
FINAL

ENVIRONMENTAL IMPACT REPORT

Arcadia Park Residential Development Project

Prepared for
City of Oakland
Community and Economic Development Agency
250 Frank Ogawa Plaza, Suite 3315
Oakland, CA 94612

Prepared by CirclePoint
135 Main Street, Suite 1600
San Francisco, CA 94105

September 8, 2005

CITY OF OAKLAND



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

Community and Economic Development Agency
Planning & Zoning Services Division

(510) 238-3941
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COMBINED NOTICE OF RELEASE AND AVAILABILITY OF THE FINAL ENVIRONMENTAL IMPACT REPORT AND NOTICE OF PUBLIC HEARING ON THE ARCADIA PARK RESIDENTIAL PROJECT

PROJECT TITLE: Arcadia Park Residential Project

CASE NO.: GP05-331; RZ05-332; PUD05-335; TTM-7640; CMV05-446; ER05-003

PROJECT SPONSOR: Pulte Homes

PROJECT LOCATION: The project site is located near the corner of 98th Avenue and San Leandro Street in East Oakland. The site is approximately 27 acres in size.

DESCRIPTION OF PROJECT: The applicant proposes to construct 366 new residential dwelling units on a site located near the corner of 98th Avenue and San Leandro Street in East Oakland. The project consists of 74 single-family homes, 108 small-lot single-family homes (also known as detached condominiums or urban single-family homes), and 184 attached townhomes. The applicant is seeking to amend to the General Plan land use designation for the site from General Industrial/Transportation to Housing and Business Mix in the Oakland General Plan, amend the Redevelopment land use designation for the site from Manufacturing to Residential in the Coliseum Redevelopment Area Plan, and rezone the site from the M-30 General Industrial Zone to the R-30 One-Family Residential Zone and the R-50 Medium Density Residential Zone. The applicant is also seeking approval of a Planned Unit Development (PUD) permit, Tentative Tract Map, Conditional Use Permit, and Variances.

ENVIRONMENTAL REVIEW: On July 1, 2005, a Draft EIR was published for this project beginning a 45-day public review period which ended on August 15, 2005. All comments that were received have now been compiled and responded to in a Final EIR, along with changes and clarifications to the Draft EIR. The preparation of the Final EIR has been overseen by the Environmental Review Officer or his/her representative, and the conclusions and recommendations in the document represent the independent conclusions and recommendations of the City. Copies of the Final EIR are available for distribution to interested parties at no charge at the Community and Economic Development Agency, Planning and Zoning Division, 250 Frank H. Ogawa Plaza, Suite 3315, Oakland, CA 94612, Monday through Friday, 8:30 a.m. to 5:00 p.m.

PUBLIC HEARING: The City Planning Commission will hold a public hearing on Wednesday, September 21, 2005, at 6:30 p.m. in Hearing Room 1, City Hall, 1 Frank H. Ogawa Plaza, Oakland, California, to consider approval of the project. This action consists of the certification of the Final EIR and consideration of the planning entitlements for the project. Members of the public are welcome to attend this hearing and provide comments on the Final EIR or the proposed project.

Written comments on the Final EIR or the proposed project should be sent to the attention of Darin Ranelletti, Planner III, City of Oakland, Community and Economic Development Agency, Planning and Zoning Division, 250 Frank H. Ogawa Plaza, Suite 3315, Oakland, CA 94612. Comments should be received no later than 4:00 p.m. on September 21, 2005. If you challenge the environmental document or discretionary planning permits in court, you may be limited to raising only those issues raised at the City Planning Commission public hearing described above, or in written correspondence received by the Community and Economic Development Agency on or prior to 4:00 p.m. on September 21, 2005. For further information, please contact Darin Ranelletti at (510) 238-3663 or dranelletti@oaklandnet.com.

CLAUDIA CAPPIO
Development Director

Date: September 8, 2005

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Chapter I

INTRODUCTION

An Environmental Impact Report (EIR) is an informational document prepared by a Lead Agency (in this case, the City of Oakland) that contains environmental analysis for public review and for agency decision-makers to use in their consideration of development proposals. The City of Oakland issued the Draft EIR (DEIR) for the Arcadia Park Residential Project on July 1, 2005. During the 45-day comment period that followed, one State Agency (the California Public Utilities Commission) submitted a written comment letter on the DEIR.

The City Planning Commission also held a public hearing on July 20, 2005, during the 45-day review period, to provide members of the public an opportunity for oral testimony regarding the DEIR. Four members of the public gave public testimony at the hearing, and the Planning Commissioners also offered comments and questions.

This Final Environmental Impact Report (FEIR) and Response to Comments document contains responses to the written and oral comments received on the DEIR. The DEIR for the Arcadia Park Residential Project together with this document constitute the FEIR for the proposed Project. The FEIR will be considered by the Oakland Planning Commission and City Council before they take action on the proposed Project.

Before the Lead Agency may approve the Project, it must certify that the FEIR adequately discloses the environmental effects of the proposed Project, that the FEIR has been completed in conformance with the California Environmental Quality Act (CEQA), and that the decision-making body of the Lead Agency independently reviewed and considered the information contained in the FEIR. Certification of the FEIR would not mean that the City is approving the proposed Project or any of the alternatives described in the DEIR. Rather, certification of the FEIR would indicate the City's determination that the FEIR adequately evaluates the environmental impacts that could be associated with the proposed Project.

CEQA Guidelines specify that the FEIR shall consist of:

- The Draft Environmental Impact Report (DEIR) or a revision of that Draft;
- Comments and recommendations received on the DEIR;
- A list of persons, organizations, and public agencies commenting on the DEIR;
- The response of the Lead Agency to significant environmental issues raised in the review and consultation process;
- Changes to the Draft EIR based on public comment and any additional analysis conducted as a result of public comments.
- Any other information added by the Lead Agency.

In response to the public comments on the Draft EIR the City conducted additional analysis to examine potential noise impacts from adjacent properties, potential effects of hazardous materials use on adjacent properties, and potential effects of redevelopment of the project site with light industrial

uses. None of these analyses resulted in new potentially significant project impacts that were not previously disclosed in the Draft EIR.

As a result of these analyses, the following changes have been made to the Draft EIR:

- **Project Description:** Although the additional noise analysis did not identify any new potentially significant impacts that were not already disclosed in the Draft EIR, the project sponsor has proposed the construction of a barrier wall between the Arcadia Park site and adjacent industrial properties to provide additional separation between these uses.
- **Chapter III.A Transportation/Circulation:** Based on a suggestion made by the Alameda County Congestion Management Agency, a mitigation measure is added to clarify additional travel demand strategies that could further reduce trip generation.
- **Chapter IV Alternatives:** A new project alternative (Alternative 4 Redevelopment with Light Industrial Uses) is added. The analysis demonstrates that the new project alternative would result in greater traffic impacts than would be created by the proposed project, and thus it would not present a way to reduce the project's significant unavoidable traffic impact.
- **Typos and text inaccuracies** are corrected.

Chapter II

MASTER RESPONSES

Many of the comment letters received on the Draft EIR raised similar issues. Rather than repeat the same response throughout this Final EIR, the City has prepared master responses to address these comments in a comprehensive fashion. This Chapter contains the following two master responses:

- Master Response 1: Use of Hazardous Materials on Adjacent Industrial Properties
- Master Response 2: Noise from Adjacent Industrial Uses

Master Response 1: Use of Hazardous Materials on Adjacent Industrial Properties

Several commenters raised the issue of the use of hazardous materials on adjacent light industrial properties and whether such use is compatible with the proposed residential uses.

Light industrial uses in the area are varied and include paper tube manufacturing, agricultural bag manufacturing, auto repair and auto body shops, bundling of plastics for recycling, and vehicle and container storage. The locations of adjacent light industrial uses are shown in Figure 1. The names of the businesses are listed in Table 1.

The operation of many of these businesses requires the routine transport, use, and storage of chemicals such as petroleum fuel products, lubricants, solvents, and cleaning fluids. All businesses located on properties immediately adjacent to the Project site have a Hazardous Materials Business Plan on file with the City as required. The Hazardous Materials Business Plan documents the types of chemicals stored and/or used on site, the location of hazardous materials on site, emergency response information including employee training information, and proscribes the manner in which these materials are transported and disposed. The Plan is designed to ensure that the employees are trained adequately to handle the materials used and also provides information for the Oakland Fire Department should an emergency response be necessary. None of the surrounding businesses are classified as handlers of large quantities of hazardous materials or handle acutely hazardous materials, none are involved in the treatment of hazardous materials, and there are no underground storage tanks located on any of these properties. All of these businesses are operating in compliance with required regulations for the handling of hazardous materials and no extraordinary circumstances are present.

The operation of the adjacent light industrial uses including the routine use, storage, and transport of hazardous materials in compliance with local, state, and federal regulations does not pose a health risk to the residents of the proposed Arcadia Park project. Furthermore, the project would remediate existing contamination on the site resulting from the former Fleischmann Yeast plant.



Table 1 – Businesses Located on Adjacent Properties

	COMPANY		COMPANY
1	Furniture and Mattresses Store	9	Restore
2	Pacific Paper Tube	10	St. Vincent De Paul
3	Pioneer Packing	11	Weigmann + Rose
4	Durham Transportation	12	Paco Pumps
5	Sunrise Speciality	13	Global Intermodal
6	K + V Auto Body Shop	14	Super Link Plastic
7	Pacific American	15	Christian Auto Repair
8	QuikRete	16	Agricultural Bag Manufacturing

Master Response 2: Noise from Adjacent Industrial Uses

Several commenters raised the issue of noise from surrounding industrial uses and questioned whether the effects of this noise had been adequately analyzed. In response, the City performed additional noise measurements between August 19 and August 21 and August 23 and 24 to better characterize the specific sound level along the property lines adjacent to the existing light industrial uses. These measurements were made at various points across the project site as shown on Figure 2.

The results of these measurements, which are summarized below in Table 2 and are also shown in Figure 2, confirm that the 24-hour sound levels at the adjacent property lines are in keeping with the original measurements made in 2004 and reported in the Draft EIR. As stated in the Draft EIR, noise impacts would be considered less than significant with the incorporation of the identified mitigation measures.

Although not required based on the results of these additional noise measurements, the applicant is proposing to construct an 8-foot-high wall between the adjacent industrial uses and the proposed Arcadia Park project, as shown in Figure 3. The wall would provide an additional buffer between the proposed residential uses and the existing industrial uses located along 92nd Avenue and located north of 98th Avenue, between E Street and the project site, and would further reduce the less than significant noise impacts. No significant environmental impacts are anticipated from the proposed wall. Aesthetic impacts of the wall would be limited; the wall would be located away from public rights-of-way and would be designed to be aesthetically pleasing with the incorporation of high-quality materials, finishes, and landscaping.

Table 2: Summary of Noise Measurements

Monitor	Date	Maximum Measured DNL
1	May 22-25, 2004	62 dB
2	May 22-25, 2004	81 dB
3	May 22-25, 2004	82dB
4	August 19-21, 2005	59 dB
5	August 19-21, 2005	78 dB
6	August 19-21, 2005	62 dB
7	August 19-21, 2005	73 dB
8	August 23-24, 2005	62 dB





Chapter III

RESPONSE TO COMMENT LETTERS

A. LIST OF PEOPLE AND ORGANIZATIONS COMMENTING ON THE DEIR

- Letter 1 Kevin Boles, California Public Utilities Commission. August 5, 2005
- Letter 2 Polly and Joe Mendes, Creative Wood, August 10, 2005
- Letter 3 Jack Krause, Alta Building Material Company, August 11, 2005
- Letter 4 Donald R. Stephens, Stephens & Stephens LLC, August 12, 2005
- Letter 5 Saravan Suthanthira, Alameda County Congestion Management Agency (ACCMA), August 15, 2005
- Letter 6 R. Zachery Wasserman, Wendel, Rosen, Black & Dean, August 15, 2005
- Letter 7 Debbie Pollart, City of San Leandro, August 15, 2005

Letters Received after the close of the Public Comment Period

- Letter 8 William R. Kirkpatrick, East Bay Municipal Utility District, August 10, 2005
(Received August 16, 2005)
- Letter 9 American Fumigation Corporation, August 18, 2005

B. WRITTEN COMMENT LETTERS

A copy of each of the comment letters is included on the following pages. Each individual comment is called out and given a number (comment 1, 2, 3 etc.). Responses to comments are presented in Section II.C, after the comment letters.

PUBLIC UTILITIES COMMISSION

505 VAN NESS AVENUE
SAN FRANCISCO, CA 94102-3298



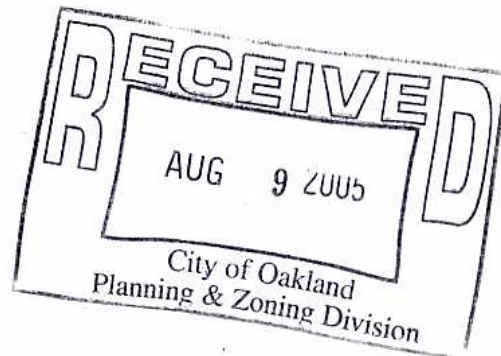
August 5, 2005

File No.:183-1
SCH#2005042026

Darin Ranelletti
City of Oakland
250 Frank Ogawa Plaza, Suite 3315
Oakland, CA 94612

Dear Mr. Ranelletti:

Re: Arcadia Park Residential Project



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

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

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

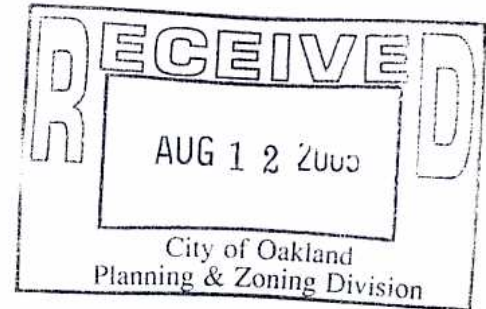
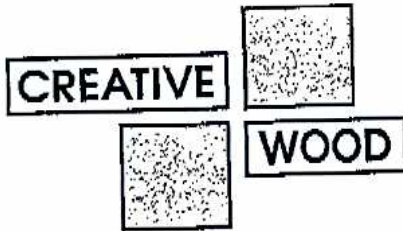
If you have any questions in this matter, please call me at (415) 703-2795.

Very truly yours,

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

cc: Pat Kerr, UP

Letter 2



Creative Wood 900 77th Avenue PO Box 14367 Oakland, CA 94614
Tel 510-635-5399 Fax 510-635-5479 www.creativewood.net

August 10, 2005

Mr. Darin Ranelletti, Planner III
City of Oakland
Community & Economic Development Agency
Planning & Zoning Division
250 Frank H. Ogawa Plaza, Suite 3315
Oakland, CA 94612

Dear Mr. Ranelletti,

Re: Arcadia Park Draft E.I.R. (Case # GPA05-331; RZO-332; TTM-7640; ER05-003)

We wish to file a formal complaint regarding the way in which the above-mentioned report has been presented. This report misrepresents and ignores very important information about the proposed site of this project and should be re-issued to address the matters mentioned below.

