CITY OF OAKLAND

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Community and Economic Development Agency
Planning & Zoning Services Division

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November 21, 2011

NOTICE OF PREPARATION OF A SUPPLEMENTAL ENVIRONMENTAL IMPACT REPORT FOR THE CENTRAL ESTUARY IMPLEMENTATION GUIDE

The Oakland Community and Economic Development Agency, Strategic Planning Division, is preparing a Draft Supplemental Environmental Impact Report (EIR) for the Central Estuary Implementation Guide as identified below, and is requesting comments on the scope and content of the Supplemental EIR. The Supplemental EIR will address the potential physical environmental effects for each of the environmental topics outlined in the California Environmental Quality Act (CEQA). The City has **not** prepared an Initial Study. Under CEQA, a Lead Agency may proceed directly with Supplemental EIR preparation, without an Initial Study, if it is clear that a Supplemental EIR will be required. The City has made such a determination for this project. A previous EIR for the Estuary Policy Plan was certified in 1998 (State Clearinghouse No. 98031116) and is available for review at the Planning Department Offices. This Supplemental EIR will rely on the previously certified Estuary Policy Plan EIR.

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

Responses to this NOP and any questions or comments should be directed in writing to Alicia Parker, Strategic Planning Division, City of Oakland Community and Economic Development Agency, 250 Frank Ogawa Plaza, Suite 3315, Oakland, CA 94612; (510) 238-3362 (phone); (510) 238-6538 (fax); or e-mailed to aparker@oaklandnet.com. Comments on the NOP must be received at the above mailing or e-mail address **by 5:00 p.m., Wednesday, December 21, 2011.** Please reference case number ER110016 in all correspondence. In addition, comments may be provided at the Supplemental EIR Scoping Meeting to be held before the City Planning Commission. Comments should focus on discussing possible impacts on the physical environment, ways in which potential adverse effects might be avoided or minimized, and alternatives to the project in light of the Supplemental EIR's purpose to provide useful and accurate information about such factors.

SUPPLEMENTAL EIR SCOPING MEETING
CITY PLANNING COMMISSION

Wednesday, December 14th
6:00 p.m.

Oakland City Hall – Hearing Room 1

PROJECT TITLE: Central Estuary Implementation Guide (CEIG)

PROJECT LOCATION: The Central Estuary area (project area) encompasses about 416 acres of land, including about 319 acres of individual parcels, and about 100 acres of public rights-of-way. The project area is bordered by Interstate 880 (I-880) to the northeast and the Oakland Estuary to the southwest. **Figure 1** shows the project location and also identifies the sub-areas used in the development of the CEIG.

PROJECT SPONSOR: City of Oakland, Strategic Planning Division

EXISTING CONDITIONS: The Oakland Estuary waterfront is a significant citywide and regional resource that connects the City of Oakland to the San Francisco Bay. Once a predominantly industrial waterfront, the project area has evolved into a mix of unique districts. While certain portions are more distinctly industrial or commercial in character, a more finely grained mix of uses, including newer residential and live-work uses, can be found in the western and central portions of the project area. Other uses in the project area include two waterfront parks, portions of the San Francisco Bay Trail, and marine-serving uses. The physical conditions of properties and buildings are widely divergent. Existing physical environmental issues in the project area include but are not limited to air pollution and noise associated with freeway, railroad, and industrial uses; substandard infrastructure, including roads and utilities; and soil and groundwater contamination associated with previous uses in the project area, including about sixty (60) properties identified on the California Environmental Protection Agency's Cortese List.

A significant citywide challenge of the last decade has been the importance of preserving a healthy diversity of employment and industry in Oakland. Historically, many industries have depended on waterfront access for raw materials or distribution; some industrial uses in the Estuary Area have continued to rely on such access to this day. As a result, the area was predominantly zoned for industrial use, and a number of well-established industrial uses remain, including associated infrastructure such as railroad spur tracks.

In recent years, residential development interests have focused on industrial areas throughout the City because of the relative affordability of large parcels. The Estuary waterfront as a whole has been particularly appealing because of its attractive views and central location. At the same time, the desire to increase public access to and recreational use of the City's waterfront adds a potentially conflicting demand with nearby industrial uses.

PROJECT DESCRIPTION: The Draft CEIG is a 20-year planning document that would, if approved, modify or clarify land uses and associated densities within the Central Estuary area. As a companion document to the City's 1999 Estuary Policy Plan (EPP), the Draft CEIG identifies steps to be undertaken to implement the recommendations of the (EPP).

The majority of the area is currently zoned for heavy industrial uses, although given the evolution of residential, commercial, park, and office uses, simply perpetuating the heavy industrial designation is no longer appropriate or viable. The Draft CEIG proposes to maintain existing industrial uses while allowing for an increment of new commercial, residential, and office development in appropriate locations. Implementation of the CEIG requires changes to general plan maps and the zoning code; the development of design guidelines to reconcile conflicting land use priorities, and the implementation of transportation improvements to address infrastructure deficiencies.

<u>Map changes</u>: **Figures 2** and **3** depict existing and conceptual proposed land use designations and zoning districts, subject to further review and refinement.

Code changes: **Tables A** and **B** respectively summarize the proposed Estuary Policy Plan and Zoning Code text changes. The text amendments would change allowable uses in specific districts/zones.

The Draft CEIG's proposed changes, if enacted, would not directly result in any new development. However, taken as a whole, the Draft CEIG's proposed program of land use changes would allow for an increment of new residential, live/work, industrial, and commercial/office development above what current regulations allow. **Table C** summarizes existing levels of development in each subarea along with reasonably foreseeable estimated increases in growth that would be allowable under the Draft CEIG. Prior to the public release of the Draft CEIG, the City may make minor revisions and refinements to the Draft, possibly resulting in minor changes to the data in Tables A-C.

Design Guidelines: The Draft CEIG includes a set of area-specific Design Guidelines to help ensure that the new development is sensitive to the existing eclectic mix of industrial, commercial, and residential uses. The Draft Guidelines would provide detailed direction on a variety of site planning and design consideration intended to enhance the project area's livability and quality of place for both existing and future users.

Transportation and Infrastructure Improvements: The allowable increment of new development under the Draft CEIG is expected to increase demands on existing project area and nearby transportation and public services infrastructure. At present, certain project area and nearby roadways are known to operate at unacceptable conditions and several infrastructure deficiencies have been identified. The City may incorporate into the Draft CEIG certain strategies that would address either existing and/or projected deficiencies.

PROBABLE ENVIRONMENTAL EFFECTS: It is anticipated that the proposed project may have the following environmental effects: aesthetics, air quality, greenhouse gases, noise, and traffic. It is further anticipated that the project would result in less-than-significant environmental effects to the following: biological resources, cultural resources, geology and soils, hazards and hazardous materials, hydrology and water quality, land use, population and housing, public services, recreation, utilities and service systems, and cumulative growth. All of these environmental factors will be analyzed in the Supplemental EIR.

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

Eric Angstadt, Deputy Director
Planning and Zoning

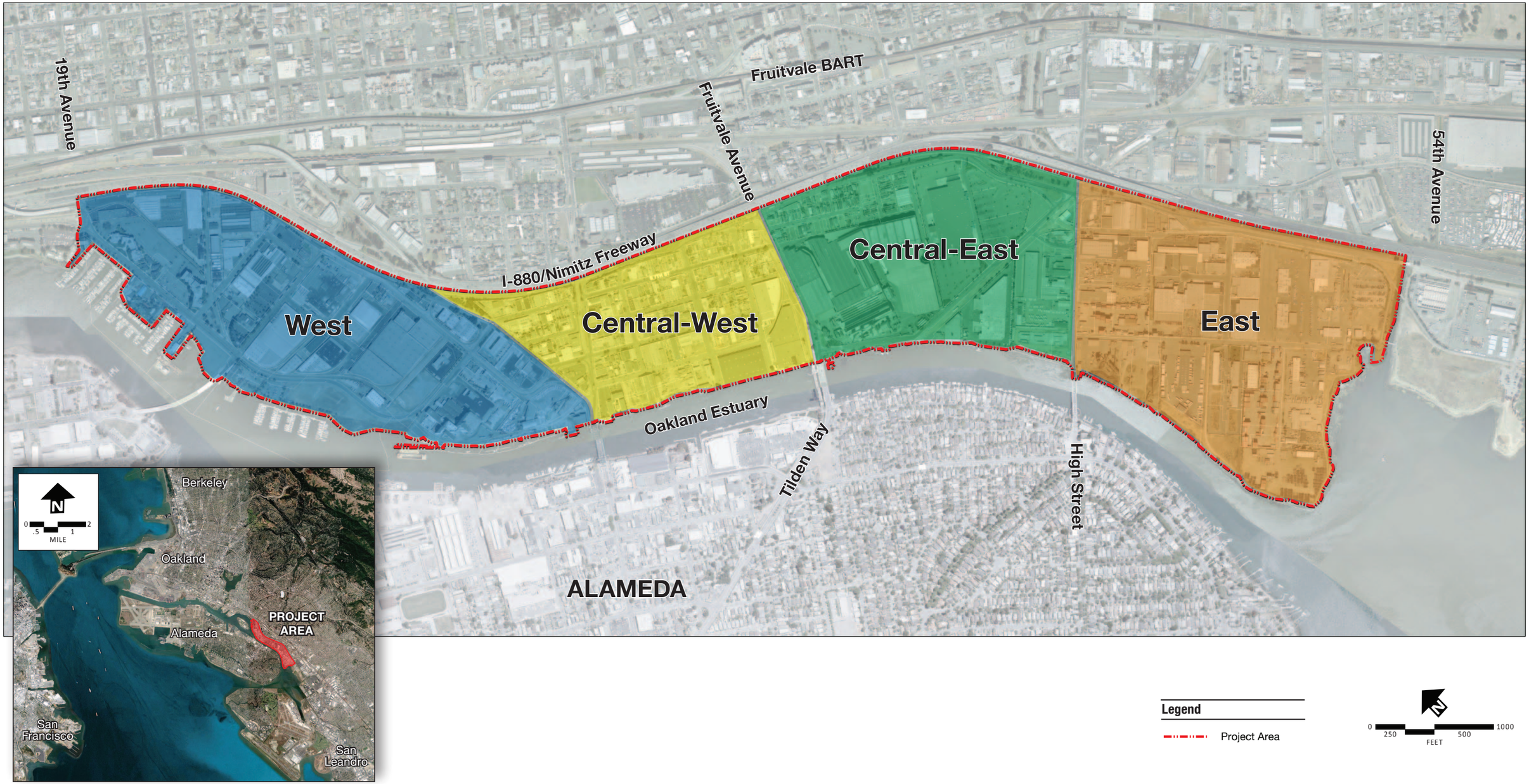
DATE: November 21, 2011

FILE

Attachments:

