-DCE, discussed above under RAP Site 4, boiler debris,
7 Building No. 85 and storm drains and sanitary sewers, discussed below as RMP Implementation
8 Area ~~locations~~ Groups 6 and 7. USTs B, C, and Q; a paint shop and paint storage shed; and a
9 vehicle washrack (i.e., Facility 98) with an associated oil/water separator were also formerly
10 located by Building No. 99. These former sites are within the RMP Implementation Area,
11 discussed below.

12 **Risk Management Plan Implementation Area.** The following discussion identifies the RMP
13 eight OARB implementation areas Implementation Area locations, and describes conditions for
14 each.

15 ***RMP Implementation Area Group 1: Washracks, Sumps, Oil/Water Separators, and***
16 ***Miscellaneous Sites.*** A total of ~~8582~~ washracks, sumps, oil/water separators, and
17 miscellaneous items, such as incinerators, chlorinators and Building No. 590, have been
18 identified at 55 sites on the OARB. The lower number of actual sites is due to the fact that many
19 of the structures are often connected to one another. For example, a washrack is often
20 connected to a sump or oil/water separator. This Group is further divided into four subgroups:
21 (1) sites requiring the removal of an existing subsurface structure, such as petroleum pipelines,
22 prior to redevelopment; (2) sites requiring additional characterization prior to redevelopment; (3)
23 sites where residual, impacted soil will be removed when encountered during infrastructure
24 installation or redevelopment; and (4) sites with no currently identified environmental issues but
25 which will be inspected for undiscovered contamination in accordance with the soil management
26 protocols in the RMP for the OARB. Petroleum hydrocarbons and metals in soil are the known
27 or suspected contaminants of concern at most of these sites. The Army and OBRA performed
28 sampling at some of these washracks, sumps, oil/water separators, and miscellaneous
29 operations as part of the Phase II Investigations (IT 2002a, EKI 2002a). The results of these
30 sampling activities confirm that these locations can be readily addressed by the protocols
31 established in the RMP.

32 ***RMP Implementation Area Group 2 Tanks.*** A total of ~~7793~~ USTs and ASTs have been
33 identified at ~~4473~~ sites on the OARB. Similar to washracks, sumps, oil/water separators, and
34 miscellaneous items, the lower number of actual sites is due to the fact that certain tanks were
35 clustered together. The tank sites are further divided into ~~three~~ four subgroups: (1) tank sites
36 that potentially require the removal of an existing tank prior to redevelopment; (2) former tank
37 sites where residual, impacted soil will be excavated and disposed when encountered during
38 infrastructure installation or redevelopment; ~~and~~ (3) former tank sites anticipated to possibly
39 require excavation of residual, impacted soil or groundwater monitoring, and (4) former tank

1 sites with no currently identified environmental issues but which will be inspected for
2 undiscovered contamination in accordance with the soil management protocols in the RMP for
3 the OARB.

4 Some of the tank sites were identified from a review of historical drawings and documents
5 conducted by the Port of Oakland (BASELINE 2002) and the Army, and the presence of a tank
6 is only suspected. As part of its Phase II Investigation, the Army researched or otherwise
7 investigated 30 sites where the Port of Oakland was unclear whether a tank existed (IT 2002a).
8 The Army investigated 24 of these 30 potential sites after information collected by the Army
9 indicated that 6 of the potential tank sites required no further action. The geophysical survey
10 performed by the Army recorded anomalies indicative of buried tanks at 108 of the remaining 24
11 sites. At 14 sites, the Army completed two borings at each site and collected soil and
12 groundwater samples.

13 TPHd and TPHmo was detected in soil at 5 of these 14 tank sites. At UST 678, TPHd and
14 TPHmo were detected at concentrations up to 3,980 mg/kg and 580 mg/kg, respectively. At
15 UST 688, TPHd and TPHmo were detected at concentrations up to 1,100 mg/kg, and 41 mg/kg,
16 respectively. No VOCs were detected in soil except for acetone measured at concentrations of
17 0.04 mg/kg and 0.018 mg/kg at USTs 678 and 679, respectively.

18 Methylene chloride was detected in groundwater at tank sites 673, 678, and 688 at
19 concentrations ranging from 85 mg/L to 560 mg/L. PCE and TCE were also detected in one
20 groundwater sample collected near UST 678 at concentrations of 390 mg/L and 46 mg/L,
21 respectively. Other VOCs detected in groundwater in this area near tank sites 678 and 688
22 included acetone up to 1,300 ug/L, sec-butylbenzene up to 390 ug/L, and n-propylbenzene up
23 to 320 ug/L. These concentrations of VOCs in groundwater are less than the groundwater
24 remediation goals in the RAP, and can be readily addressed by the protocols established in the
25 RMP. TPHd at levels above groundwater remediation goals in the RMP was detected in
26 groundwater at several tank sites.

27 Petroleum fuels and related constituents in soil are the known or suspected contaminants of
28 concern at the majority of these sites where tanks have been removed. Most former tank sites
29 have been closed by RWQCB. The natural attenuation of petroleum hydrocarbons in shallow
30 groundwater is being monitored at 7 sites under RWQCB supervision. On behalf of the OBRA,
31 Innovative Technical Solutions, Inc. (ITSI) evaluated the potential quantities of contaminated soil
32 that may still remain at the former tank sites. ITSI (2001) estimates that the total volume of
33 petroleum hydrocarbon-containing soil at all tank sites may be on the order of 4,000 cy. These
34 petroleum residuals will be addressed by the soil management protocols in the RMP.

35 ~~**RMP Implementation Area Group 3: Historical Spills and Stains.** Review of Army~~
36 ~~documents and historical aerial photographs indicate that numerous spills and stains have been~~
37 ~~observed over the years at the OARB. Possible chemical releases range from stained pavement~~
38 ~~caused by minor leakage from parked vehicles to spills of hazardous substances. Historical~~

1 spills and stains are considered to be basewide RMP issue. Soil excavated during new
2 construction will be inspected for contamination. Protocols for inspecting and managing
3 contaminated soil during and after redevelopment are specified in the RMP.

4 ***RMP Implementation Area Group 4: Lead in Soil Around Buildings.*** Federal statute defines
5 paint to be lead-based if it contains lead at concentrations greater than 1.0 mg/cm² or 5,000
6 mg/kg. However, paint manufactured before 1978 may still contain significant amounts of lead
7 even if does not meet the federal definition of LBP (United States Department of Housing and
8 Urban Development 1995). The EBS identified the buildings that may contain LBP based upon
9 the age of construction. ACE Corps (1999a) conducted a LBP investigation of buildings at the
10 OARB. Other structures likely contain LBP given their age of construction listed in the EBS but
11 were not included in the LBP investigation by ACE Corps (EBS 1996). Requirements for
12 managing shallow soil containing LBP or potentially containing LBP at the OARB will be
13 incorporated in the RMP.

14 ***RMP Implementation Area Group 5: Former PCB-Containing Equipment Sites.*** The PA/SI
15 and EarthTech utility survey include inventories of PCB-containing equipment at the OARB.
16 These inventories list approximately 100 pieces of electrical equipment that may be
17 contaminated with PCBs. Requirements for managing PCB-containing equipment at the OARB
18 will be incorporated in the RMP.

19 ***RMP Implementation Area Group 6 Former Industrial and Chemical Handling Sites.***
20 Seven locations have been identified at the OARB where former industrial activities or chemical
21 handling took place, for which little or no subsurface environmental data are currently available.
22 Although no significant contamination is was known to exist at these locations, historical
23 operations suggested the potential for chemical releases. Further investigation will be performed
24 As part of the Phase II Investigations, the Army and OBRA conducted sampling activities at
25 many of these locations to characterize environmental conditions at the below sites (IT 2002a,
26 EKI 2002a). The intent of such further investigation is to confirm that these sites have little or no
27 environmental impairment, and can be appropriately addressed through implementation of the
28 RMP. A location will be reclassified as a higher priority RAP Site if investigative findings indicate
29 a chemical release has occurred that may serve as an ongoing source of contamination or has
30 affected groundwater. Data pertaining to many of the below locations will be obtained as part of
31 the Phase II investigations to be performed by the OBRA and the Army.

32 ***Boiler Debris Area Near Building No. 99.*** The Army encountered debris while removing buried
33 waste oil piping in Corregidor Street west of Building No. 99. The debris consisted of ACM and
34 lesser amounts of charred wood, possible slag, burned coke material, and refractory brick,
35 which the Army believes originated from a boiler (IT 2002af). Approximately 15 tons of soil
36 mixed with the so-called "boiler debris" was excavated by the Army during removal of the waste
37 oil piping and disposed as a non-RCRA hazardous waste. The lateral extent of debris in soil
38 near Building No. 99 has not been delineated (IT 2002a) and no chemical analyses of the debris
39 remaining in soil have been done to confirm that the debris does not contain contaminants of

1 concern that pose a risk to human health and the environment. Thus, this area has been
2 identified for early investigation.

3 OBRA excavated four test pits and collected samples of debris in the "boiler debris" area as part
4 of its Phase II Investigation (EKI 2002a). Debris mixed with black and dark brown sand sand
5 was observed in all four test pits. Debris noted in the test pits included pieces of concrete;
6 burned wood; nails, bolts, and other metal fasteners; possible leather and asbestos scraps;
7 ceramic tile made of 2-inch hexagons; gray slate; and vesicular slag. The debris and sand
8 mixture contained lead and other metals at concentrations greater than remediation goals in the
9 RAP. The debris and sand mixture also contained benzo(a)pyrene at concentrations greater
10 than the remediation goal. Other PAHs were detected but at concentrations below the
11 remediation goals in the RAP. Up to 6,000 mg/kg of petroleum hydrocarbons were measured in
12 samples of the debris and sand mixture.

13 Lead was detected at a concentration of 3,550 mg/kg in a soil sample collected from the boring
14 for monitoring well ITMW243 by the Army as part of its Phase II Investigation (IT 2002a). This
15 monitoring well is located approximately 100 feet north of the debris area.

16 Given the COC concentrations in the debris and sand mixture and the fact that the lateral extent
17 of this material has not been delineated, additional characterization of the debris area is
18 needed. The scope of investigations to be performed at the debris area near Building 99 will be
19 evaluated in consultation with DTSC as specified in the RMP.

20 **Building No. 85.** A 1943 map of the OARB designates Building No. 85 as the area engineer's
21 office. The building appears to have been used chiefly to carry out administrative functions.
22 However, review of floor plans, dated 25 April 1960, show Building No. 85 was equipped with a
23 photograph-processing laboratory. IT (2000d) states that Building No. 85 was also historically
24 used as a printing plant, but no basis for this statement was provided. IT may be referring to the
25 photograph-processing laboratory when it concludes that the building was a printing plant. The
26 OBRA and Army will investigate soil and groundwater conditions at Building No. 85 during the
27 planned Phase II investigations to confirm that no significant releases associated with printing
28 inks or solvents have occurred.

29 The Army and OBRA performed soil and groundwater sampling at Building 85 as part of the
30 Phase II Investigations (IT 2002a, EKI 2002a). OBRA analyzed splits of soil and groundwater
31 samples obtained by the Army for petroleum hydrocarbons and PCBs. No petroleum
32 hydrocarbons or PCBs were detected in the split samples at concentrations greater than
33 analytical method reporting limits. Soil samples collected and analyzed by the Army did not
34 contain VOCs, PAHs, TPH, pesticides, or PCBs. Vinyl chloride was detected at 0.6 ug/L in a
35 groundwater sample obtained by the Army. This vinyl chloride concentration is considerably
36 less than the remediation goal in the RAP. Selected metals were present in soil and
37 groundwater samples at ambient concentrations. These additional data confirm that Building 85
38 can be readily addressed by the protocols established in the RMP.

1 **Building No. 812.** The Army constructed Building No. 812 in 1944. The Army describes the use
2 of this building as an “ordnance” maintenance shop until 1950, which included a welding booth,
3 machine shop, and two repair and grease areas. The term “ordnance,” as applied by the Army
4 to the OARB and certain other embarkation installations in the San Francisco Bay Area, did not
5 mean ammunition or explosives, but instead referred to vehicles and other mechanized
6 equipment shipped from the installations (Hamilton and Bolce 1946). The notion that the term
7 “ordnance” pertains to vehicles is consistent with the use history of Building No. 812.

8 Review of Army historical equipment records reveals the building contained various metal
9 working equipment, including drill presses, metal cutting machinery, lathes, a milling machine,
10 and a shaper. By 1969, Building No. 812 had been transformed to include a tune-up and lube
11 area, tire shop, battery shop, parts room, office machine repair shop, sheet metal shop,
12 mechanical and welding maintenance shop, and a large centralized crane area through the
13 center of the building. Chlorinated organic solvents were historically used in Building 812.
14 Chlorinated solvent usage was discontinued in the mid-1980s, when a parts-washing system
15 that used high-pressure water and water-based solvents was installed (USATHAMA, 1988).
16 Other industrial operations and storage activities at Building 812 included metal Metal cold
17 cleaning apparently occurred within Building No. 812 (IT 2000dj). Drums and storing drums
18 containing new and used petroleum products were stored outside on pallets with no secondary
19 containment (Kleinfelder 1998b). Used oil tank 8A was formerly located at the southwest corner
20 of Building No. 812.

21 No significant contamination has been identified near Building No. 812 based upon the results
22 of soil gas sampling conducted during the PA/SI, and soil and groundwater testing related to the
23 removal of used oil tank 8A. Soil gas samples contained low concentrations of VOCs. Soil from
24 the excavation pit of used oil tank 8A contained a maximum petroleum hydrocarbon
25 concentration of 250 mg/kg. Residual petroleum hydrocarbons of 450,000 µg/L were measured
26 in water present in the pit at the time of excavation, but no petroleum hydrocarbons or related
27 constituents were detected in groundwater samples collected from borings placed in the shallow
28 water-bearing zone outside of the boundaries of the pit.

29 The Army and OBRA conducted sampling activities at Building 812 as part of the Phase II
30 Investigations (IT 2002a, EKI 2002a). The only organic COCs detected were PAHs and
31 petroleum hydrocarbons in soil samples at concentrations less than the remediation goals in the
32 RAP. Selected metals were present in soil and groundwater samples at ambient
33 concentrations. These additional data confirm that Building 812 can be readily addressed by
34 the protocols established in the RMP.

35 ~~Despite the fact that no residual sources of contamination to soil or groundwater at Building No.~~
36 ~~812 have been found, the site is identified for investigation because of its industrial use history.~~

37 **Building No. 823.** Building No. 823 first appears on a 1943 map of the OARB. Army historical
38 documents show that Building No. 823 contained a paint room and paint booth in the southeast

1 corner of the building, a finishing room, and a carpenter shop. A report by the Army Industrial
2 Hygiene Laboratory, dated December 1944, indicates Army personnel stripped paint with
3 chemicals that included chlorinated solvents. IT (2000d) states that Building No. 823 was also
4 used as a heavy equipment maintenance facility, but the locations and types of equipment and
5 chemicals that were involved with this operation are unknown. Identified chemical release sites
6 near Building No. 823 include former UST A and the VOC-impacted groundwater near Building
7 Nos. 808 and 823, discussed above under RAP Site 3.

8 Besides petroleum hydrocarbons and related constituents associated with UST A, no residual
9 chemical sources in soil have been identified at Building No. 823. ~~Although the available data do~~
10 ~~not suggest that significant chemical releases have occurred at the building, the OBRA and the~~
11 ~~Army will conduct additional testing as part of the planned Phase II investigations to confirm this~~
12 ~~finding given the use history of the building.~~ *Phase II Investigation soil samples contained*
13 *petroleum hydrocarbons at concentrations below the remediation goals in the RAP. No other*
14 *organic COCs were detected in soil. VOCs were measured in groundwater samples, but at*
15 *concentrations considerably less than the remediation goals in the RAP. VOCs detected in*
16 *groundwater included chloroform at 5.3 mg/L, toluene at 0.9 mg/L, acetone at 35.4 mg/L, and*
17 *1,4-dichlorobenzene at 1.7 mg/L. Selected metals were present in soil and groundwater*
18 *samples at ambient concentrations. These additional data confirm that Building 823 can be*
19 *readily addressed by the protocols established in the RMP.*

20 **Potential Drum Drainage Area East of Building Nos. 805 and 806.** USATHMA (1988)
21 identified the area adjacent to the Knight Railyard that is east of Building Nos. 805 and 806 as
22 the specific location where Army personnel reportedly allowed damaged drums of chemicals to
23 drain onto railroad track ballast in the past. ~~To date, no testing has focused on determining if the~~
24 ~~potential drum drainage area east of Building Nos. 805 and 806 has been impacted by chemical~~
25 ~~releases. The OBRA and the Army intend to test this area as part of the Phase II investigations.~~

26 *This potential drum drainage area identified by USATHMA, as well as additional areas of*
27 *potential drum drainage were investigated by the Army and OBRA and during the Phase II*
28 *Investigations (IT 2002a, EKI 2002a). The Army collected soil and groundwater samples within*
29 *the area adjacent to the Knight Railyard that is east of Buildings 805 and 806. No evidence of*
30 *chemical spillage is suggested based on a review of the data obtained by the Army. In an area*
31 *south of the supposed drum drainage area, OBRA discovered a black tarry stain in shallow soil*
32 *that smelled of petroleum hydrocarbons and solvents (EKI 2002a). Shallow soil samples*
33 *collected at 0.5 to 1 foot bgs in this area contained petroleum hydrocarbons up to 3,600 mg/kg*
34 *and related constituents that included 1,2,4-trimethylbenzene up to 33 mg/kg,*
35 *1,3,5-trimethylbenzene up to 9.6 mg/kg, ethylbenzene up to 6 mg/kg, total xylenes up to 37*
36 *mg/kg, propylbenzene up to 4.8 mg/kg, toluene up to 7.2 mg/kg, and naphthalene up to 17*
37 *mg/kg. The concentrations of all detected COCs were less than the health based remediation*
38 *goals in the RAP. However, naphthalene was measured at a concentration greater than the*
39 *leaching based remediation goal in the RAP but was not detected in groundwater.*

1 COC impacts appear limited primarily to shallow soil. Only 1 of 3 soil samples collected at 3.5
2 to 4 feet bgs contained COCs. This soil sample contained 1,2,4-trimethylbenzene at 0.011
3 mg/kg and total xylenes at 0.0148 mg/kg. Trace concentrations of petroleum hydrocarbon
4 constituents were detected in groundwater. COCs measured in groundwater samples included
5 1,2,4-trimethylbenzene at 6 ug/L, 1,3,5-trimethylbenzene at 2 ug/L, ethylbenzene at 2 ug/L, total
6 xylenes at 14.2 ug/L, propylbenzene at 0.6 ug/L, and toluene at 6.5 ug/L. These relatively minor
7 impacts can be readily addressed by the protocols established in the RMP.

8 **Former Motor Pool and Salvage Operations at Building No. 640.** World War II era maps of
9 the OARB show a motor pool and salvage area existed in the area where Building No. 640
10 currently stands. The motor pool and salvage area included a gasoline station, possibly with a
11 UST, a motor repair shop, a paint spray booth, several grease racks and washracks, vehicle
12 storage sheds, 1,535 feet of gasoline pipeline, and several salvage warehouses (BASELINE,
13 2002). Review of Army historical records indicate these facilities were demolished and Building
14 No. 640 was constructed by 1945. No soil or groundwater samples have been collected near or
15 within the former motor pool and salvage area. This site will be as part of the planned Phase II
16 investigations by OBRA and the Army.

17 The Army conducted sampling at the former motor pool and salvage operations area as part of
18 its Phase II Investigation (IT 2002a). PAHs and petroleum hydrocarbons were detected in soil
19 at concentrations less than the remediation goals in the RAP. Organic COCs detected in
20 groundwater included TPHd up to 150 ug/L, TPHmo up to 252 ug/L, and toluene, ethylbenzene,
21 and xylenes at individual concentrations less than 1 ug/L. Selected metals were detected in soil
22 and groundwater at ambient concentrations. These additional data indicate that the former
23 motor pool and salvage operations area can be readily addressed by the protocols established
24 in the RMP.

25 **Benzidine at Former Used Oil Tank 21.** Former used oil tank 21 was part of Facility 16, which
26 was constructed in 1986 for preparing privately owned vehicles for overseas transport (IT
27 2000d). Facility 16 also included a washrack and an oil/water separator. Used oil tank 21 was a
28 UST situated partially beneath the washrack that stored oil drained from vehicles before
29 transport. Used oil tank 21, washrack, and oil/water separator were removed in December 1997.
30 Contaminated soil beneath the UST contained petroleum hydrocarbons, lead, and PAHs, which
31 are contaminants of concern typically associated with used oil releases. Excavation of
32 contaminated soil discovered in the area was completed by March 1997 (Remedial
33 Constructors, Inc. 1997). Soil beneath the former UST, following excavation of contaminated
34 soil, contained residual concentrations of lead, PAHs, and petroleum hydrocarbons, which are
35 COCs typically associated with used oil releases.

36 Besides typical used oil constituents, Benzidine was reportedly measured at 48,000 mg/kg
37 µg/kg prior to excavating contaminated soil in soil remaining beneath the former UST, and at 6.3
38 mg/kg in stockpiled soil removed from the excavation pit. The Army disposed of stockpiled soil
39 at an off-site, permitted waste management facility. Benzidine is not typically found in used oil

1 and its detection at this former tank site is unique at the OARB. The United States Department
2 of Health and Human Services, Agency for Toxic Substances and Disease Registry (ATSDR);
3 (1995_b) states that benzidine was used primarily to produce dyes for cloth, paper, and leather.
4 Benzidine has not been manufactured for sale in the United States since the mid 1970s. Major
5 dye companies in this country no longer make dyes that have benzidine as an ingredient given
6 concerns about the potential carcinogenic effects of the chemical.

7 Testing by the Army after completing excavation activities at former used oil tank 21 did not
8 detect benzidine in soil or groundwater, but analytical method reporting limits of collected
9 samples were higher than concentrations at which benzidine is considered to be a potential
10 human health risk. Thus, additional sampling as described in the RMP will be performed at the
11 former used oil tank 21 area is identified for early investigation and possible further remediation
12 because available data are insufficient to conclude that benzidine is not still present in soil and
13 groundwater at concentrations of concern.

14 **RMP Implementation Area: Historical Spills and Stains.** Review of Army documents and
15 historical aerial photographs indicate that numerous spills and stains have been observed over
16 the years at the OARB. Possible chemical releases range from stained pavement caused by
17 minor leakage from parked vehicles to spills of hazardous substances. Historical spills and
18 stains are considered to be basewide RMP issue. Soil excavated during new construction will
19 be inspected for contamination. Protocols for inspecting and managing contaminated soil during
20 and after redevelopment are specified in the RMP. As part of its Phase II Investigation, the
21 Army investigated some of the locations where spills and stains were observed. PAHs and
22 petroleum hydrocarbons were detected at concentrations less than the remediation goals in the
23 RAP. These additional data indicate that the locations of historical spills and stains can be
24 readily addressed by the protocols established in the RMP.

25 **RMP Implementation Area: Lead in Soil Around Buildings.** Federal statute defines paint to
26 be lead-based if it contains lead at concentrations greater than 1.0 mg/cm² or 5,000 mg/kg.
27 However, paint manufactured before 1978 may still contain significant amounts of lead even if
28 does not meet the federal definition of LBP (United States Department of Housing and Urban
29 Development 1995). The EBS identified the buildings that may contain LBP based upon the age
30 of construction. Corps (1999a) conducted a LBP investigation of buildings at the OARB. Other
31 structures likely contain LBP given their age of construction listed in the EBS but were not
32 included in the LBP investigation by Corps (1996). Requirements for managing shallow soil
33 containing LBP or potentially containing LBP at the OARB are incorporated in the RMP.

34 As part of its Phase II Investigation, OBRA collected 60 shallow soil samples around the
35 perimeter of buildings that had painted surfaces that tested positive for LBP, or possibly contain
36 LBP based on the building age of construction. Lead concentrations greater than 350 mg/kg
37 were measured in 7 of 60 samples and lead concentrations greater than 100 mg/kg were
38 measured in 39 of 60 samples. The maximum lead concentration detected in the shallow soil
39 samples was 1,000 mg/kg. These analytical results confirm that shallow soil near buildings that

1 contain LBP can be addressed by the protocols in the RMP for managing shallow soil known or
2 suspected to contain lead.

3 **RMP Implementation Area: Former PCB-Containing Equipment Sites.** The PA/SI and
4 EarthTech utility survey include inventories of PCB-containing equipment at the OARB
5 (Kleinfelder 1998b, EarthTech 2000c). These inventories list approximately 110 pieces of
6 electrical equipment that may be contaminated with PCBs. Requirements for managing PCB-
7 containing equipment and underlying soils at the OARB are incorporated in the RMP. The
8 management of PCB-containing equipment, and the remediation of PCB-impacted media, must
9 also meet the requirements of TSCA, which is administered by the U.S. EPA.

10 **RMP Implementation Area—Group 7: Storm Drains and Sanitary Sewers.** ICF Kaiser
11 Engineers, Inc. (1999a) reports that the storm drain system at the OARB consists of 107,484
12 linear feet (lf) of pipe. The storm drains convey water to San Francisco Bay through 13 outfalls.
13 Most water discharged from the outfalls appears to originate from the OARB with one notable
14 exception. Outfall 8b receives large flows from the City of Oakland through a 36-inch diameter
15 storm drain that enters the base OARB from West Grand Street and through a 42-inch diameter
16 storm drain from the nearby EBMUD wastewater treatment plant (EarthTech 2000a).

17 The sanitary sewer system consists of approximately 25,000 lf of pipe (ICF Kaiser Engineers,
18 Inc. 1999a). Four pump or lift stations located throughout the base convey sewage to the
19 EBMUD wastewater treatment plant. The flat topography of the OARB prevents sewage from
20 flowing by gravity to the EBMUD plant (EarthTech 2000a).

21 Several studies (EarthTech 2000a; ICF Kaiser Engineers, Inc. 1999a; Radian 1997a, 1997b)
22 indicate that both the storm drain and sanitary sewer systems are in poor condition. Video
23 camera inspections have been performed of portions of the storm drain and sanitary sewer
24 systems that lie north of 14th Street. These prior inspections reveal that approximately 45
25 percent of the storm drain pipe and 60 percent of the sanitary sewer pipe that have been
26 examined have defects. Defects are defined as pipe with sags; plant root intrusion; sections that
27 have cracked, developed holes, or collapsed; or joints that have separated or become
28 misaligned. Moreover, EarthTech (2000a) notes that the exceptionally flat grades of the storm
29 drain and sanitary sewer systems allow sediments to accumulate and block the insides of pipes.

30 Sediment from storm drains on the OARB has likely been discharged to San Francisco Bay in
31 the past. It is unknown if such discharge is ongoing because improvements in storm water
32 management practices (e.g., periodic removal of sediments from catch basins, better chemical
33 handling, and reductions in the frequencies of chemical spills) have likely decreased the
34 sediment and contaminant quantities that are transported through the storm drains.

35 Sediment that builds up in the catch basins or inlets to the storm drains is periodically removed
36 (ICF Kaiser Engineers, Inc. 1999a). Testing of this sediment reveals that ~~it often contains~~ some
37 sediment contained petroleum hydrocarbons, PAHs, lead, and other metals that are reflective of
38 road grime, which likely washes into the catch basins. PCBs and pesticides have occasionally

1 been detected in the sediment. OBRA tested sediment in storm drain piping as part of its Phase
2 II Investigation (EKI 2002a). This testing indicates that sediment in portions of the storm drain
3 piping still contain petroleum hydrocarbons, PAHs, lead and other metals, as well as low
4 concentrations of PCBs and pesticides. No COCs were detected at concentrations greater that
5 would qualify the sediment as a principal threat waste under the RAP. Contaminated sediment
6 from the OARB has likely been discharged to San Francisco Bay in the past. It is unknown if
7 such discharge is ongoing because improvements in storm water management practices (e.g.,
8 periodic removal of sediments from catch basins, better chemical handling, and reductions in
9 the frequencies of chemical spills) have likely decreased the contaminant quantities that are
10 transported through the storm drains.

11 The past presence of contaminants in storm drains and sanitary sewer systems combined with
12 breaches in the pipes of these systems may have allowed contaminants of concern to leak into
13 soil and groundwater that surround the pipes. However, based on its investigative findings, ICF
14 Kaiser Engineers, Inc. (1999a) concluded that only localized contamination in soil and
15 groundwater exists near storm drains and sanitary sewers.

16 EarthTech evaluated the storm drain and sanitary sewer systems to determine their
17 compatibility with planned redevelopment of the OARB. EarthTech (2000a) finds that both
18 systems will have to be almost completely replaced because they are in poor condition and
19 undersized. Chapter 3: Description, states that the storm drain and sanitary sewer systems of
20 the OARB will be repaired and/or replaced. Therefore, it is anticipated that the localized soil and
21 groundwater contamination associated with existing storm drains and sanitary sewers, as
22 described in Army reports, can be adequately addressed through implementation of protocols in
23 the RMP as part of infrastructure replacement in accordance as redevelopment proceeds with
24 the RMP.

25 However, further investigation is appropriate to determine if significant quantities of
26 contaminated sediment are still being discharged through outfalls to San Francisco Bay. In its
27 guidance for managing contaminated sediment risks, U.S. EPA (2002b) states that continuing
28 sources of significant sediment contamination should be controlled as early as possible. The
29 existing storm drains and sanitary sewers are identified as a basewide issue for investigation so
30 the need, if any, for interim remedial actions can be assessed. Environmental conditions
31 associated with marine sediments situated next to base outfalls will be addressed separately
32 and will not be considered in the RAP/RMP.

33 ***RMP Implementation Area Group & Railroad Tracks.*** Approximately 26 miles of railroad
34 track remain at the OARB. In addition, former railroad track ballast is covered with imported
35 gravel in the former Baldwin Railyard. According to U.S. EPA (2001ad, 1997ab), typical
36 contamination in old railyards such as those that exist at the base OARB include:

- 37 • Petroleum hydrocarbons from spillage during fueling operation and repetitive minor leakage
38 from engines and rail cars.

- 1 • PCBs from the hydraulic systems of locomotive engines and electrical equipment.
- 2 • Metal and asbestos dust from brake shoes and other friction sources.
- 3 • Solvents, benzene, toluene, ethylbenzene, and xylenes (BTEX), and other VOCs.

4 In addition, surface soil may become contaminated with creosote, pentachlorophenol (PCP) or
5 chromated copper arsenate (CCA) that originate from preservatives that are often applied to
6 railroad ties (Felton and DeGroot 1996; U.S. EPA 1993a). Herbicides sprayed near tracks for
7 weed control are also of potential concern.

