

# **JACK LONDON SQUARE REDEVELOPMENT PROJECT**

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## *Final Environmental Impact Report*

*February 11, 2004*

*Prepared for:*

*City of Oakland  
Community and Economic  
Development Agency*

*ER 03-0004  
SCH No. 2003022086*

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# CHAPTER I

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## INTRODUCTION

### A. CEQA PROCESS

On September 8, 2003, the City of Oakland (Lead Agency) released for public review a Draft Environmental Impact Report (Draft EIR or DEIR) on the proposed Jack London Square Redevelopment project (ER 03-0004). The 46-day public review and comment period on the DEIR began on September 8, 2003, and closed on October 24, 2003. The Planning Commission held a public hearing on the Draft EIR on October 1, 2003.

The Draft EIR for the Jack London Square Redevelopment project, together with this Response to Comments, constitutes the Final Environmental Impact Report (Final EIR or FEIR) for the proposed project. The Final EIR is an informational document prepared by the Lead Agency that must be considered by decision makers (including the Oakland City Planning Commission and City Council) before approving or denying the proposed project. California Environmental Quality Act (CEQA) Guidelines (Section 15132) specify the following:

“The Final EIR shall consist of:

- (a) The Draft EIR or a revision of that draft.
- (b) Comments and recommendations received on the Draft EIR either verbatim or in a summary.
- (c) A list of persons, organizations, and public agencies commenting on the Draft EIR.
- (d) The response of the Lead Agency to significant environmental points raised in review and consultation process.
- (e) Any other information added by the Lead Agency.”

This document has been prepared pursuant to the CEQA Guidelines. This Final EIR incorporates comments from public agencies and the general public, and contains appropriate responses by the Lead Agency to those comments. (Note that throughout this document, when it is necessary, for the purpose of referencing information, to differentiate between this document and the DEIR or Draft EIR, the term “FEIR” is typically used.)

## **B. METHOD OF ORGANIZATION**

This Final EIR for the proposed Jack London Square Redevelopment project contains information in response to issues raised during the public comment period.

Following this introductory Chapter I, Chapter II of this document contains a description of the Revised Project submitted by the project applicant subsequent to the release of the DEIR.

Chapter III contains the environmental analysis of the Revised Project.

Chapter IV contains text changes (initiated by the Oakland Community and Economic Development Department staff and those resulting from comments on the DEIR) and errata to the DEIR. It is important to note that this Final EIR does not modify the Draft EIR text so as to “insert” the Revised Project description or supplant the DEIR Project analysis where it would be altered by the Revised Project. The analysis of the DEIR Project is intended to be included as a part of this Final EIR.

Chapter V contains a list of all persons and organizations that submitted written comments on the Draft EIR and that commented at the public hearing held on October 1, 2003.

Chapter VI contains master responses to environmental topic areas that were raised in multiple comments made in several letters or oral comments.

Chapter VII contains comment letters received during the comment period and the responses to each comment. Each comment letter is identified by one or more letters (*e.g.*, the letter from Sandra Threlfall, Waterfront Action, is letter K). Each comment within each letter is labeled with a number in the margin and the response to each comment is presented immediately after the comment letter.

Chapter VIII contains a transcript of the public comments received during the public hearing held on October 1, 2003, and the responses to the comments received during the public hearing.

Appendices are included at the end of this report.

Throughout this document, there are references to and discussion of the DEIR Project, the Revised Project, and sometimes merely the “project” or the “proposed project.” Discussion and analysis of the DEIR Project or the Revised Project refers specifically to whichever of these is mentioned. Where the text refers more generally to the “project” or “proposed project,” it is intended to encompass and apply equally to the DEIR Project and the Revised Project.

# CHAPTER II

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## THE REVISED PROJECT

On February 6, 2004, the project sponsor (applicant) submitted to the City of Oakland an amendment to its application for a variety of land use approvals for the Jack London Square Redevelopment project. The revised application describes a project that is referred to throughout this Final EIR (FEIR) as the “Revised Project” and that is reduced in scope relative to the project that was studied in the Draft EIR (DEIR), referred to throughout this document as the “DEIR Project”. The changes reflected in the Revised Project do not alter the land use approvals that the project sponsor seeks and that were discussed in the DEIR for the DEIR Project.

The Revised Project is intended to eliminate certain significant impacts identified in the DEIR, as well as to address specific issues raised by the public and by City of Oakland staff. As a result, and as further described within this chapter, the Revised Project would result in fewer and less severe significant environmental impacts than those identified for the DEIR Project.

### **A. BACKGROUND OF THE DEIR PROJECT AND THE REVISED PROJECT**

As discussed in Chapter II (Summary) and Chapter III (Project Description) of the September 8, 2003 DEIR, the DEIR analyzed a project submitted to the City by the project sponsor on November 2002. The DEIR described the DEIR Project using a table of “variants” that described land uses and associated building masses for each of nine proposed development sites at Jack London Square. The DEIR Project description in that application was prepared to allow the evaluation of the environmental impacts of a redevelopment concept that the project sponsor envisioned for Jack London Square.

In September 2003, the project sponsor submitted (along with other land use approval requests) a Preliminary Development Plan (PDP) that reflected the maximum building masses that could occur in the DEIR Project. This original PDP was presented at public hearings on September 24, 2003 and October 22, 2003 (Planning Commission Design Review Committee); October 1, 2003 (Planning Commission); and October 6, 2003 (Landmark’s Preservation Advisory Board). The original PDP was also presented to the City Council Community and Economic Development Committee (CED) on October 28, 2003, and to the full City Council on November 18, 2003. Subsequent to those meetings, the project sponsor began to refine the PDP to address issues that were identified through public and staff input and the DEIR analysis. The project sponsor continued to refine the concept and design of the proposed redevelopment of Jack London Square, and these revisions ultimately culminated in a revised set of variants that define the Revised Project formally submitted to the City on February 6, 2004, and analyzed in this FEIR.

Like the DEIR Project, the Revised Project would redevelop areas within Jack London Square, intensifying existing office, retail, and dining establishments by providing new construction on nine development areas (labeled Site C, Site D, Pavilion 2, Water I Expansion, 66 Franklin, Site F1, Site F2, Site F3, and Site G in Figures II-1 and II-2). The Revised Project is reduced from the DEIR Project and is intended to eliminate significant impacts to Heinold's First and Last Chance Saloon. As such, the Revised Project is modeled after the Modified Development Alternative and the Subalternative: Heinold's First and Last Chance Saloon as a Separate Structure, which are discussed in the DEIR (pages V-2 and V-12, respectively).

## **B. THE REVISED PROJECT**

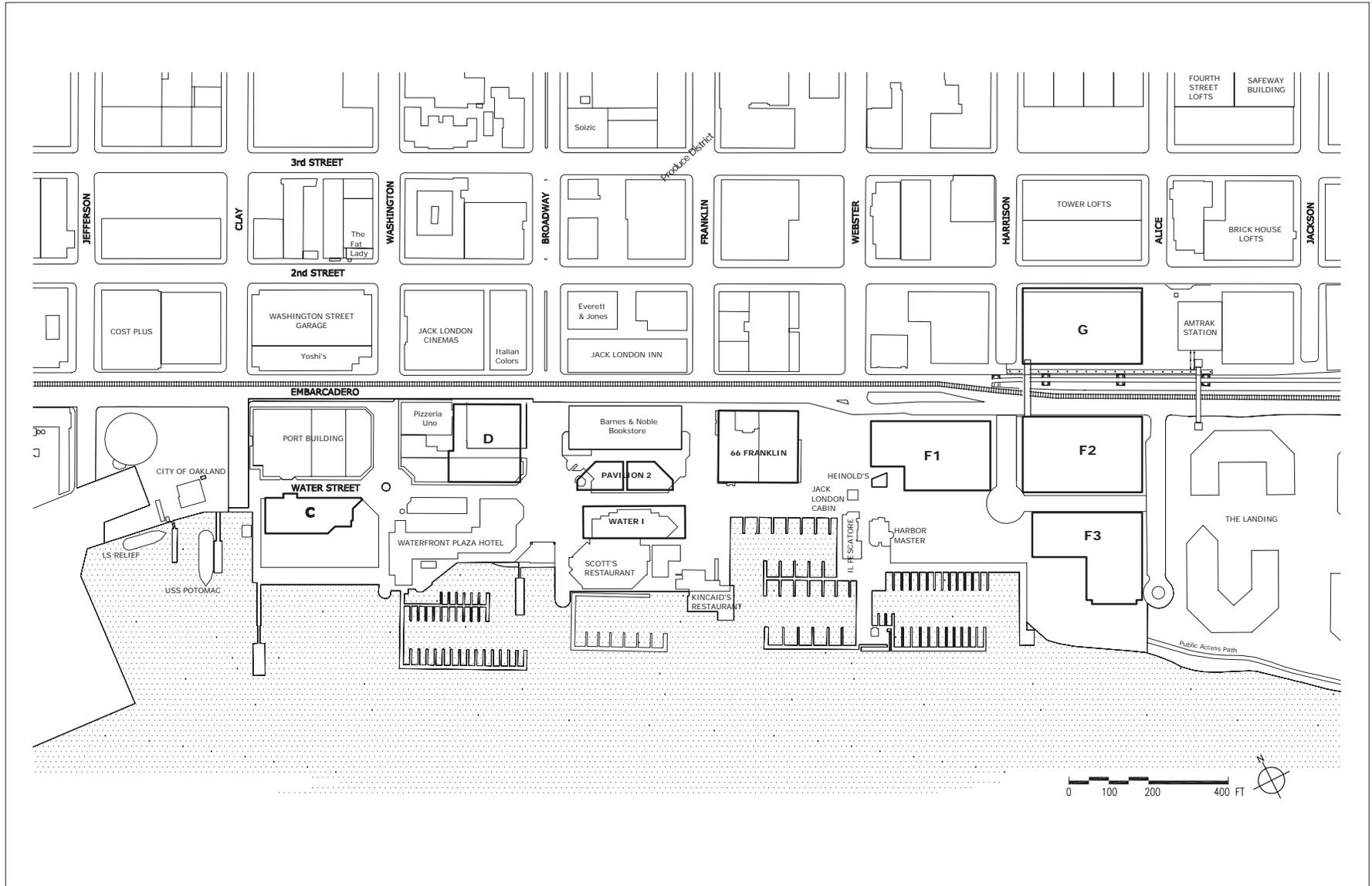
### **DEFINING THE REVISED PROJECT FOR ENVIRONMENTAL ANALYSIS**

As summarized in Table III-1 of the DEIR (DEIR page III-6), the DEIR Project was defined by a specific set of variants, or options for specific land uses and associated building masses, for each of nine proposed development sites. The Revised Project is similarly described by a set of variants for each of the nine proposed development sites. As such, the Revised Project uses variants to allow flexibility to develop the project in response to future market conditions. However, full buildout will likely be less than the maximum development allowed in the Revised Project as analyzed in this FEIR.

Appendix B shows the set of variants possible for each site under the Revised Project. Generally, there are two variations for Site C, six variations for Site D, four variations for 66 Franklin, two variations for Site F1, four variations for Site F2, and three variations for Site G. The Water I Expansion, Pavilion 2 and Site F3 do not have variations in the Revised Project.

To be conservative in the evaluation of the environmental impacts of the DEIR Project, the DEIR studied the most-intensive or "worst-case" combination of variants. This FEIR also studies the combination of variants that would result in the "worst-case" impacts under the Revised Project.

As in the DEIR, a "worst-case" was identified and studied for each type of environmental impact. For example, the combination of variants that presented the "worst-case" for traffic is different than the combination of variants that presented the "worst-case" for visual quality impacts; therefore, different "worst-case" variant combinations were studied for each of these environmental impacts. For comparison purposes, the specific set of Revised Project variants deemed to be the most intensive overall for most of the project impacts (*e.g.*, for transportation and air quality impacts) is shown in Table II-1. Also, as in the DEIR, where there is a distinction between the combination of variants for a specific environmental topic, this is described in the relevant topical section. Table II-2 depicts a more detailed comparison between the set of Revised Project variants deemed to be most intensive for most of the project impacts and the DEIR Project, breaking down the proposed uses and providing the maximum height and building footprint for each site. A comparison of all the Revised Project variants is provided in Appendix A.



SOURCES: Jack London Square Partners, LLC / HOK Inc.

Jack London Square Redevelopment Project / 202601 ■

**Figure II-1**  
Revised Project Site Plan

**TABLE II-1  
VARIANTS USED AS BASIS FOR MOST<sup>1</sup> OF THE PROJECT IMPACT ANALYSES:  
COMPARISON OF DEIR PROJECT TO REVISED PROJECT**

Development Area	DEIR Project		Revised Project	
	Variant Reference	Resulting Total Development: (net new gsf) (excluding parking)	Variant Reference	Resulting Total Development: (net new gsf) (excluding parking)
Site C	Variant 0	48,000	Variant 0	33,000
Site D	Variant 2b	190,000	Variant 2b	190,000
Pavilion 2	Variant 3	90,000	Variant 0	15,000
Water I Expansion	Variant 0	26,000	Variant 0	26,000
66 Franklin	Variant 1	87,700	Variant 0	87,700
Site F1	Variant 1	267,000	Variant 1	200,000
Site F2	Variant 4	107,700	Variant 4	149,000
Site F3	Variant 0	220,000	Variant 0	220,000
Site G	Variant 1	160,000	Variant 0	40,000
<b>TOTAL:</b>		<b>1,195,700</b>		<b>960,700</b>

<sup>1</sup> The variants shown were determined to be the “worst-case” for the environmental impact analysis for all topics, except Aesthetic, Shadow, and Wind, which are discussed in Chapter III.

SOURCE: Jack London Square Partners, LLC

## REVISED PROJECT CHARACTERISTICS

Because the Revised Project is a refinement of the DEIR Project, it shares many characteristics with the DEIR Project, as well as with the Modified Development Alternative discussed in the DEIR. Although the Revised Project is somewhat smaller in scope (960,700 gsf compared to 1,195,700 gsf), it generally retains the concepts outlined in the DEIR Project.

The Revised Project (with the specific combination of use limits shown in Table II-2) would result in up to approximately 960,700 net new gross square feet (gsf) of office, retail and/or restaurant space, hotel, conference/banquet space, theatre, and supermarket uses, plus associated

**TABLE II-2  
DETAILED SITE BY SITE COMPARISON OF  
REVISED PROJECT TO DEIR PROJECT**

Site	Characteristic	DEIR Project Maximum	Revised Project Maximum	Difference
<b>C</b>	Retail Area	32,000	33,000	+1,000
	Office Area	16,000	0	-16,000
	Height	58'	45'	-13'
	Footprint	18,000	18,000	0
	Max. Total Development Area	48,000	33,000	-15,000
<b>D</b>	Retail Area	90,000	90,000	0
	Office Area	59,000	59,000	0
	Height	140	140	0
	Footprint	38,000	38,000	0
	Max. Total Development Area	190,000	190,000	0
<b>Pavilion 2</b>	Retail Area	90,000	15,000	-75,000
	Height	44	24'	-20'
	Footprint	60,000	15,000	-45,000
	Max. Total Development	90,000	15,000	-75,000
<b>Water I Expansion</b>	Retail Area	26,000	26,000	0
	Height	44	44	0
	Footprint	20,000	20,000	0
	Max. Total Development	26,000	26,000	0
<b>66 Franklin</b>	Retail Area	39,400	2,400	-37,500
	Office Area	48,300	85,300	+37,000
	Height	100	94'	-6'
	Footprint	37,000	37,000	0
	Max. Total Development	87,700	87,700	0
<b>F1</b>	Retail Area	133,000	123,000	-10,000
	Office Area	134,000	77,000	-57,000
	Height	148'	108'	-40'
	Footprint	45,000	45,000	0
	Setback from Heinold's	Enveloped Heinold's	Set back 20' from Heinold's	Set back 20' from Heinold's
	Max. Total Development	267,000	200,000	-67,000
<b>F2</b>	Retail Area	15,000	15,000	0
	Office Area	92,000 to 209,000 depending on Site F1 office	134,000	+42,000 to -75,000
	Parking Area	220,000	220,000	0
	Parking Stalls	550	550	0
	Height	153	125'	-28'
	Footprint	57,000	57,000	0
	Max. Total Development	224,000	149,000	-75,000

**TABLE II-2 (Continued)  
DETAILED SITE BY SITE COMPARISON OF  
REVISED PROJECT TO DEIR PROJECT**

Site	Characteristic	DEIR Project Maximum	Revised Project Maximum	Difference
<b>F3</b>	Retail Area	10,000	10,000	0
	Hotel/Conf.	220,000	220,000	0
	Height	175	175	0
	Footprint	55,000	45,000	-10,000
	Max. Total Development	220,000	220,000	0
<b>G</b>	Retail Area	40,000	40,000	0
	Residential	120,000	0	-120,000
	Parking Area	260,000	380,000	+120,000
	Parking Stalls	743	1,086	+343
	Height	111'	88'	-23'
	Footprint	60,000	60,000	0
	Max. Total Development	160,000	40,000	-120,000

Notes: Building height and footprints reflect “worst-case” for the environmental impact analysis for all topics, except Aesthetic, Shadow, and Wind, which are discussed in Chapter III. Maximum total development areas shown exclude parking.

SOURCE: Jack London Square Partners, LLC

parking, as follows (based on the Revised Project as represented in Table II-2 and as analyzed for most of the environmental impacts):

- 323,400 gsf of retail and restaurant space (of which 12,000 gsf would be conference/banquet space and 40,000 gsf would be a supermarket);
- a 250-room hotel (approximately 220,000 gsf, which could include up to 15,000 gsf of conference space and 10,000 gsf of retail);
- a 1,700-seat movie theatre (approximately 41,000 gsf);
- 386,300 gsf of office;
- 1,636 parking spaces (approximately 600,000 gsf).

In order to accommodate the proposed project, the project sponsor could demolish in phases, as stages of construction occur, up to 131,800 square feet of the following existing commercial space:

- 24,000 square feet at 70 Washington building on Site D;
- 14,000 square feet at Water I Expansion building; and
- 93,800 square feet at 66 Franklin Street.

Office uses would be located within development on Site D, 66 Franklin, Site F1, and Site F2. The movie theatre would be located on Site D, and the 250-room hotel would be located on Site F3. Retail and restaurant uses would be integrated into every development. Site G would be developed with a parking structure containing about 1,086 spaces and a supermarket on the ground floor. The Revised Project would not include residential uses, as were proposed in the DEIR Project for possible construction on Site G. The remaining new parking (550 spaces) would be integrated into an office and retail development on Site F2.

The proposed Site F1 building, which would contain office and retail uses, would be designed so that the building footprint would be set back at least twenty feet from the Heinold’s First and Last Chance Saloon, an existing historic city landmark. The new building would be taller and more massive than the historic resource. Figures III-1 through III-3 show a reduced scale model depicting the relative massing and physical relationship between the proposed Site F1 building and the Heinold’s structure. The Site F1 building design shown in these figures is not intended to reflect the final building design, which will be reviewed and refined through the project design review (FDP) process.

The project would be connected into the existing utility infrastructure. The project would also include a historic walking tour and a peak-hour shuttle between the project area and the Oakland 12th Street BART Station.

***BUILDING MASSING***

Based on programmatic (PDP) plans for the Revised Project, the building massing envelope of new construction would result in up to the following maximum building heights (to the top of the parapet) by development site:

- Site C with 2 levels (45 feet)
- Site D with 7 levels (140 feet)
- Pavilion 2 with 1 level (24 feet)
- Water I Expansion with 2 levels (44 feet)
- 66 Franklin with 6 levels (94 feet)
- Site F1 with 6 levels (108 feet)
- Site F2 with 8 levels (125 feet)
- Site F3 with 13 levels (175 feet)
- Site G with 7 levels (88 feet)

Figures II-3 through Figure II-14 on the following pages compare building massing diagrams (PDP) of the Revised Project and the DEIR Project. The figures highlight where the Revised Project PDP application differs from the DEIR Project PDP application (no PDP massing diagrams were included in the DEIR document, but the DEIR PDP volumes were used to generate the visual photosimulations included in the DEIR). In both cases, the envelope depicts the most “massive” variant for the building on a particular site. In addition, there are several

locations where the building mass of the Revised Project PDP (shown in aqua shading and/or labeled

**TABLE II-3  
SUMMARY OF CHANGES IN THE REVISED PROJECT  
COMPARED TO THE DEIR PROJECT**

<b>Item</b>	<b>Revision</b>
Site C	Maximum parapet height reduced from 58 feet to 45 feet Maximum net new square footage reduced from 48,000 gsf to 33,000 gsf Wing-shaped roof design required (See Figure II-3)
Site D	Theatre marquee feature increased in size (See Figure II-4)
Pavilion 2	Maximum parapet height reduced from 64 feet to 24 feet Maximum net new square footage reduced from 90,000 gsf to 15,000 gsf Plaza in front of Barnes and Noble preserved and direct access from Water Street provided by splitting the single building into two buildings (See Figure II-5 and Figure II-6)
66 Franklin	Maximum height reduced from 135 feet to 112 feet on the most massive DEIR variant (Variant 1b) by reducing the parapet height (See Figure II-7 through Figure II-9)
Site F1	Maximum parapet height reduced from 148 feet to 108 feet on the tallest variant (Variant 1) by reducing the parapet height Maximum net new square footage reduced from 267,000 gsf to 200,000 gsf Setback from Heinold’s historic resource increased from zero to at least 20 feet (See Figure II-10, and Figure III-1 through Figure III-3)
Site F2	Maximum parapet height reduced from 89 feet to 73 feet on the most bulky variants (Variant 0 and Variant 3) Maximum net new square footage decreased from 224,000 gsf to 149,000 gsf (See Figure II-11 through Figure II-12)
Site F3	Maximum footprint and mass reduced by eliminating the quarter-circle mass at the south-west quadrant of site (See Figures II-13 and 13.1)
Site G	Maximum parapet height reduced from 111 feet to 88 feet Maximum net new square footage reduced from 160,000 gsf to 40,000 gsf Residential use eliminated, and physical building mass reduced (See Figure II-14)
BART Shuttle	No change; a peak-hour BART shuttle is included in the Revised Project
History Walk	Visitors will be able to participate in an historic walking tour

Note: Parking is not included in net new square footage.

SOURCE: Jack London Square Partners, LLC

“Revised Project Massing”) exceeds that of the DEIR Project (shown in tan shading and dotted outlines, and/or labeled “DEIR Massing”). These areas where the Revised Project massing exceeds the DEIR Project massing are evident where the aqua shading (or area labeled “Revised Project Massing”) encompasses the dotted outline of the DEIR Project. The analysis of the impacts of the Revised Project (provided in Chapter III, Environmental Effects of the Revised Project) takes into account these changes in building massing to ensure that they would not result in greater impacts than those studied for the DEIR Project. (Dimensioned plans, elevations, and axonometric line drawings for each site is provided in Appendix C.)

Two figures are included for Pavilion 2 (Figures II-5 and II-6) in order to compare the Revised Project PDP to the DEIR Project PDP considered in the DEIR, and to a “more massive” DEIR Project PDP variant. Three figures are provided for 66 Franklin (in order to compare the “most massive” Revised Project PDP variant to the DEIR Project PDP (Figure II-7), as well as to the two “more massive” DEIR Project variants (Figures II-8 and II-9). Two figures are provided for Site F2 in order to compare the Revised Project PDP to the DEIR Project PDP (Figure II-11 and the “more massive” Revised Project PDP variant to the “more massive” DEIR Project variant (Figure II-12). An additional view is provided for Site F3 (Figure II-13.1) given the complexity of the changes on each building façade.

### ***PROPOSED OPEN SPACE AND PEDESTRIAN ACCESS***

The proposed project would create approximately 40,000 square feet of new, permanent open space adjacent to the estuary to the west of the hotel (Site F3) and south of Site F1. A portion of the Site F3 hotel facing the Bay Trail and the waterfront would be removed in the Revised Project. Also, the Meadow Green (or West Green) at Site C would be reconfigured by removing the existing parking spaces so that open space is immediately adjacent to the estuary shore. The building on Site C would be designed such that a public viewing and open area would wrap the building from the terminus of Washington Street, and overlook the Meadow Green and estuary.

Water Street, the main pedestrian walkway through Jack London Square, would be extended to the east, through Sites F1, F2, and F3, and would connect to a public access path along the estuary shore at The Landing development, an existing residential development immediately east of the project area. The plaza area at the terminus of Broadway near Water Street and the Scott’s Restaurant entrance would be improved for pedestrian circulation and activity by relocating the valet parking service closer to The Embarcadero.

The proposed project would also maintain the historic city street grid system, such that north/south view corridors along Clay, Washington, Broadway, Franklin, Webster, Harrison, and Alice Streets would be maintained through Jack London Square with glimpses of the estuary.

### ***PROJECT PHASING AND STAGING***

Like the DEIR Project, the Revised Project is currently envisioned to be implemented in two general phases: the first phase is expected to start construction within 6 months of project approvals (about fall 2004) with concurrent development on Site C, Site D, Site F1, Site F3, and

Site G. This would result in a maximum of approximately 570,000 gsf (excluding parking) for occupancy by early 2007. The project sponsor anticipates the duration of construction for the first phase of the proposed Revised Project as follows: 10 months for Site C, 20 months for Site D, and 24 months for Sites F1, Site F3, and Site G.

The second phase of the Revised Project, development on Pavilion 2, Water I Expansion, 66 Franklin, and Site F2 (totaling a maximum of approximately 227,000 gsf excluding parking) would be constructed in stages over subsequent years, with occupancy by year 2020 or before. The project sponsor anticipates the duration of phase two construction as follows: 18 months for Pavilion 2, 10 months for Water I Expansion, 20 months for 66 Franklin, and 20 months for Site F2.

As in the DEIR, the analysis of the Revised Project incorporates the timing of the two phases as follows:

- By year 2005: includes Phase I
- By year 2025: includes Phases I and II

The DEIR assessed each project site area for potential impacts during and after construction and identified potential impacts in these areas. The phasing of the Revised Project is consistent with DEIR Project, and where relevant, the effects of the Revised Project on the impacts identified in the DEIR are discussed in the Chapter III of this FEIR, Environmental Effects of the Revised Project.

### C. PROJECT OBJECTIVES

The project objectives for the Revised Project (which are the same as for the DEIR Project, with the removal of objectives concerning residential uses) are as follows:

#### General Objectives

- To fulfill the General Plan Land Use and Transportation Element’s (LUTE) (Oakland Community and Economic Development Agency Planning Department, 1998) goals and objectives for the waterfront and Jack London Square, including to “develop and encourage mixed use areas along the estuary shoreline, while enhancing and promoting economic opportunities in Oakland which take advantage of the waterfront’s unique character to attract public uses and activities” and to ensure that development along the estuary shore reflects “higher intensity mixed use activities and areas at Jack London Square.”
- To fulfill the goals and objectives of the Estuary Policy Plan component of the General Plan (Oakland Community and Economic Development Agency Planning Department, 1999), including to “provide for a broad mixture of activities within the Estuary area and for public activities that are oriented to the water;” “develop the Estuary area in a way that enhances Oakland’s long-term economic development;” “provide for the orderly transformation of land uses while acknowledging and respecting cultural and historical resources when applicable and feasible;” “create a clear and continuous system of public access along the Estuary shoreline;” “build on the successes of the area, create a stronger regional destination, and establish activity

centers that benefit the city as a whole;” and “punctuate the shoreline promenade with a series of parks and larger open spaces.”

- To provide an economically feasible, integrated, and cohesive redevelopment project that includes timely phasing and construction of improvements, increasing the number of locally available jobs, and the ability to attract capital investment.
- To create and maximize additional revenues in the form of sales and use taxes to contribute to the local economy including the City of Oakland and the Oakland Redevelopment Agency.
- To secure entitlements encompassing a defined variety in the configuration and mix of uses to provide the project sponsor with the flexibility to respond to evolving market demands as the development proceeds.
- To provide certainty in laws, plans, regulations and fees during the development and use of the project, which is a large-scale, multi-phase undertaking that will require major monetary investments.

Uses

- To aggregate attractive retail and entertainment uses at appropriate intensities to enhance Jack London Square’s reputation as an exciting urban waterfront location that is convenient to a variety of modes of transportation, thereby creating an economically self-sustaining and regionally competitive destination.
- To provide lodging and amenities for the enjoyment and convenience of both visitors to Oakland and Oakland residents.
- To create additional office space in order to expand the daytime customer base for existing and new retailers and restaurants.

Site Planning

- To provide infill development in furtherance of smart growth principles.
- To redevelop current underutilized areas and surface parking lots of the project area.
- To create a visually compelling streetscape that integrates the new development with the waterfront, surrounding districts and historic elements of the area, including Heinold’s First and Last Chance Saloon.
- To provide new permanent open space areas and extend pedestrian walkways along the estuary in order to meet the passive recreational needs of local residents and visitors, and to complement the existing and proposed surrounding urban fabric while enhancing the waterfront access experience for visitors and employees to the area.
- To retain and enhance the outdoor area at the foot of Broadway as a gathering place for the City and as a place to hold special events.
- To provide sufficient well-located parking and loading spaces to meet projected visitor demand and operational needs.
- To preserve view corridors of the estuary throughout Jack London Square.

## D. APPROVAL PROCESS AND PLANNING CONSIDERATIONS

The Revised Project requires the same project approvals and considerations as discussed in the DEIR, starting on page III-11.

As identified on page III-12 of the DEIR, the project would include approval of a Planned Unit Development (PUD), which consists of a preliminary development plan (PDP) and a final development plan (FDP). As previously explained, the PDP application for both the DEIR Project and the Revised Project includes a matrix of “variants” for the nine proposed development sites and represents the maximum limit of development (in terms of uses and volume) that could be built on each site. The detailed characteristics of each variant for each site for the Revised Project is provided in Appendix B. Dimensioned plans, elevations, and an axonometric line drawing for each site is provided in Appendix C. Although the PDP sets a maximum development envelope for each site, the project sponsor would be permitted to build a smaller development within the maximum envelope for each site. Each site development would ultimately be limited by the Final Development Plan approved for that site, as discussed below.

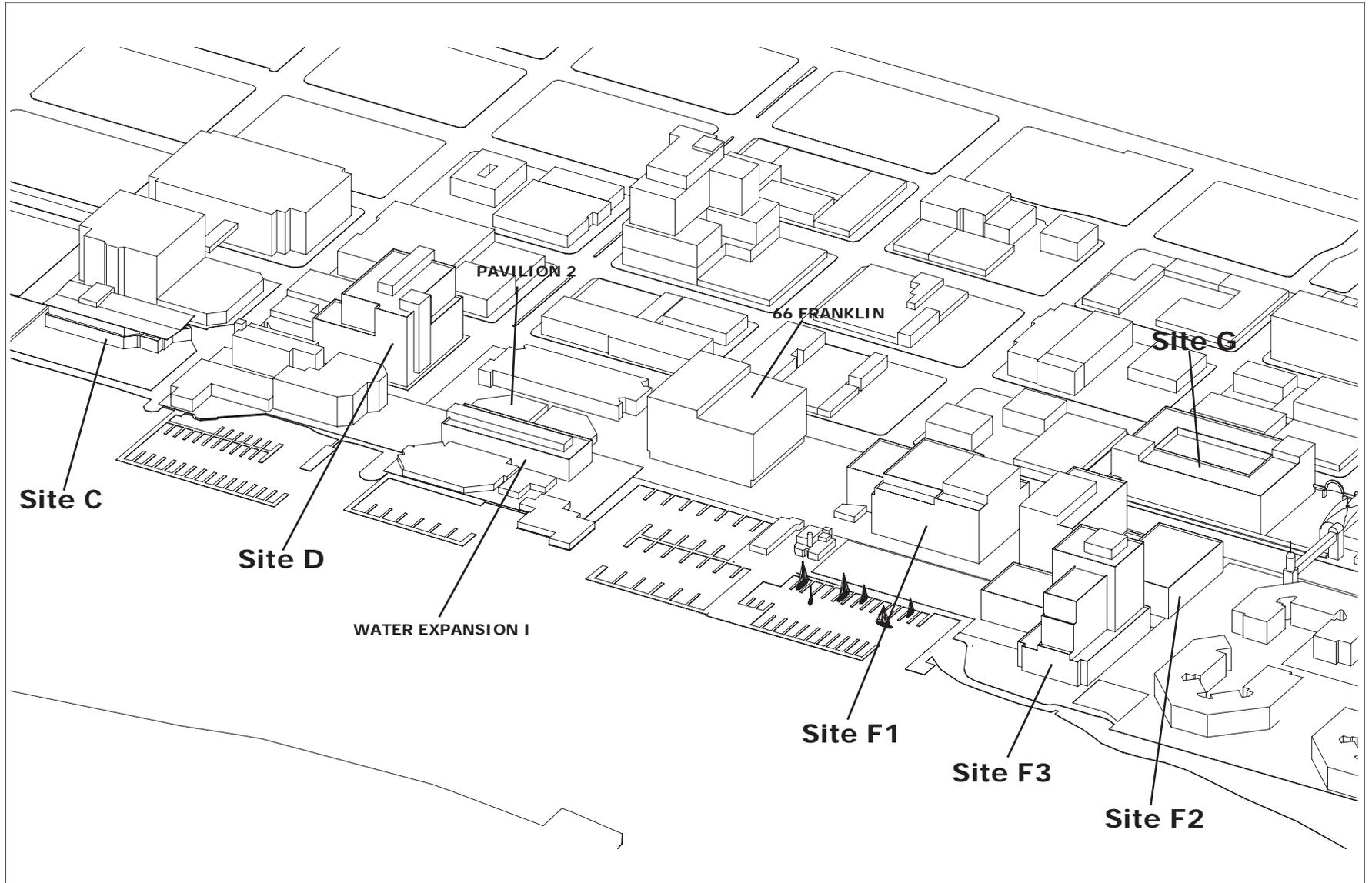
The February 2004 PDP application is essentially the Revised Project (it represents the physical nature of the Revised Project), and since it is the maximum that can be built, it is what the FEIR analyzes. This ensures that the FEIR presents the most conservative analysis and comprehensively covers the project in terms of potential environmental impacts.

On February 6, 2004, the project sponsor submitted to the City “Final Development Plan (FDP)” applications for eight of the nine proposed development sites. The FDP applications include the most detailed level of development plans submitted to date for the project. Each of the FDP applications depict buildings that are within (smaller than) the respective PDP building envelopes analyzed by the FEIR for the Revised Project. Therefore, again, the FEIR analyzes the PDP (or Revised Project) to capture the maximum possible environmental impacts, including any that could potentially result from the relatively smaller FDP applications.

The project sponsor is also currently seeking a Development Agreement (DA), which is a contract between the City of Oakland and the project sponsor that would govern and establish the rules for implementation of the project. The DA would allow a 15 year vesting of the other applied-for approvals (such as the conditional use permit, variance, design review, and planned unit development). Because this FEIR addresses the “worst-case,” (*i.e.*, environmental impacts happening as soon as possible, rather than as late as possible), the 15-year vesting period does not increase the environmental impacts of the Revised Project beyond those identified for the DEIR Project or in this document for the Revised Project. Also, the DA would require a “minimum project” to be built within a defined time period. This minimum project would be much smaller than the Revised Project studied in this FEIR. Therefore, the minimum project feature of the DA also would not alter or increase the environmental impacts of the Revised Project beyond those identified in this document.

This FEIR does not modify the DEIR text so as to “insert” the Revised Project description or supplant the DEIR analysis where it would be altered by the Revised Project. For example, the

DEIR discussed how the DEIR Project proposed a new building immediately adjacent to the historic Heinold's First and Last Chance Saloon. This FEIR does not modify that DEIR text to reflect that the Revised Project would not be immediately adjacent to the Heinold's structure. The description and analysis of the DEIR Project is intended to be included as a part of this EIR. This approach ensures that the information concerning the impacts of the project as originally proposed compared to the impacts of the Revised Project is fully available to the public and the decision-makers. Essentially, the Revised Project is treated as a new project alternative, albeit one that is now favored and proposed by the project sponsor. The development of the Jack London Square Redevelopment project will be limited by the Preliminary Development Plan (PDP), will be limited as well by the Final Development Plans (FDPs), any Development Agreement (DA), and other entitlements that are ultimately approved by the City Planning Commission and City Council. The PDP, FDPs, and the DA for the Revised Project currently being considered by the City propose and address a project that is somewhat smaller than the DEIR Project. Thus, although the DEIR Project is included within this FEIR, if the Revised Project were approved, the DEIR Project could not be pursued without submittal, review, and approval of a revised PDP application, FDP applications, relevant discretionary permits, and the negotiation and approval of a new or revised DA.

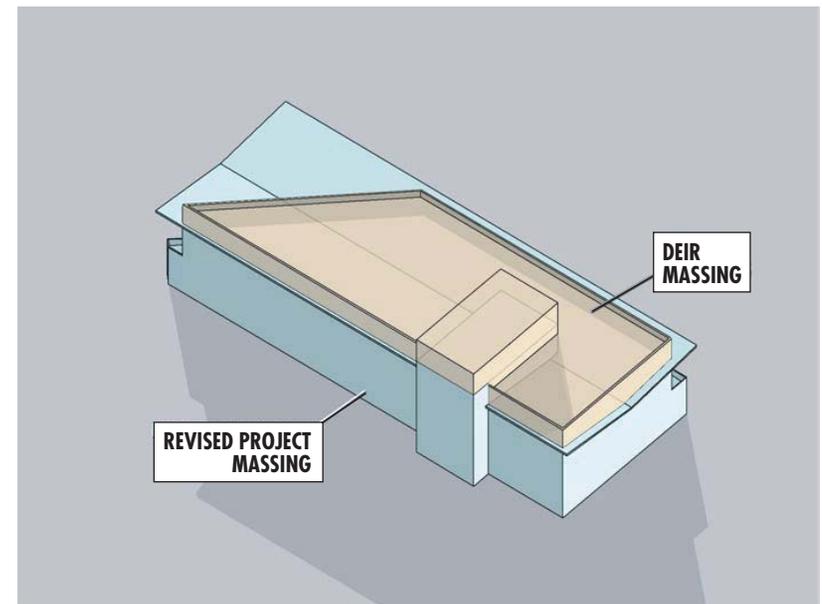
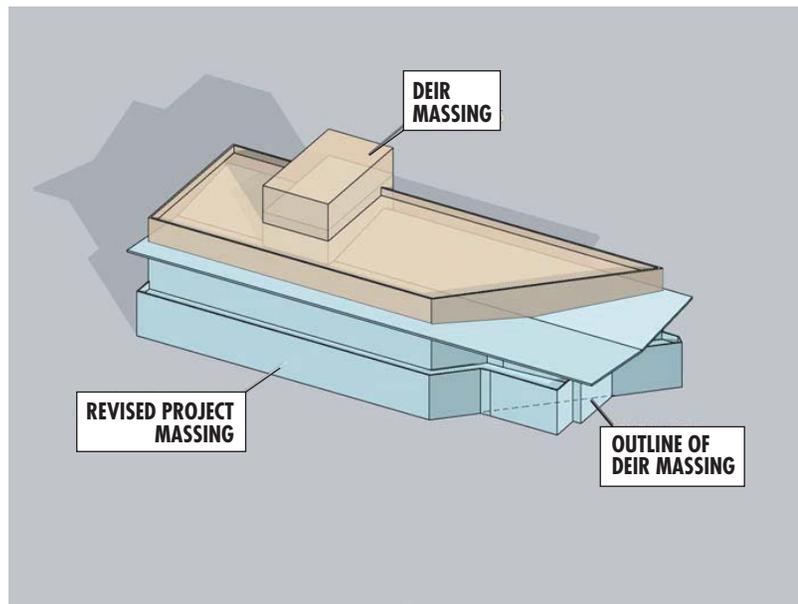


SOURCES: Jack London Square Partners, LLC / HOK Inc.

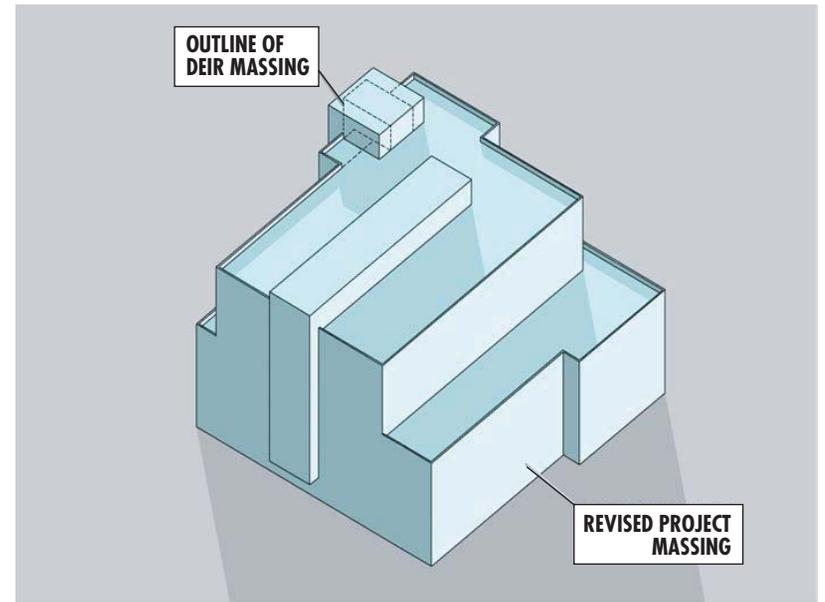
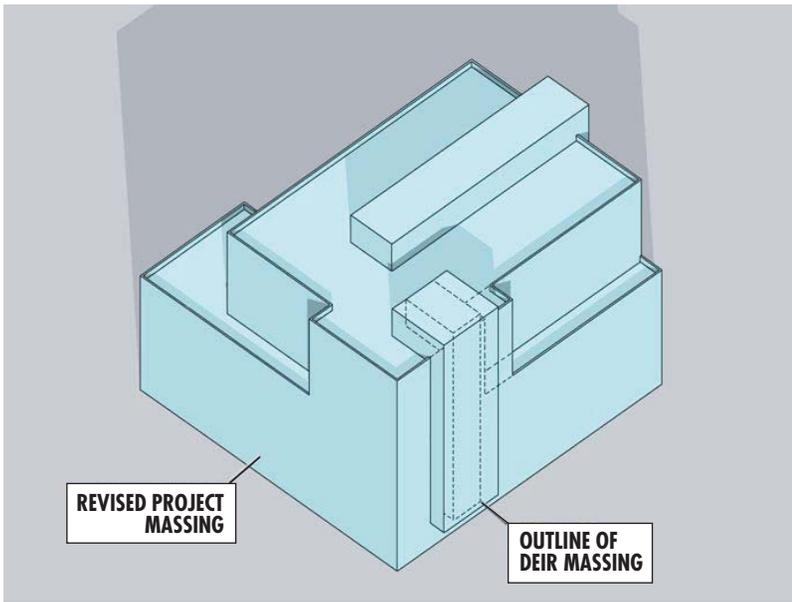
Jack London Square Redevelopment Project / 202601 ■

**Figure II-2**  
Axonometric – Revised Project Site Area

Site C  
Axonometric

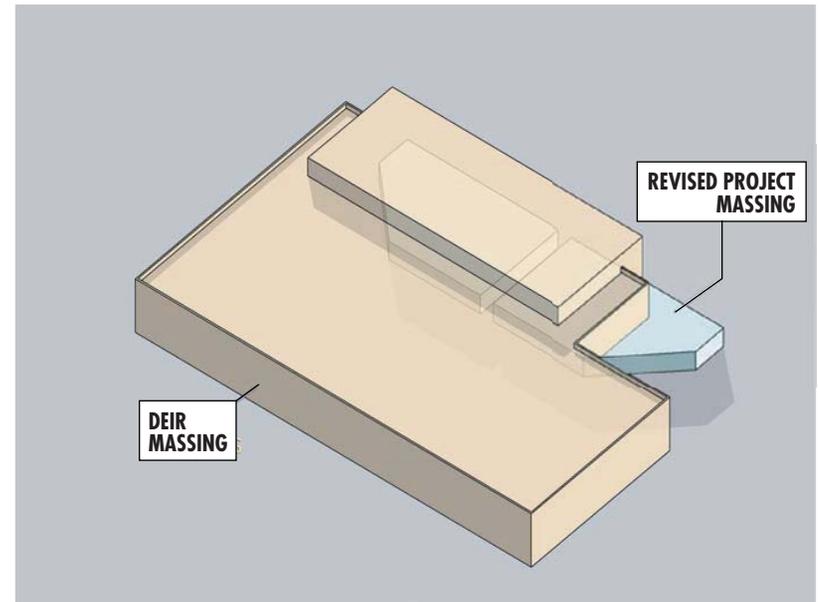
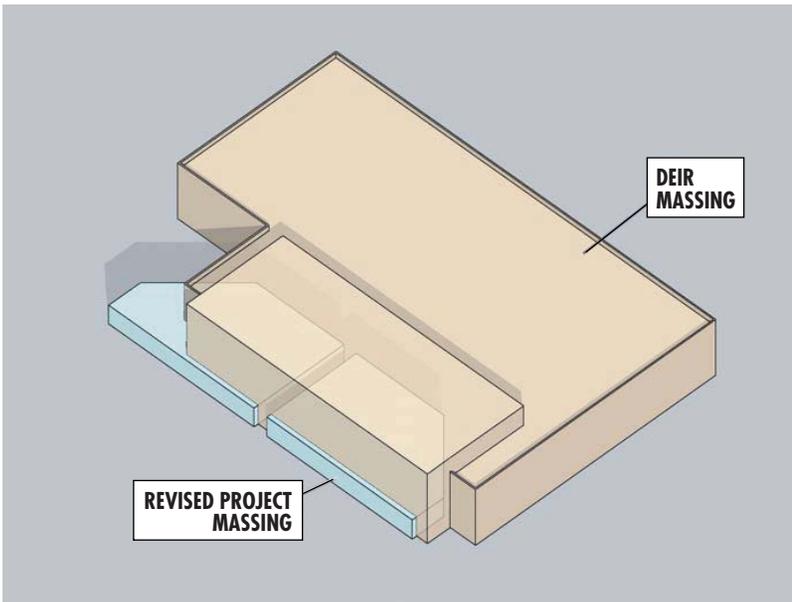


Site D  
Axonometric

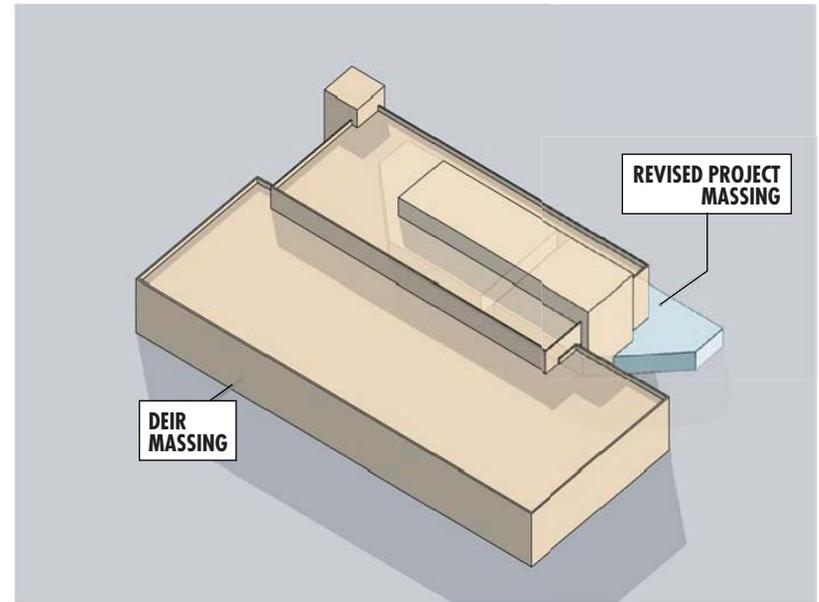
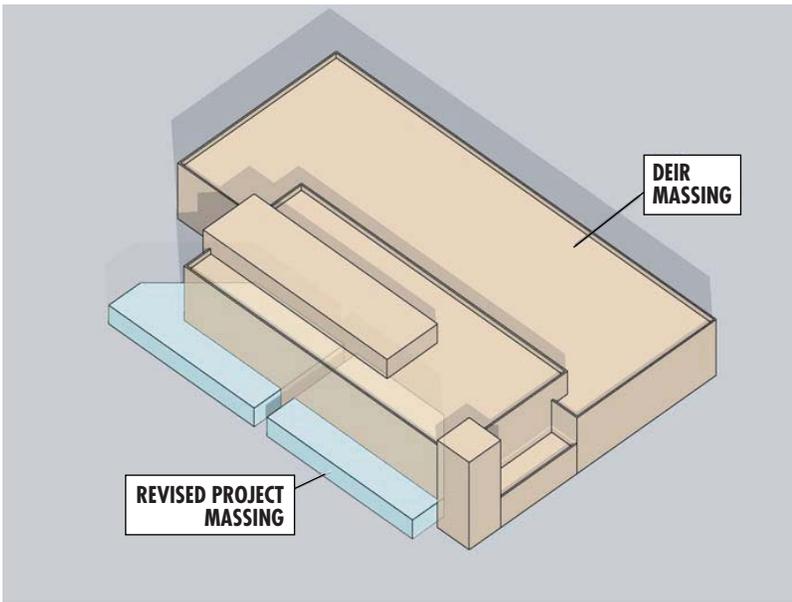