Figures 1-3

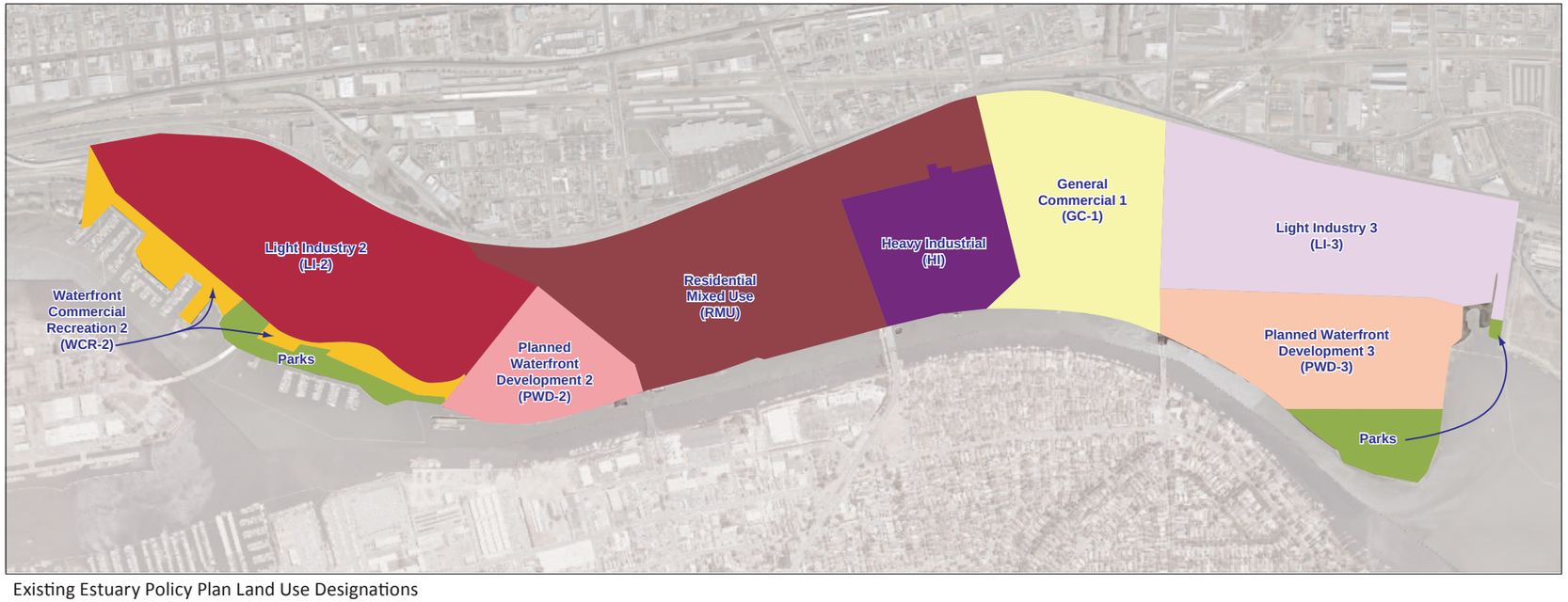
Tables A-C



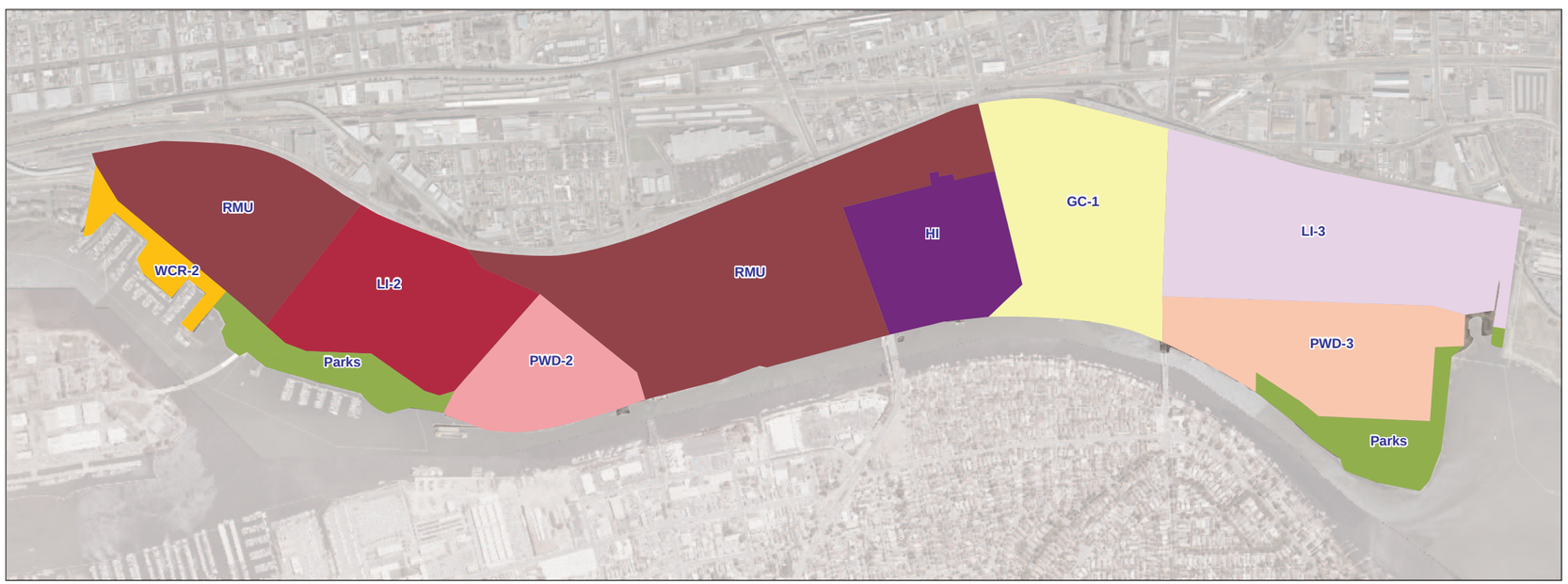
Central Estuary Implementation Guide Project Area

Figure 1

Source: Community Design + Architecture, November 2011.



Existing Estuary Policy Plan Land Use Designations



Proposed Estuary Policy Plan Land Use Designation Changes

Legend

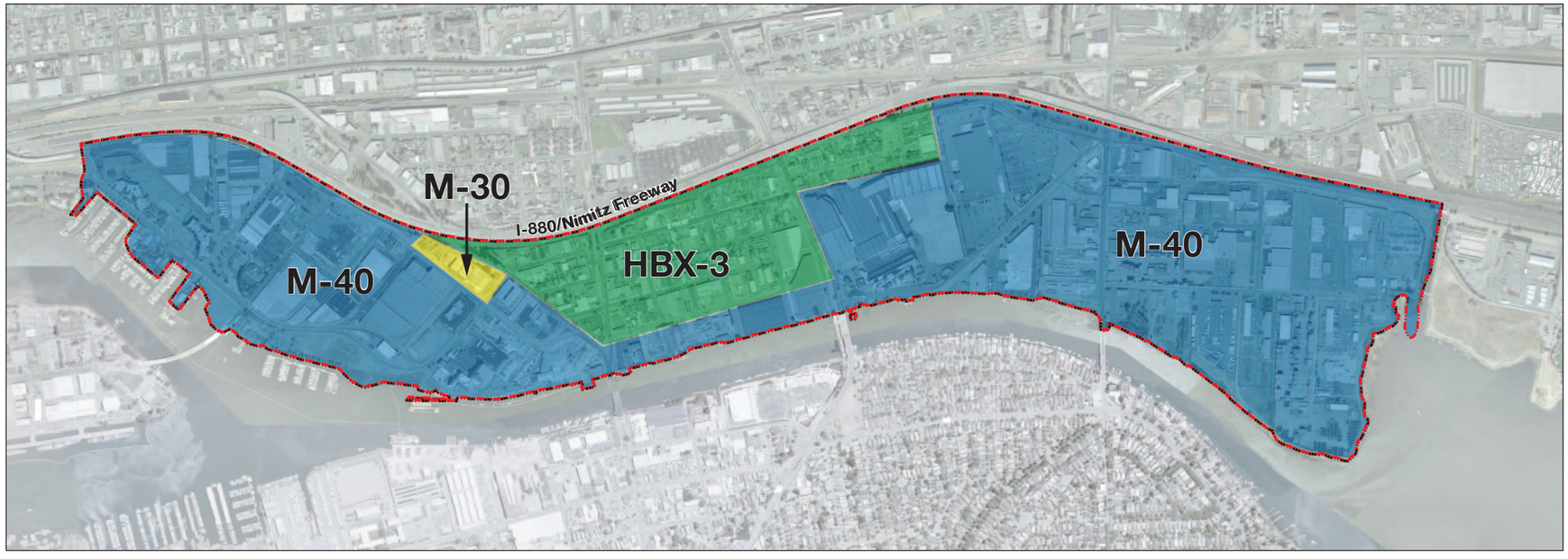
EPP Land Use

- General Commercial 1 (GC-1)
- Heavy Industrial (HI)
- Light Industry 2 (LI-2)
- Light Industry 3 (LI-3)
- Parks
- Planned Waterfront Dev 2 (PWD-2)
- Planned Waterfront Dev 3 (PWD-3)
- Residential Mixed Use (RMN)
- Waterfront Commercial Rec 2 (WCR-2)

0 500 1000 2000
FEET

Existing and Proposed Estuary Policy Plan Land Use Designations Maps Figure 2

Source: Community Design + Architecture, November 2011.

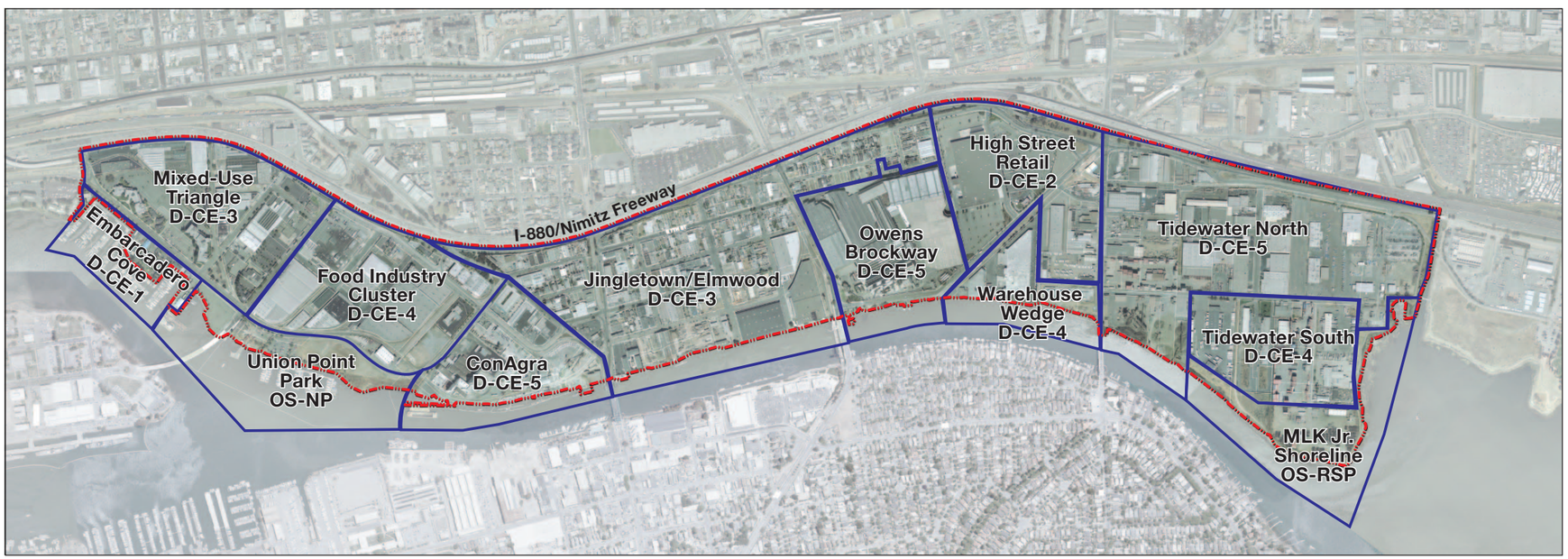


Existing Zoning

Legend

- Project Area
- Housing and Business Mix 3 (HBX-3)
- General Industrial (M-30)
- Heavy Industrial (M-40)

0 375 750 1500 FEET



Proposed Zoning

Existing and Proposed Zoning Districts Figure 3

Source: Community Design + Architecture, November 2011.