8 ~~No surface or shallow soil samples have been analyzed to assess the potential contamination~~
9 ~~near railroad tracks at the OARB (i.e., within the sub-ballast or interface between ballast and~~
10 ~~underlying fill). Given the large total mileage of track present at the base, early sampling is~~
11 ~~warranted to determine if contaminants of concern in surface soil are widespread along the~~
12 ~~tracks. The OBRA intends to conduct such preliminary sampling during its planned Phase II~~
13 ~~investigation.~~

14 OBRA collected 38 subballast samples beneath railroad tracks as part of its Phase II
15 Investigation (EKI 2002a). Subballast at the OARB is a sand layer that comprises the interface
16 between the rock ballast placed between railroad ties and the underlying fill imported to
17 construct the OARB. Benzo(a)pyrene was detected at concentrations greater than its
18 remediation goal in the RAP in 4 of 38 subballast samples. Other COCs detected in the
19 subballast included petroleum hydrocarbons at a maximum concentration of 680 mg/kg, PCP at
20 a maximum concentration of 3.8 mg/kg, and PCBs at a maximum concentration of 0.13 mg/kg.
21 Petroleum hydrocarbons, PCP, and PCB concentrations measured in the subballast samples
22 were less than the remediation goals in the RAP. Metals detected in the subballast included
23 arsenic at a maximum concentration of 24 mg/kg, total chromium at a maximum concentration
24 of 280 mg/kg, and lead at a maximum concentration of 470 mg/kg. Only arsenic in one
25 subballast sample was detected greater than its remediation goal. These results indicate that
26 subballast beneath railroad tracks can be readily addressed by the protocols established in the
27 RMP.

28 **RMP Implementation Area: Marine Sediments.** Storm drain Outfalls 5 through 11 discharge
29 to the Oakland Outer Harbor in San Francisco. The Army has identified COC impacts to marine
30 sediments near these storm drains outfalls. Marine sediments at Outfall 4 are defined to be part
31 of the Gateway Park parcel and are not included in the RAP/RMP.

32 With respect to Outfalls 5 through 7, the Army concludes that they are “are unlikely to result in
33 unacceptable adverse effects on aquatic or wildlife receptors” (Harding ESE 2002) and the
34 RAP/RMP proposes no further action.

35 With respect to Outfalls 8 through 11, metals, PAHs, pesticides, and PCBs have been detected
36 (Harding ESE 2002). Maximum metal concentrations detected in marine sediments at
37 Outfalls 8 through 11 include arsenic at 19.9 mg/kg, cadmium at 3.52 mg/kg, copper at

1 97.5 mg/kg, lead at 1,850 mg/kg, mercury at 1.03 mg/kg, selenium at 1.93 mg/kg, silver at
2 1.09 mg/kg, and zinc at 579 mg/kg. Maximum organic COC concentrations detected in marine
3 sediments at Outfalls 8 through 11 include dieldrin at 790 µg/kg, total DDT isomers at
4 803 µg/kg, total PAHs at 190 mg/kg, and PCBs at 790 µg/kg. The Army (Harding ESE 2002)
5 concludes from its ecological risk assessment that “sediments at Outfalls 8 through 11, if not
6 capped in the future, may result in limited impacts to aquatic communities.” However, the Port’s
7 New Berth 21 project includes fill of 26 acres, and when implemented, construction of New
8 Berth 21 will result in covering the marine sediments adjacent to Outfalls 8 through 11, thereby
9 addressing potential impacts identified by the Army’s ecological risk assessment.

10 The draft EIR is modified at page 4.7-35, line 36 as follows:

11 ”Regulated building materials present at the OARB include LBP, Asbestos, PBCs and
12 ASTs/USTs. With respect to LPB, some buildings at the OARB have tested positive for LBP and
13 others are assumed to have LBP due to their age. (EBS~~Corps~~ 1996; AGE~~Corps~~ 1999a.)

14 The draft EIR is modified at page 4.7-36, line 4 as follows:

15 Additionally, shallow soils around these buildings may be impacted by lead. See discussion
16 above under RMP Sites Group 4, for further information. With respect to asbestos, prior surveys
17 indicate that asbestos and asbestos-containing materials (ACM) exist within buildings,
18 structures and utilities at the OARB. (EBS~~Corps~~ 1996; AGE~~Corps~~ 1999a.)

19 The draft EIR is modified at page 4.7-37, line 24 as follows:

20 Elevated levels of petroleum-related compounds were detected in groundwater in this area (ICF
21 Kaiser 1997; RWQCB 1999c).

22 The draft EIR is modified at page 4.7-40, lines 14 through 23 as follows:

23 Several subsurface investigations have been completed at the former Phoenix Ironworks
24 Property (Riedel 1995; IT 2000a). These investigations show that elevated levels of lead,
25 including soluble lead, are present in the soil at the site. Elevated levels of lead were generally
26 detected in the soil immediately below the concrete slab. In addition, a dark-stained sand high in
27 heavy petroleum hydrocarbons has been found in certain borings immediately below the
28 concrete slab (IT 2000a). Soluble lead levels detected in certain areas are sufficiently high that
29 excavated soil would be classified as a federal and California hazardous waste. Elevated levels
30 of certain metals have also been detected in groundwater, primarily along the eastern and
31 southern perimeter of the property (IT 2000a). Very low levels of cVOCs have been detected in
32 soil and groundwater.

33 In response to comments W18-2 through W18-5, the draft EIR is modified at page 4.7-44,
34 starting at line 32, and continuing on page 4.7-45 as follows:

1 Since implementation of the RAP/RMP approved by DTSC is proposed as part of the project for
2 the OARB area being transferred by EDC to the City, and the RAP/RMP requires remediation to
3 be fully protective of human health and the environment for the proposed future uses of the
4 OARB, no further mitigation is required for the OARB unless either (1) future use proposals
5 include those that were not identified in the Reuse Plan and incorporated into the RAP/RMP; or
6 (2) future amendments are proposed to the remediation requirements included in the approved
7 RAP/RMP. In either of these two circumstances, required remediation includes obtaining the
8 DTSC and City approval for proposed changes in full conformance with applicable legal
9 requirements including but not limited to the HSAA and CEQA. For the Gateway Park area, the
10 Army proposes to perform the clean-up pursuant to the requirements of the Defense Base
11 Closure and Realignment Act and CERCLA.

12 The draft EIR is modified at page 4.7-45, line 14, as follows:

13 For the other sub-districts and areas not included in the ~~DTSC-approved RAP/RMP~~, such as the
14 Gateway Park, including its off-shore parcel, prior to beginning redevelopment-related activities,
15 potentially affected areas shall be investigated, potentially including additional studies or site
16 characterization activities, as required by the regulatory agencies (DTSC or RWQCB). Once
17 contaminated areas are identified, potential human health risks from contaminants of concern
18 based upon realistic future land use shall be assessed, health risk-based and environmental
19 risk-based cleanup goals shall be established, and a determination regarding the need for
20 additional site assessment work shall be made.

21 The draft EIR is modified at page 4.7-46, lines 12 through 15 as follows:

22 The City of Oakland ULR Program has determined that reducing the target risk level to 1×10^{-5}
23 for commercial or industrial land uses in combination with appropriate institutional controls
24 would reduce the risk to future residents, employees, and visitors to less than significant. Within
25 the OARB area covered by the DTSC-approved RAP/RMP, implementation of Mitigation
26 Measure 4.7-5 will result in avoidance of any potentially significant impact to future
27 commercial/industrial/maritime/utility workers, and site visitors from residual contaminants of
28 concern, including PCBs, lead or VOCs in soil or groundwater. See RAP/RMP (DTSC 2002a)
29 for a discussion of these potential impacts. Moreover, the measures required for the areas not
30 covered by the DTSC-approved RAP/RMP, (Measure 4.7-4) would evaluate and control
31 potential human health risks from contaminants of concern in the redevelopment project area
32 and will sufficiently address this potential impact. In addition, Mitigation Measures 4.14-1 and
33 4.14-2, which prohibit the installation of groundwater wells for any purpose other than
34 construction de-watering and remediation and require that even for construction de-watering
35 and remediation use of those wells be minimized, will reduce the potential for contaminants to
36 migrate to other underlying groundwater aquifers, thus lessening the impact to future residents,
37 employees and visitors to less than significant.

1 The draft EIR is modified at page 4.7-47, line 21 as follows:

2 The presence of LBP, ACM and PCBs are known or suspected in buildings, structures and
3 utilities in all sub-districts. All structures on the OARB will be demolished as a result of
4 redevelopment, and other structures throughout the redevelopment area may also be
5 demolished. Some buildings, such as the Amtrak Station in the 16th and Wood sub-district will
6 be renovated. Release of LBP, use of which was prohibited in 1978, into the environment as
7 dust or flakes during building demolition or renovation could lead to human exposure through
8 inhalation or ingestion. Demolition or renovation activities could also cause asbestos fibers to be
9 released as ACM is disturbed. Finally, demolition may also expose workers or others to PCB-
10 impacted building materials. Note that removal of lead in soil is subject to Mitigation Measures
11 4.7-3 and 4.7-4.

12 The draft EIR is modified at Appendix 4.7 by replacing the contents of Appendix 4.7a,
13 Comparative Analysis of Remedial Action Alternatives, RAP sites, and Appendix 4.7b,
14 Comparative Analysis of Remedial Action Alternatives, RMP Implementation Areas in their
15 entirety. The replacements comprise 23 pages of information. For reader clarity, the deleted
16 pages are not included in this document, and the revised pages are located immediately
17 following the text of this chapter.

18

19 **POPULATION, HOUSING, AND EMPLOYMENT—SECTION 4.8 OF THE DRAFT EIR**

20 The draft EIR is modified at page 4.8-6, line 26 as follows:

21 Redevelopment would result in construction of approximately 375 live-work units in the
22 16th/Wood sub-district. Depending on their date of their construction, these units could assist the
23 City in fulfilling its fair-share of regional housing units under the current RHND cycle (through
24 2006), or future RHND cycles. This would be a benefit to local and regional housing. Housing in
25 the OARB sub-district is not proposed and may be inconsistent with the remedy required under
26 the Remediation Action Plan/Risk Management Plan discussed in Chapter 4.7, Hazardous
27 Materials.

28 **PUBLIC SERVICES AND UTILITIES—SECTION 4.9 OF THE DRAFT EIR**

29 In response to comment W3-2, the draft EIR is modified at page 4.9-9, line 33 as follows:

30 **Potable and Reclaimed Water.** EBMUD serves Oakland with potable water from its Orinda and
31 Upper San Leandro Water Treatment Plants, and ~~reclaimed~~ recycled water from its ~~Orinda~~
32 ~~Water Treatment Plant and its Main WWTF~~, respectively. In order to minimize treatment while
33 protecting public health, it is the policy of EBMUD to provide drinking water from the highest
34 quality source available; that source is currently the Mokelumne River. Pursuant to the
35 requirements of the Urban Water Management Act, EBMUD prepared and adopted UWMPs in

1 1985, 1991, 1996, and 2001. The current plan states that total service area customer demand in
2 2000 was 230 mgd, and when adjusted for conservation and the use of reclaimed water, net
3 customer demand was 216 mgd. The UWMP projects that 2020 service area net customer
4 demand will be 229 mgd (EBMUD 2000).

5 In response to comment W3-4, the term “reclaimed water” is replaced in each of its uses
6 throughout the document with the term “recycled water.”

7 In response to comment W3-7, the draft EIR is modified as indicated below at page 4.9-9, line
8 11, with the last phrase of the paragraph revised as follows:

9 **Wastewater.** Generally, the City of Oakland provides city-wide sewage collection services, and
10 the East Bay Municipal Utility District (EBMUD), a publicly-owned utility, provides sewage
11 transport (large-diameter and interceptor-level pipeline), treatment, and discharge services. The
12 Oakland Public Works Department provides sewage collection services for approximately 39
13 square miles within the city. According to the LUTE, within the region, the City owns, operates,
14 and maintains five pump stations, and approximately 4.5 million linear feet of pipeline ranging in
15 size from 6 inches to 72 inches in diameter. The Oakland sewage collection system discharges
16 to EBMUD’s sewer interceptor system, comprising approximately 29 miles of large-diameter
17 pipeline, ranging in size from ~~9 to 12 feet~~ 42 inches to 105 inches in diameter.

18 In response to comment W19a-14, Mitigation Measure 4.9-1 is modified as indicated below at
19 draft EIR page 4.9-17, line 19; at page 4.9-26, line 28, and page at page 1-36, Table 1-1 under
20 Public Services and Utilities Impact 4.9-1:

21 **Mitigation 4.9-1:** The City and Port shall cooperatively investigate the need for, and if required
22 shall fund on a fair-share basis ~~development construction~~ and operation of increased firefighting
23 and medical emergency response services via fireboat to serve the OARB sub-district. ~~a fire~~
24 ~~station in the OARB sub-district. Construction and operation of this fire station shall occur in~~
25 ~~accordance with all applicable measures recommended in this EIR to mitigate environmental~~
26 ~~impacts of such construction and operation.~~

27 In addition, at draft EIR page 4.9-26, line 33, and at page 1-23, Table 1-1 under Transportation
28 and Traffic Impact 4.3-4, the text is revised to indicate this measure also applies to Impact 4.3-4.

29 Finally, on draft EIR page 4.9-27, starting at line 1, the explanatory text of the measure is
30 modified as follows:

31 The City and Port of Oakland will each contribute a fair share toward cooperatively investigating
32 the need for increased firefighting and emergency response services to serve a new fire station
33 ~~in the redevelopment area west of I880. This investigation shall include consultation with the~~
34 ~~OES and OFD. Should this investigation conclude, based on detailed redevelopment design,~~
35 that increased fireboat services are required ~~a new fire station is required~~, the Port and the City
36 shall each fund ~~the~~ its fair share to ~~construct~~, equip, and staff fireboat-based services ~~a fire~~

1 station and first responder medical emergency in the OARB sub-district. In addition, as
 2 subsequent redevelopment activities occur, the City and Port shall *be allowed* to develop a fee
 3 formulae (to recoup initial investment from future development *or tenants*), as well as a long-
 4 term cost-sharing formula (to equitably distribute the cost of continuing operations).

5 RECREATION AND PUBLIC ACCESS—SECTION 4.10 OF THE DRAFT EIR

6 In response to comment W8-5, the draft EIR is modified at Notes 1 and 2 of Figure 4.10-1 at
 7 page 4.10-5 as follows (there are no graphical changes):

8 ~~BCDC Permits #11-93 and #8-01 require Caltrans to provide trails from Maritime to Emeryville,~~
 9 ~~to Radio Beach, and acreage at the Gateway peninsula.~~

10 1. ~~This EIR suggests the Caltrans segment on a portion of Burma Road relocated to the~~
 11 ~~new access road.~~

12 1. *BCDC Permit #11-93 requires Caltrans to provide trails between Maritime Street and*
 13 *Emeryville, a trail to Radio Beach, acreage at the Gateway peninsula, and two overlooks*
 14 *with associated public amenities (one north and one south of the Bay Bridge.*
 15 *Subsequent BCDC permit #8-01 (at Section III: Findings and Declarations, Item C:*
 16 *Maximum Feasible Public Access, Sub-item 1: Physical Access) requires Caltrans to*
 17 *pay a \$1.1 million in-lieu fee rather than construct the two overlooks and associated*
 18 *public amenities.*

19 2. *This EIR suggests the Caltrans trail segment proposed for a portion of Burma Road (The*
 20 *Maritime to Shellmound Bikeway [Initial Study and proposed Negative Declaration,*
 21 *Caltrans 1998]) instead be located in the new access road.*

22 In response to comments W8-5, W8-6, and W8-7, the draft EIR is modified at page 4.10-7, line
 23 16 as follows:

24 As stated above, EBRPD has expressed interest in acquiring or leasing approximately 15 acres
 25 at the tip of the Gateway peninsula immediately south of the bridge touchdown to manage as a
 26 park.⁴ The California Department of Transportation has also expressed interest in participating
 27 in development of such a park, which has been generally termed the Gateway Park, because it
 28 would serve as the visual gateway to Oakland for those entering the city from the Bay Bridge
 29 (Bay Trail Project 1999). ~~As a special condition of granting a permit to Caltrans to replace the~~
 30 ~~East Span of the Bay Bridge (Permit No. 8-01), BCDC required Caltrans make available 4.2~~
 31 ~~acres of the Gateway peninsula for incorporation to EBRPD's proposed Gateway Park, to the~~
 32 ~~extent legally allowed. In addition, the permit requires Caltrans to provide the following~~
 33 ~~amenities in the gateway area: a parking lot, a pathway connecting the parking lot to the~~

⁴ The EBRPD applied for a Public Benefit Conveyance to obtain this OARB property through the Department of the Interior National Park Service's Federal Land to Park Program.

1 bicycle/pedestrian path on the new span, a crosswalk across a Caltrans maintenance road,
 2 landscaping, and signage. Caltrans has received two BCDC permits relevant to the
 3 redevelopment area: Permit No. 11-93 and Permit No. 801 for, respectively, the Cypress
 4 Freeway Replacement Project and the Eastern Span Bay Bridge Replacement Project. As a
 5 condition of Permit No. 8-01 (at Section II. Special Conditions, Item B: Public Access), BCDC
 6 requires the following: Approximately 4.2 acres at the Oakland Touchdown shall be incorporated
 7 into the EBRPD's Gateway Park to the extent the permittee (Caltrans) is legally able to do so,
 8 and such incorporation shall be subject to Caltrans' existing and future operational and
 9 maintenance needs (the permit lists such needs as storm water BMPs as well as access to
 10 Caltrans facilities and utilities). Permit No. 8-01 identifies a total of 4.5 acres to be dedicated by
 11 Caltrans in the Bay Bridge peninsula area: 4.2 for improved public access and to provide storm
 12 water management, and 0.37 acre to serve as a temporary parking area and crosswalk to be
 13 eventually incorporated into the Gateway Park (consistent with the caveats described above) In
 14 addition to the temporary parking area, other improvements in the area identified in Permit 8-01
 15 include a pathway, crosswalk, landscaping, and public access signage. Moreover, the more
 16 recent permit (at Section III: Findings and Declarations, Item C: Maximum Feasible Public
 17 Access, Sub-item 1: Physical Access) recognizes that current design of the Bay Bridge makes
 18 infeasible implementation of a portion of Caltrans public access requirements of the earlier
 19 permit (No. 11-93), specifically two overlooks and associated public amenities. Caltrans is
 20 instead required pay a \$1.1 million in-lieu fee.

21 **BIOLOGICAL RESOURCES—SECTION 4.12 OF THE DRAFT EIR**

22 The draft EIR is modified at page 4.12-19, line 5 as follows:

23 Redevelopment, including remediation, construction, and operations, would have a significant
 24 impact on the environment if it would:

25 The draft EIR is modified at page 4.12-20, starting at line 15 through page 4.12-21, line 24 to
 26 delete Impacts 4.12-1 and 4.12-2 and their associated mitigation measures as follows:

27 **Impact 4.12-1:** ~~Redevelopment could result in the loss of 15 acres of ruderal/beach~~
 28 ~~habitat.~~

29 **Significance:** ~~Potentially significant~~

30 **Mitigation 4.12-1:** ~~EBRPD shall maintain and enhance beach habitat where feasible~~
 31 ~~between the shoreline and the park in order that water birds have~~
 32 ~~space to forage and roost on the peninsula, and comply with all~~
 33 ~~applicable resource agency requirements.~~

34 **Residual Significance:** ~~Less than significant~~

1 Although the area is primarily ruderal and provides marginal habitat for shorebird species in the
 2 area, seabirds have been known to occasionally roost in the area. Vegetation in the area is
 3 predominantly ruderal, although there is some wetland vegetation present. For example, marsh
 4 gumplant, a CNPS List 4 species, has been documented on the peninsula. The east side of the
 5 Central Bay has very few undeveloped areas of land adjacent to the Bay. Thus, the peninsula's
 6 location makes the area more valuable than the equivalent quality of land in a less developed
 7 area. As this habitat depends on details of specific redevelopment activities not yet developed,
 8 the impact is considered potentially significant. In consultation with resource agencies, the East
 9 Bay Regional Park District would construct the park and be responsible for any mitigation
 10 necessary at the site. With implementation of Mitigation Measure 4.12-1, the impact would be
 11 avoided or substantially compensated for, and the residual impact is considered less than
 12 significant.



14 **Impact 4.12-2:** ~~Redevelopment could result in increased raptor predation on least~~
 15 ~~terns that may forage near the Gateway peninsula.~~

16 **Significance:** ~~Potentially significant~~

17 **Mitigation 4.12-2:** ~~Tall ornamental trees that could provide perches for raptors shall be~~
 18 ~~prohibited in the design of the Gateway Park.~~

19 **Mitigation 4.12-3:** ~~Raptor deterrents shall be placed on light standards and other tall~~
 20 ~~elements installed within the Gateway Park.~~

21 **Residual Significance:** ~~Less than significant~~

22 Development of the OARB would result in 15 acres of the Gateway peninsula being
 23 redeveloped as a park. This area is not heavily used by special-status wildlife species, although
 24 some special-status species have been observed on it (del Nevo and Malamma 1997).
 25 California least terns, for example, have been observed foraging within 50 feet of the shoreline.
 26 Marsh gumplant, classified as rare by the CNPS, had been recorded at this site.

27 Tall ornamental trees, light standards, and other tall design elements can be used by raptors
 28 which prey on the least tern. Should this occur, the impact would be considered significant.
 29 Because occurrence of this impact depends on design details not yet finalized, the impact is
 30 considered potentially significant.

31 Implementation of Mitigation Measures 4.12-2 and 4.12-3, as well as Mitigation Measure 4.11-4
 32 (intended primarily to mitigate impacts to aesthetic resources, but which would also partially
 33 mitigate impacts to biological resources), would substantially reduce the impact, and the
 34 residual impact is considered less than significant.



1 In addition, references to these impacts and mitigation measures are deleted from the draft EIR
2 at page 4.12-28 line 11 through line 29, and at page 1-39, Table 1-1, under Biological
3 Resources.

4 The draft EIR is modified at page 4.12-22, line 21, starting at line 27 as follows:

5 **Impact 4.12-3:** Redevelopment would result in net loss of approximately 27 acres of open and
6 covered water at New Berth 21.; ~~minor amounts of fill and revetment could occur along the~~
7 ~~shoreline of the Gateway Park, with a loss of near-shore habitat.~~

8 Mitigation Measure 4.12-4 is revised as indicated below at draft EIR page 4.12-22, lines 1
9 through 3; at page 4.12-29, lines 1 to 2; and at page 1-39, Table 1-1 under Biological Resources
10 Impact 4.12-3:

11 **Mitigation 4.12-4:** Contractors, developers, the Port, and EBRPD shall comply with all permit
12 conditions from the Corps, RWQCB, BCDC, USFWS/NMFS, and CDFG for fill.

13 The draft EIR is modified at page 4.12-12, line 30 as follows:

14 A breeding colony with approximately 210 nests is present on Alameda Island, within the former
15 NAS Alameda. There are no known breeding areas within the study area. The terns are known
16 to forage in the open water and are purported to roost around the unpaved peninsula on the
17 OARB sub-district, although surveys have shown that most foraging occurs south of Alameda
18 Island (del Nevo and Malamma 1997; U.S. Navy and Port of Oakland 1997). There was an
19 unsuccessful nesting attempt observed in 1985 (~~Point Reyes Bird Observatory 2002~~) (California
20 Department of Fish and Game 2002).

21 The draft EIR is modified at page 4.12-23, line 11 as follows

22 Impact 4.12-5: Construction activities would result in a short-term reduction in water quality in
23 the New Berth 21 fill area, ~~and could reduce water quality along the shoreline for the proposed~~
24 ~~Gateway Park, affecting special status species.~~

25 The draft EIR is modified to re-title Impact 4.12-7 at page 4.12-25, lines 4 to 5 3; and at page 1-
26 40, Table 1-1 under Biological Resources as follows:

27 **Impact 4.12-7:** ~~Redevelopment may result in the loss of breeding bird nesting habitat with the~~
28 ~~removal of certain trees.~~ Redevelopment may affect nesting migratory birds.

29 **GEOLOGY, SEISMICITY, AND SOILS—SECTION 4.13 OF THE DRAFT EIR**

30 The draft EIR is modified at page 4.13-8, line 9 as follows:

1 Redevelopment, including remediation, construction, and operations, would have a significant
2 impact on the environment if it would:

3 The draft EIR is modified at page 4.13-11, lines 6 through 7, and at page 1-42, Table 1-1, under
4 Geology, Seismicity, and Soils as follows:

5 **Impact 4.13-4:** Under certain conditions, disturbance of soils during construction or remediation
6 could result in erosion.

7 **GROUNDWATER—SECTION 4.14 OF THE DRAFT EIR**

8 The draft EIR is modified at page 4.14-2, line 19 as follows:

9 The study area is located within the San Francisco Bay Groundwater Basin, and is regulated by
10 the RWQCB (Region 2). The RWQCB Region 2 prepares the *Groundwater Basin Plan* for the
11 San Francisco Bay Area (the Basin Plan). The Basin Plan describes actual and potential uses of
12 groundwater throughout the region, and provides requirements for groundwater protection.
13 Proposed amendments to the Basin Plan were adopted by the RWQCB in April 2000; the
14 amendments are currently awaiting approval from the SWRCB and the California Office of
15 Administrative Law. One of these amendments would de-designate groundwater of the
16 redevelopment project area as a source of municipal drinking water supply. Although not a
17 remedy for groundwater contamination, this would remove the need to treat groundwater to
18 Maximum Contaminant Levels (MCLs).

19 The draft EIR is modified at page 4.14-6, line 9 as follows:

20 Shallow groundwater at the OARB is typically encountered at 5 to 9 feet bgs (Geomatrix 2000).
21 At least 100 monitoring wells have been installed at OARB, including five wells installed into the
22 Merritt Sand aquifer, and one well (SC1MW1C in Parcel 2) that was reportedly installed into the
23 Alameda Formation. In addition, the Army has proposed to install additional monitoring wells.
24 Based on available information, groundwater flow is generally to the west and northwest. The
25 presence of storm drains and other utility lines may create local changes in the groundwater
26 flow direction and groundwater gradient. TDS concentrations in wells at the OARB ranged from
27 170 to 33,400 ppm. The OARB is within the Oakland Shoreline zone which is proposed for de-
28 designation by the RWQCB as a potential source of drinking water. For further information on
29 the existing groundwater contamination, including groundwater hazardous waste contamination,
30 as the OARB, see Section 4.7.4, Local Setting, OARB Sub-district Contaminated Soil and
31 Groundwater, in Chapter 4.7, Hazardous Materials.

32 Mitigation Measure 4.14-1 is modified at draft EIR page 4.14-7, line 1, page 4.14-8, line 16, and
33 at page 1-43, Table 1-1 under Impact 4.14-1 as follows:

1 **Mitigation 4.14-1:** Installation of groundwater extraction wells into the shallow water-bearing
2 zone or Merritt Sand aquifer for any purpose other than construction de-watering and
3 remediation, including monitoring, shall be prohibited.

4 Mitigation Measure 4.14-2 is modified at draft EIR page 4.14-7, line 17, page 4.14-8, line 25,
5 and page 1-43, Table 1-1 under Impact 4.14-2 as follows:

6 **Mitigation 4.14-2:** Extraction of groundwater for construction de-watering or remediation,
7 including monitoring, shall be minimized where practicable; if extraction will penetrate into the
8 deeper aquifers, than a study shall be conducted to determine whether contaminants of concern
9 could migrate into the aquifer; if so, extraction shall be prohibited in that location.

10 The draft EIR is modified at page 4.14-7, line 20 as follows:

11 The shallow water-bearing zone is separated from the deeper aquifers by a 10-foot thick layer of
12 clay, referred to as the Young Bay Mud. It is anticipated that de-watering will be limited to the
13 shallow water-bearing zone. If, however, the proposed de-watering operation will penetrate past
14 the Young Bay Mud layer, eExtraction of groundwater in the study area may cause
15 contaminants to migrate to areas where contamination has not previously been detected. This
16 could include contaminants into underlying deeper aquifers. Because the occurrence of
17 groundwater-extraction-related contaminant migration is a possibility, the impact is considered
18 potentially significant. With implementation of Mitigation Measure 4.14-2, the impact would be
19 avoided or minimized, and the residual impact is considered less than significant.

20 The draft EIR is modified at page 4.14-8, line 28 as follows:

21 Implementation of this measure would prevent unnecessary extraction of groundwater, and
22 prohibit its extraction where contaminants of concern could migrate into deeper aquifers;
23 therefore it will help avoid or reduce the potential migration of contaminants. The City and Port
24 shall ensure that groundwater extraction, other than for remediation or construction dewatering,
25 is minimized where practicable in the redevelopment project area.

26 **SURFACE WATER—SECTION 4.15 OF THE DRAFT EIR**

27 The draft EIR is modified at page 4.15-2, following line 13, by inserting the following new
28 paragraph:

29 Discharges of extracted and treated groundwater associated with construction dewatering
30 activities are regulated under two General Waste Discharge Permits adopted by the SWRCB
31 (WQO 96-078 DWQ, NPDES Permit No. CAG912002 and WQO 99-051 DWQ, NPDES Permit
32 No. CAG912003). Dischargers of treated groundwater polluted by fuel leaks and other related
33 wastes must comply with effluent limits and other requirements detailed in NPDES Permit No.

1 CAG912002, while dischargers of treated groundwater polluted by VOCs must comply with
2 effluent limits and other requirements detailed in NPDES Permit No. CAG912003.

3 The draft EIR is modified at page 4.15-12, line 12, and at page 1-43, Table 1-1 under Surface
4 Water as follows:

5 **Impact 4.15-2:** Under certain circumstances, disturbance of soils during construction and
6 remediation could result in erosion, which in turn could increase sediment loads to receiving
7 waters.

8 Mitigation Measure 4.15-4 is revised as indicated below at draft EIR page 4.15-13, line 5; at
9 page 4.15-17, line 17; and at page 1-44, Table 1-1 under Surface Water Impact 4.15-3:

10 **Mitigation 4.15-4:** Prior to construction or remediation, the contractor shall develop and
11 implement a Stormwater Pollution Prevention Plan, including protocols for determining the
12 quality and disposition of construction water which includes shallow groundwater encountered
13 during construction/remediation; depending on the results of the testing, contaminated water
14 shall be disposed of via standards of the applicable regulatory agency (RWQCB, DTSC, or
15 EBMUD), as appropriate. In addition, the contractor shall comply with the requirements of
16 NPDES Permit Nos. CAG912002 and CAG912003 if appropriate.

17 The draft EIR is modified at page 4.15-16 as follows:

18 **Mitigation 4.15-3:** Prior to ground-disturbing activities, the contractor shall develop and
19 implement a Stormwater Pollution Prevent Plan ~~that is acceptable to the RWQCB~~ to be
20 reviewed by the City of the Port, including erosion and sediment control measures.

21 The draft EIR is modified at page 4.15-16, line 17 as follows:

22 The contractor shall prepare and implement a site-specific SWPPP. The SWPPP shall be
23 reviewed by either the City or Port, and shall be available for review by the RWQCB. While
24 erosion/sediment/pollution control measures included in the plan would be site-specific, they
25 must be effective at prevention of accelerated erosion by the following: minimizing the length of
26 time soils are exposed; reducing total area of exposed soil during the rainy season; protecting
27 critical areas (the Bay); and monitoring before and after each rain storm to assess control
28 measure effectiveness. BASMAA's Start at the Source—Design Guidance for Stormwater
29 Quality Protection, 1999 edition is a helpful reference for developing appropriate BMPs. SWPPP
30 erosion and sediment control measures may include, and are not limited to, the following:

- 31 • Schedule construction to occur during dry season;
- 32 • Avoid run-on (divert run-off from up-slope sites so it does not enter construction zone);
- 33 • Preserve existing vegetation;

- 1 • Seed and mulch, or hydromulch;
- 2 • Dust control;
- 3 • Blankets, geotextiles, fiber rolls; and
- 4 • Tire washers at exits.