My husband and I own Creative Wood Products, Inc., and the property, located at 900 77th Ave. in Oakland, California. We manufacture high-end contract furniture from a 90,000 square foot building and employ 175. At least, 75% of our employees live in the surrounding area and are able to walk, bike or use public transportation to get to work. Many are Hispanic, with English as their second language. In fact our management team is bi-lingual as well. We are very concerned with the Arcadia Park project along with several other rumored residential/conversion projects along the San Leandro Street corridor and how our business will be affected. Again, very important issues are ignored and/or misrepresented in the above-mentioned E.I.R.

- 1) Hazardous Materials:** The existing businesses in the area surrounding Arcadia Park and their use of **very, hazardous chemicals and other substances** are ignored. Without an appreciation of the surrounding businesses and their daily operations, emergency plans in the event of an accident cannot be developed. This is crucial to the community in the area. The surrounding businesses use some **very volatile chemicals** and other substances- just as we do- as part of their daily operations. We are fully compliant with appropriate regulatory

commissions as are our neighbors. **HOW WOULD OUR HAZ-MAT PLANS BE AFFECTED BY THESE RESIDENTIAL CONVERSION PROJECTS?**

- 2) **Noise:** Since the existence of the surrounding businesses was ignored there is no mention of the noise from their **machinery** and heavy **truck** activity. This section needs to be reviewed and revised to include the noise from the operations of surrounding businesses... including ours.
- 3) **Traffic & Circulation:** The existing "**over weight truck route**" from the Port of Oakland along San Leandro Street was ignored. The surrounding, existing businesses use **trucks** to move their products around this area as well as the Port of Oakland...so do we! Daily, one can count 100 to 127 heavy **trucks** moving between 73rd Ave and 98th Ave along, on and off San Leandro Street. Since the new overpass on 98th to the airport has been completed, this route has finally become the direct access/artery to the airport. **Traffic! Traffic! Trucks!** 366 new residences will add about 1,000 cars to the daily mess of heavy **truck** and airport **traffic**. Obviously, this section must be revised.
- 4) **Land Use Analysis:** Arcadia Park is being misrepresented as a "Housing and Business Mix" land use when Arcadia Park is purely residential. My understanding is that the property is currently zoned for general industrial usage. How can this property be converted from general industrial usage to residential with absolutely no buffer zones between the houses and surrounding businesses...who, once again, use **hazardous materials** and make a lot of **noise** from their machinery and usage of heavy **trucks**?

The Oakland General Plan, Land Use & Transportation Element, designates this entire San Leandro Street Corridor area (including the subject project) as General Industrial & Transportation (Oakland General Plan, Land Use & Transportation, Chapter 3, Page 153) " Intent: *The General Industry & Transportation classification within the City's General Plan is to recognize, preserve and enhance areas of this City for a wide variety of businesses and related establishments that may have the potential to create off-site impacts such as noise, light/glare, truck, traffic and odor. These areas are characterized by sites with good freeway, rail, seaport and/or airport access. Desired Character and Uses: A wide variety of uses are included, such as heavy industrial and manufacturing uses, transportation, railyards, maritime terminals, distribution and warehousing, food processing, heavy impact research and development facilities and other uses of similar or supporting character.* "The above-mentioned report fails to acknowledge the actual General Plan classification of the site.

This E.I.R. **misrepresents** this area as appropriate for conversion to residential, for clearly, as referenced above, the General Plan designates the subject property and the entire area for General Industry and Transportation Uses. There is no rationale

presented in this report for such a drastic change in land use and the consequences that would definitely follow.

Thank you for your immediate attention to this important matter!


Polly and Joe Mendes
Creative Wood Products, Inc.

Cc: Via Facsimile
The Honorable Mayor Jerry Brown
Michael Lighty, Chair of the Zoning Update Commission
Council Members: Ignacio de la Fuente
Patricia Kernigham
Nancy Nadel
Jean Quan
Desley Brooks
Larry Reid
Henry Chang



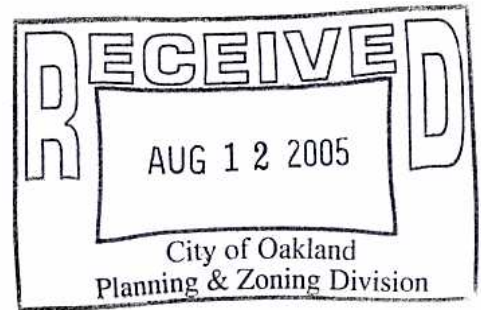
ALTA BUILDING MATERIAL COMPANY

FAX (510) 532-2602

(510) 532-2582

August 11, 2005

City of Oakland Planning Commission
 Mr. Darin Ranelletti, Planner III
 City of Oakland
 Community & Economic Development Agency
 Planning & Zoning Division
 250 Frank H. Ogawa Plaza, Suite 3315
 Oakland, CA 94612



Dear Mr. Ranelletti,

This letter is being sent to you to formally address and surface numerous questions, concerns, and objections related to the Draft Environmental Impact Report for the proposed development by Pulte Homes at the Arcadia Park Residential Project (Case # GPA05-331; RZO-332; PUD05-335; TTM-7640; ER05-003).

The information presented in this report is not adequate, in addition it:

- 1) Does not address the environmental impact on potential new residents from existing, legally conforming, adjoining and ongoing business operations, which legally use and store hazardous materials. 1
- 2) Does not address the impact to business (business obstruction through increased traffic, nuisance complaints, etc). 2
- 3) The Sedway Cook Economic Study does not properly assess this site's potential for new industrial development. 3
- 4) Does not address the existing impact from trucks rightfully traveling on San Leandro Street and operating in the immediate vicinity. 4
- 5) Does not offer sufficient buffering solutions between existing, conforming industrial businesses, and industrial activity (truck traffic) on San Leandro Street. 5
- 6) Overtly misrepresents the Industry and Commerce goals from the City of Oakland General Plan by representing them as residential and neighborhood goals. 6

In general, the Arcadia Park Draft EIR does a very clever job of avoiding the major impact issues, associated with the proposed conversion of industrial land to a residential development. The manipulation of the language in the General Plan, and the subversion of its intentions and goals are in this case a masterpiece. To advance this project as it has been presented, would serve a limited few, while simultaneously leaving an indelible mark of unintended consequences on the future business and commerce in this City. Further, the potential demise of well paying, industrial, union jobs for Oakland residents, is a sacrifice that cannot be accommodated. 7

Conceptually, this project is requesting to amend the General Plan and rezone the subject property from General Industrial/ Transportation to Housing and Business Mix. Additionally portions of the project would require residential zoning changes to R-30 and R-50. The first objection is obvious, where is the Business Mix portion of the design? There is no reference to Commercial or Light Industrial use being incorporated into this proposal. Directly across San Leandro Boulevard the zoning is, and shall remain M-40, Heavy Industrial Land Use. The Draft EIR discusses how the intention is to orient the focus away from the major streets and incorporate sound and acoustical buffers. There is no mention of buffer development in an attempt to bridge from the most intense use of land M-40, to residential.

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One would expect that in the analysis of Planning and Zoning, all potential conflicts are considered and assessed, in the effort to move forward with such a controversial project. We need to look only as far as West Oakland for some very real clues that are at the forefront of our citizen's concerns, including moving yet more residents into close proximity of industrial conditions, and increasing their exposure to truck emissions. In reviewing the Transportation Analysis, it is rather remarkable that no consideration, or much mention, is made of trucks. The study talks about additional signalization, traffic trips, pedestrians, medians and turn lanes, but interestingly avoids any discussion of current truck activity. San Leandro Boulevard currently has a preferred status for Port related and other trucking activities, allows heavy weight limits, and is a major truck artery of our city. Do we think that a R-50 Residential Zoning amendment is compatible with intense trucking operations just across the fence, or across the street? Perhaps a more thorough study should be commissioned to quantify the trucking that currently exists. We should then further expect an air quality study, to show what the existing pollution counts currently are. There are numerous citizens in Oakland that are concerned about elevated levels of asthma. How reasonable is it to propose high-density housing adjacent to one of the busiest truck corridors in our city?

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References are made to the potential pollution, of not only the land by previous occupants, but additionally to the ground water. Have the State (Department of Substance Control) Guidelines for contaminated land been considered in relation to building housing on a Brownfield? It is also interesting that there is no discussion of the adjacent properties, and the types of businesses that currently operate within compliance of existing zoning regulations. If the Draft EIR were to investigate the nature of neighboring businesses, how many of these operations are legally handling and processing hazardous materials within 600 feet of the proposed project? What are the hours of operation of these adjacent businesses? How is a residential community going to coexist with the existing businesses? How many Oakland jobs are in jeopardy, if the project was built, and the adjacent businesses were forced to close or move?

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In closing, it appears that many more questions have been left unanswered than answered. Oakland has a definitive need for more housing, and deserves a long overdue revitalization of the residential communities in East Oakland, but sacrificing the already scarce sector of industrial land to achieve the goal of this proposal is unacceptable. Now

11

is the time the for Businesses and Labor Sector of our community to stand up and say
“Not in My Backyard!”

11 cont

I trust the Draft EIR will be returned to Pulte Homes, with instructions to include and
incorporate a mandatory analysis of these issues.

Sincerely,



Jack Krause
Vice President & General Manager

Cc:
Via Facsimile

The Honorable Mayor Jerry Brown

Council Members:

Ignacio De La Fuente
Patricia Kernighan
Nancy Nadel
Jean Quan
Desely Brooks
Larry Reid
Henry Chang

City of Oakland Staff:

Mr. Michael Lighty	Chair of the Zoning Update Committee
Ms. Claudia Cappio	Development Director
Mr. Gary Patton	Deputy Director of Planning
Mr. Leroy Griffin	Office of Emergency Services Hazardous Material Program Supervisor

Mr. David Johnson
Mr. Kurt Winter
Ms. Polly Mendes
Mr. James Sconza
Mr. Casey Wallace
Mr. Richard Cleveland

Oakland Commerce Corporation
American Brass & Iron
Creative Wood
Sconza Candy Company
Pacific Paper Tube
Bayview Environmental Services Inc.

Mr. Jack Schultz
Mr. Aaron Forkash
Mr. James Barton
Mr. Wayne McNiel
Mr. Toby Anderson
Mr. Scott Leary
Mr. Michael Michardi
Mr. Alan Beales
Mr. Marshall Cromer
Mr. John Bacon
Mr. James Taylor
Mr. William Butler
Mr. Nick DerDevanis
Mr. Greg Albright
Mr. Dave Filipek
Mr. Jim Hofmeister
Mr. Pete Easton
Mr. Jim Curtis
Mr. Don White
Mr. Michael Sernoff
Ms. Theresa Priester J.D.

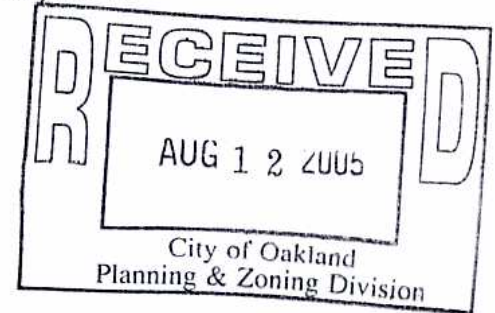
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Aaron Metals
B.C.H. Manufacturing
Pressure Cast Products Corp.
Bay Bolt
Builders Exchange of Alameda County
Coliseum Steel Products
Cresco Equipment Rental
Cromer Equipment
Economy Lumber
Globe Plumbing
Hansen Aggregates
Larms Building and Garden Supply
Pursel Quality Paint
Right Away Redy Mix
Roofing Supply of Oakland
Teamsters Local 853
The Art Sign Company
White Brothers
Badger Forest Products
Equity Legal Services

Letter 4

STEPHENS & STEPHENS, LLC

DONALD R. STEPHENS
LANE B. STEPHENS

August 12, 2005



Sent via facsimile @ (510) 238-6538 and by US Mail

Mr. Darin Ranelletti, Planner III
City of Oakland Community and Economic Development Agency
Planning and Zoning Division
250 Frank H. Ogawa Plaza, suite 3315
Oakland, CA 94612

Re: Arcadia Park Residential Development Project Draft EIR

Dear Mr. Ranelletti,

Stephens & Stephens VIII, LLC owns approximately 11 acres at the southeast corner of 92nd Avenue and San Leandro Street directly adjacent to the subject Arcadia Park Residential Development project. I have reviewed the subject Draft Environmental Impact Report and have the following comments.

First let me state that we believe the proposed project is well conceived and designed, and support the project, the proposed general plan amendment and rezoning. Our property, as the subject project, is near existing single family residential uses, near the existing BART station and should logically be converted to residential uses.

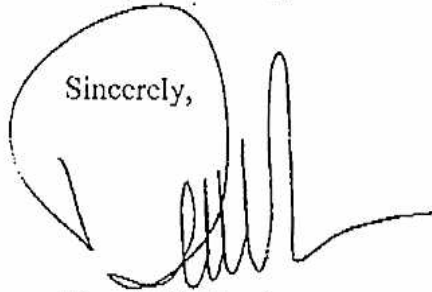
While our property is currently being used for light industrial purposes, we believe urban in-fill housing is a more appropriate use in the future. Designating our property as Housing and Business Mix would complete the planning area, as it sits between the proposed project and San Leandro Street/BART line. I believe residential uses for our property were also recommended in the Studio URBIS planning studies previously done for this area.

The staff report prepared for the July 20, 2005 Planning Commission meeting for this project stated that the City could apply the Housing and Business Mix designation to our property as well, but that *"historically the Planning Commission has been reluctant to amend the General Plan in conjunction with a proposed development project for properties not under the control of the applicant"*. Please accept this letter as our request to also be re-designated in the general plan as Housing and Business Mix, and that the environmental impacts of such be considered as a part of the subject EIR as well.

Mr. Darin Ranelletti, Planner III
August 12, 2005
Page two

Thank you for allowing me to comment on this matter. Also, please place us on the City's notification list so we may be kept apprised of any future meetings regarding these matters. Should you have any questions, please do not hesitate to contact me.

Sincerely,

A handwritten signature in black ink, appearing to be "Donald R. Stephens", written over a large, loopy "S" that starts the word "Sincerely,".