Table A: Summary of Estuary Policy Plan Text Amendments - DRAFT

Estuary Policy Plan Designation	Proposed Zoning	Residential Density		Non-Residential Density	
		Existing	Proposed	Existing	Proposed
Waterfront Commercial Recreation 2: This designation covers the waterfront portion of the west subarea. This change will allow larger buildings than originally contemplated in the EPP, consistent with the type of development envisioned such as hotels.	D-CE-1 (Embarcadero Cove)	*No changes proposed as part of the Project (no residential permitted)*		1.0 FAR	2.0 FAR
Residential Mixed Use (RMU): General Plan Amendment from Light Industry 2 – This designation covers a broad swath of the Planning Area, including the majority of the Jingletown neighborhood in the Central-West Planning Area. With this proposed change, new residential development in this area would be allowed at higher densities and potentially taller heights than buildings currently existing in the area designated for RMU development.	D-CE-3 (Mixed Use Triangle & Jingletown)	60* dwelling units/acre *The Estuary Policy Plan provides a density of 40 units/ac however, the General Plan Conformity Guidelines reference the HBX zoning regulations which contains a density of 60 units/ac for HBX-3.	60 dwelling units/acre	1.0 FAR	3.0 FAR
Light Industry 2 – This designation encompasses the food industry cluster. The change will allow larger infill development appropriate for the intended uses such as food processing and wholesale distribution.	D-CE-4 (Food Industry Cluster)	*No changes proposed as part of the Project (no residential permitted)*		2.0 FAR	3.0 FAR
Heavy Industrial – This designation encompasses the Owens-Brockway site. The change will allow larger buildings than currently exist.	D-CE-5 (Owens Brockway)	*No changes proposed as part of the Project (no residential permitted)*		0.75 FAR	2.0 FAR
General Commercial 1 – This designation applies to the site of the existing Home Depot shopping center and extends to the waterfront. The change will facilitate larger buildings relative to existing buildings.	D-CE-2 (High Street Retail) D-CE-4 (Warehouse Wedge)	*No changes proposed as part of the Project (no residential permitted)*		1.0 FAR	3.0 FAR
Light Industry 3 – This designation applies to the land north of Tidewater Avenue in the East Planning Area. Future uses envisioned include industrial, manufacturing, commercial and a variety of others uses. The change in FAR could eventually result in larger buildings.	D-CE-5 (Tidewater North)	*No changes proposed as part of the Project (no residential permitted)*		0.5 FAR	2.0 FAR
Planned Waterfront Development 3 – This designation (PWD-3) was developed in the EPP specifically for the lands south of Tidewater Avenue in the East Planning Area. Only industrial, commercial, and similar land uses are allowed in this area. On the ground, this change could eventually result in taller buildings relative to those existing.	D-CE-4 (Tidewater South) D-CE-5 (Tidewater North)	*No changes proposed as part of the Project (no residential permitted)*		0.5 FAR	3.0 FAR

Table A

Source: Community Design + Architecture, November 2011.

Table B: DRAFT Descriptions of Proposed Zoning

Planning Area	District	Existing Zoning	Proposed Zoning
West	Embarcadero Cove	M-40	D-CE-1
	Mixed-Use Triangle	M-40	D-CE-3
	Food Industry Cluster	M-30, M-40	D-CE-4
	Union Point Park	M-40	OS-NP
	ConAgra	M-40	D-CE-5
Central-West	Jingletown/ Elmwood	HBX-3, M-30	D-CE-3
	Owens Brockway	M-40	D-CE-5
Central East	High Street Retail	M-40	D-CE-2
	Warehouse Wedge	M-40	D-CE-4
East	Tidewater North	M-40	D-CE-5
	Tidewater South	M-40	D-CE-4
	MLK Jr Regional Shoreline	M-40	OS-RSP

Table B

Source: Community Design + Architecture, November 2011.

TABLE C: Estimated Foreseeable Growth

Central Estuary Planning Area	Residential (dwelling units)		Live/Work (dwelling units)		Industrial (square feet)		Commercial and Office (square feet)		Parks (acres)	
	Existing	***Reasonably Foreseeable***	***Existing***	***Reasonably Foreseeable***	***Existing***	***Reasonably Foreseeable***	***Existing***	***Reasonably Foreseeable***	***Existing***	***Reasonably Foreseeable***
West	29	0	39	11	2,322,764	0	174,207	83,713	8.9	2.1
Central-West	355	391	95	20	593,894	-177,240	25,336	0	0.4	0.4
Central-East	59	0	0	0	1,219,699	-139,461	200,100	268,071	0	0
East	0	0	0	0	680,544	691,558	5,366	360,238	7.3	8.2
Total, Existing	***443***	***--***	***134***	***--***	***4,816,899***	***--***	***405,009***	***--***	***17.2***	***--***
Total, Reasonably Foreseeable	***--***	***391***	***--***	***31***	***--***	***374,857***	***--***	***712,022***	***--***	***10.7***

Notes: The number of "Reasonably Foreseeable" units does not include the "Existing" units. The sum of the "Existing" and "Reasonably Foreseeable" units is the total amount of units that would be allowable per land - use category under the Implementation Guide.

Table C

Source: Community Design + Architecture, November 2011.

ALAMEDA COUNTY HEALTH CARE SERVICES AGENCY
PUBLIC HEALTH DEPARTMENT

Alex Briscoe, Director
Anita Siegel, RN, MPH, Director

1000 Broadway, 5th Floor
Oakland, CA 94607

(510) 267-8000
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December 21, 2011

Alicia Parker
Strategic Planning Division
City of Oakland Community and Economic Development Agency
250 Frank Ogawa Plaza, Suite 3315
Oakland, CA 94612
Via e-mail: aparker@oaklandnet.com

RE: Notice of Preparation of a Supplemental EIR for the Central Estuary Implementation Guide and Public Health Concerns

Dear Ms. Parker:

The Alameda County Public Health Department (ACPHD) is writing to share our comments and recommendations regarding the Scope of the Supplemental Environmental Impact Review of the Central Estuary Implementation Guide. ACPHD has documented the health inequities in Oakland that continually disproportionately impact low-income communities and communities of color. As the agency responsible for protecting the public health of Alameda County residents, our role is to raise the public health impacts of planning processes' for consideration in decision making.

We appreciate that public health has been a core consideration for the Central Estuary Specific Plan planning process thus far. The City of Oakland took the unprecedented and forward-thinking step of requiring health to be considered in the Central Estuary Specific Plan, which we applauded in our February 9, 2010 letter to City Council. In a letter sent April 20, 2010, we also made recommendations for improving the Plan using the health-related information uncovered as part of the planning process. This letter raises some of the same concerns highlighted in our previous letter and recommends them for study through the Supplemental EIR.

In order to ensure public health is adequately considered in the Supplemental EIR, we recommend including analysis of the following:

- We recommend analyzing exposure to sources of pollution, including air quality, noise pollution and vibration changes on new and existing residents, especially because the plan with put new residential units in close proximity to industrial uses. We recommend using a 1000 foot buffer, at a minimum, for siting new housing near the freeway and other large pollution sources.[1] If development should occur within 1000 feet of a pollution source, we recommend including best available technology and practices for mitigations in the design guidelines for the site, including but not limited to, fine particulate matter air filtration in all units and orienting building away from the freeway, especially in areas where sensitive receptors may spend time to ensure potential health exposures are decreased.
- We recommend analyzing access to transportation options the promote physical activity and social cohesion and that contribute less green house gases to the environment, including access to pedestrian and bike facilities and

[1] Bay Area Air Quality Management District's CEQA Guidelines (May 2011) uses a 1000-foot radius zone of influence from the property line of the source or receptor when siting new sources or receptors. Available at: http://www.baaqmd.gov/~/media/Files/Planning%20and%20Research/CEQA/BAAQMD%20CEQA%20Guidelines_May%202011_5_3_11.ashx

public transit. It is especially important to examine exposure to risk of ped/bike and car collision, especially because the plan puts new residential units in close proximity to industrial uses and the area does not currently have sufficient transportation infrastructure to support residential uses. Ensure when possible to position the residential areas so as to maximize connectivity to transit, bike, and pedestrian facilities, and when they are not positioned as such, the implementation guidelines include mitigation strategies for improving connectivity.

- We recommend analyzing resident access, particularly low-income residents, to health-promoting and affordable retail and services, particularly in the West subarea. If these services are not pedestrian/bicycle and public transit accessible, we recommend that the implementation guidelines include mitigations such as adding new zoning and/or business attraction strategy for neighborhood serving businesses in new residential areas and adding infrastructure to accommodate these needs.
- We recommend analyzing the jobs displaced, educational/training-requirement and wages. Ensure that land that can support jobs for low-income workers, workers with barriers to employment, and blue collar workers is at least retained and hopefully increased given high unemployment rates among this population. If the land uses will not support employment among those with less than a college education, mitigations should include strategies for job creation for these employee categories (e.g. local hire) and should be included as part of the specific plan implementation guidelines in order to ensure we are not exacerbating health disparities in Oakland.
- We recommend analyzing the existing and proposed housing, owner/ renter, market/ below-market rate, access. In order to promote health equity, ensure the new housing meets the needs of residents at all income levels, and where it does not, that strategies for creating affordable housing be utilized as part of the specific plan implementation guidelines. Mitigations should be made if the affordable housing stock does not increase along with the market-rate housing stock.

Each of these issue areas is related to health. **For a more full explanation of the relationship, please see Appendix A.** Additionally, many of the mitigations will add extra costs and we recommend including the mitigation costs as part of the development impact fees.

Again, ACPHD expresses its appreciation to the City of Oakland for introducing public health considerations as a core component for Central Estuary Specific Plan process thus far. ACPHD is dedicated to improving health of all Alameda County residents and to preventing avoidable health risks. Thank you for your consideration of our recommendations for addressing the health risks we have identified with the current proposal in the Supplemental EIR. Please do not hesitate to contact me with any questions or concerns.

Regards,

Anita Siegel
Director
Alameda County Public Health Department

cc: Alex Briscoe, Health Care Services Agency Director

APPENDIX A

Exposure to Air, Noise, and Vibration Pollution and Mitigation

We believe developing housing in the West subarea is problematic from a public health view because of the potential exposure to particulate matter 2.5 (PM 2.5), noise and vibration pollution. The subarea is adjacent to Interstate 880, which generates over 200,000 vehicle trips daily and contains a vast majority of truck traffic serving the Port of Oakland, and contains two freeway exits. The commingling of industrial and residential land uses proposed also perpetuates these impacts. The area near Owens Brockway and the West subarea are particularly problematic. According to the *Public Health* section *of the Alternatives Report* (2009), building residential in close proximity to industry creates a strong likelihood of residential-industrial conflicts stemming from noise and air quality (page 140). It is unclear how the City proposes to mitigate. Furthermore, if mitigations are not sufficient, it is not clear who will bear the cost of further mitigations that will protect both existing industry and new residents. From a health perspective, no new housing should be placed here unless exposures are mitigated and the value of rezoning the land is recaptured in the form of community benefits. **We recommend analyzing exposure to sources of pollution, including air quality, noise pollution and vibration changes on new and existing residents, especially because the plan with put new residential units in close proximity to industrial uses. We recommend using a 1000 foot buffer, at a minimum, for siting new housing near the freeway and other large pollution sources.[2] If development should occur within 1000 feet of a pollution source, we recommend including best available technology and practices for mitigations in the design guidelines for the site, including but not limited to, fine particulate matter air filtration in all units and orienting building away from the freeway, especially in areas where sensitive receptors may spend time to ensure potential health exposures are decreased.**

Increases in Automobile Traffic and Access to Active Transportation and Transit

New, high-density housing will generate additional automobile traffic in the area, as well as a demand for pedestrian and bike facilities and public transit. According to the "Public Health" section (pages 137-150) of the *Central Estuary Plan – Alternatives Report*, the new residents in the West Subarea will generate additional automobile traffic; increased intensity of uses with co-mingling of industrial/residential will increase collision frequencies unless counter measures are instituted; that the density increase will unlikely bring transit improvements to an area already with poor proximity to transit and very poor pedestrian/bicycle network and connectivity to surrounding areas.

As a result, a majority of the Plan Area requires extensive transportation infrastructure improvements, including pedestrian/bicycle and transit improvements to accommodate a growth in the population. These improvements are necessary in order to minimize increases in vehicle miles traveled, decrease air pollution (and associated increases in respiratory and cardio-pulmonary disease), reduce greenhouse gas emissions and increases in pedestrian/bicycle injuries, especially given the commingling of residential and industrial uses. Furthermore, the disjointed residential areas may not facilitate social cohesion without substantial resources put into pedestrian/bicycle pathways and other measures.

It is important to note that there are high violent and property crime rates in this area. One of the primary deterrents to this crime is "ped/bike and streetscape improvements, and increasing population densities throughout the Plan area, [in order to get] more 'eyes on the street… (Alternatives Report, page 144).'" It is important for residential density to be able to support the necessary transportation-related infrastructure improvements, crime may not be effectively deterred, placing both existing and new residents at risk.