5 The draft EIR is modified at page 4.15-17 as follows:

6 The contractor's SWPPP shall include a RWQCB-acceptable protocol and BMPs for handling
 7 construction water. The SWPPP shall include methods for visual inspection, triggers for
 8 laboratory testing, and appropriate use/disposal of the water. The contractor must also
 9 determine if NPDES Permit Nos. CAG912002 and CAG912003 are relevant to the site. If they
 10 are, an NOI must be filed, and the related Self-Monitoring Plan must be complied with.

11 CUMULATIVE IMPACTS—CHAPTER 5 OF THE DRAFT EIR

12 In response to comment W8-8 and W18-2 through W18-5, Table 5-1 at page 5-2 and 5-3 of the
 13 draft EIR is modified as follows:

Table 5-1
Plans and Probable Future Projects Used in Cumulative Impact Analysis

Plan or Project Name Agency	Description	Status	Relevant Environmental Factors
Plans			
General Plan City of Oakland	City-wide plan	Last updated to include <i>Estuary</i> <i>Policy Plan</i> Element in 1999	Land Use Traffic Air Quality Noise Public services
West Oakland Cumulative Growth Scenario Update City of Oakland	Update of existing and future economic and land use assumptions for more than 50 area planned projects (included in Appendix 5)	Update completed January 2002	Land Use Traffic Air Quality
Projections 2002 Association of Bay Area Governments	Demographic projections for nine Bay area counties through 2025	Published 2001	Traffic Air Quality Noise Population/ Employment/ Housing Public services

**Table 5-1
Plans and Probable Future Projects Used in Cumulative Impact Analysis**

Plan or Project Name	Description	Status	Relevant Environmental Factors
General Plan City of Emeryville	City-wide plan	Last updated to revise the <i>Housing Element</i> in 2001	Land Use Traffic Air Quality Public Services
Alameda Point General Plan Amendment City of Alameda	Re-designation of land uses and adoption of General Plan policies for 1,444 acres	Public Review Draft EIR published November 2001	Land Use Public Services Traffic Air Quality
Projects			
Vision 2000 Program Port of Oakland	Marine and rail terminals, regional public park	Terminals in operation, park under construction	Land Use Traffic Air Quality Cultural Resources Biology Recreation Surface Water
-50 Foot Navigation Improvements U.S. Army Corps of Engineers (Corps), Port of Oakland	Dredge Oakland Outer and Inner harbors to -50 feet mean lower low water	EIS/R complete Construction approximately 2001-2005	Noise Biology Surface Water
Bay Bridge Replacement California Department of Transportation (Caltrans)	Replacement of the Bay Bridge from Yerba Buena Island to Oakland	EIS complete Construction approximately 2002-2010	Noise Biology Surface Water
<u>Remediation of Gateway Park</u> <u>U.S. Army</u>	Army remediation of contamination at the Gateway Park, including the adjacent off-shore portion of the parcel.	<u>EIS complete</u>	<u>Hazardous Materials</u>
Main Wastewater Treatment Plant Improvement East Bay Municipal Utility District (EBRPD)	Expansion of treatment plant facilities, capacity, and administration facilities	Undetermined future	Land Use Air Quality Noise
Alameda Point Wildlife Refuge U.S. Fish and Wildlife Service (USFWS)	565 upland acres, 413 submerged acres for a wildlife refuge	EA complete	Land Use Biology

**Table 5-1
Plans and Probable Future Projects Used in Cumulative Impact Analysis**

Plan or Project Name Agency	Description	Status	Relevant Environmental Factors
Catellus Mixed Use Development EIR City of Alameda	Mixed use, including affordable housing at former Fleet and Industrial Supply Center (FISC) Annex	EIR complete	Land Use Traffic Air Quality
Oakland Airport Development Program Port of Oakland	Airport expansion: terminals, circulation, parking	EA complete SEIR in progress Construction of some component projects underway	Air Quality Noise
San Francisco Airport Expansion	Airport expansion	EIS/R complete Undetermined future	Air Quality Noise
Reuse of Bay Area Military Bases Multiple agencies	Conversion from military to community uses, including demolitions Oakland: Fleet and Industrial Supply Center, Oakland (FISCO) and Oak Knoll Alameda: NAS and FISCO Annex San Francisco: the Presidio, Hunters Point Naval Annex, and NAS Treasure Island Vallejo: Mare Island Shipyards Novato: Hamilton Army Airfield	In various stages of reuse Build-out: various	Land Use Cultural resources

1 In addition, the draft EIR is modified at page 5-25, line 31 as follows:

2 The project area includes areas of contamination, as described in Section 4.7, as do all other
 3 Bay Area military facilities slated for realignment and closure (California Economic
 4 Diversification and Revitalization (CEDAR) Program 2000). Implementation of redevelopment, in
 5 concert with remediation of contaminants at the Gateway Park and other remediation as
 6 required by regulatory agencies, would remediate site contamination, a cumulative
 7 environmental benefit to Oakland. Throughout the Bay Area, redevelopment of military bases for
 8 community use would result in widespread remediation of contamination and hazardous wastes,
 9 a substantial cumulative environmental benefit.

10 REFERENCES—CHAPTER 10 OF THE DRAFT EIR

11 The draft EIR is modified starting at page 10-11, line 6 to page 10-12, line 27 to delete Sub-
 12 section 4.7, Hazardous Materials, in its entirety and to replace it as follows:

13 ~~4.7—Hazardous Materials~~

14 ~~Corps (U.S. Army Corps of Engineers), 1996. *Basewide Environmental Baseline Survey for the*
 15 ~~*Oakland Army Base, Oakland, California.* Prepared by Foster Wheeler Environmental~~
 16 ~~Corporation.~~~~

17 ~~_____, 1997. *Lead-Based Paint, Oakland Army Base, Oakland, California.* October.~~

18 ~~_____, 1999. *Annual Asbestos Report, Oakland Army Base, Oakland, California.* October.~~

19 ~~_____ and Port of Oakland, 1998. *Final Environmental Impact Statement/Report for the*
 20 ~~*Oakland Harbor (-50-Foot) Dredging Project.* May.~~~~

21 ~~EarthTech and Geomatrix Consultants, Inc., 2000. *Oakland Army Base Utility Study*
 22 ~~*Environmental Review.* December.~~~~

23 ~~ERM-West, Inc., 1992. *Site Investigation—Berths 8 and 9, Port of Oakland.*~~

24 ~~EVS-Environment Consultants, 1997. *Reconnaissance Survey Report—Port of Oakland 50-foot*
 25 ~~*Harbor Deepening Project.* August.~~~~

26 ~~Foster-Wheeler Environmental Corporation, 2000, *Draft Finding of Suitability to Transfer BRAC*
 27 ~~*Parcels 17, 22, 23, 25, and 26.* June.~~~~

28 ~~Geomatrix Consultants, Inc., 1992a. *Removal of Underground Storage Tanks—Kaiser Yard,*
 29 ~~*2801 Seventh Street.* June.~~~~

30 ~~_____, 1992b. *Underground Storage Tank Closure Report—Port of Oakland Kaiser Yard,*
 31 ~~*2801 Seventh Street.* October.~~~~

- 1 ICF Kaiser, 1997. *Final Construction Worker Risk Assessment Port of Oakland Berth 24*. March.
- 2 IT Corporation, 2000. *Site Investigation Report – Soil and Groundwater Investigation, former*
3 *Phoenix Iron Works Facility, 800 Cedar Street, Oakland, California*. March.
- 4 _____, 2001a. *Draft Corrective Action Implementation Report for Petroleum Tank Sites,*
5 *Addendum 1 of Removal Report for Petroleum Tanks*. January.
- 6 _____, 2001b. *Final Removal Report for Petroleum Tanks*. January.
- 7 Kleinfelder, 1999. *Draft Remediation and Risk Management Plan, Former Union Pacific*
8 *Roundhouse Site*. March. (Approved September 1999)
- 9 _____, 2000. *Third Quarter 2000 Groundwater Monitoring Report, Former Union Pacific*
10 *Roundhouse Site, 1407 Middle Harbor Road*. November.
- 11 Oakland, City of, 2000. *Oakland Urban Land Redevelopment Program: Guidance Document.*
12 *Public Works Agency* January.
- 13 Port of Oakland, 1999. *Joint Intermodal Terminal Project Final Environmental Impact Report.*
14 *SCH No. 98012078*. May.
- 15 _____, 2001a. Personal communication between J. Prall and S. von Rosenberg, GAIA-
16 Consulting, Inc. April 11.
- 17 _____, 2001b. Personal communication between D. Heinze and S. von Rosenberg,
18 GAIA Consulting, Inc. April 18.
- 19 _____, 2001c. Personal communication between J. Arndes and S. von Rosenberg,
20 GAIA Consulting, Inc. April 18.
- 21 RGA Environmental Inc., 2001. Personal communication from K. Schroeter. December 7, 2001.
- 22 Riedel Environmental Services, Inc., 1995. *Limited Subsurface Soil Investigation Beneath*
23 *Phoenix Iron Works Building Slab, 800 Cedar Street, Oakland, CA*. July.
- 24 RWQCB (Regional Water Quality Control Board), 1999. *Cleanup and Abatement Order 99-063*
25 *for Former Mobil Oil Terminal*.
- 26 _____, 2000. *Risk-Based Screening Levels for Impacted Soil and Groundwater*. Interim
27 *Final*. September 20.
- 28 U.S. Navy, 1990. *Final Environmental Impact Statement for Proposed New Dredging, U.S.*
29 *Naval Military construction projects: P-082 Naval Supply Center, Oakland, San*
30 *Francisco Bay, California*.

1 ~~WEST (World Environmental Services & Technology), 2000. Remedial Site Evaluation West~~
2 ~~Grand Station, 1399-1407 Wood Street, Oakland, California. October.~~

3 **4.7 Hazardous Materials**

4 Acar, Y.B., et al. 1995. Electrokinetic Remediation: Basics and Technology Status. Journal of
5 Hazardous Materials. Vol. 40, pp. 117-137.

6 Association of Bay Area Governments, 2001. Bay Area Dioxins Project, Screening Evaluation of
7 Dioxins Pollution Prevention Options. September.

8 BASELINE Environmental Consulting, 2002. Additional Information Report, Oakland Army
9 Base, Oakland, California. April.

10 California Department of Health Services, 1997. Medical Guidelines, Occupational Lead
11 Poisoning Prevention Program and Hazard Evaluation System and Information Service.
12 Occupational Health Branch. September.

13 Camp Dresser & McKee, Inc., 1996. Draft Phase II Site Assessment Report, Oakland Army
14 Base, Oakland, California. December.

15 Community Review Panel, 1997. Consensus Recommendations for Implementing the Oakland
16 Urban Land Redevelopment Program. Report of the Community Review Panel to the
17 Urban Land Redevelopment Oversight Committee. August 7.

18 Corps (Army Corps of Engineers), 1999a. Annual Asbestos Survey, Oakland Army Base,
19 Oakland, California. October.

20 _____ , 1999b. Defense Environmental Restoration Program, Formerly Used Defense Sites
21 (DERP-FUDS) Program Manual. EC-200-3-7. Official Interim Version. September 30.

22 _____ and Port of Oakland, 1998. Oakland Harbor Navigation Improvement (-50 Foot)
23 Project, Final Environmental Impact Statement/Report. May.

24 _____ , 1997a. Lead Based Paint, Oakland Army Base, Oakland, California. October.

25 _____ , 1997b. Environmental Assessment for Interim Leasing and Finding of No
26 Significant Impact, Oakland Army Base, Oakland, California. With assistance from
27 Foster Wheeler Environmental Corporation and Kleinfelder, Inc. October.

28 _____ , 1996. Basewide Environmental Survey for Oakland Army Base, Oakland,
29 California. Prepared by Foster Wheeler Environmental Corporation.

1 Department of the Army. 1965. Real Property Record for Bldg. 147. Compilation of Army
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32 The draft EIR is modified at page 10-19, line 18 as follows:

1 ~~Point Reyes Bird Observatory, 2002. Personal communication between Merideth Elliott,~~
2 ~~Biologist, and Corinna Lu, Biologist, URS Corporation.~~

3 ~~California Department of Fish & Game, 2002. Personal communication between R. Jurek and C.~~
4 ~~Lu, Biologist, URS Corporation regarding unpublished survey data. July.~~

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Revised Draft EIR Appendix 4.7a
Comparative Analysis of Remedial Alternatives, RAP Sites

**COMPARATIVE ANALYSIS OF REMEDIAL ALTERNATIVES
RAP SITE 1: FORMER ORP/BUILDING 1 AREA**

Oakland Army Base, Oakland, California

Evaluation Criteria	Alternative 1 No Action for Soil and Groundwater	Alternative 2 Excavate, Immobilize Soil, and Dispose of Soil Off-Site and Monitor Groundwater	
		2a. Reuse Some Overburden On-site	2b. Disposal All Soil Off-Site
<ul style="list-style-type: none"> Overall Protection of Human Health and the Environment Compliance with ARARs 	Alternative is not anticipated to be protective of human health and the environment.	Alternative is anticipated to be protective of human health and the environment.	Alternative is anticipated to be protective of human health and the environment.
	Alternative is not anticipated to comply with ARARs.	Alternative is anticipated to comply with ARARs, provided a Land Disposal Restrictions ("LDRs") variance is received from regulatory agencies if waste is subject to LDRs.	Alternative is anticipated to comply with ARARs, provided a LDRs variance is received from regulatory agencies if waste is subject to LDRs.
<ul style="list-style-type: none"> Long-term Effectiveness and Permanence Reduction of Toxicity, Mobility, or Volume through Treatment 	Alternative will not offer long-term protection against exposure of humans receptors to chemicals of concern ("COCs") in soil or groundwater.	Alternative is anticipated to offer long-term effectiveness as impacted soil will be removed. Groundwater monitoring will verify long-term effectiveness.	Alternative is anticipated to offer long-term effectiveness as impacted soil will be removed. Groundwater monitoring will verify long-term effectiveness.
	Alternative will not reduce toxicity, mobility, or volume of soil or waste.	Alternative may reduce toxicity of COCs in soil by treatment, but will increase volume of waste by the addition of chemicals. Alternative will decrease on-site volume and mobility of COCs in soil by removal to a permitted off-site disposal facility.	Alternative will reduce toxicity of COCs in soil by stabilization, but will increase volume of waste by the addition of chemicals. Alternative will decrease on-site volume and mobility of COCs in soil by removal to a permitted off-site disposal facility.
<ul style="list-style-type: none"> Short-term Effectiveness Implementability Cost 	Alternative is not anticipated to result in any short-term disruptions or risks to workers and the community.	Alternative involves excavation and treatment of impacted soil. Normal construction health and safety practices and OSHA standards would be employed to protect remedial construction workers and the general public. Dust, vapor, and odor control would also be implemented to protect the public.	Alternative involves excavation and treatment of impacted soil. Normal construction health and safety practices and OSHA standards would be employed to protect remedial construction workers and the general public. Dust, vapor, and odor control would also be implemented to protect the public.
	Alternative is easily implemented.	Alternative requires a LDR variance; segregation and testing of overburden may be difficult to implement.	Alternative requires a LDR variance, but earthwork is easily implemented.
	<ul style="list-style-type: none"> Estimated Capital Cost: \$6,400,000 Estimated Annual Cost: \$39,000 Estimated Present Worth: \$6,600,000 	Alternative has negligible costs associated with implementation.	<ul style="list-style-type: none"> \$7,600,000 \$39,000 \$7,800,000
<ul style="list-style-type: none"> State Acceptance Community Acceptance 	State of California Environmental Protection Agency, Department of Toxic Substances Control ("DTSC") is not anticipated to accept alternative.	DTSC is anticipated to accept remedial action because alternative is protective of human health and the environment, and complies with ARARs.	DTSC is anticipated to accept remedial action because alternative is protective of human health and the environment, and complies with ARARs.
	Alternative is not likely to be accepted by community members of the Restoration Advisory Board ("RAB") or the community at large.	Alternative is anticipated to be accepted by the RAB and the community at large.	Alternative is anticipated to be accepted by the RAB and the community at large.
<ul style="list-style-type: none"> Six Factors from State of California Health and Safety Code Section 25356.1 Summary of Evaluation Criteria 	Alternative does not comply with State of California Health and Safety Code Criteria.	Alternative is believed to comply with State of California Health and Safety Code Criteria.	Alternative is believed to comply with State of California Health and Safety Code Criteria.
	Alternative is Not Selected. COC concentrations in soil are greater than applicable site-specific remedial goals and pose unacceptable risks to human health and the environment. Alternative does not meet ARARs for unrestricted use.	Alternative is Not Selected. Soil and waste with COC concentrations greater than applicable site-specific remedial goals will be removed. However, stockpile and reuse of existing site soils is not anticipated to be feasible due to potential chemical impacts, difficulties segregating soil during excavation activities, and geotechnical requirements for backfill.	Selected Alternative. Soil and waste with COC concentrations greater than applicable site-specific remedial goals will be removed, treated, and disposed off-site in a permitted facility. Groundwater monitoring will be implemented to verify remedial action effectiveness.

**COMPARATIVE ANALYSIS OF REMEDIAL ALTERNATIVES
RAP SITE 2: VOCs IN GROUNDWATER AT THE EASTERN END OF BUILDING 807**

Oakland Army Base, Oakland, California

Evaluation Criteria		Alternative 1 No Action for Soil and Groundwater	Alternative 2 Monitor Groundwater	Alternative 3 Perform In-situ Chemical Oxidation/ Reduction and Monitor Groundwater
Threshold Criteria	<ul style="list-style-type: none"> Overall Protection of Human Health and the Environment 	Alternative is not anticipated to be protective of human health and the environment.	Alternative is anticipated to be protective of human health and the environment.	Alternative is anticipated to be protective of human health and the environment.
	<ul style="list-style-type: none"> Compliance with ARARs 	Alternative is not anticipated to comply with ARARs.	Alternative may comply with ARARs.	Alternative is anticipated to comply with ARARs.
Balancing Criteria	<ul style="list-style-type: none"> Long-term Effectiveness and Permanence 	Alternative will not offer long-term protection against exposure of humans to chemicals of concern ("COCs") in soil or groundwater.	Alternative does not offer long-term effectiveness as chemical concentrations may continue to remain elevated or increase over time. Alternative assumes 15 years of groundwater monitoring.	Alternative is anticipated to offer long-term effectiveness as COCs will be chemically oxidized in the subsurface. Five years of groundwater monitoring will verify long-term effectiveness.
	<ul style="list-style-type: none"> Reduction of Toxicity, Mobility, or Volume through Treatment 	Alternative will not reduce toxicity, mobility, or volume of impacted groundwater.	Alternative will not reduce toxicity, mobility, or volume of impacted groundwater.	Alternative will likely reduce toxicity, mobility, and volume of impacted groundwater through treatment.
	<ul style="list-style-type: none"> Short-term Effectiveness 	Alternative is not anticipated to result in any short-term disruptions or risks to workers and the community.	Alternative is not anticipated to result in any short-term disruptions or risks to workers and the community.	Alternative is not anticipated to result in significant short-term disruptions or risks to workers and the community.
Balancing Criteria	<ul style="list-style-type: none"> Implementability 	Alternative is easily implemented.	Alternative can be implemented, as it involves standard well installation and monitoring procedures.	Alternative can be implemented, as it involves standard well installation and chemical injection procedures.
	<ul style="list-style-type: none"> Cost Estimated Capital Cost: Estimated Annual Cost: Estimated Present Worth: 	Alternative has negligible costs associated with implementation.	\$82,000 \$46,000 \$620,000	\$220,000 \$46,000 \$430,000
Modifying Criteria	<ul style="list-style-type: none"> State Acceptance 	State of California Environmental Protection Agency, Department of Toxic Substances Control ("DTSC") is not anticipated to accept alternative.	DTSC may accept remedial action because alternative is protective of human health and the environment, may comply with ARARs.	DTSC is anticipated to accept remedial action because alternative is protective of human health and the environment, and complies with ARARs.
	<ul style="list-style-type: none"> Community Acceptance 	Alternative is not likely to be accepted by community members of the Restoration Advisory Board ("RAB") and the community at large.	Alternative is anticipated to be accepted by the RAB and the community at large.	Alternative is anticipated to be accepted by the RAB and the community at large.
<ul style="list-style-type: none"> Six Factors from State of California Health and Safety Code Section 25356.1 	Alternative does not comply with State of California Health and Safety Code Criteria.	Alternative may comply with State of California Health and Safety Code Criteria.	Alternative is believed to comply with State of California Health and Safety Code Criteria.	
<ul style="list-style-type: none"> Summary of Evaluation Criteria 	Alternative is Not Selected. COC concentrations in groundwater are greater than screening levels for unrestricted use; no institutional controls are included in this alternative.	Alternative is Not Selected. Ongoing monitoring for groundwater with elevated concentrations of COCs that may continue to rise does not provide a long-term solution.	Selected Alternative. Elevated COCs in groundwater will be treated. Groundwater monitoring will demonstrate effectiveness.	

**COMPARATIVE ANALYSIS OF REMEDIAL ALTERNATIVES
RAP SITE 3: VOCs IN GROUNDWATER NEAR BUILDINGS 808 AND 823**

Oakland Army Base, Oakland, California

Evaluation Criteria	Alternative 1 No Action for Soil and Groundwater	Alternative 2 Monitor Groundwater	Alternative 3 Perform In-situ Biodegradation and Monitor Groundwater	
Threshold Criteria	<ul style="list-style-type: none"> Overall Protection of Human Health and the Environment 	Alternative is not anticipated to be protective of human health or the environment.	Alternative may be protective of human health and environment.	Alternative is anticipated to be protective of human health and environment.
	<ul style="list-style-type: none"> Compliance with ARARs 	Alternative is not anticipated to comply with ARARs.	Alternative is expected to comply with ARARs.	Alternative is expected to comply with ARARs.
Balancing Criteria	<ul style="list-style-type: none"> Long-term Effectiveness and Permanence 	Alternative will not offer long-term protection against exposure of humans and ecological receptors to chemicals of concern ("COCs") in groundwater.	Alternative does not offer long-term effectiveness as chemical concentrations may continue to remain elevated or increase over time. Alternative assumes 15 years of groundwater monitoring.	Alternative is anticipated to offer long-term effectiveness as COCs will be biologically degraded in the subsurface. Five years of groundwater monitoring will verify long-term effectiveness.
	<ul style="list-style-type: none"> Reduction of Toxicity, Mobility, or Volume through Treatment 	Alternative will not reduce toxicity, mobility, or volume of COCs.	Alternative will not reduce toxicity, mobility, or volume of COCs.	Alternative could reduce toxicity, mobility, and volume of COCs by treatment that degrades COCs in groundwater.
Balancing Criteria	<ul style="list-style-type: none"> Short-term Effectiveness 	Alternative is not anticipated to result in any short-term disruptions or risks to workers and the community.	Alternative is not anticipated to result in any short-term disruptions or risks to workers and the community.	Alternative is not anticipated to result in significant short-term disruptions or risks to workers and the community.
	<ul style="list-style-type: none"> Implementability 	Alternative can be easily implemented.	Alternative can be implemented, as it involves standard groundwater monitoring procedures.	Alternative can be implemented, as it involves standard chemical injection procedures and monitoring.
	<ul style="list-style-type: none"> Cost Estimated Capital Cost: Estimated Annual Cost: Estimated Present Worth: 	Alternative has negligible costs associated with implementation.	\$83,000 \$39,000 \$540,000	\$340,000 \$39,000 \$520,000
Modifying Criteria	<ul style="list-style-type: none"> State Acceptance 	State of California Environmental Protection Agency, Department of Toxic Substances Control ("DTSC") is not anticipated to accept alternative.	DTSC may not accept remedial action if exposure to volatile COCs could potentially occur in future land use scenarios.	It is expected that DTSC will consider this alternative to be acceptable.
	<ul style="list-style-type: none"> Community Acceptance 	Alternative is not anticipated to be accepted by community members of the Restoration Advisory Board ("RAB") and the community at large.	RAB and community may not accept remedial action if exposure to volatile COCs could potentially occur in future land use scenarios.	Alternative is likely to be an acceptable alternative to the RAB and community.
<ul style="list-style-type: none"> Six Factors from State of California Health and Safety Code Section 25356.1 	Alternative does not comply with State of California Health and Safety Code Criteria.	Alternative is believed to comply with State of California Health and Safety Code Criteria.	Alternative is believed to comply with State of California Health and Safety Code Criteria.	
<ul style="list-style-type: none"> Summary of Evaluation Criteria 	Alternative is Not Selected. Alternative is not protective of human health and the environment, and does not comply with ARARs.	Alternative is Not Selected. Alternative does not limit potential exposure to volatile COCs in potential future land use.	Selected Alternative. COCs in groundwater are actively remediated. Groundwater treatment could effectively reduce potential human health impacts. Remedial action is anticipated to be complete in 5 years.	

COMPARATIVE ANALYSIS OF REMEDIAL ALTERNATIVES
RAP SITE 3: VOCs IN GROUNDWATER NEAR BUILDINGS 808 AND 823

Oakland Army Base, Oakland, California

Evaluation Criteria	Alternative 4 Install Vapor Barrier Beneath Building and Monitor Groundwater	Alternative 5 Install Vapor Barrier with Sub-slab Depressurization System, Monitor Groundwater
Threshold Criteria <ul style="list-style-type: none"> Overall Protection of Human Health and the Environment Compliance with ARARs 	Alternative is anticipated to be protective of human health and environment.	Alternative is anticipated to be protective of human health and environment.
	Alternative is expected to comply with ARARs.	Alternative is expected to comply with ARARs.
Balancing Criteria <ul style="list-style-type: none"> Long-term Effectiveness and Permanence Reduction of Toxicity, Mobility, or Volume through Treatment 	Long-term effectiveness is a function of the effectiveness of the barrier beneath the building. Impacted groundwater remains in the subsurface and could potentially migrate. Fifteen years of groundwater monitoring will verify long-term effectiveness.	Long-term effectiveness is a function of the effectiveness of the barrier beneath the building and the ability of the depressurization system to limit migration into buildings. Impacted groundwater remains in the subsurface and could potentially migrate. Fifteen years of groundwater monitoring will verify long-term effectiveness.
	Alternative will not reduce toxicity or volume of COCs in groundwater, but it may decrease mobility by volatilization pathways by providing subsurface containment.	Alternative will not reduce toxicity or volume of COCs in groundwater. Mobility of COCs is increased by transferring COCs from groundwater to air. Exhaust air treatment system is not anticipated to be required.
Balancing Criteria <ul style="list-style-type: none"> Short-term Effectiveness Implementability Cost 	Alternative is not anticipated to result in any short-term disruptions or risks to workers and the community. Vapor barrier would be installed during building construction.	Alternative is not anticipated to result in any short-term disruptions or risks to workers and the community. Sub-slab depressurization system would be installed during building construction.
	This alternative can be easily implemented during building construction. Implementation post construction is difficult.	This alternative can be easily implemented during building construction. Implementation post construction is difficult.
	Estimated Capital Cost: \$240,000 Estimated Annual Cost: \$39,000 Estimated Present Worth: \$700,000	\$540,000 \$56,000 \$1,200,000
Modifying Criteria <ul style="list-style-type: none"> State Acceptance Community Acceptance 	It is expected that DTSC will consider this alternative to be acceptable.	It is expected that DTSC will consider this alternative to be acceptable.
	Alternative is likely to be an acceptable alternative to the RAB and community.	Alternative is likely to be an acceptable alternative to the RAB and community.
<ul style="list-style-type: none"> Six Factors from State of California Health and Safety Code Section 25356.1 	Alternative is believed to comply with State of California Health and Safety Code Criteria.	Alternative is believed to comply with State of California Health and Safety Code Criteria.
<ul style="list-style-type: none"> Summary of Evaluation Criteria 	Alternative is Not Selected. Although alternative is likely to be protective of human health and the environment and may be acceptable to DTSC and the community, it is not the most cost-effective alternative. The COCs remain in place, and ongoing monitoring to verify protection of human health is estimated to extend 15 years.	Alternative is Not Selected. Although alternative is likely to be protective of human health and the environment and may be acceptable to DTSC and the community, it is not the most cost-effective alternative. The COCs remain in place, and ongoing monitoring to verify protection of human health is estimated to extend 15 years.

**COMPARATIVE ANALYSIS OF REMEDIAL ALTERNATIVES
RAP SITE 4: VOCs IN GROUNDWATER NEAR BUILDING 99**

Oakland Army Base, Oakland, California

Evaluation Criteria	Alternative 1 No Action for Soil and Groundwater	Alternative 2 Monitor Groundwater	Alternative 3 Perform In-situ Biodegradation and Monitor Groundwater	
Threshold Criteria	<ul style="list-style-type: none"> Overall Protection of Human Health and the Environment 	Alternative is not anticipated to be protective of human health or the environment.	Alternative may be protective of human health and environment.	Alternative is anticipated to be protective of human health and environment.
	<ul style="list-style-type: none"> Compliance with ARARs 	Alternative is not anticipated to comply with ARARs.	Alternative is expected to comply with ARARs.	Alternative is expected to comply with ARARs.
Balancing Criteria	<ul style="list-style-type: none"> Long-term Effectiveness and Permanence 	Alternative will not offer long-term protection against exposure of humans and ecological receptors to chemicals of concern ("COCs") in groundwater.	Alternative does not offer long-term effectiveness as chemical concentrations may continue to remain elevated or increase over time. Alternative assumes 15 years of groundwater monitoring.	Alternative is anticipated to offer long-term effectiveness as COCs will be biologically degraded in the subsurface. Five years of groundwater monitoring will verify long-term effectiveness.
	<ul style="list-style-type: none"> Reduction of Toxicity, Mobility, or Volume through Treatment 	Alternative will not reduce toxicity, mobility, or volume of COCs.	Alternative will not reduce toxicity, mobility, or volume of COCs.	Alternative could reduce toxicity, mobility, and volume of COCs by treatment that degrades COCs in groundwater.
Balancing Criteria	<ul style="list-style-type: none"> Short-term Effectiveness 	Alternative is not anticipated to result in any short-term disruptions or risks to workers and the community.	Alternative is not anticipated to result in any short-term disruptions or risks to workers and the community.	Alternative is not anticipated to result in significant short-term disruptions or risks to workers and the community.
	<ul style="list-style-type: none"> Implementability 	Alternative can be easily implemented.	Alternative can be implemented, as it involves standard groundwater monitoring procedures.	Alternative can be implemented, as it involves standard chemical injection procedures and monitoring.
	<ul style="list-style-type: none"> Cost <p>Estimated Capital Cost: Estimated Annual Cost: Estimated Present Worth:</p>	Alternative has negligible costs associated with implementation.	\$82,000 \$39,000 \$540,000	\$320,000 \$39,000 \$500,000
Modifying Criteria	<ul style="list-style-type: none"> State Acceptance 	State of California Environmental Protection Agency, Department of Toxic Substances Control ("DTSC") is not anticipated to accept alternative.	DTSC may not accept remedial action if exposure to volatile COCs could potentially occur in future land use scenarios.	It is expected that DTSC will consider this alternative to be acceptable.
	<ul style="list-style-type: none"> Community Acceptance 	Alternative is not anticipated to be accepted by community members of the Restoration Advisory Board ("RAB") and the community at large.	RAB and community may not accept remedial action if exposure to volatile COCs could potentially occur in future land use scenarios.	Alternative is likely to be an acceptable alternative to the RAB and community.
<ul style="list-style-type: none"> Six Factors from State of California Health and Safety Code Section 25356.1 	Alternative does not comply with State of California Health and Safety Code Criteria.	Alternative is believed to comply with State of California Health and Safety Code Criteria.	Alternative is believed to comply with State of California Health and Safety Code Criteria.	
<ul style="list-style-type: none"> Summary of Evaluation Criteria 	Alternative is Not Selected. Alternative is not protective of human health and the environment, and does not comply with ARARs.	Alternative is Not Selected. Alternative does not limit potential exposure to volatile COCs in potential future land use.	Selected Alternative. COCs in groundwater are actively remediated. Groundwater treatment could effectively reduce potential human health impacts. Remedial action is anticipated to be complete in 5 years.	