Donald R. Stephens, manager

cc: Nancy Bush
Glenn Matsuhara



Letter 5

ALAMEDA COUNTY CONGESTION MANAGEMENT AGENCY

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

AC Transit
Director
Dolores Jaquez

Alameda County
Supervisors
Nate Miley
Scott Haggerty
Vice Chairperson

City of Alameda
Mayor
Beverly Johnson

City of Albany
Councilmember
Allan Maris

BART
Director
Thomas Bialock

City of Berkeley
Councilmember
Kris Worthington

City of Dublin
Mayor
Janet Lockhart

City of Emeryville
Councilmember
Nora Davis

City of Fremont
Mayor
Robert Wasserman

City of Hayward
Mayor
Roberia Cooper

City of Livermore
Mayor
Marshall Kamena

City of Newark
Councilmember
Paul H. B. Tong

City of Oakland
Councilmember
Larry Reid
Chairperson

City of Piedmont
Councilmember
Jeff Wieler

City of Pleasanton
Mayor
Jennifer Hosterman

City of San Leandro
Mayor
Sheila Young

City of Union City
Mayor
Mark Green

Executive Director
Dennis R. Fay

August 15, 2005

Mr. Darin Ranelletti
Planner III
City of Oakland Community and Economic Development Agency
250 Frank H. Ogawa Plaza, Suite 3330
Oakland, CA 94612

SUBJECT: Comments on the Draft Environmental Impact Report (DEIR) for the
Arcadia Park Residential Project

Dear Mr. Ranelletti:

Thank you for the opportunity to comment on the Draft Environmental Impact Report (DEIR) for the Arcadia Park Residential Project. The 27-acre project site is located in four parcels between 92nd Avenue and 98th Avenue along San Leandro Street in the City of Oakland. The site is currently occupied by industrial uses. The project consists of removal of all existing uses and the construction of 366 residential units comprising both single-family residences and townhomes. The project will require rezoning the parcels to R-30 One-Family Residential Zone (portion) and R-50 Medium Density Residential Zone (portion), and amending the General Plan designation to Housing and Business Mix from General Industrial/Transportation

The ACCMA respectfully submits the following comments. Wherever possible, DEIR page numbers are referenced:

- Transportation Analysis Report- Page 13 Project Trip Distribution and Assignment: The report states that the number of trips assigned to the network is based on a mixture of land uses from an earlier site plan and the trip generation numbers are conservative. What is the land use mix of this earlier site plan and what is the difference in trip generation? If the land use mix is significantly different from the proposed project, then the trip distribution will also be different from what is assumed now. 1
- Transportation Analysis Report – Tables 11 thru 14 CMP LOS Analyses: These tables show that 2,200 vphpl was used as freeway capacity standard for the CMP analysis purposes. The 2003 CMP requires using freeway capacity standards from the 1985 Highway Capacity Manual, which is 2,000 vphpl. This was mentioned in the CMA's response to the Notice of Preparation for DEIR for this project dated 2

October 8, 2004, on page 2 under the first bullet. Therefore, it is requested that the CMP LOS Analysis be revised using freeway capacity standards from the 1985 Highway Capacity Manual.

2 cont

- General: Since the project site, with the proposed development of nearly 400 residential units, is located relatively close to two BART stations (only one mile away), it is suggested that Travel Demand Management (TDM) strategies may be successful in reducing the auto trips that would be generated from the site. Therefore, it is requested that the report also consider applying TDM measures for trip reductions purposes.

3

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

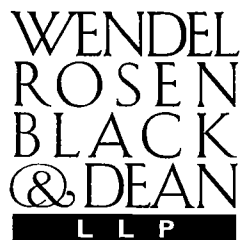
Sincerely,



Saravana Suthanthira
Associate Transportation Planner

cc: file: CMP - Environmental Review Opinions - Responses - 2005

Letter 6



ATTORNEYS AT LAW

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Oakland, CA 94607-4036

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August 15, 2005

VIA MESSENGER

Darin Ranelletti
Planner III
City of Oakland
Community and Economic Development Agency
Planning and Zoning Division
250 Frank H. Ogawa Plaza, Suite 3315
Oakland, CA 94612

**Re: Draft Environmental Impact Report for Arcadia Park Residential Project
("DEIR"); Case No. GPA05-331, RZ05-332, PUD05-335, TTM-7460,
ER05-0003**

Dear Mr. Ranelletti:

I am writing on behalf of our clients, the Edward E. Wallace Family Trust, Patrick Wallace, Casey Wallace, and Pacific Paper Tube, Inc., together the owners and operators of the Pacific Paper Tube ("Pacific") light industrial manufacturing facility at 1025 98th Avenue, immediately adjacent to the proposed Arcadia Park Residential project ("Project"). The purpose of this letter is to present our clients' comments and concerns regarding the DEIR and the Project. As discussed in more detail below, the DEIR is inadequate and fails to comply with the requirements of the California Environmental Quality Act ("CEQA"), and our clients strongly believe that the Project is not an appropriate use for the site. Additionally, we are adamantly opposed to staff's proposal to expand the proposed general plan and rezoning from industrial to residential beyond the Project site itself. The staff's proposal would only exacerbate the loss of industrial land in Oakland – especially in light of the Oakland Athletics' recent proposal to redevelop approximately 100 acres of industrial land about two miles from Pacific's site – and is likely to force Pacific to relocate to another city, or close its Bay Area facility entirely.

In order to address the concerns expressed in this letter, the DEIR must be revised and recirculated, and the public given a chance to comment on an environmental analysis which truly presents an accurate picture of the significant impacts of the Project – and which also analyses the impacts of staff's proposal to rezone additional industrial land in the vicinity of the Project. Once such an accurate environmental analysis is available, we believe the Planning Commission and City Council will understand and agree with the concerns of Pacific and other interests

concerned with preservation of industrial uses and jobs in Oakland, and will vote to deny approval of the Project.

As background to Pacific's comments on the Project and the DEIR, it is essential to realize that Pacific moved into its current facility less than four years ago, and that Alameda County and the City of Oakland provided important assistance with the relocation, in part through the issuance of an Industrial Development Bond. Two major factors forced Pacific's move to the current site. Pacific had outgrown its former facility, located at 1260 7th Street, and needed a location that could accommodate its planned growth for the next several years. Additionally, the City had rezoned Pacific's former site as part of the West Oakland Transit Village, and Pacific's manufacturing use was no longer consistent with the zoning. It is also worth noting that Pacific worked diligently with Oakland and The Crucible to craft a deal which included the donation by Pacific of a large portion of its former site to The Crucible. Oakland helped Pacific choose the new location, and Pacific assumed that the site would be an attractive location for many years to come. Pacific is extremely disappointed that Oakland staff and officials would consider a rezoning of its current site – a rezoning which could result in the relocation of the facility out of Oakland, if not completely out of the Bay Area.

1 cont

The staff report for the July 20, 2005 hearing on the DEIR and the Project ("Staff Report") notes that the Project would encourage existing industrial properties immediately abutting the site to convert to other uses in the near future. The Staff Report further notes that there are already a number of recently approved and pending proposals to convert industrial land to residential uses. This trend would only be exacerbated by the Oakland Athletics' recent proposal to construct a new stadium, and associated residential and other uses, on 100 acres of industrial-zoned land north of 66th Avenue, approximately 2 miles from the Project site.

Pacific's main concerns regarding the Project relate to the significant issues caused by the close proximity between the proposed residential use and neighboring industrial uses, including Pacific's site. The DEIR fails to fully and properly address the issues regarding the incompatibility between such uses. In part, this is because the authors of certain sections of the DEIR fail to even recognize the fact that Pacific operates in the vicinity of the Project – in the discussion of land uses in the vicinity, the DEIR states that the only industrial use on 98th Avenue near the site is a warehouse used for furniture storage and sales at 1031 98th Avenue (see Page III.D.6). The DEIR's authors apparently relied on a drive-by review of the project vicinity, rather than examining an aerial photograph or parcel map, and accordingly did not notice Pacific's facility, which is not visible from the street. As a result, the DEIR fails to consider a number of issues presented by the close proximity of Pacific's facility to the Project, and the many areas of potential incompatibility between Pacific and the Project.

2

The Land Use Analysis is perhaps the most disappointing and worrisome section of the DEIR. In addition to the complete failure to acknowledge and adequately address the potential incompatibility between Pacific's use and the Project, this analysis significantly misrepresents Oakland's General Plan, the applicable redevelopment plan, and other current policies regarding retention of industrial uses and industrial-zoned property, and incorrectly states that the Project is

3

consistent with the General Plan and the redevelopment plan. Contrary to the analysis in the DEIR, there are numerous inconsistencies between these plans and the Project.

The DEIR's authors appear to have selected bits and pieces of the General Plan to try and support their mistaken conclusion that the Project is consistent with the General Plan. An example of this can be seen with General Plan Objective I/C2. The DEIR states that the Project is consistent with this Objective, which suggests that Oakland should maximize the usefulness of abandoned or underutilized industrial space. The DEIR ignores the fact that the Objectives and Policies in the Industry and Commerce section, including Objective I/C2, are aimed at reusing industrial and commercial land for new industrial and commercial activities. Transforming industrial land into residential uses, as proposed by the Project, conflicts with these Objectives and Policies.

In other cases, the Land Use analysis in the DEIR is simply wrong, as with General Plan Policy I/C4.1. This Policy states that existing uses and areas which are consistent with long term land use plans should be protected from the intrusion of potentially incompatible land uses. The DEIR fails to acknowledge that the Project represents such a "potentially incompatible land use" with respect to Pacific's use, which is currently completely consistent with Oakland's General Plan and other long term land use plans. The introduction of an incompatible new use such as the Project is directly contrary to Policy I/C4.1. The DEIR is also incorrect in its assertion that the setbacks provided by San Leandro Street and 98th Avenue would be sufficient to prevent the Project from causing conflicts with existing industrial uses. These streets are not sufficient to provide adequate buffers for existing and potential visual, odor and air quality impacts. Similarly, the DEIR's statement that the Project is consistent with General Plan Policy N5.2, which requires the buffering of residential areas from conflicting uses, defies logic, given that the Project involves the direct insertion of a residential area amidst a number of conflicting uses.

3 cont

One baffling aspect of the Project is the fact that it relies on the designation of the Project site as Housing and Business Mix. Contrary to the assertions in the Staff Report and DEIR, this designation was intended to recognize existing areas where a mix of relatively compatible residential, commercial and industrial uses has developed, and to allow such uses to continue to co-exist. This can be seen by the fact that the policy framework for this designation includes the General Plan Industrial/Commercial Objectives and Policies which are designed to retain and expand commercial and industrial uses. It simply does not make sense to introduce a new conflicting use by applying the Housing and Business Mix designation to the Project site. Nor does it make sense to apply this designation to a project that consists solely of residential uses. It appears that staff and the applicant are unable to justify a true residential plan designation to the site – a clear indication that the Project is not an appropriate use for the site.

4

The DEIR's analysis of the Coliseum Area Redevelopment Plan also fails to properly represent the goals of this plan. Notwithstanding statements to the contrary in the Land Use analysis, the intent of the Redevelopment Plan is to encourage integrated commercial and industrial developments, not merely the assemblage of former industrial sites for residential uses that would be more appropriate in other locations in Oakland. The Project site now represents an

5

integrated site ready for redevelopment and industrial reuse. Permitting this site to instead be used for residential use is directly contrary to the goals of the Redevelopment Plan.

5 cont

In a number of places, the DEIR fails to properly address the issues presented by the close proximity of Pacific to the Project. As noted above, the Land Use analysis states that the only industrial use adjacent to the site along 98th Avenue is the furniture and mattress store at 1031 98th Avenue, completely neglecting the fact that Pacific is also located adjacent to the Project site. As a result, the analysis fails to even consider the potential land use conflict between Pacific and the Project.

6

One example of such a failure is the Noise analysis in Section III.B. This analysis fails to acknowledge or adequately address the issue of noise generated by Pacific and the uses on other industrial properties abutting the Project. Some of the proposed homes within the Project are located less than twenty five feet from Pacific's manufacturing facility. Pacific currently operates two shifts from 6:00 am to 11:00 PM Monday through Friday, and also operates on Saturdays as needed. Pacific also receives and ships on average twenty 53' tractor-trailers every weekday, from loading docks located within twenty five feet of the Project site. Although Pacific complies with applicable industrial noise standards, Pacific's manufacturing, shipping and other activities generate noise levels that simply are not compatible with residential uses in close proximity.

7

Figure 10 of the DEIR shows that the monitoring locations for the noise analysis were located on the northern and southern periphery of the Project site, and were not positioned in appropriate locations to detect noise generated from Pacific's facility. Because of the failure to analyze the impacts of noise from Pacific's site, the DEIR fails to include any mitigation measures for this impact, such as buffering solutions, sound walls or other noise barrier solutions. It is imperative that the Noise analysis be redone with an appropriate noise monitor located on the boundary of the Project site near Pacific's facility, and appropriate noise mitigation measures incorporated into the Project based on the results of such analysis.

8

The Transportation and Circulation analysis in Section III.A of the DEIR has a number of failures. A major failure is the fact that the analysis completely ignores the issues related to mixing high levels of truck traffic with the new automobile, bicycle and pedestrian traffic generated by the Project. As previously noted, Pacific alone generates approximately forty truck trips to and from its site each weekday, and truck traffic in the vicinity, especially along San Leandro Street, is quite extensive. Additionally, the traffic analysis performed by the traffic consultant apparently relied upon the mistaken assumption that the project would have access via one "driveway" each to 92nd Avenue and 98th Avenue, and failed to correctly analyze the true traffic layout of the Project. Finally, the discussion of Impact Traffic-4 is internally inconsistent. On the one hand, it states that the access across from Gould Street should be redesigned to provide separate left-turn and right-turn exit lanes as well as a separate left-turn inbound lane, but then proposes as a mitigation measure that this driveway should be restricted to right-turn in/out traffic. The DEIR must be revised to properly account for the conflicts between such high

9

levels of truck traffic and the new traffic from the Project, and to properly analyze the true layout of the Project's access to 92nd and 98th Avenues.

9 cont

The Hazardous and Toxic Substances analysis in Section III.C is also inadequate. Primarily, this is because this analysis is solely dedicated to determining whether future residents on the Project site are at risk due to hazardous materials that now exist, or may have existed in the past, on the Project site itself. Other than a brief mention of uses in the area could potentially be using hazardous materials consistent with the industrial zoning (i.e., noting that Pacific's site contains cubes holding an unnamed – and unanalyzed – “pink liquid”), the analysis has absolutely no discussion of the potential risks such materials could present to the new residents. Additionally, even with regard to the limited analysis that is contained in this section, the mitigation measures with respect to hazardous materials on the Project site rely on an as-yet-unnamed regulatory agency being designated to oversee and approve remediation and mitigation of the Project site. Without further detail on the potential mitigation measures, it is not possible to determine whether the mitigation measures will be adequate, and this analysis accordingly fails to comply with CEQA.

10

Additionally, numerous analyses in the DEIR rely on improper assumptions regarding future uses of industrial properties on 92nd and 98th Avenues. The Noise analysis completely ignores the site at 1031 98th Avenue, adjacent to both Pacific and the Project. The Land Use analysis in Section III.D of the DEIR simply states that the existing use of these sites on 92nd and 98th Avenues do not generate noise, shadows, odor or glare that would be incompatible with the Project. The DEIR fails to consider the potential incompatibility that would result from more intensive uses of these sites which would be consistent with current zoning. The revised DEIR, including but not limited to the Noise analysis, must properly consider future permitted uses on nearby properties on 92nd and 98th Avenues consistent with the underlying zoning, and must propose appropriate measures to mitigate the incompatibility between such uses and the Project.

11

In addition to the analysis failures discussed above, the DEIR has an important failure by omission with respect to the alternatives analysis. The only industrial project analyzed in this section is one that maximizes the use of the site based on the current zoning. This permits the DEIR to say that this alternative would generate traffic impacts that are greater than the Project. However, CEQA requires the analysis of a reasonable range of alternatives. Accordingly, the DEIR should also consider an alternative representing a light industrial use that is more consistent with the surrounding industrial uses.