We recommend analyzing access to transportation options the promote physical activity and social cohesion and that contribute less green house gases to the environment, including access to pedestrian and bike facilities and public transit. It is especially important to examine exposure to risk of ped/bike and car collision, especially because the plan puts new residential units in close proximity to industrial uses and the area does not currently have sufficient transportation infrastructure to support residential uses. Ensure when possible to position the

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[2] Bay Area Air Quality Management District's CEQA Guidelines (May 2011) uses a 1000-foot radius zone of influence from the property line of the source or receptor when siting new sources or receptors. Available at: http://www.baaqmd.gov/~/media/Files/Planning%20and%20Research/CEQA/BAAQMD%20CEQA%20Guidelines_May%202011_5_3_11.ashx

residential areas so as to maximize connectivity to transit, bike, and pedestrian facilities, and when they are not positioned as such, the implementation guidelines include mitigation strategies for improving connectivity.

Access to retail and public services

Locating housing near existing housing, such as in Central West, takes advantage of existing services and infrastructure nearby. Locating new residents in the West subarea raises food access issues. Food security is a large contributor to health outcomes, as is the quality of food that low-income consumers purchase. Malnutrition and obesity are serious and prevalent public health issues in Alameda County that are directly related to household income. In low-income neighborhoods, access to healthy fresh foods is often limited by a lack of transportation options and retail choice. Having health-protective goods and services, such as grocery stores, in their neighborhood reduces VMT and encourages healthy activity. **We recommend analyzing resident access, particularly low-income residents, to health-promoting and affordable retail and services, particularly in the West subarea. If these services are not pedestrian/bicycle and public transit accessible, we recommend that mitigations include adding new zoning and/or business attraction strategy for neighborhood serving businesses in new residential areas and adding infrastructure to accommodate these needs.**

Good and Accessible Jobs to Promote Health

Given the need for good-paying jobs and job training opportunities, it is important to use public policy decisions to increase the availability of these important resources because of their potential for improving health outcomes. Creating job training and permanent, good-paying jobs, is equally important for improving health. Many of the Alameda County residents with the worst health outcomes also suffer from high-unemployment and low-education. These same populations also face barriers to employment, such as a lack of a high-school degree and/or a criminal record. Lower-training/ lower-education required jobs and on-the-job training are important for these populations with few viable options for improving their income, and thus improving their health. Research clearly indicates that one of the best ways to improve health outcomes is to increase income levels or reduce poverty. **We recommend analyzing the jobs displaced, educational/training-requirement and wages. Ensure that land that can support jobs for low-income workers, workers with barriers to employment, and blue collar workers is at least retained and hopefully increased given high unemployment rates among this population. If the land uses will not support employment among those with less than a college education, mitigations should include strategies for job creation for these employee categories (e.g. local hire) and should be included as part of the specific plan implementation guidelines in order to ensure we are not exacerbating health disparities in Oakland.**

Affordable Housing to Promote Health

Housing stability is inextricably linked to health. For instance, studies show that households that are forced to pay more than they can afford on housing often cut back on their food budget, resulting in poor nutrition outcomes. The foreclosure crisis is taking a toll on individual residents' physical and mental health. Chronic stress wears down the immune system and puts people at higher risk for diseases such as hypertension and heart disease. The Bay Area suffers from a severe lack of affordable housing. It is important to make sure that, as the market rate housing stock increases, the affordable housing stock also increases, as the increase in affluent households increases the demand on the local service sector. In order to improve health in Alameda County, all residents must be adequately housed in housing they can afford. The City's chronic lack of affordable housing contributes to food insecurity and poor nutrition, especially among children, families cutting back on childcare, preventative healthcare, and prescription drugs, and increases stress and related diseases such as hypertension. Additionally, a lack of safe, affordable housing can lead vulnerable residents to settle for substandard housing situations. Moldy walls, old carpets and pest infestation are all major contributors to the development of serious respiratory and skin infections that are preventable through implementation of strong housing standards. **We recommend analyzing the existing and proposed housing, owner/ renter, market/ below-market rate, access. In order to promote health equity, ensure the new housing meets the needs of residents at all income levels, and where it does not, that strategies for creating affordable housing be utilized as part of the specific plan implementation guidelines. Mitigations should be made if the affordable housing stock does not increase along with the market-rate housing stock.**

BAY AREA
AIR QUALITY
MANAGEMENT
DISTRICT
SINCE 1955

ALAMEDA COUNTY
Tom Bates
(Chairperson)
Scott Haggerty
Jennifer Hosterman
Nate Miley

CONTRA COSTA COUNTY
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David Hudson
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Edwin M. Lee
Eric Mar

SAN MATEO COUNTY
Carole Groom
Carol Klatt

SANTA CLARA COUNTY
Susan Garner
Ash Kalra
(Secretary)
Liz Kniss
Ken Yeager

SOLANO COUNTY
James Spering

SONOMA COUNTY
Susan Gorin
Shirlee Zane

Jack P. Broadbent
EXECUTIVE OFFICER/APCO

December 20, 2011

Alicia Parker
City of Oakland
Strategic Planning Division
Community and Economic Development Agency
250 Frank Ogawa Plaza, Suite 3315
Oakland, CA 94612

Subject: Notice of Preparation for the Draft Supplemental Environmental Impact Report for the Central Estuary Implementation Guide

Dear Ms. Parker:

The Bay Area Air Quality Management District (District) staff reviewed the City's Notice of Preparation for a Draft Supplemental Environmental Impact Report (DSEIR) for the Central Estuary Implementation Guide (CEIG). We understand the CEIG is being developed in accordance with the City's 1999 Estuary Policy Plan. This includes an area encompassing approximately 419 acres of waterfront property in South/East Oakland. The CEIG proposes to maintain existing industrial uses while allowing for an increment of new residential, commercial, and office development. In total, the City anticipates this area to accommodate approximately 391 new residential units, 31 live/work units, 374,857 square feet of industrial space, 712,022 square feet of commercial units, and 10.7 acres of park space. If approved, the CEIG would serve as a 20-year planning document that would modify or otherwise clarify land uses and associated densities within the Central Estuary Area.

The Central Estuary Area is arranged into four distinct zoning districts as illustrated in the CEIG. This includes a west zone that is planned for commercial, light industrial, park space, and waterfront development; a central-west zone that is planned for mixed-use residential development; a central-east zone that is planned for heavy industrial uses and general commercial development; and an east zone that is planned for light industrial uses, waterfront development, and additional park space. Implementation of the CEIG would result in changes to the City's General Plan land use maps and the zoning code, the development of design guidelines to reconcile conflicting land use priorities, and the implementation of transportation improvements to address infrastructure deficiencies.

The District has the following specific comments on the air quality analysis for the DSEIR.

Toxic Air Contaminants

District staff understands that the CEIG would not directly result in any new development. Rather, the proposed land use changes, design guidelines, and

infrastructure improvements aim to enhance the overall quality of the surrounding environment and to guide future development in the area. Staff is concerned, however, about potential health impacts associated with sensitive receptors being located next to incompatible land uses such as heavy industry, a major regional highway, and active heavy rail lines.

District staff encourages the City to use the tools and resources on the District's web site to evaluate the potential local risk and hazard impacts to existing and future sensitive populations within the CEIG. They can be downloaded from http://www.baaqmd.gov/Divisions/Planning-and-Research/CEQA-GUIDELINES/Tools-and-Methodology.aspx. This analysis should include permitted stationary sources, highways, major roadways, and active rail lines in or near the CEIG planning area boundary. The District offers its assistance on developing strategies and measures that could be included in the design guidelines to minimize potential local air quality impacts.

Air Quality Analysis

In addition to the comments above, the District has the following specific comments on the air quality analysis that should be included in the DSEIR.

1. The DSEIR should discuss the District's attainment status for all criteria pollutants and the implications for the region if these standards are not attained or maintained by statutory deadlines; a discussion of the health effects of air pollution (especially on sensitive receptors); and a discussion of greenhouse gas (GHG) emissions and the potential impacts from climate change in the Bay Area.

2. The DSEIR should provide a map that clearly identifies the planning area boundary; current and future planned sensitive receptors (e.g. residencies, schools, day cares, hospitals, and nursing care facilities) and all stationary sources, major roadways, highways, and rail lines within 1,000 feet of the planning area boundary.

3. The District's *CEQA Air Quality Guidelines (May, 2011)* provide guidance on how to evaluate potential construction, operational, and cumulative air quality impacts. A copy can be downloaded from http://www.baaqmd.gov/Divisions/Planning-and-Research/CEQA-GUIDELINES/Updated-CEQA-Guidelines.aspx.

4. The DSEIR should provide a detailed analysis of the potential effects on local and regional air quality from construction and operations (including permitted and non-permitted stationary and area emissions, and mobile emissions). This analysis should include estimating both maximum daily and annual emissions of reactive organic compounds (ROG), nitrogen oxides (NOx), greenhouse gases (GHGs), and particulate matter (PM2.5 and PM10) that could result from the proposed land uses. These estimates should be compared to the significance thresholds in the District's *CEQA Air Quality Guidelines*.

5. The DSEIR should evaluate the potential health risks from construction and operation activities to existing and future sensitive populations within the CEIG planning boundary.

6. The DSEIR should identify and evaluate measures to reduce criteria pollutants, toxic air contaminants, and GHGs to mitigate potential impacts. These measures should be incorporated into the CEIG design guidelines such that, when implemented on a project-by-project basis, impacts will be below a level of significance. The District's *CEQA Air Quality Guidelines* can assist in identifying and quantifying these measures.

The District appreciates the on-going collaboration on air quality issues with the City and looks forward to continue working with the City in the future. If you have any questions, please contact Ian Peterson, Environmental Planner, at (415) 749-4783.

Sincerely,

Jean Roggenkamp
Deputy Air Pollution Control Officer

cc: BAAQMD Chair Tom Bates
BAAQMD Director Scott Haggerty
BAAQMD Director Jennifer Hosterman
BAAQMD Director Nate Miley

DEPARTMENT OF TRANSPORTATION
111 GRAND AVENUE
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OAKLAND, CA 94623-0660
PHONE (510) 286-5505
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TTY 711

Flex your power!
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December 5, 2011

ALA880461
ALA-880-24.77/31.68
SCH #2011112055

Ms. Alicia Parker
City of Oakland Economic Development Agency
250 Frank H. Ogawa Plaza, Suite 3315
Oakland, CA 94612

Dear Ms. Parker:

Central Estuary Implementation Guide (CEIG) – Notice of Preparation

Thank you for including the California Department of Transportation (Department) in the environmental review process for the above project. The following comments are based on the Notice of Preparation (NOP). As the lead agency, the City of Oakland (City) is responsible for all project mitigation, including any needed improvements to state highways. The project's fair share contribution, financing, scheduling, implementation responsibilities and lead agency monitoring should be fully discussed for all proposed mitigation measures. This information should also be presented in the Mitigation Monitoring and Reporting Plan of the environmental document. Required roadway improvements should be completed prior to issuance of the Certificate of Occupancy. Since an encroachment permit is required for work in the state right of way (ROW), and the Department will not issue a permit until our concerns are adequately addressed, we strongly recommend that the City work with both the applicant and the Department to ensure that our concerns are resolved during the environmental review process, and in any case prior to submittal of a permit application. Further comments will be provided during the encroachment permit process; see the end of this letter for more information regarding encroachment permits.

Traffic Impact Fees
Please identify traffic impact fees. Development plans should require traffic impact fees based on projected traffic and/or based on associated cost estimates for public transportation facilities necessitated by development. Please refer to the Department's *2003 General Plan Guidelines* page 163, which can be accessed on-line at the following website: http://www.opr.ca.gov/index.php?a=planning/gpg.html

Scheduling and costs associated with planned improvements on Departmental ROW should be listed, in addition to identifying viable funding sources correlated to the pace of improvements for roadway improvements, if any. Please refer to the Department's *2003 General Plan Guidelines* page 106.

Traffic Impact Study

We encourage the City to coordinate preparation of the Traffic Impact Study (TIS) with our office, and we would appreciate the opportunity to review the scope of work. Please include the information detailed below in the TIS to ensure that project-related impacts to state roadway facilities are thoroughly assessed. The Department's *"Guide for the Preparation of Traffic Impact Studies"* should be reviewed prior to initiating any traffic analysis for the project; it is available at the following website:
http://www.dot.ca.gov/hq/traffops/developserv/operationalsystems/reports/tisguide.pdf

The TIS should include:

1. Vicinity map, regional location map, and a site plan clearly showing project access in relation to nearby state roadways. Ingress and egress for all project components should be clearly identified. The state right of way (ROW) should be clearly identified.