## Pavilion 2

Axonometric

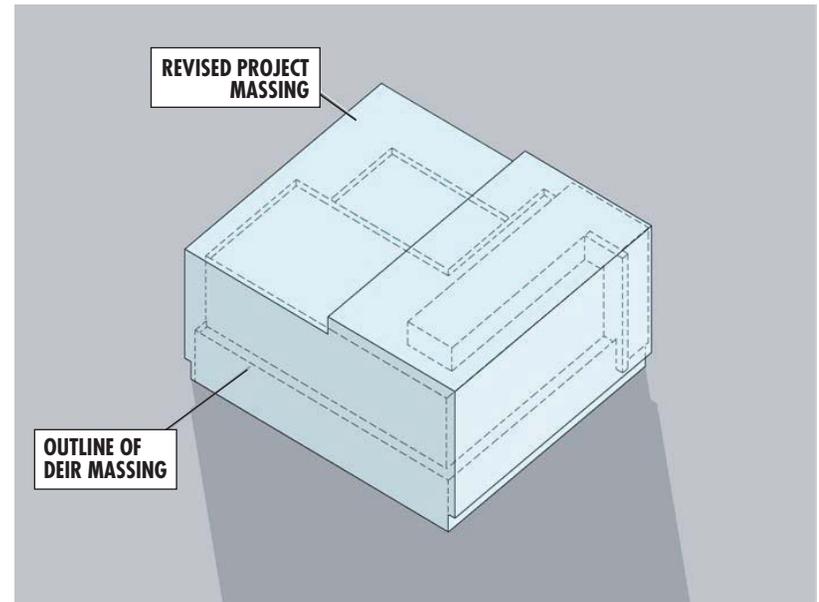
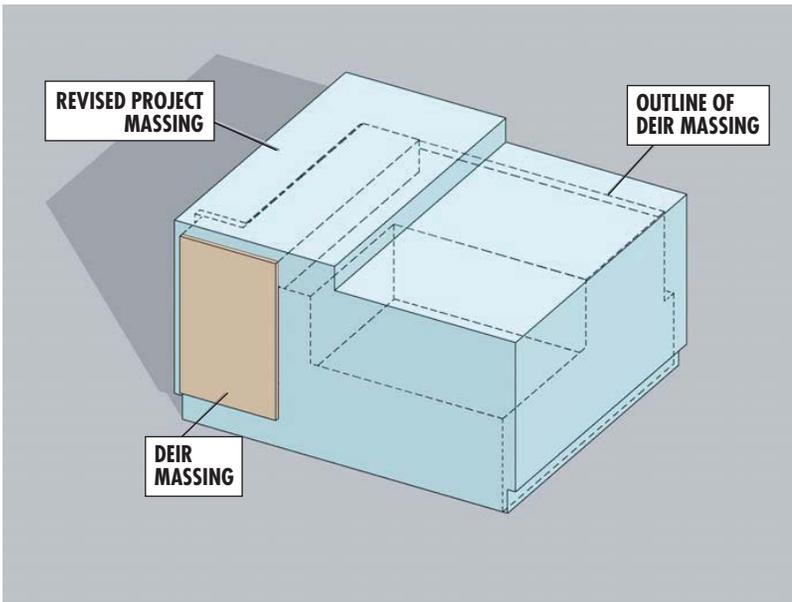


## Pavilion 2 Axonometric



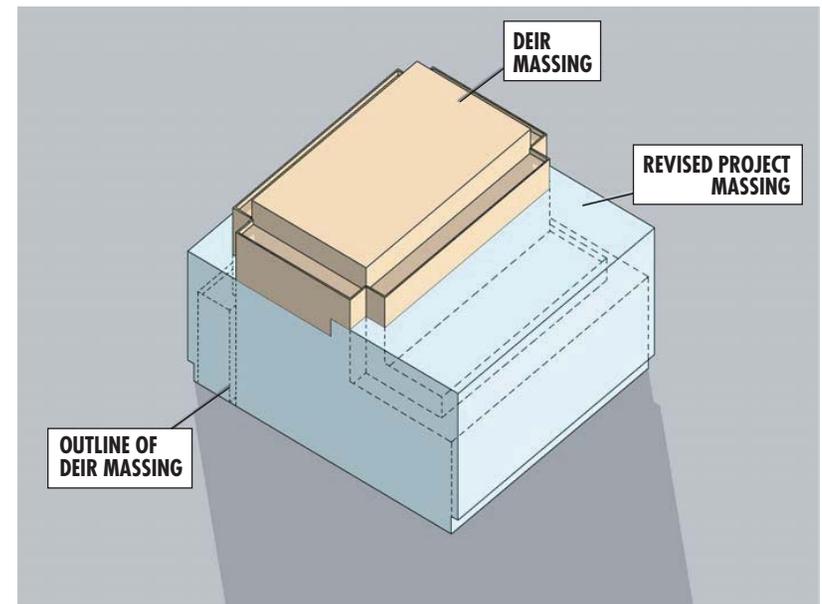
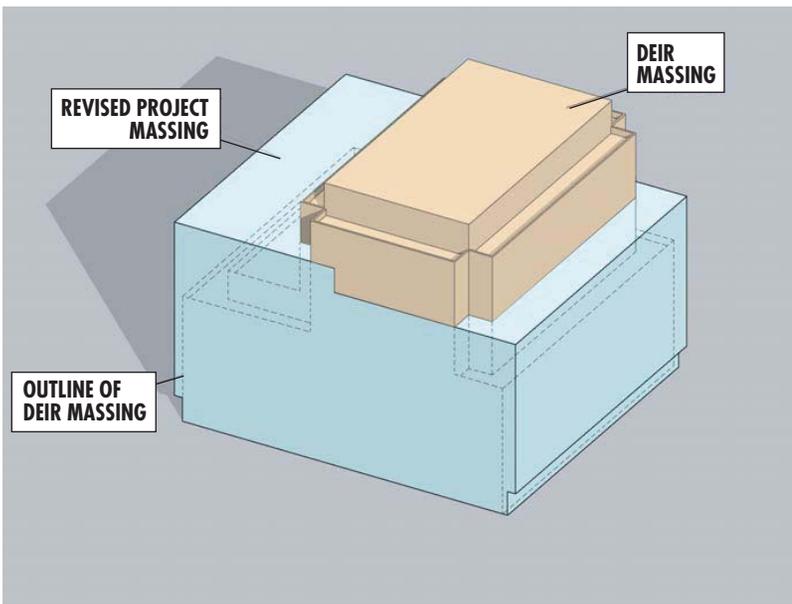
# 66 Franklin

Axonometric



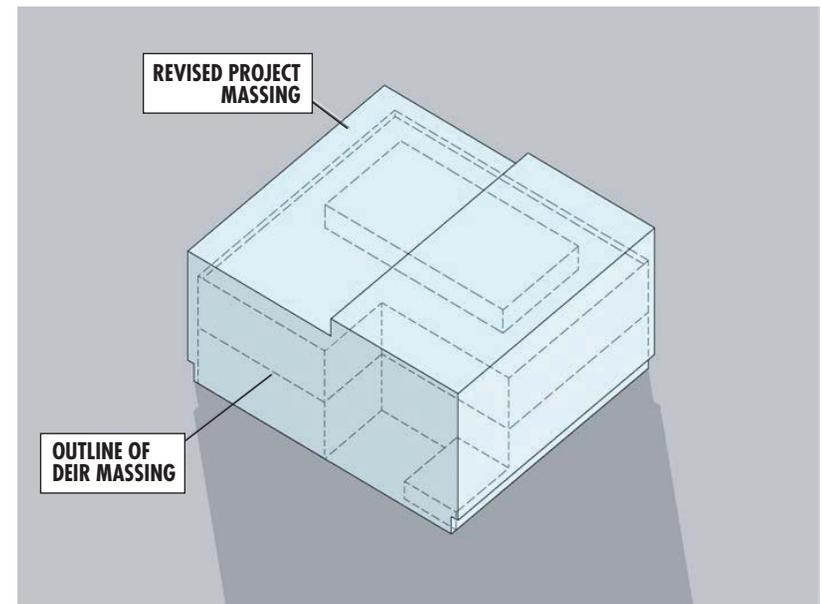
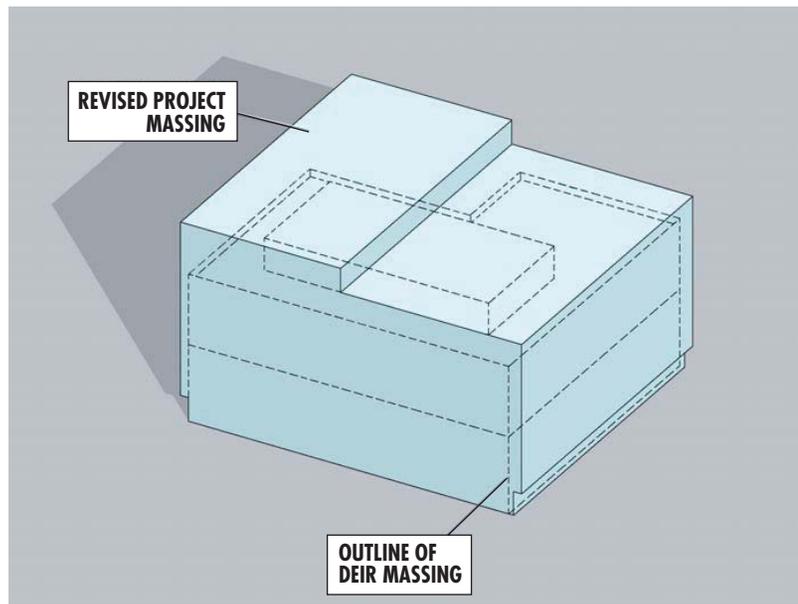
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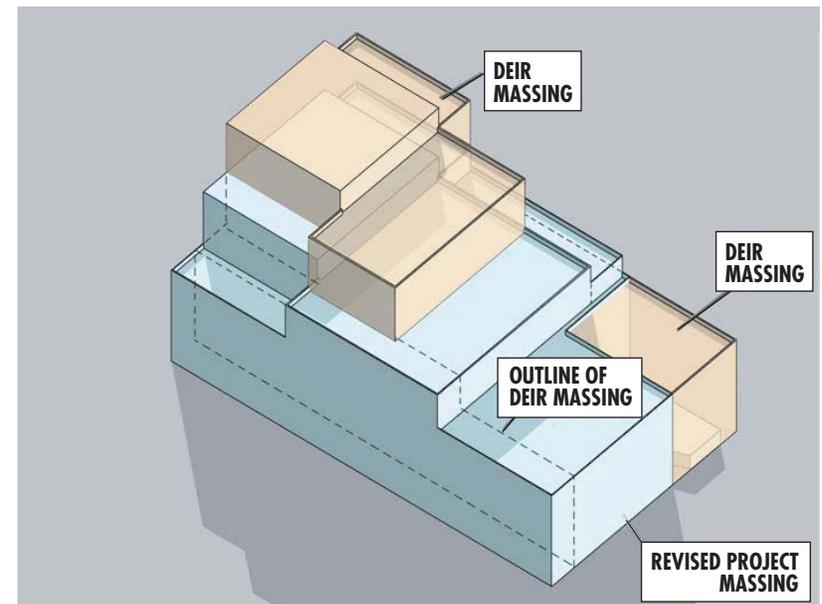
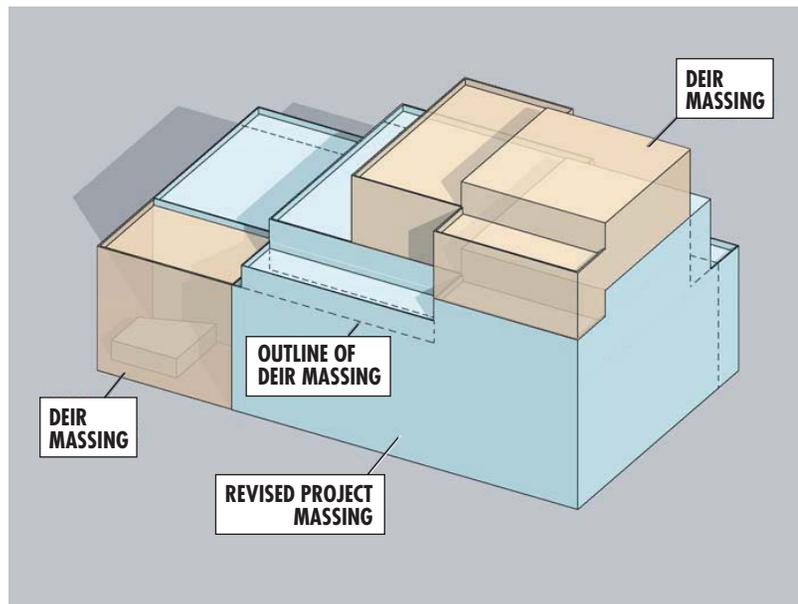
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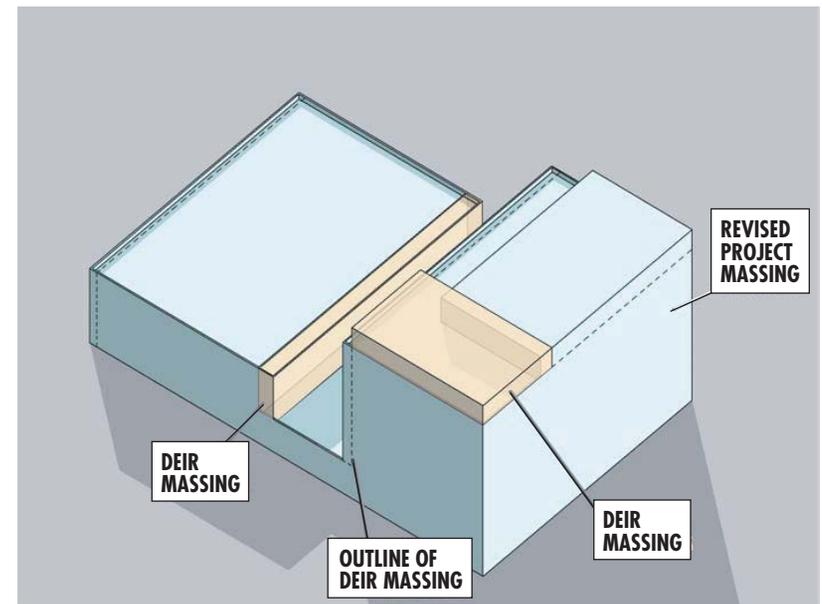
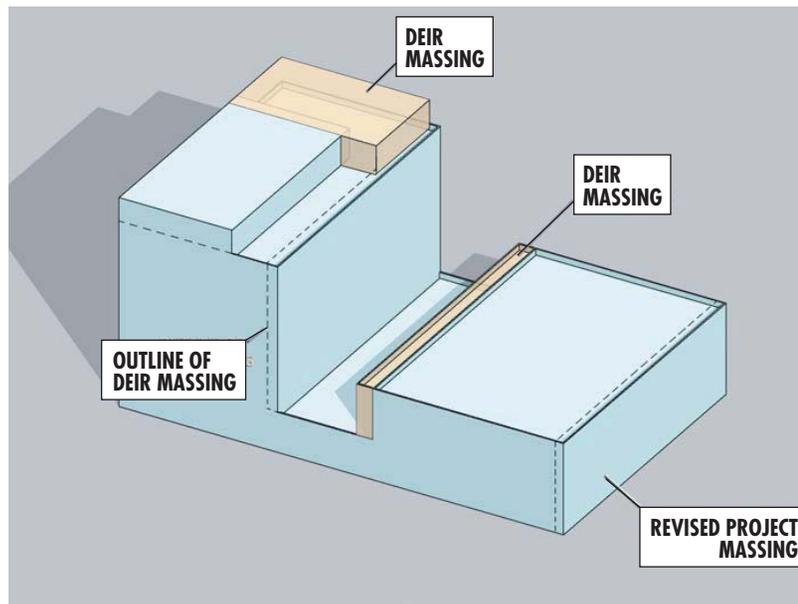


# Site F1

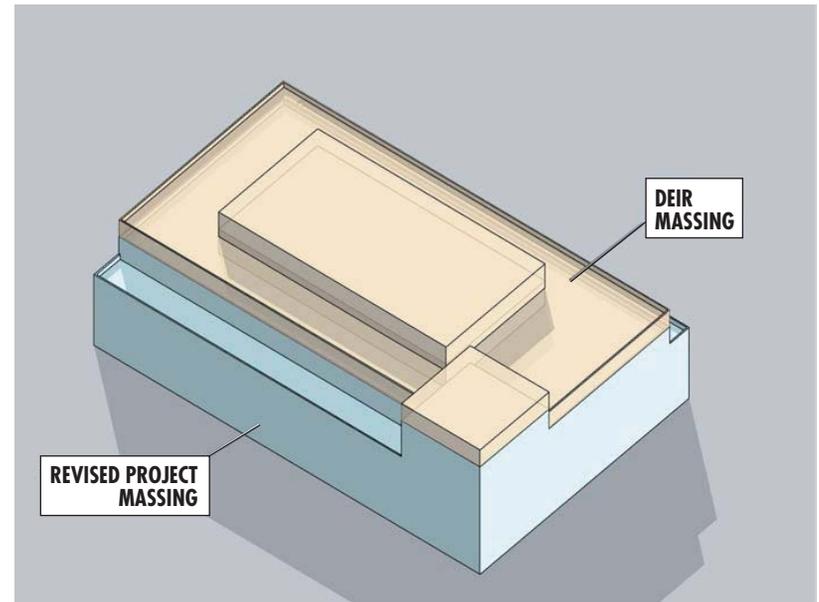
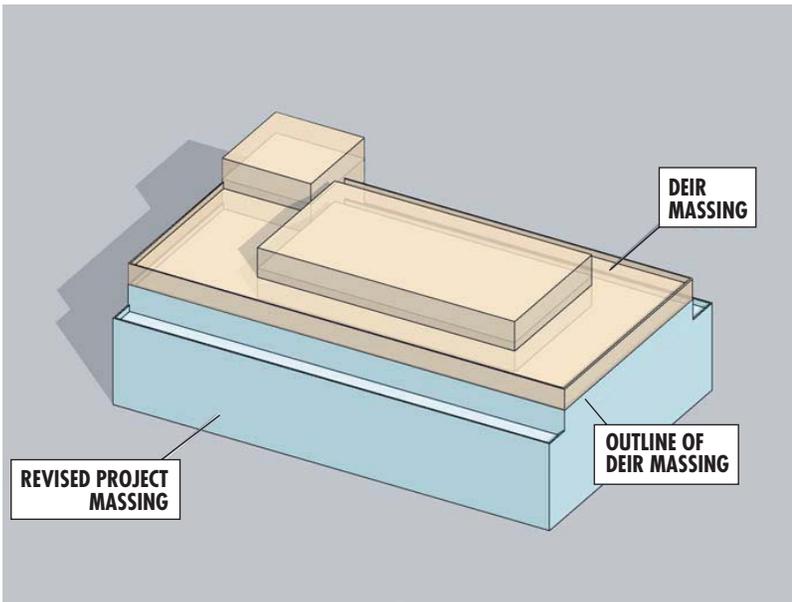
Axonometric



Site F2  
Axonometric

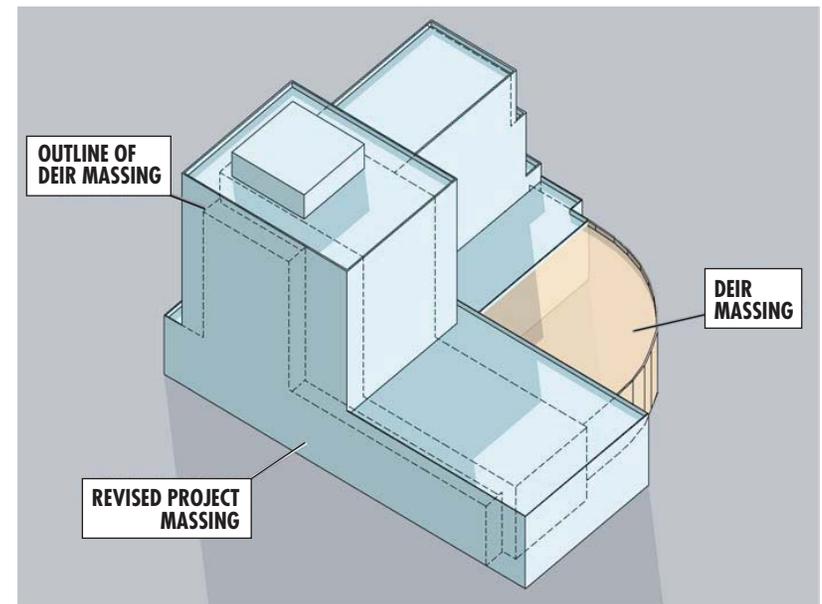
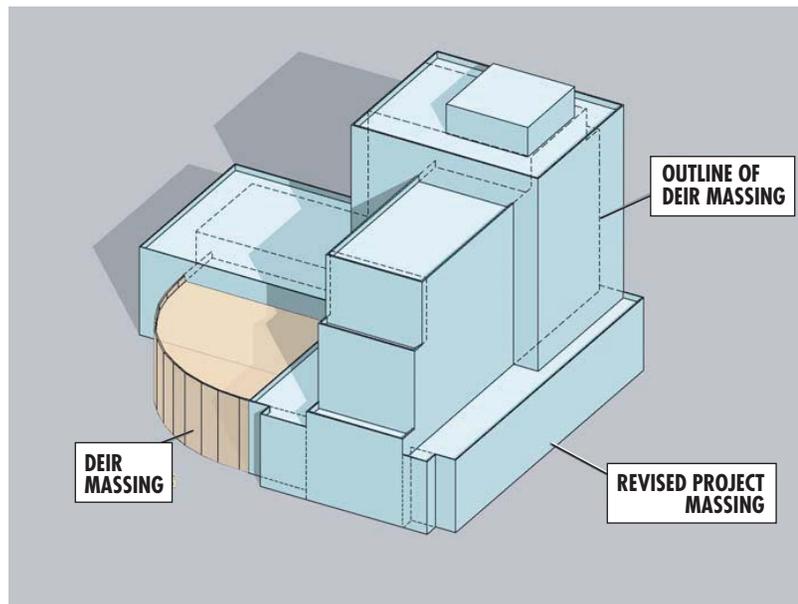


Site F2  
Axonometric



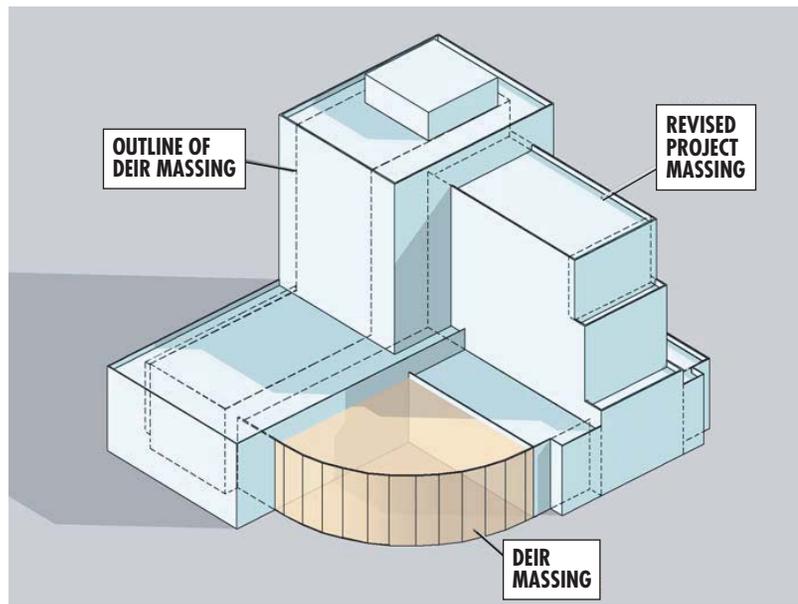
# Site F3

Axonometric

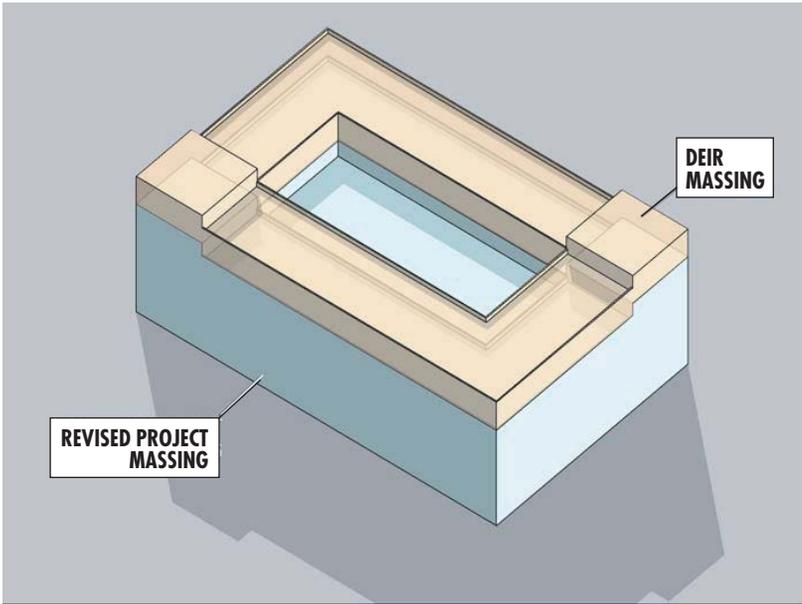
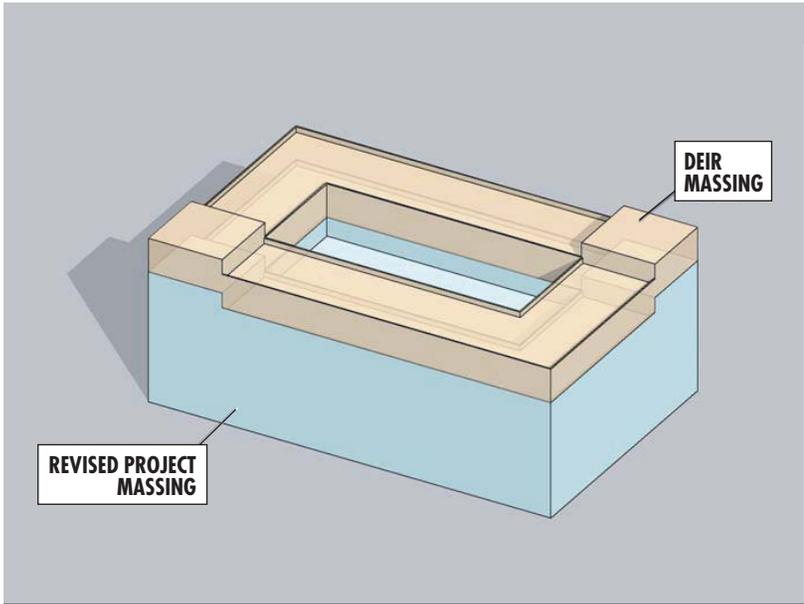


# Site F3

Axonometric



Site G  
Axonometric



SOURCES: Jack London Square Partners, LLC / HOK Inc.

**Figure II-14**  
Revised Project (Variant 0) vs. DEIR Project (Variant 1)

# CHAPTER III

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## ENVIRONMENTAL EFFECTS OF THE REVISED PROJECT

### A. REVISED PROJECT ENVIRONMENTAL EFFECTS

The Revised Project would have the same or fewer impacts than those identified and analyzed in the Draft EIR (DEIR) for the project as originally proposed (the DEIR Project), and also fewer than for the Modified Development Alternative analyzed in the DEIR. Below is a summary analysis of the potential impacts of the Revised Project and how some of the project's potential impacts would be reduced or otherwise altered by implementation of the Revised Project. In some instances, the analysis of project impacts or the language of mitigation measures have changed for the DEIR Project as a result of responses to comments contained in Chapter VII of this FEIR. In those cases, the comparison here between the Revised Project and the DEIR Project assumes those changes, and thus accounts for them in identifying impacts and mitigation measures for the Revised Project.

#### LAND USE, PLANS, AND POLICIES

The Revised Project would reduce the intensity of development originally proposed for the DEIR Project and would be compatible with and sensitive to the surrounding commercial uses. The Revised Project would be consistent with the Oakland General Plan, specifically the Estuary Policy Plan, as outlined in the DEIR, page IV.A-4 to top of page IV.A-21, and in the Modified Development Alternative analysis on page V-4 of the DEIR.

Similar to the Modified Development Alternative, by significantly reducing the scale and configuration of the retail development on the Pavilion 2 Site, the Revised Project would preserve most of the plaza in front of the existing Barnes and Noble store and provide direct access from Water Street by splitting the originally proposed Pavilion 2 building into two separate structures. This change to the Pavilion 2 building would make the Revised Project consistent with Estuary Plan Policies JL-1.2 (Intensify Phase I of Jack London Square) and JL-9, which pertains to creating active, pedestrian-friendly open plazas. Because residential uses would not be developed on Site G, the specific policies that pertain to the provision of new housing would no longer apply to the project, and though not inconsistent with any housing policies, the Revised Project would not achieve the construction of new housing (General Plan Objective N3) or contribute to a mixed use Jack London District that includes housing (Policy JL-5).

As with the DEIR Project, the Revised Project would conflict with the zoning regulations on Site F3, where the hotel use is prohibited by the R-80 Zone (but permitted within the General Plan/Estuary Policy Plan Area, WCR-1). As stated on page IV.A-25 of the DEIR, despite this

zoning conflict, the project could be undertaken upon approval of an “interim” conditional use permit or a rezoning to a “best fit” zone pursuant to the *Guidelines for Determining Project Conformity*. Other than the hotel on Site F3 in the R-80 Zone, the Revised Project would be consistent with the zoning regulations of the C-45 Commercial Shopping Zone (Site C, Site D, Pavilion 2, Water I Expansion, 66 Franklin, and Site F1), the R-80 High-Rise Apartment Residential Zone (Site F2), and the M-20/S-4 Light Industrial Zone/Design Review Combining (Site G). Nonetheless, as with the DEIR Project and the Modified Development Alternative, the project sponsor would continue to request a rezoning to the C-45 Community Shopping Zone for the entire project area. As discussed in the DEIR on page IV.A-33, after the proposed rezoning, all project uses would be permitted or conditional uses under the C-45 Zone, including the proposed hotel on Site F3.

The proposed uses, heights, and massing of the buildings, although slightly different in the Revised Project, would be compatible with the neighborhood. Most of the buildings proposed in the Revised Project would generally have the same or lower maximum allowed building height and the same or smaller maximum building footprint than those proposed in the DEIR Project. The previous statement is also true when comparing the Revised Project to the Modified Development Alternative analyzed in the DEIR.

Overall, the Revised Project would be consistent with the General Plan/Estuary Policy Plan and the zoning regulations, as well as the physical and use characteristics of the surrounding neighborhood. As a result, the Revised Project would not result in any new or more severe land use impacts than those studied in the DEIR.

## TRANSPORTATION, CIRCULATION, AND PARKING

Development under the Revised Project would result in the same, or in most cases, reduced impacts related to transportation, circulation, and parking than the DEIR Project and the Modified Development Alternative studied in the DEIR.

### ***TRIP GENERATION***

Phase 1 of the Revised Project would generate about 16,570 daily weekday vehicle trips, 860 trips during the AM peak hour and 1,860 trips during the PM peak hour. Those vehicle trip totals would be lower than the DEIR Project (*i.e.*, about 9 percent fewer per day, about 28 percent fewer during the AM peak hour, and about 15 percent fewer during the PM peak hour). At buildout (Phase 1 plus Phase 2), the Revised Project would generate about 20,424 daily weekday vehicle trips, 1,485 trips during the AM peak hour and 2,550 trips during the PM peak hour. Those trip totals likewise would be lower than buildout of the DEIR Project (*i.e.*, about 18 percent fewer per day, about 14 percent fewer during the AM peak hour, and about 16 percent fewer during the PM peak hour). The lower trip generation would reduce, proportionately, project effects on area roadways and intersections. However, with one exception, the significant (but mitigable, except at the 5th Street and Broadway intersection during the PM peak hour) project impacts at the area intersections under Phase 1 (2005) and Buildout (2025) conditions

(Impacts B.1 and B.2) would occur under the Revised Project. The project impact at the unsignalized Embarcadero and Broadway intersection during the PM peak hour under Buildout (2025) conditions (Impact B.2a), which would be significant but mitigable with the DEIR Project, would be less than significant with the Revised Project - a reduction that would not have occurred even under the reduced Modified Development Alternative. Also, with one exception, the significant (but mitigable, except at the intersections of 5th Street / Broadway and 5th/Oak Streets at the I-880 Southbound On-Ramp during the PM peak hour) cumulative impacts at the area intersections under 2025 conditions (Impact B.3) would occur under the Revised Project. The cumulative impact at the signalized 3rd Street and Broadway intersection during the PM peak hour under Buildout (2025) conditions (Impact B.3d), which would be significant but mitigable with the DEIR Project, would be less than significant with the Revised Project - a reduction that would not have occurred even under the reduced Modified Development Alternative. Tables III-1 and III-2 present changes in weekday levels of service (and average vehicle delay) due to Revised Project-generated traffic at the study intersections where the DEIR identified significant impacts for the DEIR project under short-term (2005) and long-term (2025) conditions, respectively. (These tables are subsets of DEIR Tables IV.B-12 and IV.B-14.)

**TABLE III-1  
2005 WEEKDAY AM AND PM PEAK HOUR INTERSECTION  
LEVEL OF SERVICE (LOS) – REVISED PROJECT**

Traffic No.	Intersection	Traffic Control	AM Peak Hour				PM Peak Hour			
			Baseline		With Revised Project		Baseline		With Revised Project	
			LOS	Delay	LOS	Delay	LOS	Delay	LOS	Delay
#4009	Embarcadero & Oak Street	TWSC	B	12.5	C	20.1	C	15.7	<b>F</b>	<b>&gt;120</b>
#4266	Embarcadero & 5th Avenue	AWSC	C	22.3	D	26.1	D	27.9	<b>F</b>	<b>50.7</b>
#4002	3rd Street & Broadway	Signal	B	11.2	B	13.9	C	29.1	<b>F</b>	<b>&gt;120</b>
#4011	3rd Street & Oak Street	AWSC	B	10.0	B	11.7	B	13.1	<b>F</b>	<b>55.3</b>
#4003	5th Street & Broadway	Signal	C	27.5	C	28.6	F	* <sup>a</sup>	<b>F</b>	* <sup>a</sup>

<sup>a</sup> See text on DEIR pages IV.B-6 and IV.B-9 about how field observations show substantially worse LOS than calculated LOS under existing conditions.

Note: The LOS and delay for Side-Street Stop intersections represent the worst movement or approach; all others represent overall intersection. Significant impacts are denoted in **Bold** typeface.

SOURCE: Dowling Associates, Inc.

**PARKING DEMAND**

In addition, the Revised Project would generate a lower parking demand, and would provide more off-street parking spaces, than the DEIR Project and the Modified Development Alternative, resulting in a smaller parking space shortfall than the DEIR Project and the Modified Development Alternative. As shown in Table III-3, on the basis of anticipated instances of shared parking under project conditions, Phase 1 of the Revised Project would generate a peak demand for about 2,104 parking spaces (weekday) and about 2,738 spaces (weekend), and buildout of the Revised Project would generate a peak demand for about 2,676 parking spaces (weekday) and about 3,250 spaces (weekend). The parking demand totals for the Revised Project would be about 12 to 16 percent lower than the DEIR Project under Phase 1, and about 18 to 21 percent lower under buildout of the DEIR Project. By comparison, parking demand under the Modified Development Alternative would be about 10 percent lower under the Phase 1 DEIR Project, and about 15 percent lower under buildout of Phases 1 and 2 of the DEIR Project (as stated on page V-4 of the DEIR). The proposed provision of off-street parking spaces would be 343 spaces higher than for the DEIR Project and would result in a lower unmet demand than under the proposed project (*i.e.*, about 36 to 57 percent lower under Phase 1, and about 57 to 74 percent lower than under buildout of Phases 1 and 2). The effects of the unmet demand would be mitigated under the Revised Project by implementation of the same measures required of the project applicant under the DEIR Project.

**TABLE III-2  
2025 WEEKDAY AM AND PM PEAK HOUR INTERSECTION  
LEVEL OF SERVICE (LOS) – REVISED PROJECT**

Traffic No.	Intersection	Traffic Control	AM Peak Hour				PM Peak Hour			
			Baseline		w/ Project		Baseline		w/ Project	
			LOS	Delay	LOS	Delay	LOS	Delay	LOS	Delay
#4001	Embarcadero & Broadway	AWSC	B	11.8	B	14.8	C	15.4	E	46.5
#4014	Embarcadero & Webster	TWSC	B	12.9	C	23.2	C	15.2	<b>F</b>	<b>&gt;120</b>
#2071	3rd Street & Market Street	TWSC	D	26.6	D	32.6	D	29.2	<b>F</b>	<b>79.1</b>
#4002	3rd Street & Broadway	Signal	B	12.3	B <sup>a</sup>	13.6	F	>120	E <sup>a</sup>	67.9
#4010	5th Street & Market Street	Signal	D	49.7	D	54.2	F	91.4	<b>F</b>	<b>&gt;120</b>
#4003	5th Street & Broadway	Signal	F	114.3	C <sup>a</sup>	27.1	F	* <sup>b</sup>	<b>F</b>	* <sup>b</sup>
#4007	5th St./I-880SB On-ramp & Oak	Signal	B	11.5	B	16.6	D	51.8	<b>F</b>	<b>&gt;120</b>
#456	7th Street & Market Street	Signal	F	>120	<b>F</b>	<b>&gt;120</b>	F	111.3	<b>F</b>	<b>102.2</b>

<sup>a</sup> Mitigation measures required for impacts in 2005 are assumed to be in-place under 2025 “with project” conditions

<sup>b</sup> See text on DEIR pages IV.B-6 and IV.B-9 about how field observations show substantially worse LOS than calculated LOS under existing conditions.

Note: The LOS and delay for Side-Street Stop intersections represent the worst movement or approach; all others represent overall intersection. Significant impacts are denoted in **Bold** typeface.

SOURCE: Dowling Associates, Inc.

**TABLE III-3  
SUMMARY OF PROJECT PARKING DEMAND AND SUPPLY – REVISED PROJECT**

	Phase 1						Phase 2						Buildout (Phase 1 plus Phase 2)					
	Weekday			Weekend			Weekday			Weekend			Weekday			Weekend		
	West of B'way	East of B'way	JLS Total	West of B'way	East of B'way	JLS Total	West of B'way	East of B'way	JLS Total	West of B'way	East of B'way	JLS Total	West of B'way	East of B'way	JLS Total	West of B'way	East of B'way	JLS Total
<b>Parking Demand</b>																		
Project Uses	892	1,223	2,115	1,043	1,528	2,571	0	638	638	0	506	506	892	1,861	2,735	1,043	2,034	3,077
Displaced Spaces																		
Site C	74			74									74			74		
Site D	54			54									54			54		
Site F1		140			200									140			200	
Site F2		0			0			0			90			0			90	
Site G		46			46									46			46	
<i>Total Displaced</i>	<i>128</i>	<i>186</i>	<i>314</i>	<i>128</i>	<i>246</i>	<i>374</i>	<i>0</i>	<i>0</i>	<i>0</i>	<i>0</i>	<i>90</i>	<i>90</i>	<i>128</i>	<i>186</i>	<i>314</i>	<i>128</i>	<i>336</i>	<i>464</i>
Shared Parking <sup>a</sup>	-173	-152	-325	-54	-152	-207	0	-66	-66	0	-84	-84	-173	-219	-392	-54	-236	-290
<b>Total Demand</b>	<b>847</b>	<b>1,257</b>	<b>2,104</b>	<b>1,116</b>	<b>1,622</b>	<b>2,738</b>	<b>0</b>	<b>572</b>	<b>572</b>	<b>0</b>	<b>512</b>	<b>512</b>	<b>847</b>	<b>1,829</b>	<b>2,676</b>	<b>1,116</b>	<b>2,134</b>	<b>3,250</b>
<b>Parking Supply</b>																		
Site G		1,086			1,086									1,086			1,086	
Site F2		100			100			550			550			550			550	
Washington Garage	350			250									350			250		
<b>Total Supply</b>	<b>350</b>	<b>1,186</b>	<b>1,536</b>	<b>250</b>	<b>1,186</b>	<b>1,436</b>	<b>0</b>	<b>550</b>	<b>550</b>	<b>0</b>	<b>550</b>	<b>550</b>	<b>350</b>	<b>1,636</b>	<b>1,986</b>	<b>250</b>	<b>1,636</b>	<b>1,886</b>
<b>Unmet Demand</b>	<b>497</b>	<b>71</b>	<b>568</b>	<b>866</b>	<b>436</b>	<b>1,302</b>	<b>0</b>	<b>22</b>	<b>22</b>	<b>0</b>	<b>-38</b>	<b>-38</b>	<b>497</b>	<b>193</b>	<b>690</b>	<b>866</b>	<b>498</b>	<b>1,364</b>

<sup>a</sup> Shared parking is defined as parking spaces that can be used to serve two or more individual land uses without conflict or encroachment. For example, a user of the project's office space could use a parking space during the day, and a theater patron could use that same parking space during the evening/night when the office space would be vacant. The amount of shared parking shown in this table was estimated based on information in *Shared Parking*, a publication by the Urban Land Institute (ULI).

SOURCE: Dowling Associates, Inc.

As a result, for both Phase 1 and the full buildout of Phases 1 and 2, the Revised Project would not worsen any transportation, circulation or parking impacts identified in Section IV.B of the DEIR, and in most cases, the impacts identified in the DEIR would be lessened. A significant but mitigable impact that would occur at the Embarcadero and Broadway intersection at full buildout of the DEIR Project would be reduced to less than significant with the Revised Project. A significant cumulative but mitigable impact that would occur at the 3rd Street and Broadway intersection at full buildout of the DEIR Project would be reduced to less than significant with the Revised Project.

**AIR QUALITY**

The Revised Project, similar to both the DEIR Project and the Modified Development Alternative, would result in a significant unavoidable impact to regional air quality as increases in ROG, NOx, and PM10 emissions associated with the Revised Project would be in excess of exceed the BAAQMD significance thresholds of 80 pounds per day (Impact C.2). In 2006, the Revised Project would generate 158 pounds per day of ROG, 128 pounds per day of NOx, and 92 pounds per day of PM10. Although the Revised Project would generate less pounds per day of ROG, NOx, and PM10 emissions than the DEIR Project, it would result in a significant unavoidable impact, similar to the DEIR Project and the Modified Development Alternative. Upon buildout in 2020, the Revised Project would also be similar to the DEIR Project, resulting in a significant unavoidable impact, due to the generation of 113 pounds per day of PM10 emissions (Impact C.5). With ROG emissions of 70 pounds per day, and NOx emissions of 51 pounds per day, the Revised Project (as was determined for the Modified Development Alternative) would not exceed significance thresholds, and thus would not have an unavoidable ROG impact as was identified for the DEIR Project. As a result, the Revised Project would have the same or fewer Air Quality impacts than either the DEIR Project or the Modified Development Project at Phase 1 and full buildout of Phase 1 and 2.

**TABLE III-4  
COMPARISON OF DEIR PROJECT AND REVISED PROJECT  
EMISSIONS (POUNDS PER DAY)**

Pollutant	DEIR Project		Revised Project	
	2006	2020	2006	2020
ROG	205	81	158	70
NO <sub>x</sub>	172	60	128	50
PM-10	132	131	92	113

SOURCE: Environmental Science Associates, 2004.

## NOISE

The Revised Project would result in similar noise impacts as those identified for the DEIR Project on page IV.D-10 through IV.D-17 in the DEIR, as well as those discussed for the Modified Development Alternative on page V-4 of the DEIR. Significant impacts involving temporary construction noise (Impact D.1) would continue to exist, since there is no change between the DEIR Project and the Revised Project in terms of project construction methods or the duration of construction activity. The DEIR Project would generate less than significant noise impacts involving operational and project-generated traffic noise (Impact D.2), both of which would also exist (and be less than significant) under the Revised Project. However, since there would be no residential uses proposed under the Revised Project, there would be no impact as a result of locating noise sensitive multifamily residential uses in a noise environment characterized as “normally unacceptable” for such uses by the City of Oakland. As a result, the Revised Project would not result in any new or more severe noise impacts than those studied in the DEIR. It would, in fact, reduce Impact D.3 by not constructing new residential uses in a noisy environment.

## CULTURAL RESOURCES

In the Revised Project, the building for Site F1 would be redesigned around Heinold’s First and Last Chance Saloon such that there would no longer be an enclosure of any kind around Heinold’s First and Last Chance Saloon, a historic resource. As such, the Revised Project implements the DEIR subalternative titled “Heinold’s First and Last Chance Saloon as a Separate Structure” (referred to in this FEIR as “Subalternative”) described on page V-12 in the DEIR. Like the Subalternative, the Revised Project would provide a physical space of at least 20 feet between Heinold’s and the new Site F1 building, and this would allow Heinold’s to be discerned more clearly as a separate structure.

The project sponsor has developed more detailed design presentations as an example of how the Revised Project would relate to Heinold's. These presentations show architectural treatments of the new structure, degree of setback, roof proportions, and design of ground treatments. Figure III-1 through Figure III-3 show an example solution where the Site F1 building could have open and transparent multi-storied architectural treatments on the façade closest to the Heinold’s structure and in the prominent central entry area. In addition, a plaza area and landscaping would be introduced around the historic structure, which would also better allow Heinold’s to be distinguished as an independent structure.

The DEIR determined in Section IV.E, Cultural Resources, that the DEIR Project, specifically the new construction on Site F1, would affect Heinold’s integrity related to its conveyance of design and feeling, one of seven aspects of integrity as outlined by the National Register. This was identified as a significant and unavoidable impact (Impact E.4) in the DEIR. Like the DEIR Project, the Revised Project would include a new Site F1 building that would be taller and more massive than the historic resource. However, like the pulled back Subalternative, and as discussed above, the new building would not be built up against and envelope the historic resource with only the front façade exposed, as was proposed with the DEIR Project.



SOURCES: Jack London Square Partners, LLC / HOK Inc.

Jack London Square Redevelopment Project / 202601 ■

**Figure III-1**

Model of Example Solution – Heinold’s and New Site F1 Building (South Elevation)



SOURCES: Jack London Square Partners, LLC / HOK Inc.

Jack London Square Redevelopment Project / 202601 ■

**Figure III-2**

Model of Example Solution – Heinold’s and New Site F1 Building (Southwest Elevation)



SOURCES: Jack London Square Partners, LLC / HOK Inc.

Jack London Square Redevelopment Project / 202601 ■

**Figure III-3**

Model of Example Solution – Heinold's and New Site F1 Building (West Elevation)

Additionally, under the Revised Project, no structural work would be undertaken on the interior of the historic building, nor would the triangular private office and storage space on the north side of Heinold's be demolished (Impact E.5). The historic resource's conveyance of its historic design and feeling of a stand alone, one-story structure would no longer substantially be diminished. In addition, the Revised Project's new construction would not affect the two sides, the back exterior wall, or the roof of the resource. In addition, the signs located above the roof line of Heinold's would remain.

The construction of the proposed building on Site F1 under the Revised Project would not adversely affect the integrity related to design and feeling of the historic resource. Since the Revised Project would implement the Subalternative that maintains the historic resource as a separate structure, there would be a less than significant impact in this respect, as opposed to the significant and unavoidable impact found in the DEIR Project. Similarly, the Revised Project would no longer adversely affect the historic resource's integrity related to materials and workmanship. The new construction would not affect the resource's ability to be an example of the modest wood-frame structure common to its early days of the Oakland waterfront, thus Impact E.4 (DEIR page IV.E-22) resulting with the DEIR Project would be eliminated.

Other significant and potentially significant impacts on cultural resources identified in the DEIR would result under the Revised Project. These include potentially significant impacts on archeological and paleontological resources (Impact E.2) and the significant impact from constructing multiple story buildings near and immediately adjacent to historic resources, risking damage to the resources during construction (Impact E.3). The DEIR Project impact and mitigation measure related to potential damage to resources during construction has been modified in response to the public comments received, and is presented in Chapter IV of this FEIR.

The Revised Project would not result in a significant and unavoidable impact due to constructing a new multiple story building surrounding (and built against) the historic resources; nor would it result in a significant and unavoidable impact caused by demolition of part of the historic building. As with the Subalternative, the historic impact identified for Heinold's First and Last Chance Saloon would be less than significant under the Revised Project, and all other cultural impacts identified for the DEIR Project would apply to the Revised Project.

## GEOLOGY, SOILS, AND SEISMICITY

Section IV. F, Geology, Soils, and Seismicity, of the DEIR discusses several potentially significant impacts that could result from the DEIR Project. Significant impacts relate to the potential adverse results of seismic ground shaking on structures and ground liquefaction and/or settling (Impacts F.1, F.2 and F.3), and to the potential for construction related activities increasing soil erosion (Impact F.4), and mitigation measures are identified to reduce the impacts to less than significant levels. The impacts identified for the DEIR Project would result under the Revised Project, but would not be worsened. Aspects of the Revised Project that would affect these impacts, such as project location and proposed construction methods, are the same as those of the DEIR Project. As

a result, the Revised Project would not result in any new or increased impacts on geology, soils, and seismicity compared to those identified for the DEIR Project.

## HYDROLOGY AND WATER QUALITY

No significant impacts related to hydrology and water quality were identified in the DEIR for the DEIR Project. Like the DEIR Project, the Revised Project would not substantially alter the amount of impervious surface proposed or the location of new construction – key development characteristics that would affect hydrology or water quality. As a result, the Revised Project would not result in any new or increased hydrology and water quality impacts than those studied for the DEIR Project, and the potential impacts would remain less than significant under the Revised Project.

## HAZARDOUS MATERIALS

Hazardous wastes and hazardous materials, if mishandled, could pose risks to the public. Potential health and safety impacts typically can stem from interactions of construction workers, the public or future occupants with hazardous materials and wastes encountered during project construction activities or project operations. The significant impacts and mitigation measures addressed in the DEIR, Section IV. H, Hazardous Materials, for the DEIR Project include the disturbance and release of contaminated soil (Impact H.1) and hazardous structural and building components (Impact H.2) during demolition and construction phases of work. Other significant impacts of the DEIR Project relate to the potential for improper disposal (Impact H.3) and the handling of hazardous materials during construction (Impact H.4). The Revised Project would not alter the DEIR Project in any manner that would increase or alter the impacts related to Hazardous Materials. As a result, the Revised Project would not result in any new or increased severe hazardous materials impacts than those studied for the DEIR Project.

## AESTHETICS, SHADOW, AND WIND

The Preliminary Development Plan (PDP) delineates the maximum building volumes (or envelopes) that could result on each site. The Revised Project PDP represents an overall less intensive development than the DEIR Project PDP, and it would result in similar or reduced aesthetic (including light and glare), shadow, and wind effects as those identified for the DEIR Project, and those identified for the Modified Development Alternative. The Revised Project would result in slightly different building envelopes than those in the DEIR Project, and a site by site discussion of the areas where key changes occur is provided below.

As explained in Chapter II of this FEIR, the “worst-case” set of project variants of the DEIR Project, which for this topic means the variants resulting in the “most massive or most bulky” development, was analyzed to ensure that the environmental analysis in the DEIR was the most conservative possible. Under the “worst-case” set of variants for this topic, the DEIR identified no significant impacts related to aesthetics, shadow, or wind. The analysis of the Revised Project was completed in the same manner, analyzing the most massive or most bulky set of variants.

### ***OVERALL EFFECTS***

Generally, the Revised Project would result in similar effects as the DEIR Project and, from some perspectives, lessened effects on short- and medium range views from key public access points (e.g., San Francisco Bay, City of Alameda). View corridors toward the estuary through the City's existing streets would be retained, and in some cases strengthened with the Revised Project. Also, the Revised Project would incorporate buildings that define and strengthen the street wall at the pedestrian level, particularly along Water Street. New buildings in the Revised Project would obstruct some existing views of downtown, but could ultimately frame and strengthen other views from new and existing public viewing locations. Since the Revised Project would result in less overall development than the DEIR Project, the less than significant aesthetics, shadow, and wind effects would not be more severe than those identified in the DEIR.