12

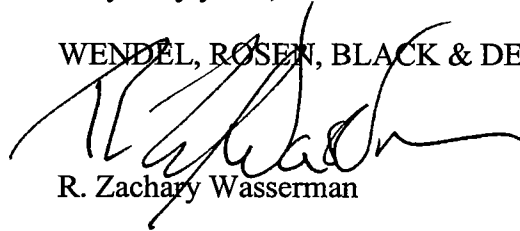
In order to ensure that the Project is properly analyzed pursuant to CEQA, and the public given a chance to comment on an environmental analysis which truly presents an accurate picture of the significant impacts of the Project, the DEIR must be revised and recirculated. The revised DEIR must also analyze the impacts of staff's proposal to rezone additional industrial land in the vicinity of the Project. We believe that the results of such an accurate environmental analysis would force the Planning Commission and City Council to vote to deny approval of the Project, especially in light of the continued pressure on industrial uses and industrial jobs in Oakland.

13

Thank you for your consideration of these comments. Pacific is still reviewing this matter, and Pacific reserves the right to submit additional comments and testimony on the Project and its environmental review as this matter proceeds. Please ensure that this letter is made part of the administrative record for this matter.

Very truly yours,

WENDEL, ROSEN, BLACK & DEAN LLP

A handwritten signature in black ink, appearing to read 'R. Wasserman', is written over the printed name and firm name.

R. Zachary Wasserman

RZW:np

cc: Mayor Jerry Brown
Oakland City Council
Oakland Planning Commission
Clients

Letter 7

City of San Leandro
Civic Center, 835 E. 14th Street
San Leandro, California 94577



August 15, 2005

Darin Ranelletti, Planner III
City of Oakland, Planning & Zoning Division
250 Frank H. Ogawa Plaza, Suite 3315
Oakland, CA 94612

Dear Mr. Ranelletti.

Thank you for the opportunity to comment on the Arcadia Park Residential Project Draft EIR. The project's location, at the corner of 98th Avenue and San Leandro Street is approximately 0.6 mile north of the City of San Leandro's city limits, in an area that serves as a secondary point of access (via San Leandro Street) to San Leandro's downtown and northern BART station.

As potential transportation impacts would be the City of San Leandro's main area of interest related to this proposed project, Mr. Reh-Lin Chen, Senior Transportation Engineer has reviewed the Draft EIR and offers the following comments:

- Figure 4, Project Trip Distribution, Transportation Analysis: It is a significant under estimation to assign only 4% of the trips on San Leandro Street south of 98th Avenue when compared with 16% of trips on San Leandro Street north of 98th Avenue. International Boulevard north and south of 98th Avenue also carries 15% and 16% of trips, respectively. Additionally, it seems to be over-estimated to assign 24% and 25% of trips on 98th Avenue west of San Leandro Street and east of International Boulevard. In short, we believe that about 15% of trips should be on San Leandro Street south of 98th Avenue and that about 20% each should be on 98th Avenue west of San Leandro Street and east of International Boulevard, respectively. Lastly, there appears to be a typo or overlapping letters of J and E at the title of the Figure, "Project Trip Distribution." 1
- Section 7, Alameda County CMA Analysis, Page 47 of Transportation Analysis: This is in response to Alameda County Congestion Management Agency's (ACCMA) comments on the notice of the draft DEIR dated May 4, 2005. ACCMA requested that the Metropolitan Transportation System (MTS), including Davis Street, International Boulevard, etc., in the area be included in the traffic impact analysis. We see that Davis Street west and east of San Leandro Boulevard are included in the analysis. Doolittle Drive (SR 61) north of Davis is also part of the analysis. However, East 14th Street (International Boulevard becomes E. 14th Street within San Leandro city limits) between Durant Avenue and Davis Street is missing from the list. We recommend that the missing East 14th Street segment be included. 2



Arcadia Park DEIR Comments
August 15, 2005
Page 2 of 2

- Bullet 6 of Item 2 of Impacts, Section 7, Alameda County CMA Analysis, Page 47 of Transportation Analysis: Replace San Leandro Street with San Leandro Boulevard as the sentence states San Leandro Boulevard in the City of San Leandro.

3

In conclusion, we believe that the project should not have significant impacts on streets in the City of San Leandro. However, the report needs some revisions to correctly address the impacts on San Leandro's streets. When the Response to Comments/Final EIR is prepared, we would appreciate receiving a copy of the document for review of the City's responses to our comments. Thank you for your consideration.

Best regards,



Dobbie Pollart, Planning Manager
Planning Services Division
City of San Leandro

c: City Manager
City Council
Engineering & Transportation



August 10, 2005



Darin Ranelletti, Planner III
City of Oakland
Community and Economic Development Agency
250 Frank H. Ogawa Plaza, Suite 3330
Oakland, CA 94612

Re: Draft Environmental Impact Report – Arcadia Park Residential Project, Oakland

Dear Mr. Ranelletti:

East Bay Municipal Utility District (EBMUD) appreciates the opportunity to comment on the Draft Environmental Impact Report (EIR) for the Arcadia Park Residential Project located in the City of Oakland. EBMUD has the following comments.

WATER SERVICE

As stated on page 70 on the Initial Study, Appendix A, water main extensions would be required to serve the proposed development. Please note that when the development plans are finalized, the project sponsor should contact EBMUD's New Business Office and request a water service estimate to determine costs and conditions for providing water service to the proposed development. Engineering and installation of water mains and services requires substantial lead-time, which should be provided for in the project sponsor's development schedule.

The Hazardous Materials section of the Draft EIR as well as EBMUD's Standard Site Assessment Report indicates the potential for contaminated soils or groundwater to be present within the project site boundaries. The project sponsor should be aware that EBMUD will not install pipeline in contaminated soil or groundwater (if groundwater is present at any time during the year at the depth piping is to be installed) that must be handled as a hazardous waste, or that may be hazardous to the health and safety of construction or maintenance personnel wearing Level D personal protective equipment. Nor will EBMUD install piping in areas where groundwater contaminant concentrations exceed specified limits for discharge to sanitary sewer systems or sewage treatment plants.

Applicants for EBMUD services requiring excavation in contaminated areas must submit copies of all known, existing information regarding soil and groundwater quality within or adjacent to the project boundary and a legally sufficient, complete and specific written remedial plan establishing the methodology, planning and design of all necessary systems for the removal, treatment, and disposal of all identified contaminated soil and/or

groundwater. EBMUD will not design the installation of pipelines until such time as soil and groundwater quality data and remediation plans are received and reviewed and will not install pipelines until remediation has been carried out and documentation of the effectiveness of the remediation has been received and reviewed. If no soil or groundwater quality data exists or the information supplied by the applicant is insufficient EBMUD may require the applicant to perform sampling and analysis to characterize the soil being excavated and groundwater that may be encountered during excavation or perform such sampling and analysis itself at the applicant's expense.

WASTEWATER

The Draft EIR should address the replacement or rehabilitation of the existing sanitary sewer collection system to prevent an increase in infiltration and inflow (I/I). Please include a provision to control or reduce the amount of I/I in the environmental documentation for the proposed project. The main concern is the increase in total wet weather flows, which could have an adverse impact if the flows are greater than the maximum allowable flows from subbasins listed on page 69 of the Initial Study, Appendix A.

2

WATER CONSERVATION

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

3

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

Sincerely,



William R. Kirkpatrick
Manager of Water Distribution Planning

WRK:NJR:sb
sb05_226.doc

cc: Amir Massih, Pulte Homes Corporation

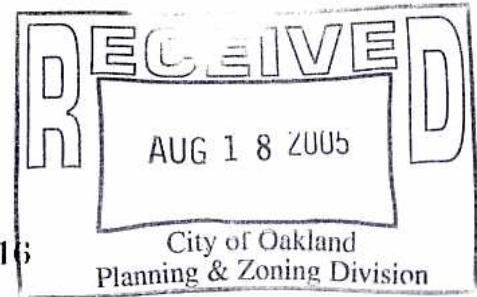
Letter 9

AMERICAN FUMIGATION CORP

973 66TH AVE.

OAKLAND, Ca. 94621

Voice (510) 568-0132 Fax (510) 568-9416



City of Oakland Planning Commission
Mr. Darin Ranalletti, Planner III
City of Oakland Community 7 Economic Development Agency
Planning & Zoning Division
250 Frank Ogawa Plaza Suite 3315
Oakland, Ca. 94612
C/Fax (510) 238-6538

Dear Planning Commissioners and Mr. Ranelletti,

This letter is to respond to the Environmental Impact for a proposed Charter School.

American Fumigation Corp. is a United States Dept. of Agriculture approved and certified treatment facility. We are located at 973 66th Ave. Oakland, Ca. in what is known as the Fruitvale Business Park. We rely on the proximity of the Port of Oakland as much as they and Shipping agents and brokers rely on us. We wish to protest the erosion of the Industrial Land supply in Oakland. We are the only facility within the Port of Oakland that can unload treat and reload Containerized Cargo under U. S. D. A.'s authority and treat them in USDA certified chambers. We rely on being in an Industrial Area that will continue to help in the growth of the Port and the City of Oakland. There are many businesses like ours, which need industrial property isolated from residences.

The impact of a Charter School being built near a Industrial Area just does not make any sense. Please do not jeopardize the continuance of our existing business.

Sincerely,

 Pres.

C. RESPONSES

Letter 1 – Kevin Boles, California Public Utilities Commission

1. Rail Crossings: The existing crossing at 98th Avenue and San Leandro Street includes a crossing gate, flashing lights, and crossing bells that sound when a train passes. The crossing also includes clearly marked stripes on 98th Avenue to indicate where cars should queue well outside of the rail corridor as a train approaches. These improvements are consistent with Federal Railroad Administration (FRA) regulations and Union Pacific Railroad (UPRR) will be responsible to maintain and/or improve these conditions as part of the continued use of the railroad spur.

Letter 2 – Polly and Joe Mendes, Creative Wood

1. Hazardous Materials on Adjacent Properties: The proposed residential conversion of the Arcadia Park site would not affect the operation of the Creative Wood company on 77th Avenue, nor would it affect Creative Wood's hazardous materials plan.

The City conducted additional analysis of industrial operations on adjacent properties along 98th Avenue and 92nd Avenue, as shown in Master Response 1, Use of Hazardous Materials on Adjacent Industrial Properties. The proposed residential conversion of the Arcadia Park property would not affect the hazardous materials plans of businesses on adjacent properties because the information in these plans is not based upon the use of the subject property. Similarly, uses located beyond this immediate perimeter, such as Creative Wood, would also not be affected.

2. Noise: Noise from the operations of the commenter's business on 77th Avenue would not be distinguishable at the Arcadia Park project site. Please refer to Master Response 2, Noise from Adjacent Industrial Uses for further discussion of noise from adjacent industrial uses. The Master Responses can be found in Chapter II of this Final EIR.
3. Traffic and Circulation: The traffic analysis included consideration of all existing traffic on project area roadways based on recent traffic counts, including truck traffic in the area. The traffic analysis evaluated existing conditions, existing plus project conditions, Year 2010 with and without the project, and cumulative conditions (Year 2025 with and without the project). The traffic analysis meets the requirements of the Alameda County Congestion Management Agency and includes feasible mitigation measures for traffic impacts in the project area. Therefore, the traffic analysis presented in the DEIR is adequate and does not require revisions.
4. Land Use Analysis: The General Plan states the Housing and Business Mix land use designation is appropriate for areas with a mixture of housing and business activities that serve as a transition from heavy industrial uses to low industrial uses and residential uses. The Housing and Business Mix designation recognizes that the project would be a

residential development in an area with a mixture of business and residential activities and that area serves as a transition between the heavy industrial uses located to the west of San Leandro Street and the residential uses located to the east of the project site. The land use analysis acknowledges that there are light industrial uses adjacent to the project site and looked at the need for buffers based on a number of criteria such as bulk and massing of buildings, noise, odors, and potential for glare. Based on the long-term noise measurements, no further setbacks would be required in order to meet the sound levels for outdoor use areas. The site plan does incorporate roadways and park areas as buffers or setbacks in several locations around the site, and also orients the residential uses inwards, leaving the backyard areas as buffers towards adjacent light industrial uses. Please refer to Master Response 2, Noise from Adjacent Industrial Uses for further discussion of noise and the incorporation of buffers into the project design. The Master Responses can be found in Chapter II of this Final EIR.

As noted above in Master Response 2 Noise from Adjacent Industrial Uses, the applicant is proposing to construct an 8-foot-high wall as shown in Figure 3 to provide an additional buffer between the proposed residential units and existing light industrial uses on adjacent properties to further reduce the less than significant impact.

5. General Plan Designation: Page III.D.2 of the Draft EIR, section c. General Plan Designation, discusses the current General Plan designation for the site, noting that the site is currently designated as General Industrial/Transportation. Figure 4 of the Draft EIR illustrates the current General Plan designation for the site and surrounding uses on an aerial map. Section III.D Land Use of the Draft EIR states that the project as proposed is inconsistent with the current General Plan designation and zoning for the site, and that a rezoning and General Plan amendment would be required as part of approval of the project.

Appropriateness of Land Use Change: The purpose of the Draft EIR is to present the potential environmental impacts of the project. The Project would directly result in the conversion of land currently zoned for industrial use to residential development. Population projections for the City of Oakland include an increase in population of approximately 9 percent by 2020. The City's Housing Element of the General Plan also identifies a housing shortfall. The City has set a goal for the development of 7,773 units by the year 2006, with a focus on infill housing. In light of this, the Project would facilitate the City's goal of providing more infill housing.

The proposed Project would be located within an industrial corridor along San Leandro Street. As the first residential conversion project along this stretch of San Leandro Street, on a prominent intersection of two main arterial roadways, the Project could create an incentive for additional industrial-zoned properties to be converted to residential uses. The pressure for conversion could occur once developers realize the market potential for in-fill housing units in the area. With the conversion to residential uses, demand for police and fire services, schools and libraries, parks, and public services and utilities would likely increase.

Conversion of properties from industrial uses to residential uses, while an indirect impact, would have several effects, specifically to traffic, noise, air quality, hazardous materials, and population and housing. The project would generate additional vehicle trips, but would reduce truck traffic in the area. The increase in vehicle trips would potentially increase noise and air quality impacts in the area. However, industrial uses generate noise from truck traffic and on-site activities, which would be eliminated with conversion to residential uses. Conversion of industrial properties would also result in clean up of hazardous materials on these sites, which would be a beneficial effect. Lastly, the construction of residential units would assist the City in meeting its fair share housing allocation and meeting the goals of the City's Housing Element. The Planning Commission and City Council will consider the merits of the project as a whole in light of its consideration of potential conversions along the wider San Leandro Street corridor.