**COMPARATIVE ANALYSIS OF REMEDIAL ALTERNATIVES
RAP SITE 4: VOCs IN GROUNDWATER NEAR BUILDING 99**

Oakland Army Base, Oakland, California

Evaluation Criteria	Alternative 4 Install Vapor Barrier Beneath Building and Monitor Groundwater	Alternative 5 Install Vapor Barrier with Sub-slab Depressurization System, Monitor Groundwater
Threshold Criteria		
<ul style="list-style-type: none"> Overall Protection of Human Health and the Environment 	Alternative is anticipated to be protective of human health and environment.	Alternative is anticipated to be protective of human health and environment.
<ul style="list-style-type: none"> Compliance with ARARs 	Alternative is expected to comply with ARARs.	Alternative is expected to comply with ARARs.
Balancing Criteria		
<ul style="list-style-type: none"> Long-term Effectiveness and Permanence 	Long-term effectiveness is a function of the effectiveness of the barrier beneath the building. Impacted groundwater remains in the subsurface and could potentially migrate. Fifteen years of groundwater monitoring will verify long-term effectiveness.	Long-term effectiveness is a function of the effectiveness of the barrier beneath the building and the ability of the depressurization system to limit migration into buildings. Impacted groundwater remains in the subsurface and could potentially migrate. Fifteen years of groundwater monitoring will verify long-term effectiveness.
<ul style="list-style-type: none"> Reduction of Toxicity, Mobility, or Volume through Treatment 	Alternative will not reduce toxicity or volume of COCs in groundwater, but it may decrease mobility by volatilization pathways by providing subsurface containment.	Alternative will not reduce toxicity or volume of COCs in groundwater. Mobility of COCs is increased by transferring COCs from groundwater to air. Exhaust air treatment system is not anticipated to be required.
Balancing Criteria		
<ul style="list-style-type: none"> Short-term Effectiveness 	Alternative is not anticipated to result in any short-term disruptions or risks to workers and the community. Vapor barrier would be installed during building construction.	Alternative is not anticipated to result in any short-term disruptions or risks to workers and the community. Sub-slab depressurization system would be installed during building construction.
<ul style="list-style-type: none"> Implementability 	This alternative can be easily implemented during building construction. Implementation post construction is difficult.	This alternative can be easily implemented during building construction. Implementation post construction is difficult.
<ul style="list-style-type: none"> Cost Estimated Capital Cost: Estimated Annual Cost: Estimated Present Worth: 	\$230,000 \$39,000 \$690,000	\$480,000 \$43,000 \$1,000,000
Modifying Criteria		
<ul style="list-style-type: none"> State Acceptance 	It is expected that DTSC will consider this alternative to be acceptable.	It is expected that DTSC will consider this alternative to be acceptable.
<ul style="list-style-type: none"> Community Acceptance 	Alternative is likely to be an acceptable alternative to the RAB and community.	Alternative is likely to be an acceptable alternative to the RAB and community.
<ul style="list-style-type: none"> Six Factors from State of California Health and Safety Code Section 25356.1 	Alternative is believed to comply with State of California Health and Safety Code Criteria.	Alternative is believed to comply with State of California Health and Safety Code Criteria.
<ul style="list-style-type: none"> Summary of Evaluation Criteria 	Alternative is Not Selected. Although alternative is likely to be protective of human health and the environment and is acceptable to DTSC and the community, it is not the most cost-effective alternative. The COCs remain in place, and ongoing monitoring to verify protection of human health is estimated to extend 15 years.	Alternative is Not Selected. Although alternative is likely to be protective of human health and the environment and is acceptable to DTSC and the community, it is not the most cost-effective alternative. The COCs remain in place, and ongoing monitoring to verify protection of human health is estimated to extend 15 years.

**COMPARATIVE ANALYSIS OF REMEDIAL ALTERNATIVES
RAP SITE 5: BENZENE AND MTBE IN GROUNDWATER NEAR FORMER USTs**

Oakland Army Base, Oakland, California

	Evaluation Criteria	Alternative 1 No Action for Soil and Groundwater	Alternative 2 Excavate and Dispose Soil Off-site, and Monitor Groundwater	Alternative 3 Excavate and Dispose Soil Off-site, In-situ Groundwater Treatment, and Monitor Groundwater
Threshold Criteria	<ul style="list-style-type: none"> Overall Protection of Human Health and the Environment 	Alternative is not anticipated to be protective of human health and the environment.	Alternative is anticipated to be protective of human health and the environment.	Alternative is anticipated to be protective of human health and the environment.
	<ul style="list-style-type: none"> Compliance with ARARs 	Alternative is not anticipated to comply with ARARs.	Alternative is anticipated to comply with ARARs.	Alternative is anticipated to comply with ARARs.
Balancing Criteria	<ul style="list-style-type: none"> Long-term Effectiveness and Permanence 	Alternative will not offer long-term protection against exposure of humans to chemicals of concern ("COCs") in soil or groundwater.	Alternative offers long-term effectiveness as soil with elevated concentrations of COCs will be disposed off-site. Alternative assumes 5 years of groundwater monitoring.	Alternative offers long-term effectiveness as soil with elevated concentrations of COCs will be removed, and residual COCs will be biologically degraded. subsurface. Alternative assumes 5 years of groundwater monitoring.
	<ul style="list-style-type: none"> Reduction of Toxicity, Mobility, or Volume through Treatment 	Alternative will not reduce toxicity, mobility, or volume of impacted soil or groundwater.	Alternative will not reduce toxicity of COCs in subsurface, but will reduce volume and mobility by removal to off-site permitted disposal facility.	Alternative will likely reduce toxicity, mobility, and volume of impacted soil and groundwater through removal and in-situ treatment.
	<ul style="list-style-type: none"> Short-term Effectiveness 	Alternative is not anticipated to result in any short-term disruptions or risks to workers and the community.	Alternative is not anticipated to result in significant short-term disruptions or risks to workers and the community, other than minor soil excavation activities.	Alternative is not anticipated to result in significant short-term disruptions or risks to workers and the community, other than minor soil excavation activities.
Balancing Criteria	<ul style="list-style-type: none"> Implementability 	Alternative is easily implemented.	Alternative can be implemented, as it involves standard soil excavation procedures.	Alternative can be implemented, as it involves standard soil excavation and chemical injection procedures.
	<ul style="list-style-type: none"> Cost Estimated Capital Cost: Estimated Annual Cost: Estimated Present Worth: 	Alternative has negligible costs associated with implementation.	\$220,000 \$42,000 \$410,000	\$270,000 \$42,000 \$460,000
Modifying Criteria	<ul style="list-style-type: none"> State Acceptance 	State of California Environmental Protection Agency, Department of Toxic Substances Control ("DTSC") is not anticipated to accept alternative.	DTSC is anticipated to accept remedial action because alternative is protective of human health and complies with ARARs.	DTSC is anticipated to accept remedial action because alternative is protective of human health and complies with ARARs.
	<ul style="list-style-type: none"> Community Acceptance 	Alternative is not likely to be accepted by community members of the Restoration Advisory Board ("RAB") and the community at large.	Alternative is anticipated to be accepted by the RAB and the community at large.	Alternative is anticipated to be accepted by the RAB and the community at large.
	<ul style="list-style-type: none"> Six Factors from State of California Health and Safety Code Section 25356.1 	Alternative does not comply with State of California Health and Safety Code Criteria.	Alternative is believed to comply with State of California Health and Safety Code Criteria.	Alternative is believed to comply with State of California Health and Safety Code Criteria.
	<ul style="list-style-type: none"> Summary of Evaluation Criteria 	Alternative is Not Selected. Alternative is not protective of human health and the environment, and does not comply with ARARs.	Alternative is Not Selected. Although excavation will remove COCs in removed, COCs would likely remain in groundwater.	Selected Alternative. COCs in soil and groundwater greater than applicable site-specific remedial goals will be removed or treated.

**COMPARATIVE ANALYSIS OF REMEDIAL ALTERNATIVES
RAP SITE 6: BUILDING 991 AREA**

Oakland Army Base, Oakland, California

Evaluation Criteria	Alternative 1 No Action for Soil and Groundwater	Alternative 2 Excavate and Dispose Soil Off-site, and Monitor Groundwater	Alternative 3 Excavate and Dispose Soil Off-site, In-situ Groundwater Treatment, and Monitor Groundwater
Threshold Criteria			
<ul style="list-style-type: none"> Overall Protection of Human Health and the Environment 	Alternative is not anticipated to be protective of human health and the environment.	Alternative is anticipated to be protective of human health and the environment.	Alternative is anticipated to be protective of human health and the environment.
<ul style="list-style-type: none"> Compliance with ARARs 	Alternative is not anticipated to comply with ARARs.	Alternative is anticipated to comply with ARARs.	Alternative is anticipated to comply with ARARs.
Balancing Criteria			
<ul style="list-style-type: none"> Long-term Effectiveness and Permanence 	Alternative will not offer long-term protection against exposure of humans to chemicals of concern ("COCs") in soil or groundwater.	Alternative offers long-term effectiveness as soil with elevated concentrations of COCs will be disposed off-site. Alternative assumes 5 years of groundwater monitoring.	Alternative offers long-term effectiveness as soil with elevated concentrations of COCs will be removed, and residual COCs will be biologically degraded. subsurface. Alternative assumes 5 years of groundwater monitoring.
<ul style="list-style-type: none"> Reduction of Toxicity, Mobility, or Volume through Treatment 	Alternative will not reduce toxicity, mobility, or volume of impacted soil or groundwater.	Alternative will not reduce toxicity of COCs in subsurface, but will reduce volume and mobility by removal to off-site permitted disposal facility.	Alternative will likely reduce toxicity, mobility, and volume of impacted soil and groundwater through removal and in-situ treatment.
<ul style="list-style-type: none"> Short-term Effectiveness 	Alternative is not anticipated to result in any short-term disruptions or risks to workers and the community.	Alternative is not anticipated to result in significant short-term disruptions or risks to workers and the community, other than minor soil excavation activities.	Alternative is not anticipated to result in significant short-term disruptions or risks to workers and the community, other than minor soil excavation activities.
Balancing Criteria			
<ul style="list-style-type: none"> Implementability 	Alternative is easily implemented.	Alternative can be implemented, as it involves standard soil excavation procedures.	Alternative can be implemented, as it involves standard soil excavation and chemical injection procedures.
<ul style="list-style-type: none"> Cost Estimated Capital Cost: Estimated Annual Cost: Estimated Present Worth: 	Alternative has negligible costs associated with implementation.	\$270,000 \$38,000 \$440,000	\$470,000 \$47,000 \$680,000
Modifying Criteria			
<ul style="list-style-type: none"> State Acceptance 	State of California Environmental Protection Agency, Department of Toxic Substances Control ("DTSC") is not anticipated to accept alternative.	DTSC is anticipated to accept remedial action because alternative is protective of human health and complies with ARARs.	DTSC is anticipated to accept remedial action because alternative is protective of human health and complies with ARARs.
<ul style="list-style-type: none"> Community Acceptance 	Alternative is not likely to be accepted by community members of the Restoration Advisory Board ("RAB") and the community at large.	Alternative is anticipated to be accepted by the RAB and the community at large.	Alternative is anticipated to be accepted by the RAB and the community at large.
<ul style="list-style-type: none"> Six Factors from State of California Health and Safety Code Section 25356.1 	Alternative does not comply with State of California Health and Safety Code Criteria.	Alternative is believed to comply with State of California Health and Safety Code Criteria.	Alternative is believed to comply with State of California Health and Safety Code Criteria.
<ul style="list-style-type: none"> Summary of Evaluation Criteria 	Alternative is Not Selected. Alternative is not protective of human health and the environment, and does not comply with ARARs.	Alternative is Not Selected. Although excavation will remove COCs in removed, COCs would likely remain in groundwater.	Selected Alternative. COCs in soil and groundwater greater than applicable site-specific remedial goals will be removed or treated.

**COMPARATIVE ANALYSIS OF REMEDIAL ALTERNATIVES
RAP SITE 7: BUILDING 99**

Oakland Army Base, Oakland, California

Evaluation Criteria	Alternative 1 No Action for Soil and Groundwater	Alternative 2 Excavate and Dispose Soil Off-site, and Monitor Groundwater As Needed	
		2a. No Impacted Soil or Groundwater Identified	2b. Excavate and Dispose Impacted Soil Off-site
<ul style="list-style-type: none"> Overall Protection of Human Health and the Environment Compliance with ARARs 	Alternative is not protective of human health and the environment.	Alternative is anticipated to be protective of human health and the environment.	Alternative is anticipated to be protective of human health and the environment.
	Alternative is not anticipated to comply with ARARs.	Alternative is anticipated to comply with ARARs.	Alternative is anticipated to comply with ARARs.
<ul style="list-style-type: none"> Long-term Effectiveness and Permanence Reduction of Toxicity, Mobility, or Volume through Treatment Short-term Effectiveness 	Alternative will not offer long-term protection against exposure of humans to chemicals of concern ("COCs") in soil.	Alternative may offer long-term effectiveness.	Alternative offers long-term effectiveness as impacted soil will be excavated and disposed off-site. Removal also reduces potential for future groundwater impact.
	Alternative will not reduce toxicity, mobility, or volume of impacted soil.	Alternative assumes no COCs greater than applicable remedial goals remain in the subsurface.	Alternative will not reduce toxicity of COCs in soil, if present, but will decrease on-site volume and mobility of COCs in soil by removal to a permitted off-site disposal facility.
	Alternative is not anticipated to result in any short-term disruptions or risks to workers and the community.	Alternative is not anticipated to result in any short-term disruptions or risks to workers and the community.	Alternative is not anticipated to result in significant short-term disruptions or risks to workers and the community, other than minor soil excavation activities.
<ul style="list-style-type: none"> Implementability Cost Estimated Capital Cost: Estimated Annual Cost: Estimated Present Worth: 	Alternative is easily implemented.	Alternative is easily implemented.	Alternative can be implemented, as it involves standard soil excavation procedures.
	Alternative has negligible costs associated with implementation.	\$70,000 \$0 \$70,000	\$230,000 \$0 \$230,000
<ul style="list-style-type: none"> State Acceptance Community Acceptance 	State of California Environmental Protection Agency, Department of Toxic Substances Control ("DTSC") is not anticipated to accept alternative.	DTSC is anticipated to accept remedial action because alternative is protective of human health and complies with ARARs.	DTSC is anticipated to accept remedial action because alternative is protective of human health and complies with ARARs.
	Alternative is not likely to be accepted by community members of the Restoration Advisory Board ("RAB") and the community at large.	Alternative is anticipated to be accepted by the RAB and the community at large.	Alternative is anticipated to be accepted by the RAB and the community at large.
<ul style="list-style-type: none"> Six Factors from State of California Health and Safety Code Section 25356.1 Summary of Evaluation Criteria 	Alternative does not comply with State of California Health and Safety Code Criteria. Alternative is Not Selected. Alternative is not protective of human health and the environment, and does not comply with ARARs.	Alternative is believed to comply with State of California Health and Safety Code Criteria. Alternative is Not Selected. If no COCs are detected at concentrations greater than site-specific remedial goals, this alternative may be appropriate.	Alternative is believed to comply with State of California Health and Safety Code Criteria. Selected Alternative. COCs identified above site-specific remedial goals soil would be removed.

Revised Draft EIR Appendix 4.7b
Comparative Analysis of Remedial Alternatives, RMP Implementation Areas

**COMPARATIVE ANALYSIS OF REMEDIAL ALTERNATIVES
RMP IMPLEMENTATION AREA: WASHRACKS, SUMPS, OIL/WATER SEPARATORS, AND MISCELLANEOUS OPERATIONS**

Oakland Army Base, Oakland, California

Evaluation Criteria	Alternative 1 No Action for Soil and Groundwater	Alternative 2 Excavate and Dispose Soil Off-site, and Monitor Groundwater As Needed	
		2a. No Impacted Soil or Groundwater Identified	2b. Excavate and Dispose Impacted Soil Off-site
Threshold Criteria <ul style="list-style-type: none"> Overall Protection of Human Health and the Environment Compliance with ARARs 	Alternative is not protective of human health and the environment.	Alternative is anticipated to be protective of human health and the environment.	Alternative is anticipated to be protective of human health and the environment.
	Alternative is not anticipated to comply with ARARs.	Alternative is anticipated to comply with ARARs.	Alternative is anticipated to comply with ARARs.
Balancing Criteria <ul style="list-style-type: none"> Long-term Effectiveness and Permanence Reduction of Toxicity, Mobility, or Volume through Treatment Short-term Effectiveness 	Alternative may not offer long-term protection against exposure of humans to chemicals of concern ("COCs") in soil, if present.	Alternative may offer long-term effectiveness.	Alternative offers long-term effectiveness as impacted soil will be excavated and disposed off-site. Removal also reduces potential for future groundwater impact.
	Alternative will not reduce toxicity, mobility, or volume of impacted soil, if present.	Alternative assumes no COCs greater than applicable remedial goals remain in the subsurface.	Alternative will not reduce toxicity of COCs in soil, if present, but will decrease on-site volume and mobility of COCs in soil by removal to a permitted off-site disposal facility.
	Alternative is not anticipated to result in any short-term disruptions or risks to workers and the community.	Alternative is not anticipated to result in any short-term disruptions or risks to workers and the community.	Alternative is not anticipated to result in significant short-term disruptions or risks to workers and the community, other than minor soil excavation activities.
Balancing Criteria <ul style="list-style-type: none"> Implementability Cost (a) Estimated Capital Cost: Estimated Annual Cost: Estimated Present Worth: 	Alternative is easily implemented.	Alternative is easily implemented.	Alternative is easily implemented with standard excavation procedures.
	Alternative has negligible costs associated with implementation.	\$890,000 \$0 \$890,000	\$2,300,000 \$0 \$2,300,000
Modifying Criteria <ul style="list-style-type: none"> State Acceptance Community Acceptance 	State of California Environmental Protection Agency, Department of Toxic Substances Control ("DTSC") is not anticipated to accept alternative.	DTSC is anticipated to accept remedial action because alternative is protective of human health and complies with ARARs.	DTSC is anticipated to accept remedial action because alternative is protective of human health and complies with ARARs.
	Alternative is not likely to be accepted by community members of the Restoration Advisory Board ("RAB") and the community at large.	Alternative is anticipated to be accepted by the RAB and the community at large.	Alternative is anticipated to be accepted by the RAB and the community at large.
<ul style="list-style-type: none"> Six Factors from State of California Health and Safety Code Section 25356.1 Summary of Evaluation Criteria 	Alternative does not comply with State of California Health and Safety Code Criteria. Alternative is Not Selected. Alternative is not protective of human health and the environment, and does not comply with ARARs.	Alternative is believed to comply with State of California Health and Safety Code Criteria. Alternative is Not Selected. If no COCs are detected at concentrations greater than site-specific remedial goals, this alternative may be appropriate.	Alternative is believed to comply with State of California Health and Safety Code Criteria. Selected Alternative. COCs identified above site-specific remedial goals soil would be removed.

Notes:

(a) Costs listed are cumulative expenditures to address approximately 82 washracks, sumps, oil/water separators, and miscellaneous items at approximately 55 locations on the OARB.

**COMPARATIVE ANALYSIS OF REMEDIAL ALTERNATIVES
RMP IMPLEMENTATION AREA: TANKS**

Oakland Army Base, Oakland, California

Evaluation Criteria	Alternative 1 No Action for Soil and Groundwater	Alternative 2 Excavate and Dispose Soil Off-site, and Monitor Groundwater As Needed			
		2a. No Impacted Soil or Groundwater Identified	2b. Excavate and Dispose Soil Off-site	2c. Excavate and Dispose Soil Off-site, and Monitor Groundwater	
Threshold Criteria	● Overall Protection of Human Health and the Environment	Alternative is not protective of human health and the environment.	Alternative is anticipated to be protective of human health and the environment.	Alternative is anticipated to be protective of human health and the environment.	Alternative is anticipated to be protective of human health and the environment.
	● Compliance with ARARs	Alternative is not anticipated to comply with ARARs.	Alternative is anticipated to comply with ARARs.	Alternative is anticipated to comply with ARARs.	Alternative is anticipated to comply with ARARs.
Balancing Criteria	● Long-term Effectiveness and Permanence	Alternative will not offer long-term protection against exposure of humans to chemicals of concern ("COCs") in soil.	Alternative may offer long-term effectiveness.	Alternative offers long-term effectiveness as impacted soil will be excavated and disposed off-site. Removal also reduces potential for future groundwater impact.	Alternative offers long-term effectiveness as impacted soil will be excavated and disposed off-site. Removal also reduces potential for future groundwater impact. Alternative assumes 5 years of groundwater monitoring for some sites.
	● Reduction of Toxicity, Mobility, or Volume through Treatment	Alternative will not reduce toxicity, mobility, or volume of impacted soil, if present.	Alternative assumes no COCs greater than applicable remedial goals remain in the subsurface.	Alternative will not reduce toxicity of COCs in soil, if present, but will decrease on-site volume and mobility of COCs in soil by removal to a permitted off-site disposal facility.	Alternative will not reduce toxicity of COCs in soil, if present, but will decrease on-site volume and mobility of COCs in soil by removal to a permitted off-site disposal facility.
	● Short-term Effectiveness	Alternative is not anticipated to result in any short-term disruptions or risks to workers and the community.	Alternative is not anticipated to result in any short-term disruptions or risks to workers and the community.	Alternative is not anticipated to result in significant short-term disruptions or risks to workers and the community, other than minor soil excavation activities.	Alternative is not anticipated to result in significant short-term disruptions or risks to workers and the community, other than minor soil excavation activities.
Balancing Criteria	● Implementability	Alternative is easily implemented.	Alternative is easily implemented.	Alternative can be implemented, as it involves standard soil excavation procedures.	Alternative can be implemented, as it involves standard soil excavation procedures.
	● Cost (a) Estimated Capital Cost: Estimated Annual Cost: Estimated Present Worth:	Alternative has negligible costs associated with implementation.	\$740,000 \$0 \$740,000	\$1,580,000 \$0 \$1,600,000	\$1,620,000 \$115,000 \$2,100,000
Modifying Criteria	● State Acceptance	State of California Environmental Protection Agency, Department of Toxic Substances Control ("DTSC") is not anticipated to accept alternative.	DTSC is anticipated to accept remedial action because alternative is protective of human health and complies with ARARs.	DTSC is anticipated to accept remedial action because alternative is protective of human health and complies with ARARs.	DTSC is anticipated to accept remedial action because alternative is protective of human health and complies with ARARs.
	● Community Acceptance	Alternative is not likely to be accepted by community members of the Restoration Advisory Board ("RAB") and the community at large.	Alternative is anticipated to be accepted by the RAB and the community at large.	Alternative is anticipated to be accepted by the RAB and the community at large.	Alternative is anticipated to be accepted by the RAB and the community at large.
● Six Factors from State of California Health and Safety Code Section 25356.1	Alternative does not comply with State of California Health and Safety Code Criteria.	Alternative is believed to comply with State of California Health and Safety Code Criteria.	Alternative is believed to comply with State of California Health and Safety Code Criteria.	Alternative is believed to comply with State of California Health and Safety Code Criteria.	Alternative is believed to comply with State of California Health and Safety Code Criteria.
● Summary of Evaluation Criteria	Alternative is Not Selected. Alternative is not protective of human health and the environment, and does not comply with ARARs.	Alternative is Not Selected. If no COCs are detected at concentrations greater than site-specific remedial goals, this alternative may be appropriate at some locations.	Alternative is Not Selected. COCs identified above site-specific remedial goals soil would be removed. Groundwater monitoring is anticipated to be required at some sites.	Alternative is Not Selected. COCs identified above site-specific remedial goals soil would be removed. Groundwater monitoring is anticipated to be required at some sites.	Selected Alternative. COCs identified above site-specific remedial goals soil would be removed. Groundwater monitoring will be conducted at some sites to verify remedial objectives attained.

Notes:

(a) Costs listed are cumulative expenditures to address approximately 93 underground storage tanks and aboveground storage tanks at approximately 73 locations on the OARB.

**COMPARATIVE ANALYSIS OF REMEDIAL ALTERNATIVES
RMP IMPLEMENTATION AREA: DEBRIS AREA NEAR BUILDING 99**

Oakland Army Base, Oakland, California

Evaluation Criteria	Alternative 1 No Action for Soil and Groundwater	Alternative 2 Excavate and Dispose Soil Off-site, and Monitor Groundwater As Needed		
		2a. No Impacted Soil or Groundwater Identified	2b. Excavate and Dispose Impacted Soil Off-site	
Threshold Criteria	<ul style="list-style-type: none"> Overall Protection of Human Health and the Environment 	Alternative is not anticipated to be protective of human health and the environment.	Alternative is anticipated to be protective of human health and the environment.	Alternative is anticipated to be protective of human health and the environment.
	<ul style="list-style-type: none"> Compliance with ARARs 	Alternative is not anticipated to comply with ARARs.	Alternative is anticipated to comply with ARARs.	Alternative is anticipated to comply with ARARs.
Balancing Criteria	<ul style="list-style-type: none"> Long-term Effectiveness and Permanence 	Alternative will not offer long-term protection against exposure of humans to chemicals of concern ("COCs") in soil.	Alternative may offer long-term effectiveness.	Alternative offers long-term effectiveness as impacted soil will be excavated and disposed off-site.
	<ul style="list-style-type: none"> Reduction of Toxicity, Mobility, or Volume through Treatment 	Alternative will not reduce toxicity, mobility, or volume of impacted soil.	Alternative assumes no COCs greater than applicable remedial goals remain in the subsurface.	Alternative will not reduce toxicity of COCs in soil, if present, but will decrease on-site volume and mobility of COCs in soil by removal to a permitted off-site disposal facility.
	<ul style="list-style-type: none"> Short-term Effectiveness 	Alternative is not anticipated to result in any short-term disruptions or risks to workers and the community.	Alternative is not anticipated to result in any short-term disruptions or risks to workers and the community.	Alternative is not anticipated to result in significant short-term disruptions or risks to workers and the community, other than minor soil excavation activities.
Balancing Criteria	<ul style="list-style-type: none"> Implementability 	Alternative is easily implemented.	Alternative is easily implemented.	Alternative is easily implemented with standard excavation procedures.
	<ul style="list-style-type: none"> Cost <p>Estimated Capital Cost: Estimated Annual Cost: Estimated Present Worth:</p>	Alternative has negligible costs associated with implementation.	\$56,000 \$0 \$56,000	\$170,000 \$0 \$170,000
Modifying Criteria	<ul style="list-style-type: none"> State Acceptance 	State of California Environmental Protection Agency, Department of Toxic Substances Control ("DTSC") is not anticipated to accept alternative.	DTSC is anticipated to accept remedial action because alternative is protective of human health and complies with ARARs.	DTSC is anticipated to accept remedial action because alternative is protective of human health and complies with ARARs.
	<ul style="list-style-type: none"> Community Acceptance 	Alternative is not likely to be accepted by community members of the Restoration Advisory Board ("RAB") and the community at large.	Alternative is anticipated to be accepted by the RAB and the community at large.	Alternative is anticipated to be accepted by the RAB and the community at large.
<ul style="list-style-type: none"> Six Factors from State of California Health and Safety Code Section 25356.1 	Alternative does not comply with State of California Health and Safety Code Criteria.	Alternative is believed to comply with State of California Health and Safety Code Criteria.	Alternative is believed to comply with State of California Health and Safety Code Criteria.	Alternative is believed to comply with State of California Health and Safety Code Criteria.
<ul style="list-style-type: none"> Summary of Evaluation Criteria 	Alternative is Not Selected. Alternative is not protective of human health and the environment, and does not comply with ARARs.	Alternative is Not Selected. If no COCs are detected at concentrations greater than site-specific remedial goals, this alternative may be appropriate.	Selected Alternative. COCs identified above site-specific remedial goals soil would be removed.	

**COMPARATIVE ANALYSIS OF REMEDIAL ALTERNATIVES
RMP IMPLEMENTATION AREA: BUILDING 85**

Oakland Army Base, Oakland, California

Evaluation Criteria	Alternative 1 No Action for Soil and Groundwater	Alternative 2 Excavate and Dispose Soil Off-site, and Monitor Groundwater As Needed	
		2a. No Impacted Soil or Groundwater Identified	2b. Excavate and Dispose Impacted Soil Off-site
Threshold Criteria <ul style="list-style-type: none"> Overall Protection of Human Health and the Environment Compliance with ARARs 	Alternative is not anticipated to be protective of human health and the environment.	Alternative is anticipated to be protective of human health and the environment.	Alternative is anticipated to be protective of human health and the environment.
	Alternative is not anticipated to comply with ARARs.	Alternative is anticipated to comply with ARARs.	Alternative is anticipated to comply with ARARs.
	Alternative will not offer long-term protection against exposure of humans to chemicals of concern ("COCs") in soil.	Alternative may offer long-term effectiveness.	Alternative offers long-term effectiveness as impacted soil will be excavated and disposed off-site.
Balancing Criteria <ul style="list-style-type: none"> Long-term Effectiveness and Permanence Reduction of Toxicity, Mobility, or Volume through Treatment Short-term Effectiveness 	Alternative will not reduce toxicity, mobility, or volume of impacted soil.	Alternative assumes no COCs greater than applicable remedial goals remain in the subsurface.	Alternative will not reduce toxicity of COCs in soil, if present, but will decrease on-site volume and mobility of COCs in soil by removal to a permitted off-site disposal facility.
	Alternative is not anticipated to result in any short-term disruptions or risks to workers and the community.	Alternative is not anticipated to result in any short-term disruptions or risks to workers and the community.	Alternative is not anticipated to result in significant short-term disruptions or risks to workers and the community, other than minor soil excavation activities.
Balancing Criteria <ul style="list-style-type: none"> Implementability Cost Estimated Capital Cost: Estimated Annual Cost: Estimated Present Worth: 	Alternative is easily implemented.	Alternative is easily implemented.	Alternative is easily implemented with standard excavation procedures.
	Alternative has negligible costs associated with implementation.	\$56,000 \$0 \$56,000	\$140,000 \$0 \$140,000
Modifying Criteria <ul style="list-style-type: none"> State Acceptance Community Acceptance 	State of California Environmental Protection Agency, Department of Toxic Substances Control ("DTSC") is not anticipated to accept alternative.	DTSC is anticipated to accept remedial action because alternative is protective of human health and complies with ARARs.	DTSC is anticipated to accept remedial action because alternative is protective of human health and complies with ARARs.
	Alternative is not likely to be accepted by community members of the Restoration Advisory Board ("RAB") and the community at large.	Alternative is anticipated to be accepted by the RAB and the community at large.	Alternative is anticipated to be accepted by the RAB and the community at large.
<ul style="list-style-type: none"> Six Factors from State of California Health and Safety Code Section 25356.1 Summary of Evaluation Criteria 	Alternative does not comply with State of California Health and Safety Code Criteria. Alternative is Not Selected. Alternative is not protective of human health and the environment, and does not comply with ARARs.	Alternative is believed to comply with State of California Health and Safety Code Criteria. Alternative is Not Selected. If no COCs are detected at concentrations greater than site-specific remedial goals, this alternative may be appropriate.	Alternative is believed to comply with State of California Health and Safety Code Criteria. Selected Alternative. COCs identified above site-specific remedial goals soil would be removed.