### ***SPECIFIC EFFECTS***

The building envelopes for the Revised Project are revised slightly compared to the DEIR Project. At particular locations on a given building envelope, these revisions result in increases or decreases in building mass and bulk. Except for 66 Franklin, the maximum building envelopes that could be constructed under the Revised Project would have less mass, bulk, and height than the maximum building envelopes that were analyzed for the DEIR Project, including the more "massive" variant for Site F2 presented on page IV.I-8 of the DEIR. The comparison of the mass, bulk, and height characteristics of the Revised Project and the DEIR Project is summarized in Table II-3 and shown in Figures II-3 through II-14. These figures compare the maximum building envelopes of the Revised Project (labeled on the figures as "Revised Project Massing") and the most massive variants of the DEIR Project (labeled on the figures as "DEIR Massing"). A site by site discussion of sites where the Revised Project PDP increases or differs notably from the DEIR Project is provided below. The Revised Project does not propose changes for Water 1 Expansion and Site G maximum building envelopes than was analyzed for the DEIR Project, therefore, these two sites are not included in the discussion below. (Dimensioned plans, elevations and axonometric line drawings for each site are provided Appendix C.)

#### **Site C**

The Revised Project for Site C would be lower in height than the DEIR Project, 45 feet instead of 58 feet (two stories instead of three). This is consistent with the Modified Development Alternative analyzed in the DEIR. This reduction in height, and the redesign of the roof to a winged-shape under the Revised Project would result in slightly reduced (*i.e.*, better) visual quality impacts than were identified for the DEIR Project. Specifically, the shorter Site C building would block less of the existing Port of Oakland building as viewed from the waterfront and across the bay, and would allow more views from lower floors of the Port of Oakland building (see Figure II-3).

## Site D

With the Revised Project, the width of the theatre marquee (Broadway façade) on Site D would be increased to a maximum of 40 feet wide, compared to 20 feet wide for the DEIR Project. This change would not affect the building footprint or the maximum building height. It would result in a negligible increase of the marquee size, which the project sponsor proposed in response to input from the City Planning Commission. The resulting impact with the Revised Project would continue to be less than significant relative to aesthetics, shadow, or wind (see Figure II-4).

## Pavilion 2

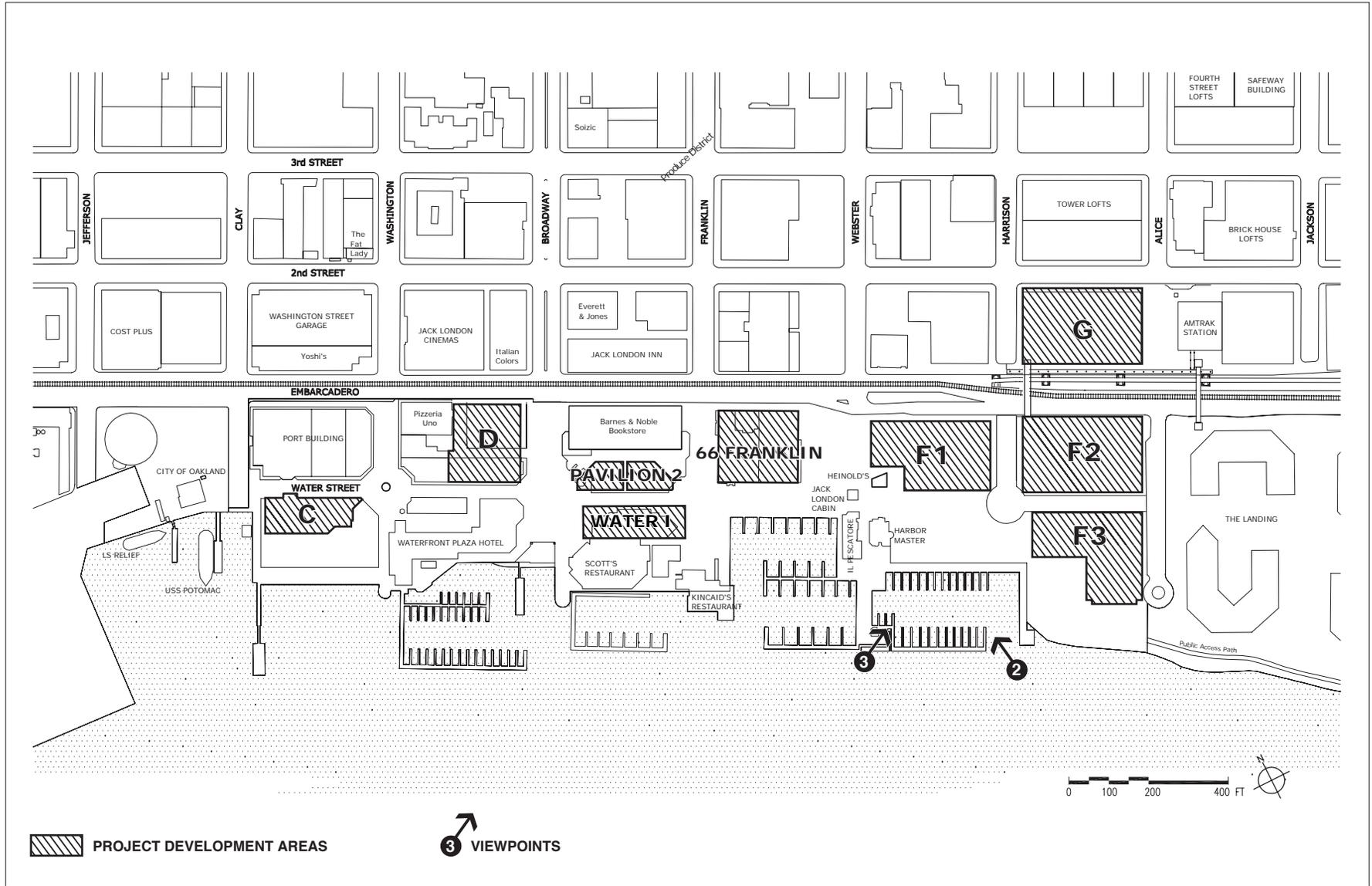
The Revised Project would significantly reduce the scale and configuration of Pavilion 2 from that analyzed for the DEIR Project. Instead of a single, two-level structure with a 60,000 square-foot building footprint, the Revised Project would allow two separate, one-level buildings, totaling 15,000 square feet. The maximum building height would be reduced from 64 feet to 24 feet. The scaled-down Pavilion 2 would preserve most of the plaza in front of the existing Barnes and Noble store by being shifted closer to Water Expansion I. Overall, Pavilion 2 in the Revised Project would be significantly less massive and bulky than the DEIR Project and would not worsen any impacts on aesthetics, shadow, or wind identified for the DEIR Project. (The DEIR Project considered an additional, more massive building, so two comparative figures are presented; see Figures II-5 and Figure II-6.)

## 66 Franklin

The Revised Project for 66 Franklin would differ from the three DEIR Project envelopes proposed for this site. Two “more-massive” variants for 66 Franklin were analyzed on page IV.I-8 of the DEIR, and since these were the worst cases, this analysis considers the Revised Project relative to those particular variants. Figure II-7 shows the variant that was used in the DEIR analysis for all other topics. Figures II-8 and II-9 show the two “more massive” variants that were used in the DEIR visual quality analysis. (As explained in Chapter II, these “worst-case” heights analyzed for visual quality do not correspond to the maximum building heights stated on DEIR page III-8 or FEIR Tables II-2 and II-3, which state the building heights of the variants used for most of the environmental topics. Also note that the taller building is not necessarily the more massive.) The maximum parapet height of the DEIR Project would be reduced from 135 feet to 112 feet in the Revised Project. Increased mass in the Revised Project would result from “filling in” the cut-away areas on the top of the building proposed under the DEIR Project PDP, thus resulting in a more massive or “square off” envelope. The footprint in the Revised Project would be the same as the DEIR Project.

The changes in building mass at 66 Franklin under the Revised Project would not worsen the less than significant visual quality impacts identified in the DEIR. A photosimulation showing 66 Franklin under the Revised Project in context is provided in Figure III-5. The photosimulation is taken from the same Viewpoint as Figures IV.I-3 and IV.I-16 in the DEIR (see Figure III-4, Viewpoint Map). As shown in the photosimulation, the building mass for 66 Franklin under the Revised Project would be substantially less prominent from the waterfront as well as Water Street, and the Embarcadero. Although the top of the building would be primarily “squared-off”

along the Franklin Street façade, it would continue to maintain the existing view corridor to the waterfront. Therefore, even with these visual changes, the massing of the 66 Franklin building for the Revised Project would maintain the existing City street pattern. No view corridors or scenic vistas would be obstructed. The building in the Revised Project would cast greater shadow, but any resulting increase would not impair any historic resources, public open spaces, or unreasonably block light to nearby properties to constitute a significant impact. The light and glare resulting from the more massive building would be incremental and not significant. Although the DEIR did not identify any wind impacts for the DEIR Project, the final design of the Revised Project would incorporate the measures identified on page IV. I-47 of the DEIR to minimize wind effects. The Revised Project for 66 Franklin would not result in significant impacts to aesthetics, (including light and glare) shadow, or wind impacts – consistent with the effects identified for the DEIR Project.



SOURCES: Jack London Square Partners, LLC / HOK Inc.

Jack London Square Redevelopment Project / 202601 ■

**Figure III-4**  
Viewpoint Location Map



Viewpoint 2: Existing view from pier near end of Harrison looking northwest



Photosimulation of Site F1 (center), Site F2 (right), and "more massive" project variants for 66 Franklin (left)

### **Site F1**

As previously discussed above under “Cultural Resources,” the Revised Project would pull back the Site F1 building from the historic resource, Heinold’s First and Last Chance Saloon. This would result in the loss of the corner (four stories, 5,040 square feet each story) of the Site F1 building that would have surrounded Heinold’s under the DEIR Project. The Revised Project would also reduce the height of the building on the Embarcadero/Harrison end (opposite end from Heinold’s) from 148 feet to 108 feet (nine stories to six). The Revised Project would exceed the DEIR Project on the Embarcadero elevation, where the entire façade would extend nearly 10 feet closer to the street, and along the Water Street elevation, where the lower roof would be 14 feet taller. This relatively minor increase to the F1 building mass would cast greater shadow under the Revised Project; however, any resulting increase in shadow would not impair any historic resources, public open spaces, or unreasonably block light to nearby properties so as to constitute a significant impact. (See Figure II-10.)

Site F1 under the Revised Project in context is visible in the photosimulation provided above in Figure III-5, which is taken from the same Viewpoint as Figures IV.I-3 and IV.I-16 in the DEIR (see Figure III-4, Viewpoint Map). This Viewpoint shows the Site F1 building mass would be notable lower in height than in the DEIR Project, making it much less prominent along the Embarcadero, Harrison Street, Water Street, and the waterfront. The deletion of the area of the building that previously surrounded Heinold’s in the DEIR Project would be removed, and would not only allow Heinold’s to be freestanding, but set back part of the Site F1 building further from the waterfront.

As a result, the Site F1 building under the Revised Project would not result in any new or increased aesthetics, shadow or wind impacts than those identified for the DEIR Project. The final design would incorporate the wind reducing measures identified on page IV.I-47 of the DEIR. Furthermore, compared to the DEIR Project, the increased setback of the Site F1 building from the historic Heinold’s building will result in reduced shadow effects in the open area at the base of Webster Street in the morning hours as shown in Figures IV.I-21 through IV.I-24.

### **Site F2**

Both the DEIR Project and the Revised Project propose two building options for Site F2. For the taller option (Figure II-11), the Revised Project proposes slight shifts in the massing of Site F2. Specifically, the central podium would shift slightly east and result in a podium width that would be 64 feet wide – two feet wider than proposed for the DEIR Project. Also, the five-story, Alice Street façade would move outward by approximately five feet. The portion of the Embarcadero side of the taller tower would be reduced from 89 feet to 73 feet. These changes in the taller Site F2 option would be relatively minor and would not result in visual quality impacts that would be more severe than the DEIR Project.

In the shorter, more massive option for Site F2 (Figure II-12), the Revised Project is generally 10 feet shorter in height than the DEIR Project. This would result in negligibly reduced shadow impacts, and would not worsen any visual quality impacts resulting from the DEIR Project. The photosimulations in Figures III-5 and III-6 show Site F2 for the Revised Project in context. The final design of both Site F2 options under the Revised Project would incorporate the wind-reducing measures identified on page IV.I-47 of the DEIR.

### **Site F3**

The Revised Project would alter the Site F3 building, to allow a wider tower and tower base along the Water Street, Alice Street, and Harrison Street. Also there would be minor extensions along the south side of the building that faces the water and the Bay Trail. The ground-floor quarter-circle (approximately 10,000 square feet) would be eliminated along the south elevation, and the maximum building height would be reduced from 89 feet to 73 feet. The visual quality impacts identified in the DEIR were determined to be less than significant, and under the Revised Project, with some areas being increased and others decreased, the degree of change in the overall building mass is such that the impacts would be similar to those of the DEIR Project.

Specific changes would include widening the tower from about 56 feet to 98 feet; moving the portion of the building above 45 feet (the upper 12 stories) on half of the Alice Street façade closer to the street; and projecting the 56-foot (3-story) Harrison Street façade approximately 10 feet further toward Harrison Street. Projections ranging in five to 10 feet in depth would be added in sections of the elevation facing the water and the Bay Trail. (See Figures 13 and 13.1)

Photosimulations depicting Site F3 under the Revised Project in context are provided above in Figure III-5, and below in Figure III-6. The photosimulation in Figure III-5 is taken from the same Viewpoints as DEIR Figures IV.I-3 and IV.I-16. The photosimulation in Figure III-6 is taken from the same Viewpoints as DEIR Figures IV.I-4 and IV.I-20. See Figure III-4, Viewpoint Map. Viewpoint 3 (Figure III-6) depicts the removal of the ground-floor quarter-circle from along the waterfront, and the widening of the tower along Water Street. Viewpoint 2 (Figure III-5) looks down Harrison Street from the end of the pier, and shows the projection of the first level (up to 45 feet in height) toward the street. This Viewpoint shows that, although the building would be closer to the pedestrian walkway on Harrison Street, and project its uppermost stories closer toward Alice Street, these extensions would not substantially impact these visual corridors that provide views toward the water. Also, the projection along Water Street will not impair the proposed important site lines from The Landing entry plaza, down Water Street.



Viewpoint 3: Existing view from public access pier at the end of Webster looking east



Photosimulation of Site F1 (left), Site F2 (center), and Site F3 (right)

SOURCE: Environmental Vision

As a result, Site F3 under the Revised Project would not obstruct view corridors or scenic vistas to an extent that would be considered more significant than the DEIR Project. The building in the Revised Project would cast slightly greater shadow; however, the resulting increase would not impair any historic resources, public open spaces, or unreasonably block light to nearby properties in a way that would constitute a significant impact. There would be no increased wind impacts, and the wind-reducing measures identified in the DEIR would be incorporated into the final design.

In summary, in no case where the maximum building envelope of the Revised Project exceeds that of the DEIR Project would the degree of change be so great that it would result in increased aesthetic, shadow, or wind impacts. As a result, the Revised Project would not have a substantial effect on a scenic vista, would not substantially damage scenic resources, or substantially degrade the existing visual character of the site or its surroundings. The Revised Project would not worsen any adverse impacts identified for the DEIR Project, and in some cases (Site C, Pavilion 2, and Site F1), the Revised Project PDP would notably reduce impacts on visual quality.

## PUBLIC SERVICES AND RECREATION

The intensity of development under the Revised Project is not substantially different from that of the DEIR Project. The DEIR Section IV.J, analyzed the potential impacts on Public Services and Recreation and determined that there would be no significant impacts as a result of the DEIR Project. Although not an environmental impact, the potential for the number of reported crimes to Police to increase remains, although lessened by the deletion of new residential uses in the Revised Project. Calls for fire protection and emergency medical assistance likely would also increase, but not require any new or physically altered facilities. The Revised Project would continue to incorporate measures to ensure adequate emergency services, as outlined in DEIR, page IV.J-8. Unlike the DEIR Project, no new students would be generated by the Revised Project given the omission of the previously proposed 120 residential units. While some employees may make use of nearby parks and recreational facilities, the increase in usage of such parks and facilities would not be considered significant and adverse. As a result, the Revised Project would not result in any new or increased public services and recreation impacts than those studied in the Draft EIR. In fact, the potential impacts on public services and recreation would be reduced since the Revised Project does not include a residential component and it is smaller in scope overall.

## UTILITIES AND UTILITY SERVICE SYSTEMS

The potential impacts of the Revised Project on utilities and service systems would remain the same or less than those resulting from the DEIR Project or the Modified Development Alternative. Changes in the overall development and modifications in the amount of specific land uses throughout the project area would not result in any new or worsened impacts on water services. The significant impacts related to the potential for the project to impede the City's ability to meet the solid waste diversion requirements set by the State (Impact K.3), and to increase the amount of solid waste generated in the City of Oakland (Impact K.5), would continue

to be mitigated to less than significant levels through the preparation, submission, and implementation of a Construction and Demolition Debris Waste Reduction and Recycling Plan and providing adequate recyclable and compostable materials in each project building as outlined in Mitigation Measures K.3 and K.5, respectively. As a result, the Revised Project would not result in any new or increased utilities and service system impacts than those studied in the DEIR.

## CUMULATIVE IMPACTS

A cumulative traffic impact at project buildout on local intersections that was identified for the DEIR Project would be reduced under the Revised Project. As discussed above under Transportation, Circulation and Parking, the cumulative impact at the signalized 3rd Street and Broadway intersection during the PM peak hour under Buildout (2025) conditions (Impact B.3d), which would be significant but mitigable with the DEIR Project, would be less than significant with the Revised Project. The other significant cumulative traffic impacts that were identified under project buildout of the DEIR Project (Impact B.3) would remain under the Revised Project.

As with the DEIR Project, the significant cumulative effects to which the Revised Project's contribution would be cumulatively considerable include: traffic at project buildout on regional and local roadways (Impact B.11); traffic-generated air emissions levels (Impact C.5); and traffic-generated noise (Impact D.4). The project level effect on traffic levels of service at the intersections of 5th Street/Broadway and 5th/Oak Streets at I-880 Southbound On-Ramp due to traffic generated by buildout of Phases 1 and 2 of the project (Impacts B.2e and B.2f) is considered significant and unavoidable, and the cumulative impact due to percent increase in traffic volume at those two intersections (Impacts B.3f and B.3g) is also considered significant and unavoidable. The increase in criteria pollutant emissions due to project-related traffic (Impact C.2) is considered significant and unavoidable, and the cumulative impact due to traffic-generated air emissions (Impact C.5) is also considered significant and unavoidable. No new or worsened cumulative impacts would result from the Revised Project, since it does not represent a substantial change from the DEIR Project analyzed in the DEIR.

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The following several pages (Table III-5) are a summary of environmental impacts and mitigation measures for the Revised Project. The information is listed in order of impact significance: Significant and Unavoidable Impacts (starting on page III-23, Significant but Mitigable Impacts (starting on page III-28), and Less Than Significant Impacts (starting on page III-47). The table includes the level of significance that would result for each impact after the mitigation measure is implemented.

**TABLE III-5  
SUMMARY TABLE OF ENVIRONMENTAL IMPACTS AND MITIGATION MEASURES FOR THE REVISED PROJECT**

ENVIRONMENTAL IMPACT	MITIGATION MEASURES	SIGNIFICANCE AFTER MITIGATION <sup>1</sup>
<b>SIGNIFICANT UNAVOIDABLE IMPACTS</b>		
<b>B. <u>Transportation, Circulation, and Parking</u></b>		
<b>B.1:</b> Traffic generated by Phase 1 of the project would affect traffic levels of service at local intersections in the project vicinity in 2005.		
<b>I.e.:</b> The LOS F conditions at the signalized intersection of <i>5th Street and Broadway</i> , which would prevail during the PM peak hour under 2005 baseline conditions, would worsen with the addition of traffic generated by Phase 1 of the project. The project-generated increases in vehicle delay would exceed the two-second threshold of significance.	<b>I.e.:</b> Convert the northbound center lane to a shared right-turn and through lane at the signalized intersection of <i>5th Street and Broadway</i> , and install directional signs indicating lane use (because the northbound right-turn movement serves both the I-880 southbound on-ramp and the Webster tube).	Significant and Unavoidable
<b>B.2:</b> Traffic generated by buildout of Phases 1 and 2 of the project would affect traffic levels of service at local intersections in the project vicinity in 2025.		
<b>I.e.:</b> The LOS F conditions at the signalized intersection of <i>5th Street and Broadway</i> , which would prevail during the PM peak hour under 2025 baseline conditions, would worsen with the addition of traffic generated by buildout of Phases 1 and 2 of the project. The project-generated increases in vehicle delay would exceed the two-second threshold of significance (a significant impact).	<b>I.e.:</b> No feasible mitigation measures are available.	Significant and Unavoidable
<b>B.2f:</b> The signalized intersection of <i>5th and Oak Streets at the I-880 Southbound On-Ramp</i> would degrade from LOS D to LOS F during the weekday PM peak hour with the addition of traffic generated by buildout of Phases 1 and 2 of the project.	<b>B.2f:</b> Optimize the traffic signal timing at the signalized intersection of <i>5th and Oak Streets at the I-880 Southbound On-Ramp</i> . Optimization of traffic signal timing shall include determination of allocation of green time for each intersection approach in tune with the relative traffic volumes on those approaches, and coordination with signal phasing and timing of adjacent intersections.	Significant and Unavoidable  However, in the event that Mitigation Measure B.2f could be implemented, the impact would be less than significant.

**TABLE III-5 (Continued)**  
**SUMMARY TABLE OF ENVIRONMENTAL IMPACTS AND MITIGATION MEASURES FOR THE REVISED PROJECT**

ENVIRONMENTAL IMPACT	MITIGATION MEASURES	SIGNIFICANCE AFTER MITIGATION <sup>1</sup>
<p><b>B.3:</b> Traffic generated by buildout of Phases 1 and 2 of the project would contribute to cumulatively significant impacts at local intersections in the project vicinity in 2025.</p>	<p><b>B.3f:</b> No feasible mitigation measures are available.</p>	<p>Significant and Unavoidable</p>
<p><b>B.3f:</b> Traffic generated by buildout of Phases 1 and 2 of the project would contribute more than five percent of the cumulative traffic increases at the signalized intersection of <i>5th Street and Broadway</i> during the weekday PM peak hour, as measured by the difference between existing and cumulative (with project) conditions.</p>	<p><b>B.3f:</b> No feasible mitigation measures are available.</p>	<p>Significant and Unavoidable</p>
<p><b>B.3g:</b> Traffic generated by buildout of Phases 1 and 2 of the project would contribute more than five percent of the cumulative traffic increases at the signalized intersection of <i>5th and Oak Streets at the I-880 Southbound On-Ramp</i> during the weekday PM peak hour, as measured by the difference between existing and cumulative (with project) conditions.</p>	<p><b>B.3g:</b> Implement Mitigation Measure B.2f (optimize traffic signal timing).</p>	<p>Significant and Unavoidable</p>
<p>However, in the event that Mitigation Measure IV.B-2f could be implemented, the impact would be less than significant.</p>	<p><b>B.11:</b> No feasible mitigation measures are available.</p>	<p>Significant and Unavoidable</p>
<p><b>B.11:</b> The project would contribute to 2025 changes to traffic conditions on the regional and local roadways.</p>	<p><b>B.11:</b> No feasible mitigation measures are available.</p>	<p>Significant and Unavoidable</p>

**TABLE III-5 (Continued)**  
**SUMMARY TABLE OF ENVIRONMENTAL IMPACTS AND MITIGATION MEASURES FOR THE REVISED PROJECT**

ENVIRONMENTAL IMPACT	MITIGATION MEASURES	SIGNIFICANCE AFTER MITIGATION <sup>1</sup>
<p><b>C. <u>Air Quality</u></b></p>	<p><b>C.2:</b> To reduce the significance of the operational impacts of the project, the project sponsor shall implement the following mitigation measures. Mitigation measures required for reducing motor vehicle emissions are provided in <i>italics</i> followed by specific measures already included as part of the proposed project.</p> <p><u><i>Ride Share Measures</i></u></p> <p><b>C.2a:</b> <i>Encourage tenants at the site to implement carpool/vanpool programs (e.g., carpool, ride matching for employees, assistance with vanpool formation, provision of vanpool vehicles, guaranteed ride home program, etc.).</i></p> <p><i>Distribute information about the Alameda County Congestion Management Agency’s Guaranteed Ride Home Program to tenants of the buildings to facilitate alternative transportation modes. As part of this program, a person who uses an alternate mode of travel, including transit or a carpool, is provided with free taxi service in the case of unexpected circumstances. These circumstances might include unscheduled overtime or a family illness or emergency.</i></p> <p><b>C.2b:</b> <i>The project sponsor shall encourage tenants to implement employee rideshare incentive programs providing cash payments or pre-paid fare media such as transit passes or coupons.</i></p>	<p>Significant and Unavoidable</p>

**TABLE III-5 (Continued)**  
**SUMMARY TABLE OF ENVIRONMENTAL IMPACTS AND MITIGATION MEASURES FOR THE REVISED PROJECT**

ENVIRONMENTAL IMPACT	MITIGATION MEASURES	SIGNIFICANCE AFTER MITIGATION <sup>1</sup>
	<p><u>Transit Measures</u></p> <p><i>C.2c: Construct transit facilities such as bus turnouts/bus bulbs, benches, shelters, etc., as determined appropriate by AC Transit.</i></p> <p><i>C.2d: Provide preferential parking for carpool and vanpool vehicles within project parking structures/lots (e.g., near building entrance, sheltered area, etc.) to the extent that there is demand for such spaces.</i></p> <p><i>C.2e: Encourage tenants to meet minimum employee ridesharing requirements or provide incentives for them to meet targets.</i></p> <p><i>C.2f: Encourage tenants to implement a parking cash-out program for employees (i.e. non-driving employees receive transportation allowance equivalent to the value of subsidized parking)</i></p> <p><u>Shuttle Measures</u></p> <p><i>C.2g: Provide shuttle service from project to transit stations/multimodal centers during peak hours.</i></p> <p>The project sponsor would provide a private shuttle service for employees of, and visitors to, the project site between the project site and the 12th Street BART station during peak traffic hours.</p> <p><u>Bicycle and Pedestrian Measures</u></p> <p><i>C.2h: Mitigation Measure B.7 in the Traffic section of this document requires that the project provide adequate amount of bicycle parking at or in the vicinity of the project site.</i></p> <p><i>C.2.i: Provide secure, weather-protected bicycle parking for employees.</i></p> <p><i>C.2.j: Provide showers and lockers for employees bicycling or walking to work.</i></p> <p><i>C.2.k: Provide direct safe, attractive pedestrian and bicycle access to transit stops and adjacent development.</i></p> <p><i>C.2.l: Provide adequate street lighting within the street right of way immediately adjacent to and within the project site.</i></p>	

**TABLE III-5 (Continued)**  
**SUMMARY TABLE OF ENVIRONMENTAL IMPACTS AND MITIGATION MEASURES FOR THE REVISED PROJECT**

ENVIRONMENTAL IMPACT	MITIGATION MEASURES	SIGNIFICANCE AFTER MITIGATION <sup>1</sup>
<b>C.5:</b> The project, together with anticipated future cumulative development in Oakland and the Bay Area in general, would contribute to regional air pollution.	<b>C.5:</b> Implement Mitigation Measure C.2.	Significant and Unavoidable

**TABLE III-5 (Continued)**  
**SUMMARY TABLE OF ENVIRONMENTAL IMPACTS AND MITIGATION MEASURES FOR THE REVISED PROJECT**

**SIGNIFICANT BUT MITIGABLE IMPACTS**

**B. Transportation, Circulation, and Parking**

**B.1:** Traffic generated by Phase 1 of the project would affect traffic levels of service at local intersections in the project vicinity in 2005.

**B.1a:** Traffic generated by Phase 1 of the project would add more than ten vehicles to the unsignalized intersection of *Embarcadero and Oak Street*, and the peak-hour volumes would meet the Caltrans peak-hour traffic signal warrant during the weekday PM peak hour.

**B.1a:** Install traffic signals at the unsignalized intersection of *Embarcadero and Oak Street*. The signals shall have fixed-time controls with permitted left-turn phasing, which would not require a separate left-turn arrow. Installation of traffic signals shall include optimizing signal phasing and timing (*i.e.* allocation of green time for each intersection approach) in tune with the relative traffic volumes on those approaches, and coordination with signal phasing and timing of adjacent intersections.

Less than Significant

**B.1b:** Traffic generated by Phase 1 of the project would add more than ten vehicles to the unsignalized intersection of *Embarcadero and 5th Avenue*, and the peak-hour volumes would meet the Caltrans peak-hour traffic signal warrant during the weekday PM peak hour.

**B.1b:** Install traffic signals at the unsignalized intersection of *Embarcadero and 5th Avenue*. The signals shall have fixed-time controls with permitted left-turn phasing, which would not require a separate left-turn arrow. Installation of traffic signals shall include optimizing signal phasing and timing (*i.e.* allocation of green time for each intersection approach) in tune with the relative traffic volumes on those approaches, and coordination with signal phasing and timing of adjacent intersections.

Less than Significant

**B.1c:** The signalized intersection of *3rd Street and Broadway* would degrade from LOS C to LOS F during the weekday PM peak hour with the addition of traffic generated by Phase 1 of the project.

**B.1c:** Restripe the eastbound 3rd Street approach at the intersection of *3rd Street and Broadway* to provide a separate left-turn lane onto Broadway.

Less than Significant

**B.1d:** Traffic generated by Phase 1 of the project would add more than ten vehicles to the unsignalized intersection of *3rd Street and Oak Street*, and the peak-hour volumes would meet the Caltrans peak-hour traffic signal warrant, during the weekday PM peak hour.

**B.1d:** Install traffic signals at the unsignalized intersection of *3rd Street and Oak Street*. The signals shall have fixed-time controls with permitted left-turn phasing, which would not require a separate left-turn arrow. Installation of traffic signals shall include optimizing signal phasing and timing (*i.e.* allocation of green time for each intersection approach) in tune with the relative traffic volumes on those approaches, and coordination with signal phasing and timing of adjacent intersections.

Less than Significant

**TABLE III-5 (Continued)**  
**SUMMARY TABLE OF ENVIRONMENTAL IMPACTS AND MITIGATION MEASURES FOR THE REVISED PROJECT**

**B.2:** Traffic generated by buildout of Phases 1 and 2 of the project would affect traffic levels of service at local intersections in the project vicinity in 2025.

**B.2b:** Traffic generated by buildout of Phases 1 and 2 of the project would add more than ten vehicles to the unsignalized intersection of *Embarcadero and Webster Street*, and the peak-hour volumes would meet the Caltrans peak-hour traffic signal warrant during the weekday PM peak hour.

**B.2b:** Install traffic signals at the unsignalized intersection of *Embarcadero and Webster Street*. The signals shall have fixed-time controls with permitted left-turn phasing, which would not require a separate left-turn arrow. Installation of traffic signals shall include optimizing signal phasing and timing (*i.e.* allocation of green time for each intersection approach) in tune with the relative traffic volumes on those approaches, and coordination with signal phasing and timing of adjacent intersections.

Less than Significant

**B.2c:** Traffic generated by buildout of Phases 1 and 2 of the project would add more than ten vehicles to the unsignalized intersection of *3rd and Market Streets*, and the peak-hour volumes would meet the Caltrans peak-hour traffic signal warrant during the weekday PM peak hour.

**B.2c:** Install traffic signals at the unsignalized intersection of *3rd and Market Streets*. The signals shall have fixed-time controls with permitted left-turn phasing, which would not require a separate left-turn arrow. Installation of traffic signals shall include optimizing signal phasing and timing (*i.e.* allocation of green time for each intersection approach) in tune with the relative traffic volumes on those approaches, and coordination with signal phasing and timing of adjacent intersections.

Less than Significant

**B.2d:** The LOS F conditions at the signalized intersection of *5th and Market Streets*, which would prevail during the weekday PM peak hour under 2025 baseline conditions, would worsen with the addition of traffic generated by buildout of Phases 1 and 2 of the project. The project-generated increases in vehicle delay would exceed the two-second threshold of significance.

**B.2d:** Optimize the traffic signal timing at the signalized intersection of *5th and Market Streets*. Optimization of traffic signal timing shall include determination of allocation of green time for each intersection approach in tune with the relative traffic volumes on those approaches, and coordination with signal phasing and timing of adjacent intersections.

Less than Significant

**B.3:** Traffic generated by buildout of Phases 1 and 2 of the project would contribute to cumulatively significant impacts at local intersections in the project vicinity in 2025.

**B.3a:** Traffic generated by buildout of Phases 1 and 2 of the project would contribute more than five percent of the cumulative traffic increases at the unsignalized intersection of *Embarcadero and Broadway* during the weekday PM peak hour, as measured by the difference between existing and cumulative (with project) conditions.

**B.3a:** Implement Mitigation Measure B.2a (install traffic signals).

Less than Significant

**B.3b:** Traffic generated by buildout of Phases 1 and 2 of the project would contribute more than five percent of the cumulative traffic increases at the unsignalized intersection of *Embarcadero and Webster Street* during the weekday PM peak hour, as measured by the difference between existing and cumulative (with project) conditions.

**B.3b:** Implement Mitigation Measure B.2b (install traffic signals).

Less than Significant

**TABLE III-5 (Continued)**

**SUMMARY TABLE OF ENVIRONMENTAL IMPACTS AND MITIGATION MEASURES FOR THE REVISED PROJECT**

<p><b>B.3c:</b> Traffic generated by buildout of Phases 1 and 2 of the project would contribute more than five percent of the cumulative traffic increases at the unsignalized intersection of <i>3rd and Market Streets</i> during the weekday PM peak hour, as measured by the difference between existing and cumulative (with project) conditions.</p>	<p><b>B.3c:</b> Implement Mitigation Measure B.2c (install traffic signals).</p>	<p>Less than Significant</p>
<p><b>B.3e:</b> Traffic generated by buildout of Phases 1 and 2 of the project would contribute more than five percent of the cumulative traffic increases at the signalized intersection of <i>5th and Market Streets</i> during the weekday PM peak hour, as measured by the difference between existing and cumulative (with project) conditions.</p>	<p><b>B.3e:</b> Implement Mitigation Measure B.2d (optimize traffic signal timing).</p>	<p>Less than Significant</p>
<p><b>B.3h:</b> B.3h: Traffic generated by buildout of Phases 1 and 2 of the project would contribute more than five percent of the cumulative traffic increases at the signalized intersection of <i>7th and Market Streets</i> during the weekday AM and PM peak hours, as measured by the difference between existing and cumulative (with project) conditions.</p>	<p><b>B.3h:</b> Optimize the traffic signal timing at the signalized intersection of <i>7th and Market Streets</i>. Optimization of traffic signal timing shall include determination of allocation of green time for each intersection approach in tune with the relative traffic volumes on those approaches, and coordination with signal phasing and timing of adjacent intersections.</p>	<p>Less than Significant</p>
<p><b>B.4:</b> The proposed project would increase the demand for parking in the project area.</p>	<p><b>B.4:</b> Prior to the issuance of the building permit for each new building within the project, or each structural addition to an existing building that creates new gross square footage, the project applicant shall provide to the City a calculation of the peak parking demand generated by (i) the net new amount of each use that has been already developed on Sites C, D, Pavilion 2, Water I Expansion, 66 Franklin Street, F1, F2, F3 and G as part of the project as of the time in question, plus (ii) the net new amount of each use to be provided within the new building. This calculation shall be based on whichever of the following two methods results in a higher demand for parking spaces:</p> <ul style="list-style-type: none"> <li>• <b>Method 1:</b> Aggregating the number of parking spaces required for the net new amount of each use, based on the weekday peak parking demand rates set forth below, and then modifying that number to take into account shared parking (made possible by the different peaking characteristics of parking demand for each of the uses), and transit shuttle services.</li> </ul>	<p>Less than Significant</p>

**TABLE III-5 (Continued)**  
**SUMMARY TABLE OF ENVIRONMENTAL IMPACTS AND MITIGATION MEASURES FOR THE REVISED PROJECT**

Weekday Peak Parking Demand Rates:

Office – 1.60 spaces / 1,000 sq. ft.  
 Retail – 1.95 spaces / 1,000 g.l.a.<sup>1</sup>  
 Restaurant – 10.09 spaces / 1,000 g.l.a.  
 Theater – 0.21 spaces / seat  
 Supermarket – 2.59 spaces / 1,000 g.l.a.  
 Hotel – 1.00 space / room  
 Hotel Restaurant – 5.22 spaces / 1,000 g.l.a.  
 Conference / Convention – 15.60 spaces / 1,000 sq. ft.  
 Banquet – 10.09 spaces / 1,000 g.l.a.

<sup>1</sup> “g.l.a.” = “gross leasable area.” Gross leasable area reduces the gross square footages by a factor of 0.95 for retail, restaurant and supermarket uses.

- Method 2: Aggregating the number of parking spaces required for the net new amount of each use, based on the weekend peak parking demand rates set forth below, and then modifying that number to take into account shared parking (made possible by the different peaking characteristics of parking demand for each of the uses), and transit shuttle services.

Weekend Peak Parking Demand Rates:

Office – 0.45 spaces / 1,000 g.l.a.<sup>1</sup>  
 Retail – 3.20 spaces / 1,000 g.l.a.  
 Restaurant – 14.30 spaces / 1,000 g.l.a.  
 Theater – 0.26 spaces / seat  
 Supermarket – 3.25 spaces / 1,000 g.l.a.  
 Hotel – 1.25 space / room  
 Hotel Restaurant – 6.91 spaces / 1,000 g.l.a.  
 Conference / Convention – 19.50 spaces / 1,000 sq. ft.  
 Banquet – 14.30 spaces / 1,000 g.l.a.

<sup>1</sup> “g.l.a.” = “gross leasable area.” Gross leasable area reduces the gross square footages by a factor of 0.85 for office uses and 0.95 for retail, restaurant and supermarket uses.

**TABLE III-5 (Continued)**  
**SUMMARY TABLE OF ENVIRONMENTAL IMPACTS AND MITIGATION MEASURES FOR THE REVISED PROJECT**

If deemed acceptable by the City of Oakland, shared parking rates may conform to shared parking standards promulgated at the time in question by the Institute of Transportation Engineers (ITE), Urban Land Institute (ULI) or comparable reference source.

Upon occupancy of the new building, the project applicant shall provide an adequate number of parking spaces within the project area, or within a reasonable walking distance from the subject site as determined by the City to meet the higher parking demand calculated above. The calculation of the number of parking spaces to be supplied shall take into account: (i) as applicable, confirmed increase of up to 30 percent in parking capacity due to attendant parking services; (ii) the use of employee shuttles to use off-site parking spaces; (iii) existing excess parking supply at the Jack London Square Washington Street garage of 350 parking spaces during the weekday peak period and 250 parking spaces during the weekend peak period; and (iv) any existing excess parking supply on Sites F1, F2 or G, to the extent that any such sites have not already been developed.

**B.7:** The project would create demand for bicycle parking.

**B.7:** The project shall provide an adequate number of bicycle parking spaces in location(s) either onsite or within a three-block radius, or through payment of appropriate in-lieu fees, as determined by the City and in a manner consistent with the City’s current practices.

Less than Significant

**B.8:** The project would increase the potential for pedestrian safety conflicts.

**B.8:** The following measures shall be implemented to mitigate the potential safety impact:

Less than Significant

- Install pedestrian signal heads (with adequate time for pedestrians to cross the Embarcadero) when new traffic signals are installed at the intersections along the Embarcadero, at Broadway (see Mitigation Measure B.2a) and at Webster Street (see Mitigation Measure B.2b).
- Install informational signs to indicate to pedestrians where pedestrian bridges are located.
- Install warning signs, and/or audible signals, at parking garage access points to alert pedestrians about approaching vehicles.

**TABLE III-5 (Continued)**

**SUMMARY TABLE OF ENVIRONMENTAL IMPACTS AND MITIGATION MEASURES FOR THE REVISED PROJECT**

<p><b>B.9:</b> The project would increase the potential for conflicts among different traffic streams.</p>	<p><b>B.9a:</b> The project sponsor shall design vehicular traffic features of project development (<i>e.g.</i>, turning radii for buses and service vehicles, project parking garage access driveways, and circulation aisles within the parking garages) to meet the design standards set forth by the American Association of State Highway and Transportation Officials (AASHTO) in <i>A Policy on Geometric Design of Highways and Streets</i>, or other design standards deemed appropriate by the City of Oakland.</p>	<p>Less than Significant</p>
<p><b>B.12:</b> Project construction would affect traffic flow and circulation, parking, and pedestrian safety.</p>	<p><b>B.9b:</b> The proposed parking garage on Site G shall be designed such that the vehicle entry control gate is recessed in from Second Street enough to accommodate at least ten vehicles.</p>	<p>Less than Significant</p>
	<p><b>B.12:</b> Prior to the issuance of each building permit, the project applicant and construction contractor shall meet with the Traffic Engineering and Parking Division of the Oakland Public Works Agency and other appropriate City of Oakland agencies to determine traffic management strategies to reduce, to the maximum extent feasible, traffic congestion and the effects of parking demand by construction workers during construction of this project and other nearby projects that could be simultaneously under construction. The project applicant shall develop a construction management plan for review and approval by the City Traffic Engineering Division. The plan shall include at least the following items and requirements:</p> <ul style="list-style-type: none"> <li>• A set of comprehensive traffic control measures, including scheduling of major truck trips and deliveries to avoid peak traffic hours, detour signs if required, lane closure procedures, signs, cones for drivers, and designated construction access routes. In addition, the information shall include a construction staging plan for any right-of-way used on the Embarcadero, Broadway, and Franklin, Alice, and 2nd Streets, including sidewalk and lane intrusions and/or closures.</li> <li>• Identification of any transit stop relocations, particularly along the Embarcadero and 2nd Street.</li> <li>• Provisions for parking management and spaces for all construction workers to ensure that construction workers do not park in on-street spaces.</li> <li>• Identification of parking eliminations and any relocation of parking for employees and public parking during construction.</li> </ul>	

**TABLE III-5 (Continued)**  
**SUMMARY TABLE OF ENVIRONMENTAL IMPACTS AND MITIGATION MEASURES FOR THE REVISED PROJECT**

- Notification procedures for adjacent property owners and public safety personnel regarding when major deliveries, detours, and lane closures will occur.
- Provisions for accommodation of pedestrian flow, particularly along Embarcadero.
- Location of construction staging areas for materials, equipment, and vehicles.
- Identification of haul routes for movement of construction vehicles that would minimize impacts on vehicular and pedestrian traffic, circulation and safety; and provision for monitoring surface streets used for haul routes so that any damage and debris attributable to the haul trucks can be identified and corrected by the project applicant.
- Temporary construction fences to contain debris and material and to secure the site.
- Provisions for removal of trash generated by project construction activity.
- A process for responding to, and tracking, complaints pertaining to construction activity, including identification of an onsite complaint manager.

**C. Air Quality**

**C.1:** Activities associated with demolition, site preparation and construction would generate short-term emissions of criteria pollutants, including suspended and inhalable particulate matter and equipment exhaust emissions.

**C.1a:** During construction, the project sponsor shall require the construction contractor to implement the following measures required as part of BAAQMD's basic enhanced dust control procedures required for sites larger than four acres (such as the proposed project) located in close proximity to sensitive receptors.:

Less than Significant

- Water all active construction areas at least twice daily. Watering should be sufficient to prevent airborne dust from leaving the site. Increased watering frequency may be necessary whenever wind speeds exceed 15 miles per hour. Reclaimed water should be used whenever possible.

**TABLE III-5 (Continued)**  
**SUMMARY TABLE OF ENVIRONMENTAL IMPACTS AND MITIGATION MEASURES FOR THE REVISED PROJECT**

- Cover all trucks hauling soil, sand, and other loose materials or require all trucks to maintain at least two feet of freeboard (*i.e.* the minimum required space between the top of the load and the top of the trailer).
- Pave, apply water three times daily, or apply (non-toxic) soil stabilizers on all unpaved access roads, parking areas and staging areas at construction sites.
- Sweep daily (with water sweepers using reclaimed water if possible) all paved access roads, parking areas and staging areas at construction sites.
- Sweep streets (with water sweepers using reclaimed water if possible) at the end of each day if visible soil material is carried onto adjacent paved roads.
- Hydroseed or apply (non-toxic) soil stabilizers to inactive construction areas (previously graded areas inactive for one month or more).
- Enclose, cover, water twice daily or apply (non-toxic) soil stabilizers to exposed stockpiles (dirt, sand, etc.).
- Limit traffic speeds on unpaved roads to 15 miles per hour.
- Install sandbags or other erosion control measures to prevent silt runoff to public roadways.
- Limit the amount of the disturbed area at any one time, where feasible.
- Install wheel washers for all exiting trucks, or wash off the tires or tracks of all trucks and equipment leaving the site.
- Install wind breaks, or plant trees/vegetative wind breaks at windward side(s) of construction areas.
- Suspend excavation and grading activity when winds (instantaneous gusts) exceed 25 mph.
- Pave all roadways, driveways, sidewalks, etc. as soon as feasible. In addition, building pads should be laid as soon as possible after grading unless seeding or soil binders are used.
- Replant vegetation in disturbed areas as quickly as feasible.

**TABLE III-5 (Continued)**  
**SUMMARY TABLE OF ENVIRONMENTAL IMPACTS AND MITIGATION MEASURES FOR THE REVISED PROJECT**

- Designate a person or persons to monitor the dust control program and to order increased watering, as necessary, to prevent transport of dust offsite. Their duties shall include holidays and weekend periods when work may not be in progress. The name and telephone number of such persons shall be provided to the BAAQMD prior to the start of construction as well as posted on-site over the duration of construction.

**D. Noise**

**D.1:** Construction activities would intermittently and temporarily generate noise levels above existing ambient levels in the project vicinity.

**D.1a:** The project sponsor shall require construction contractors to limit standard construction activities as required by the City Building Department. 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 and 1:30 p.m. No 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.

**D.1b:** To reduce daytime noise impacts due to construction, the project sponsor shall require construction contractors to implement the following measures:

- Equipment and trucks used for project construction shall utilize the best available noise control techniques (*e.g.*, improved mufflers, equipment redesign, use of intake silencers, ducts, engine enclosures and acoustically-attenuating shields or shrouds, wherever feasible).

Less than Significant

**TABLE III-5 (Continued)**  
**SUMMARY TABLE OF ENVIRONMENTAL IMPACTS AND MITIGATION MEASURES FOR THE REVISED PROJECT**

- Impact tools (*e.g.*, jack hammers, pavement breakers, and rock drills) used for project construction shall be hydraulically or electrically powered wherever possible to avoid noise associated with compressed air exhaust from pneumatically powered tools. However, where use of pneumatic tools is unavoidable, an exhaust muffler on the compressed air exhaust shall be used; this muffler can lower noise levels from the exhaust by up to about 10 dBA. External jackets on the tools themselves shall be used where feasible, and this could achieve a reduction of 5 dBA. Quieter procedures shall be used, such as drills rather than impact equipment, whenever feasible.
- Stationary noise sources shall be located as far from adjacent receptors as possible, and they shall be muffled and enclosed within temporary sheds, incorporate insulation barriers, or other measures to the extent feasible.
- If feasible, the noisiest phases of construction (such as pile driving) shall be limited to less than 10 days at a time to comply with the local noise ordinance.

**D.1c:** To further mitigate potential pile driving and/or other extreme noise generating construction impacts, a set of site-specific noise attenuation measures shall be completed under the supervision of a qualified acoustical consultant. Prior to commencing construction, a plan for such measures shall be submitted for review and approval by the City to ensure that maximum feasible noise attenuation will be achieved. These attenuation measures shall include as many of the following control strategies as feasible:

- Erect temporary plywood noise barriers around the construction site, particularly along the eastern boundary along Alice Street to shield the adjacent multi-family residential buildings;
- Implement “quiet” pile driving technology (such as pre-drilling of piles, the use of more than one pile driver to shorten the total pile driving duration), where feasible, in consideration of geotechnical and structural requirements and conditions;
- Utilize noise control blankets on the building structure as the building is erected to reduce noise emission from the site;

**TABLE III-5 (Continued)**  
**SUMMARY TABLE OF ENVIRONMENTAL IMPACTS AND MITIGATION MEASURES FOR THE REVISED PROJECT**

- Evaluate the feasibility of noise control at the receivers by temporarily improving the noise reduction capability of adjacent buildings; and
- Monitor the effectiveness of noise attenuation measures by taking noise measurements.

**D.1d:** Prior to the issuance of each building permit, along with the submission of construction documents, the project sponsor shall submit to the City Building Department a list of measures to respond to and track complaints pertaining to construction noise. These measures shall include:

- A procedure for notifying the City Building Division staff and Oakland Police Department;
- A plan for posting signs on-site pertaining to permitted construction days and hours and complaint procedures and who to notify in the event of a problem;
- A listing of telephone numbers (during regular construction hours and off-hours);
- The designation of an on-site construction complaint manager for the project;
- Notification of neighbors within 300 feet of the project construction area at least 30 days in advance of pile-driving activities about the estimated duration of the activity; and
- A preconstruction meeting shall be held with the job inspectors and the general contractor/on-site project manager to confirm that noise mitigation and practices (including construction hours, neighborhood notification, posted signs, etc.) are completed.

**E. Cultural Resources**

**TABLE III-5 (Continued)**

**SUMMARY TABLE OF ENVIRONMENTAL IMPACTS AND MITIGATION MEASURES FOR THE REVISED PROJECT**

**E.1:** Construction of the project may cause substantial adverse changes to the significance of currently unknown cultural resources.

**E.1a:** The project sponsor shall retain a qualified archaeologist to conduct on-site monitoring and consultation during all ground disturbing activities. In the event that any prehistoric or historic subsurface cultural resources are discovered during ground disturbing activities, all work within 100 feet of the resource shall be halted. The qualified archaeologist shall evaluate the find and assess the significance of the find. If any find is determined to be significant, representatives of the project sponsor and the qualified archaeologist shall meet to determine the appropriate avoidance measures or other appropriate mitigation, subject to approval by the City of Oakland, which shall assure implementation of appropriate mitigation measures recommended by the archeologist. All significant cultural materials recovered shall be subject to scientific analysis, professional museum curation, and a report prepared by the qualified archaeologist according to current professional standards.

Less than Significant

**E.1b:** In the event that human skeletal remains are uncovered during construction activities for the proposed project, the project sponsor shall immediately halt work, contact the Alameda County Coroner to evaluate the remains, and follow the procedures and protocols pursuant to Section 15064.5 (e)(1) of the CEQA Guidelines. If the County Coroner determines that the remains are Native American, the City will contact the California Native American Heritage Commission, pursuant to subdivision (c) of Section 7050.5 of the Health and Safety Code, and all excavation and site preparation activities will cease until appropriate arrangements are made. The project sponsor shall identify a Native American monitor/consultant who is either a qualified archaeologist, or who shall work in conjunction with a qualified archaeologist, who shall be on call in the event that Native American remains are discovered.