2. The maps should also include project driveways, local roads and intersections, parking, and transit facilities.

3. Project-related trip generation, distribution, and assignment. The assumptions and methodologies used to develop this information should be detailed in the study, and should be supported with appropriate documentation.

4. Average Daily Traffic, AM and PM peak hour volumes and levels of service (LOS) on all significantly affected roadways, including crossroads and controlled intersections for existing, existing plus project, cumulative and cumulative plus project scenarios. Calculation of cumulative traffic volumes should consider all traffic-generating developments, both existing and future, that would affect study area roadways and intersections. The analysis should clearly identify the project's contribution to area traffic and degradation to existing and cumulative levels of service. Lastly, the Department's LOS threshold, which is the transition between LOS C and D, and is explained in detail in the Guide for Traffic Studies, should be applied to all state facilities. Please note, the Department considers LOS by itself as an inadequate measure of effectiveness (MOE) for describing traffic operational conditions since it may actually mask a deficient condition on one or more approaches. As for intersection analysis the accepted MOEs used by the Department include flow (output), average control delay, queue (length or number of vehicles), and Volume/Capacity (V/C) ratio. For freeway and ramp operations, flow (output), speed, and travel time/delay are the accepted MOEs in addition to LOS.

5. Schematic illustration of traffic conditions including the project site and study area roadways, trip distribution percentages and volumes as well as intersection geometrics, i.e., lane configurations, for the scenarios described above.

If the proposed project will not generate the amount of trips needed to meet the Department's trip generation thresholds, an explanation of how this conclusion was reached must be provided.

Cumulative Impact
Cumulative impacts should also be considered where alternatives contemplate work that would affect Departmental ROW, such as any transportation of hazardous material on state ROW, greenhouse emissions, community impacts, traffic impacts, tree removal, section 4(f), endangered species, seasonal wetlands, and water quality impacts (e.g. drainages, culverts etc.).

Hazardous Waste
Avoiding heavily contaminated sites is highly recommended in order to reduce excessive impacts, costs and project delays related to state ROW. Please identify contaminated sites, coordinate with affected agencies and implement measures early to avoid or minimize involvement with highly contaminated project areas. Please describe any significant hazards to the public or the environment through routine transport, use or disposal of hazardous materials as well as any foreseeable upset and/or accident conditions involving the release of hazardous materials into the environment.

Please forward one hard copy and one CD of the environmental document, along with the TIS, including Technical Appendices, one full size and one 11" X 17" complete plan set, and the City's Conditions of Approval as soon as they are available.

Sincerely,

GARY ARNOLD
District Branch Chief
Local Development – Intergovernmental Review

c: State Clearinghouse

EAST BAY
MUNICIPAL UTILITY DISTRICT

December 19, 2011

Alicia Parker
Strategic Planning Division
City of Oakland Community and Economic Development Agency
250 Frank Ogawa Plaza, Suite 3315
Oakland, CA 94612

Re: Notice of Preparation of a Supplemental Environmental Impact Report for the Central Estuary Implementation Guide (Case Number ER110016)

Dear Ms. Parker:

East Bay Municipal Utility District (EBMUD) appreciates the opportunity to comment on the Notice of Preparation of a Supplemental Environmental Impact Report for the Central Estuary Implementation Guide in the City of Oakland (City). EBMUD has the following comments.

WATER SERVICE

Any development project within the City's Central Estuary Area will be subject to the following general requirements:

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

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

Recycled Paper

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

In addition, the applicant must provide a legally sufficient, complete and specific written remedial plan establishing the methodology, planning and design of all necessary systems for the removal, treatment, and disposal of all identified contaminated soil and/or groundwater. EBMUD will not design the installation of pipelines until such time as soil and groundwater quality data and remediation plans are received and reviewed and will not install pipelines until remediation has been carried out and documentation of the effectiveness of the remediation has been received and reviewed. If no soil or groundwater quality data exists or the information supplied by the 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 SERVICE

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

Currently, there is insufficient information to forecast how these changes will impact allowable wet weather flows in the individual collection system subbasins contributing to the EBMUD wastewater system, including the subbasin in which the proposed project is

located. As required by the Stipulated Order, EBMUD is conducting extensive flow monitoring and hydraulic modeling to determine the level of flow reductions that will be needed in order to comply with the new zero-discharge requirement at the Wet Weather Facilities. It is reasonable to assume that a new regional wet weather flow allocation process may occur in the East Bay, but the schedule for implementation of any new flow allocations has not yet been determined.

In the meantime, it would be prudent for the lead agency to require the project applicant to incorporate the following measures into the proposed Project: (1) replace or rehabilitate any existing sanitary sewer collection systems, including sewer lateral lines, to reduce infiltration/inflow and (2) ensure any new wastewater collection systems, including sewer lateral lines, for the project are constructed to prevent infiltration/inflow to the maximum extent feasible. Please include such provisions in the environmental documentation and other appropriate approvals for the project.

WATER RECYCLING

EBMUD's Policy 9.05 requires that customers use non-potable water, including recycled water, for non-domestic purposes when it is of adequate quality and quantity, available at reasonable cost, not detrimental to public health and not injurious to plant, fish and wildlife to offset demand on EBMUD's limited potable water supply. Appropriate recycled water uses could include landscape irrigation, commercial and industrial process uses, toilet and urinal flushing in non-residential buildings and other applications.

Although the Central Estuary Implementation Guide area falls within EBMUD's potable water service area, the proposed project area closest western boundary is located approximately 14 blocks away from any EBMUD current or planned future recycled water supply facilities and infrastructure. Based on the project's location, EBMUD currently does not anticipate providing recycled water to the project area. However, and while considering the 20-year planning horizon for the project, the City and future project sponsor's should maintain continued coordination and consultation with EBMUD, as they design and implement the various components, regarding the feasibility of providing recycled water should it become available in the future.

WATER CONSERVATION

Individual projects within the Central Estuary Implementation Guide area present opportunities to incorporate water conservation measures. EBMUD would request that the City to include in its conditions of approval a requirement that the project sponsors comply with the Landscape Water Conservation Section, Article 10 of Chapter 7 of the Oakland Municipal Code. The project sponsor should be aware that Section 31 of EBMUD's Water Service Regulations requires that water service shall not be furnished

for new or expanded service unless all the applicable water-efficiency measures described in the regulation are installed at the project sponsor's expense.

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

Sincerely,

David J. Rehnstrom

FOR William R. Kirkpatrick
Manager of Water Distribution Planning

WRK:AMW:sb
sb11_226.doc

2950 PERALTA OAKS COURT P.O. BOX 5381 OAKLAND CALIFORNIA 94605-0381 T. 1 888 EBPARKS F. 510 569 4319 TDD. 510 633 0460 WWW.EBPARKS.ORG

December 15, 2011

Alicia Parker
Strategic Planning Division
City of Oakland Community and Economic Development Agency
250 Frank Ogawa Plaza, Suite 3315
Oakland, CA 94612

Sent via e-mail to aparker@oaklandnet.com on 12/15/11

RE: East Bay Regional Park District Central Estuary Implementation Guide NOP Comments - Martin Luther King Jr. Regional Shoreline and San Francisco Bay Trail

Dear Ms. Parker:

Thank you for providing East Bay Regional Park District with the Notice of Preparation (NOP) for the Central Estuary Implementation Guide Project (Implementation Guide). The District currently maintains and operates Martin Luther King Jr. Regional Shoreline where a segment of the San Francisco (SF) Bay Trail spans from just south of the Hanson Aggregate property to 66th Avenue. We recently constructed an improved segment of the Bay Trail, landscaping, picnic areas, a wildlife observation/fishing pier, a service yard, paved entry road, parking lot and other appurtenant facilities necessary to serve these improvements at the northern portion of the shoreline, between East Creek Point and the Hanson Aggregate property. A portion of this area is leased by the Oakland Strokes rowing club for boating and security facilities for the club.

Completion of missing sections of the SF Bay Trail is identified as a priority in our adopted Master Plan. We support policies and land uses in the Central Estuary Plan that advance the completion of the Bay Trail. The Design Guidelines (Guidelines) section of the Implementation Guide should include policies that ensure that future sections of the Bay Trail are designed and constructed to be compatible with existing sections of the Bay Trail. Safe pedestrian/bicycle access and connectivity between the Bay Trail and adjacent development should also be covered by the Guidelines.

With more than 1,000 miles of trail within Alameda and Contra Costa County, the District has extensive knowledge and expertise in trail design, maintenance and operation. Increased development density, expansion of trails and enhancement of facilities may result in more intense use by the public versus pre-project conditions. Trail user safety issues arising from poorly maintained trails are a foreseeable indirect impact of increased trail use. The Supplemental EIR should analyze applicable policies adopted by the City for ensuring that trails are adequately maintained for the safety of its users. Foreseeable hazards may include the presence of loose gravel & fallen debris; cracks; potholes; rough surfaces; flooding/drainage issues; lifting/sinking of trail surfaces; overgrown

Board of Directors

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vegetation constraining the width of the trail & obstructing site visibility; trash/vandalism; and vandalized/broken bollards & security gates/fencing allowing for vehicular access to the trail.

The City's Open Space Conservation and Recreation (OSCAR) element of the General Plan identifies policies and action items that, if implemented, could ensure that parklands/trails are properly maintained and not pose a safety hazard to users. The Implementation Plan should address how these policies and action items will be implemented within the Central Estuary planning area. The following policies are relevant in the supplemental EIR's analysis of applicable land use policies:

1. Action REC-1.5.1: Adoption of a citywide park plan (OSCAR p. 4-32) - *A Parks and Recreation Master Plan is needed to guide decisions regarding the delivery of services and programs, and the expenditure of funds for operations, maintenance, and capital improvements.*

2. Policy REC – 4.1: Systematic Maintenance Provisions (OSCAR p. 4-46) - *Provide for ongoing, systematic maintenance of all parks and recreational facilities to prevent deterioration, ensure public safety, and permit continued public use and enjoyment. Routine maintenance needs should be evaluated on a regular basis. Parks which receive very heavy use should receive more frequent maintenance than those with lesser use.*

3. Action REC-4.1.1: Priority on maintenance - *Establish an annual budgeting process within the Office of Parks and Recreation which assigns a very high priority to park maintenance.*

4. Action REC-4.1.2: Improvements which reduce maintenance costs - *Undertake improvements and upgrades at Oakland parks which reduce annual maintenance costs. Physical hazards arising on trails and park facilities are typically a result of deferred maintenance which is directly tied to City funding/resource allocation.*

The above policies, if properly implemented, could address any indirect physical change in the environment that may occur from the project with respect to increased trail use and trail hazards from lack of trail maintenance. The supplemental EIR should give the status of the implementation of these policies/actions and identify long-term funding for maintenance of the trails. This will help the public to understand and evaluate potential indirect environmental impacts.

The District is pleased that the City of Oakland shares its vision to close gaps in the SF Bay Trail along the Central Estuary shoreline and looks forward to working cooperatively with the City. Thank you for the opportunity to provide scoping comments on the Supplemental EIR and the City's consideration of the District's comments. If you have any questions or comments, please contact me at (510) 544-2627.

Sincerely,

Chris Barton
Senior Planner

STATE OF CALIFORNIA Edmund G. Brown Jr., Governor

NATIVE AMERICAN HERITAGE COMMISSION
915 CAPITOL MALL, ROOM 364
SACRAMENTO, CA 95814
(916) 653-4082
(916) 657-5390 - Fax

December 5, 2011

Alicia Parker
City of Oakland Economic Development Agency
250 Frank H. Ogawa Plaza, Suite 3315
Oakland, CA 94612

RE: SCH# 2011112055 Central Estuary Implementation Guide (CEIG): Alameda County.