Letter 3 – Jack Krause, Alta Building Material Company

1. Hazardous Materials on Adjacent Properties: Please refer to Master Response 1 Use of Hazardous Materials on Adjacent Industrial Properties.
2. Traffic Impacts and Nuisance Complaints: The DEIR analyzed impacts to land use, traffic, noise, and hazardous materials. The traffic analysis included consideration of all existing traffic on project area roadways based on recent traffic counts and evaluated existing conditions, existing plus project conditions, Year 2010 with and without the project, and cumulative conditions (Year 2025 with and without the project). The traffic analysis includes feasible mitigation measures for traffic impacts in the project area, including impacts related to increases in traffic at area intersections, construction traffic, and access to the project site. Regarding concerns related to nuisance complaints, all businesses in the project area requiring Hazardous Materials Business Plan have those plans on file with the City. These businesses are operating in compliance with required regulations and would not present a nuisance to surrounding land uses.
3. Fiscal Impact Analysis: The economic analysis prepared by the Sedway Group concerns the fiscal impact of the project, not the environmental impacts of the project, so the study is outside of the required scope of the Draft EIR. The results of the Sedway Group analysis will be discussed further in the staff report when the project returns to the Planning Commission for consideration.
4. Noise from Truck Traffic: The long-term noise measurements taken at the project site are based on actual conditions and take into account the truck traffic that currently travels along San Leandro Street and the noise generated by such traffic. As part of the traffic study, the truck percentage is calculated for the peak hour and this percentage is factored into the level of service calculations. The truck percentage for the project area during the peak hour is two percent.

5. Buffering: The discussion under criterion 2 on pages III.D.5 and III.D.6 of the Draft EIR presents the City's analysis of whether the project would represent a fundamental conflict with adjacent or nearby uses. This analysis notes that the closure and demolition of the Fleischmann Yeast plant removed the most glaring conflict between residential and industrial uses; that both 98th Avenue and San Leandro Street provide a buffer to existing industrial uses located across these roadways; and that the existing industrial uses along 92nd Avenue would not present a conflict based on bulk, massing, noise, odor, or glare. The City did complete additional noise measurements, the results of which are presented in Master Response 2, Noise from Adjacent Industrial Uses. Please refer to this Master response in Chapter II of this Final EIR for further discussion.
6. General Plan Goals: The comments in reference to cited policies of the General Plan are noted. The following text is deleted from page III.D.9 of the Draft EIR:

~~**Objective I (Industry)/C2:** Maximize the usefulness of existing abandoned or underutilized industrial buildings and land.~~

~~**Policy I/C2.1:** Pursuing Environmental Clean up. The environmental cleanup of contaminated industrial properties should be actively pursued to attract new users in targeted industrial and commercial areas.~~

~~**Policy I/C2.3:** Providing Vacant or Buildable Sites. Development in older industrial areas should be encouraged through the provision of an adequate number of vacant or buildable sites designated for future development.~~

~~**Objective I/C4:** Minimize land use compatibility conflicts in commercial and industrial areas through achieving a balance between economic development values and community values.~~

~~**Policy I/C4.1:** Protecting Existing Activities. Existing industrial, residential, and commercial activities and areas which are consistent with long term land use plans for the City should be protected from the intrusion of potentially incompatible land uses.~~

7. Loss of Jobs: The project site is not currently used for any long-term business. The property owner leases space to independent truckers to allow them to park their vehicle on the premises. The previous container storage business has been consolidated and moved to a site in Alameda. Therefore, the construction of the Arcadia Park Residential Project would not result in the loss of jobs on the property. The Project would create temporary construction-related jobs in the short-term which would create both immediate and secondary benefits for the local economy and workforce.

City staff believes that the Draft EIR accurately presents the potential environmental impacts of the project. The Planning Commission and City Council will consider the merits of the project as a whole in light of its consideration of potential conversions along the wider San Leandro Street corridor.

8. Housing and Business Mix Designation: The Housing and Business Mix designation does not require commercial development; its intention is to allow a mix of uses in the same

- area. The General Plan states the Housing and Business Mix land use designation is appropriate for areas with a mixture of housing and business activities that serve as a transition from heavy industrial uses to low industrial uses and residential uses. The Housing and Business Mix designation recognizes that the project would be a residential development in an area with a mixture of business and residential activities and that area serves as a transition between the heavy industrial uses located to the west of San Leandro Street and the residential uses located to the east of the project site. As noted above, The discussion under criterion 2 on pages III.D.5 and III.D.6 of the Draft EIR presents the City's analysis of whether the project would represent a fundamental conflict with adjacent or nearby uses. Master Response 2, Noise from Adjacent Industrial Uses, located in Chapter II of this Final EIR, presents the result of additional noise measurements commissioned by the City to more accurately characterize the sound levels on the Arcadia Park site.
9. Impacts of Truck Traffic: The traffic study completed for the Draft EIR incorporated and considered the existing level of truck traffic in the calculations of level of service and in the consideration of circulation and pedestrian safety. The discussion under criterion 2 on pages III.D.5 and III.D.6 of the Draft EIR presents the City's analysis of whether the project would represent a fundamental conflict with adjacent or nearby uses. The project is setback from San Leandro Street by the width of the UPRR ROW. The long term noise measurements taken at the project site on three different occasions did not record any train passbys. The setback provided by the UPRR ROW provides an additional buffer from sound and air emissions from passing cars and trucks. The air quality analysis performed as part of the initial study determined that there would be no significant unavoidable impacts associated with air quality. The Planning Commission and City Council will consider the merits of the project as a whole in light of its location along the San Leandro Street corridor.
 10. Hazardous Materials on Site: The property owner has already completed substantial testing of the site soils and groundwater in compliance with state and federal regulations. Appendix D of the Draft EIR includes an explanation of the regulatory process governing site remediation. The remediation process is well structured and regulated at the state level. Please refer to Master Response 1 Use of Hazardous Materials on Adjacent Industrial Properties for further discussion of hazardous materials. The master responses can be found in Chapter II of the Final EIR.
 11. Housing versus Industrial: Staff believes that the Draft EIR accurately presents the potential environmental impacts of the project. The Planning Commission and City Council will consider the merits of the project as a whole in light of its consideration of potential conversions along the wider San Leandro Street corridor.

Letter 4 – Donald R. Stephens, Stephens & Stephens LLC

1. The comments in support of the project are noted. The application proposes a rezoning and General Plan amendment for the Arcadia Park properties only. This issue is a policy matter and will be discussed further in the staff report when the project returns to the Planning Commission for consideration.

Letter 5 – Saravan Suthanthira, Alameda County Congestion Management Agency (ACCMA)

1. Trip Generation: The land use mix from the previous site plan is almost identical to the current land use mix. The difference is primarily in the number of residential units. The previous site plan resulted in 171 and 230 net new AM and PM peak hour trips, respectively. The current site plan results in 164 and 221 net new AM and PM peak hour trips, respectively. We do not believe the trip distribution would be different than currently assumed.
2. Freeway Capacity Standards: The revisions to Tables 11 through 14 are presented below assuming 2,000 vphpl instead of 2,200 vphpl. Freeway sections previously identified as operating at LOS F would continue to operate at LOS F. However, the change in capacity results in the following additional segments operating at LOS F.
 - Southbound I-880, south of the 98th street interchange during the AM peak hour under Year 2025 conditions.
 - Southbound I-880, north of the 98th street interchange during the PM peak hour under Year 2010 and Year 2025 conditions.
 - Northbound I-880, north of the 98th street interchange during the PM peak hour under Year 2025 conditions.
 - Eastbound and Westbound I-580, south of Golf Links Road interchange during the PM peak hour under Year 2025 conditions.

The addition of project traffic would not degrade any segments to LOS F operations or increase the V/C ratio by 3 percent or more on any segment operating at LOS F without the project. Therefore, the project does not result in any significant impact on any of the MTS roadway segments analyzed in the 2010 and 2025 analysis years.

TABLE 11**Year 2010 CMP LOS Analysis - AM Peak Hour**

Roadway Segment	Direction	Capacity ¹	Without Project			With Project			Increase in V/C ratio
			Volume	V/C	LOS	Volume	V/C	LOS	
I-880, north of 98th Street Interchange	NB	8,000	6,836	0.85	D	6,847	0.86	D	0.2%
	SB	8,000	6,967	0.87	D	6,968	0.87	D	0.0%
I-880, south of 98th Street Interchange	NB	8,000	7,329	0.92	E	7,330	0.92	E	0.0%
	SB	8,000	7,987	1.00	E	8,008	1.00	E	0.3%
I-580, north of Golf Links Road Interchange	EB	8,000	7,536	0.94	E	7,572	0.95	E	0.5%
	WB	8,000	6,713	0.84	D	6,727	0.84	D	0.2%
I-580, south of Golf Links Road Interchange	EB	8,000	7,645	0.96	E	7,647	0.96	E	0.0%
	WB	8,000	6,753	0.84	D	6,758	0.84	D	0.1%

1. Roadway capacities assumed to be 2,000 vphpl for freeway segments and 800 vphpl for the arterial street corridors.
Source: Fehr & Peers, 2005.

TABLE 12**Year 2010 CMP LOS Analysis - PM Peak Hour**

Roadway Segment	Direction	Capacity ¹	Without Project			With Project			Increase in V/C ratio
			Volume	V/C	LOS	Volume	V/C	LOS	
I-880, north of 98th Street Interchange	NB	8,000	7,039	0.88	D	7,043	0.88	D	0.1%
	SB	8,000	8,096	1.01	F	8,108	1.01	F	0.1%
I-880, south of 98th Street Interchange	NB	8,000	7,837	0.98	E	7,859	0.98	E	0.3%
	SB	8,000	8,909	1.11	F	8,917	1.11	F	0.1%
I-580, north of Golf Links Road Interchange	EB	8,000	7,752	0.97	E	7,788	0.97	E	0.5%
	WB	8,000	7,546	0.94	E	7,560	0.95	E	0.2%
I-580, south of Golf Links Road Interchange	EB	8,000	7,961	1.00	E	7,963	1.00	E	0.0%
	WB	8,000	7,766	0.97	E	7,771	0.97	E	0.1%

1. Roadway capacities assumed to be 2,000 vphpl for freeway segments and 800 vphpl for the arterial street corridors.
Source: Fehr & Peers, 2005.

TABLE 13**Year 2025 CMP LOS Analysis - AM Peak Hour**

Roadway Segment	Direction	Capacity ¹	Without Project			With Project			Increase in V/C ratio
			Volume	V/C	LOS	Volume	V/C	LOS	
I-880, north of 98th Street Interchange	NB	8,000	7,012	0.88	D	7,023	0.88	D	0.2%
	SB	8,000	7,098	0.89	D	7,099	0.89	D	0.0%
I-880, south of 98th Street Interchange	NB	8,000	7,776	0.97	E	7,777	0.97	E	0.0%
	SB	8,000	8,023	1.01	F	8,044	1.01	F	0.3%
I-580, north of Golf Links Road Interchange	EB	8,000	7,602	0.95	E	7,638	0.95	E	0.5%
	WB	8,000	7,157	0.89	D	7,171	0.90	D	0.2%
I-580, south of Golf Links Road Interchange	EB	8,000	7,821	0.98	E	7,823	0.98	E	0.0%
	WB	8,000	7,261	0.91	E	7,266	0.91	E	0.1%

1. Roadway capacities assumed to be 2,000 vphpl for freeway segments and 800 vphpl for the arterial street corridors.
Source: Fehr & Peers, 2005.

TABLE 14									
Year 2025 CMP LOS Analysis - PM Peak Hour									
Roadway Segment	Direction	Capacity¹	Without Project			With Project			Increase in V/C ratio
			Volume	V/C	LOS	Volume	V/C	LOS	
I-880, north of 98th Street Interchange	NB	8,000	7,305	0.91	E	7,309	0.91	E	0.1%
	SB	8,000	8,161	1.02	F	8,173	1.02	F	0.1%
I-880, south of 98th Street Interchange	NB	8,000	8,082	1.01	F	8,104	1.01	F	0.3%
	SB	8,000	9,337	1.17	F	9,345	1.17	F	0.1%
I-580, north of Golf Links Road Interchange	EB	8,000	7,965	1.00	E	8,001	1.00	E	0.5%
	WB	8,000	7,850	0.98	E	7,864	0.98	E	0.2%
I-580, south of Golf Links Road Interchange	EB	8,000	8,183	1.02	F	8,185	1.02	F	0.0%
	WB	8,000	8,099	1.01	F	8,104	1.01	F	0.1%
1. Roadway capacities assumed to be 2,000 vphpl for freeway segments and 800 vphpl for the arterial street corridors. Source: Fehr & Peers, 2005.									

3. Travel Demand Management Strategies: The project is located within 1 mile of a BART station and adjacent to an AC Transit bus line on 98th Avenue. To further encourage the use of public transit, the provision of shuttle service to and from BART was investigated. However, this measure was deemed financially infeasible due to the limited amount of housing. The project will include sidewalks to provide direct, convenient access to transit stops. Other measures such as increasing transit service along 98th Avenue can be discussed with AC Transit; however, increases in transit service is not something directly under the control of the project applicant. The only measure feasible for the project applicant to provide is the posting of directional signs to transit stops at appropriate places on the project site. The following mitigation measure is added to page III.A.26 the Draft EIR:

Mitigation Traffic 9 - Prior to issuance of certificates of occupancy, the project sponsor shall prepare a TDM plan for the project containing a variety of measures including the installation of directional signs at project egress points identifying the locations of local transit stops (Bus and BART).

The posting of directional signs has not been shown to have a reliably quantifiable effect on the use of alternative travel modes. This mitigation measure would therefore not have a quantifiable impact on the future levels of service identified in the Draft EIR. The significant unavoidable impacts identified in the Draft EIR would be expected to remain significant and unavoidable. However, the posting of directional signs could still have a beneficial effect on traffic congestion on an incremental level.

Letter 6 – R. Zachery Wasserman, Wendel, Rosen, Black & Dean

1. Size of Area in General Plan Amendment: Comment noted. Staff is not proposing to expand the area of the General Plan amendment beyond the project site itself. This issue will be discussed further in the staff report when the project returns to the Planning Commission for consideration.
2. Land Use Conflicts: Comment noted. The discussion under criterion 2 on pages III.D.5 and III.D.6 of the Draft EIR presents the City's analysis of whether the project would represent a fundamental conflict with adjacent or nearby uses. This analysis notes that the closure and demolition of the Fleischmann Yeast plant removed the most glaring conflict between residential and industrial uses; that both 98th Avenue and San Leandro Street provide a buffer to existing industrial uses located across these roadways; and that the existing industrial uses along 92nd Avenue would not present a conflict based on bulk, massing, odor, or glare.

Please refer to Master Response 1 and 2 for discussion of land uses in the vicinity of the project and additional noise testing conducted in response to public comments. The Master Responses can be found in Chapter II of the Final EIR.