**TABLE III-5 (Continued)**

**SUMMARY TABLE OF ENVIRONMENTAL IMPACTS AND MITIGATION MEASURES FOR THE REVISED PROJECT**

<p><b>E.2:</b> The proposed project may damage or degrade unidentified paleontological remains.</p>	<p><b>E.2:</b> The project proponent shall notify a qualified paleontologist of unanticipated discoveries, document the discovery as needed, evaluate the potential resource, and assess the significance of the find under the criteria set forth in Section 15064.5 of the CEQA Guidelines. In the event of an unanticipated discovery of a breas, true, and/or trace fossil during construction, excavations within 100 feet of the find shall be temporarily halted or diverted until the discovery is examined by a qualified paleontologist. The paleontologist shall notify the appropriate agencies to determine procedures that would be followed before construction is allowed to resume at the location of the find. If the City determines that avoidance is not feasible, a paleontologist shall prepare an excavation plan for mitigating the effect of the project on the qualities that make the resource important, and such plan shall be implemented. The plan shall be submitted to the City for review and approval.</p>	<p>Less than Significant</p>
<p><b>E.3:</b> The proposed project would construct multiple story buildings near historic resources, risking damage to the resources during construction. These resources are: Heinold’s First and Last Chance Saloon, a property listed in the National Register, California Register, and an Oakland Landmark; USS Potomac, a property listed in the National Register and an Oakland Landmark; and 101-07 Broadway, a property that may be eligible as an Oakland Landmark.</p>	<p><b>E.3a:</b> If a registered structural engineer (with geotechnical consultation as necessary) determines that, due to the nature of the existing foundation, the Heinhold's First and Last Chance Saloon would significantly settle during and as a result of the construction of the Site F1 and 66 Franklin buildings, then the Heinhold's building shall be underpinned or otherwise structurally supported during construction on those sites so as to avoid significant settlement.</p> <p><b>E.3b:</b> A protective plywood enclosure shall be constructed above and on all sides of the Heinold’s building and signage and shall be in place prior to mass grading and during other construction phases as necessary, in order to protect the building from construction equipment, debris, and dust. The enclosure shall be a free standing structure without structural or other materials touching or being attached to the Heinhold's building. The contractor’s design and shop drawings shall be reviewed and approved by a historic preservation architect prior to construction of the protective enclosure.</p>	<p>Less than Significant</p>

**TABLE III-5 (Continued)**  
**SUMMARY TABLE OF ENVIRONMENTAL IMPACTS AND MITIGATION MEASURES FOR THE REVISED PROJECT**

**E.3c:** A geotechnical engineer and registered structural engineer shall determine the maximum vibration that the Heinold's building could tolerate without damage to the historic integrity of the building. An evaluation of the proposed construction plans and methods shall be conducted prior to construction to determine whether vibration during the construction on the Site F1 or 66 Franklin buildings would exceed this allowable vibration threshold. No construction method or equipment that could cause the allowable vibration threshold to be exceeded shall be used. Specifically, if driven piles could cause the vibration threshold to be exceeded, they shall not be used and augured grouted piles shall be substituted. A historic preservation architect will be consulted to plan and oversee such evaluation at the applicant's expense.

**E.3d:** Prior to the construction of the protective enclosure and any relocation of the Heinold's building, a registered structural engineer and a historic preservation architect with a minimum of five years of experience in the rehabilitation of historic buildings shall document the existing condition of the Heinold's building, including identification of existing deterioration and damage. The documentation shall include photographs and condition descriptions. All documentary photographs (negatives and prints) shall be black and white and shall be processed to meet Historic American Buildings Survey Photographic Standards for processing only; 35mm film format is acceptable.

**E.3e:** The structural engineer and the historic preservation architect who documented the existing condition of the Heinhold's building shall periodically monitor the condition of the historic resource during construction of the F1 and 66 Franklin sites. If, in the opinion of the monitoring team, substantial adverse impacts to the historic resource related to construction activities are found during construction, the monitoring team shall so inform the project sponsor and his/her representative responsible for construction of the project. The project sponsor shall adhere to the monitoring team's recommendations for corrective measures, including halting construction in situations where construction activities at F1 and 66 Franklin would endanger the Heinhold's historic resource.

**TABLE III-5 (Continued)**  
**SUMMARY TABLE OF ENVIRONMENTAL IMPACTS AND MITIGATION MEASURES FOR THE REVISED PROJECT**

**E.3f:** The project sponsor shall prepare and thereafter implement a construction plan setting forth procedures and monitoring methods to be used by the contractor while working near the Heinold’s building during construction of the F1 and 66 Franklin sites, along with any site work within a 50 foot radius of the building. At a minimum, the plan shall address operation of construction equipment near Heinold’s, storage of construction materials away from the Heinold’s building, and education/training of construction workers about the significance of Heinold’s First and Last Chance Saloon.

**F. Geology, Soils, and Seismicity**

**F.1:** In the event of a major earthquake in the region, seismic ground shaking could potentially injure people and cause collapse or structural damage to proposed structures.

**F.1:** A site-specific, design level geotechnical investigation for each building (which is typical for any large development project) shall be required as part of this project. Each investigation shall include an analysis of expected ground motions at the site. The analyses shall be in accordance with applicable City ordinances and policies and consistent with the 1997 UBC (or any more recent version of the UBC adopted by the City of Oakland), which requires structural design that incorporates ground accelerations expected from known active faults. In addition, the investigations will determine final design parameters for the walls, foundations and foundation slabs. The investigations shall be reviewed by a registered geotechnical engineer. All recommendations by the project engineer and geotechnical engineer will be included in the final design. Recommendations that are applicable to foundation design, earthwork, and site preparation that were prepared prior to or during the project design phase shall be incorporated in the project. The final seismic considerations for the site shall be submitted to and approved by the City of Oakland Building Services Division.

Less than Significant

**TABLE III-5 (Continued)**  
**SUMMARY TABLE OF ENVIRONMENTAL IMPACTS AND MITIGATION MEASURES FOR THE REVISED PROJECT**

<p><b>F.2:</b> In the event of a major earthquake in the region, seismic ground shaking could potentially expose people and property to liquefaction and earthquake-induced settlement.</p>	<p><b>F.2a:</b> Prepare an updated site specific, design level geotechnical investigation for each building site to consider the proposed project designs and provide engineering recommendations for mitigation of liquefiable soils. These recommendations shall become part of the project. Prior to incorporation into the project, geotechnical engineering recommendations from previous investigations regarding the mitigation and reduction of liquefaction for each site shall be reviewed for compliance with <i>California Geological Survey's (CGS) Geology Guidelines for Evaluating and Mitigating Seismic Hazards (CGS Special Publication 117, 1997)</i>.</p>	<p>Less than Significant</p>
<p><b>F.3:</b> Development at the project site could be subjected to differential settlement.</p>	<p><b>F.3:</b> Geotechnical investigations and reports will be required in order to obtain permits from the City of Oakland. Such geotechnical investigations and reports prepared for the Jack London Square site shall include generally accepted and appropriate engineering techniques for determining the susceptibility of the project site to settlement and reducing its effects. Engineering recommendations shall become part of the project. In addition, the project applicant shall adhere to City grading and construction policies to reduce the potential for geologic hazards, including differential settlement and soil erosion. The project applicant shall employ Best Management Practices for reduction of soil erosion by water and wind. All construction activities and design criteria shall comply with applicable codes and requirements of the 1997 UBC with California additions (Title 22), and applicable City construction and grading ordinances.</p>	<p>Less than Significant</p>
<p><b>F-4:</b> Construction activities at the project area could loosen and expose surface soils. If this were to occur over the long term, exposed soils could erode by wind or rain increasing the sediment load to San Francisco Bay.</p>	<p><b>F.4:</b> During construction, the applicant shall comply with erosion and sediment control measures in accordance with City of Oakland's stormwater management requirements and construction best management practices for the reduction of pollutants in runoff and the State Water Quality Control Board National Pollution Discharge Elimination System (NPDES) requirements, including the development and implementation of a Storm Water Pollution Prevention Plan (SWPPP) incorporating Best Management Practices (BMPs). The SWPPP shall identify BMPs for implementation during construction activities, such as detention basins, straw bales, silt fences, check dams, geofabrics, drainage swales, and sandbag dikes.</p>	<p>Less than Significant</p>

**TABLE III-5 (Continued)**  
**SUMMARY TABLE OF ENVIRONMENTAL IMPACTS AND MITIGATION MEASURES FOR THE REVISED PROJECT**

**H. Hazardous Materials**

**H.1:** Disturbance and release of contaminated soil during demolition and construction phases of the project could expose construction workers, the public, or the environment to adverse conditions related to hazardous substance handling.

**H.1:** Implement all directives required by the July 30, 2002 and August 28, 2002 letters from the RWQCB.

Less than Significant

**H.2:** Disturbance and release of hazardous structural and building components (i.e. asbestos, lead, PCBs, USTs, and ASTs) during demolition and construction phases of the project could expose construction workers, the public, or the environment to adverse conditions related to hazardous substance handling.

**H.2a:** A pre-demolition ACM survey shall be performed prior to demolition of the structures at 66 Franklin Street, Pavilion 2, Water I Expansion, and Site D. The survey shall include sampling and analysis of suspected ACMs identified in the 1996 hazardous material screening survey. Abatement of known or suspected ACMs shall occur prior to demolition or construction activities that would disturb those materials. Pursuant to an asbestos abatement plan developed by a state-certified asbestos consultant and approved by the City, all ACMs shall be removed and appropriately disposed of by a state certified asbestos contractor.

Less than Significant

**H.2b:** The project applicant shall implement a lead-based paint abatement plan, which shall include the following components:

- Development of an abatement specification approved by an Interim-Certified Project Designer.
- A site Health and Safety Plan, as needed.
- Containment of all work areas to prohibit off-site migration of paint chip debris.
- Removal of all peeling and stratified lead-based paint on building surfaces and on non-building surfaces to the degree necessary to safely and properly complete demolition activities per the recommendations of the survey. The demolition contractor shall be identified as responsible for properly containing and disposing of intact lead-based paint on all equipment to be cut and/or removed during the demolition.
- Appropriately remove paint chips by vacuum or other approved method.
- Collection, segregation, and profiling waste for disposal determination.
- Appropriate disposal of all hazardous and non-hazardous waste.

**TABLE III-5 (Continued)**  
**SUMMARY TABLE OF ENVIRONMENTAL IMPACTS AND MITIGATION MEASURES FOR THE REVISED PROJECT**

	<p><b>H.2c:</b> In the event that additional electrical equipment or other PCB-containing materials are identified prior to demolition activities they shall be removed, and shall be disposed of by a licensed transportation and disposal facility in Class I hazardous waste landfill cells.</p>	
	<p><b>H.2d:</b> When USTs are encountered during construction, construction in the immediate area shall cease until the UST is removed and the Alameda County Local Oversight Program (Alameda LOP) is contacted to oversee removal and determine appropriate remediation measures. Removal of the UST shall require, as deemed necessary by the LOP, over-excavation and disposal of any impacted soil that may be associated with such tanks to a degree sufficient to the oversight agency.</p>	
<p><b>H.3:</b> Improper disposal of contaminated soil and hazardous structural and building components (i.e. asbestos, lead, PCBs, USTs, and ASTs) from the demolition and construction phases of the project could expose construction workers, the public, or the environment to adverse conditions.</p>	<p><b>H.3a:</b> Prior to off-site disposal, the project applicant shall perform additional soluble lead analyses of in-place or excavated soils to confirm the classification of the soils as a California hazardous waste material. If the soils are classified as a California hazardous waste, the project applicant shall dispose of the soils at a Class I disposal facility in California or an out of state non-RCRA facility permitted to accept wastes at concentrations of the excavated soils.</p>	<p>Less than Significant</p>
	<p><b>H.3b:</b> Soils that are not destined for reuse shall be characterized for disposal in accordance with the requirements of specific disposal facilities, consistent with the Directives received in the July 30, 2002 and August 28, 2002 from the Regional Water Quality Control Board to the Port of Oakland.</p>	
	<p><b>H.3c:</b> Groundwater generated during construction dewatering shall be contained and transported offsite for disposal at an appropriate facility, or treated, if necessary, prior to discharge into the sanitary sewer to levels acceptable to the East Bay Municipal Utilities District.</p>	
<p><b>H.4:</b> Hazardous materials used on-site during construction activities (i.e. solvents) could be released to the environment through improper handling or storage.</p>	<p><b>H.4:</b> The use of construction best management practices shall be implemented as part of construction to minimize the potential negative effects to groundwater and soils. These shall include the following:</p>	<p>Less than Significant</p>

**TABLE III-5 (Continued)**  
**SUMMARY TABLE OF ENVIRONMENTAL IMPACTS AND MITIGATION MEASURES FOR THE REVISED PROJECT**

- Follow manufacturer’s recommendations on use, storage and disposal of chemical products used in construction;
- Avoid overtopping construction equipment fuel gas tanks;
- During routine maintenance of construction equipment, properly contain and remove grease and oils.
- Properly dispose of discarded containers of fuels and other chemicals.

**K. Utilities and Service Systems**

**K.3:** Construction of the proposed project could impede the ability of the City of Oakland to meet the waste diversion requirements of the California Integrated Waste Management Act (AB 939) or the Alameda County Waste Reduction and Recycling Initiative (Measure D).

**K.3:** The project sponsor shall prepare, submit to the City for approval, and implement during construction a Construction and Demolition Debris Waste Reduction and Recycling Plan. The project sponsor shall divert a minimum of 50 percent of the construction and demolition debris from each stage of the project. This percentage is to be based on the City of Oakland’s method for calculating diversion by total volume or weight as described in Oakland Municipal Code Section 15.34.050.

Less than Significant

**K.5:** Operation of the proposed project would increase the amount of solid waste generated in the City of Oakland, and could impede the City’s ability to meet the diversion rate requirements of AB 939 and Measure D.

**K.5:** Adequate storage space for recyclable and compostable materials shall be provided in each project building. The design, location and maintenance of recycling collection and storage areas shall substantially comply with the provision of the Oakland City Planning Commission’s *Guidelines for the Development and Evaluation of Recycling Collection and Storage Areas*, Policy No. 100-28. A minimum of two cubic feet of storage and collection area shall be provided for each 1,000 square feet of commercial space. In addition, the project sponsor shall be required to contract with a recycling pickup service.

Less than Significant

**TABLE III-5 (Continued)**  
**SUMMARY TABLE OF ENVIRONMENTAL IMPACTS AND MITIGATION MEASURES FOR THE REVISED PROJECT**

**LESS THAN SIGNIFICANT IMPACTS**

**B. Transportation, Circulation, and Parking**

- B.5:** The proposed project would contribute to the cumulative increase in parking demand in the project area. None required.
- B.6:** The project would increase ridership on public transit providers serving the area. None required.
- B.10:** The project would contribute to 2005 changes to traffic conditions on the regional and local roadways. None required.

**C. Air Quality**

- C.3:** Project traffic would increase localized carbon monoxide concentrations at intersections in the project vicinity. None required.
- C.4:** Emissions generated by vehicular activity within the parking structures could result in a localized increase in carbon monoxide concentrations within the garage and adjacent areas and affect employees of the garage. None required.

**D. Noise**

- D.2:** Noise from project-generated traffic and other operational noise sources such as mechanical equipment, truck loading/unloading, etc. could exceed the Oakland Noise Ordinance standards and impact nearby residential receptors. None required.
- D.3:** The project would locate noise sensitive multifamily residential uses in a noise environment characterized as “normally unacceptable” for such uses by the City of Oakland. None required.
- D.4:** The proposed project, together with anticipated future development in the Jack London Square area as well as Oakland in general, could result in long-term traffic increases that could cumulatively increase noise levels. None required.

**TABLE III-5 (Continued)**  
**SUMMARY TABLE OF ENVIRONMENTAL IMPACTS AND MITIGATION MEASURES FOR THE REVISED PROJECT**

**E. Cultural Resources**

- |   |                |
|---|----------------|
| <b>E.4:</b> The proposed project would introduce a new multiple story building near and around the Heinold’s First and Last Chance Saloon, a property listed in the National Register, California Register, and an Oakland Landmark.                        | None required  |
| <b>E.6:</b> The proposed project would introduce new multiple story buildings near historic districts and Areas of Primary and Secondary Importance.  | None required. |
| <b>E.7:</b> The proposed project, in combination with other past, current, and reasonably foreseeable new construction and other alterations to historic resources in the Jack London Square area could result in cumulative impacts to historic resources. | None required. |

**F. Geology, Soils, and Seismicity**

- |  |                |
|--|----------------|
| <b>F.5:</b> The development proposed as part of the project, when combined with other foreseeable development in the vicinity, could result in cumulative impacts with respect to geology. | None required. |
|--|----------------|

**G. Utilities and Service Systems**

- |   |                |
|---|----------------|
| <b>G.1:</b> Project construction could result in increased erosion and subsequent sedimentation, with impacts to water quality. Construction activities at the proposed project site could result in dewatering of shallow groundwater resources and contamination of surface water. Additionally, release of fuels or other hazardous materials associated with construction activities could degrade water quality. | None required. |
| <b>G.2:</b> Implementation of the proposed project would increase waterfront uses, which could result in water quality impacts to the Oakland estuary and San Francisco Bay.  | None required. |
| <b>G.3:</b> Development at the project site could alter storm water drainage volumes and flow patterns.   | None required. |

**TABLE III-5 (Continued)**  
**SUMMARY TABLE OF ENVIRONMENTAL IMPACTS AND MITIGATION MEASURES FOR THE REVISED PROJECT**

**G.4:** The development proposed as part of the project, when combined with other foreseeable development in the vicinity, could result in cumulative impacts with respect to hydrology and water quality. None required.

**H. Hazardous Materials**

**H.5:** Project operations would generate general office and household hazardous waste. None required.

**H.6:** The proposed project could impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan. None required.

**H.7:** Development proposed as part of the project, when combined with other foreseeable development in the vicinity, could result in cumulative hazardous materials impacts. None required.

**I. Aesthetics, Shadow and Wind**

**I.1:** The project would construct buildings of greater height and mass than existing nearby buildings along pedestrian routes and adjacent to public areas, which could adversely affect the area's existing visual character. None required.

**I.2:** The project would result in a change to the scenic vistas of which the proposed project area is a part. None required.

**I.3:** The project would create additional shadow on adjacent blocks to the west, north, and east, including casting shadow on historic resources and contributor resources to a historic district, but would not introduce landscaping conflicting with the California Public Resource Code; not cast shadow on buildings using passive solar heat, solar collectors for hot water heating, or photovoltaic solar collectors; and not cast shadow that impairs the use of any public or quasi-public park, lawn, garden, or open space. None required.

**I.4:** The project requires a planned unit development, rezoning and conditional use permit, but would be consistent with polices and regulations addressing the provision of adequate light. None required.

**I.5:** The project would increase the amount of light and glare emitted from the project site. None required.

**TABLE III-5 (Continued)**

**SUMMARY TABLE OF ENVIRONMENTAL IMPACTS AND MITIGATION MEASURES FOR THE REVISED PROJECT**

**I.6:** The proposed project could result in hazardous wind conditions.

None required. The following are recommended:

That the project sponsor implement one or more of the following in the final design, particularly for the taller buildings Site F1, Site F2, Site F3, Site G, Site D, and 66 Franklin:

- Within the final design of the new building, incorporate specific elements such as façade articulation and horizontal projections, including wind screens, to break up and reduce the flow of winds along and/or down the face of the building.
- Place or retain several street trees (that would provide sufficient canopy and weight) along main pedestrian corridors around the buildings.
- Incorporate into the project design structural protective measures, such as overhead awnings and/or vertical wind screens and fences where necessary, to protect pedestrian walkways and gathering points.

**I.7:** Development proposed as part of the project, when combined with other foreseeable development in the vicinity, could result in cumulative impacts related to aesthetics, shadow, light and glare, and wind.

None required.

**J. Public Services and Recreation**

**J.1:** The proposed project could result in an increase in calls for police protection services.

None required.

**J.2:** The proposed project would increase the number of calls for fire protection services and emergency medical assistance.

None required.

**J.3:** The proposed project could result in new students for local schools.

None required.

**TABLE III-5 (Continued)**  
**SUMMARY TABLE OF ENVIRONMENTAL IMPACTS AND MITIGATION MEASURES FOR THE REVISED PROJECT**

**J.4:** Development proposed as part of the project could increase the demand for parks and recreational facilities. None required.

**J.5:** Development proposed as part of the project, when combined with other foreseeable development in the vicinity, could result in cumulative impacts to the provision of public services. None required.

**K. Utilities and Service Systems**

**K.1:** The proposed project would increase the demand for water services and could impact EBMUD’s limited water supply. None required.

**K.2:** The proposed project would increase the demand for sewer collection and treatment services. None required.

**K.4:** Operation of the proposed project would increase the amount of solid waste disposed by the City of Oakland at the Altamont Landfill and Recycling Facility (Altamont Landfill). None required.

**K.6:** Operation of the project and its components would increase consumption of energy. None required.

**K.7:** Development proposed as part of the project, when combined with other foreseeable development in the vicinity, could result in cumulative impacts to the provision of utilities and service systems. None required.

# CHAPTER IV

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## REVISIONS TO THE DRAFT EIR

The text changes presented in this chapter include those initiated by the Oakland Community and Economic Development Department staff, those resulting from comments on the DEIR, and errata to the DEIR.

As discussed in Chapter II, this FEIR does not modify the DEIR text so as to “insert” the Revised Project description or supplant the DEIR analysis where it would be altered by the Revised Project. For example, the DEIR text is not changed to reflect the elimination of residential uses which were proposed in the DEIR Project. The discussion text, impacts, and mitigation measures affected by the difference between the DEIR Project and the Revised Project are covered within the topical analyses and Table III-5, Summary of Impacts and Mitigation Measures for the Revised Project, in Chapter III.

Throughout this chapter, the deleted text has been shown in ~~striketrough~~, and new text has been shown underlined.

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1. The first sentence of the third full paragraph on page III-3 is revised as follows (deleted text is shown as ~~strikeout~~):

The Off-Price Retail District located further west from the Lower Broadway District contains a number of retail establishments such as Cost Plus, Bed & Bath, and the ~~Iguana's~~ Black Sea Gallery Furniture Store. [M-25]

- 
2. The last sentence starting on page III-3 is revised as follows (added text is shown underlined, and deleted text is shown as ~~strikeout~~):

Structures that exist in this area are the Harbor Master, Jack London's Cabin, and Heinold's First and Last Chance Saloon (a designated City of Oakland landmark, and a historic resource on the National Register of Historic Places ~~historic structure~~ that is located between the terminus of Webster Street and the Oakland estuary). [M-26]

3. The second paragraph on page IV.A-2, starting with the second sentence, is revised as follows (deleted text is shown as ~~strikeout~~):

Joint living and working quarter buildings with some ground floor commercial space include Fourth Street Lofts, the former Safeway headquarters building, the Brick House lofts, Portico Lofts, and Egghouse ~~Egghouse~~ ~~Lofts~~. [J-34]

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4. The second sentence of the fourth paragraph under Local Access, on page IV.B-2, is revised as follows (added text is shown underlined, and deleted text is shown as ~~strikeout~~):

The Embarcadero provides connections to the east along the waterfront, but terminates at ~~Market~~ Jefferson Street to the west. [J-4]

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5. The last sentence of the seventh paragraph under Local Access, on page IV.B-3, is revised as follows (deleted text is shown as ~~strikeout~~):

However, the flow of through traffic is impeded by stop signs at the intersections with the Embarcadero, and ~~2nd~~, 3rd and 4th Streets. [J-4]

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6. The last sentence of the tenth paragraph under Local Access, on page IV.B-3, is revised as follows (added text is shown underlined):

Third Street has one lane in each direction extending from Oak Street westward through the Jack London District into West Oakland, and is a commonly used truck route (though not formally designated as such in the Oakland Municipal Code). [J-4]

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7. The delay value for the 5th Street and Broadway intersection for existing AM peak-hour level of service conditions is corrected in Table IV.B-2 on page IV.B-8, as shown on the following page (added text is shown underlined, and deleted text is shown as ~~strikeout~~).
-

**TABLE IV.B-2 (Revised)**  
**EXISTING INTERSECTION LEVEL OF SERVICE (LOS) AND DELAY**

Traffic No.	Intersection	Traffic Control	Existing AM		Existing PM	
			LOS	Delay	LOS	Delay
#4003	5th Street & Broadway	Signal	C	<u>27.3</u> <del>30.0</del>	F	* <sup>a</sup>

[CC-13]

8. The first sentence of the first paragraph under AC Transit, on page IV.B-12, is revised as follows (added text is shown underlined, and deleted text is shown as ~~strikeout~~):

Four AC Transit bus lines operate within three blocks of Jack London Square: Lines 58/58X, 59/59A, 72R, and 72/72M, which provide service to downtown Oakland for direct connections to other bus lines as well as BART trains.

The last sentence of the second paragraph under AC Transit, on page IV.B-12, is deleted as follows (deleted text is shown as ~~strikeout~~).

~~Bus line 59/59A operates during the weekdays from 6:00 AM to 7:30 PM and during the weekends from 8:00 AM to 7:00 PM.~~

The text about Line 59/59A in Table IV.B-4, on page IV.B-13, is replaced with the following text about Line 72R as follows (added text is shown underlined):

<u>Line</u>	<u>Route Description</u>	<u>Frequency</u>
72R	<u>Jack London District (2nd Street / Clay Street) to and from Contra Costa College in San Pablo via Broadway and San Pablo Avenue.</u>	<u>Weekdays only (6:00 a.m. to 7:00 p.m.): 12 minutes</u>

[AA-3]

9. The fourth sentence of the first paragraph under Vehicle Trip Generation, on page IV.B-24, is revised as follows (deleted text is shown as ~~strikeout~~):

The estimated vehicle trip generation presented herein addresses the relationship between travel mode choices and ~~the proposed off-street parking supply,~~ as well as the availability of public transportation from AC Transit in the project vicinity and the degree of a captive market in the Jack London Square area. [N-4]

10. The following text is inserted into page IV.B-41, following the second sentence of the second paragraph under Impact B.2e:

Implementation of Mitigation Measures C.2a through C.2f (i.e., ridesharing and transit transportation demand management measures) could help reduce the number of project trips through the Webster tube during the PM peak hour, but the success rate of those measures to achieve the needed reduction in project trips can not be ensured. [CC-7]

12. Table IV.B-16, page IV.B-48, has been modified to include square footages of land uses in the DEIR Project as follows (added text is shown as underlined):

**TABLE IV.B-16 (Revised)**  
**CITY OF OAKLAND OFF-STREET PARKING MUNICIPAL CODE REQUIREMENTS**  
*(Upon Buildout of the Proposed Project)*

Land Use	<u>Project Size<sup>a</sup></u>	C-45 Zone Requirement	<u>Requirement at Project Buildout</u>
Office	<u>380,000</u>	1 space per 1,400 square feet of floor area	<u>272</u>
Specialty Retail	<u>300,000</u>	1 space per 900 square feet of floor area	<u>334</u>
Restaurant	<u>88,000</u>	1 space per 450 square feet of floor area	<u>195</u>
Supermarket	<u>40,000</u>	1 space per 450 square feet of floor area	<u>89</u>
Theatre	<u>1,700</u>	1 space per 16 seats	<u>106</u>
Hotel	<u>250</u>	3 spaces per 4 rooms	<u>188</u>
Hotel Restaurant	<u>47,000</u>	1 space per 450 square feet of floor area	<u>105</u>
Residential Unit	<u>120</u>	1 space per dwelling unit	<u>120</u>
		<b>Total</b>	<b><u>1,409</u></b>

<sup>a</sup> Project size expressed in gross square footage, except for Theatre (in seats), Hotel (in rooms), and Residential (in dwelling units).

SOURCE: City of Oakland, Municipal Code, Chapter 17.116, Off-Street Parking and Loading Requirements [J-22]

13. Table IV.B-17, page IV.B-48, has been modified to include square footages of land uses in the DEIR project, as shown on the following page (added text is shown as underlined).

**TABLE IV.B-17 (Revised)**  
**CITY OFF-STREET PARKING REQUIREMENT BY PHASE AND SITE<sup>a,b</sup>**

Land Use	Phase 1					Phase 2				Buildout Total
	Site C	Site D	Site F1	Site F3	Site G	Pavilion 2	Water I Expansion	66 Franklin	Site F2	
Office	11	64	96	-	-	-	-	35	66	272
Specialty Retail	-	66	111	6	-	83	7	44	17	334
Restaurant	71	-	73	-	-	33	18	-	-	195
Supermarket	-	-	-	-	89	-	-	-	-	89
Theatre	-	106	-	-	-	-	-	-	-	106
Hotel	-	-	-	188	-	-	-	-	-	188
Hotel Restaurant	-	-	-	11	-	-	-	-	-	11
Conference/Banquet	-	-	-	67	-	-	27	-	-	94
Residential Units	-	-	-	-	120	-	-	-	-	120
<b>City Requirement</b>			1,079				330			1,409
<b>Proposed Parking</b>			743				550			1,293
<b>Displaced (by site)</b>	(74)	(54)	=	=	(115)	=	=	=	=	(243)
<b>Displaced Parking</b>			(243)				0			(243)
<b>Surplus (Shortfall)</b>			(579)				220			(359)

<sup>a</sup> The project sponsor has applied for a Conditional Use Permit (CUP) that, subject to review and approval of the City Planning Director, would reduce the Code-required number of off-street parking spaces, as provided for under Section 17.116.110B: Discretionary Reduction of Total Requirements with Shared Parking Area. The City-required spaces, and surplus (shortfall) shown in this table do not take approval of the CUP into account.

<sup>b</sup> The parking calculations in this table are based on requirement in the C-45 zoning designation. Most of the project site is currently zoned C-45, and the project sponsor has applied to consistently zone the entire project site to C-45. Therefore, if the project is approved, the C-45 parking requirements would apply to the project as a whole, as indicated in this table.

SOURCE: Dowling Associates, Inc. [J-22]

14. The following text is inserted into page IV.B-65, following the second sentence of the first paragraph:

Implementation of Mitigation Measures C.2a through C.2f (i.e., ridesharing and transit transportation demand management measures) could help reduce the number of project trips through the Webster tube during the PM peak hour, but the success rate of those measures to achieve the needed reduction in project trips can not be ensured. [CC-7]

15. The following additional requirement is added to the listed in Mitigation Measure B.12 on page IV.B-67 as follows (added text is shown underlined):

Notification procedures for AC Transit regarding bus stop relocation and bus re-routing; the City and AC Transit would jointly determine how to replace the bus stop(s) during construction. [AA-2]

16. Mitigation Measure C.1a on page IV.C-14 has been modified as follows (added text is shown underlined, and deleted text is shown as ~~strikeout~~):

**Mitigation Measure C.1a: During construction, the project sponsor shall require the construction contractor to implement the following measures required as part of BAAQMD’s basic, ~~and enhanced~~ and optional dust control procedures required for sites larger than four acres (such as the proposed project) located in close proximity to sensitive receptors: ~~These include:~~**

- **Water all active construction areas at least twice daily. Watering should be sufficient to prevent airborne dust from leaving the site. Increased watering frequency may be necessary whenever wind speeds exceed 15 miles per hour. Reclaimed water should be used whenever possible.**
- **Cover all trucks hauling soil, sand, and other loose materials or require all trucks to maintain at least two feet of freeboard (*i.e.* the minimum required space between the top of the load and the top of the trailer).**
- **Pave, apply water three times daily, or apply (non-toxic) soil stabilizers on all unpaved access roads, parking areas and staging areas at construction sites.**
- **Sweep daily (with water sweepers using reclaimed water if possible) all paved access roads, parking areas and staging areas at construction sites.**
- **Sweep streets (with water sweepers using reclaimed water if possible) at the end of each day if visible soil material is carried onto adjacent paved roads.**
- **Hydroseed or apply (non-toxic) soil stabilizers to inactive construction areas (previously graded areas inactive for ~~one month~~ ten days or more).**
- **Enclose, cover, water twice daily or apply (non-toxic) soil stabilizers to exposed stockpiles (dirt, sand, etc.).**
- **Limit traffic speeds on unpaved roads to 15 miles per hour.**
- **Install sandbags or other erosion control measures to prevent silt runoff to public roadways.**
- **Limit the amount of the disturbed area at any one time, where feasible.**

- **Install wheel washers for all exiting trucks, or wash off the tires or tracks of all trucks and equipment leaving the site.**
- **Install wind breaks, or plant trees/vegetative wind breaks at windward side(s) of construction areas.**
- **Suspend excavation and grading activity when winds (instantaneous gusts) exceed 25 mph.**
- **Pave all roadways, driveways, sidewalks, etc. as soon as feasible. In addition, building pads should be laid as soon as possible after grading unless seeding or soil binders are used.**
- **Replant vegetation in disturbed areas as quickly as feasible.**
- **Designate a person or persons to monitor the dust control program and to order increased watering, as necessary, to prevent transport of dust offsite. Their duties shall include holidays and weekend periods when work may not be in progress. The name and telephone number of such persons shall be provided to the BAAQMD prior to the start of construction as well as posted on-site over the duration of construction. [C-3]**

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17. The following text is added after the discussion paragraph for Impact C.4 on page IV.C-20 as follows (added text is shown as underlined):

**Mitigation: None required.** [City initiated.]

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18. The following text is inserted into page IV.E-4, following the section titled Survey Findings (added text is shown underlined):

**NATIVE AMERICAN CONSULTATION**

The Native American Heritage Commission (NAHC) was contacted on November 7, 2003 in order to request a database search for sacred lands or other cultural properties of significance to local Native Americans. A record search of the sacred land file failed to indicate the presence of Native American traditional cultural properties in the project area. The NAHC provided a list of Native American contacts that may have further knowledge of the project area with respect to cultural resources and potential impacts to those resources that could occur as a result of the proposed project (see Appendix D). Letters were sent requesting information about locations of importance to Native Americans and what treatment of such resources would be recommended. No response has yet been received. [T-2]

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19. Mitigation Measures E.1a and E.1b on page IV.E-18 have been modified as follows (added text is shown underlined, and deleted text is shown as ~~strikeout~~):

**Mitigation Measure E.1a: The project sponsor shall retain a qualified archaeologist to conduct on-site monitoring and consultation during all ground disturbing activities. In the event that any prehistoric or historic subsurface cultural resources are discovered during ground disturbing activities, all work within 100 feet of the resource shall be halted. ~~A~~The qualified archaeologist shall evaluate the find and assess the significance of the find. If any find is determined to be significant, representatives of the project sponsor and the qualified archaeologist shall meet to determine the appropriate avoidance measures or other appropriate mitigation, subject to approval by the City of Oakland, which shall assure implementation of appropriate mitigation measures recommended by the archeologist. All significant cultural materials recovered shall be subject to scientific analysis, professional museum curation, and a report prepared by the qualified archaeologist according to current professional standards.**

**Mitigation Measure E.1b: In the event that human skeletal remains are uncovered during construction activities for the proposed project, the project sponsor shall immediately halt work, contact the Alameda County Coroner to evaluate the remains, and follow the procedures and protocols pursuant to Section 15064.5 (e)(1) of the CEQA Guidelines. If the County Coroner determines that the remains are Native American, the City will contact the California Native American Heritage Commission, pursuant to subdivision (c) of Section 7050.5 of the Health and Safety Code, and all excavation and site preparation activities will cease until appropriate arrangements are made. The project sponsor shall identify a Native American monitor/consultant who is either a qualified archaeologist, or who shall work in conjunction with a qualified archaeologist, who shall be on call in the event that Native American remains are discovered. [T-1]**

20. The last sentence of Mitigation E.2 on page IV.E-19 is deleted as follows (deleted text is shown as ~~strikeout~~).

**~~The plan shall be prepared in accordance with provisions of Section VI and VII of Appendix K of the CEQA Guidelines and shall be submitted to the City for review and approval.~~**

21. Mitigation Measure E.3c, starting on page IV.E-20, has been modified as follows (added text is shown as underlined; deleted text is shown as ~~strikeout~~):

**A geotechnical engineer and registered structural engineer shall determine the maximum vibration that the Heinold's building could tolerate without damage to the historic integrity of the building. If an evaluation of the proposed construction plans and methods shall be conducted prior to construction to determine whether**

vibration during the construction on the Site F1 or 66 Franklin buildings would exceed this allowable vibration threshold. ~~the Heinold's building shall be temporarily relocated during construction to a location where it would be protected from such vibration. No construction method or equipment that could cause the allowable vibration threshold to be exceeded shall be used. Specifically, if driven piles could cause the vibration threshold to be exceeded, they shall not be used and augured grouted piles shall be substituted.~~ A historic preservation architect will be consulted to plan and oversee ~~any such relocation evaluation~~ at the applicant's expense. ~~Appropriate measures shall be taken to secure the building and prepare it for the relocation so as to minimize alteration and damage to the building. After construction vibration levels have decreased to a level below the threshold and prior to the opening and operation of the new buildings, the Heinold's building would be placed back in its existing location, under the supervision of the historic preservation architect.~~ [G-20]

22. The last sentence of Mitigation E.3a on page IV.E-21 is deleted as follows (deleted text is shown as ~~strikeout~~).

**Mitigation Measure E.3a: If a registered structural engineer (with geotechnical consultation as necessary) determines that, due to the nature of the existing foundation, the Heinhold's First and Last Chance Saloon would significantly settle during and as a result of the construction of the Site F1 and 66 Franklin buildings, then the Heinhold's building shall be underpinned or otherwise structurally supported during construction on those sites so as to avoid significant settlement prior to any building, grading or pile driving activity for Site F1.**

23. Mitigation Measure H.3b on page IV.H-18 has been modified as follows (added text is shown underlined, and deleted text is shown as ~~strikeout~~):

**Mitigation Measure H.3b: ~~Soil generated by construction activities shall be stockpiled onsite and sampled prior to reuse or disposal at an appropriate facility.~~ Soils that are not destined for reuse shall be characterized for disposal in accordance with the requirements of specific disposal facilities, consistent with the Directives received in the July 30, 2002 and August 28, 2002 from the Regional Water Quality Control Board to the Port of Oakland. [E-2]**

24. The second paragraph under the heading "Recycled Water" on page IV.K-2 has been modified as follows (deleted text is shown as ~~strikeout~~):

In January 2002, the City of Oakland adopted a dual plumbing ordinance, requiring new developments within the City to use recycled water provided by EBMUD and install dual plumbing systems for appropriate recycled water uses if recycled water is available. The

proposed project area is located within the service area boundary of EBMUD's East Bayshore Recycled Water Project. ~~EBMUD anticipates recycled water delivery to the project area by the year 2005.~~ [E-4]

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25. The third full paragraph on page IV.K-7 is changed as follows (added text is shown underlined, and deleted text is shown as ~~strikeout~~):

~~EBMUD further recommends that the project sponsor install dual plumbing systems within new project development, in accordance with EBMUD Policy 73 and the City's dual plumbing ordinance, for use of recycled water from EBMUD's East Bayshore Recycled Water Project, if available at the site once project construction begins.~~ The City's dual plumbing ordinance requires that the project sponsor install dual plumbing systems within new project developments for the appropriate use of recycled water from EBMUD's East Bayshore Recycled Water Project, as EBMUD plans to supply recycled water to the project site within the next ten years for landscape irrigation. The use of recycled water would, however, be limited to landscape irrigation. As part of standard development practices within the City of Oakland, the project sponsor would comply with the Oakland Water Efficient Landscape Requirements, Article 10, Chapter 7 of the Municipal Code. The project sponsor would submit all necessary information to EBMUD as part of this process. [E-5]

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# CHAPTER V

## PERSONS AND ORGANIZATIONS COMMENTING ON THE DRAFT EIR

### A. PERSONS AND ORGANIZATIONS COMMENTING IN WRITING

The following agencies and organizations submitted written comments on the Draft EIR (DEIR) during the DEIR review period (September 8, 2003 through October 24, 2003).

	<u>Person / Agency / Organization and Signatory</u>	<u>Date</u>
A	Terry Roberts, Governor's Office of Planning and Research, State Clearinghouse	October 21, 2003
B	Grace Kato, California State Lands Commission	October 21, 2003
C	William C. Norton, Bay Area Air Quality Management District	October 24, 2003
D	Timothy C. Sable, State of California, Department of Transportation	October 27, 2003
E	William R. Kirkpatrick, East Bay Municipal Utility District	October 24, 2003
F	Joyce Roy and William Smith, Sierra Club, Northern Alameda County Regional Group	October 24, 2003
G	Una Gilmartin, Oakland Landmarks Preservation Advisory Board	October 24, 2003
H	Howard Greenwich, East Bay Alliance for a Sustainable Economy	October 24, 2003
I	Joanna Adler, Jack London Mail	October 24, 2003
J	Gary Knecht, South of the Nimitz Improvement Council	September 29, 2003
K	Sandra Threlfall, Waterfront Action	October 24, 2003
L	Naomi Schiff, Oakland Heritage Alliance	October 2, 2003
M	Naomi Schiff, Oakland Heritage Alliance	October 24, 2003
N	Jennie Ong and William Smith, Oakland Chinatown Coalition, Oakland Chinatown Chamber of Commerce and Asian Health Services	October 24, 2003
O	Cynthia L. Shartzer, Lakeside Apartment Neighborhood Association	October 24, 2003
P	Steve Lowe, Urban Space	October 24, 2003
Q	Colland Jang, Oakland Planning Commissioner	October 24, 2003
R	Carol Brookman, Heinold's First and Last Chance Saloon	October 24, 2003
S	Carol Brookman, Heinold's First and Last Chance Saloon	October 24, 2003
T	Anna Naruta, University of California, Berkeley, Anthropology Department/Archeological Research Facility	October 24, 2003
U	Simon Waddington	October 24, 2003
V	Glen Jarvis	October 24, 2003

	<u>Person / Agency / Organization and Signatory</u>	<u>Date</u>
W	Alan Templeton	October 2, 2003
X	Alan Templeton	October 27, 2003
Y	Gary Knecht, South of the Nimitz Improvement Council	September 29, 2003
Z	Gary Knecht, South of the Nimitz Improvement Council	October 24, 2003

The following agencies and organizations submitted written comments on the Draft EIR after the end of the DEIR review period (October 24, 2003).

	<u>Person / Agency / Organization and Signatory</u>	<u>Date</u>
AA	Kathleen Kelly, AC Transit	October 30, 2003
BB	Alan Templeton	October 30, 2003
CC	Gregory Fuz, City of Alameda	October 24, 2003
DD	Michael S. Woodward, Paul, Hastings, Janofsky & Walker	November 13, 2003
EE	Robert Griffin, Cornerstone Real Estate Adviser	November 17, 2003
FF	Michael S. Woodward, Paul, Hastings, Janofsky & Walker	November 4, 2003
GG	Ada Chan, Asian Pacific Environmental Network	November 14, 2003
HH	Lynette Jung Lee, EBALDC	November 14, 2003
II	Jennie Ong, Oakland Chinatown Coalition	Letter not dated

## **B. PERSONS COMMENTING AT THE PUBLIC HEARING**

The following persons provided public testimony at the Oakland City Planning Commission Public Hearing on the DEIR, held at City Hall on Wednesday, October 1, 2003.

- Naomi Schiff, Oakland Heritage Alliance
- Simon Waddington
- Joyce Roy, Sierra Club
- Gary Knecht, South of the Nimitz Improvement Council
- Sandra Threlfall
- Christopher Invernarity
- Anna Naruta
- Julia Liou, Oakland Chinatown Coalition
- Cynthia Shartzter, Lakeside Apartment Neighborhood
- Steve Lowe
- Kevin Dawson
- Joanna Adler, Jack London Merchants Association
- Ormo Sooson, Lakeside Apartments Historic District
- Sanjiv Handa, East Bay News Service

A transcript of the public hearing is included in Chapter VII of this document. A response to each comment is provided following the transcript.

# CHAPTER VI

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## MASTER RESPONSES TO COMMENTS ON THE DRAFT EIR

There were specific topic areas that received multiple comments. Although specific comments may vary in specificity, taken together, the number of comments received on those topical areas warrant a Master Response. The Master Responses are included in this chapter.

### **A. MASTER RESPONSE A, RELATIONSHIP OF REVISED PROJECT TO THE FINAL DEVELOPMENT PLAN (FDP)**

There has been some confusion regarding the Preliminary Development Plan (“PDP”) level scope of development studied by the EIR as compared to the final development plans (“FDPs”) currently proposed by the project sponsor for most of the buildings within the project. This Master Response is intended to explain the differences between the PDP scope of development studied in the EIR and the scope of development currently proposed by the project sponsor, both of which have evolved over the past year in a participatory, iterative manner within the context of Oakland’s Planned Unit Development (“PUD”) process. For clarity, this response will first explain the PUD process and then discuss how the proposed project fits into and relates to that process.

### THE PLANNED UNIT DEVELOPMENT (PUD) PROCESS

#### ***CODE REQUIREMENTS***

The Oakland Planning Code requires that projects of the size and complexity of the proposed project undergo the PUD process outlined in Section 17.140 of the Code. This process provides the basis for review of the design, site planning and other major development standards and requirements, and is generally used to facilitate and regulate development of a comprehensive master plan for a large site. The PUD process is comprised of two distinct components: the Preliminary Development Plan (“PDP”), which establishes broadly the size, design and use characteristics of the project as a whole, and one or more Final Development Plans (“FDPs”), by which the detailed and thorough designs for each site and structure within the project are approved.

#### **The PDP**

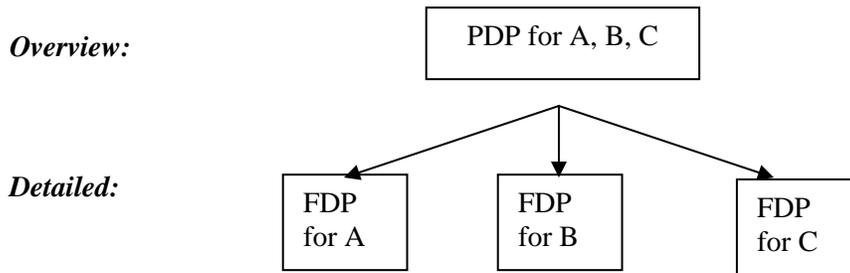
The PDP is the initial, conceptual plan that prescribes the maximum limit to the volume of development on the relevant site. Additionally, a PDP may delineate the minimum and maximum amounts of each specific land use allowed within a site and within the development as a whole. A PDP can allow flexibility in the development of each of the proposed development sites by

setting a maximum development “envelope” for each specific site, while allowing the project sponsor to build a smaller structure within that envelope, subject to constraints imposed by conditions of approval and/or a development agreement, if applicable (as it is expected to be here). PDPs often set development standards, such as parking ratios or design guidelines that must be followed by the project sponsor when implementing the project.

**The FDP**

The FDP is the specialized development plan that is required for each particular site covered by a PDP, and in the context of a Planned Unit Development essentially substitutes for the design review process. An FDP for a particular site, which is much more detailed than the treatment of that site by the PDP, may be submitted concurrently with or subsequent to the City’s approval of the PDP. In every case, the FDP must substantially conform to the maximum building envelope, footprint, height limits and conditions of approval of the previously approved PDP for the project, including any design guidelines and other development standards set forth therein. If it does not, then either the FDP or the PDP must be changed. In addition, after the City approves an FDP for a site, the project sponsor may later alter the project by applying to the City for a new, “replacement” FDP for the same site. So long as the parameters of the revised project, as reflected by the replacement FDP, remain within the limitations of the PDP, no changes to the PDP would be necessary.

The following diagram shows the relationship of the PDP to one or more FDPs, for a PUD development that consists of parcels A, B and C:



This two-step approval process thus allows the City to consider project structures, uses and configuration at a bounding, “macro” level (the PDP) and also at a more focused, “micro” level (the FDPs) before the development is undertaken.

The flexibility provided between the PDP and the FDPs is vital because it allows a developer to adapt to changing market demand and other retail, office or housing (as applicable) conditions over time. In a large, complex project that will take several years to implement (such as the redevelopment of Jack London Square), such flexibility ensures that the project remains viable. If this were not the case, the City could be left with an unfinished development, as well as unfulfilled land use goals.

## ***ENVIRONMENTAL REVIEW***

Because a PDP is required to delineate the proposed maximum limits of the volume of development, and all FDPs for a project must fall within that maximum limit, a PDP is the most conservative source for quantifying the environmental impacts of a Planned Unit Development project. Therefore, an EIR must study the PDP and its environmental impacts in order to ensure that all possible impacts of a proposed project are considered. Since the FDP for each building within a project must fall within the size and scope of the PDP, the environmental impacts of each FDP will also fall within the scope of the environmental impacts of the PDP. So long as the maximum environmental impacts of a PDP are studied in an EIR, no further environmental review is generally required for the project's FDPs.

## **THE PROPOSED PROJECT**

### ***ORIGINAL PDP***

In November 2002, the project sponsor provided its original project plan to the City for environmental review. In September 2003, the project sponsor submitted the same plan to the City as its PDP application. This original PDP proposed a maximum of 1.2 million net new square feet to be constructed as part of the project. The original PDP included multiple development options or "variants" in order to allow flexibility in the development of the sites (see Appendix A to the DEIR). In order to ensure that the DEIR fully analyzed the environmental impacts of the project, for each type of environmental impact, the City determined the "worst-case" mix of potential variants for each site under the PDP. For example, the "worst-case" development possibility for traffic was different from the "worst-case" development possibility for visual impacts; therefore, different "worst-case" scenarios were studied for each of these environmental impact topics. The City thus ensured that whatever combination of variants ultimately became the subject of FDPs for the nine development sites covered by the PDP, the environmental impacts of such combined uses would be fully covered in the DEIR.

### ***FDPs***

In September 2003, the project sponsor submitted FDPs for every site except Water I Expansion. These FDPs would result in the construction of approximately 690,000 net new square feet as part of the project, 510,000 square feet less than the total amount of new square feet allowed under the maximum envelope of the original PDP. As noted above, this size difference between the original PDP and the FDPs would enable the project sponsor to adapt to changing market conditions in the future.

### ***REVISED PROJECT PDP***

Over the past several months, numerous public hearings have been held to gather comments and ideas from the public and members of the City's Planning Commission, and City staff has provided guidance and input as well. Largely in response to these comments and input, the project sponsor submitted a new set of drawings and variants reflecting revisions to the original

PDP. The revised PDP plans were generally modeled after Alternative 2 (Modified Development Alternative) set forth in the DEIR, and also incorporated the Subalternative set forth on page V-12 of the DEIR, which provides that Heinold's First and Last Chance Saloon will remain a separate structure apart from any other development on Site F1.

The revised PDP (referred to throughout this document as the "Revised Project") still includes multiple variants (*i.e.*, combinations of uses and/or building sizes) for most of the sites, but proposes a smaller maximum envelope for the development as a whole: approximately 960,000 net new square feet as opposed to the approximately 1.2 million net new square feet proposed in the original PDP. This means that many of the maximum building envelopes for the project have decreased (although each of the FDPs submitted is still within the applicable building envelope). As a result, the difference between the amount of development proposed by the FDPs and that allowed under the PDP has been decreased by almost 50 percent -- from 510,000 square feet to 270,000 square feet.