Dear Ms. Parker:

The Native American Heritage Commission (NAHC) has reviewed the Notice of Preparation (NOP) referenced above. The California Environmental Quality Act (CEQA) states that any project that causes a substantial adverse change in the significance of an historical resource, which includes archeological resources, is a significant effect requiring the preparation of an EIR (CEQA Guidelines 15064(b)). To comply with this provision the lead agency is required to assess whether the project will have an adverse impact on historical resources within the area of project effect (APE), and if so to mitigate that effect. To adequately assess and mitigate project-related impacts to archaeological resources, the NAHC recommends the following actions:

- ✓ Contact the appropriate regional archaeological Information Center for a record search. The record search will determine:
  - If a part or all of the area of project effect (APE) has been previously surveyed for cultural resources.
  - If any known cultural resources have already been recorded on or adjacent to the APE.
  - If the probability is low, moderate, or high that cultural resources are located in the APE.
  - If a survey is required to determine whether previously unrecorded cultural resources are present.
- ✓ If an archaeological inventory survey is required, the final stage is the preparation of a professional report detailing the findings and recommendations of the records search and field survey.
  - The final report containing site forms, site significance, and mitigation measurers should be submitted immediately to the planning department. All information regarding site locations, Native American human remains, and associated funerary objects should be in a separate confidential addendum, and not be made available for public disclosure.
  - The final written report should be submitted within 3 months after work has been completed to the appropriate regional archaeological Information Center.
- ✓ Contact the Native American Heritage Commission for:
  - A Sacred Lands File Check. **USGS 7.5 minute quadrangle name, township, range and section required.**
  - A list of appropriate Native American contacts for consultation concerning the project site and to assist in the mitigation measures. **Native American Contacts List attached.**
- ✓ Lack of surface evidence of archeological resources does not preclude their subsurface existence.
  - Lead agencies should include in their mitigation plan provisions for the identification and evaluation of accidentally discovered archeological resources, per California Environmental Quality Act (CEQA) §15064.5(f). In areas of identified archaeological sensitivity, a certified archaeologist and a culturally affiliated Native American, with knowledge in cultural resources, should monitor all ground-disturbing activities.
  - Lead agencies should include in their mitigation plan provisions for the disposition of recovered artifacts, in consultation with culturally affiliated Native Americans.
  - Lead agencies should include provisions for discovery of Native American human remains in their mitigation plan. Health and Safety Code §7050.5, CEQA §15064.5(e), and Public Resources Code §5097.98 mandates the process to be followed in the event of an accidental discovery of any human remains in a location other than a dedicated cemetery.

Sincerely,

Katy Sanchez

Katy Sanchez
Program Analyst
(916) 653-4040

cc: State Clearinghouse

Native American Contact List
Alameda County
December 5, 2011

Indian Canyon Mutsun Band of Costanoan
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ams@indiancanyon.org
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Ohlone/Costanoan

Amah/MutsunTribal Band
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789 Canada Road
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Ohlone/Costanoan

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Miwok

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Ohlone/Costanoan
Northern Valley Yokuts
Bay Miwok

Amah/Mutsun Tribal Band
Joseph Mondragon, Tribal Administrator
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831-372-7078 - fax
Ohlone/Costanoan

Trina Marine Ruano Family
Ramona Garibay, Representative
30940 Watkins Street
Union City , CA 94587
soaprootmo@msn.com
510-972-0645-home
209-688-4753-cell
Ohlone/Costanoan
Bay Miwok
Plains Miwok
Patwin

Amah/Mutsun Tribal Band
Melvin Ketchum III, Environmental Coordinator
7273 Rosanna Street
Gilroy , CA 95020
408-842-3220
Ohlone/Costanoan

This list is current only as of the date of this document.

Distribution of this list does not relieve any person of the statutory responsibility as defined in Section 7050.5 of the Health and Safety Code, Section 5097.94 of the Public Resources Code and Section 5097.98 of the Public Resources Code.

This list is only applicable for contacting local Native Americans with regard to cultural resources for the proposed SCH# 2011112055 Central Estuary Implementation Guide (CEIG); Alameda County.

Native American Contact List
Alameda County
December 5, 2011

Muwekma Ohlone Indian Tribe of the SF Bay Area
Rosemary Cambra, Chairperson
2574 Seaboard Avenue
San Jose , CA 95131
muwekma@muwekma.org
408-205-9714
510-581-5194

Ohlone / Costanoan

Amah/MutsunTribal Band
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Redding , CA 96003
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530-243-1633

Ohlone/Costanoan

The Ohlone Indian Tribe
Andrew Galvan
PO Box 3152
Fremont , CA 94539
chochenyo@AOL.com
(510) 882-0527 - Cell
(510) 687-9393 - Fax

Ohlone/Costanoan
Bay Miwok
Plains Miwok
Patwin

This list is current only as of the date of this document.

Distribution of this list does not relieve any person of the statutory responsibility as defined in Section 7050.5 of the Health and Safety Code, Section 5097.94 of the Public Resources Code and Section 5097.98 of the Public Resources Code.

This list is only applicable for contacting local Native Americans with regard to cultural resources for the proposed SCH# 2011112055 Central Estuary Implementation Guide (CEIG); Alameda County.

STATE OF CALIFORNIA

Governor's Office of Planning and Research

State Clearinghouse and Planning Unit

Edmund G. Brown Jr.
Governor

Ken Alex
Director

Notice of Preparation

November 23, 2011

To: Reviewing Agencies

Re: Central Estuary Implementation Guide (CEIG)
SCH# 2011112055

Attached for your review and comment is the Notice of Preparation (NOP) for the Central Estuary Implementation Guide (CEIG) draft Environmental Impact Report (EIR).

Responsible agencies must transmit their comments on the scope and content of the NOP, focusing on specific information related to their own statutory responsibility, within 30 days of receipt of the NOP from the Lead Agency. This is a courtesy notice provided by the State Clearinghouse with a reminder for you to comment in a timely manner. We encourage other agencies to also respond to this notice and express their concerns early in the environmental review process.

Please direct your comments to:

Alicia Parker
City of Oakland Economic Development Agency
250 Frank H. Ogawa Plaza, Suite 3315
Oakland, CA 94612

with a copy to the State Clearinghouse in the Office of Planning and Research. Please refer to the SCH number noted above in all correspondence concerning this project.

If you have any questions about the environmental document review process, please call the State Clearinghouse at (916) 445-0613.

Sincerely,

Scott Morgan
Director, State Clearinghouse

Attachments
cc: Lead Agency

1400 TENTH STREET P.O. BOX 3044 SACRAMENTO, CALIFORNIA 95812-3044
TEL (916) 445-0613 FAX (916) 323-3018 www.opr.ca.gov

Document Details Report
State Clearinghouse Data Base

SCH#	**2011112055**
Project Title	Central Estuary Implementation Guide (CEIG)
Lead Agency	Oakland, City of

Type	**NOP** Notice of Preparation
Description	Note: Reference SCH# 1998031116. The Draft CEIG proposes to maintain existing industrial uses while allowing for an increment of new commercial, residential, and office development in appropriate locations. Implementation of the CEIG requires changes to general plan maps and the zoning code; the development of design guidelines to reconcile conflicting land use priorities, and the implementation of transportation improvements to address infrastructure deficiencies.

Lead Agency Contact

Name	Alicia Parker		
Agency	City of Oakland Economic Development Agency		
Phone	(510) 238-3362	*Fax*	
email	aparker@oaklandnet.com		
Address	250 Frank H. Ogawa Plaza, Suite 3315		
City	Oakland	*State* CA	*Zip* 94612

Project Location

County	Alameda			
City	Oakland			
Region				
Cross Streets				
Lat / Long				
Parcel No.				
Township		*Range*	*Section*	*Base*

Proximity to:

Highways	I-880
Airports	
Railways	
Waterways	
Schools	
Land Use	

Project Issues	Air Quality; Noise; Traffic/Circulation; Other Issues
Reviewing Agencies	Department of Parks and Recreation; San Francisco Bay Conservation and Development Commission; Department of Water Resources; Department of Fish and Game, Region 3; Native American Heritage Commission; Public Utilities Commission; State Lands Commission; California Highway Patrol; Caltrans, District 4; Resources Agency; Department of Toxic Substances Control; Regional Water Quality Control Board, Region 2

Date Received	11/22/2011	*Start of Review*	11/23/2011	*End of Review*	12/22/2011

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

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CITY OF OAKLAND

250 FRANK H. OGAWA PLAZA, OAKLAND, CALIFORNIA 94612 – 2032

Community and Economic Development Agency
Planning & Zoning Services Division

(510) 238-3941
FAX (510) 238-6538
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November 21, 2011

NOTICE OF PREPARATION OF A SUPPLEMENTAL ENVIRONMENTAL IMPACT REPORT FOR THE CENTRAL ESTUARY IMPLEMENTATION GUIDE

The Oakland Community and Economic Development Agency, Strategic Planning Division, is preparing a Draft Supplemental Environmental Impact Report (EIR) for the Central Estuary Implementation Guide as identified below, and is requesting comments on the scope and content of the Supplemental EIR. The Supplemental EIR will address the potential physical environmental effects for each of the environmental topics outlined in the California Environmental Quality Act (CEQA). The City has **not** prepared an Initial Study. Under CEQA, a Lead Agency may proceed directly with Supplemental EIR preparation, without an Initial Study, if it is clear that a Supplemental EIR will be required. The City has made such a determination for this project. A previous EIR for the Estuary Policy Plan was certified in 1998 (State Clearinghouse No. 98031116) and is available for review at the Planning Department Offices. This Supplemental EIR will rely on the previously certified Estuary Policy Plan EIR.

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

Responses to this NOP and any questions or comments should be directed in writing to Alicia Parker, Strategic Planning Division, City of Oakland Community and Economic Development Agency, 250 Frank Ogawa Plaza, Suite 3315, Oakland, CA 94612; (510) 238-3362 (phone); (510) 238-6538 (fax); or e-mailed to aparker@oaklandnet.com. Comments on the NOP must be received at the above mailing or e-mail address **by 5:00 p.m., Wednesday, December 21, 2011.** Please reference case number ER110016 in all correspondence. In addition, comments may be provided at the Supplemental EIR Scoping Meeting to be held before the City Planning Commission. Comments should focus on discussing possible impacts on the physical environment, ways in which potential adverse effects might be avoided or minimized, and alternatives to the project in light of the Supplemental EIR's purpose to provide useful and accurate information about such factors.

SUPPLEMENTAL EIR SCOPING MEETING
CITY PLANNING COMMISSION

Wednesday, December 14th
6:00 p.m.

Oakland City Hall – Hearing Room 1

Code changes: **Tables A** and **B** respectively summarize the proposed Estuary Policy Plan and Zoning Code text changes. The text amendments would change allowable uses in specific districts/zones.

The Draft CEIG's proposed changes, if enacted, would not directly result in any new development. However, taken as a whole, the Draft CEIG's proposed program of land use changes would allow for an increment of new residential, live/work, industrial, and commercial/office development above what current regulations allow. **Table C** summarizes existing levels of development in each subarea along with reasonably foreseeable estimated increases in growth that would be allowable under the Draft CEIG. Prior to the public release of the Draft CEIG, the City may make minor revisions and refinements to the Draft, possibly resulting in minor changes to the data in Tables A-C.

Design Guidelines: The Draft CEIG includes a set of area-specific Design Guidelines to help ensure that the new development is sensitive to the existing eclectic mix of industrial, commercial, and residential uses. The Draft Guidelines would provide detailed direction on a variety of site planning and design consideration intended to enhance the project area's livability and quality of place for both existing and future users.

Transportation and Infrastructure Improvements: The allowable increment of new development under the Draft CEIG is expected to increase demands on existing project area and nearby transportation and public services infrastructure. At present, certain project area and nearby roadways are known to operate at unacceptable conditions and several infrastructure deficiencies have been identified. The City may incorporate into the Draft CEIG certain strategies that would address either existing and/or projected deficiencies.

PROBABLE ENVIRONMENTAL EFFECTS: It is anticipated that the proposed project may have the following environmental effects: air quality, greenhouse gases, noise, and traffic. It is further anticipated that the project would result in less-than-significant environmental effects to the following: aesthetics, biological resources, cultural resources, geology and soils, hazards and hazardous materials, hydrology and water quality, land use, population and housing, public services, recreation, utilities and service systems, and cumulative growth. All of these environmental factors will be analyzed in the Supplemental EIR.