**COMPARATIVE ANALYSIS OF REMEDIAL ALTERNATIVES
RMP IMPLEMENTATION AREA: BUILDING 812**

Oakland Army Base, Oakland, California

Evaluation Criteria	Alternative 1 No Action for Soil and Groundwater	Alternative 2 Excavate and Dispose Soil Off-site, and Monitor Groundwater As Needed		
		2a. No Impacted Soil or Groundwater Identified	2b. Excavate and Dispose Impacted Soil Off-site	
Threshold Criteria	<ul style="list-style-type: none"> Overall Protection of Human Health and the Environment 	Alternative is not anticipated to be protective of human health and the environment.	Alternative is anticipated to be protective of human health and the environment.	Alternative is anticipated to be protective of human health and the environment.
	<ul style="list-style-type: none"> Compliance with ARARs 	Alternative is not anticipated to comply with ARARs.	Alternative is anticipated to comply with ARARs.	Alternative is anticipated to comply with ARARs.
Balancing Criteria	<ul style="list-style-type: none"> Long-term Effectiveness and Permanence 	Alternative will not offer long-term protection against exposure of humans to chemicals of concern ("COCs") in soil.	Alternative may offer long-term effectiveness.	Alternative offers long-term effectiveness as impacted soil will be excavated and disposed off-site.
	<ul style="list-style-type: none"> Reduction of Toxicity, Mobility, or Volume through Treatment 	Alternative will not reduce toxicity, mobility, or volume of impacted soil.	Alternative assumes no COCs greater than applicable remedial goals remain in the subsurface.	Alternative will not reduce toxicity of COCs in soil, if present, but will decrease on-site volume and mobility of COCs in soil by removal to a permitted off-site disposal facility.
	<ul style="list-style-type: none"> Short-term Effectiveness 	Alternative is not anticipated to result in any short-term disruptions or risks to workers and the community.	Alternative is not anticipated to result in any short-term disruptions or risks to workers and the community.	Alternative is not anticipated to result in significant short-term disruptions or risks to workers and the community, other than minor soil excavation activities.
Balancing Criteria	<ul style="list-style-type: none"> Implementability 	Alternative is easily implemented.	Alternative is easily implemented.	Alternative is easily implemented with standard excavation procedures.
	<ul style="list-style-type: none"> Cost <p>Estimated Capital Cost: Estimated Annual Cost: Estimated Present Worth:</p>	Alternative has negligible costs associated with implementation.	\$60,000 \$0 \$60,000	\$150,000 \$0 \$150,000
Modifying Criteria	<ul style="list-style-type: none"> State Acceptance 	State of California Environmental Protection Agency, Department of Toxic Substances Control ("DTSC") is not anticipated to accept alternative.	DTSC is anticipated to accept remedial action because alternative is protective of human health and complies with ARARs.	DTSC is anticipated to accept remedial action because alternative is protective of human health and complies with ARARs.
	<ul style="list-style-type: none"> Community Acceptance 	Alternative is not likely to be accepted by community members of the Restoration Advisory Board ("RAB") and the community at large.	Alternative is anticipated to be accepted by the RAB and the community at large.	Alternative is anticipated to be accepted by the RAB and the community at large.
<ul style="list-style-type: none"> Six Factors from State of California Health and Safety Code Section 25356.1 	Alternative does not comply with State of California Health and Safety Code Criteria.	Alternative is believed to comply with State of California Health and Safety Code Criteria.	Alternative is believed to comply with State of California Health and Safety Code Criteria.	Alternative is believed to comply with State of California Health and Safety Code Criteria.
<ul style="list-style-type: none"> Summary of Evaluation Criteria 	Alternative is Not Selected. Alternative is not protective of human health and the environment, and does not comply with ARARs.	Alternative is Not Selected. If no COCs are detected at concentrations greater than site-specific remedial goals, this alternative may be appropriate.	Selected Alternative. COCs identified above site-specific remedial goals soil would be removed.	

**COMPARATIVE ANALYSIS OF REMEDIAL ALTERNATIVES
RMP IMPLEMENTATION AREA: BUILDING 823**

Oakland Army Base, Oakland, California

Evaluation Criteria	Alternative 1 No Action for Soil and Groundwater	Alternative 2 Excavate and Dispose Soil Off-site, and Monitor Groundwater As Needed	
		2a. No Impacted Soil or Groundwater Identified	2b. Excavate and Dispose Impacted Soil Off-site
Threshold Criteria <ul style="list-style-type: none"> Overall Protection of Human Health and the Environment Compliance with ARARs 	Alternative is not anticipated to be protective of human health and the environment.	Alternative is anticipated to be protective of human health and the environment.	Alternative is anticipated to be protective of human health and the environment.
	Alternative is not anticipated to comply with ARARs.	Alternative is anticipated to comply with ARARs.	Alternative is anticipated to comply with ARARs.
Balancing Criteria <ul style="list-style-type: none"> Long-term Effectiveness and Permanence Reduction of Toxicity, Mobility, or Volume through Treatment Short-term Effectiveness 	Alternative will not offer long-term protection against exposure of humans to chemicals of concern ("COCs") in soil.	Alternative may offer long-term effectiveness.	Alternative offers long-term effectiveness as impacted soil will be excavated and disposed off-site.
	Alternative will not reduce toxicity, mobility, or volume of impacted soil.	Alternative assumes no COCs greater than applicable remedial goals remain in the subsurface.	Alternative will not reduce toxicity of COCs in soil, if present, but will decrease on-site volume and mobility of COCs in soil by removal to a permitted off-site disposal facility.
	Alternative is not anticipated to result in any short-term disruptions or risks to workers and the community.	Alternative is not anticipated to result in any short-term disruptions or risks to workers and the community.	Alternative is not anticipated to result in significant short-term disruptions or risks to workers and the community, other than minor soil excavation activities.
Balancing Criteria <ul style="list-style-type: none"> Implementability Cost 	Alternative is easily implemented.	Alternative is easily implemented.	Alternative is easily implemented with standard excavation procedures.
	Alternative has negligible costs associated with implementation.	\$60,000 \$0 \$60,000	\$170,000 \$0 \$170,000
Modifying Criteria <ul style="list-style-type: none"> State Acceptance Community Acceptance 	State of California Environmental Protection Agency, Department of Toxic Substances Control ("DTSC") is not anticipated to accept alternative.	DTSC is anticipated to accept remedial action because alternative is protective of human health and complies with ARARs.	DTSC is anticipated to accept remedial action because alternative is protective of human health and complies with ARARs.
	Alternative is not likely to be accepted by community members of the Restoration Advisory Board ("RAB") and the community at large.	Alternative is anticipated to be accepted by the RAB and the community at large.	Alternative is anticipated to be accepted by the RAB and the community at large.
<ul style="list-style-type: none"> Six Factors from State of California Health and Safety Code Section 25356.1 Summary of Evaluation Criteria 	Alternative does not comply with State of California Health and Safety Code Criteria. Alternative is Not Selected. Alternative is not protective of human health and the environment, and does not comply with ARARs.	Alternative is believed to comply with State of California Health and Safety Code Criteria. Alternative is Not Selected. If no COCs are detected at concentrations greater than site-specific remedial goals, this alternative may be appropriate.	Alternative is believed to comply with State of California Health and Safety Code Criteria. Selected Alternative. COCs identified above site-specific remedial goals soil would be removed.

COMPARATIVE ANALYSIS OF REMEDIAL ALTERNATIVES
RMP IMPLEMENTATION AREA: POTENTIAL DRUM DRAINAGE AREA EAST OF BUILDINGS 805 AND 806

Oakland Army Base, Oakland, California

Evaluation Criteria	Alternative 1 No Action for Soil and Groundwater	Alternative 2 Excavate and Dispose Soil Off-site, In-Situ Groundwater Treatment, and Monitor Groundwater As Needed		
		2a. No Impacted Soil or Groundwater Identified	2b. Excavate and Dispose Impacted Soil Off-site, Groundwater Treatment	
Threshold Criteria	<ul style="list-style-type: none"> Overall Protection of Human Health and the Environment 	Alternative is not anticipated to be protective of human health and the environment.	Alternative is anticipated to be protective of human health and the environment.	Alternative is anticipated to be protective of human health and the environment.
	<ul style="list-style-type: none"> Compliance with ARARs 	Alternative is not anticipated to comply with ARARs.	Alternative is anticipated to comply with ARARs.	Alternative is anticipated to comply with ARARs.
Balancing Criteria	<ul style="list-style-type: none"> Long-term Effectiveness and Permanence 	Alternative will not offer long-term protection against exposure of humans to chemicals of concern ("COCs") in soil or groundwater.	Alternative offers long-term effectiveness as no impacted soil is identified.	Alternative offers long-term effectiveness as soil with elevated concentrations of COCs will be removed, and residual COCs will be treated in-situ. Alternative assumes 5 years of groundwater monitoring.
	<ul style="list-style-type: none"> Reduction of Toxicity, Mobility, or Volume through Treatment 	Alternative will not reduce toxicity, mobility, or volume of impacted soil.	Alternative assumes no COCs greater than applicable remedial goals remain in the subsurface.	Alternative will likely reduce toxicity, mobility, and volume of impacted soil and groundwater through removal and in-situ treatment.
	<ul style="list-style-type: none"> Short-term Effectiveness 	Alternative is not anticipated to result in any short-term disruptions or risks to workers and the community.	Alternative is not anticipated to result in any short-term disruptions or risks to workers and the community.	Alternative is not anticipated to result in significant short-term disruptions or risks to workers and the community, other than minor soil excavation activities.
Balancing Criteria	<ul style="list-style-type: none"> Implementability 	Alternative is easily implemented.	Alternative is easily implemented.	Alternative can be implemented, as it involves standard soil excavation and chemical injection procedures.
	<ul style="list-style-type: none"> Cost Estimated Capital Cost: Estimated Annual Cost: Estimated Present Worth: 	Alternative has negligible costs associated with implementation.	\$69,000 \$0 \$69,000	\$300,000 \$17,000 \$380,000
Modifying Criteria	<ul style="list-style-type: none"> State Acceptance 	State of California Environmental Protection Agency, Department of Toxic Substances Control ("DTSC") is not anticipated to accept alternative.	DTSC is anticipated to accept remedial action because alternative is protective of human health and complies with ARARs.	DTSC is anticipated to accept remedial action because alternative is protective of human health and complies with ARARs.
	<ul style="list-style-type: none"> Community Acceptance 	Alternative is not likely to be accepted by community members of the Restoration Advisory Board ("RAB") and the community at large.	Alternative is anticipated to be accepted by the RAB and the community at large.	Alternative is anticipated to be accepted by the RAB and the community at large.
<ul style="list-style-type: none"> Six Factors from State of California Health and Safety Code Section 25356.1 	Alternative does not comply with State of California Health and Safety Code Criteria.	Alternative is believed to comply with State of California Health and Safety Code Criteria.	Alternative is believed to comply with State of California Health and Safety Code Criteria.	
<ul style="list-style-type: none"> Summary of Evaluation Criteria 	Alternative is Not Selected. Alternative is not protective of human health and the environment, and does not comply with ARARs.	Alternative is Not Selected. If no COCs are detected at concentrations above remedial goals, this alternative may be appropriate.	Selected Alternative. COCs in soil and groundwater greater than applicable site-specific remedial goals will be removed or treated.	

**COMPARATIVE ANALYSIS OF REMEDIAL ALTERNATIVES
RMP IMPLEMENTATION AREA: FORMER MOTOR POOL AND SALVAGE OPERATIONS AT BUILDING 640**

Oakland Army Base, Oakland, California

	Evaluation Criteria	Alternative 1 No Action for Soil and Groundwater	Alternative 2 Excavate and Dispose Soil Off-site, and Monitor Groundwater As Needed	Alternative 3 Excavate and Dispose Soil Off-site, In-situ Groundwater Treatment, and Monitor Groundwater
Threshold Criteria	<ul style="list-style-type: none"> Overall Protection of Human Health and the Environment 	Alternative is not anticipated to be protective of human health and the environment.	Alternative is anticipated to be protective of human health and the environment.	Alternative is anticipated to be protective of human health and the environment.
	<ul style="list-style-type: none"> Compliance with ARARs 	Alternative is not anticipated to comply with ARARs.	Alternative is anticipated to comply with ARARs.	Alternative is anticipated to comply with ARARs.
Balancing Criteria	<ul style="list-style-type: none"> Long-term Effectiveness and Permanence 	Alternative will not offer long-term protection against exposure of humans to chemicals of concern ("COCs") in soil or groundwater.	Alternative offers long-term effectiveness as impacted soil, if present, will be excavated and disposed off-site.	Alternative offers long-term effectiveness as soil with elevated concentrations of COCs will be removed, and residual COCs will be treated in-situ. Alternative assumes 5 years of groundwater monitoring.
	<ul style="list-style-type: none"> Reduction of Toxicity, Mobility, or Volume through Treatment 	Alternative will not reduce toxicity, mobility, or volume of impacted soil.	Alternative will not reduce toxicity of COCs in soil, if present, but will decrease on-site volume and mobility of COCs in soil by removal to a permitted off-site disposal facility.	Alternative will likely reduce toxicity, mobility, and volume of impacted soil and groundwater through removal and in-situ treatment.
	<ul style="list-style-type: none"> Short-term Effectiveness 	Alternative is not anticipated to result in any short-term disruptions or risks to workers and the community.	Alternative is not anticipated to result in any short-term disruptions or risks to workers and the community.	Alternative is not anticipated to result in significant short-term disruptions or risks to workers and the community, other than minor soil excavation activities.
Balancing Criteria	<ul style="list-style-type: none"> Implementability 	Alternative is easily implemented.	Alternative is easily implemented.	Alternative can be implemented, as it involves standard soil excavation and chemical injection procedures.
	<ul style="list-style-type: none"> Cost Estimated Capital Cost: Estimated Annual Cost: Estimated Present Worth: 	Alternative has negligible costs associated with implementation.	\$170,000 \$0 \$170,000	\$430,000 \$16,000 \$500,000
Modifying Criteria	<ul style="list-style-type: none"> State Acceptance 	State of California Environmental Protection Agency, Department of Toxic Substances Control ("DTSC") is not anticipated to accept alternative.	DTSC is anticipated to accept remedial action because alternative is protective of human health and complies with ARARs.	DTSC is anticipated to accept remedial action because alternative is protective of human health and complies with ARARs.
	<ul style="list-style-type: none"> Community Acceptance 	Alternative is not likely to be accepted by community members of the Restoration Advisory Board ("RAB") and the community at large.	Alternative is anticipated to be accepted by the RAB and the community at large.	Alternative is anticipated to be accepted by the RAB and the community at large.
	<ul style="list-style-type: none"> Six Factors from State of California Health and Safety Code Section 25356.1 	Alternative does not comply with State of California Health and Safety Code Criteria.	Alternative is believed to comply with State of California Health and Safety Code Criteria.	Alternative is believed to comply with State of California Health and Safety Code Criteria.
	<ul style="list-style-type: none"> Summary of Evaluation Criteria 	Alternative is Not Selected. Alternative is not protective of human health and the environment, and does not comply with ARARs.	Alternative is Not Selected. COCs identified above site-specific remedial goals soil would be removed. If no impacts are found, this alternative may be appropriate.	Selected Alternative. COCs in soil and groundwater greater than applicable site-specific remedial goals will be removed or treated.

**COMPARATIVE ANALYSIS OF REMEDIAL ALTERNATIVES
RMP IMPLEMENTATION AREA: BENZIDINE AT FORMER USED OIL TANK 21**

Oakland Army Base, Oakland, California

Evaluation Criteria	Alternative 1 No Action for Soil and Groundwater	Alternative 2 Excavate and Dispose Soil Off-site, and Monitor Groundwater As Needed		
		2a. No Impacted Soil or Groundwater Identified	2b. Excavate and Dispose Impacted Soil Off-site	
Threshold Criteria	<ul style="list-style-type: none"> Overall Protection of Human Health and the Environment 	Alternative is not anticipated to be protective of human health and the environment.	Alternative is anticipated to be protective of human health and the environment.	Alternative is anticipated to be protective of human health and the environment.
	<ul style="list-style-type: none"> Compliance with ARARs 	Alternative is not anticipated to comply with ARARs.	Alternative is anticipated to comply with ARARs.	Alternative is anticipated to comply with ARARs.
Balancing Criteria	<ul style="list-style-type: none"> Long-term Effectiveness and Permanence 	Alternative will not offer long-term protection against exposure of humans to chemicals of concern ("COCs") in soil.	Alternative may offer long-term effectiveness.	Alternative offers long-term effectiveness as impacted soil will be excavated and disposed off-site.
	<ul style="list-style-type: none"> Reduction of Toxicity, Mobility, or Volume through Treatment 	Alternative will not reduce toxicity, mobility, or volume of impacted soil.	Alternative assumes no COCs greater than applicable remedial goals remain in the subsurface.	Alternative will not reduce toxicity of COCs in soil, if present, but will decrease on-site volume and mobility of COCs in soil by removal to a permitted off-site disposal facility.
	<ul style="list-style-type: none"> Short-term Effectiveness 	Alternative is not anticipated to result in any short-term disruptions or risks to workers and the community.	Alternative is not anticipated to result in any short-term disruptions or risks to workers and the community.	Alternative is not anticipated to result in significant short-term disruptions or risks to workers and the community, other than minor soil excavation activities.
Balancing Criteria	<ul style="list-style-type: none"> Implementability 	Alternative is easily implemented.	Alternative is easily implemented.	Alternative is easily implemented with standard excavation procedures.
	<ul style="list-style-type: none"> Cost Estimated Capital Cost: Estimated Annual Cost: Estimated Present Worth: 	Alternative has negligible costs associated with implementation.	\$40,000 \$0 \$40,000	\$130,000 \$0 \$130,000
Modifying Criteria	<ul style="list-style-type: none"> State Acceptance 	State of California Environmental Protection Agency, Department of Toxic Substances Control ("DTSC") is not anticipated to accept alternative.	DTSC is anticipated to accept remedial action because alternative is protective of human health and complies with ARARs.	DTSC is anticipated to accept remedial action because alternative is protective of human health and complies with ARARs.
	<ul style="list-style-type: none"> Community Acceptance 	Alternative is not likely to be accepted by community members of the Restoration Advisory Board ("RAB") and the community at large.	Alternative is anticipated to be accepted by the RAB and the community at large.	Alternative is anticipated to be accepted by the RAB and the community at large.
<ul style="list-style-type: none"> Six Factors from State of California Health and Safety Code Section 25356.1 	Alternative does not comply with State of California Health and Safety Code Criteria.	Alternative is believed to comply with State of California Health and Safety Code Criteria.	Alternative is believed to comply with State of California Health and Safety Code Criteria.	Alternative is believed to comply with State of California Health and Safety Code Criteria.
<ul style="list-style-type: none"> Summary of Evaluation Criteria 	Alternative is Not Selected. Alternative is not protective of human health and the environment, and does not comply with ARARs.	Alternative is Not Selected. If no COCs are detected at concentrations greater than site-specific remedial goals, this alternative may be appropriate.	Selected Alternative. COCs identified above site-specific remedial goals soil would be removed.	

**COMPARATIVE ANALYSIS OF REMEDIAL ALTERNATIVES
RMP IMPLEMENTATION AREA: HISTORIC SPILLS AND STAINS**

Oakland Army Base, Oakland, California

Evaluation Criteria	Alternative 1 No Action for Soil and Groundwater	Alternative 2 Excavate and Dispose Soil Off-site, and Monitor Groundwater As Needed	
		2a. No Impacted Soil or Groundwater Identified	2b. Excavate and Dispose Impacted Soil Off-site
Threshold Criteria <ul style="list-style-type: none"> Overall Protection of Human Health and the Environment Compliance with ARARs 	Alternative is not anticipated to be protective of human health and the environment.	Alternative is anticipated to be protective of human health and the environment.	Alternative is anticipated to be protective of human health and the environment.
	Alternative is not anticipated to comply with ARARs.	Alternative is anticipated to comply with ARARs.	Alternative is anticipated to comply with ARARs.
Balancing Criteria <ul style="list-style-type: none"> Long-term Effectiveness and Permanence Reduction of Toxicity, Mobility, or Volume through Treatment Short-term Effectiveness 	Alternative will not offer long-term protection against exposure of humans to chemicals of concern ("COCs") in soil.	Alternative may offer long-term effectiveness.	Alternative offers long-term effectiveness as impacted soil will be excavated and disposed off-site.
	Alternative will not reduce toxicity, mobility, or volume of impacted soil.	Alternative assumes no COCs greater than applicable remedial goals remain in the subsurface.	Alternative will not reduce toxicity of COCs in soil, if present, but will decrease on-site volume and mobility of COCs in soil by removal to a permitted off-site disposal facility.
	Alternative is not anticipated to result in any short-term disruptions or risks to workers and the community.	Alternative is not anticipated to result in any short-term disruptions or risks to workers and the community.	Alternative is not anticipated to result in significant short-term disruptions or risks to workers and the community, other than minor soil excavation activities.
Balancing Criteria <ul style="list-style-type: none"> Implementability Cost 	Alternative is easily implemented.	Alternative is easily implemented.	Alternative is easily implemented with standard excavation procedures.
	Alternative has negligible costs associated with implementation.	\$140,000 \$0 \$140,000	\$560,000 \$0 \$560,000
Modifying Criteria <ul style="list-style-type: none"> State Acceptance Community Acceptance 	State of California Environmental Protection Agency, Department of Toxic Substances Control ("DTSC") is not anticipated to accept alternative.	DTSC is anticipated to accept remedial action because alternative is protective of human health and complies with ARARs.	DTSC is anticipated to accept remedial action because alternative is protective of human health and complies with ARARs.
	Alternative is not likely to be accepted by community members of the Restoration Advisory Board ("RAB") and the community at large.	Alternative is anticipated to be accepted by the RAB and the community at large.	Alternative is anticipated to be accepted by the RAB and the community at large.
<ul style="list-style-type: none"> Six Factors from State of California Health and Safety Code Section 25356.1 Summary of Evaluation Criteria 	Alternative does not comply with State of California Health and Safety Code Criteria. Alternative is Not Selected. Alternative is not protective of human health and the environment, and does not comply with ARARs.	Alternative is believed to comply with State of California Health and Safety Code Criteria. Alternative is Not Selected. If no COCs are detected at concentrations greater than site-specific remedial goals, this alternative may be appropriate.	Alternative is believed to comply with State of California Health and Safety Code Criteria. Selected Alternative. COCs identified above site-specific remedial goals soil would be removed.

**COMPARATIVE ANALYSIS OF REMEDIAL ALTERNATIVES
RMP IMPLEMENTATION AREA: LEAD IN SOIL AROUND BUILDINGS**

Oakland Army Base, Oakland, California

Evaluation Criteria	Alternative 1 No Action for Soil and Groundwater	Alternative 2 Excavate and Dispose Soil Off-site, and Monitor Groundwater As Needed		
		2a. No Impacted Soil or Groundwater Identified	2b. Excavate and Dispose Impacted Soil Off-site	
Threshold Criteria	● Overall Protection of Human Health and the Environment	Alternative is not anticipated to be protective of human health and the environment.	Alternative is anticipated to be protective of human health and the environment.	Alternative is anticipated to be protective of human health and the environment.
	● Compliance with ARARs	Alternative is not anticipated to comply with ARARs.	Alternative is anticipated to comply with ARARs.	Alternative is anticipated to comply with ARARs.
Balancing Criteria	● Long-term Effectiveness and Permanence	Alternative will not offer long-term protection against exposure of humans to lead in soil.	Alternative may offer long-term effectiveness.	Alternative offers long-term effectiveness as impacted soil will be excavated and disposed off-site.
	● Reduction of Toxicity, Mobility, or Volume through Treatment	Alternative will not reduce toxicity, mobility, or volume of impacted soil.	Alternative assumes no lead greater than applicable remedial goals remain in the subsurface.	Alternative will not reduce toxicity of lead in soil, if present, but will decrease on-site volume and mobility of lead in soil by removal to a permitted off-site disposal facility.
	● Short-term Effectiveness	Alternative is not anticipated to result in any short-term disruptions or risks to workers and the community.	Alternative is not anticipated to result in any short-term disruptions or risks to workers and the community.	Alternative is not anticipated to result in significant short-term disruptions or risks to workers and the community, other than minor soil excavation activities.
Balancing Criteria	● Implementability	Alternative is easily implemented.	Alternative is easily implemented.	Alternative is easily implemented with standard excavation procedures.
	● Cost Estimated Capital Cost: Estimated Annual Cost: Estimated Present Worth:	Alternative has negligible costs associated with implementation.	\$47,000 \$0 \$47,000	\$460,000 \$0 \$460,000
Modifying Criteria	● State Acceptance	State of California Environmental Protection Agency, Department of Toxic Substances Control ("DTSC") is not anticipated to accept alternative.	DTSC is anticipated to accept remedial action because alternative is protective of human health and complies with ARARs.	DTSC is anticipated to accept remedial action because alternative is protective of human health and complies with ARARs.
	● Community Acceptance	Alternative is not likely to be accepted by community members of the Restoration Advisory Board ("RAB") and the community at large.	Alternative is anticipated to be accepted by the RAB and the community at large.	Alternative is anticipated to be accepted by the RAB and the community at large.
● Six Factors from State of California Health and Safety Code Section 25356.1	Alternative does not comply with State of California Health and Safety Code Criteria.	Alternative is believed to comply with State of California Health and Safety Code Criteria.	Alternative is believed to comply with State of California Health and Safety Code Criteria.	Alternative is believed to comply with State of California Health and Safety Code Criteria.
● Summary of Evaluation Criteria	Alternative is Not Selected. Alternative is not protective of human health and the environment, and does not comply with ARARs.	Alternative is Not Selected. If lead is not detected at concentrations greater than site- specific remedial goals, this alternative may be appropriate.	Selected Alternative. Lead identified above site-specific remedial goals soil would be removed.	

COMPARATIVE ANALYSIS OF REMEDIAL ALTERNATIVES
RMP IMPLEMENTATION AREA: FORMER PCB-CONTAINING TRANSFORMERS AND EQUIPMENT LOCATIONS

Oakland Army Base, Oakland, California

Evaluation Criteria	Alternative 1 No Action for Equipment, Soil, or Groundwater	Alternative 2 Remove and Dispose of Waste Off-site, and Monitor Groundwater As Needed	
Threshold Criteria	<ul style="list-style-type: none"> Overall Protection of Human Health and the Environment 	Alternative is not anticipated to be protective of human health and the environment.	Alternative is anticipated to be protective of human health and the environment.
	<ul style="list-style-type: none"> Compliance with ARARs 	Alternative is not anticipated to comply with ARARs.	Alternative is anticipated to comply with ARARs.
Balancing Criteria	<ul style="list-style-type: none"> Long-term Effectiveness and Permanence 	Alternative will not offer long-term protection against exposure of humans to polychlorinated biphenyls ("PCBs") in equipment, soil, or groundwater.	Alternative offers long-term effectiveness as PCB-containing equipment will be removed and properly disposed. No groundwater monitoring is anticipated.
	<ul style="list-style-type: none"> Reduction of Toxicity, Mobility, or Volume through Treatment 	Alternative will not reduce toxicity, mobility, or volume of PCBs in equipment, soil, or groundwater.	Alternative will not reduce toxicity of PCBs in electrical components or soil, if present, but will decrease on-site volume and mobility of PCBs by removal and disposal at a permitted off-site disposal facility.
	<ul style="list-style-type: none"> Short-term Effectiveness 	Alternative is not anticipated to result in any short-term disruptions or risks to workers and the community.	Alternative is not anticipated to result in significant short-term disruptions or risks to workers and the community, other than minor equipment removal activities.
Balancing Criteria	<ul style="list-style-type: none"> Implementability 	Alternative is easily implemented.	Alternative can be implemented, as it involves standard equipment replacement procedures.
	<ul style="list-style-type: none"> Cost Estimated Capital Cost: Estimated Annual Cost: Estimated Present Worth: 	Alternative has negligible costs associated with implementation.	\$260,000 \$0 \$260,000
Modifying Criteria	<ul style="list-style-type: none"> State Acceptance 	State of California Environmental Protection Agency, Department of Toxic Substances Control ("DTSC") is not anticipated to accept alternative.	DTSC is anticipated to accept remedial action because alternative is protective of human health and complies with ARARs.
	<ul style="list-style-type: none"> Community Acceptance 	Alternative is not likely to be accepted by community members of the Restoration Advisory Board ("RAB") and the community at large.	Alternative is anticipated to be accepted by the RAB and the community at large.
<ul style="list-style-type: none"> Six Factors from State of California Health and Safety Code Section 25356.1 	Alternative does not comply with State of California Health and Safety Code Criteria.	Alternative is believed to comply with State of California Health and Safety Code Criteria.	
<ul style="list-style-type: none"> Summary of Evaluation Criteria 	Alternative is Not Selected. Alternative is not protective of human health and the environment, and does not comply with ARARs.	Selected Alternative. PCBs identified in electrical equipment and other materials would be removed and disposed of at a permitted off-site disposal facility.	