3. Consistency with General Plan: The comments in reference to cited policies of the General Plan are noted. The following text is deleted from page III.D.9 of the Draft EIR:

~~**Objective I (Industry)/C2:** Maximize the usefulness of existing abandoned or underutilized industrial buildings and land.~~

~~**Policy I/C2.1:** Pursuing Environmental Clean up. The environmental cleanup of contaminated industrial properties should be actively pursued to attract new users in targeted industrial and commercial areas.~~

~~**Policy I/C2.3:** Providing Vacant or Buildable Sites. Development in older industrial areas should be encouraged through the provision of an adequate number of vacant or buildable sites designated for future development.~~

~~**Objective I/C4:** Minimize land use compatibility conflicts in commercial and industrial areas through achieving a balance between economic development values and community values.~~

~~**Policy I/C4.1:** Protecting Existing Activities. Existing industrial, residential, and commercial activities and areas which are consistent with long term land use plans for the City should be protected from the intrusion of potentially incompatible land uses.~~

4. Housing and Business Mix Designation: The Housing and Business Mix designation does not *require* commercial development; its intention is to allow a mix of uses in the same area. The General Plan states the Housing and Business Mix land use designation is appropriate for areas with a mixture of housing and business activities that serve as a transition from heavy industrial uses to low industrial uses and residential uses. The Housing and Business Mix designation recognizes that the project would be a residential

- development in an area with a mixture of business and residential activities and that area serves as a transition between the heavy industrial uses located to the west of San Leandro Street and the residential uses located to the east of the project site. As noted above, the discussion under criterion 2 on pages III.D.5 and III.D.6 of the Draft EIR presents the City's analysis of whether the project would represent a fundamental conflict with adjacent or nearby uses. Please refer to Master Response 2 Noise from Adjacent Industrial Uses for discussion of additional noise testing conducted in response to public comments. The Master Responses can be found in Chapter II of the Final EIR.
5. Coliseum Area Redevelopment Plan: The Coliseum Redevelopment project area includes 6,764 acres bounded by 22nd Avenue, International Boulevard, the Oakland-San Leandro city border, and the Oakland International Airport and the Estuary. The Redevelopment Plan was adopted on June 23, 1995 (Ordinance Number 11824 C.M.S.), and later amended on July 22, 1997 (Ordinance Number 12001 C.M.S.) to include an additional 264 acres in the San Antonio district of Oakland. The principal objectives of the Redevelopment Plan include the abatement of physical and economic blight through the redevelopment of vacant and underutilized properties, the stimulation of home ownership opportunities, and the replacement of obsolete infrastructure. An additional objective of the Redevelopment Plan is the assembly of land into parcels suitable for modern, integrated development with improved pedestrian and vehicular circulation in the project area. The project is consistent with the goals and policies of the Redevelopment Plan.
 6. Location of Pacific Paper Tube: Comment noted. The text at the bottom of page III.D.6 of the Draft EIR is amended as follows to identify the Pacific Paper Tube operation:

Industrial uses along 98th Avenue

Directly adjacent to the Project site is a one to two storey furniture/mattress warehouse building, as well as a manufacturing company called Pacific Paper Tube. These light industrial uses takes place primarily inside structures and would not generate substantial noise, shadows, odor or glare that would be incompatible with the proposed residential uses.
 7. Noise Conflicts: Please refer to Master Response 2 Noise from Adjacent Industrial Uses for discussion of additional noise testing conducted in response to public comments. The Master Responses can be found in Chapter II of the Final EIR. As explained there, two separate analyses of noise at the project site have confirmed that the Project, with the proposed noise mitigation measures, would not result in any significant noise impacts or result in noise impacts that exceed city standards.
 8. Noise monitoring locations: The City did commission additional noise testing at the project site to more accurately define the sound levels at the adjacent industrial properties. Please refer to Master Response 2 Noise from Adjacent Industrial Uses for discussion of additional noise testing conducted in response to public comments. The Master Responses can be found in Chapter II of the Final EIR.

9. Traffic Impacts: The comments relating to the access drives along 98th Avenue are noted. The project does propose two access drives from 98th Avenue and three access drives from 92nd Avenue. To help clarify this discussion, the following text is added to page III.A.17 of the Draft EIR:

Impact Traffic-4: (*Criterion 9 – Hazards related to a design feature*) The easternmost Project driveway on 98th Avenue is offset (not directly across) from the existing Gould Street by about 75 feet. Offset intersections can be dangerous and are an undesirable design due to the vehicle conflicts that are created. Furthermore, the roadway alignment of the easternmost access contributes to a direct connection between 92nd Avenue and 98th Avenue, which can encourage cut-through traffic through the Project site to avoid congestion along San Leandro Street.

To help improve project access, the driveway on 98th Avenue across from Medford Avenue will provide a separate outbound left-turn and right-turn lane and an eastbound left-turn inbound lane. This intersection is located approximately 400 feet to the east of the railroad tracks on 98th Avenue. The maximum eastbound left-turn inbound volume is anticipated to be 52 vehicles during the PM peak hour. The maximum eastbound left-turn vehicle queue is estimated to be 100 feet which will not back-up on to the railroad tracks. This project driveway across from Medford avenue/98th Avenue would become the primary egress from the Project site.

10. Hazardous Materials on Adjacent Properties: Please refer to Master Response 1, Use of Hazardous Materials on Adjacent Industrial Properties for further discussion of the use of hazardous materials on adjacent properties. Appendix D of the Draft EIR includes an explanation of the regulatory process governing site remediation. The remediation process is well established and extensively regulated at the state level as explained in the DEIR and the analysis in the DEIR, as supplemented by the additional analysis in this FEIR, fully complies with CEQA.
11. Future Uses on Adjacent Properties: CEQA requires the City to look at project-related impacts based on current uses of surrounding properties. Potential future uses are analyzed under the cumulative impacts section in which reasonably foreseeable projects—those that are either under construction, approved, planned, or programmed—can be analyzed to see if their construction or operation within the same geography of time period would result in a cumulative impact. CEQA does not require the City to speculate about what might or might not be constructed at a future point in time. Please also refer to Master response 2 Noise from Adjacent Industrial Uses for discussion of additional noise testing conducted in response to public comments.
12. Alternative Analysis: As required by CEQA, alternatives to the project were chosen based on their ability to reduce or eliminate the significant impacts of the project. To more fully address this comment and to provide a context for understanding the other

project alternatives, a new project alternative (Alternative 4 Light Industrial Alternative) is added.

The Light Industrial Alternative proposes the redevelopment of the site with light industrial uses. It should be noted that the analysis found that this alternative would result in greater traffic impacts than the proposed project and would not present a way to reduce the project's significant unavoidable traffic impact.

Pages IV.1, IV.2, IV.3, IV.6, and IV.7 of the DEIR have been revised as follows:

Page IV.1:

▪ **1. Introduction**

This Draft EIR evaluates three project alternatives, including the No Project Alternative scenario:

- No Project Alternative
- New Industrial/Retail Project Alternative
- Reduced Density Alternative
- Light Industrial Alternative

Page IV.2:

- Light Industrial Alternative (Alternative 4): Under this alternative, the site would be redeveloped with light industrial uses. The maximum allowable redevelopment on the site would be 3,554,500 square feet of light industrial (three times the lot area). However, based on the development patterns of adjacent industrial uses, building sizes are on average 25 percent of the lot area. Assuming a building size of 25 percent of the lot area, it was assumed that a total of 296,200 square feet of light industrial would be developed on the site.

Page IV.3:

Table IV.1 Comparison of Potentially Significant Impacts of Alternatives to Proposed Project

Impact	Proposed Project	Alternative 1: No Project – Current Conditions	Alternative 2: No Project – New Industrial/Retail	Alternative 3: Reduced Density	<u>Alternative 4: Light Industrial Alternative</u>
TRAFFIC-1: Traffic Signal Warrant	LTS w/mitigation	—	+	—	±
TRAFFIC-2: Construction Traffic	LTS w/mitigation	—	~	—	~
TRAFFIC-3: Design Features	LTS w/mitigation	—	~	—	~
TRAFFIC-4: Design Features	LTS w/mitigation	—	~	—	~
TRAFFIC-5: Cumulative LOS	LTS w/mitigation	—	+	—	±
TRAFFIC-6: Cumulative LOS	LTS w/mitigation	—	+	—	±
TRAFFIC-7: Cumulative San Leandro/98 th Avenue	SU	—	+	—	±
TRAFFIC-8: Cumulative International/98 th Avenue	SU	—	+	—	±
NOISE-1: Noise Levels	LTS w/mitigation	—	+	—	±
NOISE-2: Construction Noise	LTS w/mitigation	—	~	—	~
NOISE-3: Vibration	LTS w/mitigation	—	—	—	==
HAZ-1: Listed Site	LTS w/mitigation	+	~	~	~
HAZ-2: Release of Existing Hazardous Materials	LTS w/mitigation	—	~	~	~
~ Impact similar to proposed Project + Impact greater than proposed Project — Impact less than proposed Project					

Source: CirclePoint, 2005.

C. Discussion of Alternatives

This section includes a discussion of the three project Alternatives: Alternative 1: No Project, Alternative 2: New Industrial/Retail Development, Alternative 3: Reduced Density, and Alternative 4: Light Industrial Alternative.

Page IV.6:

4. Alternative 4 – Light Industrial Alternative

Purpose and Description

The Light Industrial Alternative consists of a new industrial or retail project being constructed on the Project site consistent with existing zoning and General Plan designations. The site's current zone district, M-30 General Industrial, and General Plan designation of General Industrial/Transportation allow a very intensive use of the site. The project site has an area of approximately 27.2 acres. Under this alternative, the site would be redeveloped with light industrial uses. The maximum allowable redevelopment on the site would be 3,554,500 square feet of light industrial (three times the lot area). However, based on the development patterns of adjacent industrial uses, building sizes are on average 25 percent of the lot area. Assuming a building size of 25 percent of the lot area, it was assumed that a total of 296,200 square feet of light industrial would be developed on the site.

Impacts and Mitigation Measures

Traffic. The Light Industrial Alternative would result in increased impacts to transportation and traffic. Under this alternative, traffic impacts related to the need for a traffic signal and cumulative LOS would be greater than under the proposed project due to an increase in traffic generated by the industrial land uses. However, other traffic impacts related to construction traffic and design features would be the same as under the proposed Project.

Table IV.2 presents the trip generation estimates under two scenarios: 1) maximum allowable redevelopment and 2) redevelopment consistent with average conditions of adjacent industrial uses. As shown in Table IV.2, redevelopment of the site to light industrial has a wide range of trip generation potential.

Table IV.2 Project Trip Generation Estimates			
Land Use	Daily Trips	AM Peak Hour Trips	PM Peak Hour Trips
Maximum Allowable Redevelopment of Light Industrial (3,554,500 square feet)	24,775	3,270	3,483
Average Redevelopment of Light Industrial (296,200 square feet)	2,065	273	290
Note: Trip generation based on data presented in ITE's, Trip Generation, (7th Edition). Source: ITE; Fehr & Peers, 2005.			

The proposed project (366 residential units) is estimated to generate 221 AM peak hour trips and 283 PM peak hour trips. Therefore, the redevelopment of the project site to light industrial would have the same or greater off-site impacts than the proposed project.

Noise. Increased traffic generation would result in an increase in noise in the Project vicinity. The Light Industrial Alternative would result in fewer vibration impacts to residents due to the industrial uses on the Project site and the lack of residential uses.

Hazards and Toxic Substances. Impacts to hazards and toxic substances would be the same as with the proposed Project, although the timing of such an alternative is unknown and could therefore result in a delay in remediation of existing contamination.

Land Use. Similar to the proposed Project, the Light Industrial Alternative would not create any land use impacts.

The Light Industrial Alternative would not meet the residential development objectives of the proposed Project:

- Developing market-rate residential units at urban densities, which provide ownership opportunities with a variety of housing types and unit sizes that would be available to a range of market-rate household income levels and first time home buyers;
- Expanding Southeast Oakland's market-rate occupied housing stock to encourage local-serving retail development and to attract private construction and mortgage lenders to this sub-market;
- Developing urban infill housing with convenient transportation access near the center of the Bay Area, which would serve to divert housing from outlying areas and reduce long-distance commute traffic and related pollution and improve the City's job/housing balance and accommodate its fair share housing needs;
- Redeveloping and revitalizing underutilized or vacant land within Southeast Oakland to create a vibrant and pedestrian-oriented residential community; and
- Providing additional open space throughout the development in order to give a sense of visual and spatial relief to the residents and the community.

However, the project would satisfy two of the Project objectives:

- Providing for the undergrounding of utilities and also providing extensive off-site improvements to existing, old infrastructure with respect to the streetscape, sidewalks, lighting and parking, and
- Constructing financially feasible developments with sufficient flexibility to adjust to market needs and provide reasonable returns on investments so as to secure construction and long-term financing.

Redevelopment of the site could result in the undergrounding of utilities on the Project site. Additionally, it is feasible that the Project site could be redeveloped with light industrial uses that would be secure and provide reasonable return on investments.

Page IV.7:

The Light Industrial Alternative would result in more impacts to transportation and traffic and could result in increased impacts in the areas of noise. Impacts to the other environmental issue areas would be the same as the proposed Project. This alternative potentially could result in fewer vibration impacts due to the redevelopment of industrial as opposed to a residential land uses on the site. However, this alternative would not meet all of the Project objectives.

The general purpose of the proposed Project is to provide high-quality housing in the City of Oakland, specifically, to develop 366 attached and detached homes along with 10 distributed parks on 27.5 acres. Constructing housing units within the existing infrastructure of the Bay Area would enable homeowners to live near established transportation systems, such as the Bay Area Rapid Transit (BART), Amtrak, and area freeways. The proposed Project would provide in-fill development within an already-developed area near to services and job centers, allowing residents to experience shorter commutes than those living in outlying areas of the region. Alternative 2 would allow the Project sponsor to meet some, but not all of the Project objectives, while reducing the environmental effects associated with the proposed Project. The Reduced Density Alternative would be considered the environmental superior alternative among the alternatives evaluated that meet Project objectives, but would not be as effective as the proposed Project in providing in-fill housing to help meet the City's fair share housing goals as described in the City's Housing Element. **The Light Industrial Alternative would allow the Project sponsor to meet some, but not all of the Project objectives; however, this alternative would result in greater impacts to traffic and transportation.**

13. Decision on the Project: City staff believes that the Draft EIR accurately presents the potential environmental impacts of the project. The Planning Commission and City Council will consider the merits of the project as a whole in light of its consideration of potential conversions along the wider San Leandro Street corridor. Staff is not recommending that the area under consideration for a rezoning or General Plan amendment be widened to include any additional properties.

Letter 7 – Debbie Pollart, City of San Leandro

1. Trip Generation: As indicated in the report, project trips were distributed on the surrounding roadway system in accordance with the Alameda County CMA Traffic Model which models traffic patterns in the nine-county Bay Area. Estimating project trip distribution based on this model is an acceptable method. The model's assignment of a substantial amount of traffic to International Boulevard and I-880 is associated with the regional route status of both of these roadways. The model's assignment of a substantial amount of traffic to 98th Avenue west of International Boulevard is associated with 98th Avenue providing a direct connection to Interstate 580. If the project trip distribution was changed

from 4% to 15% on San Leandro Street south of 98th Avenue, estimated project traffic on San Leandro Street would increase. Tables 1 through 4 below present the new results from the CMP analysis assuming 15% project trip distribution on San Leandro Street. As shown on these tables, San Leandro Street would operate at LOS A and no project impacts would occur.

TABLE 1									
Year 2010 CMP LOS Analysis - AM Peak Hour									
Roadway Segment	Direction	Capacity¹	Without Project			With Project			Increase in V/C ratio
			Volume	V/C	LOS	Volume	V/C	LOS	
San Leandro Street south of 98th	NB	1,600	99	0.06	A	104	0.07	A	5.1%
	SB	1,600	140	0.09	A	170	0.11	A	21.4%
1. Roadway capacities assumed to be 800 vphpl for the arterial street corridors. Source: Fehr & Peers, 2005.									