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

Eric Angstadt, Deputy Director
Planning and Zoning

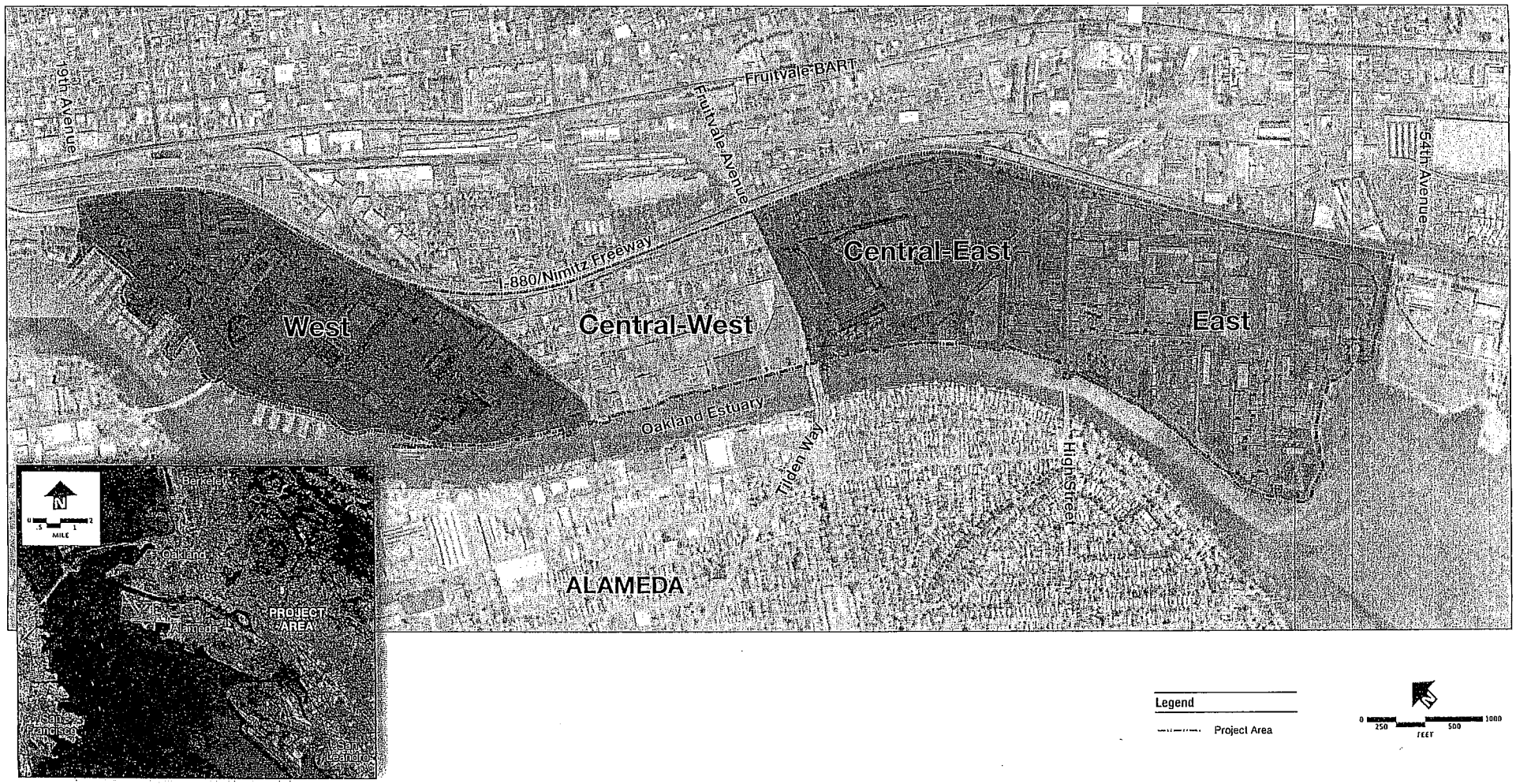
DATE: November 21, 2011

FILE

Attachments:

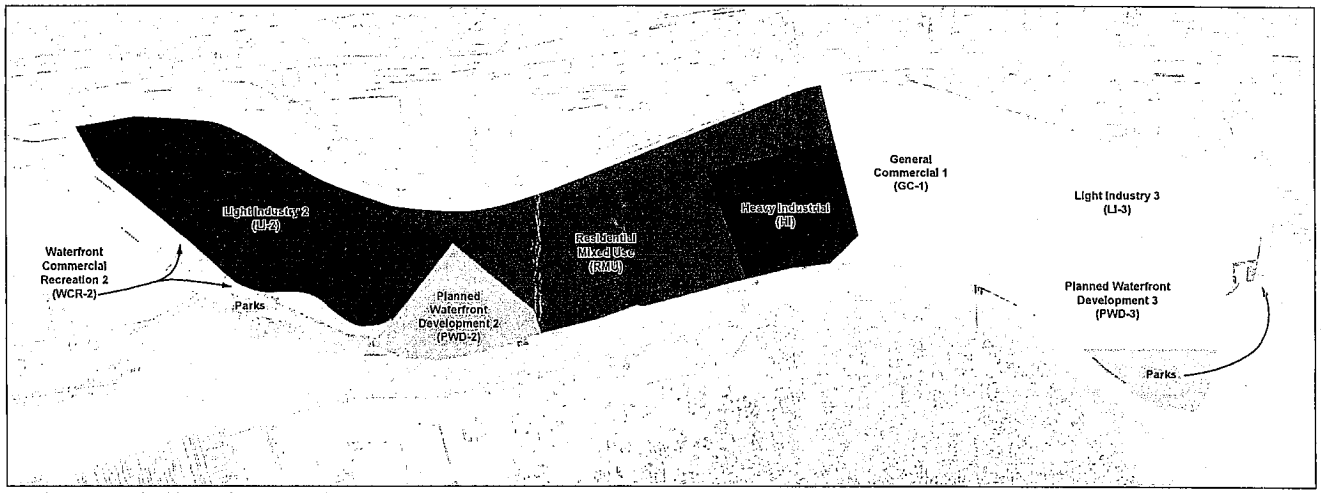
Figures 1-3

Tables A-C

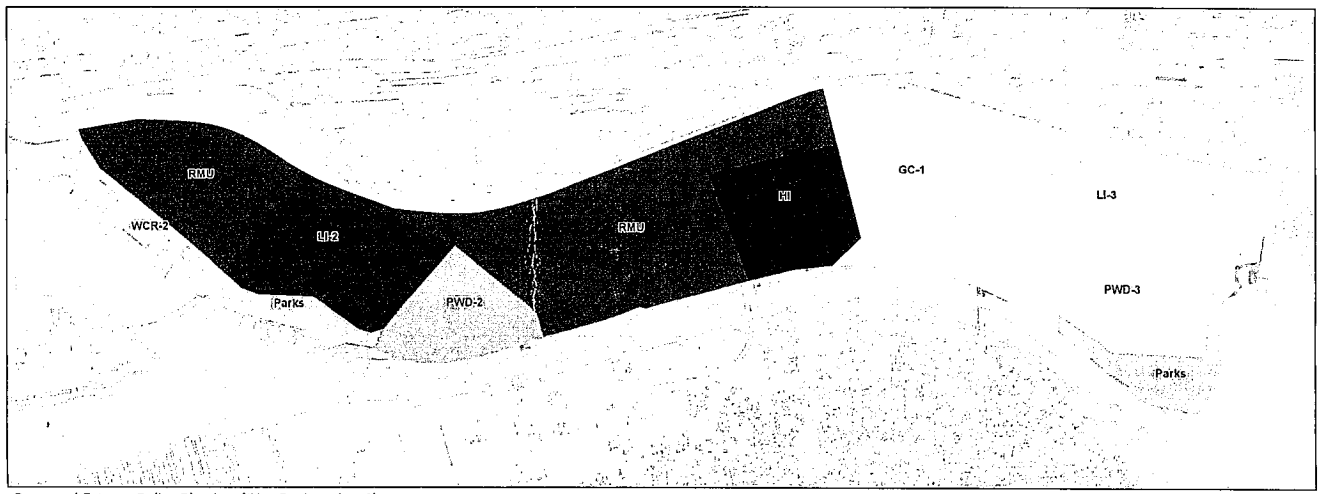


Central Estuary Implementation Guide Project Area **Figure 1**

Source: Community Design + Architecture, November 2011.



Existing Estuary Policy Plan Land Use Designations



Proposed Estuary Policy Plan Land Use Designation Changes

Legend

EPP Land Use

- General Commercial 1 (GC-1)
- Heavy Industrial (HI)
- Light Industry 2 (LI-2)
- Light Industry 3 (LI-3)
- Parks
- Planned Waterfront Dev 2 (PWD-2)
- Planned Waterfront Dev 3 (PWD-3)
- Residential Mixed Use (RMN)
- Waterfront Commercial Rec 2 (WCR-2)

0 500 1000 2000
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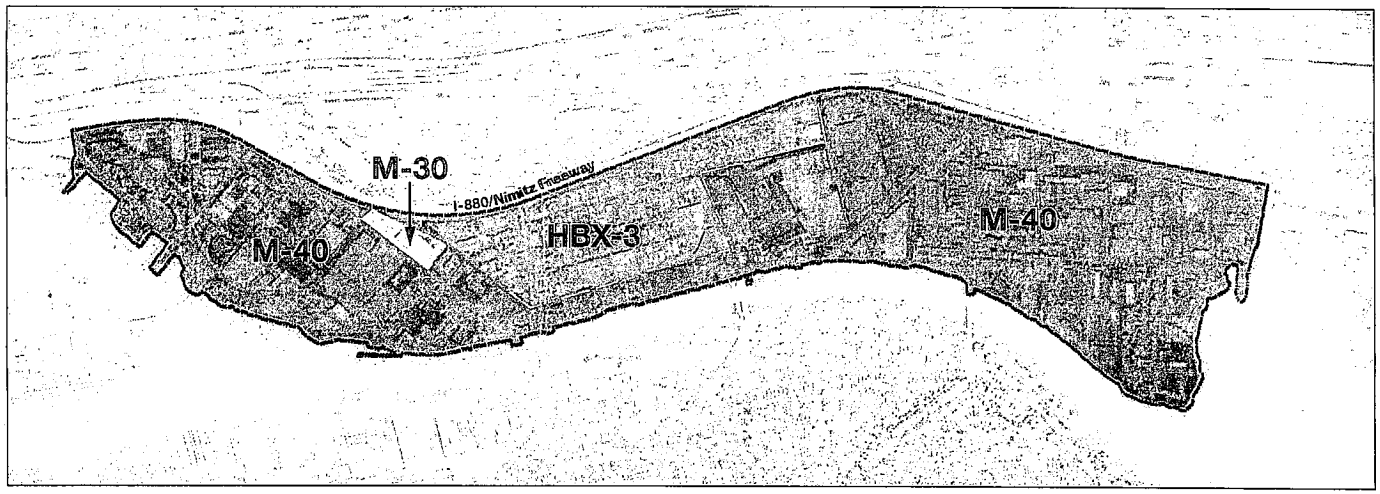
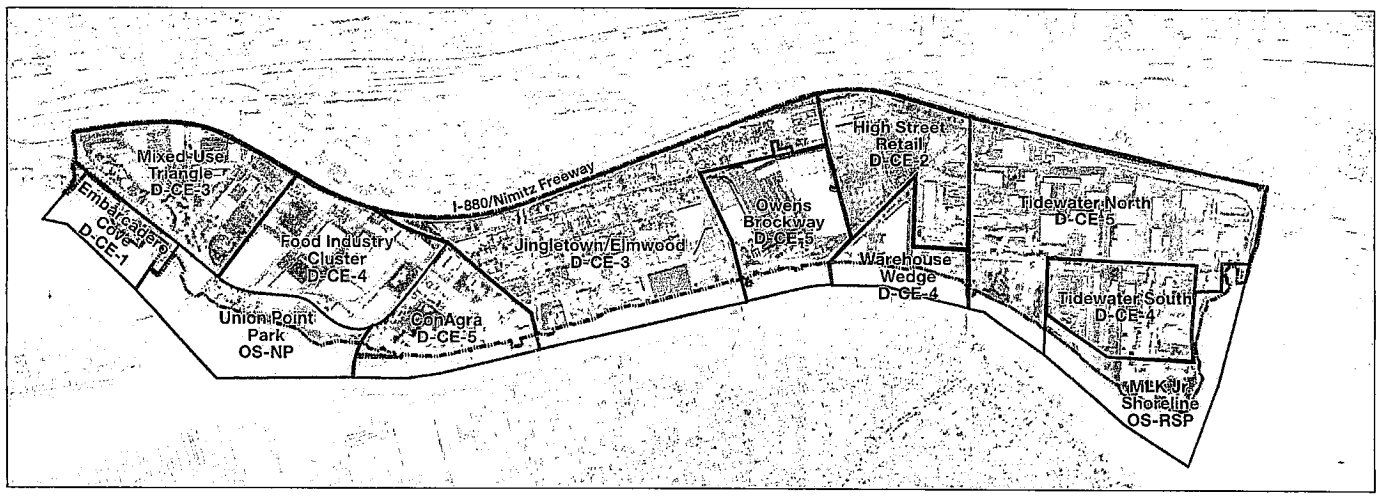
Existing and Proposed Estuary Policy Plan Land Use Designations Maps Figure 2

Source: Community Design + Architecture, November 2011.