Given that the scope of the maximum envelope of each site has either decreased or remained the same while the range of permissible uses has not changed, the environmental impacts of the Revised Project are correspondingly less than or the same as the environmental impacts of the original PDP that was the subject of the DEIR. In other words, the Revised Project (which represents the maximum amount of development permitted within the proposed project) will introduce no environmental impacts that have not already been studied in the DEIR, and will lessen or even eliminate certain significant environmental impacts identified in the DEIR for the original PDP. (See FEIR Chapter II, The Revised Project.)

It is important to note that even though FDPs for eight of the nine sites within the project have been submitted, so long as the revised PDP – or any PDP that permits a greater building envelope than the approved FDPs – is approved, the sponsor could in the future seek to construct buildings up to the maximum envelope of the applicable PDP. The applicant has indicated that it intends to construct the project elements consistent with the FDPs that have been submitted, but that it needs the flexibility of the PDP envelope in order to respond to changes in market demand and other conditions. City staff intends to prepare design guidelines to attach to the PDP that would govern any development that is within the PDP envelope but different from the FDPs that have been submitted. The following table shows the maximum possible additional increases in scope of development between the current FDP for each site and the revised PDP building envelope for that site:

**TABLE VI-1  
PRELIMINARY DEVELOPMENT PLAN (PDP) AND  
FINAL DEVELOPMENT PLAN (FDP): MAXIMUM POSSIBLE INCREASES**

Site	Revised PDP	FDP Application	Possible Future Increases in Scale
C	33,000 gsf <sup>1</sup> 45-foot parapet height 18,000 sf footprint	28,400 gsf 34-foot parapet height 14,800 sf footprint	4,600 gsf larger 11 feet higher 3,200 sf larger footprint
D	214,000 gsf 150-foot parapet height 38,000 sf footprint	43,700 gsf 78-foot parapet height 23,400 sf footprint	170,000 gsf larger 72 feet higher 14,600 sf larger footprint
Pav. 2	15,000 gsf 24-foot parapet height 15,000 sf footprint	9,650 gsf 24-foot parapet height 9,650 sf footprint	5,360 gsf larger no change 5,360 sf larger footprint
Water I Exp.	26,000 gsf 44-foot parapet height 20,000 sf footprint	not yet submitted	unknown
66 Franklin	148,950 gsf 112-foot parapet height 37,000 sf footprint	0 net new gsf 50-foot parapet height 37,000 sf footprint	148,000 gsf larger 62 feet higher no change
66 Franklin FDP Alt.	148,950 gsf 112-foot parapet height 37,000 sf footprint	148,950 gsf 112-foot parapet height 37,000 sf footprint	no change no change no change
F1	200,000 gsf 108-foot parapet height 45,000 sf footprint	166,000 gsf 108-foot parapet height 45,000 sf footprint	44,000 gsf larger no change no change
F2	398,000 gsf 125-foot parapet height 57,000 sf footprint	271,000 gsf 125-foot parapet height 57,000 sf footprint	127,000 gsf larger no change no change
F3	220,000 gsf 175-foot parapet height 55,000 sf footprint	218,000 gsf 175-foot parapet height 55,000 sf footprint	2,000 gsf larger no change no change
G	420,000 gsf 86-foot parapet height 60,000 sf footprint	420,000 gsf 74-foot parapet height 60,000 sf footprint	no change 8 feet higher no change

<sup>1</sup> All gross square footages represent net new amount of space.

SOURCE: Jack London Square Partners, LLC

CEQA requires that an EIR for a project analyze all of the environmental impacts of that project. The DEIR analyzed the impacts of the larger original project, and this document refines that analysis by analyzing the impacts of the Revised Project. In the event that an FDP is later proposed for the project that falls outside the confines of the Revised Project, further environmental review would be required at that time to determine whether there are any potential additional impacts. As explained above, however, so long as the characteristics of all of the FDPs for the Revised Project are within the limitations of the Revised Project, all of the environmental impacts of the Revised Project (*i.e.*, the project as it currently exists) remain fully analyzed.

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## **B. MASTER RESPONSE B, PROJECT IMPACTS ON OTHER KEY AREAS IN OAKLAND**

Several commenters expressed concerns about the potential economic and social impacts of the proposed project on other neighborhoods and districts within the City of Oakland. Specifically, the comments address potential impacts to Oakland's Produce Market District, Waterfront Warehouse District, Farmer's Market and Downtown / "Old Oakland" neighborhood. According to Section 15131 of the State CEQA Guidelines, "Economic or social information may be included in an EIR or may be presented in whatever form the agency desires." Section 15131(a) states, "Economic or social effects of a project shall not be treated as significant effects on the environment. An EIR may trace a chain of cause and effect from a proposed decision on a project through anticipated economic or social changes resulting from the project to physical changes caused in turn by the economic or social changes. The intermediate economic or social changes need not be analyzed in any detail greater than necessary to trace the chain of cause and effect. The focus of the analysis shall be on the physical changes." Section 15131(b) states in part, "Economic or social effects of a project may be used to determine the significance of physical changes caused by the project."

In other words, the economic or social impacts of the proposed project are not relevant to the analysis of environmental impacts, and thus need not be evaluated in an EIR, unless there is evidence that the economic or social effects of the project will produce significant physical environmental impacts. Most of the commenters' stated concerns regarding the economic and social effects associated with the proposed project are specifically related to fiscal impacts, rather than environmental effects that could be traced from the proposed project to economic or social changes to resulting physical impacts. Although these concerns are acknowledged and will be considered by the decision-makers, they do not implicate significant effects on the environment under CEQA. To the extent that the economic and social effects of the proposed project could result in physical changes to the environment, such potential environmental impacts have been identified and fully analyzed in the relevant topical sections of Chapter IV of the DEIR.

The following is a general discussion of each of the four principal areas in Oakland that are raised by the comments as being potentially affected by the proposed project.

## PRODUCE MARKET DISTRICT

Commenters have alleged that the proposed project would negatively impact the commercial viability of the Produce Market District located adjacent to the project area. Both the Produce Market District and the proposed project are governed by Oakland's Estuary Policy Plan, which reflects the City's comprehensive land use strategy for the Jack London Square District and surrounding areas. The appropriate mix of uses within the area, as well as the consequent economic and social effects of such a mix of uses, has therefore already undergone full policy analysis and environmental review. As discussed on page IV.A-18 of the DEIR, the proposed project is compatible with the land use objectives of the Estuary Policy Plan. Therefore, the City has previously determined that the proposed project will have no negative impact on the Produce Market District.

There is no evidence to indicate that the proposed project would adversely impact the economic viability and continued operation of the Produce Market, and thus there are no economic or social impacts that could lead to physical impacts on the environment. Even though the anticipated economic effects of the proposed project do not result in physical impacts and thus do not constitute CEQA issues, it should be noted that the Produce Market District could actually benefit from the project. As the project is implemented, there will be a resulting increase in the number of restaurants in the Harvest Hall and elsewhere in the redeveloped Jack London Square area. It is likely that the demand for Produce Market foods will correspondingly increase, creating a synergy between the proposed project and the Produce Market.

Furthermore, even if it were the case that the proposed project would cause economic effects to the Produce Market District, there is no evidence that such effects would result in physical changes to the environment.

It is possible (as noted by commenters) that the Produce Market will not remain at its present site indefinitely. As stated in the Estuary Policy Plan: "[Produce Market] operations are not expected to remain [in the Jack London District] over the long term. A recent City study identified that physical conditions of the existing facilities are inadequate for modern, efficient operations, and that the type of modern distribution facility needed cannot be provided at the current location." (Estuary Policy Plan, page 26) The proposed project would have no negative effect on the Produce Market's move to another location. Such a move is speculative in nature at this point in time, as is the question of what development might occur after the Produce Market has left its current site.

## WATERFRONT WAREHOUSE DISTRICT

Certain commenters have made vague statements about the proposed project's effect on the Waterfront Warehouse District; however, the nature of any such purported effect is not clear. As discussed above, the proposed project conforms to the Estuary Policy Plan and therefore is compatible with the Waterfront Warehouse District in terms of land use. No evidence has been supplied to indicate that the proposed project will cause any economic or social changes to this district, and any environmental effects have been discussed in the appropriate section of the EIR.

For example, the visual impact of the garage façade for Site G, which is one of the sites most visible from the Waterfront Warehouse District, is thoroughly analyzed in Section IV.I of the DEIR (particularly, see pages IV.I.22 through IV.I.25 of the DEIR).

## FARMER’S MARKET

Commenters have also remarked on the economic effect of the proposed project on the weekly Farmer’s Market that currently takes place in Jack London Square. There is no evidence that the project will have any detrimental economic impact on the Farmer’s Market; in fact, other developments in the Bay Area indicate that just the opposite may occur. For example, it appears that the specialty food shops in San Francisco’s renovated Ferry Building and the Farmer’s market outside that building have worked together to create a synergy that draws large numbers of consumers. Likewise, the proposed Harvest Hall, rather than competing with the Farmer’s Market, will likely benefit the Farmer’s Market by drawing more food-lovers to the Jack London Square area. Furthermore, the Farmer’s Market is governed by an agreement with the Port of Oakland, and although the project sponsor does not control the future of the Farmer’s Market, the overall site plan of the proposed project will provide open space that can accommodate the Farmer’s Market.

## DOWNTOWN / “OLD OAKLAND”

Some commenters have raised concerns over the potential effect of the proposed project on the office buildings, hotels and other establishments in the Downtown / “Old Oakland” area of the City, including Ratto’s Deli and Swan’s Marketplace. It is true that one of the City’s goals is to encourage office and hotel uses in those areas. However, it is also the City’s goal to encourage office and hotel uses in the Jack London Square area, as discussed in the Estuary Policy Plan: “[Between Clay and Webster Streets] the Estuary Policy Plan recommends the intensification of retail, dining, office, hotel, and entertainment activities.” (Estuary Policy Plan, page 58) Likewise, the Estuary Policy Plan proposes that a “high-quality hotel and conference center” be located in the blocks between Webster and Alice Streets (the proposed location of the project’s hotel/conference center) (Estuary Policy Plan, page 60). The proposed project will carry out the goals and direction of the Estuary Policy Plan, and should not be limited by the fact that other areas of the City have not yet been fully improved. Other projects similarly will carry out the City’s goals for Downtown / “Old Oakland.” In fact, Jack London Square is in close enough proximity to the Downtown / “Old Oakland” area that once the proposed project is developed, developers will be drawn to the Downtown / “Old Oakland” area in order to benefit from the revitalization of Jack London Square.

Furthermore, even if it were the case that the proposed project would cause negative economic effects to the Downtown / “Old Oakland” area, such as empty office space due to the migration of businesses to the Jack London Square area, there is no evidence that such effects would result in physical changes to the environment.

### C. MASTER RESPONSE C, EXTENSION OF 45-DAY PUBLIC COMMENT PERIOD

Section 15105 of the Guidelines for California Environmental Quality Act states, “*The public review period for a draft EIR should not be less than 30 days nor longer than 60 days except in unusual circumstances. When a draft EIR is submitted to the State Clearinghouse for review by state agencies, the public review period shall not be less than 45 days, unless a shorter period, not less than 30 days, is approved by the State Clearinghouse.*”

The City issued the first Notice of Preparation (NOP) for the DEIR on February 13, 2003. The City issued a revised NOP on May 12, 2003 given changes that the City made to the scope of the DEIR in response to comments received on the first NOP (specifically adding analysis on public services and recreation). As is standard, the NOP was sent to all governmental agencies and organizations and persons interested in the project.

The Jack London Square Redevelopment DEIR was published on September 8, 2003, beginning a 46-day public review period that ended on October 24, 2003. As was stated in the Notice of Availability that the City mailed to governmental agencies, and organizations and persons interested in the project, and/or who had responded to the NOP, any person could review or obtain a copy of the DEIR. Copies of the DEIR were available on-line and in the Community and Economic Development Agency office.

During (and well beyond) the 46-day comment period, the project sponsor and City staff initiated and responded to requests for numerous meetings with interested parties, neighborhoods, persons, and organizations that were interested in and/or concerned with the project. On October 6, 2003, the project was heard at the Landmark’s Preservation Advisory Board, at which public comments were accepted on the DEIR. On October 1, 2003, the Oakland Planning Commission held a public hearing to receive comments on the DEIR. At that meeting, numerous members of the public raised substantive issues and questions about the environmental review process and the project. The Revised Project is, in great part, the result of the project sponsor’s responsiveness to the public input received.

At that October 1 public hearing, members of the public requested that the public review period for the DEIR be extended to allow additional time to review and comment on the DEIR document. At that meeting, Director of Development Claudia Cappio responded that the 46-day review period was consistent with CEQA requirements, as well as City procedures. Also, from a practical perspective (versus the legal CEQA perspective), the comprehensive nature of the issues and comments received on the project during the comment period supported the Planning Commission’s determination that the review period was adequate. Furthermore, after the public hearing, the public had three additional weeks to review the document prior to the October 24, 2003 close of the 46-day public review period. The Planning Commission thus chose not to extend the public review period.

## **D. MASTER RESPONSE D, CALIFORNIA STATE LANDS COMMISSION, PUBLIC TRUST DOCTRINE**

Some commenters have inquired as to what portions of the proposed project would fall within public trust jurisdiction, and whether such areas would comply with state requirements for public trust lands. The project's compliance with the public trust is not a CEQA issue. The environmental impacts of the project (for instance, on traffic, air quality, noise and other topics) would be the same regardless of how the project relates to the public trust doctrine. Therefore, comments and responses concerning public trust issues are unrelated to the adequacy of or analysis in the EIR for the project. Nevertheless, for informational purposes, this Master Response will generally explain how the project would relate to and comply with public trust tenets.

By way of background, the tide and submerged lands (together, "tidelands") adjacent to the City of Oakland were legislatively granted by the State of California to the City. As stated in the legislative grants, the tidelands were provided to the City for harbor purposes and for the construction or operation of other utilities, structures, or appliances necessary or convenient for the promotion of commerce and navigation.

Section 706 of the Oakland City Charter delegates to the Port of Oakland the power to manage and operate the tidelands. The City Charter further provides that the Port has the complete and exclusive power to manage and control all tidelands and the lands adjacent thereto for purposes consistent with the City's grants and for the promotion and accommodation of commerce and navigation. As acknowledged in the letter from the State Lands Commission (Letter B), it is generally accepted that public trust uses include "waterborne commerce, navigation, fisheries, open space [and] recreation." The Port, as the City's delegate, is statutorily authorized to lease its public trust lands for a period of up to sixty-six years consistent with the purposes expressed in the tidelands grants. The public trust is therefore a policy issue that must be considered by the Port when it decides whether to grant the project approvals (including one or more ground leases of Port property to the project sponsor) necessary for the project. This would occur following City action on the proposed approvals for the project.

The project itself is consistent with the public trust doctrine. A great deal of new public open space is provided. All project ground floor uses (including stores, restaurants and recreational facilities) would be visitor-serving commercial uses open to the public, bringing people to the waterfront and therefore public trust consistent uses. Numerous uses on the upper floors of project buildings, including the hotel at Site F3, the theatre at Site D and any retail space at Sites C and F1 would be of the same or substantially similar nature and therefore similarly public trust consistent uses. Office and perhaps housing on the upper floors of some project buildings comprise a small portion of the project. Such uses, in the context of the project, also bring people to the waterfront and create a demand that complements and helps to sustain and ensure the existence and success of the project's visitor-serving public trust consistent uses, such as retail and recreation.

Furthermore, the City considered and addressed public trust issues in adopting the Estuary Policy Plan, for which an EIR was prepared and certified in 1999. The proposed project is consistent with the Estuary Policy Plan, and thus there are no public trust conflicts. An illustrative map showing the Tidelands Trust Grant lands ownership is included in the Estuary Policy Plan on page 54.

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## **E. OTHER RESPONSES**

Several commenters expressed concern with the impact of the Revised Project on the Heinold's First and Last Chance Saloon, a historic resource. No Master Response regarding this topic is included in this FEIR, however, the topic is thoroughly discussed throughout the document – in Chapter II, The Revised Project; in the Cultural Resources section of Chapter III (Environmental Effects of the Revised Project); and throughout the responses to comments that raise this topic.

A number of commenters also raised concerns regarding the impact of the Revised Project on Chinatown, especially as it relates to traffic impacts. This issue, and other related Chinatown issues regarding possible impacts from the Revised Project, are discussed in the responses to comments that raise this issue.

# CHAPTER VII

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## RESPONSES TO WRITTEN COMMENTS ON THE DRAFT EIR

This chapter includes copies of the comment letters received during the public review period on the DEIR and responses to those comments. Where responses have resulted in changes to the text of the DEIR, these changes also appear in Chapter IV of this FEIR.

The Revised Project differs from the project analyzed in the DEIR in a number of ways already discussed in previous chapters of this FEIR. Most notable is that, generally, the Revised Project would be reduced in scale and intensity, and, among other specific changes, it would set new construction back from the Heinold's First and Last Chance Saloon structure, it would significantly reduce the scale of the retail building proposed in front of the Barnes & Noble store (Pavilion 2), and it would eliminate residential uses. In large part, the Revised Project is the result of the City and the project sponsor responding to public input received on the DEIR Project, such as the letters included in this chapter. As a result, some public comments pertain to aspects of the DEIR Project that subsequently have been changed in the Revised Project presented in this FEIR. Where this occurs (and the comment specifically addresses a project characteristic versus methodology, etc.), the response differentiates between the impacts or characteristics of the DEIR Project and the Revised Project as appropriate. Where a response (or portion of a response) applies equally to the DEIR Project and the Revised Project, the response refers in an encompassing manner to the "project" or the "proposed project."



Gray Davis  
Governor

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



A

Tal Finney  
Interim Director

October 21, 2003

Claudia Cappio  
City of Oakland Planning Division  
250 Frank H. Ogawa Plaza  
Suite 3330  
Oakland, CA 94612-2032

Subject: Jack London Square Redevelopment Project  
SCH#: 2003022086

Dear Claudia Cappio:

The State Clearinghouse submitted the above named Draft EIR to selected state agencies for review. The review period closed on October 20, 2003, and no state agencies submitted comments by that date. This letter acknowledges that you have complied with the State Clearinghouse review requirements for draft environmental documents, pursuant to the California Environmental Quality Act.

Please call the State Clearinghouse at (916) 445-0613 if you have any questions regarding the environmental review process. If you have a question about the above-named project, please refer to the ten-digit State Clearinghouse number when contacting this office.

Sincerely,

Terry Roberts  
Director, State Clearinghouse

A-1

**Document Details Report  
State Clearinghouse Data Base**

**SCH#** 2003022086  
**Project Title** Jack London Square Redevelopment Project  
**Lead Agency** Oakland, City of

---

**Type** EIR Draft EIR  
**Description** Redevelop the existing Jack London Square. The proposed project would intensify existing office, retail, and dining establishments within Jack London Square by providing new construction on nine development areas, resulting in approximately over one million square-feet. To accommodate this, the project would demolish approximately 161,800 square-feet of existing commercial space.

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**Lead Agency Contact**

**Name** Claudia Cappio  
**Agency** City of Oakland Planning Division  
**Phone** 510 238-2229 **Fax**  
**email**  
**Address** 250 Frank H. Ogawa Plaza  
Suite 3330  
**City** Oakland **State** CA **Zip** 94612-2032

---

**Project Location**

**County** Alameda  
**City** Oakland  
**Region**  
**Cross Streets** Embarcadero, Clay, Alice, Harrison, 2nd St.

<b>Parcel No.</b>	<b>Township</b>	<b>Range</b>	<b>Section</b>	<b>Base</b>
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**Proximity to:**

**Highways** I-880, I-980  
**Airports** Oakland Int'l  
**Railways** Amtrak  
**Waterways** Oakland Estuary  
**Schools** Lincoln Elementary, West Lake Middle; Oakland Technical High  
**Land Use** Mixed Use Waterfront / Estuary Plan Area, Retail, Dining and Entertainment, Mixed Use District of Jack London District, C-45 (Community Shopping Commercial), R-80 (High Rise Apartment Residential), M-20 (Light Industrial).

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**Project Issues** Aesthetic/Visual; Air Quality; Archaeologic-Historic; Drainage/Absorption; Geologic/Seismic; Noise; Public Services; Recreation/Parks; Schools/Universities; Sewer Capacity; Soil Erosion/Compaction/Grading; Solid Waste; Toxic/Hazardous; Traffic/Circulation; Water Quality; Water Supply; Growth Inducing; Landuse; Cumulative Effects

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**Reviewing Agencies** Resources Agency; Department of Fish and Game, Region 3; Office of Historic Preservation; Department of Parks and Recreation; San Francisco Bay Conservation and Development Commission; Department of Water Resources; Integrated Waste Management Board; Regional Water Quality Control Board, Region 2; Department of Toxic Substances Control; California Highway Patrol; Caltrans, District 4; Department of Housing and Community Development; Native American Heritage Commission; State Lands Commission

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**Date Received** 09/05/2003 **Start of Review** 09/05/2003 **End of Review** 10/20/2003

**A. GOVERNOR'S OFFICE OF PLANNING AND RESEARCH, STATE CLEARINGHOUSE**

A-1: The comment has been noted.

**CALIFORNIA STATE LANDS COMMISSION**  
100 Howe Avenue, Suite 100-South  
Sacramento, CA 95825-8202



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

**Contact Phone: 916-574-1227**  
**Contact FAX: 916-574-1955**

October 16, 2003

File Ref: SCH #2003022086

Claudia Cappio  
Oakland Community Economic and Development Agency  
Planning and Zoning Division  
250 Frank Ogawa Plaza, Ste 3330  
Oakland, CA 94612-2032

**SUBJECT: Jack London Square Redevelopment Draft EIR Review**

Dear Ms. Cappio:

Thank you for the opportunity to comment on the Draft Environmental Impact Report (EIR) for the Jack London Square Redevelopment.

The proposed project will involve lands legislatively granted to the City of Oakland pursuant to various statutes and mineral reservations. In addition, on April 23, 1962, the CSLC and the City of Oakland, acting by and through its Board of Port Commissions, entered into a boundary line agreement (BLA 24) for the area between Broadway and Washington Streets and lying northerly of the U.S. Pierhead Line of 1913. This agreement established the 1913 U.S. Pierhead Line as the boundary between state tidelands and submerged land and City of Oakland Lands.

The Public Trust is a sovereign public property right held by the State or its delegated trustee for the benefit of all the people. This right limits the uses of these lands to waterborne commerce, navigation, fisheries, open space, recreation or other recognized Public Trust purposes. Any project developments should be made accordingly.

If you have any questions, please do not hesitate to contact me at 916-574-1227. Thank you for the opportunity to comment.

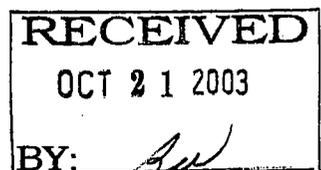
Sincerely,

A handwritten signature in cursive script that reads "Grace Kato".

Grace Kato

Public Land Management Specialist

cc: DEPM



B-1

## **B. CALIFORNIA STATE LANDS COMMISSION**

- B-1: DEIR page IV.A-29 discusses the fact that portions of the Project area lie within “public trust lands,” which are certain tidal and submerged lands that are held in trust to cities and counties to be used consistent with the Public Trust Doctrine. See Master Response D, California State Lands Commission / Public Trust Doctrine, as it relates to the Project.



BAY AREA  
AIR QUALITY  
MANAGEMENT  
DISTRICT

ALAMEDA COUNTY  
Roberta Cooper  
Scott Haggerty  
(Chairperson)  
Nate Milley  
Sheila Young

CONTRA COSTA COUNTY  
Mark DeSaulnier  
Mark Ross  
Gayle Uilkema  
(Secretary)

MARIN COUNTY  
Harold C. Brown, Jr.

NAPA COUNTY  
Brad Wagenknecht

SAN FRANCISCO COUNTY  
Willie Brown, Jr.  
Chris Daly  
Jake McGoldrick

SAN MATEO COUNTY  
Jerry Hill  
Marland Townsend  
(Vice-Chairperson)

SANTA CLARA COUNTY  
Liz Kniss  
Patrick Kwok  
Julia Miller  
Dena Mossar

SOLANO COUNTY  
John F. Silva

SONOMA COUNTY  
Tim Smith  
Pamela Toriatt

William C. Norton  
EXECUTIVE OFFICER/APCO

Claudia Cappio  
Planning Division  
City of Oakland  
250 Frank H. Ogawa Plaza, Suite 3330  
Oakland, CA 94612

Subject: Jack London Square Redevelopment Project

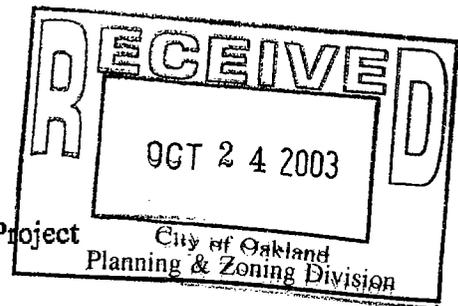
Dear Ms. Cappio:

Bay Area Air Quality Management District (District) staff have received your agency's Draft Environmental Impact Report (DEIR) for the Jack London Square Redevelopment Project. The project includes the demolition of up to 161,800 square feet of existing commercial space and the development of 380,300 square feet of office space; 444,400 square feet of retail and restaurant space; a 250 room hotel; a 1,700 seat theater; 120 residential units; and 1,293 parking spaces.

In our March 17, 2003 letter responding to the City's Notice of Preparation for this DEIR, we stated that if significant air quality impacts are identified, the DEIR must include all feasible mitigation measures to reduce the air quality impacts. Given the proposed project's size and the number of new vehicle trips that may be generated (an estimated 24,914 trips per day), air quality impacts from project operations could be significant. Therefore, we continue to encourage the City do as much as possible to reduce vehicle trips associated with the project.

In the *Air Quality* section, the City makes the determination that the proposed project operations will result in significant and unavoidable air quality impacts. However, it is unclear whether the mitigation measures listed under *Impact C.2* are measures that the City has committed to implement as part of the project. On page *IV.C-17*, the DEIR states that "mitigation measures required for reducing motor vehicle emissions are provided in *italics* followed by specific measures already included as part of the proposed project." While we are fully supportive of the rideshare measures, transit measures, shuttle measures and bicycle/pedestrian measures that are listed in this section, we are disappointed to note that the only measure which is clearly stated as part of the proposed project is a private shuttle service that would run between the project site and the 12th Street BART station during peak commute hours. We continue to be highly supportive of this measure and encourage the City to work with the private transit provider to ensure prompt and convenient shuttle service is provided. In addition, we urge the City to commit to the inclusion of all remaining mitigation measures by incorporating them into the conditions for project approval. We believe the City can maximize the benefits of the project's transit-rich location by including as many appropriate transportation demand management (TDM) measures as possible. Many of the listed measures promote transportation alternatives to the single-occupant vehicle which will help to mitigate the project's air quality impacts.

October 24, 2003



C-1

C-2

Ms. Claudia Cappio

-2-

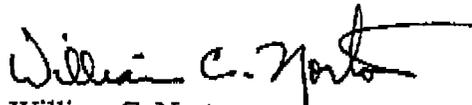
October 24, 2003

Finally, we have some concerns about construction-related air quality impacts of developing the Jack London Square Redevelopment Project. As mentioned in the DEIR, the size and scope of construction activities associated with this project will generate a significant amount of fugitive dust in the area. We are pleased that most of the District's basic and enhanced control measures for fugitive dust impacts are listed in the DEIR. However, based on the size of this project and its proximity to a number of sensitive receptors, we encourage the City to require all of the mitigation measures currently listed in the DEIR as well as BAAQMD-recommended optional control measures, which include the installation of wheel washers and wind breaks as well as limiting the area subject to excavation, grading and other construction activity at any one time. The City should strictly enforce these mitigation measures in order to insure that the project's construction dust impact will be diminished as much as possible.

C-3

If you have any questions regarding these comments, please contact Suzanne Bourguignon, Environmental Planner, at (415) 749-5093.

Sincerely,



William C. Norton  
Executive Officer/APCO

*Enclosure: March 17, 2003 comment letter*

WN:SB

cc: BAAQMD Director Roberta Cooper  
BAAQMD Director Scott Haggerty  
BAAQMD Director Nate Milcy  
BAAQMD Director Shelia Young



**BAY AREA  
AIR QUALITY  
MANAGEMENT  
DISTRICT**

March 17, 2003

Claudia Cappio  
Planning Division  
City of Oakland  
250 Frank H. Ogawa Plaza, Suite 3330  
Oakland, CA 94612

**Subject: Jack London Square Phase II Project**

Dear Ms. Cappio:

Bay Area Air Quality Management District (District) staff have received your agency's Notice of Preparation (NOP) of a Draft Environmental Impact Report (DEIR) for the Jack London Square Phase II Project. The project includes the demolition of approximately 131,800 square feet of existing commercial space and the development of 380,300 square feet of office space; 392,400 square feet of retail and restaurant space; a 250 room hotel; a 1,700 seat theater; a 40,000 square foot supermarket; 120 residential units; and 1,293 parking spaces.

District staff agree with the NOP's conclusion that the DEIR should analyze the project's potential impacts upon air quality. The Bay Area is currently a non-attainment area for federal and state ambient air quality standards for ground level ozone and state standards for particulate matter. The air quality standards are set at levels to protect public health and welfare. Toxic air contaminants are also an area of serious concern in the Bay Area. Any project which exposes sensitive receptors or the general public to substantial levels of criteria air pollutants or toxic air contaminants would be deemed to have a significant impact and would need to be properly mitigated. As general background for readers, the DEIR should discuss the health effects of air pollution, and it should provide quantitative summaries of the region's attainment status with regard to ambient air quality standards and the contribution of mobile and stationary sources to air pollution emissions.

The DEIR should also evaluate potential nuisance impacts, such as odors and dust that could result from project implementation. Odors and dust may not necessarily cause physical harm, but can still be unpleasant and can motivate citizen complaints. Particulate matter (PM) is a pollutant of concern for both nuisance and health-related reasons. PM larger than ten microns is more likely to be a public nuisance than a serious health hazard. On the other hand, research has demonstrated a correlation between high levels of fine PM and increased mortality rates and high incidences of chronic respiratory illness. The DEIR should evaluate potential impacts and propose appropriate mitigation measures.

As part of the Regional Agencies Smart Growth Strategy/Regional Livability Footprint Project, Alameda County residents recently expressed a strong preference for more infill and mixed use development that provides a range of travel options. We believe that through land use decisions that support transit, walking and cycling, Bay Area cities can help to reduce the rate of increase in vehicle miles traveled and improve local and regional air quality. In many ways, this project fulfills our goals

**ALAMEDA COUNTY**  
Roberta Cooper  
Scott Haggerty  
(Chairperson)  
Nate Miley  
Shelia Young

**CONTRA COSTA COUNTY**  
Mark DeSaulnier  
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Chris Daly  
Jake McGoldrick

**SAN MATEO COUNTY**  
Jerry Hill  
Marland Townsend  
(Vice-Chairperson)

**SANTA CLARA COUNTY**  
Liz Kniss  
Julia Miller  
Dena Mossar  
(Vacant)

**SOLANO COUNTY**  
John F. Silva

**SONOMA COUNTY**  
Tim Smith  
Pamela Torliatt

William C. Norton  
EXECUTIVE OFFICER/APCO

C-4

C-5

C-6

Ms. Claudia Cappio

-2-

March 17, 2003

by redeveloping a variety of land uses on urban in-fill sites near transit, and we commend the City for these efforts.

C-6

The DEIR should analyze the potential impact on air quality from project construction and project operation at buildout. Without mitigation, a project of this size is likely to have significant air quality impacts through an increase in motor vehicle traffic. Motor vehicles constitute the largest source of air pollution in the Bay Area; therefore, we have a strong interest in promoting alternative modes of transportation. The project site is located in a relatively transit-rich part of Oakland close to a number of AC Transit buses, the 12<sup>th</sup> Street/City Center BART station, and the Jack London Square terminal of the Alameda-Oakland ferry. The DEIR should identify strategies to maximize linkages between the project site and these mass transit nodes.

C-7

District staff support the smart growth approach the City has taken with this project. As with all projects, if significant air quality impacts are identified, the DEIR must include all feasible mitigation measures to reduce the air quality impacts. Given this project's size, the number of vehicle trips generated by the project could be significant. Therefore, we suggest the City do as much as possible to reduce vehicle trips associated with the project. The City can maximize the benefits of the project's location by incorporating as many appropriate transportation demand management (TDM) measures as possible, including: reduced or shared parking; transit subsidies such the Commuter Check program; and bicycle/pedestrian facilities and access. These measures promote transportation alternatives to the single-occupant vehicle which help to mitigate the project's air quality impacts.

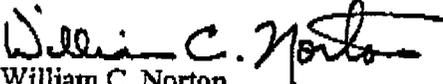
C-8

For more details on our agency's guidance regarding environmental review, we recommend that the City refer to the *BAAQMD CEQA Guidelines: Assessing the Air Quality Impacts of Projects and Plans (1999)*. The document provides information on best practices for assessing and mitigating air quality impacts related to projects and plans, including construction emissions, land use/design measures, project operations, motor vehicles, nuisance impacts and more. If you do not already have a copy of our guidelines, we recommend that you obtain a copy by calling our Public Information Division at (415) 749-4900 or downloading the online version from the District's web site at <http://www.baaqmd.gov/planning/plntrms/ceqaguid.htm>.

C-9

If you have any questions regarding these comments, please contact Suzanne Bourguignon, Environmental Planner, at (415) 749-5093.

Sincerely,

  
William C. Norton  
Executive Officer/APCO

WN:SB

cc: BAAQMD Director Roberta Cooper  
BAAQMD Director Scott Haggerty  
BAAQMD Director Nate Miley  
BAAQMD Director Shelia Young

## C. BAY AREA AIR QUALITY MANAGEMENT DISTRICT

- C-1: The DEIR identifies a significant, operational air quality impact and the City will impose all feasible mitigation measures, although the impact is determined to be unavoidable even after mitigation. Mitigation Measure C.2 would be required, and includes those measures recommended by the BAAQMD to reduce vehicle trips associated with the project. Mitigation Measure C.1a would reduce the significant air quality impacts during construction, and has been modified as shown in Response C-3 below. The City shall require implementation of these measures as conditions of project approval.
- C-2: As stated in Response C-1 above, all mitigation strategies listed under Mitigation Measure C.2 would be required as conditions of approval for the project.
- C-3: Due to the proximity of sensitive receptors to the project site and the predominant wind direction (from the Bay to land that tends to carry dust towards sensitive receptors), in addition to the measures listed under Mitigation Measure C.1a of the DEIR, the optional dust control measures recommended by the BAAQMD in its 1999 CEQA Guidelines will be included to reduce the air quality impacts of the project during construction. Therefore, Mitigation Measure C.1a is modified as follows (additions shown as underlined; deletions as ~~strikeout~~):

**Mitigation Measure C.1a: During construction, the project sponsor shall require the construction contractor to implement the following measures required as part of BAAQMD's basic, ~~and enhanced~~ and optional dust control procedures required for sites larger than four acres (such as the proposed project) located in close proximity to sensitive receptors: ~~These include:~~**

- **Water all active construction areas at least twice daily. Watering should be sufficient to prevent airborne dust from leaving the site. Increased watering frequency may be necessary whenever wind speeds exceed 15 miles per hour. Reclaimed water should be used whenever possible.**
- **Cover all trucks hauling soil, sand, and other loose materials or require all trucks to maintain at least two feet of freeboard (*i.e.*, the minimum required space between the top of the load and the top of the trailer).**
- **Pave, apply water three times daily, or apply (non-toxic) soil stabilizers on all unpaved access roads, parking areas and staging areas at construction sites.**
- **Sweep daily (with water sweepers using reclaimed water if possible) all paved access roads, parking areas and staging areas at construction sites.**

- Sweep streets (with water sweepers using reclaimed water if possible) at the end of each day if visible soil material is carried onto adjacent paved roads.
- Hydroseed or apply (non-toxic) soil stabilizers to inactive construction areas (previously graded areas inactive for ~~one month~~ ten days or more).
- Enclose, cover, water twice daily or apply (non-toxic) soil stabilizers to exposed stockpiles (dirt, sand, etc.).
- Limit traffic speeds on unpaved roads to 15 miles per hour.
- Install sandbags or other erosion control measures to prevent silt runoff to public roadways.
- Limit the amount of the disturbed area at any one time, where feasible.
- Install wheel washers for all exiting trucks, or wash off the tires or tracks of all trucks and equipment leaving the site.
- Install wind breaks, or where feasible, plant trees/vegetative wind breaks, at windward side(s) of construction areas.
- Suspend excavation and grading activity when winds (instantaneous gusts) exceed 25 mph.
- Pave all roadways, driveways, sidewalks, etc. as soon as feasible. In addition, building pads should be laid as soon as possible after grading unless seeding or soil binders are used.
- Replant vegetation in disturbed areas as quickly as feasible.
- Designate a person or persons to monitor the dust control program and to order increased watering, as necessary, to prevent transport of dust offsite. Their duties shall include holidays and weekend periods when work may not be in progress. The name and telephone number of such persons shall be provided to the BAAQMD prior to the start of construction as well as posted on-site over the duration of construction.

C-4: This comment was provided in response to the NOP. The comment was addressed in the DEIR. The DEIR provides summaries of health effects of the criteria pollutants (see Table IV.C-1 ), quantitative summaries of the region's attainment status with respect to ambient air quality standards (see Tables IV.C-2 and IV.C-3) and the contribution of mobile and stationary sources to air pollutant emissions under the Existing Air Quality discussion. The primary TAC of concern generated by the project would be diesel particulate matter. The impact of diesel particulates has been analyzed qualitatively in the DEIR in the last paragraph under Impact C.2.

- C-5: This comment was provided in response to the NOP. The comment was addressed in the DEIR. There are no unpleasant odor sources associated with the proposed project. Dust impacts have been addressed under Impact C.1 in the DEIR.
- C-6: This comment was provided in response to the NOP. The comment has been noted.
- C-7: This comment was provided in response to the NOP. The comment was addressed in the DEIR under Impacts C.1 and C.2.
- C-8: This comment was provided in response to the NOP. The comment was addressed in the DEIR under Impact C.2 as Mitigation Measure C.2. Also see response to comment C-2 above.
- C-9: This comment was provided in response to the NOP. The BAAQMD's CEQA Guidelines were used to analyze construction, operational and cumulative impacts of the project in the DEIR.

D

STATE OF CALIFORNIA — BUSINESS, TRANSPORTATION AND HOUSING AGENCY

GRAY DAVIS, Governor

DEPARTMENT OF TRANSPORTATION

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



Flex your power!  
Be energy efficient!

October 27, 2003

ALA880593  
ALA-880-31.42  
SCH 2003022086

Ms. Claudia Cappio  
City of Oakland Planning Division  
250 Frank Ogawa Plaza, Suite 3330  
Oakland, CA 94612

Dear Ms. Cappio:

**JACK LONDON SQUARE PHASE II – DRAFT ENVIRONMENTAL IMPACT REPORT**

Thank you for continuing to include the California Department of Transportation (Department) in the environmental review process for the Jack London Square Phase II project. The following comments are based on the Draft Environmental Impact Report (DEIR).

**Significance Criteria**

**Page IV.B-21:** Since degradation to Level of Service (LOS) D is significant per the Department's Guide for the Preparation of Traffic Impact Studies, the document should be revised to reflect the Department's significance criteria for evaluating impacts to state facilities. See the link to the Department's website below for more information regarding Departmental standards and requirements. Review of the Guide, as well as prior consultation with the Department, is recommended prior to initiating or revising project-related traffic analysis.  
<http://www.dot.ca.gov/hq/traffops/developserv/operationalsystems/reports/tisguide.pdf>

D-1

**Mitigation**

The project's fair share contribution, financing, scheduling, implementation responsibilities and lead agency monitoring should be fully discussed for all proposed mitigation measures. Please see the enclosure regarding recent requirements for transportation-related mitigation monitoring and reporting.

D-2

**Table II-1, Impacts B.2.f and B.3.g:** Since the Interstate-880 (I-880) southbound ramp is currently operating at capacity, the proposed mitigation to optimize signal timing is insufficient. Mitigation to reduce impacts to a less than significant level should be identified. Where traditional mitigation such

D-3

Ms. Claudia Cappio  
October 27, 2003  
Page 2

as geometric or engineering improvements are not available, the reasons for this should be fully developed in the DEIR, and the following mitigation strategies should be explored:

- Phasing project construction to coincide with available mitigation,
- Reducing the scope and/or size of the project,
- Modifying the project such that mixed-use and high-density uses are maximized, and
- Applying Transportation Demand Management strategies.

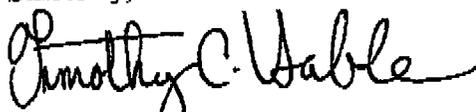
D-3

**Table II-1, Impact B.11:** Mitigation to reduce impacts to the I-880 mainline to a less than significant level should be identified.

D-4

Please feel free to call or email Patricia Maurice of my staff at (510) 622-1644 or [patricia\\_maurice@dot.ca.gov](mailto:patricia_maurice@dot.ca.gov) with any questions regarding this letter.

Sincerely,



TIMOTHY C. SABLE  
District Branch Chief  
IGR/CEQA

c: Terry Roberts, State Clearinghouse

Enclosure (with original)

**GUIDELINES FOR SUBMITTING TRANSPORTATION  
INFORMATION FROM A REPORTING OR MONITORING  
PROGRAM TO THE CALIFORNIA DEPARTMENT OF  
TRANSPORTATION (DEPARTMENT)**

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**INTRODUCTION** The California Environmental Quality Act (CEQA) as amended on January 1, 2001, by Assembly Bill (AB) 1807, added a new provision to Section 21080.4 of the Public Resources Code (PRC). The provision requires lead agencies to submit Notices of Preparation (NOPs) to the Governor's Office of Planning and Research when they determine that an environmental impact report will be required to approve a project.

The new law also amended PRC Section 21081.7, which now requires that "transportation information resulting from a reporting or monitoring program adopted by a public agency" be submitted to the Department when a project has impacts that are of statewide, regional, or area-wide significance.

Mitigation reporting or monitoring programs are required under PRC Section 21081.6 when public agencies include environmental impact mitigation as a condition of project approval. Reporting or monitoring takes place after approval to ensure implementation of the project in accordance with mitigation imposed during the CEQA review process.

In addition to the requirements listed above, AB 1807 obligates the Department to provide guidance for public agencies to submit their reporting or monitoring programs. Subject to these requirements, the following guidelines have been adopted by the Department.

**PURPOSE OF  
THE  
GUIDELINES**

The purpose of these guidelines is to establish clear and consistent statewide procedures for public agencies to submit transportation mitigation reporting or monitoring information to the Department. They are to be used by District Intergovernmental Review (IGR) Program Coordinators for identifying the scope and timing of transportation information needed, and to identify the "single point of contact" for transmittal of reporting or monitoring information from the lead agency to the Department.

## PROCEDURES

The following procedures are intended for use by District IGR Program Managers and Coordinators in directing local lead agencies to comply with PRC Section 21081.7.

- A. The District IGR Coordinator will notify the CEQA lead agency in writing about transportation reporting or monitoring submittal requirements in PRC Section 21081.7 during either “early consultation”, the Notice of Preparation (NOP) stage, or the Initial Study (IS) phase of the CEQA review process.
- B. Detailed procedures for the CEQA lead agency to submit transportation reporting or monitoring information to the district should be attached to the district’s notification letter. The submittal shall contain the following information:
  1. The name, address, and telephone number of the CEQA lead agency contact who is responsible for the mitigation reporting or monitoring program (see PRC Section 21081.6[a][1]).
  2. The location and custodian of the documents or other material, which constitute the record of proceedings upon which the lead agency’s decision is based (see PRC Section 21081.6[a][2]).
  3. Assurances from the CEQA lead agency that the Department can obtain copies of the aforementioned documents and materials, if needed, to clarify details or resolve issues related to the mitigation adopted (see PRC Section 21081.7).
  4. Detailed information on impact assessment methodologies, the type of mitigation, specific location, and implementation schedule for each transportation impact mitigation measure included in the reporting or monitoring program (see PRC Section 21081.6[b]). The CEQA lead agency, at its discretion, may submit the complete reporting or monitoring program with the required transportation information highlighted.
  5. A certification section which will be signed and dated by the CEQA lead agency and the Department **certifying that the mitigation measures agreed upon and identified in the above checklist have been implemented, and all other reporting requirements**

have been adhered to, in accordance with PRC Sections 21081.6 and 21081.7.

- C. When the project involves encroachment onto a state highway, the certification section will be signed by the District Permit Engineer. The District Permit Engineer will retain one copy of the mitigation reporting or monitoring information for the district permit files, and forward the original document to the District IGR Coordinator. The District IGR Coordinator will forward a copy to the Department's IGR Program Manager.
- D. When the project does not involve encroachment onto a state highway, the certification section will be signed by the District IGR Coordinator. The District IGR Coordinator will retain the original document and forward a copy to the Department's IGR Program Manager.

**APPROVED:**

\_\_\_\_\_  
BRIAN J. SMITH                      Date  
Deputy Director  
Planning and Modal Programs

\_\_\_\_\_  
RANDELL H. IWASAKI              Date  
Deputy Director  
Maintenance and Operations

**CEQA LEAD AGENCY CERTIFICATION CHECKLIST FORM ♦  
FOR SUBMITTAL OF TRANSPORTATION MITIGATION MONITORING REPORTS**

**Project Name:** \_\_\_\_\_

**Lead Agency and State Clearinghouse (SCH) File #s:** \_\_\_\_\_

**Findings & Approval Dates & Document Types:** \_\_\_\_\_

**Lead Agency Contact (Name, Title, Agency, Address & Phone):** \_\_\_\_\_

**Project Proponent (Name, Title, Company, Address & Phone):** \_\_\_\_\_

**For each specific Transportation Related Mitigation Measure associated with this Project,  
The following information items are included in the attached materials:**

Yes	No	
<input type="checkbox"/>	<input type="checkbox"/>	Location/Custodian Of CEQA Documents, Proceedings, Records
<input type="checkbox"/>	<input type="checkbox"/>	Description Of How To Obtain Copies Of Above Documents
<input type="checkbox"/>	<input type="checkbox"/>	Mitigation Measure Name & Identifying Number
<input type="checkbox"/>	<input type="checkbox"/>	Caltrans Encroachment Permit Number (if one was needed)
<input type="checkbox"/>	<input type="checkbox"/>	Copy of Other Agency Permits required for this Measure (if needed)
<input type="checkbox"/>	<input type="checkbox"/>	Measure Location Description & Vicinity Map
<input type="checkbox"/>	<input type="checkbox"/>	Location of Impacted State Highway Component (County, Route, Postmile)
<input type="checkbox"/>	<input type="checkbox"/>	Detailed Description of Measure & its Purpose (attach blueprints if necessary)
<input type="checkbox"/>	<input type="checkbox"/>	Implementation Schedule & Progress Reports
<input type="checkbox"/>	<input type="checkbox"/>	Completion Criteria (including detailed performance objectives)
<input type="checkbox"/>	<input type="checkbox"/>	Completion Evaluation (including field inspection reports)
<input type="checkbox"/>	<input type="checkbox"/>	Estimated Monetary Value of Completed Measure & % Local Agency Funded
<input type="checkbox"/>	<input type="checkbox"/>	Photograph of Completed Measure Attached
<input type="checkbox"/>	<input type="checkbox"/>	Responsible Contractor (Name, Company, Address & Phone)

*We certify that these agreed upon mitigation measures have been implemented, and all other requirements have been adhered to, in accordance with PRC Sections 21081.6 and 21081.7.*

**Signature & Date:** \_\_\_\_\_

**Name:** \_\_\_\_\_

**Title:** \_\_\_\_\_

CEQA Lead Agency

California Department of Transportation

**\*This Certification Checklist form is to be used by public agencies to submit their mitigation reporting or monitoring programs to the California Department of Transportation (Department) when a CEQA project has been found to have transportation or circulation impacts that are of statewide, regional, or area-wide significance. Copies of this form, and the Department Guidelines developed pursuant to PRC Section 21081.7, can be downloaded from the Caltrans website (<http://www.dot.ca.gov/hq/tpp/publicationsresources.htm>). Completed forms with attached materials may be post-mailed, e-mailed, or faxed to the appropriate Deputy District Director for Planning, Attention: Intergovernmental Review (IGR) Coordinator. {Form Version 01082003}**

**D. STATE OF CALIFORNIA, DEPARTMENT OF TRANSPORTATION**

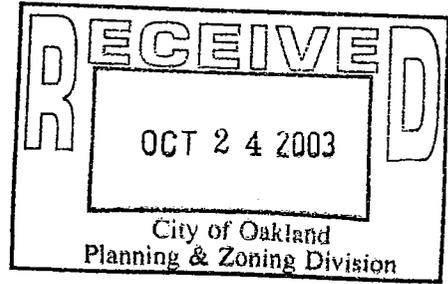
- D-1: The level of service standards used for the DEIR analysis are consistent with the standards established by the City of Oakland in consultation with the Alameda County Congestion Management Agency, for use in all of the City's environmental impact reports.
- D-2: The project's fair share contribution, financing, scheduling, implementation responsibilities and lead agency monitoring for mitigation measures identified in the DEIR will be addressed in the Mitigation Monitoring and Reporting Program, which will be prepared as part of the project review process, and will be adopted if the project is approved. Caltrans shall be consulted about any of the mitigation measures that would require Caltrans' approval prior to implementation.
- D-3: The DEIR's level of service analyses for intersections with pretimed traffic signal timing held those existing settings unchanged for future conditions. That approach is conservative because jurisdictions have the ability to adjust signal timings as circumstances change the relative traffic volumes on the roadways comprising the intersections. For example, if Street A has more traffic than Street B under existing conditions, but development patterns would change volumes in the future so that Street B has more traffic than Street A, then the signal timing at the intersection of Street A / Street B can be changed to shift seconds of green time from Street A to Street B (*i.e.*, to "optimize" the signal timing). Without the timing change, intersection delays would worsen because not enough green time would be available to accommodate the added vehicles on Street B. Because jurisdictions like Oakland do not always have funds available to track and implement traffic signal optimization, and for purposes of isolating potential project impacts at signalized study intersections in the DEIR, existing signal timing was held constant, and mitigation measures to optimize the signal timing at adversely affected intersections were identified to highlight the need for such action and to provide a mechanism to collect funds from the project sponsor towards that end.