TABLE 2									
Year 2010 CMP LOS Analysis - PM Peak Hour									
Roadway Segment	Direction	Capacity¹	Without Project			With Project			Increase in V/C ratio
			Volume	V/C	LOS	Volume	V/C	LOS	
San Leandro Street south of 98th	NB	1,600	114	0.07	A	134	0.08	A	17.5%
	SB	1,600	420	0.26	A	426	0.27	A	1.4%
1. Roadway capacities assumed to be 800 vphpl for the arterial street corridors. Source: Fehr & Peers, 2005.									

TABLE 3									
Year 2025 CMP LOS Analysis - AM Peak Hour									
Roadway Segment	Direction	Capacity¹	Without Project			With Project			Increase in V/C ratio
			Volume	V/C	LOS	Volume	V/C	LOS	
San Leandro Street south of 98th	NB	1,600	172	0.11	A	177	0.11	A	2.9%
	SB	1,600	179	0.11	A	209	0.13	A	16.8%
1. Roadway capacities assumed to be 800 vphpl for the arterial street corridors. Source: Fehr & Peers, 2005.									

2. East 14th Street in City of San Leandro: ACCMA has reviewed the analysis locations and has not indicated the need to add East 14th Street between Durant Avenue and Davis Street. Nonetheless, the results are presented in Tables 5 through 8. As shown on these tables, East 14th Street would operate at acceptable service levels and no project impacts would occur.

TABLE 4									
Year 2025 CMP LOS Analysis - PM Peak Hour									
Roadway Segment	Direction	Capacity¹	Without Project			With Project			Increase in V/C ratio
			Volume	V/C	LOS	Volume	V/C	LOS	
San Leandro Street south of 98th	NB	1,600	190	0.12	A	210	0.13	A	10.5%
	SB	1,600	707	0.44	A	713	0.45	A	0.8%
1. Roadway capacities assumed to be 800 vphpl for the arterial street corridors. Source: Fehr & Peers, 2005.									

TABLE 5									
Year 2010 CMP LOS Analysis - AM Peak Hour									
Roadway Segment	Direction	Capacity¹	Without Project			With Project			Increase in V/C ratio
			Volume	V/C	LOS	Volume	V/C	LOS	
East 14th Street, north of Davis Street	NB	1,600	729	0.46	A	731	0.46	A	0.3%
	SB	1,600	767	0.48	A	793	0.50	A	3.4%
1. Roadway capacities assumed to be 800 vphpl for the arterial street corridors. Source: Fehr & Peers, 2005.									

3. Text Change: Comment noted. The suggest text change refers to the transportation and Circulation technical report prepared by Fehr and Peers Associates and does not refer to the text of the EIR. The suggested text change has been made to the transportation and Circulation technical report.

No text change is required in the EIR.

LETTERS RECEIVED AFTER CLOSE OF THE PUBLIC COMMENT PERIOD

Letter 8 – William R. Kirkpatrick, East Bay Municipal Utility District

1. Hazardous Materials: The DEIR describes the extent of contamination and the process for remediation that the project site will undergo prior to commencing with development activities. A discussion of the regulatory process is included in Appendix D of the DEIR.

- As required in Mitigation Measure Haz-1a, a worker Health and Safety Plan will be prepared prior to commencement of grading that addresses measures to be taken to reduce exposure of remediation and construction workers to chemicals present in site soil and groundwater. Additionally, the work Health and Safety Plan prepared for the Project will describe procedures for handling affected soil and groundwater, if encountered during construction. Mitigation measures for hazardous materials on the project site are included in the DEIR and this impact is addressed adequately.
2. Wastewater: The project includes the replacement of all sanitary sewer infrastructure on the project site, which will address any potential issues of infiltration and inflow (I/I). The Initial Study conservatively estimated the project-generated wastewater flows and analyzed the sub-basin capacity in the project area. The sub-basin capacity is adequate to convey flows from the project site.
 3. Water Conservation: The project would be required to incorporate water conservation considerations into the design of the proposed landscaping in accordance with the City's design review regulations.

Letter 9 – American Fumigation Corporation

1. The letter refers to a different project. City staff had a phone conversation on August 19, 2005 with the commenter during which the commenter clarified that although the letter referred to another project the concerns are related to the Arcadia Park project. This issue is a matter of policy and will be discussed further in the staff report when the project returns to the Planning Commission for consideration.

Chapter IV

RESPONSE TO VERBAL COMMENTS

A. COMMENTORS AT THE PUBLIC HEARING

- Robert Schwartz
- George Burt
- Sanjiv Honda
- Jackie Castaigne
- Commissioner Lee
- Commissioner Lighty
- Commissioner McClure
- Commissioner Mudge
- Commissioner Jang

B. RESPONSES TO INDIVIDUAL VERBAL COMMENTS

1. Robert Schwartz

Mr. Schwartz represents the Coliseum Commerce Advisory Committee, which will consider the project at its July 28 meeting. Mr. Schwartz encourages the City to prepare a Specific Plan of the wider area and show the relationship to the General Plan. This is a keystone site because of its location and would encourage more conversion of industrial sites to residential. Mr. Schwartz also asked that the public review period be extended another 15 days.

Response: The application before the Planning Commission at this time is the development of the Arcadia Park properties. The potential for the Project to include conversion of a wider area to residential uses was discussed in Section V.4 of the Draft EIR, Growth Inducing Impacts. The City will not extend the 45-day public comment period for the Draft EIR. As of the date of the public hearing (July 20) there remained 25 days in which to review the document and provide comments. Since the EIR is focused on four topic areas, there is not an overwhelming amount of information to review. The 45-day public comment period provided sufficient time in which to provide comments.

2. George Burt

Mr. Burt represents the West Oakland Commerce Association. Mr. Burt encourages the City to move the broader zoning discussion forward as soon as possible. Mr. Burt thought there was an understanding of various buffering techniques and setbacks that should be used between conflicting land uses.

Response: Mr. Burt's comments encouraging a broader zoning discussion are noted. Regarding the use of buffering techniques and setbacks, the Draft EIR discusses the surrounding light industrial uses to determine whether they would pose a significant conflict based on noise, odor, glare, bulk, or massing. As noted on page III.D.6 of the Draft EIR, the light industrial activities taking place adjacent to the project site along 92nd Avenue and on 98th Avenue take place inside buildings which shield surrounding properties from sound, odor, and glare. The buildings are also one and two stories in height and would not be incompatible with the proposed bulk and scale of development. The long-term vehicle storage use at the corner of 94th Avenue and San Leandro Street would not represent an incompatible use since the use of the site is infrequent and does not generate substantial noise. Please also refer to Master Response 2 Noise from Adjacent Industrial Uses for further discussion.

3. Sanjiv Honda

Mr. Honda is in favor of an extended public comment period to encourage public participation and inclusion. Mr. Honda is also concerned about a perceived lack of enforcement of conditions of approval.

Response: As noted above, the City will not extend the 45-day public comment period for the Draft EIR. As of the date of the public hearing (July 20) there remained 25 days in which to review the document and provide comments. Since the EIR is focused on four topic areas, there is not an overwhelming amount of information to review, and the 45-day public comment period provided sufficient time in which to submit comments.

Regarding the enforcement of conditions of approval, if the Project is approved, the City will adopt a Mitigation Monitoring and Reporting Program to monitor enforcement of environmental impact mitigation measures.

4. Jackie Castaigne

Ms. Castaigne represents the Webster Tract Neighbors, which is in favor of the project and the continued clean-up of the site and removal of contamination. Ms. Castaigne also encourages the developer to promote the use of public transportation among residents.

Response: The comments in support of the project are noted. The project is located within 1 mile of a BART station and adjacent to an AC Transit bus line on 98th Avenue. To further encourage the use of public transit, the provision of shuttle service to and from BART was investigated. However, this measure was deemed infeasible due to the limited amount of housing units and the lack of a mechanism for funding such a shuttle to service a development of individually owned homes. The project will include sidewalks to

provide direct, convenient access to transit stops. Other measures such as increasing transit service along 98th Avenue can be discussed with AC Transit; however, increases in transit service is not something directly under the control of the project applicant. The only measure feasible for the project applicant to provide is the posting of directional signs to transit stops at appropriate places on the project site. The following mitigation measure has been added to the EIR to address the promotion of public transit:

Mitigation Traffic 9 - Prior to issuance of certificates of occupancy, the project sponsor shall prepare a TDM plan for the project containing a variety of measures including the installation of directional signs at project egress points identifying the locations of local transit stops (Bus and BART).

The posting of directional signs has not been shown to have a reliably quantifiable effect on the use of alternative travel modes. This mitigation measure would therefore not have a quantifiable impact on the future levels of service identified in the Draft EIR. The significant unavoidable impacts identified in the Draft EIR would be expected to remain significant and unavoidable. However, the posting of directional signs could still have a beneficial effect on traffic congestion on an incremental level.

5. Commissioner Lee

Commissioner Lee raised the following issues in her comments:

- a) Commissioner Lee acknowledges the need for housing and that the conversion to business and residential is a good first step.
- b) Commissioner Lee questions the likelihood of the site being redeveloped for industrial uses.

Response:

- a) *The comments in support of the project are noted.*
- b) *Comment noted. This issue is related to local economic forces and will be discussed further in the staff report when the project returns to the Planning Commission for consideration.*

6. Commissioner Lighty

Commissioner Lighty raised the following issues in his comments:

- a) It is questionable whether the site is appropriate for residential uses. The Draft EIR discloses potential impacts in the areas of noise, vibration, traffic, and hazardous materials. Commissioner Lighty questions whether these impacts can be mitigated.
- b) The City's study of General Plan amendments for industrial conversions will not be released for two to three months.
- c) The Project does not appear to be a transit-oriented project.
- d) The project would actually increase the amount of interface between residential and industrial; don't say that the Project would reduce this impact.

- e) Commissioner Lighty realizes that the property owner has been trying to lease or sell the site for a year, but one year is not necessarily a long time.
- f) The economic analysis is limited, and does not include costs of new development.
- g) Yes, we need infill housing, but we also need jobs to maintain the balance.
- h) If the project had an affordable component it would be easier to support.
- i) Commissioner Lighty does not support a variance to waive the maximum garage width regulation.
- j) Commissioner Lighty would favor an extension of the comment period.
- k) Noise mitigation is meaningless given that the Building Division can authorize weekend activity.
- l) There should be public access for the proposed streets.
- m) Commissioner Lighty does not support a fortress-like wall at the perimeter of the site along 98th Avenue

Response:

- a) *The Draft EIR does identify potential environmental impacts, and also includes mitigation to address all impacts except for cumulative traffic impacts at the intersections of 98th Avenue/International Blvd. and 98th Avenue/San Leandro Street.*
- b) *Comment noted. Section V.4 of the Draft EIR—Growth Inducing Impacts—does contain information about the potential effects associated with conversion of industrial properties across a wider area to residential uses. Additional information will be provided in the staff report to the Commission as part of the hearing to consider the project as a whole.*
- c) *The Project is located within one-mile of the Coliseum BART station, and is also located directly adjacent to an AC Transit bus line. The Project is therefore well-located to encourage the use of public transit over automobiles.*
- d) *Comment noted. The project would increase the length of interface between residential and industrial properties. As noted on page III.D.6 of the Draft EIR, the light industrial activities taking place adjacent to the project site along 92nd Avenue and on 98th Avenue take place inside buildings which shield surrounding properties from sound, odor, and glare. The buildings are also one and two stories in height and would not be incompatible with the proposed bulk and scale of development. The long-term vehicle storage use at the corner of 92nd Avenue and San Leandro Street would also not represent an incompatible use since the use of the site is infrequent and does not generate substantial noise or odor. Please also refer to Master Response 2 Noise from Adjacent Industrial Uses for further discussion.*
- e) *Comment noted.*
- f) *Comment noted.*
- g) *Comment noted.*

- h) Comment noted. The City does not have an affordable housing requirement for privately-sponsored development projects.*
- i) Comment noted. This issue is a policy matter and will be discussed further in the staff report when the project returns to the Planning Commission for consideration.*
- j) The City will not extend the 45-day public comment period for the Draft EIR. As of the date of the public hearing (July 20) there remained 25 days in which to review the document and provide comments. Since the EIR is focused on four topic areas, there is not an overwhelming amount of information to review, and the 45-day public comment period provides sufficient time in which to submit comments.*
- k) Comment noted. The mitigation measure has been revised to remove the ability of the Building Services Division to authorize weekend construction.*
- l) Comment noted. This issue is a policy matter and will be discussed further in the staff report when the project returns to the Planning Commission for consideration.*
- m) Comment noted. This issue is a policy matter and will be discussed further in the staff report when the project returns to the Planning Commission for consideration.*

7. Commissioner McClure

Commissioner McClure raised the following issues in his comments:

- a) Commissioner McClure questioned the ability of the City to adequately plan for conversions in the industrial corridor on a project-by-project basis.*
- b) Commissioner McClure also mentioned the need for a cumulative discussion of landmarks in the context of the loss of industrial land.*
- c) Commissioner McClure asked for more information about the remediation process and the procedural requirements.*
- d) Commissioner McClure asked whether there been any thought to extend Elmhurst Street into the Project. The pocket park at the end of Elmhurst Street could have an access easement placed over it so that if in the future the building is demolished the road could be extended.*

Response:

- a) Comment noted. Section V.4 of the Draft EIR—Growth Inducing Impacts—does contain information about the potential effects associated with conversion of industrial properties across a wider area to residential uses. Additional information will be provided in the staff report to the Commission as part of the hearing to consider the project as a whole.*
- b) The landmark status of the site is discussed in the cultural resources section of the initial study prepared for the Project. This section of the analysis notes that the Project site does not contain any potentially historic structures. The former Fleischmann's yeast plant was demolished in 2003, and the remaining water tower and equipment building that are currently located on the site are considered to be fragments of the original plant and as such their historic integrity has been severely compromised. The City does not consider them to be*

eligible for the state or national register, and therefore the demolition of these structures would not be considered significant under CEQA.

- c) Comment noted. Staff regularly receives questions about the environmental remediation process because of its complexity and the perceived uncertainty around how the process is regulated and enforced to ensure that sites are cleaned up as intended before development proceeds. A summary of the environmental remediation regulatory process is provided in Appendix D of the Draft EIR.*
- d) Extending Elmhurst Street into the Project site is a design issue that will be discussed further in the staff report when the project returns to the Planning Commission for consideration.*

8. Commissioner Mudge

Commissioner Mudge raised the following issues in his comments:

- a) Not in favor of extending the public comment period
- b) Regarding General Plan changes beyond this project, Commissioner Mudge is not in favor since it would require changing the project description and expanding the scope of the EIR. Commissioner Mudge believes that expanding the areas of the General Plan amendment would also hasten the conversion of adjacent industrial properties and result in inconsistencies between zoning and the General Plan.
- c) Commissioner Mudge is not in favor of granting a variance for larger garages.

Response:

- a) Comment noted.*
- b) Comment noted. This is a policy issue that will be further discussed in the staff report when this item returns to the Commission for consideration of the project as a whole.*
- c) Comment noted. This is a policy issue that will be discussed further in the staff report when the project returns to the Planning Commission for consideration.*

9. Commissioner Jang

Commissioner Jang raised the following issues in his comments:

- a) Commissioner Jang shares the concern regarding the wider conversion from industrial to residential.
- b) Commissioner Jang questions how the noise mitigation measures will work.