**COMPARATIVE ANALYSIS OF REMEDIAL ALTERNATIVES
RMP IMPLEMENTATION AREA: STORM DRAINS AND SANITARY SEWERS**

Oakland Army Base, Oakland, California

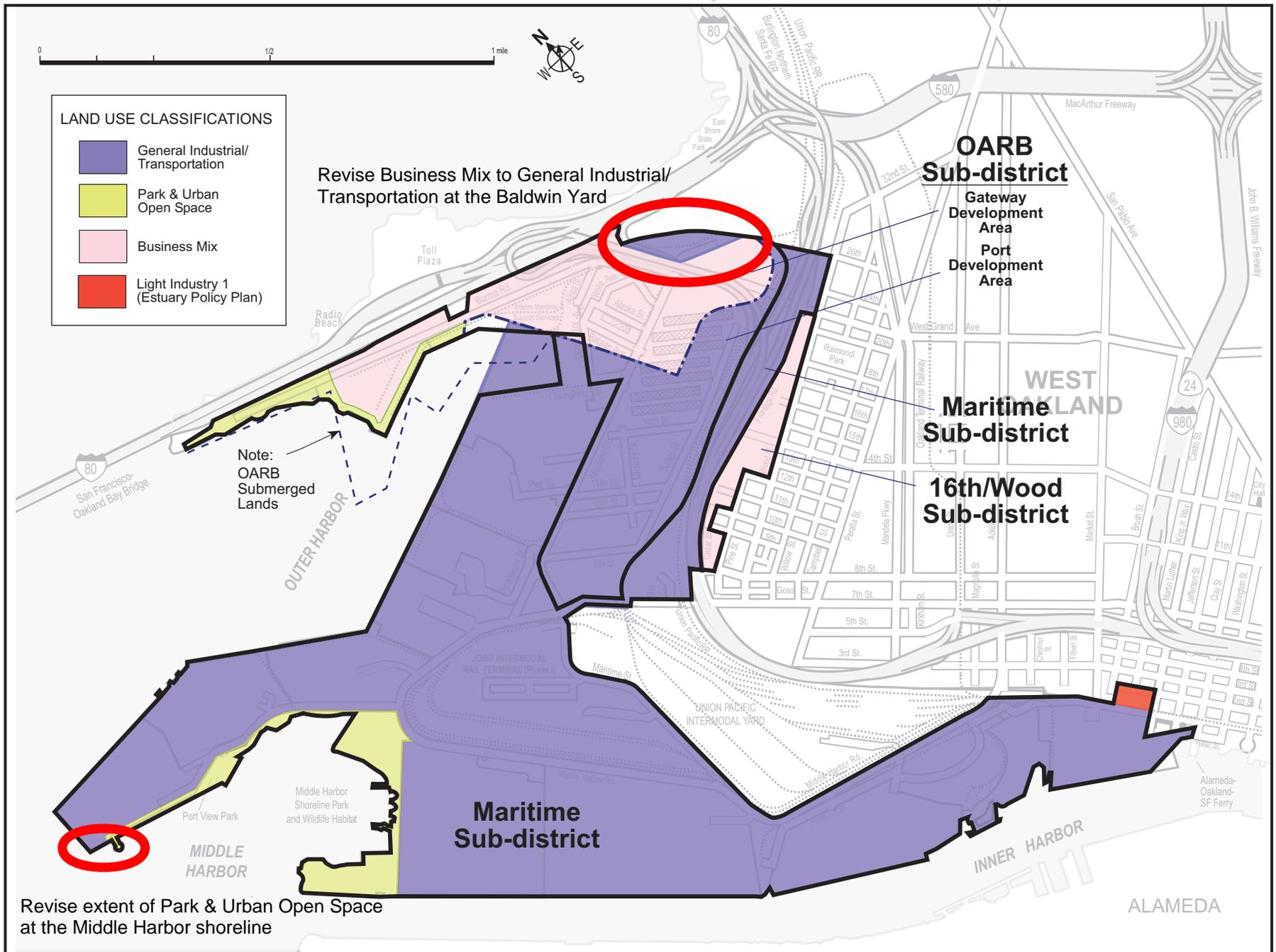
Evaluation Criteria	Alternative 1 No Action for Soil and Groundwater	Alternative 2 Excavate and Dispose Soil Off-site, and Monitor Groundwater As Needed	
		2a. No Impacted Soil or Groundwater Identified	2b. Excavate and Dispose Impacted Soil Off-site
Threshold Criteria <ul style="list-style-type: none"> Overall Protection of Human Health and the Environment Compliance with ARARs 	Alternative is not anticipated to be protective of human health and the environment.	Alternative is anticipated to be protective of human health and the environment.	Alternative is anticipated to be protective of human health and the environment.
	Alternative is not anticipated to comply with ARARs.	Alternative is anticipated to comply with ARARs.	Alternative is anticipated to comply with ARARs.
Balancing Criteria <ul style="list-style-type: none"> Long-term Effectiveness and Permanence Reduction of Toxicity, Mobility, or Volume through Treatment Short-term Effectiveness 	Alternative will not offer long-term protection against exposure of humans to chemicals of concern ("COCs") in soil.	Alternative may offer long-term effectiveness.	Alternative offers long-term effectiveness as impacted soil will be excavated and disposed off-site.
	Alternative will not reduce toxicity, mobility, or volume of impacted soil.	Alternative assumes no COCs greater than applicable remedial goals remain in the subsurface.	Alternative will not reduce toxicity of COCs in soil, if present, but will decrease on-site volume and mobility of COCs in soil by removal to a permitted off-site disposal facility.
	Alternative is not anticipated to result in any short-term disruptions or risks to workers and the community.	Alternative will have minor disruptions to the community as the flushing and inspection activities will likely be in public rights of way.	Alternative will have minor disruptions to the community as the flushing, inspection, investigation, and source removal activities will likely be in public rights of way.
Balancing Criteria <ul style="list-style-type: none"> Implementability Cost <ul style="list-style-type: none"> Estimated Capital Cost: Estimated Annual Cost: Estimated Present Worth: 	Alternative is easily implemented.	Alternative can be implemented using standard drain inspection procedures.	Alternative can be implemented, as it involves standard drain inspection and soil excavation procedures.
	Alternative has negligible costs associated with implementation.	\$990,000 \$0 \$990,000	\$3,600,000 \$0 \$3,600,000
Modifying Criteria <ul style="list-style-type: none"> State Acceptance Community Acceptance 	State of California Environmental Protection Agency, Department of Toxic Substances Control ("DTSC") is not anticipated to accept alternative.	DTSC is anticipated to accept remedial action because alternative is protective of human health and complies with ARARs.	DTSC is anticipated to accept remedial action because alternative is protective of human health and complies with ARARs.
	Alternative is not likely to be accepted by community members of the Restoration Advisory Board ("RAB") and the community at large.	Alternative is anticipated to be accepted by the RAB and the community at large.	Alternative is anticipated to be accepted by the RAB and the community at large.
<ul style="list-style-type: none"> Six Factors from State of California Health and Safety Code Section 25356.1 Summary of Evaluation Criteria 	Alternative does not comply with State of California Health and Safety Code Criteria. Alternative is Not Selected. Alternative is not protective of human health and the environment, and does not comply with ARARs.	Alternative is believed to comply with State of California Health and Safety Code Criteria. Alternative is Not Selected. If no structural defects are identified in the pipes which could transport COCs in the subsurface, this alternative may be appropriate.	Alternative is believed to comply with State of California Health and Safety Code Criteria. Selected Alternative. COCs identified above site-specific remedial goals soil would be removed.

**COMPARATIVE ANALYSIS OF REMEDIAL ALTERNATIVES
RMP IMPLEMENTATION AREA: RAILROAD TRACKS**

Oakland Army Base, Oakland, California

Evaluation Criteria	Alternative 1 No Action for Soil and Groundwater	Alternative 2 Excavate and Dispose Soil Off-site, and Monitor Groundwater As Needed		
		2a. No Impacted Soil or Groundwater Identified	2b. Excavate and Dispose Impacted Soil Off-site	
Threshold Criteria	<ul style="list-style-type: none"> Overall Protection of Human Health and the Environment 	Alternative is not anticipated to be protective of human health and the environment.	Alternative is anticipated to be protective of human health and the environment.	Alternative is anticipated to be protective of human health and the environment.
	<ul style="list-style-type: none"> Compliance with ARARs 	Alternative is not anticipated to comply with ARARs.	Alternative is anticipated to comply with ARARs.	Alternative is anticipated to comply with ARARs.
Balancing Criteria	<ul style="list-style-type: none"> Long-term Effectiveness and Permanence 	Alternative will not offer long-term protection against exposure of humans to chemicals of concern ("COCs") in soil.	Alternative may offer long-term effectiveness.	Alternative offers long-term effectiveness as impacted subballast will be excavated and disposed off-site.
	<ul style="list-style-type: none"> Reduction of Toxicity, Mobility, or Volume through Treatment 	Alternative will not reduce toxicity, mobility, or volume of impacted soil.	Alternative assumes no COCs greater than applicable remedial goals remain in the subsurface.	Alternative will not reduce toxicity of COCs in soil, if present, but will decrease on-site volume and mobility of COCs in soil by removal to a permitted off-site disposal facility.
	<ul style="list-style-type: none"> Short-term Effectiveness 	Alternative is not anticipated to result in any short-term disruptions or risks to workers and the community.	Alternative is not anticipated to result in any short-term disruptions or risks to workers and the community.	Alternative is not anticipated to result in significant short-term disruptions or risks to workers and the community, other than minor soil excavation activities.
Balancing Criteria	<ul style="list-style-type: none"> Implementability 	Alternative is easily implemented.	Alternative is easily implemented.	Alternative is easily implemented with standard excavation procedures.
	<ul style="list-style-type: none"> Cost <p>Estimated Capital Cost: Estimated Annual Cost: Estimated Present Worth:</p>	Alternative has negligible costs associated with implementation.	\$430,000 \$0 \$430,000	\$1,700,000 \$0 \$1,700,000
Modifying Criteria	<ul style="list-style-type: none"> State Acceptance 	State of California Environmental Protection Agency, Department of Toxic Substances Control ("DTSC") is not anticipated to accept alternative.	DTSC is anticipated to accept remedial action because alternative is protective of human health and complies with ARARs.	DTSC is anticipated to accept remedial action because alternative is protective of human health and complies with ARARs.
	<ul style="list-style-type: none"> Community Acceptance 	Alternative is not likely to be accepted by community members of the Restoration Advisory Board ("RAB") and the community at large.	Alternative is anticipated to be accepted by the RAB and the community at large.	Alternative is anticipated to be accepted by the RAB and the community at large.
<ul style="list-style-type: none"> Six Factors from State of California Health and Safety Code Section 25356.1 	Alternative does not comply with State of California Health and Safety Code Criteria.	Alternative is believed to comply with State of California Health and Safety Code Criteria.	Alternative is believed to comply with State of California Health and Safety Code Criteria.	Alternative is believed to comply with State of California Health and Safety Code Criteria.
<ul style="list-style-type: none"> Summary of Evaluation Criteria 	Alternative is Not Selected. Alternative is not protective of human health and the environment, and does not comply with ARARs.	Alternative is Not Selected. If no COCs are detected at concentrations greater than site-specific remedial goals, this alternative may be appropriate.	Selected Alternative. COCs identified above site-specific remedial goals soil would be removed.	

Revised Figure 3-6b



OARB Area Redevelopment EIR
 Revised: Figure 3-6b Proposed Oakland General Plan Land Use Classifications

5 References

5. REFERENCES

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Appendix A
Feasibility Analysis of Preserving OARB Historic District Structures

DRAFT

**FEASIBILITY ANALYSIS OF PRESERVING OARB HISTORIC DISTRICT
STRUCTURES**

By
The Oakland Base Reuse Authority
April 23, 2002

A. Introduction

This Report by the Oakland Base Reuse Authority ("OBRA") was undertaken to evaluate the feasibility of preserving the structures in the Historic District at the Oakland Army Base ("OARB"). The California Environmental Quality Act ("CEQA") and the CEQA Guidelines define "feasible" to mean "capable of being accomplished in a successful manner within a reasonable period of time, taking into account economic, environmental, legal, social and technical factors." P.R.C. § 21061; 14 C.C.R. § 15364. This report considers the conclusions in the Oakland Army Base Historic Building Reuse Alternatives Report by Nancy Stoltz, Draft April 18, 2002 ("Stoltz Report") and examines preservation feasibility in light of (1) land use compatibility with the amended San Francisco Bay Conservation and Development ("BCDC") Bay and Seaport Plans as amended January 29, 2001, and (2) economic requirements given the goals of the Amended Draft Final Reuse Plan for the Oakland Army Base as amended July 23, 2001 ("Reuse Plan") and as reflected in the Economic Development Conveyance Application materials submitted by OBRA to the U.S. Army.

B. Summary Conclusions

This report finds that preservation of the Historic District structures on the Port development area is infeasible. In order to adhere to the BCDC Bay and Seaport Plans, the Port of Oakland ("Port") is constructing an approximately 120-acre intermodal terminal along the eastern boundary of the OARB (the "New Intermodal Facility") and replace berths 9, 10, 20 and 21 with a new berth ("New Berth 21"), among other things. Construction of these features in the Port development area will require demolition of 13 buildings and at least one wharf, in whole or in part, (14 of the 22 structures), all of which are contributing elements to the OARB Historic District. Demolition of these structures would materially impair the integrity of the Historic District, resulting in a loss of eligibility for the federal National Register of Historic Places and local Area of Primary Importance status.

Nevertheless, the OBRA evaluated the Historic District structures within the City of Oakland ("City") Gateway development area to determine whether preservation would be economically viable. This report concludes that it is not feasible to preserve the Historic District buildings in the Gateway development area. However, Wharves 6 ½ and 7 will be preserved, at least in part, as open space.¹

C. The Oakland Army Base Historic District

The discontinuous OARB Historic District, which includes the Northeast and Northwest Components, was determined to be eligible for listing on the National Register of Historic Places in 1990. It contains 22 historic structures (19 buildings and 3 wharves). All of the structures are contributors to the district and none of them have been determined to be individually eligible as historical resources under CEQA.²

According to National Historic Preservation Act guidance, in order for a district to retain its historic eligibility, a majority of the district's components must maintain their integrity, and the relationship among the components must remain significantly unchanged since the period of significance. To retain integrity, a property must possess most of the following aspects: location, design, setting, materials, workmanship, feeling and association. Finally, "[a] district is no longer eligible if it contains so many alterations or new intrusions that it no longer conveys the sense of a historic environment." Keeper of the National Register Bulletin 15, How to Apply the National Register Criteria for Evaluation, U.S. Department of the Interior, National Park Service 1995. *See also*, Stoltz Report at 1-6.

Under the City of Oakland's Historic Preservation Element, the OARB Historic District is considered an Area of Primary Importance ("API"). For an API, at least two-thirds of the properties must be contributors to the API (*i.e.*, they reflect the API's principal historical or architectural themes) and must not have undergone major alterations.

¹ As noted below, a small portion of Wharf 6 ½ will have to be demolished for the Port's development.

² A historical resource under CEQA is a resource that meets any of the following criteria:

- 1) A resource listed in, or determined to be eligible for listing in, the California Register of Historical Resources.
- 2) A resource included in a local register of historical resources, as defined in Section 5020.1(k) of the Public Resources Code, unless the preponderance of evidence demonstrates that it is not historically or culturally significant.
- 3) A resource identified as significant (e.g., rated 1-5) in a historical resource survey (Department of Parks and Recreation Form 523), unless the preponderance of evidence demonstrates that it is not historically or culturally significant.
- 4) A resource meeting the criteria for listing on the California Register of Historical Resources.
- 5) A resource that is determined by a lead agency to be historically or culturally significant even though it does not meet the other four criteria listed here.

CEQA Guidelines section 15064.5.

D. Feasibility of Historic District Building Preservation on the Port Development Area and Consistency with the BCDC Bay and Seaport Plans

The Port has been designated as the regional port for San Francisco Bay under BCDC's Bay and Seaport Plans. As such, the Port must provide the capacity to handle all future container growth in the San Francisco Bay Area. In order to meet these needs the Seaport Plan calls for a total of 1,000 acres of container terminals. To accommodate the required terminals, the Port must among other things, (1) relocate its current Joint Intermodal Terminal to the New Intermodal Facility in an approximately 120-acre area along the eastern boundary of the OARB (including relocating the existing Maritime Road approximately 600 feet to the east and extending it along the boundary of the New Intermodal Facility and the Gateway development area to loop around and connect to West Grand Avenue – a portion of this "loop road" may be located on the Gateway development area) to allow for marine terminal expansion, and (2) expand its Outer Harbor Terminals, including creating New Berth 21 to replace the current berths 9, 10, 20 and 21.

800 Series Warehouse Buildings

Construction of the New Intermodal Facility and the Maritime Street extension and loop road will require the relocation or demolition of all or a portion of each of the 233,640 square-foot 800 series warehouse buildings as well as demolition of Building 991. The Stoltz Report found that it would not be feasible to relocate the warehouses. Thus, Buildings 802 and 803 in their entirety, most of Building 804, about two-thirds of Buildings 805 and 806, over one-half of Building 807 and a small portion of Building 808 will be demolished by the Port.³ (See Attachment 1 for the percentage of each Historic District structure that lies on either the Port or Gateway development area.)

Additionally, the property boundary between the Port development area and the Gateway development area cuts through each of the warehouses at an angle such that an additional portion of each of the remaining buildings, which are constructed in bays, would still have to be demolished to create usable space. As concluded in the Stoltz Report, demolition of 50 percent or more of these buildings would cause them to lose their eligibility as contributing structures.⁴ Stoltz Report at 3-4. (The economic feasibility of preserving Building 808, the only warehouse where over 50 percent or more of the structure lies on the Gateway development area, is examined in Section E below; but see footnote 3.) Further, none of the warehouse buildings are individually considered to be historical resources under CEQA.

Buildings 99, 90, 88 and Wharf 6

Construction of New Berth 21 requires the relocation or demolition of Building 90, almost all of Building 99 and slightly over one-half of Building 88 as well as the demolition of the full linear foot area of Wharf 6 (and a small linear foot portion of Wharf 6 ½). See Attachment 1 for exact percentages. Of these structures, the Stoltz Report found that only Building 88 (11,134 square

³ Design constraints will likely require that the full width of the loop road in certain portions including around Building 808, lie on the Gateway development area, even though it is a Port development. Were the full width of loop road to be located on the Gateway development area, about half of Building 808 will need to be demolished by the Port. See Attachment 3.

⁴ The Stoltz Report notes that even demolition of much less than half of a building would probably cause it to lose its integrity. Stoltz Report at 3-4.

feet) could potentially be relocated at a cost of \$1,790,000 (excluding potential ground improvements). However, the Stoltz Report assumed that the building could be sawed into moveable parts and it did not consider road restrictions. According to the Oakland Army Base Conditions and Trends Summary Report by EDAW, Inc., dated September 10, 1997 ("EDAW Report"), which did evaluate cutting buildings into sections that can be moved over public streets, "[b]uilding 88 is not relocatable." EDAW Report at 3-7, 3-9. Regardless, relocating Building 88 would cause it to lose its eligibility as a contributing structure, as it would no longer retain its original location, setting, feeling or association with the remainder of the district. Stoltz Report at 3-6, footnote 1.

**Conclusions Relating to the Feasibility of Historic District
Building Preservation on the Port Development Area and the Resulting Affect on the OARB
Historic District**

The original eligibility finding for this discontinuous district was premised on the fact that the OARB provided the only complete example of an Army port installation, including rail system, wharves/piers, huge warehouses, and administrative and service buildings. Statement of Significance, Caltrans Architectural Inventory Evaluation Form, 1990. The rail system (Knight Yard) was already eliminated as a contributing element due to the alterations necessitated by the construction of the Cypress Structure by Caltrans. Stoltz Report at 1-3. In addition, as discussed above, the Port's development would result in the demolition of 14 structures, the majority of the district's components. All of the warehouse series would be demolished or altered, at least one of the three wharves would be demolished, and half of the buildings in the administrative and service group of structures would be demolished. Therefore, the integrity of the district would be materially impaired, resulting in a loss of eligibility for the National Register as well as loss of local API status, and thus causing a significant unavoidable adverse environmental impact. *See also*, Stoltz Report at 1-6.

E. Economic Feasibility of Building Preservation in the Gateway Development Area.

As concluded above, the Port's development would, in and of itself, result in the loss of eligibility of the Historic District (at the local – API – and federal – National Register – levels). The OBRA has, nevertheless, evaluated the economic feasibility of preserving any of the remaining structures on the City Gateway development area.⁵

⁵ As a supplement to the economic feasibility analysis, the OBRA has examined whether individual structure preservation would be compatible with the goals of the Reuse Plan even though none of the structures have been determined to be individually eligible as historical resources under CEQA. See Attachment 2.

Background: the EDC Application

In September 2001, the OBRA filed an amended application for an Economic Development Conveyance ("EDC") of the OARB with the U.S. Army. An EDC is highly advantageous for the City because it allows for the transfer of the OARB at no cost to the City.

To qualify for an EDC under applicable federal law, the City is required to articulate a development plan for the OARB that is feasible and will generate jobs for the surrounding communities affected by the base closure. The development plan submitted by the City to the Army has two primary components: (1) the Port development component, which involves the complete demolition and reconstruction of the easterly parts of the OARB to achieve BCDC Bay Area and Seaport Plan requirements as discussed in Section D above; and (2) the City development component, which includes a development plan for the for the Gateway development area that incorporates the Reuse Plan ("the EDC Development Plan").

The EDC Development Plan has been reviewed at length by the U.S. Army Corps of Engineers Research Laboratory ("CERL"), which recommended that the Army proceed with the EDC request. The Army subsequently confirmed that the OARB would be transferred to OBRA by means of a no-cost EDC transfer. Under present federal law, the Army is encouraged to dispose of surplus bases by full-cost sales subject to open market bids. As a result, the determination to proceed with the EDC transfer represents an extremely significant and favorable milestone in the process of transferring the OARB on a no cost basis to the City.

Summary of the City Development Component

The City development component of the EDC Development Plan, which incorporates the Reuse Plan for the Gateway development area, calls for the construction of 2,297,000 square feet of development on the westerly (non-Port) portions of the OARB in four phases over 13 years. To reduce early period capital requirements and respond to present and reasonably anticipated local market conditions, the plan initially contemplates light industrial, warehouse and R&D/flex development. More costly office development occurs in the latter phases of the development.

Table 1 summarizes the Gateway development area construction phasing plan approved by the Army as part of the EDC transfer:

Table 1
Gateway Development Area Phasing
Square Feet Of Development By Product Type Per Phase

DEVELOPMENT YEAR	YEAR 1	YEAR 4	YEAR 7	YEAR 10	
	Phase 1	Phase 2	Phase 3	Phase 4	Total
Office	-		250,000	350,000	600,000
R&D/Flex	-	300,000	247,000	193,000	740,000
Light Industrial	205,500	318,000	108,500	-	632,000
Warehouse/Distrib.	300,000	-	-	-	300,000
Retail	-	12,500	12,500	-	25,000
Total	505,500	630,500	618,000	543,000	2,297,000

Source: September 2001 EDC Application, Figure 5.

Each plan phase has a four-year life cycle. Development phase project construction is completed in year 1. After construction, the project is leased-up over the next 1-1/2 years. Once full rental capacity is achieved (2-1/2 years from the start of each development phase) project rents are "seasoned" for an additional 18 months. At the end of the seasoning period—the end of each phase year 4—the project is sold. Gross sales revenues are a function of the applicable capitalization rates for the real estate products developed during the phase and the seasoned net operating income of the project.

The EDC Development Plan for the Gateway development area is based on real estate financial data provided by third-party developers and industry practitioners. This information was further refined during plan review by CERL and the Army. Table 2 summarizes the development expenses, seasoned rent and capitalization rates utilized for the feasibility assessment in the context of the City's EDC Application.

Table 2
Gateway Development Area Construction Cost, Rent And
Capitalization Rate Assumptions By Real Estate Product⁶

PRODUCT	CONSTRUCTION COSTS (PER SQUARE FOOT)	ANNUAL RENT (PER SQUARE FOOT)	CAPITALIZATION RATE
Class A/Premium Office	\$179.30	\$36.00	11.5%
R&D/Flex	\$100	\$19.00	10.5%
Light Industrial	\$67.50	\$8.40	9.5%
Warehouse/Distribution	\$35	\$6.00	8.5%
Retail	\$100	\$20.00	12%

Source: November 2001 Response to CERL Comments, Section B.2
(modifying September 2001 EDC Application Appendix E)

Costs include (1) a \$2.50 charge per square foot for geotechnical remediation of compressible soils located on the Gateway development area, (2) parking and (3) landscaping.

⁶ Construction costs typically include land purchase expenses. These costs are inapplicable in the context of a no-cost EDC and so are excluded from the EDC Development Plan analysis for the Gateway development area.

In general, a feasible development requires that a real estate product's market value at full build-out and lease-up be significantly higher than the related construction costs. The project gross proceeds (market value at sale less construction costs) must also defray such expenses as borrowing, backbone (site-wide) infrastructure installation, and major environmental remediation expenses. Table 3 shows that the gross revenues generated under the EDC Development Plan in the Gateway development area for each real estate product identified in the plan amounts to a at least 70% of the associated project construction expenses.

Table 3
Gateway Development Area Product Construction Costs, Market Value and Gross Proceeds

	Gateway Development Area Construction Expenses	Value at Sale (Seasoned rent/Cap Rate)	Gross Project Proceeds	Ratio of Gross Proceeds to Construction Costs
Office	\$107,580,000	\$187,826,087	\$80,246,087	75%
R&D/Flex	\$74,000,000	\$133,904,762	\$59,904,762	81%
Light Industrial	\$42,660,000	\$55,882,105	\$13,222,105	31%
Warehouse	\$10,500,000	\$21,176,471	\$10,676,471	102%
Retail	\$2,500,000	\$4,166,667	\$1,666,667	67%
TOTAL	\$237,240,000	\$402,956,091	\$165,716,091	70%

Source: *see* Tables 1 and 2. Costs and revenues are nominal and not adjusted for inflation or time value. Office value based on gross rent unadjusted for operating expenses.

Tables 4 and 5 present the project analysis that has been developed in the context of the EDC application. The projections demonstrate that the EDC Development Plan for the Gateway development area is feasible and that the City development component project will either generate or retain enough capital to defray all anticipated costs on an annual basis. The most significant fiscal challenges will occur during years 1-6 when infrastructure and new construction costs are high, but offsetting income from rent and seasoned development sales are comparatively low. Despite these constraints, the project is able to maintain a cumulative cash surplus in every year, and sales revenue from mature project phases ease cash requirements after year 6.

Table 4
EDC Development Plan Feasibility Analysis for the Gateway Development Area Years 1-6

	Cumulative Total	Year 1	Year 2	Year 3	Year 4	Year 5	Year 6
<i>Preliminary Sources of Funds</i>							
Bond Finance (Net of Issuance Costs)	\$20,800,000	\$0	\$0	\$0	\$0	\$20,800,000	\$0
Net Rental Revenue	\$94,131,274	\$0	\$1,205,960	\$3,115,398	\$3,349,890	\$2,948,450	\$7,616,830
Construction Loan	\$166,068,000	\$17,059,875	\$0	\$0	\$36,900,500	\$0	\$0
Net Building Sales Proceeds	\$164,149,910	\$0	\$0	\$0	\$19,799,518	\$0	\$0
Interim Leasing & Income Carry Fwd.	\$39,625,000	\$17,200,000	\$9,500,000	\$9,025,000	\$2,000,000	\$1,900,000	\$0
Port of Oakland (Knight Yard Sale & Community Trust Fund NPV)	\$11,738,828	\$11,738,828	\$0	\$0	\$0	\$0	\$0
Total Sources of Funds	\$496,513,013	\$45,998,703	\$10,705,960	\$12,140,398	\$62,049,908	\$25,648,450	\$7,616,830
<i>Preliminary Uses of Funds</i>							
Infrastructure and Cure Costs	\$45,503,630	\$15,870,632	\$0	\$0	\$12,611,910	\$17,021,088	\$0
Total Construction and Development Costs	\$237,240,000	\$24,371,250	\$0	\$0	\$52,715,000	\$0	\$0
Construction Loan Payment	\$59,784,480	\$1,535,389	\$1,535,389	\$1,535,389	\$4,856,434	\$3,321,045	\$3,321,045
Bond Payment (Prior to Third Party Assumption)	\$3,504,932	\$0	\$0	\$0	\$0	\$0	\$0
Net Operating Expenses	\$16,690,860	\$0	\$0	\$0	\$0	\$0	\$0
OBRA Operating Expenses	\$21,247,996	\$2,000,000	\$2,000,000	\$2,000,000	\$1,900,000	\$1,805,000	\$1,714,750
Homeless Collaborative	\$5,000,000	\$0	\$0	\$0	\$0	\$0	\$2,500,000
Army Reserve	\$12,000,000	\$0	\$0	\$0	\$3,000,000	\$3,000,000	\$3,000,000
Total Uses of Funds	\$400,971,898	\$43,777,271	\$3,535,389	\$3,535,389	\$75,083,344	\$27,647,133	\$10,535,795
NET CASH FLOW	\$95,541,115	\$2,221,433	\$7,170,572	\$8,605,009	(\$13,033,436)	(\$1,998,683)	(\$2,918,965)
CUMULATIVE CASH FLOW		\$2,221,433	\$9,392,004	\$17,997,013	\$4,963,577	\$2,964,895	\$45,930

Source: Response to CERL Comments on Amended EDC Application, Table 22.

Economic Analysis of the Feasibility of Historic District Building Reuse

As discussed in Section B above, all of the buildings in the Historic District located in the portions of the OARB to be conveyed by the Port will be demolished. To comply with the requirements of the BCDC Bay Area and Seaport Plans, including maritime shipping, and rail and truck transport enhancement, the Port must completely reconstruct all such areas of the OARB.

The Gateway development area portions of the OARB include all or portions of approximately 15 buildings within the Historic District. Thirteen of these structures have been identified by the City's historic resource consultants as potential candidates for reuse.⁷ Five of the candidate structures can potentially be preserved in their entirety. Eight can be preserved only in part, including buildings that straddle the Port development area/Gateway development area boundary and are subject to partial demolition by the Port, and Building 1, which requires the deconstruction of at least 50% of its existing floor area to allow for a major environmental clean-up. See Attachment 3, Letter Report from EKI, "Remediation Requirements at Building 1, Oakland Army Base, Oakland, California," dated April 24, 2002.

Table 6 summarizes the candidate buildings by reuse function and percentage floor area within the Gateway development area.

Table 6
Historic District Buildings on the Gateway Development Area
Potentially Subject to Reuse

Building Number	Most Feasible Reuse Function	Total Existing Building Area (Square Feet)	Building Area Potentially Subject to Reuse (Square Feet)	Percent Building Area Potentially Subject to Reuse
1	Class B Office	162,000	80,000	49%
812	Retail	18,770	18,770	100%
60	Food Service	13,250	13,250	100%
804	Warehouse	233,640	12,500	5%
805	Warehouse	233,640	73,640	32%
806	Warehouse	233,640	73,640	32%
807	Warehouse	233,640	108,640	46%
808	Warehouse	233,640	116,820	50%
88	Warehouse	11,134	5,567	49%
99	Warehouse	62,283	3,500	6%
821	Warehouse	20,000	20,000	100%
822	Warehouse	20,000	20,000	100%
823	Warehouse	20,000	20,000	100%

Sources: Attachment 1, Stoltz Report.