In the case of the intersection of 5th and Oak Streets at the I-880 Southbound On-Ramp, the unacceptable level of service under project buildout would be caused primarily by excessive delays on Oak Street where the predominant traffic is through movements, not turns onto the freeway on-ramp. Shifting green time from 5th Street to Oak Street would reduce delays on Oak Street to a degree that, despite an increase in delays on 5th Street, the overall intersection delay would decrease to an acceptable level of service. As stated in Mitigation Measure B.2f (DEIR page IV.B-42), optimization of traffic signal timing shall include coordination with signal phasing and timing of adjacent intersections, and require coordination with Caltrans to implement the measure. Taking the above into consideration, it was judged that Mitigation Measure B.2f would be sufficient to mitigate the project's impact, and therefore, the commenter's mitigation strategies did not need to be examined.

D-4: As described on DEIR page IV.B-64 (Impact B.11), the proposed project would have a less-than-significant impact on I-880 during the weekday p.m. peak hour. Therefore, no mitigation measures are required.



October 20, 2003



Claudia Cappio  
Manager of Major Development Projects  
Planning and Zoning Division  
City of Oakland  
250 Frank H. Ogawa Plaza, Suite 3330  
Oakland, CA 94612

Dear Ms. Cappio:

Re: Draft Environmental Impact Report – Jack London Square Redevelopment Project,  
Oakland – SCH 2003022086

East Bay Municipal Utility District (EBMUD) appreciates the opportunity to review the Draft Environmental Impact Report (EIR) for the Jack London Square Redevelopment Project in Oakland. EBMUD has the following comments regarding this project.

On page II-32, Table II-1, Hazardous Materials of the Draft EIR indicate 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 pipeline 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 pipeline in areas where groundwater contaminant concentrations exceed specified limits for discharge to sanitary sewer systems or sewage treatment plants.

E-1

On page II-34, Table II-1, Section H.3b states that "Soil generated by construction activities shall be stockpiled onsite and sampled prior to disposal at an appropriate facility." EBMUD's standard practice is to precharacterize soil that is potentially contaminated prior to excavation and haul directly to an appropriate landfill upon excavation to avoid the additional time and expense involved in stockpiling and rehandling. EBMUD will stockpile soil at a stockpile location designated by the applicant only if the location is convenient to the jobsite and the applicant assumes responsibility for proper disposal of the soil. The applicant should notify EBMUD during the preliminary design process if stockpiling under these conditions is desired.

E-2

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

E-3



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.

E-3

On page IV.K-2, third paragraph, delete the last sentence – "EBMUD anticipates recycled water to the project area by the year 2005."

E-4

On page IV.K-7, fourth paragraph, please replace the first sentence – "EBMUD further recommends that the project sponsor install dual plumbing . . ." with – "The City's dual plumbing ordinance requires that the project sponsor install dual plumbing systems within new project developments for the appropriate use of recycled water from EBMUD's East Bayshore Recycled Water Project, as EBMUD plans to supply recycled water to the project site within the next ten years for landscape irrigation."

E-5

If you have any questions or comments, please contact Marie Valmores, Senior Civil Engineer, at (510) 287-1084.

Sincerely,

  
WILLIAM R. KIRKPATRICK  
Manager of Water Distribution Planning

WRK:NJR:sb  
sb03\_288.doc

cc: ESA  
436 14th Street, Suite 600  
Oakland, CA 94527 94607

## E. EAST BAY MUNICIPAL UTILITY DISTRICT

E-1: The DEIR summarizes findings of soil and groundwater studies conducted on the project by Baseline Environmental Consulting in 2002 (Page IV.H-4) and states that the subsurface investigations identified contaminants such as metals, petroleum, and volatile organic compounds in the upper 10 feet of soil on certain development sites. The DEIR then states that risk screening performed by Baseline Environmental Consulting determined that soil quality at Sites C, D, E, F1, F2, F3, and G would not be expected to cause excess risks to human health or ecological receptors. Baseline Environmental Consulting also determined that pollutants found in the soils did not leach into the groundwater to threaten groundwater quality.

Impact H.1 of the DEIR (page IV.H-12) identifies that a significant impact could result from disturbance and release of contaminated soil during demolition and construction phases of the project and disturbance and release could expose construction workers, the public, or the environment to adverse conditions related to hazardous substance handling. The DEIR determined that this impact was less than significant after mitigation for the following reasons. First, the results of the soil and groundwater investigation indicated that the soil and groundwater would not pose a health risk to humans or ecological receptors (page IV.H-12). Second, documented groundwater contamination on Site C received regulatory closure after appropriate investigation and remediation. Third, the California Regional Water Quality Control Board (RWQCB) required that the remaining localized areas of soil contamination (referred to as “hot spots”) be excavated, profiled, and disposed of off-site (page IV.H-14). Fourth, the RWQCB required specific actions, which the Port agreed to, that the project sponsor must complete prior to construction at the site, including a Contingency Plan and Health and Safety Plan to address and recognize soil contamination encountered during construction and a requirement to destroy existing groundwater monitoring wells (page IV.H-14). Based on the information presented in the DEIR, the potential to encounter contaminated soil or groundwater during installation of underground utility pipelines is low and the directives set forth by the RWQCB would provide measures to ensure that previously unknown contaminated soils are recognized and properly managed if encountered during construction.

E-2: As discussed in the DEIR in the third full paragraph on page IV.H-14, and further under Impact H.3 on pages IV.H-17 to IV.H-18, there are specific sites (hotspots) that exceed the maximum allowable concentrations for onsite soil reuse, and soil excavated from these specific sites would be analyzed prior to off-site disposal (Mitigation Measure H.3a). The remainder of the site has already been characterized to the satisfaction of the Regional Water Quality Control Board (RWQCB), and all soils can be reused on-site without further characterization (except the hotspots discussed above). All soils on the site have some contaminants in them, but have been deemed by the RWQCB to not pose a risk to human health or the environment. Therefore, no further pre-characterization of the soil on the project site is required or necessary. However, off-hauling of materials

may require additional sampling in accordance with landfill requirements. In response to the comment, Mitigation Measure H.3b is changed as follows (additions shown as underlined; deletions as ~~strikeout~~):

**Mitigation Measure H.3b: Soil generated by construction activities shall be stockpiled onsite and sampled prior to reuse or disposal at an appropriate facility. Soils that are not destined for reuse shall be characterized for disposal in accordance with the requirements of specific disposal facilities, consistent with the Directives received in the July 30, 2002 and August 28, 2002 from the Regional Water Quality Control Board to the Port of Oakland.**

E-3: The comment has been noted. As required by EBMUD, the project applicant will submit necessary soil and groundwater quality data to EBMUD prior to the design of the installation of pipelines. See also Comment E-1 above.

E-4: The second paragraph under the heading “Recycled Water” on DEIR page IV.K-2 is changed as follows (additions shown as underlined; deletions as ~~strikeout~~):

In January 2002, the City of Oakland adopted a dual plumbing ordinance, requiring new developments within the City to use recycled water provided by EBMUD and install dual plumbing systems for appropriate recycled water uses if recycled water is available. The proposed project area is located within the service area boundary of EBMUD’s East Bayshore Recycled Water Project. ~~EBMUD anticipates recycled water delivery to the project area by the year 2005.~~

E-5: The third full paragraph on DEIR page IV.K-7 is changed as follows (additions shown as underlined; deletions as ~~strikeout~~):

~~EBMUD further recommends that the project sponsor install dual plumbing systems within new project development, in accordance with EBMUD Policy 73 and the City’s dual plumbing ordinance, for use of recycled water from EBMUD’s East Bayshore Recycled Water Project, if available at the site once project construction begins.~~ The City’s dual plumbing ordinance requires that the project sponsor install dual plumbing systems within new project developments for the appropriate use of recycled water from EBMUD’s East Bayshore Recycled Water Project, as EBMUD plans to supply recycled water to the project site within the next ten years for landscape irrigation. The use of recycled water would, however, be limited to landscape irrigation. As part of standard development practices within the City of Oakland, the project sponsor would comply with the Oakland Water Efficient Landscape Requirements, Article 10, Chapter 7 of the Municipal Code. The project sponsor would submit all necessary information to EBMUD as part of this process.



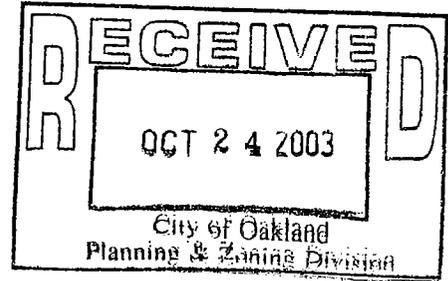
SIERRA CLUB  
FOUNDED 1892

Northern Alameda County Regional Group

(Alameda-Albany-Berkeley-Emeryville-Oakland-Piedmont-San Leandro)

October 24, 2003

Diane Henderson, Project Manager  
City of Oakland Community and Economic Development Agency  
Planning and Zoning Division  
250 Frank H. Ogawa Plaza  
Oakland CA 94612



RE: Comments on DEIR for Jack London Square Redevelopment (ER 03-0004)

Dear Ms. Cappio:

The Sierra Club found the allowed time to comment on this complex and evolving project to short for an adequate review. We did identify one item of extremely serious concern. Eliminating or moving part of the Bay Trail inland, as the preferred alternative appears to do, is in direct conflict with the policies of the San Francisco Bay Conservation and Development Commission to provide maximum feasible public access to the shoreline. Here are our preliminary comments.

F-1

Although the details of the project are unclear, **Table II-1** shows it is clearly an environmentally detrimental proposal with significant and unavoidable impacts for Transportation, Circulation, and Parking; for Air Quality; and for the Cultural Resource that is associated with the namesake of Jack London Square, Heinold's First and Last Chance Saloon.

F-2

F-3

Alternatives that could avoid these impacts to a less than significant level are not adequately described or studied. On pg. II-4 under **E. Issues to be Resolved**, it is stated, "The alternatives,.... will be assessed independently by the Lead Agency during the consideration of EIR certification." This is an admission that this DEIR is incomplete and inadequate. After an adequate study of clearly described alternatives, a Semi-Final EIR should be issued so the public will have a chance to have their comments included in the Final EIR.

F-4

The following two Alternatives were proposed in our scoping letter of March 17, 2003:

1) **Open Space Alternative:**

This alternative would compare the proposed project with an alternative that would preserve more of the existing open space. The developer of this proposal seems to feel any open space is a vacuum that needs to be filled—every possible open space is to be built upon. The increased open space alternative would protect the recreational value of this portion of the estuary. It is the view of the estuary and the feeling of light and air from

F-5

large open spaces like the lawn in front of the Port of Oakland office building that attract people to Jack London Square. The open space alternative would allow Oakland to continue to bring large events to the estuary, although not as large as the Cirque du Soleil whose site is now occupied by tacky suburban housing (The Landing) on Site "B." There is the danger that with dense development and cutesy architecture, Jack London Square will become an anywheresville suburban mall, rather than a special place on the waterfront that lends itself to open air events.

F-5

## 2) Increased Transit Alternative:

This proposed project will rely primarily on automobiles to move people in and out of the development. A downtown alternative for this project would be better served by mass transit and has fewer adverse impacts on traffic congestion and air quality. Is it smart to be locating office space, hotels, theaters and retail space in this transit challenged area when there is so much vacant retail and office space in the Downtown, that is, the transit-node around the 12th Street & 19th Street BART stations? Why are we giving up waterfront space for a new hotel when the Keystone Hotel in Downtown is not going forward? Why are there plans for a 1700 seat theater (shows or films?) when the Fox Theater is vacant and the Grand Theater is struggling? And why should office spaces be located in a recreational area when offices downtown near regional transit are going begging? Why are we locating new retail on the waterfront when the city claims it wants new retail downtown in the empty storefronts on our Main Street—Broadway?

F-6

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**Alternative 4: Enhanced Open Space** does retain open space at the east end of the site, Site F3, and at the center, south of Barns & Noble. But about half of the public open space at the west end, the Marina Green, is slated for a retail structure. Presently the whole site, including both the lawn and parking area, is used for public events. The reduced size would make it unusable for these events. If Jack London Square is to be something other than a retail mall, and attract people to events along its whole length, it must preserve all of these open spaces.

F-7

The text for this alternative speaks of "extending the permanent open space (Marina Green) along the estuary shore (refer to Figure V-1)" But Figure V-1 shows the same retail structure (Site C) replacing the present open space.

F-8

This alternative is at odds with the Estuary Policy Plan by including residential and office uses.

F-9

**Alternative 3: Entertainment Focus** complies more closely to the Policy Plan by eliminating office and residential uses but its declared need for 1,920 parking spaces illustrates that this transit-challenged site is an unsuitable location for regional entertainment.

F-10

The **Off-Site Alternative** should have been considered for Downtown Oakland as per the above **Increased Transit Alternative**. When downtown retail is hopping, a jump to a satellite location like Jack London Square will be appropriate.

F-11

The proposed projects impacts in **Table V-1** (The Summary of Impacts: Proposed Project and Alternatives) differs considerably from those in **Table II-1**. Most are listed as LS (Less-than-significant) in **Table V-1** and SU (Significant-and-unavoidable) in **Table II-1**.

F-12

The **Bay Trail** seems to have been dropped from this portion of the Estuary unless it is intended to be along Water Street, which is proposed as a retail mall, rather than along the water. Eliminating or moving part of the Bay Trail inland is in direct conflict with the policies of the San Francisco Bay Conservation and Development Commission, which provide for maximum feasible public access to the shoreline.

F-13

It is particularly alarming to note in the 4<sup>th</sup> paragraph on pg. II-1 that “the project sponsor proposes to start construction within 6 months of project approvals” on four of the most controversial sites— Site C, Site F-1, Site F-3, and Site-G. Before we permanently, negatively impact one of Oakland’s greatest resources, the Public must buy into any proposal. This site has been entrusted to the Public for recreational and educational uses. Shopping is not a recreational activity.

F-14

Sincerely,

Joyce Roy

William Smith

258 Mather Street  
Oakland CA 94611  
(510) 655-7508

2822 Bayview Drive  
Alameda CA 94501  
510-522-0390

Co-Chairs Conservation Committee  
Northern Alameda County Group

## F. SIERRA CLUB, NORTHERN ALAMEDA COUNTY REGIONAL GROUP

- F-1 See Master Response C, Extension of 45-Day Public Comment Period.
- F-2: Second Street is an east-west arterial street that runs between Oak and Brush Streets. It provides access to the Amtrak station (at Jackson Street) and is a primary transit route in the Jack London District. Second Street between Oak Street and Broadway is also a signed bike route that is part of the San Francisco Bay Trail. As presented in the DEIR on pages IV.A-6 and IV.A-20, respectively, the Project supports policies aimed at supporting the Jack London Square area through linkages such as the Bay Trail (Policy D1.11), as well as improving access along the Oakland shoreline and linkages between the shoreline and nearby neighborhoods by creating a Bay Trail along the length of the Oakland waterfront (Policy OS-7.5). Consistent with this policy, the Project proposes to site the trail as close to the water as possible, with spur trails leading to the water's edge. The Bay Trail would meander through the 100-foot wide open area along the south side of the hotel on Site F3, and reach the existing pier at the Harrison Street alignment. Under the Revised Project, the elimination of the quarter-circle on the water side of the hotel on Site F-3, as discussed on page III-19, will open this area along the Bay Trail even further. Furthermore, page IV.A-29 of the DEIR discusses how the project is consistent with policies of the San Francisco Bay Conservation and Development Commission (BCDC). Specifically related to BCDC's policy to "provide maximum feasible public access to the shoreline," the Project will improve Water Street by enhancing the direct links to the public access points along the estuary to the east of the project area. The proposed project also would be reviewed by the City of Oakland, Port of Oakland, and San Francisco Bay Conservation and Development Commission (BCDC), which will ensure that jurisdictional requirements are satisfied and relevant policies are upheld.
- F-3: The commenter also acknowledges the environmental impacts that would be significant and unavoidable. Under the Revised Project, however, significant and unavoidable impacts on cultural resources would be eliminated by allowing the Heinold's First and Last Chance Saloon to remain as a free-standing structure and unaltered by any demolition.
- F-4: CEQA Guidelines Section 15123(b)(3) requires that the Summary section of an EIR "shall identify... issues to be resolved including the choice among alternatives and whether or how to mitigate the significant effects." The alternatives discussed in DEIR Chapter V were selected in accordance with the CEQA mandate that "[a]n EIR shall describe a range of reasonable alternatives to the proposed project... that could feasibly attain most of the basic objectives of the project but would avoid or substantially lessen any of the significant effects of the project, and evaluate the comparative merits of the alternatives." (CEQA Guidelines Section 15126.6(a)) Thus, the selected alternatives satisfied the "rule of reason." Chapter V of the DEIR thoroughly analyzes four

alternatives. These alternatives were selected “to promote informed decision-making on the project.” Each of the alternatives reduced one or more significant impacts identified for the DEIR Project. Table V-1 on DEIR page V-14 through 34 summarizes how the environmental impacts that would result from each alternative would compare to the impact from the DEIR Project.

In addition, the commenter misconstrues Section II.E of the DEIR. That section does not state that the City will wait until later to analyze project impacts; rather, it notes that the City’s decision-making bodies will appropriately make a choice between the proposed project and alternatives to the project based on all of the information included in the EIR.

F-5: Receipt of the commenter’s letter in response to the Notice of Preparation (NOP) is acknowledged. As are all NOP comments, the commenter’s suggested alternatives were considered in the City’s scoping of the environmental impact report. The DEIR described and analyzed an Enhanced Open Space Alternative (page V-8), which was found to meet the criteria for selecting project alternatives, as discussed in response to Comment F-4

F-6: A transit alternative, suggested by the commenter would rely on a downtown location for the project. As stated on page V-13 of the DEIR, “...an off-site location would not meet basic project objectives to revitalize Jack London Square.”

The commenter poses several questions related to the City’s policies related to the project, particularly as the project may affect the potential for development in the downtown area, and traffic congestion. As discussed in Section IV.A of the DEIR, the project is consistent with a number of City policies that directly pertain to these issues. Specifically, as discussed on page IV. A-5 of the DEIR; Policy D1.2 (Identify Distinct Districts) states that the Jack London waterfront is one of the distinct districts that make up downtown, and Policy D1.1 (Defining Characteristics of Downtown) goes further to say that the close proximity of the Jack London waterfront to downtown is one of characteristics that makes downtown unique, and thus, it should be enhanced and used to strengthen the downtown. The importance of improving various transportation and transit linkages from Jack London Square to downtown is captured in Policy D1.11 (Supporting the Jack London District), discussed on page IV.A-6 of the DEIR. The project sponsor proposes a shuttle service program to downtown Oakland BART, consistent with this policy. Lastly, Policy D9.1 (Concentrating Commercial Development) discussed on page IV.A-7 of the DEIR, specifically states that the City should “concentrate region-serving or ‘destination’ commercial development in the corridor around Broadway between 12<sup>th</sup> and 21<sup>st</sup> streets,...and along the Jack London Waterfront.”

It is clear from these policies that the Jack London waterfront and Jack London Square are considered to be inextricably linked in terms of development policy for Oakland downtown. Thus, the revitalization project proposed for Jack London Square is

consistent with the City's development goals and is not considered contrary or detrimental to the growth of other downtown areas or its transit goals. See also Master Response B, Project Impacts on Other Key Areas in Oakland.

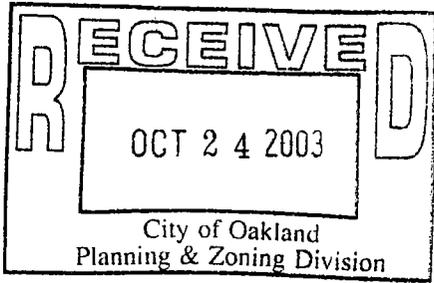
- F-7: The reconfiguration of the West Green (or Meadow Green), located in front of the Port Building, would have remained the same in the Enhanced Open Space Alternative (Alternative 4) as proposed in the DEIR Project. The existing green area is set back from the waterfront by approximately 130 feet, separated from the water by a paved parking lot. Under the DEIR Project, under Alternative 4, and the Revised Project presented in this FEIR, the Meadow Green would be at least the size of the existing green space, and would be relocated adjacent to the water's edge. The parking lot would be eliminated, thus "removing pedestrian/auto conflicts" as directed in the Estuary Policy Plan (Policy JL-9.1). The size of the new West Green would be adequate to accommodate public events just as the existing green and parking lot do currently. Additionally the waterfront side of the new Site C building would have outdoor areas offering views over the West Green and to the estuary.

New and expanded open spaces would be provided in other parts of the project areas as well. Existing open space at the foot of Broadway and Franklin Streets would be improved by pushing the automobile traffic to the north, keeping Water Street clear of vehicles along the entire length of the improved pedestrian corridor. On the east end of the project, the new Jack London Plaza would be introduced at the foot of Webster Street, and an East Green (or Marina Green) would be located in the area south of Site F1. Each the Jack London Plaza and the East Green would be approximately one acre in size. The Jack London Plaza would be flexible use space that could accommodate public events, including a farmer's market. The more informal East Green would have a sculpture garden aimed at children's interests, and an open grass area. The public open space (green and paved) that would occur under the project is a net increase of approximately 80,000 square feet.

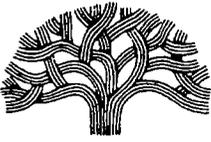
- F-8: In Figure V-1 in the DEIR, the permanent open space called the "Marina Green" would generally be located on the south side of Site F1. The Enhanced Open Space Alternative would shift the hotel back from the water's edge (compared to the DEIR Project), which would allow the Marina Green to extend further east, along the water side of the hotel. Site C would remain adjacent to the Meadow Green, as in the DEIR Project and as proposed in the Revised Project.
- F-9: As discussed on page IV.A-17 of the DEIR, The Estuary Policy Plan (Policy JL-2.1) explicitly supports office and housing uses above the street level, in the redevelopment of Phase II of Jack London Square (between Webster and Alice Streets).
- F-10: The DEIR identified a significant parking demand impact for the DEIR Project in both Phase I and full buildout of Phases 1 and 2 (Impact B.4, DEIR page IV.B-46). The impact would remain significant under the Entertainment Focus Alternative (Alternative 3) as discussed on page V-7 of the DEIR, and would be subject to

Mitigation Measure B.4 identified on pages IV.B.53-54 of the DEIR. The commenter declares that the project area would be unsuitable as a regional entertainment destination given the high rate of parking that would be demanded by that use. As the City considers the merits of the project, it will balance the benefits of the project and each alternative against a number of considerations, include compliance with the General Plan and Estuary Policy Plan. The Entertainment Focus Analysis is directly aligned with the Estuary Policy Plan, which encourages the redevelopment of Jack London Square as a regional entertainment destination (Policy JL-1, DEIR page IV.A-15).

- F-11: See response to Comment F-6 above.
- F-12: Impact B.2f (Worsening of signalized intersection at 5<sup>th</sup> and Oak Streets at the I-880 southbound on-ramp) and B.3g (Cumulative traffic impact at full buildout of Phases I and 2) are identified differently in DEIR Table II-1 and DEIR Table V-1. Table II-1 is intended to summarize the impacts and mitigation measures identified in the DEIR for the DEIR Project. Impact B.2f and Impact B.3g are identified as significant and unavoidable because, as noted immediately under the “SU” in the right hand column (Significance After Mitigation), the resulting impact would be less than significant if Mitigation Measure B2.f could be implemented. As explained on pages IV.B-42 and IV.B-43 of the DEIR, Mitigation Measure B2.f requires approval of Caltrans, and therefore its implementation is solely under the control of the lead agency, the City of Oakland. (Impact B.3g also relies on Mitigation Measure B2.f.) For purposes of the summary table, Table II-2, it is most accurate to present the impact as found in the analysis in the document – significant and unavoidable. Since the purpose of Table V-1 is to compare the impacts of the DEIR Project to those of the alternatives, and each would share the same issues with respect to these issues, different treatment in Table IV-1 compared to Table II-1 would not change the accuracy of the information presented. As footnoted in that table, the significance levels shown are significance after mitigation, thus implementation of Mitigation Measure B2.f is assumed, and the resulting impacts for both cases is less than significant. However, if the Mitigation Measure B2.f were not implemented (since it is under Caltrans, not City, jurisdiction), then each of the alternatives would generate a significant and unavoidable impact, as would the proposed project.
- F-13: See response to Comment F-2 above. Also Master Response D, California State Lands Commission / Public Trust Doctrine, which addresses the project’s relationship to policies of the San Francisco Bay Conservation and Development Commission (BCDC).
- F-14: All discretionary approvals for the project must be secured prior to the start of construction activities. In addition to any City of Oakland approvals, these would include BCDC and Port of Oakland review and approvals, as well as including any required determinations regarding consistency with the use of public trust lands. See also Master Response D, California State Lands Commission / Public Trust Doctrine.



CITY OF OAKLAND



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Landmarks Preservation Advisory Board

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October 24, 2003

Ms. Claudia Cappio  
Development Director  
250 Frank Ogawa Plaza, Suite 3330  
Oakland, CA 94612

**Subject: Landmarks Preservation Advisory Board – Comments on Draft Environmental Impact Report for Jack London Square Redevelopment**

Dear Ms. Cappio:

At its regular meeting of October 6, 2003, the Landmarks Preservation Advisory Board (LPAB) considered the Draft Environmental Impact Report (DEIR) for the Jack London Square Redevelopment. The LPAB discussed the DEIR and directed the Jack London Square Redevelopment DEIR sub-committee to prepare a letter incorporating the Board's comments and concerns. These are outlined below.

- 1.) The DEIR correctly concludes that the current proposal is a Significant Adverse Impact (Impact E.4).
- 2.) The Landmarks Preservation Advisory Board (LPAB) disagrees with the conclusion of the June 24, 2003 letter from the historical consultant, Carey & Co., Inc. The LPAB believes that Alternative 2 would still be a Significant Adverse Impact.
- 3.) The LPAB believes the sub-alternative (page V-12) of maintaining Heinold's as a stand-alone building is the preferable solution. Despite this sub-alternative being preferable from a historic point of view, because the setback distance has not been specified, this sub-alternative may also have a Significant Adverse Impact.
- 4.) The DEIR did not adequately address the potential impacts of the adjacent Produce Market District and Waterfront Warehouse District.

G-1

G-2

G-3

G-4

- 5.) E.3b may cause economic impacts, which could effect Heinold's establishment.
- 6.) Mitigation should incorporate into new development a permanent historical display, which would serve to highlight Jack London and his association with Oakland and its waterfront.

G-5

G-6

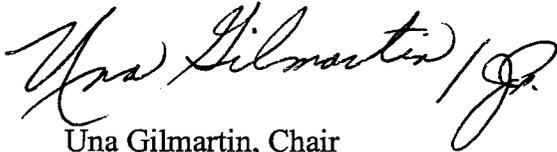
Additional comments from individual LPAB Members, stated at the October 6, 2003 meeting are attached.

Five members of the public commented on the DEIR during the Public Hearing. The Board Secretary has attached their comments for convenience in addressing all EIR comments. Inclusion of public comments is not intended to indicate agreement or acceptance with them by the Landmarks Board.

G-7

Please contact Joann Pavlinec, Secretary to the LPAB, at (510) 238-6344 if you have any questions regarding the above comments. Thank you for the opportunity to comment.

Sincerely,



Una Gilmartin, Chair  
Landmarks Preservation Advisory Board

Attachments: A - LPAB Member individual comments  
B – Public Speakers

Cc: Heinold's First & Last Chance Saloon  
48 Webster Street  
Oakland, CA 94607

**ATTACHMENT A**

LPAB Member individual comments:

Board Member Dreyfuss:

- The DEIR is negligent in not addressing possible impacts on Produce and Warehouse district and these should be included; | G-8
- The proposal in the EIR allows you to see only the front of Heinold's. The three sides are covered; the roof is covered and the sign is eliminated. The DEIR correctly concludes that it is a Significant and Unavoidable Impact. | G-9
- Enclosing Heinold's in a glass atrium would still be a Significant and Unavoidable Impact. Enclosing a building in a five-story building of this scale is a significant impact. Disagree with architectural consultant letter that this alternative produces a less than significant impact. | G-10
- Potential impacts of the sub-alternative in the DEIR that Harvest Hall be setback from Heinold's on all sides cannot be determined until more complete scheme is proposed. | G-11
- *Views/shadows:*
  - Disagrees that there are 'Less than Significant' impacts. Disagrees very strongly regarding views conclusions and the photomontages make it clear that views are impacted. EIR should evaluate the impacts. | G-12
- Light and views of estuary – significant impact on ambiance of area by locating a commercial district at what is now a wide open connection to the estuary
- The EIR needs to address impacts of development on historic downtown Oakland including the impact of new office space on downtown office rentals. The project could have a negative impact on downtown development and the economic life of downtown. | G-13
- The EIR needs to address impacts on Farmer's Market, which is ongoing and very successful. This project would have some economic impact on the Farmers Market, due to competition from Harvest Hall and the new buildings that will make the area a less desirable area.

Board Member Armstrong:

- Heinold's deserves its own place with the incorporation of the Jack London cabin, the statue and wolf prints as a destination for tourism. | G-14
- The EIR should address potential impacts on the historic Produce Market and the Warehouse districts. | G-15

Board Member Hooks:

- The current proposal creates problems with respect to how the two buildings interface. The building will age differently where it is exposed from where it is contained within the atrium.
- The situation provides a design opportunity. Include alternatives with design schemes that stepback from Heinold's and provide space around it.
- The current proposal needs more consideration.

G-16

G-17

G-18

Board Member Gilmartin:

- This project offers a tremendous opportunity due to the premiere natural resource of our estuary. Heinold's is a small footprint, approximately 1,000 sq. ft., in a one million sq. ft. proposal. The project should be designed to avoid significant impacts on Heinold's.
- Mitigation E.3c. Moving the building is in and of itself a Significant Adverse Impact. Therefore, moving the building should not be done and is not a mitigation. Best construction practices should be executed to avoid excessive damaging vibrations.
- Recommend not moving the building. Moving the building will damage it.

G-19

G-20

Board Member Bliss:

- Disagrees that EIR should evaluate impacts on downtown Oakland.
- Feels less strongly about potential impacts on the Produce Market and the Warehouse District.

G-21

**ATTACHMENT B**

**Public Speakers:**

Carol Brookman, Proprietor of the First and Last Chance for 20 years:

- Building itself is the only intact historical building left in Jack London Square. It is a delicate, fragile building and requires constant maintenance. It is not maintained properly.
- It is an historic landmark and the business there is conducted in that manner.
- People from all over the world come to tour the Heinold’s building and the Jack London cabin, which is no longer historic or authentic. It is a recreation of the cabin that Jack London stayed in for nine months and where he met Buck, the dog from Call of the Wild.
- The building should not be enveloped, cut-off and not a piece of wood should be taken from it.
- The cabin should also be kept since it is linked with Heinold’s. The cabin is part of the tours given to people all over the world. Heinold’s is written up in every tour book. It is an Oakland landmark, a United States literary landmark, and listed on the National Register of Historic Places.
- There should also be a Jack London museum. There was a museum in the village. The contents of the museum would need to be found. A museum, the cabin and Heinold’s should be unified into an overall site plan, with landscaping, tables and umbrellas.
- The building needs protection from the western sun in the summer, perhaps shade trees, and from wind and rain in the winter.
- Jack London Square should be about Jack London.
- All employees of Heinold’s are trained to answer questions regarding Jack London and to give tours.
- Heinold’s interior also has many treasures, including military memorabilia from every war since World War I.

G-22

G-23

G-24

Gary Knecht, neighbor of Heinold’s for over 20 years:

- In addition to historic issues, also concerned about the amount of parking, amount of traffic and the size of the garage.
- EIR did not include overall impact of this project, or its potential impacts, on both of the following adjacent historic districts:
  - Impacts to the Wholesale Produce Market, a district identified by the survey as a district that is eligible for the National Register;
  - Waterfront Warehouse District, which has been listed on the National Register;
- Harvest Hall celebrates food and agriculture and looks toward the area of the Wholesale Produce Market District. Suggest that

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developer look into acquiring and restoring the Wholesale Produce Market. This should be explored as a way to mitigate impacts and extend the project.

G-27

- The project does not yet relate to Jack London or Jack London Square in any meaningful way. Heinold's and the cabin are the only connections that remain. The museum should be looked at as an appropriate mitigation.
- Project should figure out a good relationship to the water and the estuary plan. This should be taken into consideration since the estuary has been around for some time, and is therefore historic.

G-28

G-29

Naomi Schiff, OHA:

- Heinold's should be taken out from under the project. Back the project away. If you put things in a glass case, they lose all sense of reality. The current design is a "Disneyland" approach to something that is authentic.
- The glass curtain wall is not appropriate. The 12-foot high Heinold's is out of scale in a five-story atrium. The project needs to back away. Other pieces need to be integrated into a historic area, including the log cabin, the statue, etc.
- Canary palms are not a native plant and should not be part of the landscape plan for this project
- Produce market must be coordinated with this project or it will die since the project is a major, food use development. There is a historic food use and this historic use should be part of the project.

G-30

G-31

G-32

Anna Naruta:

- Keep integrity and separateness of Heinold's.
- Look at impacts of this project on the Produce and Warehouse historic districts.
- On page IV. E-4, a table of cultural resources identifies shell mound sites. The EIR should consider the land use history of the area and there should be maps included. There might be an underestimate of prehistoric resources that this project could run into. There should be more on land use and maps showing fill areas that won't have prehistoric resources and where construction should be done more carefully. Given the nature of the site, recommend a mitigation to require Native American monitors throughout the excavation of the site for construction.

G-33

G-34

Joyce Roy:

- It appears that Harvest Hall was designed without regard to Heinold's.
- Instead of looking at pieces, the cabin, Heinold's, the statue, incorporate them into a square that connects them, allows people to know that they are special and to know why it is called Jack London Square. Make it comfortable and inviting with shade

G-35

trees, landscaping and seating. This should be the start point of the architectural site planning and then to work buildings around that.

**G. OAKLAND LANDMARKS PRESERVATION ADVISORY BOARD**

- G-1: The comment has been noted.
- G-2: The Modified Development Alternative (Alternative 2) in the DEIR was determined to have a significant and unavoidable impact on the Heinold's First and Last Chance Saloon. The June 24, 2003, letter from Carey and Company (DEIR Appendix D) concluded that the "atrium" approach to how the new building on Site F1 would relate to the Heinold's structure, would allow the Heinold's structure to be discerned as a separate structure and therefore "would not have a significant adverse impact on the historic significance of Heinold's such that it would be ineligible for listing in the National Register of Historic Places or lose its designation as a City of Oakland Landmark." Despite Carey and Company's conclusion, the discussion of Alternative 2, which incorporates the revised "atrium" approach (DEIR page V-3), states that Alternative 2 would still have a significant and unavoidable impact on the historic resource given the lack of detailed design presentations available at that time to show the relationship of the two buildings and the preliminary design of the new building on Site F1. Furthermore, the significant and unavoidable impact resulting from the proposed demolition of a portion of the Heinold's structure would also remain with Alternative 2.

The Revised Project discussed in this FEIR would implement a reduced scale development that would model Alternative 2 in most respects, and would fully implement the Subalternative: Heinold's First and Last Chance Saloon as a Separate Structure. In the Subalternative (DEIR page V-12), the Site F1 building would be completely set back from Heinold's on all sides, and Heinold's would not be integrated with or attached to the Site F1 building in any way. Also, no part of Heinold's would be demolished. In this case, there would be no significant impact. As discussed starting on page III-7 in this FEIR, by completely setting back the new construction on Site F1 at least 20 feet from Heinold's, and by not demolishing any portion of the structure or obscuring any of its elevations, the Revised Project would result in a less than significant impact on the historic resource. Figures III-1 through III-3 in this FEIR depict an example solution of how the two buildings could relate. Although the example is a more detailed design presentation than was available when the DEIR was published, it is not intended to reflect the final building design, which will be reviewed and refined through the Final Development Plan (FDP) review process,

- G-3: As stated in response to Comment G-2 above, the project sponsor has developed a detailed, example solution that sets back all parts of the new Site F1 building from Heinold's for a horizontal distance of least 20 feet. Also, no new construction would occur above Heinold's. Therefore, the setback provided in the Revised Project will allow Heinold's to maintain its historic design and feeling of a stand-alone, one-story structure. Also see response to Comment G-2 above.
- G-4: See Master Response B, Project Impacts on Other Key Areas in Oakland.

- G-5: The commenter refers to the possible economic impacts that may result from implementing Mitigation Measure E.3b (DEIR page IV.E-21), which requires that a freestanding, protective plywood enclosure be constructed above and on all sides of Heinold's First and Last Chance Saloon during project construction activities. Implementation of the Mitigation Measure does not presume that Heinold's would necessarily have to close for business. However, although there is no guarantee that Heinold's would remain open for business during all phases of construction, the project sponsor is committed to ensuring this, to the extent feasible. Any such short-term economic effect that would occur would not be, and would not generate, a significant environmental impact. There is no evidence that Heinold's would be economically damaged after completion of the proposed project. On the contrary, the proposed project (especially the nearby Harvest Hall) is likely to generate many new potential customers for the saloon. Furthermore, with respect to the economic impact on Heinold's during construction activities, please see Master Response B, Project Impacts on Other Key Areas in Oakland.
- G-6: In order for a mitigation measure to be required, there must be a significant environmental impact that would be lessened by such mitigation measure. Section IV.E (Cultural Resources) of the DEIR discusses all of the potential historical impacts of the proposed project, none of which would necessitate this type of mitigation. Nevertheless, although not required under CEQA, the project sponsor plans to conduct historical walking tours featuring Heinold's First and Last Chance Saloon and Jack London's cabin to highlight Jack London and his association with the waterfront, as well as other historical features of Jack London Square and the waterfront, such as the Potomac. The tours would provide a History Walk with additional guided and /or self-guided tours throughout Jack London Square.
- G-7: The comment has been noted.
- G-8: See Master Response B, Project Impacts on Other Key Areas in Oakland, and response to Comment G-27.
- G-9: The comment has been noted.
- G-10: See response to Comment G-2 above.
- G-11: The project sponsor has developed a detailed, example solution for how the Site F1 could be developed under the Revised Project in a way that is consistent with the Subalternative. See response to Comment G-2 above, as well as the cultural resources impacts discussion of the Revised Project, starting on page III-7 of this FEIR.
- G-12: The significance criteria to determine environmental impacts regarding views and shadows are bulleted on DEIR page IV.I.4. Specifically, the DEIR (page IV.I-5) considers the extent of change in the visual environment related to public views from publicly accessible viewpoints. The analysis is based on the development of buildings

to their maximum building envelope, thus the effects described in the visual analysis are considered to be conservative, and the impacts may overstate actual environmental effects. Furthermore, as stated in the DEIR and in this FEIR, the project sponsor will likely develop each of the proposed sites at a lesser level of intensity than ultimately could be permitted. Since the publication of the DEIR, the project sponsor has revised elements of the DEIR Project (see Table II-2 in this FEIR). These changes, specifically those related to the proposed buildings on Sites C, F1, F2, and G, result in reduced maximum building heights, thereby decreasing the overall magnitude of their individual and cumulative aesthetic effects analyzed in the DEIR. A complete discussion of building masses under the Revised Project starts on page III-12 (Aesthetics, Shadow, and Wind) of this document.

In terms of views, the DEIR (pages IV.I-10 through IV.I-36) identifies the changes to the visual environment and views resulting from the project. Impact I.2 recognizes the less-than-significant impact of the project on scenic vistas. Although the project would construct buildings that are taller than surrounding buildings, the impact is considered less than significant because all of the view corridors towards the estuary through the City's existing streets (Clay, Washington, Broadway, Franklin, Webster, Harrison, and Alice) would be maintained (DEIR page IV.I-36). No aspect of the project would obstruct any of these view corridors, and in some cases, new development could strengthen and frame north-south views of the downtown within these viewsheds (such as Viewpoint 4, down Broadway or views looking north down Franklin Street). Impact I.3 recognizes the less-than-significant shadow impact of the project on adjacent blocks, and the impact is less than significant because the project would fail to meet the significance criteria for shadow impacts, and where shadows would affect historic resources, the project would not jeopardize any historic resource's eligibility for listing in the National Register of Historic Places, California Register of Historic Resources, or local register (DEIR page IV.I-44).

The DEIR (page IV.I-44) indicates that with the project, increases in building masses would result in more sources of light, resulting in an increase in light and glare from the project area. As discussed in the DEIR, the project area is located in a built-out urban area that includes increasingly intensifying existing sources of light and glare from industrial, warehouse, residential, commercial, and nearby live-work loft uses. Individual buildings would incorporate the Port's "Exterior Lighting Policy" such that exterior light sources would be designed with downward-pointing fixtures, side shields, and visors.

- G-13: See Master Response B, Project Impacts on Other Key Areas Oakland.
- G-14: It is not proposed that Heinold's be relocated. The Revised Project would set new construction away from Heinold's by at least 20 feet. Also, the project sponsor is committed to providing a History Walk that includes Heinold's First and Last Chance Saloon, Jack London's cabin, and facts about Jack London. See response to Comment G-6 above.

- G-15: See Master Response B, Project Impacts on Other Key Areas in Oakland.
- G-16: The commenter's concern could be true for the DEIR Project. As to the Revised Project, see the discussion of the Revised Project impacts on cultural resources (FEIR page III-7), aesthetics regarding Site F1 with Heinold's (FEIR page III-18), as well as response to Comment G-2 above. In the Revised Project, Heinold's would remain a freestanding structure with all facades exposed.
- G-17: In response to public input received on the project proposed in the DEIR, the project sponsor has developed the Revised Project, which steps back from, and provides space around, Heinold's, as the commenter suggests.
- G-18: See responses to Comments G-2 and G-17 above.
- G-19: See the discussion of the Revised Project impacts on cultural resources (FEIR page III-7). The Revised Project implements the Subalternative: Heinold's First and Last Chance Saloon as a Separate Structure that was analyzed in the DEIR on page V-12. As a result, the Revised Project would result in a less than significant impact on Heinold's. See response to Comment G-2 above.
- G-20: To avoid the need to move the Heinold's building during construction activities, Mitigation Measure E.3c on DEIR page IV.E-21 is revised as follows (additions shown as underlined; deletions as ~~strikeout~~):

**A geotechnical engineer and registered structural engineer shall determine the maximum vibration that the Heinold's building could tolerate without damage to the historic integrity of the building. ~~If~~An evaluation of the proposed construction plans and methods shall be conducted prior to construction to determine whether vibration during the construction on the Site F1 or 66 Franklin buildings would exceed this allowable vibration threshold. ~~the Heinold's building shall be temporarily relocated during construction to a location where it would be protected from such vibration. No construction method or equipment that could cause the allowable vibration threshold to be exceeded shall be used. Specifically, if driven piles could cause the vibration threshold to be exceeded, they shall not be used and augured grouted piles shall be substituted.~~ A historic preservation architect will be consulted to plan and oversee ~~any such relocation~~ evaluation at the applicant's expense. ~~Appropriate measures shall be taken to secure the building and prepare it for the relocation so as to minimize alteration and damage to the building. After construction vibration levels have decreased to a level below the threshold and prior to the opening and operation of the new buildings, the Heinold's building would be placed back in its existing location, under the supervision of the historic preservation architect.~~**

- G-21: See Master Response B, Project Impacts on Other Key areas of Oakland.

- G-22: See response to Comment G-6 above, regarding tourism related to Jack London, Heinold's, and the waterfront area. Also, the Revised Project would not involve any alterations, including demolition, to the interior of Heinold's. All other points made by the commenter, which do not address the adequacy of the DEIR, are noted.
- G-23: Though not a traditional museum, the project sponsor is committed to providing a History Walk project. See responses to Comments G-6 and G-22 above. The sponsor is investigating providing a museum or similar space to exhibit information about the history of Jack London Square and Oakland's waterfront. However, space for such a use may not be available due to expected demand from retailers upon completion of the project.
- G-24: The Heinold's structure currently exists as a free-standing structure and is exposed to impacts of nature, such as sun, wind and rain, as pointed out by the commenter. This is an existing condition that would continue to occur, regardless of the proposed project. Regarding the commenter's points about promoting the history of the area, see responses to Comments G-6 and G-23 above.
- G-25: The comment has been noted. Discussion of parking demand, and traffic impacts of the DEIR Project is provided in Chapter IV.B of the DEIR and starting on page III-4 of this FEIR for the Revised Project. The amount of area attributed to structured parking on each site is provided in FEIR Table II-2, as well as Appendix B. .
- G-26: See Master Response B, Project Impacts on other Key Areas in Oakland.
- G-27: As discussed in response to Comment G-8 above, the Wholesale Produce Market is in disparate ownership and subject to long-term leases. The project sponsor's goal is to redevelop and improve real estate, and particularly to implement the goals of the Estuary Policy Plan concerning redevelopment of the Jack London Square area. The acquisition of the Wholesale Produce market is not consistent with the sponsor's goals or acquisition criteria. Furthermore, the EIR has not identified any significant environmental impacts of the project that would justify or demand acquisition of the Wholesale Produce Market as a mitigation measure, nor would any such measure be feasible. See also Master Response B, Project Impacts on Other Key Areas in Oakland..
- G-28: See responses to Comments G-6 and G-23 above.
- G-29: The DEIR examined the project's consistency with the Estuary Policy Plan and found the project to be consistent with several of the Estuary Policy Plan policies, specifically those pertaining to waterfront development (see DEIR pages IV.A-13 through IV.A-18). The project would strengthen the pedestrian path along Water Street and would create plaza nodes from which paths would lead to the waterfront. Also the project, specifically Site C and Site F3, would improve the ability to access the waterfront both actively (through improved and extended green, open spaces) and passively (through

opportunities for public viewing from upper levels of the buildings). The estuary itself is not an historic resource under CEQA, nor would the estuary be altered by the project.

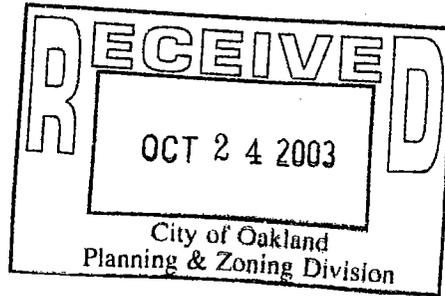
- G-30: See response to Comment G-2 above.
- G-31: The appropriateness of a particular plant species, particularly due to a question of native origin, is not an environmental issue and does not pertain to the adequacy of the environmental analysis. This policy issue will be evaluated and addressed as part of the City's review of the project.
- G-32: See Master Response B, Project Impacts on Other Key Areas in Oakland. Also see response to Comment G-27 above.
- G-33: See response to Comment G-2 above. See also Master Response B, Project Impacts on Other Key Areas in Oakland.
- G-34: See response to Comment T-1. Exact site locations are not typically mapped for publicly distributed documents given the confidential nature of the information.
- G-35 See response to Comments G-2, G-6, and G-17 above.

# East Bay Alliance for a Sustainable Economy

548 20<sup>TH</sup> STREET, OAKLAND, CA 94612 • TEL: (510) 893-7106, FAX (510) 893-5362

October 24, 2003

Claudia Cappio  
Development Director  
CEDA  
City of Oakland  
Oakland, CA 94612



Dear Ms. Cappio,

The East Bay Alliance for a Sustainable Economy (EBASE) is a collaboration of community, faith-based and labor organizations with a mission to end low-wage poverty in the East Bay. In the past, we have supported campaigns to adopt the Berkeley and Richmond living wage laws and, at the Port of Oakland, have helped create the Project Labor Agreement and Living Wage and Labor Standards Charter Amendment.

Because of our ongoing interest in the Port of Oakland and concern that new development in the City of Oakland meets the needs of working families, we are greatly concerned about the proposed Ellis Partners project in the Jack London Square district. This letter is EBASE's official response to the Draft Environmental Impact Report.

Our concerns are as follows:

1. Overall, the traffic and air quality impacts to the Jack London Square district at full build-out may require more mitigation than suggested in the DEIR. Specifically, the transit mitigation proposals are not likely to significantly increase the use of public transportation. As documented in many places, the Jack London Square district is not a destination served well by local public transit. The buses that transit users currently ride, as well as the proposed shuttle, will provide slower service during peak hours and weekends as congestion increases due to the project. It is also unclear that the current mode split by land use type (table IV.B-6) will stay the same for workers and visitors of the project, especially considering that the project proposes to make Jack London Square a more regional destination than it currently is. The district needs a more comprehensive public transit strategy that should be incorporated into the development of the project now rather than after it is built.
2. The DEIR shows that the intersections of 3<sup>rd</sup> and Franklin and 2<sup>nd</sup> and Franklin are already at an LOS level of F in the a.m. peak period. These intersections serve the produce market and are typically clogged by trucks and forklifts. The DEIR then assumes that, although the LOS levels are at their worst, the amount of traffic flowing through those intersections do not warrant mitigation. However, these intersections are likely to become much worse, especially as more visitors unfamiliar with the district flow in, and the increased congestion will likely have a negative impact on the produce market. The produce market provides a significant number of moderate-wage paying jobs, more than many of the new retail jobs to be created by the project. Mitigation of these intersections should be included in the final EIR.

H-1

H-2

3. The DEIR does not adequately address pedestrian hazards resulting from the project. The number of pedestrians crossing Embarcadero will rise significantly, as well as the number of vehicles using Embarcadero. While the proposed pedestrian crossing signals and better signage will help create more clear walking corridors, the presence of the railroad tracks adds confusion to both pedestrians and vehicles traveling on Embarcadero. Vehicle travel along Embarcadero, especially those unfamiliar with the area, can be erratic. More clear delineation between the tracks and the street is needed. Also, the two present pedestrian bridges across Embarcadero are either too far south or not easily accessible. The developer should not wait for the second phase to build another pedestrian bridge.

H-3

4. Although CEQA does not require EIRs to consider the impacts of development on jobs and housing, the City of Oakland should be more proactive in addressing these issues. Half of the projected 1,800 jobs from Phase 1 will be in low-wage sectors, such as hotel and retail. Unless the developer accepts \$100,000 or more in subsidies (thus triggering the City's Living Wage Ordinance) or other agreements are made, many of these jobs will pay less than a living wage and will contribute to regional problems of working poverty.

H-4

Furthermore, the new jobs that will pay well, especially in the office buildings, represent an opportunity for the City to connect residents of nearby low-income communities with new opportunities. However, this will not happen without active efforts by the City and the developer.

Finally, the City's own study of a housing linkage fee, completed in 2001, provided evidence that creation of low-wage jobs can lead to an increased demand for affordable housing in the city. While the City Council has not yet agreed upon an appropriate linkage fee policy, the City should still consider an affordable housing mitigation actions for the proposed project.

H-5

As currently proposed, the project could worsen conditions for working families in Oakland and the region rather than improve them. However, we believe that with the right mitigation solutions, the proposed project could greatly benefit the working families of both Oakland and the East Bay.