Existing Zoning



Proposed Zoning

Legend

- Project Area
- Housing and Business Mix 3 (HBX-3)
- General Industrial (M-30)
- Heavy Industrial (M-40)

0 375 750 1500 FEET

Existing and Proposed Zoning Districts Figure 3

Source: Community Design + Architecture, November 2011.

Table A: Summary of Estuary Policy Plan Text Amendments - DRAFT

Estuary Policy Plan Designation	Proposed Zoning	Residential Density		Non-Residential Density	
		Existing	Proposed	Existing	Proposed
Waterfront Commercial Recreation 2: This designation covers the waterfront portion of the west subarea. This change will allow larger buildings than originally contemplated in the EPP, consistent with the type of development envisioned such as hotels.	D-CE-1 (Embarcadero Cove)	*No changes proposed as part of the Project (no residential permitted)*		1.0 FAR	2.0 FAR
Residential Mixed Use (RMU): General Plan Amendment from Light Industry 2 – This designation covers a broad swath of the Planning Area, including the majority of the Jingletown neighborhood in the Central-West Planning Area. With this proposed change, new residential development in this area would be allowed at higher densities and potentially taller heights than buildings currently existing in the area designated for RMU development.	D-CE-3 (Mixed Use Triangle & Jingletown)	60* dwelling units/acre *The Estuary Policy Plan provides a density of 40 units/ac however, the General Plan Conformity Guidelines reference the HBX zoning regulations which contains a density of 60 units/ac for HBX-3.	60 dwelling units/acre	1.0 FAR	3.0 FAR
Light Industry 2 – This designation encompasses the food industry cluster. The change will allow larger infill development appropriate for the intended uses such as food processing and wholesale distribution.	D-CE-4 (Food Industry Cluster)	*No changes proposed as part of the Project (no residential permitted)*		2.0 FAR	3.0 FAR

Estuary Policy Plan Designation	Proposed Zoning	Residential Density		Non-Residential Density	
		Existing	Proposed	Existing	Proposed
Heavy Industrial – This designation encompasses the Owens-Brockway site. The change will allow larger buildings than currently exist.	D-CE-5 (Owens Brockway)	*No changes proposed as part of the Project (no residential permitted)*		0.75 FAR	2.0 FAR
General Commercial 1 – This designation applies to the site of the existing Home Depot shopping center and extends to the waterfront. The change will facilitate larger buildings relative to existing buildings.	D-CE-2 (High Street Retail) D-CE-4 (Warehouse Wedge)	*No changes proposed as part of the Project (no residential permitted)*		1.0 FAR	3.0 FAR
Light Industry 3 – This designation applies to the land north of Tidewater Avenue in the East Planning Area. Future uses envisioned include industrial, manufacturing, commercial and a variety of others uses. The change in FAR could eventually result in larger buildings.	D-CE-5 (Tidewater North)	*No changes proposed as part of the Project (no residential permitted)*		0.5 FAR	2.0 FAR
Planned Waterfront Development 3 – This designation (PWD-3) was developed in the EPP specifically for the lands south of Tidewater Avenue in the East Planning Area. Only industrial, commercial, and similar land uses are allowed in this area. On the ground, this change could eventually result in taller buildings relative to those existing.	D-CE-4 (Tidewater South) D-CE-5 (Tidewater North)	*No changes proposed as part of the Project (no residential permitted)*		0.5 FAR	3.0 FAR

Source: Community Design + Architecture, November 2011.

Table A

Table B: DRAFT Descriptions of Proposed Zoning

Planning Area	District	Existing Zoning	Proposed Zoning
West	Embarcadero Cove	M-40	D-CE-1
	Mixed-Use Triangle	M-40	D-CE-3
	Food Industry Cluster	M-30, M-40	D-CE-4
	Union Point Park	M-40	OS-NP
	ConAgra	M-40	D-CE-5
Central-West	Jingletown/ Elmwood	HBX-3, M-30	D-CE-3
	Owens Brockway	M-40	D-CE-5
Central East	High Street Retail	M-40	D-CE-2
	Warehouse Wedge	M-40	D-CE-4
East	Tidewater North	M-40	D-CE-5
	Tidewater South	M-40	D-CE-4
	MLK Jr Regional Shoreline	M-40	OS-RSP

Table B

Source: Community Design + Architecture, November 2011.

TABLE C: Estimated Foreseeable Growth

Central Estuary Planning Area	Residential (dwelling units)		Live/Work (dwelling units)		Industrial (square feet)		Commercial and Office (square feet)		Parks (acres)	
	Existing	*Reasonably Foreseeable*	*Existing*	*Reasonably Foreseeable*	*Existing*	*Reasonably Foreseeable*	*Existing*	*Reasonably Foreseeable*	*Existing*	*Reasonably Foreseeable*
West	29	0	39	11	2,322,764	0	174,207	83,713	8.9	2.1
Central-West	355	391	95	20	593,894	-177,240	25,336	0	0.4	0.4
Central-East	59	0	0	0	1,219,699	-139,461	200,100	268,071	0	0
East	0	0	0	0	680,544	691,558	5,366	360,238	7.3	8.2
Total, Existing	***443***	--	***134***	--	***4,816,899***	--	***405,009***	--	***17.2***	--
Total, Reasonably Foreseeable	--	***391***	--	***31***	--	***374,857***	--	***712,022***	--	***10.7***

Notes: The number of "Reasonably Foreseeable" units does not include the "Existing" units. The sum of the "Existing" and "Reasonably Foreseeable" units is the total amount of units that would be allowable per land - use category under the Implementation Guide.

Table C

Source: Community Design + Architecture, November 2011.

NOP Distribution List

County: alameda

SCH# 2011112055

Resources Agency

- [x] **Resources Agency**
  Nadell Gayou
- [ ] **Dept. of Boating & Waterways**
  Nicole Wong
- [ ] **California Coastal Commission**
  Elizabeth A. Fuchs
- [ ] **Colorado River Board**
  Gerald R. Zimmerman
- [ ] **Dept. of Conservation**
  Elizabeth Carpenter
- [ ] **California Energy Commission**
  Eric Knight
- [ ] **Cal Fire**
  Allen Robertson
- [ ] **Central Valley Flood Protection Board**
  James Herota
- [ ] **Office of Historic Preservation**
  Ron Parsons
- [x] **Dept of Parks & Recreation**
  Environmental Stewardship Section
- [ ] **California Department of Resources, Recycling & Recovery**
  Sue O'Leary
- [x] **S.F. Bay Conservation & Dev't. Comm.**
  Steve McAdam
- [x] **Dept. of Water Resources** Resources Agency
  Nadell Gayou

Fish and Game

- [ ] **Depart. of Fish & Game**
  Scott Flint
  Environmental Services Division
- [ ] **Fish & Game Region 1**
  Donald Koch
- [ ] **Fish & Game Region 1E**
  Laurie Harnsberger
- [ ] **Fish & Game Region 2**
  Jeff Drongesen
- [x] **Fish & Game Region 3**
  Charles Armor
- [ ] **Fish & Game Region 4**
  Julie Vance
- [ ] **Fish & Game Region 5**
  Leslie Newton-Reed
  Habitat Conservation Program
- [ ] **Fish & Game Region 6**
  Gabrina Gatchel
  Habitat Conservation Program
- [ ] **Fish & Game Region 6 I/M**
  Brad Henderson
  Inyo/Mono, Habitat Conservation Program
- [ ] **Dept. of Fish & Game M**
  George Isaac
  Marine Region

Other Departments

- [ ] **Food & Agriculture**
  Sandra Schubert
  Dept. of Food and Agriculture
- [ ] **Depart. of General Services**
  Public School Construction
- [ ] **Dept. of General Services**
  Anna Garbeff
  Environmental Services Section
- [ ] **Dept. of Public Health**
  Bridgette Binning
  Dept. of Health/Drinking Water
- [ ] **Delta Stewardship Council**
  Terry Macaulay

Independent Commissions,Boards

- [ ] **Delta Protection Commission**
  Linda Flack
- [ ] **Cal EMA (Emergency Management Agency)**
  Dennis Castrillo
- [x] **Native American Heritage Comm.**
  Debbie Treadway
- [x] **Public Utilities Commission**
  Leo Wong
- [ ] **Santa Monica Bay Restoration**
  Guangyu Wang
- [x] **State Lands Commission**
  Jennifer Deleong
- [ ] **Tahoe Regional Planning Agency (TRPA)**
  Cherry Jacques

Business, Trans & Housing

- [ ] **Caltrans - Division of Aeronautics**
  Philip Crimmins
- [ ] **Caltrans - Planning**
  Terri Pencovic
- [x] **California Highway Patrol**
  Suzann Ikeuchi
  Office of Special Projects
- [ ] **Housing & Community Development**
  CEQA Coordinator
  Housing Policy Division

Dept. of Transportation

- [ ] **Caltrans, District 1**
  Rex Jackman
- [ ] **Caltrans, District 2**
  Marcelino Gonzalez
- [ ] **Caltrans, District 3**
  Bruce de Terra
- [x] **Caltrans, District 4**
  Lisa Carboni
- [ ] **Caltrans, District 5**
  David Murray
- [ ] **Caltrans, District 6**
  Michael Navarro
- [ ] **Caltrans, District 7**
  Elmer Alvarez
- [ ] **Caltrans, District 8**
  Dan Kopulsky
- [ ] **Caltrans, District 9**
  Gayle Rosander
- [ ] **Caltrans, District 10**
  Tom Dumas
- [ ] **Caltrans, District 11**
  Jacob Armstrong
- [ ] **Caltrans, District 12**
  Marlon Regisford

Cal EPA

Air Resources Board

- [ ] Airport/Energy Projects
  Jim Lerner
- [ ] Transportation Projects
  Douglas Ito
- [ ] Industrial Projects
  Mike Tollstrup
- [ ] **State Water Resources Control Board**
  Regional Programs Unit
  Division of Financial Assistance
- [ ] **State Water Resources Control Board**
  Student Intern, 401 Water Quality Certification Unit
  Division of Water Quality
- [ ] **State Water Resouces Control Board**
  Phil Crader
  Division of Water Rights
- [x] **Dept. of Toxic Substances Control**
  CEQA Tracking Center
- [ ] **Department of Pesticide Regulation**
  CEQA Coordinator

Regional Water Quality Control Board (RWQCB)

- [ ] **RWQCB 1**
  Cathleen Hudson
  North Coast Region (1)
- [x] **RWQCB 2**
  Environmental Document Coordinator
  San Francisco Bay Region (2)
- [ ] **RWQCB 3**
  Central Coast Region (3)
- [ ] **RWQCB 4**
  Teresa Rodgers
  Los Angeles Region (4)
- [ ] **RWQCB 5S**
  Central Valley Region (5)
- [ ] **RWQCB 5F**
  Central Valley Region (5)
  Fresno Branch Office
- [ ] **RWQCB 5R**
  Central Valley Region (5)
  Redding Branch Office
- [ ] **RWQCB 6**
  Lahontan Region (6)
- [ ] **RWQCB 6V**
  Lahontan Region (6)
  Victorville Branch Office
- [ ] **RWQCB 7**
  Colorado River Basin Region (7)
- [ ] **RWQCB 8**
  Santa Ana Region (8)
- [ ] **RWQCB 9**
  San Diego Region (9)

- [ ] **Other** _____

_____

_____

- [ ] _____
  Conservancy

Last Updated 9/29/11