(a) Building 808 square footages on the Gateway development area range from 74% without the loop road to 50% with the loop road. The 50% reuse number was used here because it is the most economical.

⁷ See Stoltz Report. Buildings 4 and 85, however, are not considered candidates for reuse due to significant structural and/or code deficiencies. See Attachment 2.

At least 50% of a candidate structure must be reused to preserve its integrity as a contributing structure to the Historic District. Stoltz Report at 3-4. As Table 6 demonstrates, six of the thirteen candidate structures potentially meet this criterion, including Buildings 812, 60, 808, 821, 822, and 823. For the purposes of this analysis therefore, these six buildings are analyzed.⁸

The City's historic resource consultants have made initial estimates of the costs required to rehabilitate and reuse the candidate buildings.⁹ These estimates assume that each structure is utilized in its most applicable, reasonable real estate capacity but do not include parking, landscaping, or geotechnical remediation allowances as do the EDC Development Plan elements. Stoltz Report at 5-1. To allow for direct comparison with the EDC Development Plan, the reuse costs per square foot are adjusted upward by 10% to account for parking, landscaping and other related site amenities and by an additional 3% to account for geotechnical remediation costs.

Table 7 summarizes the costs and rents for each of the candidate buildings in the Gateway development area.

Table 7
Cost and Rent Yield Estimates for Candidate Structures

Building Number	Most Feasible Reuse Function	Building Area Potentially Subject to Reuse (Square Feet)	Adjusted Rehab-Construction Cost (Square Foot)	Adjusted Annual Rent Yield (Square Foot)	Rent (Square Foot)
Blg 60	Food Service	13,250	\$294	\$265,000	\$20
Blg 812	Retail	18,770	\$141	\$375,400	\$20
Blg 820	Warehouse	20,000	\$141	\$120,000	\$6
Blg 821	Warehouse	20,000	\$141	\$120,000	\$6
Blg 822	Warehouse	20,000	\$141	\$120,000	\$6
Blg 808	Warehouse	116,820	\$56	\$700,920	\$6

Source: Stoltz Report cost estimates adjusted for parking, landscape and geotechnical stabilization expenses. Rent yields are the same as projected for similar products in the EDC Development Plan.

The rehabilitation cost and yield estimates for each candidate building generate infeasible results. Total gross revenues in the EDC Development Plan for the Gateway development area are 70% greater than the corresponding construction costs (*see* Table

⁸ The Stoltz Report analyzed building 808 as if 50% of the building was preserved. This approach is utilized in the following economic impact analysis.

⁹ The Stoltz Report considers Buildings 60, 812 and 808; the Supplement to Oakland Army Base Historic Reuse Alternatives Report considers Buildings 821, 822 and 823. Letter from G. James Scoggin, Ripley Architects, to Aliza Gallo, OBRA, April 18, 2002. Attachment 4.

3). In contrast, the total rehabilitation of the 6 candidate buildings would result in a combined market value 18% less than the associated construction costs (see Table 8).

Table 8
Rehab Project Construction Costs, Market Value and
Gross Proceeds

Building Number	Most Feasible Reuse Function	Construction Expenses	Value at Sale (Seasoned rent/Cap Rate)	Gross Project Proceeds	Ratio of Gross Proceeds to Construction Costs
Blg 60	Food Service	\$3,892,850	\$2,208,333	-1,684,517	-43%
Blg 812	Retail	\$2,651,263	\$3,128,333	477,071	18%
Blg 820	Warehouse	\$2,825,000	\$1,411,765	-1,413,235	-50%
Blg 821	Warehouse	\$2,825,000	\$1,411,765	-1,413,235	-50%
Blg 822	Warehouse	\$2,825,000	\$1,411,765	-1,413,235	-50%
Blg 808	Warehouse	\$6,582,677	\$8,246,118	1,663,441	25%
TOTAL		\$21,601,790	\$17,818,078	-3,783,711	-18%

Sources: Derived from Table 7 utilizing applicable capitalization rates for each product as detailed in Table 3. Costs and revenues are nominal and not adjusted for time value of money.

Each of the reuse candidates is also infeasible on an individual basis. Buildings 812 and 808 reuse generates positive gross revenues compared with construction costs, but not to a sufficient extent to defray additional, non-construction project costs such as lending, remediation, or infrastructure development. The ratio of gross proceeds to construction costs for the most feasible project, Building 808 reuse, is 70% less than the average ratio achieved by the EDC Development Plan (see Table 3). Gross proceeds are significantly below construction costs for Buildings 60, 820, 821, and 822.

Reuse of the six candidate buildings would generate significantly adverse economic impacts to the overall EDC Development Plan if integrated into the Gateway development project. Table 9 presents the blended cost and rent yield structure that results from the incorporation of all candidate building reuse into the Gateway development area project analyzed in the EDC Development Plan.¹⁰

¹⁰ This analysis assumes that the retail functions of Buildings 812 and 60 account for the full retail allotment of the Reuse Plan, and that the warehouse development is applied against the 300,000 square feet allocated in the Reuse Plan. See Table 2 to compare the blended cost data with the actual EDC Development Plan elements for the Gateway development area.

Table 9

**Rehab Project and EDC Development Plan Blended Construction Cost, Rent And
Capitalization Rate Assumptions By Real Estate Product for the Gateway
Development Area**

PRODUCT	CONSTRUCTION COSTS (PER SQUARE FOOT)	ANNUAL RENT (PER SQUARE FOOT)	CAPITALIZATION RATE
Warehouse/Distribution	\$65	\$6	8.5%
Retail	\$204	\$20	12%

Tables 10 and 11 present the feasibility analysis used in the context of the EDC application as modified to incorporate the rehabilitation costs described in Table 9. The results confirm that the reuse of buildings as part of the Gateway development area redevelopment is infeasible. As Tables 4 and 5 demonstrate, Years 1-6 present the most critical financial challenges to the project because site infrastructure, other fixed cost items, and the first two phases of development must be accommodated in that period. The additional costs associated with rehabilitation would generate an immediate cumulative deficit of over \$1 million in the first year of the project, and a total cumulative deficit of over \$11.8 million by Year 6. The project's cumulative deficit would not turn positive until Year 10, when the sale of phase 3 would occur. No development is possible with cumulative negative projections of this magnitude.

Table 10

Rehab Project and EDC Development Plan Blended Costs Feasibility Analysis for the Gateway Development Area Years 1-6

	Cumulative Total	Year 1	Year 2	Year 3	Year 4	Year 5	Year 6
<i>Preliminary Sources of Funds</i>							
Bond Finance (Net of Issuance Costs)	\$20,800,000	\$0	\$0	\$0	\$0	\$20,800,000	\$0
Net Rental Revenue	\$94,131,274	\$0	\$1,205,960	\$3,115,398	\$3,349,890	\$2,948,450	\$7,616,830
Construction Loan	\$174,188,000	\$23,359,875	\$0	\$0	\$37,810,500	\$0	\$0
Net Building Sales Proceeds	\$156,029,910	\$0	\$0	\$0	\$13,499,518	\$0	\$0
Interim Leasing & Income Carry Fwd.	\$39,625,000	\$17,200,000	\$9,500,000	\$9,025,000	\$2,000,000	\$1,900,000	\$0
Port of Oakland (Knight Yard Sale & Community Trust Fund NPV)	\$11,738,828	\$11,738,828	\$0	\$0	\$0	\$0	\$0
Total Sources of Funds	\$496,513,013	\$52,298,703	\$10,705,960	\$12,140,398	\$56,659,908	\$25,648,450	\$7,616,830
<i>Preliminary Uses of Funds</i>							
Infrastructure and Cure Costs	\$45,503,630	\$15,870,632	\$0	\$0	\$12,611,910	\$17,021,088	\$0
Total Construction and Development Costs	\$248,840,000	\$33,371,250	\$0	\$0	\$54,015,000	\$0	\$0
Construction Loan Payment	\$62,707,680	\$2,102,389	\$2,102,389	\$2,102,389	\$5,505,334	\$3,402,945	\$3,402,945
Bond Payment (Prior to Third Party Assumption)	\$3,504,932	\$0	\$0	\$0	\$0	\$0	\$0
Net Operating Expenses	\$16,690,860	\$0	\$0	\$0	\$0	\$0	\$0
OBRA Operating Expenses	\$21,247,996	\$2,000,000	\$2,000,000	\$2,000,000	\$1,900,000	\$1,805,000	\$1,714,750
Homeless Collaborative	\$5,000,000	\$0	\$0	\$0	\$0	\$2,500,000	\$2,500,000
Army Reserve	\$12,000,000	\$0	\$0	\$0	\$3,000,000	\$3,000,000	\$3,000,000
Total Uses of Funds	\$415,495,098	\$53,344,271	\$4,102,389	\$4,102,389	\$77,032,244	\$27,729,033	\$10,617,695
NET CASH FLOW	\$81,017,915	(\$1,045,567)	\$6,603,572	\$8,038,009	(\$20,372,336)	(\$2,080,583)	(\$3,000,865)
CUMULATIVE CASH FLOW		(\$1,045,567)	\$5,558,004	\$13,596,013	(\$6,776,323)	(\$8,856,905)	(\$11,857,770)

Table II

Rehab Project and EDC Development Plan Blended Costs Feasibility Analysis for the Gateway Development Area Years 7-13

	Year 7	Year 8	Year 9	Year 10	Year 11	Year 12	Year 13
<i>Preliminary Sources of Funds</i>							
Bond Finance (Net of Issuance Costs)	\$0	\$0	\$0	\$0	\$0	\$0	\$0
Net Rental Revenue	\$8,190,140	\$5,080,205	\$13,123,862	\$14,111,680	\$5,563,314	\$14,371,895	\$15,453,650
Construction Loan	\$55,579,125	\$0	\$0	\$57,438,500	\$0	\$0	\$0
Net Building Sales Proceeds	\$42,249,706	\$0	\$0	\$51,213,672	\$0	\$0	\$49,067,015
Interim Leasing & Income Carry Fwd. Port of Oakland (Knight Yard Sale & Community Trust Fund/NPV)	\$0	\$0	\$0	\$0	\$0	\$0	\$0
Total Sources of Funds	\$106,018,971	\$5,080,205	\$13,123,862	\$122,763,852	\$5,563,314	\$14,371,895	\$64,520,665
<i>Preliminary Uses of Funds</i>							
Infrastructure and Cure Costs	\$0	\$0	\$0	\$0	\$0	\$0	\$0
Total Construction and Development Costs	\$79,398,750	\$0	\$0	\$82,055,000	\$0	\$0	\$0
Construction Loan Payment	\$8,405,066	\$5,002,121	\$5,002,121	\$10,171,586	\$5,169,465	\$5,169,465	\$5,169,465
Bond Payment (Prior to Third Party Assumption)	\$1,122,741	\$908,759	\$569,956	\$528,349	\$338,143	\$36,984	\$0
Net Operating Expenses	\$0	\$2,250,000	\$2,317,500	\$2,387,025	\$3,150,000	\$3,244,500	\$3,341,835
OBRA Operating Expenses	\$1,629,013	\$1,547,562	\$1,470,184	\$1,396,675	\$1,326,841	\$1,260,499	\$1,197,474
Homeless Collaborative	\$0	\$0	\$0	\$0	\$0	\$0	\$0
Army Reserve	\$3,000,000	\$0	\$0	\$0	\$0	\$0	\$0
Total Uses of Funds	\$93,555,569	\$9,708,443	\$9,359,761	\$96,538,634	\$9,984,449	\$9,711,448	\$9,708,774
NET CASH FLOW	\$12,463,401	(\$4,628,238)	\$3,764,101	\$26,225,218	(\$4,421,135)	\$4,660,446	\$54,811,891
CUMULATIVE CASH FLOW	\$605,631	(\$4,022,607)	(\$258,505)	\$25,966,712	\$21,545,577	\$26,206,024	\$81,017,915

Conclusions Relating to the Economic Feasibility of Historic District Building Preservation

The reuse of Historic District buildings on the Gateway development area is economically infeasible. Individually, most of the potential building reuse projects cannot reasonably be expected to defray their related construction costs. None can reasonably be projected to cover the full expense of their development. If such reuse projects are integrated into the EDC Development Plan for the Gateway development area, the development approach utilized in the City EDC application becomes infeasible. Such a result in turn undermines the rationale for the no-cost EDC transfer of the OARB to the City.

Reuse of the contributing Historic District buildings cannot be feasibly accomplished without unacceptably affecting project economics and jeopardizing the completion of the EDC.

F. Overall Conclusions on Feasibility

Given the BCDC requirements, preservation of the contributing structures on the Port development area is infeasible. The Port's development will demolish over half of the contributing structures to the OARB Historic District. This alone will result in the loss of eligibility of the Historic District at both the federal and local levels. Moreover, the OBRA's economic analysis shows that preservation of the remaining structures on the Gateway development area is economically infeasible.

Attachment 1

OARB Historic Resource Location / Split

Based on Boundary Between City and Port Development Areas

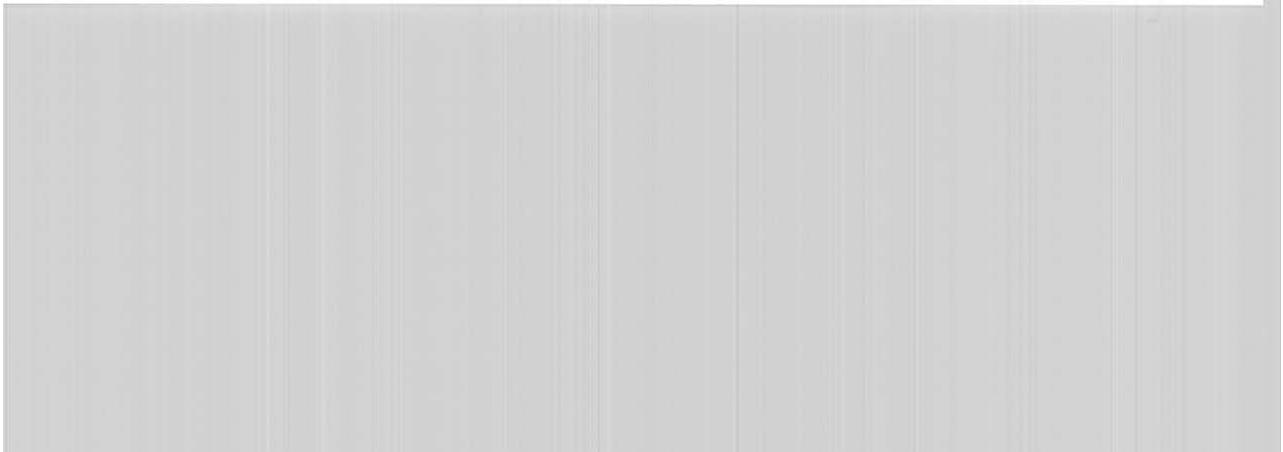
BLDG	STORY	TYPE	SQUARE FEET	PORT		GDA		SHARED		LINEAR FEET	
				PORT	GDA	PORT	GDA	PORT	GDA		
001	2	perm.	161,983			161,983				TEST	
004	1	temp.	4,600			4,600					
060	1	perm.	13,256			13,256					
085	1	temp.	9,597			9,597					
088	1	perm.	11,134					5,790	5,334		
090	1	temp.	10,556	10,556							
099	1.5	perm.	62,283					58,783	3,500		
151	NA	wharf								984	
152	NA	wharf								320	1160
153	NA	wharf									1000
802	1	temp.	233,640	233,640							
803	1	temp.	233,640	233,640							
804	1	temp.	233,640					221,140	12,500		
805	1	temp.	233,640					160,000	73,640		
806	1	temp.	233,640					160,000	73,640		
807	1	temp.	233,640					125,000	108,640		
808	1	temp.	233,640					60,000	173,640		
812	1	perm.	18,770			18,770					
821	1	temp.	20,000			20,000					
322	1	temp.	20,000			20,000					
823	1	temp.	20,000			20,000					
991	1	temp.	3,476	3,476							
			1,991,135	481,312	268,206	790,713	450,894			1304	2160
				790,713	450,894						1304
				1,272,025	719,100						3464
				719,100							
				1,991,125							
				64%	36%					38%	62%

OARB Historic Resource Location / Split

Assumes Loop Road is Constructed on City Side of the Boundary

BLDG	STORY	TYPE	SQUARE FEET	PORT	GDA	SHARED		LINEAR FEET	
						PORT	GDA	PORT	GDA
001	2	perm.	161,983		161,983				
004	1	temp.	4,600		4,600				
060	1	perm.	13,256		13,256				
085	1	temp.	9,597		9,597				
088	1	perm.	11,134			5,567	5,567		
090	1	temp.	10,556	10,556					
099	1.5	perm.	62,238			58,738	3,500		
151	NA	wharf						984	
152	NA	wharf						320	1160
153	NA	wharf							1000
802	1	temp.	233,640	233,640					
803	1	temp.	233,640	233,640					
804	1	temp.	233,640			198,000	35,640		
805	1	temp.	233,640			171,000	62,640		
806	1	temp.	233,640			171,000	62,640		
807	1	temp.	233,640			144,000	89,640		
808	1	temp.	233,640			118,000	115,640		
812	1	perm.	18,345		18,345				
821	1	temp.	20,000		20,000				
822	1	temp.	20,000		20,000				
823	1	temp.	20,000		20,000				
991	1	temp.	3,476	3,476					
			1,990,665	481,312	267,781	866,305	375,267	1304	2160
				866,305	375,267				1304
				1,347,617	643,048				3464
				643,048					
				1,990,665					
				68%	32%			38%	62%

Attachment 2



Analysis of Whether Historic District Structure Preservation on the Gateway
Development Area is Compatible with the Goals of the Reuse Plan

800 Series Warehouse Buildings

A portion of five of the 800 series warehouses (Buildings 804-808) fall onto the City's Gateway development area. The Port's development activities will require demolition of nearly one hundred percent of Building 804, approximately two-thirds of Buildings 805 and 806, over one-half of Building 807 and approximately one-fourth of Building 808.¹¹ Moreover, the property boundary between the Port development area and the Gateway development area cuts through each of the warehouses at an angle such that a significant portion of the remaining building would still have to be demolished to create usable space. As concluded in the Stoltz Report, demolition of 50 percent or more of these buildings would cause the buildings to lose their eligibility as contributing structures to the Historic District. Stoltz Report at 3-4.

Nevertheless, the City has examined whether preservation of the remaining portion of the warehouse buildings in the Northeast Component of the Historic District is feasible and would meet the goals of the Reuse Plan. The main obstacle to reuse is the fact that the warehouses are situated on an angle within the site, so that leaving them in their current location would create a large area of unusable space. This is problematic because in order to meet the goals of the Reuse Plan, which includes allowing for 2,297,000 square feet of redevelopment in the approximately 145 acres of the OARB available for City redevelopment, the City needs highly organized, efficient use of space to allow for an adequate density of use and rational traffic flows. Leaving the remnant portions of the warehouses in place would cause serious inefficiencies in land use and would not accomplish this objective. Therefore, preservation of the warehouses is infeasible.

Buildings 88 and 99

In addition to the warehouses, Buildings 88 and 99 in the Northwest Component of the Historic District cross the Port development area and Gateway development area boundary. As required by the construction of New Berth 21, over one-half of Building 88 and nine-tenths of Building 99 will be demolished by the Port. Here, again, destruction of 50 percent or more of these buildings would cause them to lose eligibility as a contributing structure. See Stoltz Report at 3-4. In addition, the property line between the Gateway development area and Port development area cuts through Buildings 88 and 99 on an angle, so only a corner of the buildings would remain. The Stoltz Report concludes that the feasible reuse of Buildings 88 and 99 would be for warehousing, and a small, triangle-shaped building is not practical for such a use.

¹¹ Design constraints will likely require that the full width of the loop road in certain portions including around Building 808, lie on the Gateway development area, even though it is a Port development. In that case, about half of Building 808 will need to be demolished by the Port. See, Attachment 3.

Buildings 821, 822 & 823

Buildings 821, 822 and 823, which are each 20,000 square feet, are located in the Northeast Component of the Historic District. The EDAW Report, which examined these buildings, concluded that relocation of the buildings would be infeasible and that while continued warehouse use would be feasible for an interim use, “[d]ue to code deficiencies, long-term/adaptive reuse may not be economically feasible.” EDAW Report at 3-11. See also the economic feasibility analysis in the OBRA Report: “Feasibility Analysis of Preserving Historic District Structures.”

Building 812

Building 812 (18,770 square feet) is located in the Northeast Component of the Historic District. The Stoltz Report found that it could be rehabilitated for reuse as either a market hall or single-tenant warehouse for a rehabilitation cost of \$2,297,000, or as an exhibit/gallery hall for a cost of \$2,511,000. No exhibit space is currently proposed in the Reuse Plan and the area surrounding Building 812 is set aside in the Reuse Plan for light industrial and flex-office space, not retail or warehouse. Additionally, the Reuse Plan goals identify this area as potentially housing the JATC or the Homeless Collaborative, should the Collaborative be located in the redevelopment district. The City has consulted with both JATC and the Homeless Collaborative to determine whether either entity could reuse this building. The JATC training center use is not compatible with the building reuses examined in the Stoltz Report. Nor do the Homeless Collaborative uses require such space. The Homeless Collaborative program consists of the following elements: work force development campus, transitional housing for the work force campus, food bank, domestic violence support center, and childcare center. In sum, preserving Building 812 would not satisfy the goals of the Reuse Plan.

Building 85

Building 85 (9,597 square feet) is located in the Northwest Component of the Historic District. The EDAW Report concluded that it had low potential for reuse “due to its age and deficiencies” and should be demolished. EDAW Report at Appendix C. In addition to its age and deficiencies, it is too small for the type of redevelopment contemplated in the Reuse Plan and leaving it in place would not allow for an efficient site plan for the Gateway development area, thus undermining the goals of the Reuse Plan.

Building 4

Building 4 (4,600 square feet) is located in the Northwest Component of the Historic District. The building was originally used as a vehicle shed. Currently, it is not being leased due to structural problems caused by past water damage. In addition to structural damage, it is too small for the type of redevelopment contemplated in the

Reuse Plan and leaving it in place would not allow for an efficient site plan for the Gateway development area, thus undermining the goals of the Reuse Plan.

Building 1

Building 1 (162,000 square feet) is located within the Northwest Component of the Historic District. The Stoltz Report determined that it could be appropriate for reuse as Class B multi-tenant office space at a rehabilitation cost of \$19,456,000. This estimate, however, did not consider the necessity of demolishing large portions of the building to remove the tarry residue-impacted soil at this location. The remediation of the hazardous waste plume, which is now projected to be the single most extensive environmental clean up requirement for the base, will, at a minimum, require the demolition of wings 1 and 2 (approximately 50% of the total floor area). See EKI Letter Report, Attachment 3. Moreover, the Stoltz Report concluded that because Building 1 is excessively large, it is not feasible to move. Moreover, moving Building 1 would cause it to lose its integrity as a contributing structure to the Historic District. Stoltz Report at 3-2. At most, reuse would preserve 50 percent of the building, an insufficient level of preservation for protecting the building's eligibility as a contributing structure to the Historic District. Stoltz Report at 3-4. Even if reuse could preserve the building's historical value, Class B office space is not the type of redevelopment that would satisfy the goals of the Reuse Plan, which mandates that Class A office space be constructed to establish the OARB as the "gateway" to the City of Oakland.

Additionally, it appears that the parking lot/"Parade Ground" in front of Building 1 was a post-World War II feature. It was not constructed with the building in 1942, and it does not appear on a 1948 Post Map. The first indication of the appearance of the Parade Ground was in a 1956 advertising map. Stoltz Report at 2-9.

Building 60

Building 60 (13,250 square feet) is also within the Northwest Component of the Historic District. The Stoltz Report found that it could be reused as a food service facility at a rehabilitation cost of \$3,442,000 or relocated at a cost of \$3,919,000. However, the Stoltz Report also noted that the building's original purpose was to serve Building 1, and because preservation of Building 1 will be demolished, see above, Building 60 would lose its historical integrity by loss of its relationship to the surrounding structures. Stoltz Report at 3-2. Additionally, having one large-volume food service facility was not contemplated in the Reuse Plan and would be quite impractical, as it would be somewhat isolated from other redevelopment sites within the Gateway development area. Leaving Building 60 in place would not allow for an efficient site plan for the Gateway development area, thus undermining the goals of the Reuse Plan.

Wharves 6 ½ & 7

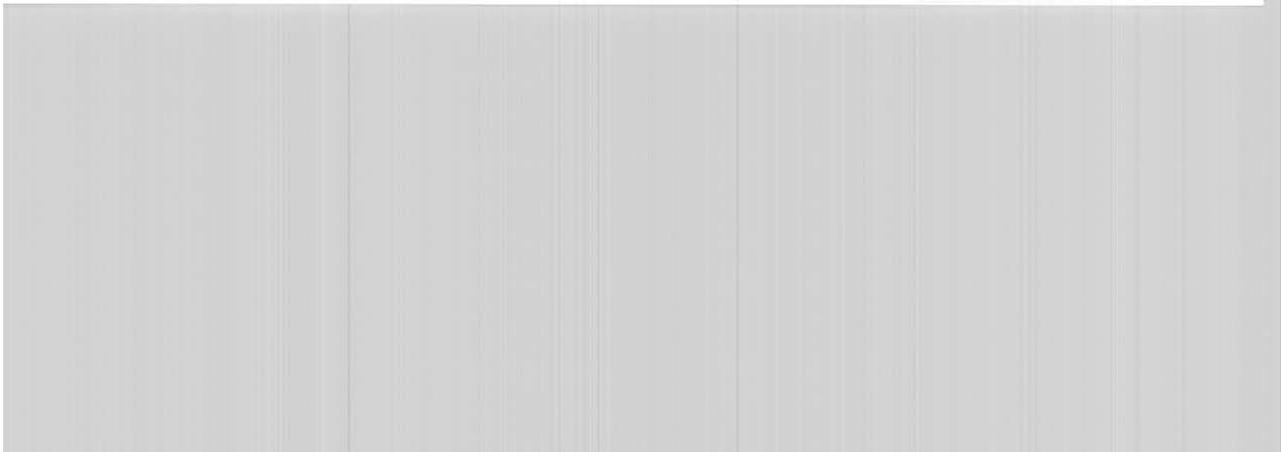
Wharves 6 ½ and 7 are located in the Northwest Component of the Historic District. In the Reuse Plan, that area is dedicated to intense development including

possibly a four- to five-story corporate campus buildings (or possibly a hotel) which would yield 600,000 square feet of office space. While the City Gateway development area includes 100 feet of open space along the waterfront on these wharves, in order to accommodate the intense reuse contemplated in the Reuse Plan, the remainder of the wharf area will be renovated/retrofitted and used for development.

**Conclusions Relating to the Feasibility of Historic District Building
Preservation on the Gateway Development Area and Compatibility
with the Goals of the Reuse Plan**

Due to the Port's development, none of the Building 800 warehouse series would be able to be preserved in its entirety on the Gateway development area. In addition, the way the warehouse buildings are situated would result in serious inefficiencies in land use, preventing the City from achieving its redevelopment goals. Similarly, only a small, unusable portion of Buildings 88 and 99 would remain after build out of the Port's development. The reuses possible for Buildings 812 and 821-23 are not compatible with the reuses designated in the Reuse Plan. Buildings 85 and 4 are recommended for demolition due to poor condition. Preservation of Building 1 is infeasible due to the requirements of remediating the oily contamination under the building. In addition, the reuse of Building 1 for Class B office space is inconsistent with the goals of the Reuse Plan. With the loss of Building 1, Building 60 loses its integrity. Moreover, one cafeteria to serve the entire Gateway development area is not practical or consistent with the goals of the Reuse Plan. In sum, the evaluation shows that preservation of the OARB Historic District component buildings on the Gateway development area is not feasible or compatible with the goals of the Reuse Plan. Wharves 6 ½ and 7, however, will be preserved, at least in part, for open space.

Attachment 3



24 April 2002

Ms. Aliza Gallo
Executive Director
Oakland Base Reuse Authority
700 Murmansk Street, Suite 300
Oakland, CA 94607

Subject: Remediation Requirements at Building 1
Oakland Army Base, Oakland, California
(EKI A10063.00)

Dear Ms. Gallo:

At the request of the Oakland Base Reuse Authority ("OBRA"), Erler & Kalinowski, Inc. ("EKI") has prepared this letter summarizing the remediation requirements at Building 1 on the Oakland Army Base ("OARB"). While the Army has performed follow-up subsurface testing to better understand the nature and extent of contamination in the area of Building 1, the Army's *Draft Feasibility Study for Operable Unit 1, Oakland Army Base, Oakland, California*, January 26, 2001, prepared by IT Corporation, (hereinafter, "Draft Feasibility Study"), contains the most current completed assessment of contamination issues relevant to Building 1, as well as the most current recommendation of remediation requirements for that site. OBRA is re-examining the Army's recommendations in connection with preparation of a Draft Remedial Action Plan ("RAP") but this re-examination is not yet finished. Therefore, this letter focuses on the Army's findings.

Background

According to Army's records, the Army constructed Building 1 in 1941 during the early stages of World War II when the OARB began operations. An oil reclaiming plant ("ORP") reportedly operated on the site from the 1920s through the 1930s. The Army removed the ORP facilities prior to constructing Building 1. It is currently believed that this ORP is the main source of contamination that has been detected in the soils under and around Building 1 (Draft Feasibility Study at p.1-7).

At the time of the operation of the former ORP, tidal mudflats were present immediately to the north and northwest beyond a bulkhead. From historical aerial photographs, the area of staining indicates that the waste from the ORP was likely deposited onto the mudflats (1939 aerial photograph from University of California at Berkeley Photo

24 April 2002
Ms. Aliza Gallo
Oakland Base Reuse Authority
Page 2

Archives and 1941 aerial photograph, Army records). This area was later covered by dredged fill and dry fill during the construction of the Army facilities in 1941 and 1942; however, a thick, tarry layer under this fill area remains (Draft Feasibility Study at pp.1-6 to 1-7).

Building 1, made up of four wings, was built on the filled land just north of the former ORP and is supported by green wooded pilings, driven 45 to 70 feet deep. The pilings would have penetrated the fill, the tarry layer, and mud, finally stopping in the underlying Merritt Sand layer. Creosoted pilings, approximately 20 feet long, were attached to the top of the green pilings, and these in turn support the main beams in the building crawl space (Draft Feasibility Study at p.1-7).

IT Corporation indicates that early oil recycling processes included the addition of concentrated sulfuric acid to the oil as a pretreatment step. The sulfuric acid would act as an oxidizer to remove unsaturated hydrocarbons, sulfur, nitrogen and oxygen compounds as well as resinous and asphaltic compounds. The separated oil would then undergo distillation or fractionation to produce the useful components such as various oils. The residuals from this process would consist of a heavy mixture of undistillable hydrocarbons and sulfuric acid sludge left in the bottom of the tanks. The waste was too acidic and unprofitable to neutralize. Therefore, it is likely that it was simply dumped on-site, as there were no environmental laws prohibiting such actions at the time (Draft Feasibility Study at pp.1-6 to 1-7).