H-6

Sincerely,

Howard Greenwich  
Director of Research

## H. EAST BAY ALLIANCE FOR A SUSTAINABLE ECONOMY

- H-1: The commenter's opinion about the effectiveness of transit/shuttle mitigation measures contained in the DEIR is noted. It is acknowledged that traffic congestion can affect buses in ways different from other modes (*e.g.*, increased travel time or decreased frequency of service), but after implementation of mitigation measures identified in the DEIR, traffic flow conditions under project conditions would generally be acceptable, and bus service would not be significantly affected. The captive market and transit/alternative modes percentages presented in Table IV.B-6 represent the mode split adjustment factors expected to be applicable after completion of the proposed project. While the project sponsor is supportive of better AC Transit bus service to the Jack London District and has informally contacted AC Transit to work toward this end, AC Transit is an independent public agency over which neither the City nor the project sponsor has control.
- H-2: CEQA requires mitigation measures to be identified if the proposed project would cause a significant impact as defined by the significance criteria set forth in the EIR. As stated on DEIR page V.B-22, the significance criterion for unsignalized intersections (like 2nd/Franklin Streets and 3rd/Franklin Streets) is that the project would have a significant impact if it would add ten or more vehicles, and after project completion, the intersection volumes would satisfy the Caltrans peak-hour volume warrant. As described on DEIR pages IV.B-33 and IV.B-39, the impact of the project on the observed unacceptable LOS F, which would prevail on the side-street approaches at these Franklin Street intersections during the weekday AM peak hour under baseline conditions, would be less than significant because the traffic volumes would not satisfy traffic signal warrants. Because the project impact would be less than significant, no mitigation is required.
- H-3: The DEIR, on pages IV.B-18, IV.B-57 and IV.B-58, addressed potential pedestrian hazards in the project vicinity. Observations presented in the DEIR include that crosswalks across the Embarcadero are striped at Washington Street, Broadway, Franklin Street, and on the east side (though not on the west side) of Webster Street. The DEIR also presented policies in the recently (2002) adopted Pedestrian Master Plan, such as that traffic signals and their associated features (*e.g.*, pedestrian signal heads) shall be used to improve pedestrian safety at dangerous intersections. The DEIR analysis described how the project would increase both pedestrian activity and vehicular traffic in and around Jack London Square, particularly along the Embarcadero, but also pointed out that while increased vehicular volumes may contribute to pedestrian conflicts, there are many other factors, such as the amount of time pedestrians have to cross the street at signalized intersections, the presence or absence of pedestrian crossing signals, the prohibition or allowance of right turns on a red light, adjacent land uses, parking movements, and pedestrian volumes and characteristics that also affect pedestrian safety. The DEIR judged that the project's effect on potential pedestrian safety conflicts would be potentially significant, and identified measures (Mitigation Measure B.8) that would reduce the project's impact to a less-than-significant level.

Regarding the timing of construction of the pedestrian bridge between the new parking structures on Site G (Amtrak station) and on Site F2, the DEIR states that this bridge would be constructed and operational when Site G is completed (anticipated in the project's first phase), even if the development on Site F2 has not been built.

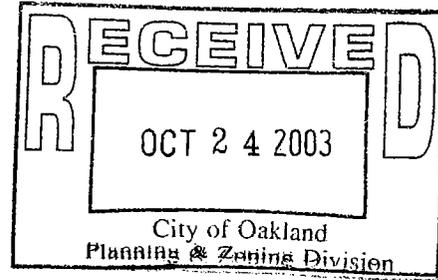
H-4: The commenter raises points related to the impact of development on jobs and housing, which are not environmental issues under the California Environmental Quality Act (CEQA). Rather, this is a City policy issue that the decision-making bodies could consider as they assess the merits of the project.

H-5: Similar to response to Comment H-4 above, the commenter raises a policy issue that the City could consider through its review of the project.

H-6: The comment has been noted.



**Jack London Mail**



October 24, 2003

Claudia Cappio  
Planning and Zoning Division  
City of Oakland  
250 Frank H. Ogawa Plaza, Ste. 3330  
Oakland, CA 94612

RE: ER 03-0004, SCH No. 2003022086

Dear Ms. Cappio,

First, let me start by saying that despite the points I make below, I am very excited at the idea of changes going on down in Jack London Square. As President of the Jack London Merchants Association, I know that many of the merchants down in that area are hurting and I think change is good.

I-1

What concerns me is the forethought going into the planning for this HUGE project! The timing is also a concern. We've been given a month to respond to a document that is almost 500 pages long with confusing information. During this same past month, we've also been in meetings regarding Design Review which seems like a totally different project than what is in the DEIR. Considering the hours I put in working to grow my business, I wish that I was able to devote full-time brain power towards reading and understanding the DEIR so that I could speak on the same level as the Developer. Unfortunately our requests for an extension have gone unheeded

I-2

Another thought had occurred to me -- to hire a consultant to do a new traffic study since I am not convinced that the numbers shown in the document have fully considered all the outlying factors to traffic in our neighborhood. Factors include a rise in train traffic, developments in process in Alameda (which increases the drive through traffic here), and a huge increase in residential and business traffic. There are five developments that have been approved in the District, but not yet built. One wonders if a traffic study of our current conditions would find our existing situation LOS C (or F?) before even considering all these other developments.

I-3

But the traffic situation should NOT keep development from happening. What it SHOULD do is force the issue of new ideas for public transport so that we can move forward. By new ideas I mean thinking outside the box. If bus transit isn't working now, shouldn't we find something else that not only would work, but would also be its' own attraction? (i.e., CyberTran, monorail, dedicated trolley.)

I-4

**Jack London Mail**  
248 Third Street  
Oakland, CA 94607  
(510) 893-4100  
(510) 893-0563 fax

The logo for Jack London Mail, featuring the text "Jack London Mail" in a stylized, bold font, with a circular graphic element behind the text.

The next issue to resolve is historic preservation of Heinold's First and Last Chance Saloon. Enclosing the structure within a larger building is not the answer. A set-back should be determined based on protecting the structure as it exists. A huge amount of construction adjacent to this building is not the answer.

I-5

Green space is another issue to consider, specifically in ONE area such as the existing West Green. If you want to build there, that's fine, but could we keep a similar size piece of green space somewhere else within the property?

I-6

Consider the wall affect along Embarcadero and along Alice Street. I feel that it could be made less imposing and be made to feel more a part of the neighborhood.

I-7

The parking garage, known as site G. TOO BIG! Too many cars! Consider that if a train goes by and 10% of the car alarms go off, that's 100 car alarms ringing for five minutes. A smaller structure 3-4 stories in height would be less imposing and have less of an impact on the neighborhood streets. I would condition the acceptability of that project based on requiring a grocery store go in.

I-8

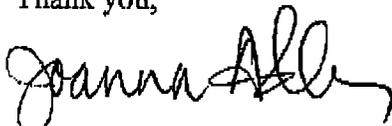
Consider other parking structures closer to Broadway and even building up on the existing Washington Street Garage.

I-9

Lastly, consider extending the review period so that the Jack London District could hire their own transportation specialists to review the DEIR.

I-10

Thank you,

A handwritten signature in black ink, appearing to read "Joanna Adler".

Joanna Adler

President, Jack London Mail

President, Jack London Merchants Association

**Jack London Mail**

248 Third Street

Oakland, CA 94607

(510) 893-4100

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## I. JACK LONDON MAIL

- I-1: The comment has been noted.
- I-2: See Master Response A, Relationship of the Revised Project and the Final Development Plans (FDP). See also Master Response C, Extension of 45-Day Public Comment Period.
- I-3: The basis for baseline traffic conditions is described on DEIR page IV.B-30, with a more detailed description in Appendix C of the DEIR. As stated, baseline traffic volumes (for 2005 and 2025), against which project-generated traffic was compared, were developed using the Alameda County Congestion Management Agency’s Countywide Travel Demand Model, which was refined with land use, employment and population projections from the Oakland Cumulative Growth Scenario (updated to include recent and anticipated future development projects, including development projects (planned, and approved but not yet built) in Alameda and in the Jack London District [*i.e.*, the developments cited by the commenter]). See responses to Comments J-15 and U-43 regarding train activity on the Embarcadero.
- I-4: The comment has been noted. Although specifically prescribed for impacts on air quality (Impact C.1), the DEIR includes mitigations measures that include rideshare measures, transit measures, shuttle measures, and bicycle and pedestrian measures. See also response to Comment AA-13 regarding traffic flow and congestion under project conditions, and its effect on public transportation.
- I-5: See response to Comment G-2 above.
- I-6: See response to Comment F-7.
- I-7: The commenter refers to a possible wall effect that could result along Embarcadero and along Alice Street as a result of the project’s new construction of relatively tall buildings along these corridors. The DEIR provides a detailed analysis of visual quality (Chapter IV. I) that considers the potential impacts of the project on existing view corridors along existing streets, particularly those corridors to the waterfront. This analysis, as with the consideration of the Revised Project in this FEIR (starting on page III-12), was based on the conceptual, maximum possible building mass envelopes that could be built on each site – the Preliminary Development Plan (PDP). No significant impacts were identified in the DEIR or in this FEIR which analyzes the Revised Project. As discussed throughout Chapter II of this FEIR and in Master Response A, Relationship of Revised Project and the Final Development Projects (FDP), and the actual detailed building plans would be considered as part of the FDP review by the City for each building site.. As stated in Master Response A, the project sponsor has submitted FDP applications to the City for eight of the nine project sites, and the FDP applications are smaller than the building mass envelopes considered in the DEIR or this FEIR for the Revised Project.

I-8: The commenter states that the garage on Site G is “too big” or would have “too many cars,” then continues to correlate this with the potential noise impacts. See response to Comment PH-37 regarding the noise effect of car alarms due to passing trains. Interpreting the commenter’s statements with regard to visual quality, the extent to which the structure is “too big” would consider whether or not the size of the garage would pose substantial visual character or shadow impacts under CEQA significance criteria (DEIR page IV.I-4) the structure on Site G would not affect medium-range views in the area (DEIR page IV.I-27) and would not obstruct any existing view corridors along the City’s existing street grid (DEIR page IV.I-36). Furthermore, the proposed structure would not affect any nearby historic resources to the extent that they would materially alter the historic areas’ ability to convey their historic significance (DEIR page IV.E-24).

The last sentence of the comment suggests that the incorporation of a grocery store would be acceptable and should be required. The City can encourage the development of a grocery store by adopting policies and zoning designations that encourage and support such a use. Although a 40,000 square-foot grocery store is included in the description of the Revised Project on Site G (page II-6 of this FEIR), unless specifically required through the Development Agreement (DA) between the project sponsor and the City of Oakland, the project sponsor would not be required to establish this retail use.

I-9: See response to Comment U-6.

I-10: See Master Response C regarding the extension of the 45-day public comment period.

# SoNiC

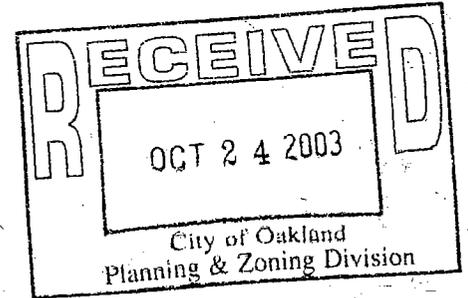
South of the Nimitz Improvement Council  
229 Harrison Street  
Oakland, CA 94607  
Voice: 510-893-9829 Fax: 510-763-8866

J

South of the Nimitz Improvement Council is an informal association of business and property owners interested in shaping the future of the SoNi District, the area between the Nimitz Freeway and the Oakland-Alameda estuary, stretching from Fallon Street to Adeline Street. Active participation and generous contributions by all are encouraged.

October 24, 2003

Claudia Cappio  
City of Oakland Community and Economic Development Agency  
Planning Division  
250 Frank H. Ogawa Plaza, Suite 3330  
Oakland, CA 94612



RE: Jack London Square Redevelopment Project (ER 03-0004)

Dear Ms. Cappio:

SoNiC has made numerous attempts to meet with City staff, EIR consultants, and even the developer in order to understand what the DEIR is saying about "transportation, circulation, and parking" impacts of the proposed project. Without understanding these impacts and ensuring reasonable accuracy, it is impossible for SoNiC (or anyone else) to assess the potential "air quality" impacts that may be caused by the proposed project. Although on October 9 you personally proposed a meeting to discuss transportation, circulation, and parking, you have apparently been unable to schedule it.

SoNiC asked that you extend the comment period beyond the October 24 cutoff so that such a meeting could take place, but so far we have had no response to our request.

Table II-1 in the draft EIR lists **Significant Unavoidable Impacts** of the project in three areas:

1. Transportation, Circulation, and Parking
2. Air Quality
3. Cultural Resources

Without the information requested, SoNiC is unable to effectively comment on the first two areas and generally concurs with comments made by Oakland Heritage Alliance in the third area. However, in order to meet the 24 October 2003 deadline imposed by the City, SoNiC offers the following comments and requests that another draft EIR be circulated before final is prepared:

## **TRANSPORTATION, CIRCULATION, AND PARKING** (pages IV.B-1 through IV.B-68, Appendix C)

There are six **Significant Unavoidable Impacts** listed in Table II-1 plus 19 impacts listed as **Significant but Mitigable**. However the 68 pages of analysis, beginning on page IV.B-1, do not provide adequate information to reach these conclusions. Critical information is missing.

**Example 1.** There are just 15 intersections through which all vehicular traffic must pass to come into or depart from the Jack London District, yet the existing level of service (LOS) and delay has been identified for less than half of those intersections (see attached map and compare with Table IV.D-2). LOS and delays must be measured at all 15 intersections before any meaningful analysis can be done. This data should have been (but wasn't) included in the JLD/TIS.

J-1

J-2

J-3

**Example 2.** The Existing Street and Highway System section, which includes a description of Local Access roadway system, needs to be rewritten, hopefully by someone who can spend some time in the Jack London District. Third Street, described in the last sentence, is the major east-west street in the district. It is a truck route and the primary route for oversize truck traffic. This is not acknowledged or analyzed in any way in the DEIR. Embarcadero is described as an east-west arterial street that "terminates at Market Street to the west." Anyone who has driven west on Embarcadero knows that this is not accurate. The "flow of traffic" on Webster Street is NOT "impeded by stop signs" at 2<sup>nd</sup> and Webster, but it probably should be. Madison Street is not mentioned at all, despite feeding significant traffic into the district, and the 1-way block between 4<sup>th</sup> and 5<sup>th</sup> is not noted or analyzed. The fact that there are 21 lanes feeding traffic into the district and only 16 exiting traffic from the district is apparently unknown to the author of this section. An accurate description of the existing roadway system should be provided and then analyzed before any conclusions are drawn.

J-4

**Example 3.** There is insufficient data about existing parking lots on which to make a reasonable assessment of the impact of their removal: Amtrak Lot, Lots 5,7,9, Embarcadero/Broadway (Valet) lot, and Meadow/Lawn lot are all apparently proposed for removal, and should be identified in conjunction with Table IV.B-3. How many spaces will be removed; who uses them currently; when do they use them; and where (if anywhere) will the displaced vehicles find replacement stalls? Accurate data needs to be included in the EIR and analyzed accordingly.

J-5

**Example 4.** In the discussion of existing off-street parking (page IV.B-11) the draft EIR states "The observed occupancy for the weekday mid-day period was 53 percent for the private lots." While this may be an accurate observation, it in no way reflects the availability of off-street parking and in no way "assures that the parking demand analysis in the EIR is conservative." The appropriate data (that needs to be collected) is whether any spaces might be available for rent – for use by any of those vehicles seeking a parking space. Many spaces in private off-street parking lots are rented, but not necessarily occupied throughout the day. They are used by salespeople and others whose work requires them to use a vehicle to make calls outside the area. New data is needed or a different conclusion is required.

J-6

**Example 5.** The draft EIR notes that the "highest concentration of pedestrian activity occurs along several corridors including Webster Street, the Embarcadero, ...", but fails to note the need for a safe crosswalk on the west side of Webster at Embarcadero. This intersection has a number of problems that will be exacerbated by the proposed project. This omission must be corrected in the EIR and assessed to determine if it should be rectified as part of the proposed project (if not sooner).

J-7

**Example 6.** Several pages are devoted to a discussion of "Vehicle Trip Generation" that might be caused by the proposed project, but nowhere is there a table showing trips that are currently generated by existing uses in the Jack London District. Without this data, it is impossible to evaluate the impact of the additional trips due to the proposed project. Adding 25,000 trips each weekday and 30,000 on Saturday and Sunday (per Table IV.B-10) is useless information unless the reader knows what these numbers are being added to and how great the projected increases will be.

J-8

**Example 7.** As noted on page IV.B-29, certain events (4<sup>th</sup> of July and Lighted Yacht Parade) attract more than 20,000 attendees resulting in "severe parking shortages and traffic congestion in the Jack London District." Yet the draft EIR's analyses of transportation, circulation, and parking conditions "judge impacts on conservatively based average conditions, and do not quantify conditions during the high-season retail period or Port-hosted special events, or when 'blockbuster' movies attract higher-than-usual movie theater attendance." Without quantifying the extreme conditions (both high and low), it is impossible to determine what "conservatively-based average conditions" might be. This must be corrected. And the EIR must include some sort of estimate of the number of times per year that these "average conditions" will be exceeded. Stating in the DEIR that "transportation infrastructure should not be designed to accommodate traffic volumes or parking demands that are higher than typical conditions" is no excuse for failing to collect and present relevant data in the EIR.

J-9

**Example 8.** The draft EIR states that for 4<sup>th</sup> of July and the Lighted Yacht Parade, "the Port and the City work on a coordinated strategy to manage the higher traffic level and parking demand, and these efforts are expected to continue." This statement requires some explanation as it is SoNiC's understanding that the role of the Port has, for the most part, been transferred to the developers of the proposed project, who currently manage most of the real estate and special events at Jack London Square. Is there a requirement that the developer do ANYTHING to "manage the higher traffic level and parking demand" caused by these special events? Doesn't the CHP play an important role in managing the higher traffic level by closing one or more freeway off ramps? Doesn't the current City budget eliminate most police overtime that has, in the past, been used to pay OPD personnel to work during such events? And if the area approaches gridlock on a more frequent basis, can any of these strategies be implemented to manage traffic and parking demand? Should any be included as mitigation measures for the proposed project?

J-10

**Example 9.** Intersection impacts are analyzed in the draft EIR using various assumptions for the year 2005 and the year 2025. While it may be appropriate to make a long range forecast of conditions in 2025, the EIR should also look at conditions in 2010 (or 2015 at the latest), as the 20 years between 2005 and 2025 is a VERY long time in an area undergoing the dramatic changes the Jack London District has seen in the last decade.

J-11

**Example 10.** The discussion of "Intersection Impacts" that begins on page IV.B-30 needs to be translated into a language that a layperson of average intelligence can understand. Is Appendix C relevant to this discussion? Why? Is the JLD/TIS relevant? How? Who made which assumptions? Are the "trip distribution percentages" in Table IV.B-11 assumed to remain the same from 2002 though 20025? Why is it assumed that "access from the intersection of Embarcadero and Webster Street to the F sites would not be provided"? What are the implications of the assumption that "office employees would park ... on Sites F2 and G in proportion to the amount of parking available"? What assumptions were made about use of the new parking structure proposed for the Amtrak Parking Lot? Who would use it? When? For how long? What sort of traffic would be generated at what times of day? What streets would be used to access the garage from each of the 15 Jack London District gateways? What streets would be used to leave from the garage via each gateway?

J-12

**Example 11.** Nowhere in the analysis is large truck traffic mentioned. How many square feet of industrial uses remain in the Jack London District? What is the daily truck traffic through the district (to the Port; to the various freeway on ramps; etc.) and to the district (industrial uses such as Prime Smoked Meats and Hansen Good Coffee), and what effect does it have (the wholesale produce market loading activity is noted, but that's all)? How will trucks use the existing roadways to service the various uses in the proposed project? What intersections will they use? Where will they load and unload? What about garbage trucks and smaller delivery trucks (UPS, FedEx, etc.)? What do the various analytical methodologies assume for truck traffic? Are those methodologies appropriate for the Jack London District and other areas with industrial users?

J-13

**Example 12.** The discussion about trains in the middle paragraph on page IV.B-32 is misplaced and confusing. Part of it belongs in the "Setting" section and part somewhere else in the section on "Project Impacts and Mitigation Measures", not in the "Methodology" subsection. While passenger trains may have a noise impact on the proposed project, freight trains must be taken into account in the analysis of traffic at several intersections (Embarcadero at Oak, Webster, Franklin, Broadway, Washington, and Clay Streets). Currently this does not appear to be the case. The draft EIR refers to a preliminary draft of the *Jack London Square Operations Study* as the source for a statement that there are few if any "vehicle queuing problems, with the longest queues extending only one block." While this may have been true in 1999 or 2000, it is not true in 2003 at the intersection of Embarcadero & Oak or at the intersection of Embarcadero & Broadway. The EIR must present additional information about the frequency and timing of freight train delays expected at each intersection in 2005, 2010, and 2025, and propose appropriate mitigation measures. Idling motor vehicles can adversely affect air quality, so signs might be posted instructing motorists (especially

J-14

J-15

truckers and bus drivers) to turn their motors off while waiting for a freight train to pass. SoNiC wonders if Union Pacific Railroad was consulted during preparation of the draft EIR, and if it has been notified about the DEIR's completion and afforded an opportunity to comment.

J-16

**Example 13.** Someone should go back and look at the intersections of Jackson & 5<sup>th</sup> and Jackson & 6<sup>th</sup> during PM rush hours (say 5:00 to 6:30). Current LOS is probably worse than those shown in Table IV-B-2, and the assumed 2005 intersection improvements (described on page IV.B-32) must be reconsidered for at least two reasons: (1) most or all of the work is under the control of CalTrans, not the City, and with the current budget crisis in Sacramento, it may be unreasonable to assume the work can get done by 2005, and (2) the value of these improvements for improving intersection operation has not been described or demonstrated in the draft EIR.

J-17

**Example 14.** The draft EIR contains no discussion of the possibility of gridlock throughout the Jack London District or portions thereof. Gridlock is well known to anyone who has attended a 4<sup>th</sup> of July event at Jack London Square. While it is unlikely the proposed project will generate that level of traffic, gridlock may still occur at certain times in certain areas unless carefully managed. During AM peak hours, access to the proposed garage on Site G as well as to all on-street and off-street parking, and businesses in the Jack London District east of Franklin Street will be limited to 6 gateways with a total of 8 lanes inbound. Assuming 2<sup>nd</sup>, 3<sup>rd</sup>, and 4<sup>th</sup> streets are impassable at Franklin Street due to activity at the wholesale produce market, the only access from the west will be via one lane on Embarcadero, turning north on Webster and west on 2<sup>nd</sup>. The other 5 inbound gateways are shown on the attached map (see nos. 9, 10, 11, 12, and 14). An analysis of various intersections should be done with special attention given to LOS at Embarcadero & Webster, 5<sup>th</sup> & Jackson, Madison, and Oak, plus 3<sup>rd</sup> & Oak, Madison, Jackson, Alice, Harrison, and Webster. Some consideration should also be given to LOS at the garage entrance at 2<sup>nd</sup> & Harrison. Since PM peak hour is expected to be worse than AM peak hour, an analysis of all 15 gateways should be performed for 2005 and 2010 with and without the proposed project.

J-18

J-19

J-20

**Example 15.** When a discussion of "Parking Impacts" in a draft EIR begins with a reference to a Court decision (see pages IV.B-22 and IV.B-46), it is reasonable to assume that an attorney wrote at least part of that section and probably edited the entire thing. While attorneys may know a lot about Court cases and CEQA, they probably don't know much about parking demand and supply. And they certainly don't inspire confidence that the information is going to be presented clearly and straightforwardly. In this instance, it seems likely the attorney was brought in to carefully word a section of the EIR where the parking expert suggested project impacts were likely to be significant and unavoidable, but the developer (and the Port? the City?) didn't want to spend the money needed to mitigate the potential impacts. Whatever the case, SoNiC requests that a peer review of this section be performed by the lead agency, using a different parking consultant, selected in consultation with SoNiC. The purpose of the peer review will be to remove the legal language, to present facts as facts, assumptions as assumptions, and estimates as estimates, and to propose a range of possible mitigation measures in simple language that everyone can understand. Square footages and buildout totals should be added to Table IV.B-16 to facilitate comparison with Table IV.B-17. Data about removal of existing parking lots (see Example 3 above) should be incorporated into Table IV.B-17 rather than buried in footnote 23. Assumptions in footnote 23, Tables IV.B-18 & 19, and Appendix C must be verified or corrected. The unmet demand for parking created by the proposed project (1,611 spaces weekdays and 2,579 spaces weekends per Table IV.B-19) must be addressed with mitigation measures that are reasonable, workable, and enforceable. The cumulative increase in parking demand in the Jack London District that the project will contribute to must be fully analyzed and mitigated, if appropriate. Peer review of the parking sections in the DEIR is critical to presenting an acceptable final EIR to the various decision making bodies who must make discretionary decisions on this project.

J-21

J-22

J-23

J-24

J-25

**Example 16.** The mitigation measure for construction period impacts allows for no public input and may create conditions that cause businesses in the vicinity of the Amtrak Station (and elsewhere) to

J-26

close down or move elsewhere. Construction of the proposed garage on Site G could take up to 24 months and will displace 115 parking spaces, 4 Amtrak bus bays, 2 AC Transit bus stops, and off-street passenger drop off and pick up. Where will these be relocated during construction? How will the public have any voice in what happens to their businesses and properties?

J-26

**AIR QUALITY** (pages IV.C-1 through IV.C-21)

**Methodology** (p. IV.C-12). As with traffic impacts, 2005 (or 2006) is a good place to start estimating emissions, but an interim date (before 2025) is essential to understand the impacts that will affect businesses, properties, and people who are now in the vicinity of the project (2010 or 2015). The methodology for analysis needs to be explained in lay terms: what are URBEMIS and CALINE4?

J-27

**Impact C.2** (p. IV.C-15). Was any traffic data from Dowling Associates use to estimate emissions via URBEMIS other than the "24,914 trips per day" mentioned in discussion? If so what? If not, what about peak hour volumes, intersection wait times, freight train wait times, time spent seeking parking, etc. Do any of these contribute to increased emissions? After the traffic analysis has been revised as required above, revisions may also be needed here.

J-28

**Mitigation Measure C.2** (p. IV.C-17). This section needs to be rewritten to clarify what is part of the project and what is not. It is VERY confusing as currently written. The proposed shuttle will apparently replace a similar shuttle discontinued by the Port of Oakland due to budget shortfalls earlier this year. No internal combustion engine shuttle should be used if it is required to go through an intersection that has LOS "F". Additional efforts must be made to fully mitigate operational impacts of the project to a less than significant level.

J-29

**Impact C.3** (p. IV.C-18). Was any traffic data from Dowling Associates use to estimate carbon monoxide concentrations? After the traffic analysis has been revised as required above, if LOS changes are made, revisions may also be needed here.

J-30

**MISCELLANEOUS**

**Page III-10, last line.** What are the "mass transit nodes" referred to here and where are they located?

J-31

**Page III-11, 3<sup>rd</sup> bullet.** How does the project described in the DEIR integrate new development with Heinholt's?

J-32

**Page III-12, last line.** Shouldn't the State Lands Commission be mentioned here? Or else the "Port of Oakland" as manager of the "public trust lands" on behalf of the State of California. Coordinate with "California State Lands Commission, Public Trust Doctrine" section on p. IV.A-29.

J-33

**Page IV.A-2, 2<sup>nd</sup> paragraph.** "Joint living and work quarters" is a specific term used in the Zoning Regulations. It may not apply to all of the buildings listed. SoNiC knows of nothing called "Egghead Lofts"; the Egghouse at 229 Harrison contains 2 joint living and work quarters and 6 warehouse or studio (work-only) spaces. Less than 10% of the building is in residential use. Tower Lofts at 3<sup>rd</sup> and Alice has been omitted from the list. Prime Smoked Meats and Monahan Paper should probably be recognized in the list of industrial uses.

J-34

**Page IV.A-27, Development Agreement.** More information is needed about the terms that may be specified in the development agreement. "Freezing" current City regulations with respect to the project should be explained. Any development agreement MUST include provisions for reasonable review processes of items not known at this time, such as building design, parking demand, etc. Nothing should be "frozen" for an indefinite period. For example, design review based on adequate plans, materials, colors, etc. might be approved for a period not to exceed 3 years. Parking demand

J-35

and emission calculations might be good for a similar period. After that, re-approval would be required from the appropriate body. Who will be a party to the agreement?

J-35

**Page IV.A-29, California State Lands Commission, Public Trust Doctrine.** This section should describe the relevant policies, identify which sites are on "public trust lands", and state how the Port proposes to manage these lands "in trust" on behalf of the State of California while also being the landlord for the land beneath the proposed development.

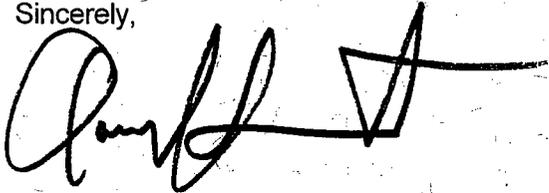
J-36

SoNiC wishes there were more time to comment on this document as it is quite confusing and difficult to understand. SoNiC strongly supports the request submitted by Oakland Heritage Alliance to issue a "Revised Draft EIR" for public discussion before proceeding to a Final EIR. Please put this request on a Planning Commission agenda as soon as possible.

J-37

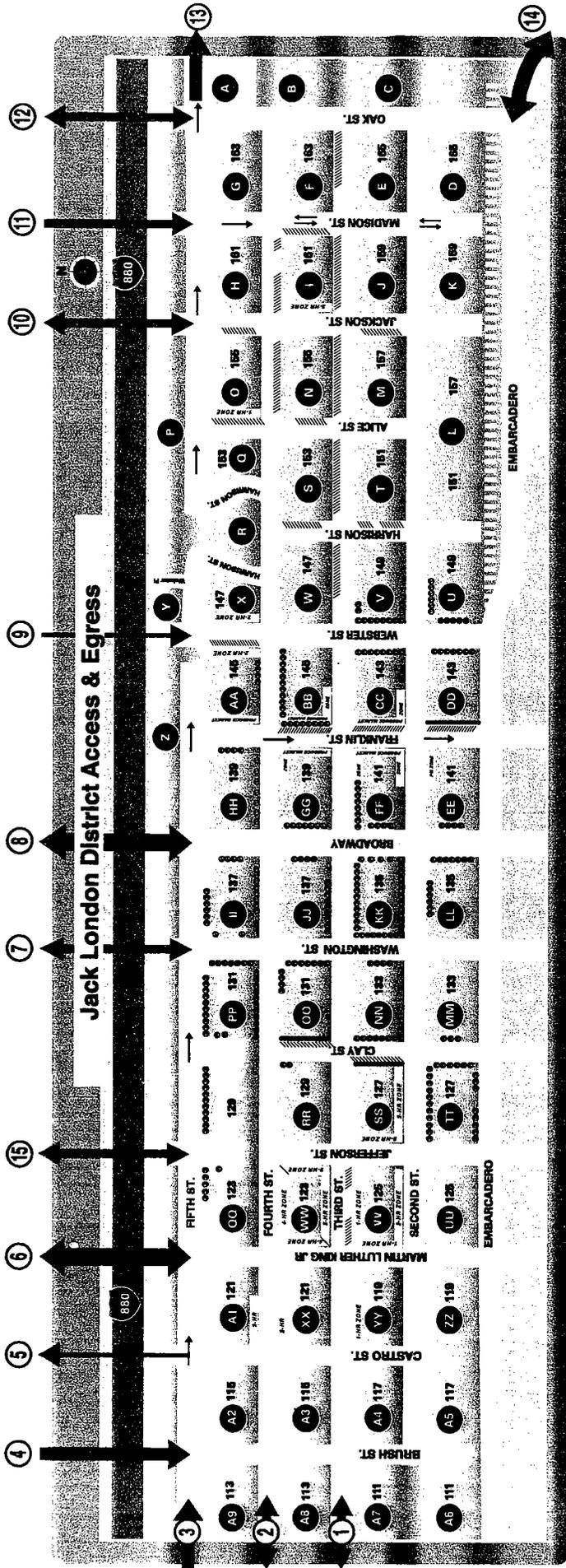
SoNiC looks forward to your responses to our concerns.

Sincerely,



Gary Knecht, President  
South of the Nimitz Improvement Council (SoNiC)  
knechtgary@aol.com

Attachments: Map of JACK LONDON DISTRICT ACCESS & EGRESS



	GATEWAYS TO JACK LONDON	LANES IN	LANES OUT	COMMENTS
1	3 <sup>rd</sup> @ Market	1	1	3 <sup>rd</sup> Street is a truck route and provides access from Oak to Port facilities, I-880, and West Oakland
2	4 <sup>th</sup> @ Market	1	1	4 <sup>th</sup> Street is a local street that runs from Oak to Market
3*	5 <sup>th</sup> @ Market	3	0	5 <sup>th</sup> Street feeds regional traffic to the Alameda tube, I-880, and the Jack London District
4	Brush @ 5 <sup>th</sup>	3	0	Brush feeds regional traffic from I-980 to 5 <sup>th</sup> (see above); signs on I-980 direct Jack London Square traffic onto Brush at 11 <sup>th</sup> Street
5	Castro @ 5 <sup>th</sup>	0	1	Castro has one lane exiting the district feeding into a 3-lane street accessing I-980 at 12 <sup>th</sup> Street
6	MLK @ 5 <sup>th</sup>	2	2	Martin Luther King, Jr Way has two lanes into and out of the district. Signals currently facilitate ingress and impede egress
7	Washington @ 5 <sup>th</sup>	1	1	Washington is a local street (and posted bike path) that runs from Water to 11 <sup>th</sup> Street
8*	Broadway @ 5 <sup>th</sup>	2	2	Broadway is a major street with access to the Alameda tube and I-880 south at 5 <sup>th</sup> Street
9	Webster @ 5 <sup>th</sup>	1	0	Webster is 4-lanes, one-way (south) through Chinatown. 2 of those lanes feed the Alameda tube and one provides local access to the Jack London District
10*	Jackson @ 5 <sup>th</sup>	1	1	An off-ramp from I-980 deposits traffic at 5 <sup>th</sup> and Jackson; an on-ramp to I-980 and I-980 is at 6 <sup>th</sup> and Jackson
11*	Madison @ 5 <sup>th</sup>	2	0	One-way street feeds traffic into the district or onto I-880 south
12*	Oak @ 5 <sup>th</sup> & 6 <sup>th</sup>	1	1	Off-ramp from I-880 deposits traffic at 6 <sup>th</sup> and Oak; Oak Street traffic can pass under the freeway and turn left to gain access to the 6 <sup>th</sup> and Jackson on-ramp to I-980 and I-880
13*	I-880 @ 5 <sup>th</sup> & Oak	0	3	1 diamond and 2 other lanes provide access to I-880 south
14*	Embarcadero @ Oak	2	2	Embarcadero offers an alternate route to I-880 south via the 16 <sup>th</sup> Avenue on-ramp
15	Jefferson @ 5 <sup>th</sup>	1	1	Jefferson traffic has nominal effect on the Jack London District
<b>TOTALS</b>		<b>21</b>	<b>16</b>	<b>PM peak hour traffic is worse than AM peak hours, as would be expected with 21 lanes in and only 16 lanes out</b>

**J. SOUTH OF THE NIMITZ IMPROVEMENT COUNCIL**

J-1: On January 29, 2004, a meeting occurred involving the commenter, City staff, the project sponsor and other attendees invited by the commenter (including Simon Waddington, Letter U; Sandra Threlfall of Waterfront Action, Letter K; and representatives of Asian Health Services, Letter N) to discuss transportation, circulation, and parking issues. See also Master Response C, Extension of 45-Day Public Comment Period.

J-2: In the professional opinion of the EIR transportation analysts, the findings of impact significance after mitigation are adequately supported by the information presented in the DEIR. See responses to Comments J-3 through J-26, below, for responses to specific comments on aspects of the DEIR transportation analysis.

J-3: In order to identify which intersections to include in the EIR’s detailed traffic operations analysis, a screening process was applied based on the proposed project’s expected trip distribution, and on travel patterns from the Alameda County CMA’s regional travel demand model. The trip distribution patterns used to establish the general flow of project traffic through the surrounding intersections were generated by comparing a “Without Project” baseline model forecast to a “With Project” forecast. The screening process used the general flow of project traffic through surrounding intersections to identify a project study area that would adequately cover the potential project-generated traffic impacts. As is standard for traffic analyses conducted by the City of Oakland, a threshold of three percent of total intersection volumes was used to determine which intersections would be included in the detailed analysis. An increase in traffic volume of less than three percent is judged to have a less-than-significant effect on traffic conditions because it falls within the typical daily fluctuation of roadway and intersection traffic volumes (*i.e.*, lower than the standard plus-or-minus five percent fluctuation that typically occurs and that is imperceptible to the average driver). The following candidate intersections were included in the screening process, but were eliminated from further analytical consideration because project-generated traffic would represent less than three percent of the total intersection traffic:

- |                              |                                |
|------------------------------|--------------------------------|
| 1. Harrison and 8th Streets  | 10. Jefferson and 8th Streets  |
| 2. Webster and 7th Streets   | 11. Jefferson and 9th Streets  |
| 3. Webster and 8th Streets   | 12. Jefferson and 11th Streets |
| 4. Franklin and 11th Streets | 13. MLK Way and 5th Streets    |
| 5. Clay and 7th Streets      | 14. MLK Way and 11th Streets   |
| 6. Clay and 8th Streets      | 15. Castro and 6th Streets     |
| 7. Clay and 9th Streets      | 16. Brush and 11th Streets     |
| 8. Clay and 11th Streets     | 17. Brush and 12th Streets     |
| 9. Jefferson and 7th Streets |                                |

J-4: The DEIR assessed project effects on Madison Street at its intersections with 5th, 6th and 7th Streets. The analysis indicates that the intersection levels of service would

remain at LOS B or better in 2005 and 2025 with or without the project. Traffic actually flows one-way southbound on Madison Street between Lakeside Drive and 4th Street, not just the one block between 4th and 5th Streets.

The following text revisions do not affect the impact analysis or impact determinations in the DEIR, but reflect the commenter's corrections to the DEIR's description of the local street network in the project area, which are acknowledged:

The second sentence of the fourth paragraph under Local Access, on DEIR page IV.B-2, is revised as follows (additions shown as underlined; deletions as ~~strikeout~~):

“The Embarcadero provides connections to the east along the waterfront, but terminates at Market-~~Jefferson~~ Street to the west.”

The last sentence of the seventh paragraph under Local Access, on DEIR page IV.B-3, is revised as follows (additions shown as underlined; deletions as ~~strikeout~~):

“However, the flow of through traffic is impeded by stop signs at the intersections with the Embarcadero, and ~~2nd~~-3rd and 4th Streets.”

The last sentence of the tenth paragraph under Local Access, on DEIR page IV.B-3, is revised as follows (additions shown as underlined; deletions as ~~strikeout~~):

“Third Street has one lane in each direction extending from Oak Street westward through the Jack London District into West Oakland, and is a commonly used truck route (though not formally designated as such in the Oakland Municipal Code).”

J-5: The impact of the displacement (or replacement) of existing parking spaces resulting from the proposed project is addressed in the DEIR assessment of parking impacts. The Amtrak lot occupies the project's Site G; Lots 5, 7, 9 occupy Sites F1 and F2; the Embarcadero/Broadway lot occupies Site D; and the Meadow/Lawn lot occupies Site C. As stated on DEIR page IV.B-49 and shown in Table IV.B-19, DEIR page IV.B-51, the project's peak parking demand reflects parking spaces displaced by the project. In the case of Site G and Site F, the demand generated by the displaced parking was assumed to represent the existing peak occupied spaces. For Sites C and D, the displaced parking represents the total number of spaces. Because the displaced parking was included in the project's estimated parking demand, the displaced vehicles would, like new demand generated by project uses, seek parking spaces available under project conditions.

J-6: The description of private parking lots (in addition to parking facilities available to the general public) in the DEIR Setting was simply to depict the existing parking situation in the project area. As stated on DEIR page IV.B-11, the characterization of the parking analysis as conservative is based on the fact that although spaces in the private lots may

be available for project users or to accommodate parking during project construction, these private spaces are not assumed to be available to accommodate the project's parking demand. To assume otherwise would potentially underestimate the effects of unmet parking demand generated by the proposed project.

- J-7: Contrary to the commenter's assertion, text on DEIR page IV.B-18 described the absence of a crosswalk across the Embarcadero on the west side of Webster Street, and the need for further improvements. Although the project's effect on this situation would be less than significant (requiring no project-specific mitigation), improvements to the crosswalk configuration at Webster Street could be considered by the City and Port of Oakland independent of consideration of this project.
- J-8: Vehicle trips generated by existing uses in the study area are reflected in the traffic count data collected at area intersections and on area roadways. Because the impacts of the additional trips generated by the proposed project are not judged by comparing the project's estimated trip generation to an estimate of existing trip generation, but instead are judged on the basis of changes to peak-hour intersection / roadway level of service conditions caused by those added trips, such an estimate of existing trips is not needed.
- J-9: As stated on DEIR page IV.B-29, judging the significance of impacts on conservatively-based average conditions (not on conditions during the high-season retail period or special events at Jack London Square, or when "blockbuster" movies attract higher-than-usual movie theatre attendance) is consistent with standard traffic analysis practices that reflect a philosophy that transportation infrastructure (roadways and parking facilities) should not be designed to accommodate traffic volumes or parking demand that are higher than typical conditions, and that occur infrequently. DEIR Appendix C presents a list of the approximately 30 special events (with their average attendance) throughout the year. Most of these events occur during the weekend or weekday evenings, and are thereby considered off-peak. Many of the events occur over multiple days, thereby diluting the effects on any one day. Single-day events with especially high attendance occur fewer than six times in a year, which is considered too infrequent to warrant detailed analysis of traffic and parking effects.
- J-10: Special events at Jack London Square require the organizers of the event (be it an agency like the Port of Oakland, or another entity) to obtain a permit from the City of Oakland. To get such a permit, the organizers must demonstrate that steps will be taken to manage vehicular and non-vehicular traffic access, and parking demand. The involvement of the CHP in managing traffic flow is at the discretion of the Oakland Police Department (OPD). Overtime pay for OPD officers at special events comes from various sources, including the City, the Port, and the organization that is managing the event; if funds to cover expenses (including overtime) are not available, then the City permit to hold the event is not issued, and the event would not occur. The above-described process would not be affected by the proposed project, and therefore, no project mitigation measures are required.

- J-11: It is common practice to select analysis years that allow assessment of potential impacts shortly after the proposed project uses are built and occupied, as well as under long-range (cumulative) conditions. As described in Chapter III of the DEIR, occupancy of the first phase of the project is currently envisioned to occur by the end of 2006, with the second phase likely constructed in stages over subsequent years, with occupancy by 2020 or before. Use of 2005 and 2025 as the analysis years is generally consistent with the expected project schedule, and with the horizon years of the Alameda County Congestion Management Agency (ACCMA) Countywide Travel Demand Forecasting Model at the time the DEIR analysis was prepared. In addition, assessing impacts of project buildout in 2025 instead of 2015 results in a more-conservative analysis because more traffic growth is assumed by the later year. Lastly, even if the project were built out earlier (*e.g.*, by 2010), the DEIR would adequately cover that situation because mitigation measures identified in the DEIR are tied to project development, not to a specific year, and would be implemented as the project is built.
- J-12: The DEIR was written with the goal of disseminating information to interested readers in terms understandable to the layperson. To the degree that the DEIR preparers were unsuccessful in that endeavor, the following clarifications are provided:
- DEIR Appendix C is relevant to the analysis because it provides analytical details for readers interested in learning more about the subject without unnecessarily elongating the text in the body of the DEIR.
  - The Jack London District Transportation Improvement Study (JLD-TIS) is relevant to the analysis because there is information/data from that study that is still appropriate for use in the DEIR analysis.
  - Analytical assumptions used in the transportation section were made by the EIR transportation consultants, in consultation with City staff.
  - The trip distribution patterns were derived from information in the Alameda County Congestion Management Agency's Countywide Travel Demand Model for 2005 and 2025 conditions.
  - The assumption that the F sites would not be accessed from the Embarcadero/Webster intersection was based on access and circulation features of the proposed project.
  - Assigning people to park their vehicles at parking locations in proportion to the amount of parking available at those locations is standard practice for traffic analyses of multi-site projects.
  - The Site G parking garage was assumed to be used primarily for long-term (all-day) parking, whereas shorter-term parkers would use Site F2, which would be closer to retail uses.
  - See responses to Comments U-17 and U-18 regarding standard traffic analysis practice for EIRs to focus on periods of the day when the highest (peak) combination of existing and project traffic volumes occur, and the effect of

project-generated traffic during hours other than the weekday AM and PM peak hours. Peak-hour project traffic was assigned to parking garages on the basis of various factors, including the relative number of spaces in the garages and the types of uses in proximity to each garage (see above regarding long-term versus short-term parkers).

- Drivers are expected to primarily use 2nd Street from points east of Site G, and 3rd Street to cross Broadway from points west of Site G. North-south streets that drivers are expected to use to access Site G are Broadway and Oak, Madison, Jackson, Market and Washington Streets. Most of these streets are also expected to be used from Site G to trip destinations.

- J-13: The DEIR's estimate of project-generated vehicle trips included all vehicle types (*e.g.*, autos and trucks) and all trip purposes (*e.g.*, employee commute trips, visitor shopping trips, and delivery and service vehicle trips). Therefore, the determinations of project impacts on traffic flow conditions presented in the DEIR take into account truck traffic. Provisions for loading and unloading activity at the project sites would be subject to, and would be required to comply with, City Planning Code requirements.
- J-14: The discussion of trains on the Embarcadero in the Methodology section is appropriate to explain the trains' context in the intersection analyses. Trains and train tracks are also discussed on DEIR pages IV.B-2, IV.B-14, IV.B-15 and IV.B-18 (Setting), and on DEIR pages IV.B-57 and IV.B-67 (Impact B.8: Pedestrian Safety and Impact B.12: Construction Impacts).
- J-15: The DEIR analysis took into account the effects of trains on traffic conditions in the area. The general level of train activity (passenger and freight trains) was described on DEIR pages IV.B-14, IV.B-18 and IV.B-32. The 2000 *Jack London Square Operations Study* (prepared for the Port of Oakland), which was summarized in the DEIR, reported that the average time (for all trains) that the crossing gates were down at the study intersections ranged from one minute to two minutes, with the maximum time (for the less frequent freight trains) ranging from a little less than six minutes to a little longer than 12 minutes. About 43 percent of the freight trains caused the crossing gates to be down for less than one minute (versus about 83 percent of the passenger trains for the same short duration). The effects of train crossings on backups at three intersections on the Embarcadero (at Oak Street, Webster Street, and Broadway) were reported in the 2000 Study. On the southbound approaches, which is most relevant to the question of possible diversion of traffic to other streets to avoid congestion, the observed queues averaged from two to three vehicles, with the maximum queues ranging from six vehicles to 15 vehicles. The large majority of train blockages at area intersections do not have upstream traffic flow implications, with the longest queues extending about one block. The Study also reported that by 2010, the average number of freight trains per day in the project area is expected to increase from 17 to 27 trains.

While the descriptions of train activity in the DEIR were based primarily on the 2000 Study, current (2003-04) conditions were also observed as part of the field

reconnaissance work for the DEIR. The most important thing to note is that freight train traffic remains sporadic (*i.e.*, no set/published schedule), and that the frequency of train crossings at area intersections at any one time of the day (*e.g.*, during the AM or PM peak traffic hours) has been observed to be very low (and unpredictable and variable from day to day). As described above, there are on occasion delays longer than a minute or a few minutes. However, these happen in an unpredictable and sporadic manner and not necessarily at peak times. It is reasonable to judge that the possibility of diversion of traffic to other streets would only arise where blockage becomes predictable to drivers and so they seek and find alternate routes to use on a consistent, daily basis. Conversely, if a train blocks a driver every couple of weeks for ten minutes, one would not expect drivers to change their standard driving patterns that work best for them on most days. Thus, there is no evidence to suggest, and it would be counter-intuitive to expect, that drivers would alter their standard routes just because there may occasionally be a longer train delay. The proposed project would not cause an increase in the frequency or duration of delays due to trains, and therefore, existing travel patterns exhibited by drivers (including any degree of diversion) captured in the turning movement count data used for the DEIR analysis would continue. Whatever "diversion" would occur under project conditions is already occurring.

As stated on DEIR page IV.B-32, the effect on intersection levels of service from train activity is not substantial. Delays caused by trains, averaged over the frequency of occurrence during any specific hour, is negligible. An increase in the number of trains would increase the frequency of blockage of vehicle traffic by trains, but would not increase the effects of such blockages because train movements would continue to be spread throughout the day, and the sporadic, unpredictable times of such delays means that the likelihood of peak-hour delays is very low. Also see response to Comment U-43.

Although the project's effect on this situation would be less than significant (requiring no project-specific mitigation), installation of signs suggested by the commenter could be considered by the City and Port of Oakland independent of consideration of this project.

- J-16: Union Pacific Railroad was not directly consulted during preparation of the DEIR; however, as an owner of property within the project area, it was mailed a copy of the Notice of Preparation (NOP) for the Environmental Impact Report for the project, as well as all public notices issued for the project. As such, like other individuals, organizations and agencies potentially affected by the project, it was provided the opportunity to provide comment on the project.
- J-17: Current levels of service (LOS) reported in DEIR Table IV.B-2 for the 5th/Jackson Streets and 6th/Jackson Streets intersections were determined on the basis of traffic counts conducted during the AM and PM peak hours, and are considered to correctly reflect average weekday peak-hour conditions. The intersection improvements included in the 2005 LOS analysis are in 2000 Measure B Improvements, funding of which is

overseen by the Alameda County Transportation Improvement Authority. The intersection improvements remain reasonably assumed to occur, though (based on the current State budget shortfall), it is possible that their completion would be somewhat later than 2005. It is noted that Measure B specifies procedures for re-allocating sales tax revenue among Measure B projects. The value of the planned 2005 improvements is seen in the change in LOS at the 6th/Jackson Streets intersection from the current LOS D or better (Table IV.B-2) to 2005 LOS B (Table IV.B-12).