Response:

- a) *Comment noted. This is a policy issue that will be discussed further in the staff report when the project returns to the Planning Commission for consideration.*
- b) *Comment noted. As noted in Section III.B of the Draft EIR (Noise), the existing ambient sound level on the property ranges from 62 dB at the northeast corner of the site to 82 dB at the corner of 98th Avenue /San Leandro Street. The mitigation included in the project would ensure that sound levels of all residences would remain within the acceptable range for single family and multi-family uses.*

Building practices commonly employed to achieve sound reduction include the use of higher rated building materials (windows, wall materials such as studs and sheetrock, as well as insulation) to provide a greater level of sound attenuation. The units facing the interior of the site would be shielded by the buildings themselves, but will also be analyzed to ensure that each building face exposed to a decibel level greater than 60 dB is designed such that interior sound levels meet local and state standards. Since the windows facing 98th Avenue and San Leandro Street will have to be closed in order to achieve the interior noise criteria, an alternate means of providing outside air to habitable spaces (ventilation or air conditioning) is required for facades exposed to an exterior dNL of 60 dBA or greater.

Chapter V

ERRATA / CHANGES TO THE DEIR

This Chapter notes the corrections and changes to the text of the Draft EIR to respond to comments and to correct typographical errors.

Change 1: Although the additional noise analysis did not identify any new potentially significant impacts that were not already disclosed in the Draft EIR, the project sponsor has proposed the construction of a barrier wall between the Arcadia Park site and adjacent industrial properties to provide additional separation between these uses. Therefore, the DEIR on page II.7 has been revised as follows:

Page II.7:

A preliminary site plan for the proposed Project is shown in Figure 6. Proposed zoning and General Plan designations are shown in Figure 7. As shown in the plan, town homes would be located along the San Leandro Street and 98th Avenue frontages of the site, while the single family dwellings would be grouped in the center and northern portions of the site and along the existing residential neighborhood bordering the site to the east. Access to the site would be provided via proposed driveways from both 98th Avenue and 92nd Avenue. The site design includes 10-foot-wide sidewalks and crosswalks at all signalized intersections to facilitate the safe movement of pedestrians and especially children around the site. **The project will include a barrier wall between the Arcadia Park site and adjacent industrial properties to provide additional separation between these uses.** Figure 12 (see Chapter III.D, Land Use) depicts the typical street frontage along 98th Avenue to show the relationship between the street, sidewalks, landscaping strips, and building setbacks.

Change 2: The following text is revised on page III.A.13 of the Draft EIR. These revisions are to correct typographical errors and do not affect the conclusions of the analysis:

Page III.A.13:

Parking

As shown in Table III.A.5 below, the City's Parking Code would require a total of 440 spaces for the Project. The Institute of Traffic Engineers estimated demand for a Project of this size would be 563 602 spaces, based on national surveys presented in the Parking Generation Manual (3rd Edition) published by ITE. The Project proposes a total of 732 spaces (two parking spaces per R-30 unit and one parking space per R-50 unit). The Project would therefore provide 292 more spaces than are required by the City code. Based on the City's parking code and ITE, the Project would provide adequate on-site parking. The City's Municipal Code does not include any requirements for bicycle parking facilities for residential subdivisions.

Table III.A.5 On-Site Parking Evaluation

Land Use	City of Oakland Code		ITE		Proposed Project
	Rate	Required Project Parking	Rate	Demand	Parking Supply
Single Family (74 units)	2 spaces per unit	148	1.83 spaces per unit	334 136	
Town homes (292 units)	1 space per unit	292	1.46 spaces per unit	268 427	
Total		440		602 563	732

Source: Fehr & Peers, 2005.

Change 3: To help clarify the discussion related to site access and circulation, the following text is added to page III.A.17 of the Draft EIR. This revision does not affect the conclusion of the analysis:

Page III.A.17:

Impact Traffic-4: (*Criterion 9 – Hazards related to a design feature*) The easternmost Project driveway on 98th Avenue is offset (not directly across) from the existing Gould Street by about 75 feet. Offset intersections can be dangerous and are an undesirable design due to the vehicle conflicts that are created. Furthermore, the roadway alignment of the easternmost access contributes to a direct connection between 92nd Avenue and 98th Avenue, which can encourage cut-through traffic through the Project site to avoid congestion along San Leandro Street.

To help improve project access, the driveway on 98th Avenue across from Medford Avenue will provide a separate outbound left-turn and right-turn lane and an eastbound left-turn inbound lane. This intersection is located approximately 400 feet to the east of the railroad tracks on 98th Avenue. The maximum eastbound left-turn inbound volume is anticipated to be 52 vehicles during the PM peak hour. The maximum eastbound left-turn vehicle queue is estimated to be 100 feet which will not back-up on to the railroad tracks. This project driveway across from Medford avenue/98th Avenue would become the primary egress from the Project site.

Change 4: Travel Demand Management Strategies. The following mitigation measure is added to page III.A.26 of the Draft EIR:

Page III.A.26:

Mitigation Traffic 9 - Prior to issuance of certificates of occupancy, the project sponsor shall prepare a TDM plan for the project containing a variety of measures including the installation of directional signs at project egress points, identifying the locations of local transit stops (Bus and BART).

Change 5: To address a comment regarding the effectiveness of noise mitigation, the following text is revised on page III.B.13 of the Draft EIR. This revision does not affect the conclusions of the analysis:

Page III.B.13:

Mitigation Measure Noise - 2.1 The project sponsor shall require remediation and/or construction contractors to limit standard remediation and/or construction activities as required by the City Building Services Division. Such activities are generally limited to between 7:00 a.m. and 7:00 p.m. Monday through Friday, with pile driving and/or other extreme noise generating activities greater than 90 dBA limited to between 8:00 a.m. and 4:00 p.m. Monday through Friday, with no extreme noise generating activity permitted between 12:30 p.m. and 1:30 p.m. No remediation and/or construction activities shall be allowed on weekends until after the building is enclosed ~~without prior authorization of the Building Services Division~~, and no extreme noise-generating activities shall be allowed on weekends and holidays.

Change 6: The following text located at the bottom of page III.D.6 of the Draft EIR is amended to identify the existing operation of the Pacific Paper Tube company:

Page III.D.6:

Industrial uses along 98th Avenue

Directly adjacent to the Project site is a one to two storey furniture/mattress warehouse building, as well as a manufacturing company called Pacific Paper Tube. ~~This~~ These light industrial uses take place primarily inside structures and would not generate substantial noise, shadows, odor or glare that would be incompatible with the proposed residential uses.

Change 7: General Plan Goals. The following text is deleted from page III.D.9 of the Draft EIR:

Page III.D.9:

~~**Objective I (Industry)/C2:** Maximize the usefulness of existing abandoned or underutilized industrial buildings and land.~~

~~**Policy I/C2.1:** Pursuing Environmental Clean-up. The environmental cleanup of contaminated industrial properties should be actively pursued to attract new users in targeted industrial and commercial areas.~~

~~**Policy I/C2.3:** Providing Vacant or Buildable Sites. Development in older industrial areas should be encouraged through the provision of an adequate number of vacant or buildable sites designated for future development.~~

~~**Objective I/C4:** Minimize land use compatibility conflicts in commercial and industrial areas through achieving a balance between economic development values and community values.~~

~~**Policy I/C4.1:** Protecting Existing Activities. Existing industrial, residential, and commercial activities and areas which are consistent with long term land use plans for the City should be protected from the intrusion of potentially incompatible land uses.~~

Change 8: Alternative Analysis. The Draft EIR is revised to include analysis of a new Light Industrial Project Alternative. The following text is inserted as indicated in the DEIR:

Page IV.1:

A. 1. Introduction

This Draft EIR evaluates three project alternatives, including the No Project Alternative scenario:

- No Project Alternative
- New Industrial/Retail Project Alternative
- Reduced Density Alternative
- **Light Industrial Alternative**

Page IV.2:

- **Light Industrial Alternative (Alternative 4): Under this alternative, the site would be redeveloped with light industrial uses. The maximum allowable redevelopment on the site would be 3,554,500 square feet of light industrial (three times the lot area). However, based on the development patterns of adjacent industrial uses, building sizes are on average 25 percent of the lot area. Assuming a building size of 25 percent of the lot area, it was assumed that a total of 296,200 square feet of light industrial would be developed on the site.**

Page IV.3:

Table IV.1 Comparison of Potentially Significant Impacts of Alternatives to Proposed Project

Impact	Proposed Project	Alternative 1: No Project – Current Conditions	Alternative 2: No Project – New Industrial/Retail	Alternative 3: Reduced Density	<u>Alternative 4: Light Industrial Alternative</u>
TRAFFIC-1: Traffic Signal Warrant	LTS w/mitigation	—	+	—	±
TRAFFIC-2: Construction Traffic	LTS w/mitigation	—	~	—	~
TRAFFIC-3: Design Features	LTS w/mitigation	—	~	—	~
TRAFFIC-4: Design Features	LTS w/mitigation	—	~	—	~
TRAFFIC-5: Cumulative LOS	LTS w/mitigation	—	+	—	±
TRAFFIC-6: Cumulative LOS	LTS w/mitigation	—	+	—	±
TRAFFIC-7: Cumulative San Leandro/98 th Avenue	SU	—	+	—	±
TRAFFIC-8: Cumulative International/98 th Avenue	SU	—	+	—	±
NOISE-1: Noise Levels	LTS w/mitigation	—	+	—	±
NOISE-2: Construction Noise	LTS w/mitigation	—	~	—	~
NOISE-3: Vibration	LTS w/mitigation	—	—	—	—
HAZ-1: Listed Site	LTS w/mitigation	+	~	~	~
HAZ-2: Release of Existing Hazardous Materials	LTS w/mitigation	—	~	~	~
~ Impact similar to proposed Project + Impact greater than proposed Project — Impact less than proposed Project					

Source: CirclePoint, 2005.

C. Discussion of Alternatives

This section includes a discussion of the three project Alternatives: Alternative 1: No Project, Alternative 2: New Industrial/Retail Development, Alternative 3: Reduced Density, and Alternative 4: Light Industrial Alternative.

Page IV.6:

4. Alternative 4 – Light Industrial Alternative

Purpose and Description

The Light Industrial Alternative consists of a new industrial or retail project being constructed on the Project site consistent with existing zoning and General Plan designations. The site's current zone district, M-30 General Industrial, and General Plan designation of General Industrial/Transportation allow a very intensive use of the site. The project site has an area of approximately 27.2 acres. Under this alternative, the site would be redeveloped with light industrial uses. The maximum allowable redevelopment on the site would be 3,554,500 square feet of light industrial (three times the lot area). However, based on the development patterns of adjacent industrial uses, building sizes are on average 25 percent of the lot area. Assuming a building size of 25 percent of the lot area, it was assumed that a total of 296,200 square feet of light industrial would be developed on the site.

Impacts and Mitigation Measures

Traffic. The Light Industrial Alternative would result in increased impacts to transportation and traffic. Under this alternative, traffic impacts related to the need for a traffic signal and cumulative LOS would be greater than under the proposed project due to an increase in traffic generated by the industrial land uses. However, other traffic impacts related to construction traffic and design features would be the same as under the proposed Project.

Table IV.2 presents the trip generation estimates under two scenarios: 1) maximum allowable redevelopment and 2) redevelopment consistent with average conditions of adjacent industrial uses. As shown in Table IV.2, redevelopment of the site to light industrial has a wide range of trip generation potential.

Table IV.2 Project Trip Generation Estimates			
Land Use	Daily Trips	AM Peak Hour Trips	PM Peak Hour Trips
Maximum Allowable Redevelopment of Light Industrial (3,554,500 square feet)	24,775	3,270	3,483
Average Redevelopment of Light Industrial (296,200 square feet)	2,065	273	290
Note: Trip generation based on data presented in ITE's, Trip Generation, (7th Edition). Source: ITE; Fehr & Peers, 2005.			

The proposed project (366 residential units) is estimated to generate 221 AM peak hour trips and 283 PM peak hour trips. Therefore, the redevelopment of the project site to light industrial would have the same or greater off-site impacts than the proposed project.

Noise. Increased traffic generation would result in an increase in noise in the Project vicinity. The Light Industrial Alternative would result in fewer vibration impacts to residents due to the industrial uses on the Project site and the lack of residential uses.

Hazards and Toxic Substances. Impacts to hazards and toxic substances would be the same as with the proposed Project, although the timing of such an alternative is unknown and could therefore result in a delay in remediation of existing contamination.

Land Use. Similar to the proposed Project, the Light Industrial Alternative would not create any land use impacts.

The Light Industrial Alternative would not meet the residential development objectives of the proposed Project:

- Developing market-rate residential units at urban densities, which provide ownership opportunities with a variety of housing types and unit sizes that would be available to a range of market-rate household income levels and first time home buyers;
- Expanding Southeast Oakland’s market-rate occupied housing stock to encourage local-serving retail development and to attract private construction and mortgage lenders to this sub-market;
- Developing urban infill housing with convenient transportation access near the center of the Bay Area, which would serve to divert housing from outlying areas and reduce long-distance commute traffic and related pollution and improve the City’s job/housing balance and accommodate its fair share housing needs;
- Redeveloping and revitalizing underutilized or vacant land within Southeast Oakland to create a vibrant and pedestrian-oriented residential community; and
- Providing additional open space throughout the development in order to give a sense of visual and spatial relief to the residents and the community.

However, the project would satisfy two of the Project objectives:

- Providing for the undergrounding of utilities and also providing extensive off-site improvements to existing, old infrastructure with respect to the streetscape, sidewalks, lighting and parking, and
- Constructing financially feasible developments with sufficient flexibility to adjust to market needs and provide reasonable returns on investments so as to secure construction and long-term financing.

Redevelopment of the site could result in the undergrounding of utilities on the Project site. Additionally, it is feasible that the Project site could be redeveloped with light industrial uses that would be secure and provide reasonable return on investments.

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The Light Industrial Alternative would result in more impacts to transportation and traffic and could result in increased impacts in the areas of noise. Impacts to the other environmental issue areas would be the same as the proposed Project. This alternative potentially could result in fewer vibration impacts due to the redevelopment of industrial as opposed to a residential land uses on the site. However, this alternative would not meet all of the Project objectives.

The general purpose of the proposed Project is to provide high-quality housing in the City of Oakland, specifically, to develop 366 attached and detached homes along with 10 distributed parks on 27.5 acres. Constructing housing units within the existing infrastructure of the Bay Area would enable homeowners to live near established transportation systems, such as the Bay Area Rapid Transit (BART), Amtrak, and area freeways. The proposed Project would provide in-fill development within an already-developed area near to services and job centers, allowing residents to experience shorter commutes than those living in outlying areas of the region. Alternative 2 would allow the Project sponsor to meet some, but not all of the Project objectives, while reducing the environmental effects associated with the proposed Project. The Reduced Density Alternative would be considered the environmental superior alternative among the alternatives evaluated that meet Project objectives, but would not be as effective as the proposed Project in providing in-fill housing to help meet the City's fair share housing goals as described in the City's Housing Element. **The Light Industrial Alternative would allow the Project sponsor to meet some, but not all of the Project objectives; however, this alternative would result in greater impacts to traffic and transportation.**