History of Tarry Residue Detection

The thick, tarry residue, sometimes referred to as "ooze," has been observed to surface in and around Building 1. In 1994, the Army removed and replaced a section of pavement in the eastern parking lot between Wings 1 and 2, where buckled asphalt and a tar-like substance were observed. In 1998, the Army excavated a broader area in the same parking lot to remove a tar-like substance. The excavation continued toward Wing 2 of the building, but excavation efforts ceased approximately 15 feet from the building foundation due to utility and structural concerns.

In 2000, the Army found a tarry substance extruding through the joints of the sanitary sewer line during a video camera examination of the pipes. The presence of the tarry material prevented examination beyond 80 feet due to slipping drive wheels on the video camera. Also in 2000, City of Oakland employees discovered a tar-like substance in the crawl space of Wing 1, some 120 feet to the southeast of the previous parking lot excavation. The substance was extruding from the subsurface through a small gap between the wooden piling and the concrete vermin-protection slab. The substance had a black skin that was stiff and slightly resilient, appearing to be an oxidized layer over a

24 April 2002
Ms. Aliza Gallo
Oakland Base Reuse Authority
Page 3

softer interior. When the outer layer was penetrated, a clear watery liquid welled up and squirted out as if under pressure. The liquid reacted with the concrete slab, producing a faint hissing and bubbling. A test with pH paper indicated a very strong acid and faint traces of sulfurous and nitrous gases were noticed (Draft Feasibility Study at p.1-7).

In March 2002, Army investigators again found that the tarry material had surfaced in the crawl space of Building 1 at a piling.

Chemical Composition of the Tarry Residue

Laboratory analysis of the oily residue has confirmed its acidic nature. Lead has been measured at a concentration as high as 11,800 mg/kg in the oily residue. The material also contains polycyclic aromatic hydrocarbons ("PAHs"), polychlorinated biphenyls ("PCBs"), polychlorinated dibenzodioxins ("PCDDs"), and polychlorinated dibenzofurans ("PCDFs") at concentrations of concern. PAHs were the contaminants in the tarry residue that contributed to the Army's finding of an unacceptable human health hazard requiring remediation (Draft Feasibility Study at pp. 1-8, 2-9 to 2-10). Available laboratory analytical results indicate, at a minimum, that the tarry residue when excavated or removed would probably meet the State of California definition of a hazardous waste.

Risks Associated with Exposure to Tarry Residue

The Army noted that the presence of the ooze in the crawl space of Building 1 indicates that changes can and are occurring in the subsurface under Building 1. Analysis confirmed that free liquid present within the ooze exhibits a pH of 1, likely due pockets of sulfuric acid. Inhalation of sulfuric acid produces damaging effects on the mucous membranes and the upper respiratory tract. The Army has speculated that the sulfuric acid is reacting with groundwater to form hydrogen gas, resulting in gas accumulation and an associated increase in pressure that may cause the ooze to squeeze through gaps under and around Building 1 to the surface (Draft Feasibility Study at pp.1-13 to 1-14).

Concentrated sulfuric acid has a high affinity for water and reacts with organic matter and petroleum products by extracting hydrogen and oxygen and leaving the residue in a carbonized form. The Army also speculates that the sulfuric acid could be continuing to carbonize the petroleum waste and generate heat sufficient to warm the ooze and lower the viscosity, thereby enabling the material to flow into the crawl space. This elevation in temperature could also drive off sulfur trioxide from the sulfuric acid, which could be reduced by the petroleum waste to form sulfur dioxide or hydrogen sulfide, which could migrate into the building (Draft Feasibility Study at p.1-14).

24 April 2002
Ms. Aliza Gallo
Oakland Base Reuse Authority
Page 4

Exposure to sulfur dioxide can cause impairment of respiratory function. It can also lead to increased mortality if elevated particulate matter is present. Hydrogen sulfide is a highly toxic and odorous gas. At low levels, hydrogen sulfide causes irritation of the eyes, nose, and throat. Moderate levels can cause headaches, dizziness, nausea, vomiting and breathing difficulty. At high concentration, it can be rapidly fatal. Hydrogen sulfide can also be an explosion hazard as concentrations could build up enough in the crawl space to sustain a flame (Draft Feasibility Study at pp.1-14 to 1-15).

The Army concluded that remediation of contaminants in the soil at the former ORP area, including under and around Building 1, is warranted due to its potential mobility and the unacceptable health risks from exposure to the tarry residue (Draft Feasibility Study at p. 2-9).

Extent of Tarry Residue Contamination

The extent of the area where tarry residue may be present is estimated to be on the order of 70,000 to 80,000 square feet. Historical information indicates that the tarry residue is more prevalent in the general area of Wings 1 and 2 of Building 1. See Attachment 1 (Draft Feasibility Study Figure 2-1). Soil boring data was evaluated to determine the depth to which the tarry residue may be present. The data shows that the tarry residue was encountered at a depth interval of 4.5 to 7 feet below ground surface ("bgs"). Hydrocarbon smell was detected at various locations at depth intervals of 3.5 to 5.5 feet bgs. Using a target depth interval of 3.5 to 5.5 feet bgs, the Army estimated that the volume of soil containing tarry residue is approximately 6,000 cubic yards (Draft Feasibility Study at p. 2-10 to 2-11). It should be recognized that this estimate is subject to considerable uncertainty and the actual quantity of tarry residue may be greater or less than 6,000 cubic yards. According to the Army, the results of further investigations indicate that the extent of contaminated soil in the vicinity of Building 1 may be larger than that recognized at the time the Draft Feasibility Study was prepared and may affect more than Wings 1 and 2. The findings of these further investigations are summarized in IT Corporation's *Draft Building 1 Site Supplemental Investigation Report, Oakland Army Base, Oakland, California*, dated 14 March 2002.

Army Analysis of Remediation Options

With regard to potential health risks and numerous statutory requirements, the tarry residue in the area of Building 1 must be remediated. Because portions of Building 1 cover the area identified for remediation, and because remediation requires access to the contaminated area by large equipment, the Army evaluated two options regarding Building 1 to allow for removal of the tarry residue under the structure: (a) temporary relocation of Wings 1 and 2; and (b) demolition of Wings 1 and 2. Option 1, temporary

24 April 2002
Ms. Aliza Gallo
Oakland Base Reuse Authority
Page 5

relocation, would require Wings 1 and 2 to be moved. Building 1 is a large, multi-winged structure, and Wings 1 and 2 comprise approximately half of the building, or about 80,000 square feet. Relocation of the wings would involve separating the building, including utilities from the remaining wings, stabilizing them, placing the structure to be moved on dollies or skates in the crawl space, raising the structure by applying a lifting force, and cutting the existing wooden piles once the building has been lifted. After the remedial action activities are completed, the building would be returned and reconnected. Option 2, examined the demolition of Wings 1 and 2. The Army concluded that based on the "inherent risks and uncertainties involved with the temporary relocation of Wings 1 and 2, Option 2, demolition was selected" (Draft Feasibility Study at pp. 2-12 to 2-13). The *Oakland Army Base Historic Building Reuse Alternatives Report*, by Nancy Stoltz, dated 18 April 2002, supports the Army's findings that Building 1 cannot be relocated.

With respect to the actual remediation of the tarry residue, the Army examined five alternatives: (1) no action; (2) institutional controls; (3) excavation and off-site disposal; (4) excavation, on-site stabilization and on-site disposal; and (5) excavation, on-site stabilization and off-site disposal. Although Alternative 4 in the Draft Feasibility Study was recommended, the Army is re-evaluating Alternative 5 because placement of even treated residue may not be allowable under statutory requirements, nor be cost-effective. Only Alternatives 1 (no action) and 2 (institutional controls) would allow for the preservation of Building 1. However, the Army rejected the no action alternative because the tarry residue would remain accessible and taking no action would not protect human health and the environment. Similarly, the institutional controls alternative was also rejected because, while it would prohibit new buildings, it would fail to protect human health over the long term, as the tarry residue could still migrate to the surface (Draft Feasibility Study at pp. 3-1, 4-3 to 4-5). The remaining alternatives all involve excavation and, therefore, demolition of Wings 1 and 2 of Building 1. Excavation requires an open area accessible by conventional equipment such as excavators and backhoes.

Current Status of Remedial Action Planning

OBRA is now preparing a RAP, which addresses the Building 1 and ORP area remediation. Excavation, transport, and disposal of the tarry residue at off-site permitted hazardous waste facilities, much as outlined by the Army, are being evaluated. OBRA's evaluation of potential remedial actions also finds that demolition of Wings 1 and 2 of Building 1 are necessary because the building apparently cannot be relocated and clearance for excavators and other heavy equipment is required to access the tarry residue.

24 April 2002
Ms. Aliza Gallo
Oakland Base Reuse Authority
Page 6

Conclusions

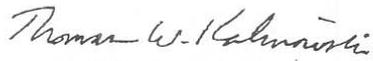
All of the remedial measures that are considered to be consistent with site conditions, statutory requirements, and intended land use result in a remedial actions that includes, as a component, the demolition of Wings 1 and 2 of Building 1 based on our understanding that it is not feasible to relocate this structure.

Very truly yours,

ERLER & KALINOWSKI, INC.



Andrew N. Safford, P.E.
Project Manager



Thomas W. Kalinowski, Sc.D.
Vice President

cc: Andrew Clark-Clough, City of Oakland
Jennifer Hernandez, Esq., Beveridge & Diamond

Attachment 4

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94612

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April 18, 2002

Aliza Gallo
Executive Director
Oakland Base Reuse Authority
700 Murmansk Street, Suite 3
Oakland, CA 94607

AR
HI
EC
RIPLEY

Reference: Supplement to Oakland Army Base Historic Building Reuse
Alternatives Report
Subject: Buildings 821, 822 and 823

Dear Ms Gallo:

At your request, Ripley Architects along with Nancy Stoltz, Architectural Historian and Project Manager for the referenced report, visited the subject buildings to become generally familiar with them and to observe their overall condition. The objective of these observations was to assist OBRA in establishing a conceptual cost analysis range for the reuse and rehabilitation of the three structures to supplement the report referenced above.

We undertook this effort with the understanding that, since time did not permit applying the same methodology used in analyzing the historic preservation of the original six buildings, we would instead evaluate and assess these three additional buildings in view of our findings on the original six structures. In particular we looked for similarity and comparability in terms of the following:

- Overall similarity in size, scale and configuration
- Comparable construction materials and systems
- General condition and maintenance

From our review of Historic American Engineering Record No. CA-125-K (Oakland Army Base, Storehouses; Buildings 821 & 822), and our field observations of the subject buildings using selected copies of the original construction drawings, we believe that Buildings 821, 822 and 823 are sufficiently similar to Building 812, the original Vehicle Maintenance Shop, that the conceptual cost plan budget figures developed for that building can be used for them as well. We attach a copy of the *Building #812, Market Hall Option Component Summary* (dated April 17, 2002), which indicates a recommended budget for October of 2003 of about \$125.00 per square foot, or \$2,500,000 for each 20,000 gross square foot building.

We believe that this budget would be adequate for reuse of the buildings as warehouses; should other more intensive uses be contemplated we recommend that the buildings be more thoroughly evaluated. Please note also that we have made the assumption that the buildings would require about the same structural upgrading as Building 812, and accordingly the buildings have not been reviewed by a structural engineer

Should you have questions, or require any further assistance from us, please do not hesitate to call.

Yours truly,
Ripley Architects

A handwritten signature in black ink, appearing to read "G. James Scoggin", with a long horizontal flourish extending to the right.

G. James Scoggin, Principal

Cc. M. Stoltz
Attachments

AR
HI
EC

Appendix B
Basis for Location of Proposed New Intermodal Rail Facility at OARB

**BASIS FOR LOCATION OF PROPOSED
NEW INTERMODAL RAIL FACILITY
AT OAKLAND ARMY BASE**

**Prepared by Port of Oakland Staff
April 24, 2002**

Executive Summary: The Oakland Army Base (OARB) is currently going through the Base Reuse and Conversion process. This paper addresses the question of whether preservation of any of the 800-series warehouse buildings at OARB is consistent with provisions of applicable regional plans for maritime development necessary to satisfy future capacity demands. Federal actions taken as a part of that process, including Federal conveyance of the OARB, are required under the Federal Coastal Zone Management Act to be consistent to the maximum extent practical with the San Francisco Bay Conservation and Development Commission's (BCDC) Bay and Seaport Plans. The original base reuse plan proposed by the Oakland Base Reuse Authority (OBRA) was inconsistent with the Seaport Plan because it did not adequately accommodate the forecast growth of seaborne commerce through San Francisco Bay. A subsequent plan proposed by OBRA and the Port of Oakland (Port) allows for mixed-use development by the City and accommodates forecast growth of the Port that is consistent with the Seaport Plan. The central element of this plan is the expansion of marine terminals in the Outer Harbor area and the new intermodal rail facility (NIF) in the eastern part of the OARB. These elements create the capacity for the Port to effectively handle container growth through the year 2020. The design of the NIF must accommodate a minimum of 575,000 container lifts per year. The NIF, as proposed in the plan (see attached drawing¹), meets this minimum requirement. Any reduction in the footprint of the NIF will result in an inadequate throughput capacity to meet the requirements of the Seaport Plan. Accordingly, the configuration of the NIF cannot be altered to accommodate reuse of contributing buildings in the Oakland Army Base historic district because the design has already been pared down to the minimum that will fit into the available acreage and remain able to satisfy the provisions of BCDC's Bay and Seaport Plans, including the projected 2020 maritime container throughput demand.

Background/Chronology: The Port has been designated as the regional port for San Francisco Bay under BCDC's Seaport Plan. As such, the Port is expected to provide the capacity to handle all future container growth in the San Francisco Bay Area (to minimize damage and fill in the Bay). In order to meet these needs, the Seaport Plan calls for a total of 1000 acres of container terminals at the Port of Oakland.

OBRA was created to guide the community's planning effort for the closure and reuse of the Oakland Army Base. OBRA's planning effort culminated in the 1998 Base Reuse Plan and reflected the community's preferred development scenario at that time. However, it became

¹ The attachment is taken from the Knight Yard JIT Alternatives Reconnaissance Study, prepared by the Parsons Transportation Group for the Port of Oakland, May 2000. The study examined alternative intermodal terminal layouts given operational requirements and physical constraints of the Oakland Army Base property.

apparent that the *entire* Oakland Army Base was subject to BCDC's port priority use designation as delineated in its Bay and Seaport Plans. BCDC staff subsequently expressed concern that the Base Reuse Plan was inconsistent with the Bay and Seaport Plans, which use regional cargo forecasts to manage seaport expansion and minimize bay fill. BCDC staff did not believe that BCDC would be able to concur with the Army's consistency determination, then pending before BCDC, for Army conveyance in accordance with OBRA's 1998 Base Reuse Plan.

In order to meet the BCDC mandate and ensure consistency of the Army's conveyance actions with the Federal Coastal Zone Management Act, OBRA and the Port developed an alternative plan that would meet BCDC's forecast capacity needs at the Port and provide the opportunity for non-maritime City of Oakland development at OARB. This alternative plan calls for the creation of additional marine terminal capacity and the development of the NIF. The combination of these developments would give the Port the opportunity to accommodate the growth of waterborne commerce through 2020, which demonstrated to BCDC that the port priority use designation could be removed from most of the OARB upland areas west of Maritime Street and northerly portions of the Base including the former Baldwin Railyard and the Subaru Lot.

New Intermodal Rail Facility: As stated earlier, in order to meet BCDC's 2020 throughput capacity forecast, approximately 1,000 acres of Harbor area within proximity of deepwater would need to be devoted to Marine Terminal. Only by locating the NIF site at OARB, and assuring that the NIF would have adequate capacity, was BCDC persuaded to reduce the port priority footprint. The Port performed engineering studies to develop several alternative configurations, which would be functional and still fit within the OARB footprint. All but one of these alternatives, which did not even come close to meeting the throughput capacity requirements, necessitated removal of the 800-series warehouses.

The total track length and track geometry for a minimally functional intermodal rail yard are dictated by many factors. Typical design criteria and considerations include the following:

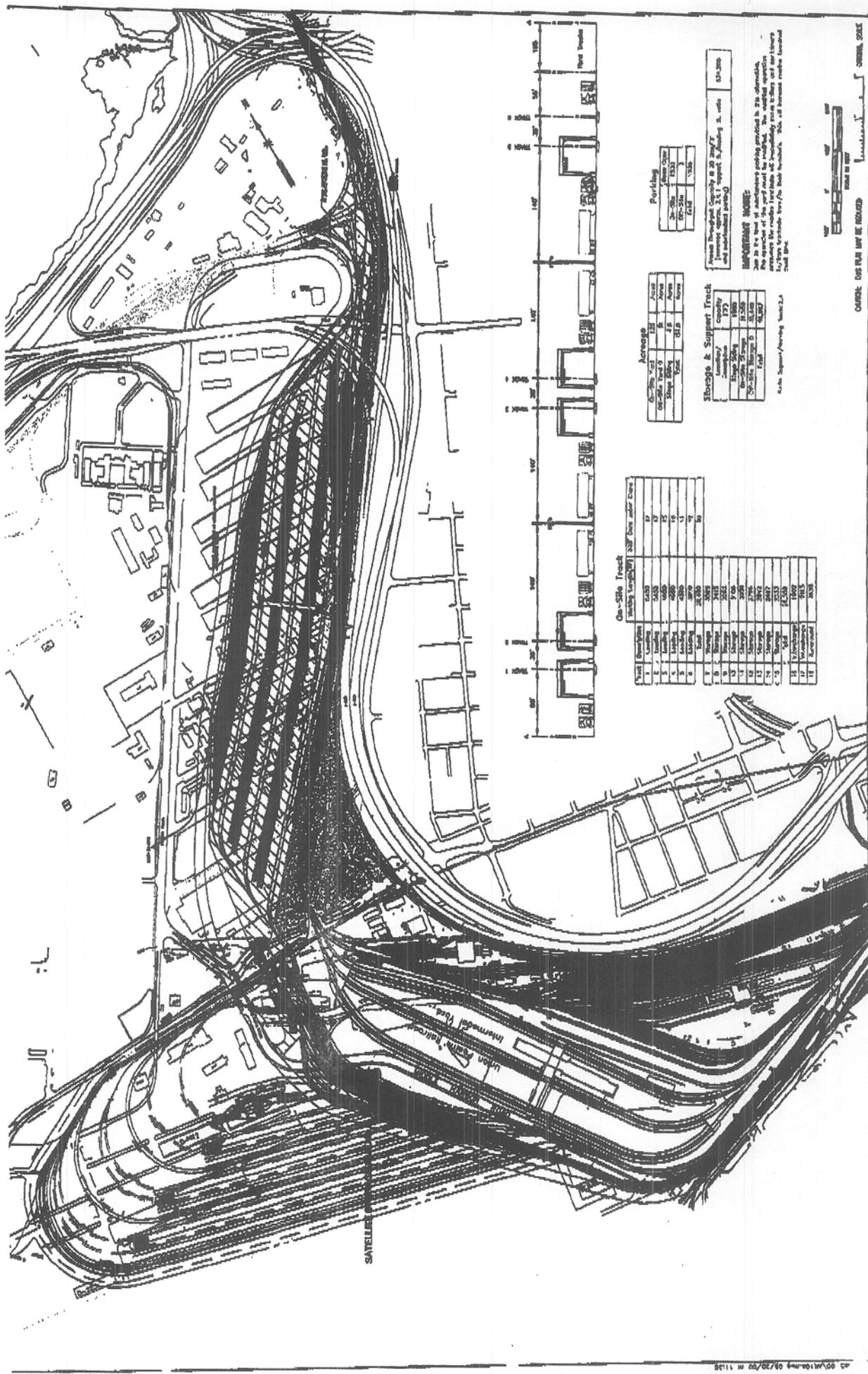
- Available acreage
- Railroad track curvature/geometry
- Necessary track length
- Estimated number of container lifts per track foot per year
- Mainline railroad track access
- Highway access
- Roadway curvature/geometry/speed limits
- Physical constraints (freeway columns, BART, grade separation etc.)
- Minimum commercially viable cargo throughput capacity
- Storage area for cargo parking, gates, buildings, facilities
- Operations and maintenance
- Public Utility Commission and Federal Railroad Administration regulations
- RR and terminal operational safety (crossings etc.)
- Proximity to Marine Terminals

Based on Port engineering analysis and consultant studies, the minimum throughput of the NIF requires approximately 28,000 lineal feet of working (loading and unloading) track and an additional 26,000 feet of storage track. In addition, approximately 1600 storage spaces for containers adjacent to the working tracks are necessary. This results in a minimum footprint of approximately 160 acres. To maintain efficiency of cargo movement, enough track length must be provided in order to avoid splitting trains while cargo is loaded and unloaded. The track in the planned NIF is designed to provide approximately 575,000 container lifts² per year. This is the absolute minimum number of lifts that would meet the BCDC forecasts for container movement at the Port of Oakland. Reductions in any of the above elements would result in significant loss of throughput capacity by limiting the number of railcars that can be handled and loss of operational efficiencies.

The NIF links to the mainline rail system through a narrow throat at the north end of the site. This throat is already heavily constrained, due to the location of the Cypress Freeway, The East Bay Municipal Utility District Wastewater Treatment Facility and the Union Pacific Railyard. At an absolute minimum, the planned width between the location of the NIF westerly boundary and the OAB easterly boundary is required to provide room for the rail lines to merge and simultaneous ingress and egress. OBRA's rail and transportation consultant, Trans Systems (formerly Vickerman, Zachary and Miller - VZM) carefully reviewed the design criteria and configuration of the NIF. TransSystems' findings confirmed that the design of the NIF was the minimum necessary for a functional facility.

Conclusion: The design for the NIF is based on the physical and regulatory constraints of the OARB site and operational requirements. Construction of the NIF and new marine terminal facilities will require the removal of all or portions of the 800-series warehouse buildings. Redesign of the NIF in order to avoid Building 808, the northernmost warehouse (or any of the other 800-series buildings), would reduce the footprint of the NIF, which cannot be reduced any further and remain consistent with the BCDC Seaport Plan.

² A "lift" is the movement of a cargo container from a train to a truck or vice versa.



On-Site Truss

Track	Quantity	Material	Notes
1	1	Steel	
2	1	Steel	
3	1	Steel	
4	1	Steel	
5	1	Steel	
6	1	Steel	
7	1	Steel	
8	1	Steel	
9	1	Steel	
10	1	Steel	
11	1	Steel	
12	1	Steel	
13	1	Steel	
14	1	Steel	
15	1	Steel	
16	1	Steel	
17	1	Steel	
18	1	Steel	
19	1	Steel	
20	1	Steel	

Storage & Support Truss

Quantity	Material	Notes
1	Steel	
2	Steel	
3	Steel	
4	Steel	
5	Steel	
6	Steel	
7	Steel	
8	Steel	
9	Steel	
10	Steel	
11	Steel	
12	Steel	
13	Steel	
14	Steel	
15	Steel	
16	Steel	
17	Steel	
18	Steel	
19	Steel	
20	Steel	

Partitions

Quantity	Material	Notes
1	Steel	
2	Steel	
3	Steel	
4	Steel	
5	Steel	
6	Steel	
7	Steel	
8	Steel	
9	Steel	
10	Steel	
11	Steel	
12	Steel	
13	Steel	
14	Steel	
15	Steel	
16	Steel	
17	Steel	
18	Steel	
19	Steel	
20	Steel	

From Schedule 2, items 20, 21, 22, 23, 24, 25, 26, 27, 28, 29, 30, 31, 32, 33, 34, 35, 36, 37, 38, 39, 40, 41, 42, 43, 44, 45, 46, 47, 48, 49, 50, 51, 52, 53, 54, 55, 56, 57, 58, 59, 60, 61, 62, 63, 64, 65, 66, 67, 68, 69, 70, 71, 72, 73, 74, 75, 76, 77, 78, 79, 80, 81, 82, 83, 84, 85, 86, 87, 88, 89, 90, 91, 92, 93, 94, 95, 96, 97, 98, 99, 100, 101, 102, 103, 104, 105, 106, 107, 108, 109, 110, 111, 112, 113, 114, 115, 116, 117, 118, 119, 120, 121, 122, 123, 124, 125, 126, 127, 128, 129, 130, 131, 132, 133, 134, 135, 136, 137, 138, 139, 140, 141, 142, 143, 144, 145, 146, 147, 148, 149, 150, 151, 152, 153, 154, 155, 156, 157, 158, 159, 160, 161, 162, 163, 164, 165, 166, 167, 168, 169, 170, 171, 172, 173, 174, 175, 176, 177, 178, 179, 180, 181, 182, 183, 184, 185, 186, 187, 188, 189, 190, 191, 192, 193, 194, 195, 196, 197, 198, 199, 200, 201, 202, 203, 204, 205, 206, 207, 208, 209, 210, 211, 212, 213, 214, 215, 216, 217, 218, 219, 220, 221, 222, 223, 224, 225, 226, 227, 228, 229, 230, 231, 232, 233, 234, 235, 236, 237, 238, 239, 240, 241, 242, 243, 244, 245, 246, 247, 248, 249, 250, 251, 252, 253, 254, 255, 256, 257, 258, 259, 260, 261, 262, 263, 264, 265, 266, 267, 268, 269, 270, 271, 272, 273, 274, 275, 276, 277, 278, 279, 280, 281, 282, 283, 284, 285, 286, 287, 288, 289, 290, 291, 292, 293, 294, 295, 296, 297, 298, 299, 300, 301, 302, 303, 304, 305, 306, 307, 308, 309, 310, 311, 312, 313, 314, 315, 316, 317, 318, 319, 320, 321, 322, 323, 324, 325, 326, 327, 328, 329, 330, 331, 332, 333, 334, 335, 336, 337, 338, 339, 340, 341, 342, 343, 344, 345, 346, 347, 348, 349, 350, 351, 352, 353, 354, 355, 356, 357, 358, 359, 360, 361, 362, 363, 364, 365, 366, 367, 368, 369, 370, 371, 372, 373, 374, 375, 376, 377, 378, 379, 380, 381, 382, 383, 384, 385, 386, 387, 388, 389, 390, 391, 392, 393, 394, 395, 396, 397, 398, 399, 400, 401, 402, 403, 404, 405, 406, 407, 408, 409, 410, 411, 412, 413, 414, 415, 416, 417, 418, 419, 420, 421, 422, 423, 424, 425, 426, 427, 428, 429, 430, 431, 432, 433, 434, 435, 436, 437, 438, 439, 440, 441, 442, 443, 444, 445, 446, 447, 448, 449, 450, 451, 452, 453, 454, 455, 456, 457, 458, 459, 460, 461, 462, 463, 464, 465, 466, 467, 468, 469, 470, 471, 472, 473, 474, 475, 476, 477, 478, 479, 480, 481, 482, 483, 484, 485, 486, 487, 488, 489, 490, 491, 492, 493, 494, 495, 496, 497, 498, 499, 500, 501, 502, 503, 504, 505, 506, 507, 508, 509, 510, 511, 512, 513, 514, 515, 516, 517, 518, 519, 520, 521, 522, 523, 524, 525, 526, 527, 528, 529, 530, 531, 532, 533, 534, 535, 536, 537, 538, 539, 540, 541, 542, 543, 544, 545, 546, 547, 548, 549, 550, 551, 552, 553, 554, 555, 556, 557, 558, 559, 560, 561, 562, 563, 564, 565, 566, 567, 568, 569, 570, 571, 572, 573, 574, 575, 576, 577, 578, 579, 580, 581, 582, 583, 584, 585, 586, 587, 588, 589, 590, 591, 592, 593, 594, 595, 596, 597, 598, 599, 600, 601, 602, 603, 604, 605, 606, 607, 608, 609, 610, 611, 612, 613, 614, 615, 616, 617, 618, 619, 620, 621, 622, 623, 624, 625, 626, 627, 628, 629, 630, 631, 632, 633, 634, 635, 636, 637, 638, 639, 640, 641, 642, 643, 644, 645, 646, 647, 648, 649, 650, 651, 652, 653, 654, 655, 656, 657, 658, 659, 660, 661, 662, 663, 664, 665, 666, 667, 668, 669, 670, 671, 672, 673, 674, 675, 676, 677, 678, 679, 680, 681, 682, 683, 684, 685, 686, 687, 688, 689, 690, 691, 692, 693, 694, 695, 696, 697, 698, 699, 700, 701, 702, 703, 704, 705, 706, 707, 708, 709, 710, 711, 712, 713, 714, 715, 716, 717, 718, 719, 720, 721, 722, 723, 724, 725, 726, 727, 728, 729, 730, 731, 732, 733, 734, 735, 736, 737, 738, 739, 740, 741, 742, 743, 744, 745, 746, 747, 748, 749, 750, 751, 752, 753, 754, 755, 756, 757, 758, 759, 760, 761, 762, 763, 764, 765, 766, 767, 768, 769, 770, 771, 772, 773, 774, 775, 776, 777, 778, 779, 780, 781, 782, 783, 784, 785, 786, 787, 788, 789, 790, 791, 792, 793, 794, 795, 796, 797, 798, 799, 800, 801, 802, 803, 804, 805, 806, 807, 808, 809, 810, 811, 812, 813, 814, 815, 816, 817, 818, 819, 820, 821, 822, 823, 824, 825, 826, 827, 828, 829, 830, 831, 832, 833, 834, 835, 836, 837, 838, 839, 840, 841, 842, 843, 844, 845, 846, 847, 848, 849, 850, 851, 852, 853, 854, 855, 856, 857, 858, 859, 860, 861, 862, 863, 864, 865, 866, 867, 868, 869, 870, 871, 872, 873, 874, 875, 876, 877, 878, 879, 880, 881, 882, 883, 884, 885, 886, 887, 888, 889, 890, 891, 892, 893, 894, 895, 896, 897, 898, 899, 900, 901, 902, 903, 904, 905, 906, 907, 908, 909, 910, 911, 912, 913, 914, 915, 916, 917, 918, 919, 920, 921, 922, 923, 924, 925, 926, 927, 928, 929, 930, 931, 932, 933, 934, 935, 936, 937, 938, 939, 940, 941, 942, 943, 944, 945, 946, 947, 948, 949, 950, 951, 952, 953, 954, 955, 956, 957, 958, 959, 960, 961, 962, 963, 964, 965, 966, 967, 968, 969, 970, 971, 972, 973, 974, 975, 976, 977, 978, 979, 980, 981, 982, 983, 984, 985, 986, 987, 988, 989, 990, 991, 992, 993, 994, 995, 996, 997, 998, 999, 1000.

OWNER: DIS RAILWAY COMPANY

PROJECT: KNIGHT YARD JOINT INTERMODAL TERMINAL

DATE: 5-18-02

SCALE: 1" = 100'

PORT OF OAKLAND
530 WATER ST. OAKLAND, CALIFORNIA

DESIGNED BY: [Name]

CHECKED BY: [Name]

APPROVED BY: [Name]

RECORDED BY: [Name]

DATE RECORDED: [Date]

DATE: 5-18-02

SCALE: 1" = 100'

PROJECT: KNIGHT YARD JOINT INTERMODAL TERMINAL

OWNER: DIS RAILWAY COMPANY