- J-18: The effects of project-generated traffic on both AM and PM peak-hour traffic flow and congestion conditions in 2005 and 2025 were analyzed and presented in the DEIR in accordance with standard traffic analysis practices and procedures. As part of the standard analysis approach, trip distribution patterns anticipated to be used by project-generated traffic into and out of the area through “gateways”, as well as the number of available travel lanes, were accounted for. The use of streets through the Produce Market area by project traffic was taken into account during the trip assignment effort. However, the commenter’s suggested scenario under which 2nd, 3rd and 4th Streets are simultaneously impassable is highly unlikely to occur, and therefore, was not analyzed. Mitigation measures were identified to reduce congestion and improve traffic flow under project conditions. As demonstrated and explained in the DEIR, with implementation of these mitigation measures, the project would not cause gridlock conditions to occur.
- J-19: Most of the intersections cited by the commenter (*i.e.*, Embarcadero/Webster, 5th/Jackson, 5th/Madison, 5th/Oak, and 3rd/Oak) are included as study intersections in the DEIR. See response to Comment J-3 regarding how the study intersections were selected or not selected for the EIR. Level of service analysis of garage entrances typically are not included in EIR analyses. Instead, assessment of parking facility access focuses on queuing of vehicles behind the garage’s entry control gate (as drivers wait to enter the garage) to evaluate potential conflicts (safety and operational) with pedestrians, bicyclists and other vehicles in proximity to the garage entrance. Impact B.9 (DEIR pages IV.B-58 and IV.B-59) addresses these concerns in the DEIR. Implementation of Mitigation Measures B.9a and B.9b would ensure a less-than-significant effect by requiring project sponsor compliance with design standards set forth by the American Association of State Highway and Transportation Officials (AASHTO) in *A Policy on Geometric Design of Highways and Streets*, or other design standards deemed appropriate by the City of Oakland, and ample recessing of the vehicle entry control gate to reduce impedance of through traffic flow on the adjacent street.
- J-20: See response to Comments J-3 and J-11 regarding how the study intersections were selected for the EIR, and the analysis years examined in the DEIR. The DEIR analyzed potential impacts during both the AM and PM peak hours.
- J-21: As stated on DEIR pages IV.B-46 and IV.B-47, the City of Oakland, in its review of the proposed project, wants to ensure that the project’s provision of additional parking spaces along with measures to lessen parking demand (by encouraging the use of non-auto travel modes) would result in minimal adverse effects to project occupants and

visitors, and that any secondary effects (such as on air quality due to drivers searching for parking spaces) would be avoided. As such, although not required by CEQA, parking conditions were objectively evaluated by the EIR consultants (who have vast experience in parking analyses) as a potential environmental impact. There was no attempt to hide significant parking impacts, or to avoid required mitigation measures to reduce them to a less than significant level (both of which are identified in the DEIR). As such, the peer review requested by the commenter is unnecessary.

J-22: Tables IV.B-16 and IV.B-17, DEIR page IV.B-48, are revised (see below and on the following page) to include square footages of land uses in the DEIR project (Table IV.B-16) and removal of existing spaces (Table IV.B-17)

**TABLE IV.B-16 (Revised)**  
**CITY OF OAKLAND OFF-STREET PARKING MUNICIPAL CODE REQUIREMENTS**  
*(Upon Buildout of the Proposed DEIR Project)*

Land Use	<u>Project Size<sup>a</sup></u>	C-45 Zone Requirement	<u>Requirement at Project Buildout</u>
Office	<u>380,000</u>	1 space per 1,400 square feet of floor area	<u>272</u>
Specialty Retail	<u>300,000</u>	1 space per 900 square feet of floor area	<u>334</u>
Restaurant	<u>88,000</u>	1 space per 450 square feet of floor area	<u>195</u>
Supermarket	<u>40,000</u>	1 space per 450 square feet of floor area	<u>89</u>
Theatre	<u>1,700</u>	1 space per 16 seats	<u>106</u>
Hotel	<u>250</u>	3 spaces per 4 rooms	<u>188</u>
Hotel Restaurant	<u>47,000</u>	1 space per 450 square feet of floor area	<u>105</u>
Residential Unit	<u>120</u>	1 space per dwelling unit	<u>120</u>
		<b>Total</b>	<b><u>1,409</u></b>

<sup>a</sup> Project size expressed in gross square footage, except for Theatre (in seats), Hotel (in rooms), and Residential (in dwelling units).

SOURCE: City of Oakland, Municipal Code, Chapter 17.116, Off-Street Parking and Loading Requirements

J-23: See response to Comment U-34 regarding how Mitigation Measure B.4 addresses the project's estimated unmet parking demand.

**TABLE IV.B-17 (Revised)**  
**CITY OFF-STREET PARKING REQUIREMENT BY PHASE AND SITE<sup>a,b</sup>**

Land Use	Phase 1					Phase 2				Buildout Total
	Site C	Site D	Site F1	Site F3	Site G	Pavilion 2	Water I Expansion	66 Franklin	Site F2	
Office	11	64	96	-	-	-	-	35	66	272
Specialty Retail	-	66	111	6	-	83	7	44	17	334
Restaurant	71	-	73	-	-	33	18	-	-	195
Supermarket	-	-	-	-	89	-	-	-	-	89
Theatre	-	106	-	-	-	-	-	-	-	106
Hotel	-	-	-	188	-	-	-	-	-	188
Hotel Restaurant	-	-	-	11	-	-	-	-	-	11
Conference/Banquet	-	-	-	67	-	-	27	-	-	94
Residential Units	-	-	-	-	120	-	-	-	-	120
<b>City Requirement</b>			1,079				330			1,409
<b>Proposed Parking</b>			743				550			1,293
<b>Displaced (by site)</b>	(74)	(54)	=	=	(115)	=	=	=	=	(243)
<b>Displaced Parking</b>			(243)				0			(243)
<b>Surplus (Shortfall)</b>			(579)				220			(359)

<sup>a</sup> The project sponsor has applied for a Conditional Use Permit (CUP) that, subject to review and approval of the City Planning Director, would reduce the Code-required number of off-street parking spaces, as provided for under Section 17.116.110B: Discretionary Reduction of Total Requirements with Shared Parking Area. The City-required spaces, and surplus (shortfall) shown in this table do not take approval of the CUP into account.

<sup>b</sup> The parking calculations in this table are based on requirement in the C-45 zoning designation. Most of the project site is currently zoned C-45, and the project sponsor has applied to consistently zone the entire project site to C-45. Therefore, if the project is approved, the C-45 parking requirements would apply to the project as a whole, as indicated in this table.

SOURCE: Dowling Associates, Inc.

J-24: Impact B.5 (DEIR page IV.B-54) analyzed the proposed project’s contribution to cumulative increases in parking demand in the project area, and judged that because implementation of Mitigation Measure B.4 would ensure that the project’s peak parking demand would be accommodated, the project’s contribution to cumulative parking impacts would be less than cumulatively considerable. No further mitigation measures would be required.

J-25: The commenter’s opinion about peer review of the parking section in the DEIR is noted. Given the best available information and the professional judgment of City staff and the EIR consultants, parking conditions are adequately addressed in the DEIR.

J-26: The DEIR (under Impact B.12) described temporary impacts to traffic flow and circulation, parking, and pedestrian safety during project construction. Construction-

related effects on access to the Amtrak station, parking, and the Amtrak bus connections and drop-off and pick-up of passengers were discussed. As stated in Mitigation Measure B.12 (DEIR page IV.B-67), the construction management plan, which the project applicant would be required to develop for review and approval by the City Traffic Engineering Division, shall include at least the items and requirements listed in the DEIR. The construction management plan would include detailed measures, as necessary, specific to the affected sites, such as to maintain access to the Amtrak station, and to provide off-site parking for Amtrak patrons and relocated bus stops.

- J-27: Please see response to Comment J-11. From an air quality standpoint, assuming that the entire project is built out by 2006 would provide the most conservative scenario. Emission factors of vehicles, as well as background pollutant concentrations, are projected to improve in Oakland in the future and, hence, the emissions from the project estimated for a future year would be less than the values shown for 2006. URBEMIS is the California Air Resources Board's (CARB) emission inventory model that is used for estimating emissions from traffic and on-site area and stationary sources. The model is used to estimate the total emissions generated by a project based on the type of use(s) proposed for development for comparison with the BAAQMD's significance thresholds. CALINE4 is a line dispersion model used to predict carbon monoxide concentrations in the vicinity of roadway segments and intersections for comparison with the state and federal ambient air quality standards, which are the significance thresholds in determining local carbon monoxide impacts of a project.
- J-28: URBEMIS was used to analyze the project's impacts on regional air quality. The pollutants that contribute to regional air pollution are NO<sub>x</sub> and ROG (precursors of ozone) and PM-10. Due to the regional nature of these pollutants and given that it takes at least 3 hours of sunlight for ROG and NO<sub>x</sub> to combine to form ozone, daily traffic estimates provide a better basis for analyzing regional air quality impacts of these pollutants rather than peak hour volumes. URBEMIS uses the average daily trip number in combination with the inbuilt average trip lengths for trips made in the San Francisco Bay area for different purposes (commute, non-commute, etc.) and emissions factors (as grams per mile) based on the California Air Resources Board's (CARB) emission factor model EMFAC 2002 to provide a pounds per day estimate for these pollutants. These are also more amenable for comparison with the pounds per day significance thresholds provided by the BAAQMD. Intersection wait times and freight wait times are not input into the URBEMIS model due to the model's limitations. However, the emission factors derived from EMFAC2002 are based on a speed profile that includes idling, acceleration, steady speed travel and deceleration based on standard Federal Test Procedure (FTP) cycles used to test automobile emissions. The emission factors derived from EMFAC2000 cannot be tailored to use project specific wait times. So, basically, the grams per mile emission factor provided by EMFAC2002 assumes that the vehicle's activity over that mile included idling, acceleration, steady speed travel and deceleration, but the model does not allow the user to change the time the vehicle spends in these modes. The time the vehicle is assumed to spend in each of these modes is determined

by the FTP cycle. The purpose of the URBEMIS model is to provide an average emissions per day estimate. Peak hour volumes and intersection wait times are used in the analysis of local carbon monoxide impacts using CALINE4.

- J-29: The proposed shuttle is the only operational air quality mitigation strategy that has been proposed as part of the project. Other strategies shown under Mitigation Measure C.2 have been determined to be required based on the analysis conducted in the EIR. These measures will be incorporated as conditions of project approval. According to the project sponsor, the provision of a non-internal combustible engine shuttle would not be feasible, since, to the sponsor's knowledge, there is no currently available, economically viable technology for such.
- J-30: LOS data was used to screen for intersections most impacted by the project. These intersections were chosen for analysis. The analysis used projected peak hour traffic volumes provided by Dowling Associates and average red and green times at the traffic signals for the analysis of carbon monoxide concentrations. Responses to Comments J-13 through J-17 address why revisions to the traffic analysis would not be needed. Hence, no revisions would be needed for the CO analysis.
- J-31: Although residential uses would no longer be proposed under the Revised Project presented in this FEIR, the "transit nodes" referred to in the project objective relates to several transit-related policies in the General Plan/Estuary Policy Plan. Specifically, the statement most directly pertains to Policy D10.2 (Locating Housing):
- Housing in the downtown should be encouraged in identifiable districts, within walking distance of the 12<sup>th</sup> Street, 19<sup>th</sup> Street, City Center, and Lake Merritt BART stations to encourage transit use, and in other locations where compatible with surrounding uses.*
- Furthermore, starting on DEIR page IV. B-11, several "transit services" are discussed, each of which would be considered to provide "nodes" related to the Jack London Square and/or downtown vicinity, namely the Broadway corridor. These include, in addition to BART, AC Transit, the Broadway Shuttle, Oakland Ferry Service, and Amtrak.
- J-32: See response to Comment G-2, as well as pp. III-4 in this FEIR, which presents the relationship between the Heinold's building and the new development in the Revised Project.
- J-33: See Master Response D, California State Lands Commission / Public Trust.
- J-34: The commenter points to the land use "Setting" discussion, which is intended to describe the varied land uses in the vicinity of the project site. Though it is not intended to provide a comprehensive list of establishments or development in the area, it does intend accurately to represent the examples that are included. As such, the second paragraph on

DEIR page IV.A-2, starting with the second sentence, is revised as follows (additions shown as underlined; deletions as ~~strikeout~~):

Joint living and working quarter buildings with some ground floor commercial space include Fourth Street Lofts, the former Safeway headquarters building, the Brick House lofts, Portico Lofts, and Egghouse ~~Egghead Lofts~~.

- J-35: Development agreements are used throughout California to regulate large-scale development projects and to provide developers with assurances that the project can be successfully and completely built out over time. A developer derives long-term certainty that the land use rules, requirements and other provisions (such as payment of fees) will not change over the time period of the agreement; this enables the developer to obtain financing, plan the phasing, and secure tenants for its project. This certainty also benefits the public agency by ensuring orderly and predictable development. The only way to achieve such certainty is to start with known rules and regulations and then “freeze” them for the duration of the development agreement. If these rules and regulations were to change prior to the end of the development agreement’s term, an entire project could be rendered infeasible due to factors such as more restrictive development guidelines or greatly increased costs. In that case, the city would be left with an unfinished development as well as unfulfilled land use goals, and the developer could experience great financial injury.

The EIR has fully examined the environmental impacts associated with the proposed project, including visual, parking and noise impacts. No matter what the development agreement terms, the physical characteristics of the proposed project will remain the same, and therefore the development agreement will not result in environmental impacts exceeding those studied in the DEIR. To extent that any future changes to the proposed project will require discretionary approvals, further environmental review under CEQA could be required regardless of whether a development agreement is in place. Thus, the City will retain control over the proposed project while allowing the project sponsor to achieve the degree of financial certainty necessary to undertake the project to begin with

The parties to the development agreement will be: the City of Oakland; Jack London Square Partners, LLC; and CEP-JLS I LLC. Jack London Square Partners, LLC, and CEP-JLS I LLC are the corporate entities holding interests in the land to be occupied by the proposed project. A copy of the development agreement will be available for public review and comment prior to Planning Commission consideration and City Council action on the project.

- J-36: See Master Response D, California State Lands Commission / Public Trust Doctrine.
- J-37: See Master Response C, Extension of 45-Day Public Comment Period.

October 24, 2003

Claudia Cappio  
City of Oakland CEDA  
Planning and Zoning Division  
250 Frank H. Ogawa Plaza  
Oakland, Ca 94612

sent via facsimile: 510/238-6538

RE: Draft EIR for the Jack London Square Redevelopment Project: #ER03-0004

Dear Ms. Cappio:

Thank you for the opportunity to comment on the Draft EIR for the expansion of the Jack London Square District. The DEIR is scaled to maximize the PUD allocation, while at the Design Review meetings the developers said they did not plan to build to the maximum. That has created some confusion, so I am limiting my comments to two areas: Public Trust land, and trains as discussed in the DEIR.

K-1

The DEIR makes reference to the State Lands Commission, and to the Public Trust lands in this district. but there is no map to indicate their location. Please include a map that identifies sovereign Public Trust as well as those lands purchased with the Port's Public Trust revenues, an action which adds the Public Trust designation to those lands. Uses are restricted on Public Trust lands, so their location would be critical to an evaluation of the project. In the Port of Oakland's strategic Plan for 2003 - 2007, one of the Port-wide goals are: "fulfill the Port's responsibilities as steward of the Oakland waterfront as articulated in the California's Tidelands Trust provisions and the Oakland City Charter." Is the Port meeting its "stewardship" responsibilities in the DEIR?

K-2

Trains were discussed under Methodology (IV.B-32) in the DEIR. While the average of 27 freight trains a day may be correct today, what is the Port's projection five to seven years from now? The Capitol Corridor trains are quick, but BART is planning a significant increase in the number of trains over the next 10 years. This change, combined with an increase in freight trains could have a significant effect on "vehicular queuing." Equally important is the effect on pedestrians. The plan proposes adding one pedestrian bridge over the railroad tracks, bringing the total to three in a seven block corridor. Is that enough to provide the access needed to support the level of development proposed? Where is the analysis of foot traffic over the rails?

K-3

K-4

Thank you for providing this opportunity to make comments.

Sincerely,

Sandra Threlfall  
Executive Director

## K. WATERFRONT ACTION

- K-1: See Master Response A, Relationship of the Revised Project and the Final Development Plans (FDP).
- K-2: See Master Response D California State Lands Commission / Public Trust Doctrine.
- K-3: See response to Comment U-43 regarding predicted future train activity on the Embarcadero. It is noted that an increase in BART trains, cited by the commenter, would have no effect on the analysis of surface traffic conditions in the DEIR.
- K-4: The proposed pedestrian bridge between Sites G and F2 would be in addition to the existing bridge at the Amtrak station, so there would be three pedestrian bridges under project conditions. As described on DEIR page IV.B-18, when trains are on the tracks, pedestrians must wait or use the pedestrian bridges at the Washington Street garage or at the Amtrak station. For the shorter, but more frequent passenger trains, which typically block crossings for less than one minute, pedestrians do not tend to use the pedestrian bridges. Even for the longer, but less frequent, freight trains, which block crossings for longer time periods, most pedestrians wait at the crossings rather than use the pedestrian bridges. As described on DEIR page IV.B-57, with project development sites located south of the Embarcadero and much of the existing and proposed parking located to the north of the Embarcadero, the project would increase the number of pedestrians that would need to cross the Embarcadero (and the tracks). The pedestrian bridge between Sites G and F2 would be constructed and operational when Site G is completed, even if the development on Site F2 has not been built. If use of the pedestrian bridges under project conditions would continue existing limited use, then there would be increased at-grade crossings by pedestrians across the Embarcadero and the railroad tracks at intersections with varying degrees of traffic control. This possibility for increased at-grade pedestrian crossings and reduced visibility at garage access points are considered significant pedestrian safety impacts.

Mitigation Measure B.8, DEIR page IV.B-58, requires that pedestrian signal heads (with adequate time for pedestrians to cross the Embarcadero) shall be installed when new traffic signals are installed at the intersections along the Embarcadero, at Broadway and at Webster Street; and that informational signs shall be installed to indicate to pedestrians where pedestrian bridges are located. The project impact would be less than significant after implementation of these measures.

**Cappio, Claudia**

**From:** Naomi Schiff [naomi@17th.com]  
**Sent:** Thursday, October 02, 2003 3:32 PM  
**To:** ccappio@oaklandnet.com  
**Cc:** jb@jerrybrown.org; KnechtGary@aol.com; Sandy Threlfall; jliou@ahsch.org; oha@oaklandheritage.org; nicole.franklin@sfgov.org; colland@aol.com; cokoaklandplanning@yahoo.com; suzie@yhla.net; mighty@calnurses.org; mark\_mcclure@alarconbohm.com; aemudge@stoel.com; nnadel@oaklandnet.com; dwan@oaklandnet.com; jbrunner@oaklandnet.com; lreid@oaklandnet.com; idelafuente@oaklandnet.com; dbrooks@oaklandnet.com; jquan@oaklandnet.com; cityochang@aol.com  
**Subject:** Oakland, our town

BY EMAIL: Mailed copy to follow

Letter of request from Oakland Heritage Alliance  
 To Oakland Planning Commission

2 October 2003

Request for extension of comment period on Jack London Square development EIR.

Dear Ms. Cappio, Secretary, and Mr. Killian, Chairperson, Oakland Planning Commission:

We request that the Planning Commission reopen the public hearing and extend the comment period for the Jack London Square development EIR. The 45-day comment period allowed for is the *minimum* permissible under state law. There is nothing to prevent extending the comment period. Please consider this emailed letter a request to place an item reconsidering the comment deadline on your next agenda.

Two successive Notices of Preparation, differing from each other, were issued in this case. Our understanding is that some public agencies which are required to comment on this EIR have not received copies of the present draft EIR, though some may have received notices that it exists. OHA wonders whether the State Historic Preservation Office and the National Historic Landmark Program at the Park Service have been asked for comment on the impact of the project on a historic landmark? L-1

We also understand that some agencies may have written comments to the first NOP, but may not have realized that there was a second issuance which differed. Thus, some of the initial scoping comments may not appear in the present DEIR.

This EIR pertains to an enormous and complicated project which could have lasting effects on an important public resource, our waterfront. It was clear from the hearing last night that the Planning Commission has not had sufficient time nor information to formulate questions about the project, perhaps because it is complex, and the DEIR does not match the design proposed for the actual project. Commissioners appeared sufficiently stunned by the scope to be unable to make many comments. Informed comments are critical for the preparation of a final EIR. L-2

Members of the public have a lot of questions to ask, not least of which is, what direction was given to the developers, that resulted in this kind of plan? No explanation has been given for the divergence of the project from the much discussed and met-over Estuary Policy Plan, and this issue is not framed

10/3/2003

properly in the document at issue. These are major general plan issues, and deserve serious discussion and study.

Oakland Heritage Alliance, for example, will need to hold several meetings to arrive at a thorough comment letter which addresses the historic issues raised within the project site and its effect upon the adjacent historic areas.

We understand that there is a very complicated set of issues around traffic and air quality. As could be seen from last night's comments, two-minute queries are insufficient to fully air the issues. The lack of interplay between public comment and commissioner discussion was notable.

A major factor in Oakland history was the private landgrab at the water's edge. It would be good to avoid accusations of a latter-day reprise of that scenario, by allowing a full public discussion, perhaps some workshops and informal opportunities to review the DEIR in greater detail.

The urban planning questions which are raised, such as the project's interaction with the rest of the city (or lack of it) are such that several regional organizations and governmental bodies should be given ample time to discuss and comment upon the various facets.

If we proceed in a rush, we will only encounter additional delays further down the line. It would be far better to have a thorough review now, than to put the community in the position of having to appeal the approvals later.

With a cooperative effort, we might be able to make some good progress in developing our waterfront in a proactive, financially and environmentally sustainable fashion. In this case, haste surely will make waste.

We propose that the period be extended to ninety days from the issuance of the document. We would be happy to discuss this issue further with you, the staff, the Council, and/or the Planning Commission at the earliest possible time.

Thank you,

Naomi Schiff

Vice-President, Preservation Action  
Oakland Heritage Alliance

work: 510-835-1717  
OHA office: 763-9218  
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## L. OAKLAND HERITAGE ALLIANCE

- L-1: Consistent with the California Environmental Quality Act (CEQA) both Notices of Preparation (NOP) that were issued for the project were mailed to all public agencies that may have interest in the project (in addition to interested party individuals and organizations). A copy of the mailing lists for each NOP is available at the City of Oakland Community and Economic Development Agency, Planning and Zoning Division. (A list of respondents to the NOP is not required by CEQA to be listed in the DEIR.) Furthermore, a copy of the NOP was sent to the State Clearinghouse, through which the State Office of Historic Preservation was notified of its opportunity to respond. All responses received on the NOP were considered during the scoping of the DEIR, regardless of whether they were submitted in response to the initial NOP or the subsequent NOP. The City did not receive a response to the NOP from the State Historic Preservation Office. See Master Response C, Extension of 45-Day Public Comment Period.
- L-2: See Master Response C, Extension of 45-Day Public Comment Period.



Oct 24, 2003

Diane Henderson, Project Manager  
City of Oakland Community and Economic Development Agency  
Planning and Zoning Division  
250 Frank H. Ogawa Plaza  
Oakland, CA 94612

RE: Draft Environmental Impact Report for the Jack London Square Redevelopment Project  
Case File Number ER03-0004

Dear Ms. Henderson:

Oakland Heritage Alliance appreciates the opportunity to comment on the DEIR for Jack London Square.

The first section of this letter pertains to the DEIR review and approvals process for the project. The second section addresses aspects of the DEIR which relate to historic and cultural resources. The third section is a listing of miscellaneous detailed comments on various passages in the DEIR.

OHA is leaving most comments on air quality, parking, and transportation to letters anticipated from the neighbors of the project. We feel that these are important factors, with enormous impacts which may hinder the success of the project and may have deleterious impact on nearby historic areas, but are limiting this letter to the issues with which our organization is most familiar.

M-1

**PART I: DEIR REVIEW AND APPROVALS**

**INSUFFICIENT TIME FOR REVIEW OF THE DEIR**

OHA on October 2 requested that the deadline for these comments be extended. The request was not frivolous; we found that due to the size, expense, and complexity of the proposed project, it would be difficult to comment fully in the time allotted. Indeed, we noticed that it was somewhat overwhelming to the planning commissioners, not having sufficient time nor enough discussion to fully air all the many issues. Some important issues were never raised at all in the hearings.

M-2

We received no written reply to that request, but heard a staff assertion during a planning commission meeting that 45 days is enough. There was no ensuing motion nor any discussion. Thus, we are here making our comments with misgivings, and not as well organized or as well edited as they could be. We know that no matter how limited the time for study and discussion, we are supposed to raise all the substantive issues now. Yet it seems that some areas of concern inevitably will remain, to ambush us all later on.

#### PREPARE A REVISED DRAFT EIR

Because substantial additional work must be done, and many questions newly addressed, we strongly believe that a "Revised Draft EIR" must be presented for public discussion before proceeding to a Final EIR. We hereby request that the staff and commissioners include taking such a step as an agenda item at a meeting before taking any further action on this project. We do not have confidence that the usual level of response incorporated into the FEIR stage will be sufficient for a huge project that may be in progress for twenty years in a climate of rapidly accumulating impacts.

M-3

#### PHASED REVIEWS AND APPROVALS

There must be a clear, public mechanism for revisiting this project's environmental impacts as each phase of construction is contemplated. There must be a review of the design features and project effects before each part of the project proceeds. These reviews must occur in public, such as before the Planning Commission, not behind closed doors in staff offices. While current staff may be highly competent, there is no guarantee of institutional memory, nor of the hoped-for high quality of review, in an era of severe budgetary restriction at the planning department. The most reliable body of information about the waterfront area lies in the citizens of Oakland, many of whom have lived here for decades as projects come and go.

M-4

#### POSSIBLY INSUFFICIENT DISTRIBUTION OF REQUESTS FOR COMMENT

We questioned in our letter whether comments had been actively sought from all of the relevant regulatory and other related public agencies, since many of the development issues will be within their purviews. Because there were two notices of preparation, at widely separated times, we feel that some agencies may not have realized that they should comment on the present report. Please provide a list of agencies required or requested to comment.

M-5

#### ISSUES TO BE RESOLVED (ALTERNATIVES INSUFFICIENTLY STUDIED)

We take particular exception to the section in the summary, "E. ISSUES TO BE RESOLVED." This section seems to say that the environmental impacts and mitigations for alternatives don't require detailed study within this document, and should be left until later. How can we support the approval of a project, its design and this EIR when the mitigation measures and preferred alternatives for something with such major effects are not described? Apparently some of these alternatives may be more likely to be built than the maximum envelope analyzed in the EIR. So the discussion under the DEIR applies to a project not intended. This does not serve the public, nor the project. We are constantly assured that the project "will be smaller" but we don't really know how much smaller, and the request is for "entitlements" at the largest size. This makes mincemeat out of any program of mitigations. The mitigations listed are insufficient, so cannot form a basis for later action.

M-6

If the project proponent plans a smaller project, then study that. Subsequent plans for a larger design can be addressed in a Supplemental EIR at a later date, as not infrequently occurs.

We hope that "flexibility" as used here is not a callous euphemism for getting approvals on an informally-promised smaller project and then if the market allows, building a much larger one.

M-7

## DEIR INADEQUATE, INCOMPLETE

The "ISSUES TO BE RESOLVED" paragraph alone leads us to find the DEIR inadequate and incomplete, and means that the project cannot proceed unless the city plans to require a Supplemental EIR for each relevant phase of the project. However, several other sections are deficient as well.

M-8

## PART II: HISTORIC AND CULTURAL RESOURCES

Some or all of the relevant specific information on historic buildings, districts, APIs, and ASIs from the Oakland Cultural Heritage Survey ought to be included in the EIR. The general descriptive text from the survey will inform the reader more thoroughly than the brief summaries provided in the body of the document.

M-9

*Inadequately or not at all studied in this DEIR analysis, and subject to very significant impacts:*

### • THE PRODUCE MARKET

For some reason, the Produce Market is not included on page IV.E-13 in the list of historic resources impacted by the project. This intact group of early-20th-century market buildings is of great importance and must be included as a historic resource. The standards under Historic Preservation Policy 2.2, 2.4b and 2.4c would require that this area be studied and effects upon it be mitigated. There is no careful description of which blocks are involved, nor detailed study of potential traffic and pedestrian circulation between this area and the proposed project.

M-10

The proposed project appears to derive some of the inspiration for its program from the historic food-related uses represented by the historic Wholesale Produce Market. In a classic case of killing the golden goose, the proposed project may well push the Produce Market out of existence. Alternatives should be presented and thoroughly studied to address how this project could foster the historically appropriate use of the Produce Market. This could provide synergy, rather than damaging both areas. Alternatives could include such ideas as:

#### 1. PRODUCE MARKET CONNECTION PLAN

Create a direct connection between the Produce Market area and the proposed project, perhaps considering a food-related use in 66 Franklin, and enhanced connections between them. The proposed Harvest Hall is not as well-aligned with the Produce Market area as is the Franklin building, and with the potential for "unwrapping" the 66 Franklin building, it could provide an interesting transition from the new project to the older area.

M-11

Address the many traffic consequences that would have impacts on both areas; the early to mid-morning use of the Produce Market street areas for unloading and sales seems to lead to an inevitable conflict with rush hour access to the proposed project. How will this Produce Market use be preserved? How can the Produce Market businesses be encouraged rather than pushed out?

#### 2. PRODUCE MARKET RE-USE PLAN

With the city staff, work to come up with a relocation and re-use plan for the Produce Market businesses that allows historic preservation of the area, and development of a re-use that interacts appropriately with the proposed project. Study the best way to link the projects, providing good pedestrian connections and protection from traffic so that the whole area can thrive.

### 3. PRODUCE MARKET COOPERATIVE IMPROVEMENT PLAN

Design a common-use truck loading area that could facilitate the movement of goods into both the Produce Market area and the proposed project. Since the truck deliveries required by the new project are given short shrift in this EIR, and the train use of the tracks almost ignored, it should be possible to consider this alternative along with an improved traffic study of the whole area.

M-11

### 4. THE BENIGN COHABITATION PLAN

Research how to have the fewest deleterious effects on the Produce Market, and implement a special traffic agreement that preserves the morning access required by its businesses, requiring tenants and users of the new project to accommodate to the Produce Market, rather than the other way around.

#### • THE WATERFRONT WAREHOUSE DISTRICT

The analysis of the relationship to the adjoining Waterfront Warehouse District is inadequate. OHA defers to anticipated letters from the neighborhood, but would like to reiterate that this historic designation should not be shrugged off. Mitigations must be proposed so that decision-makers can see how the impacts can be reduced.

#### 1. SITE DESIGN IMPROVEMENT MITIGATION

Alternatives should be presented, showing ways to mitigate the impacts of traffic, blocked views, and increased parking problems on this valuable historic district. In particular, the position of the gigantic parking structure between the Waterfront Warehouse District and the waterfront does not respect the historic resource. An alternative should be studied which provides for a modified garage solution, even if it requires the project to be smaller, with reduced parking demand. View analysis from this neighborhood should be more detailed. Potential provision of open space which could serve this neighborhood as well as the proposed project should be discussed in detail.

#### 2. CIRCULATION IMPROVEMENT MITIGATION

Mitigations must be required, to route traffic in the least disruptive pattern for the new and old residents of the neighborhood. Possible transportation alternatives not sufficiently studied in the present DEIR include: a) cooperative planning with AC Transit to provide dense, frequent, convenient shuttle service or other free service from the project to 14th Street (current bus frequency is too low to encourage transit use). b) Innovative solutions such as pedicabs, to facilitate tourist travel around the project and neighborhood, and up to BART, possibly including protected bike and pedicab lanes along a north-south street. c) Short-term Carshare promoted as an alternative to car rental, for projected hotel users and other visitors, could reduce the number of rental cars brought into the area and could provide incentive to "try something new."

M-12

#### 3. NEIGHBORHOOD PROTECTION MITIGATION

The DEIR should study how best to protect the Waterfront Warehouse District from further incursions of out-of-scale building, and consider mitigations such as property improvement programs of some sort, under the aegis of the city, to encourage appropriate preservation and interior improvements to the contributory buildings.

• LOWER BROADWAY

The visual relationship of the project to the historic buildings of lower Broadway must be further analyzed. Under the Oakland General Plan, the idea is not only to preserve some of the historic fabric of the city, but to make sure that the areas have good built relationships and avoid jarring juxtapositions. Alternatives should be prepared:

1. IMPROVED DESIGN AND PLANNING AT BROADWAY ENTRY

The EIR should more thoroughly address this important gateway into the downtown area, going north, and into the project area, traveling south on Broadway. Transportation, railway, transit, pedestrian conflicts could make a big mess of this intersection, which by rights should be a true gateway between Jack London Square and downtown Oakland.

M-13

2. OVERLAND HOUSE PRESERVATION AND IMPROVEMENTS

The EIR should address the historic preservation potential of the Overland House, and how it can relate to and enhance the proposed project, across the street. Nearby buildings should be designed for a good scale relationship to this building.

• HISTORIC DOWNTOWN OAKLAND

Missing from the EIR entirely is any discussion of the worrisome potential for the proposed project to draw energy and people from the central Broadway area. It is surely an environmental effect to hasten the development of peripheral zones while sucking the life out of the central city.

In order for this project to provide synergy instead, the issues must be discussed and confronted. For example, how does the proposed hotel comport with the existing and hoped-for hotel developments near 12th Street, including the historic Washington Inn? How will the city-subsidized, historic, food-oriented Swan's Market compete with this new project? How will the 100-year-old Ratto's be affected? Perhaps it can all be done, and everything will be fine. However, the issues are not discussed at all here, and yet many historic resources could be put at risk for their viability.

M-14

*Studied, but without adequate discussion of possible mitigations under Subalternative, page V-12*

• HEINOLD'S FIRST AND LAST CHANCE SALOON

We reject any possibility that Heinold's be demolished, and oppose any finding that this would be acceptable. Moreover, we reject its inclusion in any adjoining building. We reject completely the proposal to demolish part of this tiny building. There is no possible need for land so great that the 1500 square feet represented by Heinold's would have to be occupied at all by this enormous development. We support the mitigations E.3a, b, d, and f to protect the building during construction, but further, recommend that the proposed project be designed such that it is far enough away from Heinold's to be certain not to endanger it.

M-15

Measure E.3c sounds dangerous, unwise and should be avoided. The EIR does not address how exactly one could accomplish moving the building and then replanting it without serious loss of authenticity, and a terrible interruption of business. In fact, we see no discussion whatsoever of the fiscal threat to this small but important historic business. Continuous operation is an integral aspect of the cultural resource. Address a better mitigation which shows how to do the project without having such a huge impact on this tiny business and its customers.

M-16

The subalternative on page V-12 seems to be a good beginning for a study of how to handle Heinold's relationship with the F1 building, regardless of how the rest of the proposed project is designed. More detailed description is required to show how the adjoining building could step

M-17

down to Heinold's so as not to make the scale shift seem ridiculous and trivializing. While the "project sponsor's objective of incorporating it into the Site F1 structure so that it would be viewed as a key feature as visitors go down the escalator . . ." would not be met, it is not a reasonable objective. Study the possibility of including some transitional neighboring structures which are closer in scale to the size of the saloon.

M-17

Assess seriously the possibility of assembling a more meaningful context around the saloon to help educate visitors and memorialize Jack London himself, preferably in a less -than-intense retail context. Perhaps the not entirely historic, but interesting cabin, the wolf-related items, and any other available historic or evocative materials could be combined to make a connection for visitors. Mr. London was no retailer, but his intense relationship to the sea and to nature could reasonably be evoked in this area of the project. This might require keeping some distance from an escalator, however. Include better simulation of views around Heinold's; if the view on Figure IV.I-8 is accurate, it seems that new buildings should be held back so that their looming over the small area dedicated to thinking about Jack London would not have a farcical effect.

M-18

M-19

• TRAINS, TRAINS, TRAINS

(IF NOT A HISTORIC RESOURCE, A HISTORIC REASON FOR OAKLAND'S EXISTENCE)

It is remarkable that the train tracks are barely mentioned. (Is Union Pacific in on this discussion?) This project should study ways to make the best of the train track factor, rather than asserting (incredibly, and very wrongly) that the trains have no traffic impact. Their absence from the traffic analysis means that one of the most salient features of going to Jack London Square is omitted. Possible mitigation measures worthy of study include:

1. THE TRAIN APPRECIATION ALTERNATIVE: A CULTURAL RESOURCE

Following the old "make lemonade" philosophy, the EIR and the project should address the trains and train tracks as part of Oakland's historic raison d'être. Find ways to incorporate the trains' presence into the experience of being in the project, rather than turning the project's back on them. Provide educational and historical material to enhance the train track delay experience. In particular, capitalize on the fact that many children don't get to see trains up close. Discuss with Union Pacific the possibility of doing some kind of train-friendly exhibit or sponsorship of historic train cars as part of the project, or as a nearby attraction.

2. "TURN OFF YOUR ENGINE" PROGRAM

The contribution to air pollution; the general dismay when a long freight is coming through; the tension fostered in drivers who are in a hurry; the tendency toward barrier-running of pedestrians: all are serious problems at the track crossings. One simple mitigation worthy of study is a program incorporating some well-designed signs (and even an ordinance?) requiring the waiting auto driver to switch off the automobile engine. Another is to add some train-oriented things to look at that will encourage people to enjoy (or at least not hate) the experience. Street performers?

3. NO ENGINE IDLING IN THE WHOLE DISTRICT?

The EIR absolutely must address mitigations for the serious effects of train crossing delays in the project area, the Produce Market area, and the Waterfront Warehouse District. Study the possibility of a general prohibition on truck and car engine idling at all times, to reduce air pollution and noise. (The Grand Avenue Safeway has such prohibition signs posted for its loading dock, as a result of considerable discussion with the surrounding neighbors). The shortage of creative alternatives is a serious weakness in the document.

M-20

• 66 FRANKLIN

We are intrigued at the suggestion that 66 Franklin could be “unwrapped” and though it would still not be a registered historic landmark in pristine condition, think that it might have value as an interesting transitional building. We would welcome further development of this idea. It seems far preferable than building the much larger new building on that site.

M-21

**PART III: OTHER COMMENTS**

Page II-1: The proposed project is certainly not generally consistent with the General Plan and Estuary Policy Plan. It is in some ways in conflict, in other ways in agreement.

M-22

Page II-8: A mitigation should be studied which integrates project shuttle services with AC Transit services. As currently scheduled, AC Transit does not make enough trips to the project area to serve as an inducement to commute or visit by bus. The EIR should address whether an integrated plan in which the project and AC Transit work together instead of in parallel would better serve the public and the project, and might achieve higher usage levels. Has AC Transit been included in project-related discussions?

M-23

Page II-37: OHA disagrees that the project would have less than significant impacts on nearby historic districts and areas of primary and secondary importance. To the contrary, many major impacts can be predicted. Mitigations must be proposed and studied.

M-24

Page III-3: The Egghead Lofts is repeated! mentioned; properly it seems to mean the building known as the Egghouse. The former “Iguana Ameramex” name has here been conflated with “Black Sea Gallery” to make an unthinkable cultural melange. The Oakland Metro theater space might usefully be included in the listing.

M-25

Page III-4 insert after “structure” that Heinold’s is on the National Register of Historic Places.

M-26

Page III-4 note that without sufficient funding, and with restricted assembly spaces, the Fourth of July celebration is endangered and could be discontinued. The breaking up of public assembly spaces may limit the ability of the farmer’s market to continue, and may diminish the visibility of boat events from the shore, since new buildings will block views in a number of places. The DEIR does not adequately address the impact of the new project on the public use of the spaces in the Jack London Square Area for some of these events. (“public uses and activities,” III-9) Much more discussion of the waterfront trail is necessary. Is there a continuous trail along the water, or not?

M-27

Page III-4 is egregious in its promise of building “less than the maximum envelope” while still asking for approval for the most enormous of developments. Require additional environmental review if the project is larger than the designs approved; do not approve the EIR based on a promise that it will really have less effect. Require large mitigations and alternatives for larger projects.

M-28

Page III-9 is disturbing in its promise of “glimpses” of the estuary. It might be nice to have some wider “views” wherever possible. The view analysis is weak, and these “glimpses” or views down corridors at Clay, Washington, Broadway, Franklin, Webster, Harrison and Alice are not shown in the visualizations. (There’s an angled view at Broadway) There should be some consideration of night views, and limiting the light pollution generated by the project. One of the pleasant aspects of visiting the waterfront in the evening is the presence of dark areas and distant lights around the

M-29

bay, not blazing areas as shown in one of the developer's design sketches. If the project is to be active at night, then the visual aspects should be comprehensively addressed.

M-29

In general, the DEIR should address potential use of green building standards; a project of this size should be designed for innovative and radical minimization of impacts on energy consumption, water use, solid waste production, as well as air pollution and traffic loads. The project should act as a good example to others, and go an extra way to minimize its impacts.

M-30

Page III-10: OBJECTIVES: DEIR asserts that the project fosters "Public activities that are oriented to the water" but it seems to wall off the marina, views of the water, and water-related uses. The promised cooking school and other proposed activities do not seem to be particularly "water-related." As noted above, the DEIR could do much better in analyzing how the project could go further in "respecting cultural and historical resources. . ." While there are some open spaces, it is not clear that any of them would be large enough to accommodate even the current open space uses, such as the farmer's market and July Fourth events, and the DEIR does not address this issue.

M-31

Page III-10: OBJECTIVES/USES: It is odd to suggest creating yet more office space when there is a glut all around the Bay Area. The DEIR should address the reasonableness of such a use, and whether it might conflict with the goal of keeping City Center and other downtown Oakland areas viable.

The idea that we should build "close to a variety of modes of transportation, including several mass transit nodes" is nice, but it is not competently addressed. The project is far from BART and bus transit is not well-addressed nor planned for. The train is close by, but not really configured for local transportation. The DEIR is not adequate at all on this topic.

M-32

Page III-11 OBJECTIVES/SITE PLANNING: It is objectionable to speak of integrating a development with historic districts and elements by swallowing up Heinold's, competing with and choking the Produce Market, and presenting a garage facade to the Waterfront Warehouse District. The objective is not well-enough framed, and the analysis is inadequate. "Integrating" should mean "working to enhance the project's relationship to its surroundings and to support the longterm viability of historic areas."

In order to enhance the outdoor area at the foot of Broadway, considerable further analysis is required. Providing sufficient parking may not be possible if the project is too large. It should probably be scaled down to a point where access is not the Achilles heel of the whole thing. As stated before, the view corridors are inadequately studied.

M-33

Page III-12: APPROVAL PROCESS: This page contains a quite astounding passage, a request for "A VARIANCE TO SUSPEND THE MINIMUM RADIUS REQUIREMENTS APPLICABLE TO FAST FOOD RESTAURANTS. . ."

The project proponents have repeatedly discussed their high standards and goals for a kind of development that might be described as "slow food." Fast food restaurants generate litter, create substandard jobs, are too numerous already, provide inferior nutrition, tend to be operated by chains (which induces a ghastly sameness coast to coast), destroy a sense of place, and emit smells of grease. The EIR must address this passage and the proponent must explain their intentions. This is a business type of which it is possible to have way too many, in a precious waterfront location. One would think that the deep fat fried ambience of some waterfronts is not one to be emulated. It is at cross purposes with marketing the place as a mecca for gourmets. It seems the antithesis of the project goals.

M-34

Page IV.A-1. LAND USE Has the State Lands Commission reviewed this huge project?	M-35
Page IV.A-3. Project site land use: Again, please address the project with respect to how public use will be fostered and accommodated.	M-36
Page IV.A-5. Ninth bullet: This paragraph is the basis for our request that effects on other parts of downtown Oakland must be considered as part of the DEIR. The "strong core area" could be affected by this development on its periphery, and by a duplication of uses which might be more appropriate further up Broadway.	M-37
Page IV.A-6 "Facilitate and promote downtown Oakland's position as the primary office center. . ." This paragraph provides a basis for questioning the inclusion of office uses in the proposed project.	M-38
Page IV.A-7 "Concentrate. . . 'destination' commercial development in the . . ." This paragraph again reinforces our concern that the proposed development should be studied for its potential to compete with commercial development in important downtown areas.	M-39
Page IV.A-7 Housing in this area would be relatively far from BART stations, and would benefit from more solid and comprehensive transit study and recommendations.	M-40
Page IV.A-8 EIR should address provision of public restroom facilities.	M-41
Page IV.A-8 EIR should address "public, educational and interpretive information. . ."	M-42
Page IV.A-9 EIR assumes there are no "plant or animal habitats" and in a sense this is true, but the development plans could make this situation worse by installing more landscape of concrete, grass (water-using, non-native, fertilizer-run-off-generating) and non-native palms. Some attempt could be made to provide tree cover for migratory birds, eschew grass for other ground covers (which may help to discourage geese, too) and find planting spaces for plants which will encourage beneficial predators and other small wildlife. The general tendency to pave the whole waterfront should be resisted.	M-43
Page IV.A-9 "Access to transportation corridors and transit should be provided" This seems one of the weakest parts of the DEIR, with virtually no suggestions pertaining to enhanced development of mass transit.	M-44
Page IV.A-12. Although the DEIR asserts that the project "would be consistent" with objectives and policies identified in the preceding passages, it would be just as accurate to assert that the project "would be inconsistent." It is a large project, with many aspects that could be described either way. In general, the pedestrian-oriented aspects are extremely local, depend upon driving into the area, and are not terribly well coordinated with accessing other transit modes.	M-45
Pave IV.A-12. It is difficult to understand the point of the third paragraph on this page, which teeters on the edge of gobbledegook. It seems to merely say "If housing is built it will meet housing objectives. If housing is not built it will not meet housing objectives." Is this translation correct?	M-46
Page IV.A-13 General Land Use and Shoreline Access Objectives. It is apparent that in some ways the project does not conform with the Estuary Policy Plan. Asserting that it does will not make it so.	M-47

Page IV.A-16. It is disappointing to see the truncation of the "Meadow Green" Is the new building necessary?

M-48

Page IV.A-17, 19. Is it necessary to put buildings in the middle of the Broadway/Franklin Plaza? What will this do to "continue to stage special events" and to the popular farmers' market? It seems to be described as inconsistent in the EIR text. Perhaps these should not be built.

Page IV.A-19. The discussion of how the residential uses in the MUD area fit in seems vague, garbled, and uncertain. We can't tell how to react to it. For the purposes of the EIR, the discussion is inadequate.

M-49

Page IV.A-27. Study of fast-food restaurant density exemption should be included. There is nothing at all on this topic. Study whether this exemption is necessary at all. At the very least, if fast food is to be allowed, require mitigations such as: provision of nutritionally valuable foods, restriction of packaging materials to eliminate all styrofoam and similar nonbiodegradable, marine-life-endangering products, and mounting an aggressive recycling program. Require a program preferring locally-owned independent non-franchised businesses over chain establishments. Institute a living wage provision.

M-50

Page IV.A-28. Sixth bullet. How do the massive buildings help to preserve views? Again, inadequate views discussion. One has to bear in mind that the view FROM a building is quite different than the view OF a building.

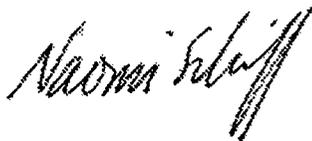
M-51

The opportunity to discuss this project with the Planning Commission and with the developers is most valuable. We are optimistic that something good will result from the earnest efforts of the developers and the hard work of the staff and appointees. It is possible that with further discussion, some of the issues could be made clearer and citizens would worry less. But in its present form, there are many gaps and inadequacies which must be remedied. Again, we urge the staff and the commissioners to provide for public review of a Revised Draft EIR so that all these issues can be ironed out before the final EIR is presented for review.

M-52

Thank you for your consideration.

Sincerely,



Naomi Schiff  
Oakland Heritage Alliance

## M. OAKLAND HERITAGE ALLIANCE

- M-1: The comments have been noted.
- M-2: Refer to Master Response C, Extension of 45-Day Public Comment Period.
- M-3: Section 15088.5(a) of the California Environmental Quality Act (CEQA) Guidelines requires recirculation of a DEIR if, after the close of the comment period on the DEIR, significant new information is added that would result in 1) a significant new environmental impact, 2) a substantial increase in the severity of an impact, or 3) a significant change in or introduction of a considerably different project alternative or mitigation measure that the project sponsor opts not to adopt. Recirculation of the DEIR is also required if the document was fundamentally and basically inadequate so as to preclude meaningful public review and comment. Neither the published DEIR, the information provided in this FEIR, nor the nature of the Revised Project would meet any of the aforementioned thresholds.

Chapter II of this FEIR includes a detailed description of the Revised Project, which is modeled after the Modified Development Alternative (Alternative 2), and which is less intensive than the DEIR Project. The changes in the Revised Project compared to the DEIR Project include relatively minor changes to the maximum building envelopes (or the Preliminary Development Plan (PDP)), the resulting change in maximum total floor area allowed on each development site, and the elimination of 120 residential units (replaced with parking). A notable change reconfigures the Site F1 building according to the DEIR Subalternative: Heinold's First and Last Chance Saloon as a Separate Structure (DEIR page V-12). As such, the Revised Project introduced in this FEIR is not a fundamental change from the DEIR Project; it was essentially analyzed in the DEIR under Alternative 2 and the Subalternative. Furthermore, the Revised Project would not result in any significant new or more severe environmental impacts than were previously identified in the DEIR. Where warranted in response to public comment, mitigation measures have been modified, deleted or added to the project, but not to an extent that would be considered to constitute "significant new information." Thus, the new information provided in this FEIR, and the changes in the project, would not be considered "significant" under CEQA. Therefore, recirculation of the DEIR is not required pursuant to CEQA.

The commenter also asserts that prior to preparation of the FEIR for this project, the DEIR should be recirculated because "substantial additional work must be done" and "many questions newly addressed." Chapter IV of the DEIR presents a complete analysis of each environmental impact topic and provides feasible mitigation measures for each significant impact. No analysis was left incomplete.

Regarding the need to "newly address" questions, the purpose of the FEIR document is to respond to all comments (and questions) received on the project during the DEIR

public comment period. Additionally, as in the case for this project, the FEIR must describe and analyze any changes to the DEIR (including project description, impacts, mitigation measures, or any other information or text). The responses to comments provided in this FEIR are “good faith, well reasoned” responses consistent with the requirements of Section 15088 of the CEQA Guidelines. The fact that particularly substantive issues or questions might be raised during the comment period does not, in itself, warrant the need to recirculate the DEIR.

- M-4: A Mitigation Monitoring and Reporting Program (MMRP) will be prepared for the project and must be adopted as part of project approval. The MMRP will identify each mitigation measure, the party(ies) responsible for implementing the mitigation measure, and the timeframe for implementation. As explained in Master Response A, Comparison of the Revised Project and the Final Development Plan (FDP), the Preliminary Development Plan (PDP) analyzed in this environmental analysis establishes the general outermost limits of development. The FDP for each site would establish the specific building and detailed site design for the project. Also see response to Comment M-28 below.
- M-5: See response to Comment L-1 above. See also Master Response C, Extension of 45-Day Public Comment Period.
- M-6: Section 15123(b)(3) of the CEQA Guidelines requires that the Summary section of an EIR “shall identify... Issues to be resolved including the choice among alternatives and whether or how to mitigate the significant effects.” As explained in response to Comment F-4, the commenter misconstrues Section II.E of the DEIR on page II-4. That section does not state that the City will wait until later to analyze project impacts; rather, it notes that the City’s decision-making bodies will appropriately make a choice between the proposed project and alternatives to the project based on all of the information included in the EIR.

The alternatives discussed in Chapter V of the DEIR were selected in accordance with the CEQA mandate that “[a]n EIR shall describe a range of reasonable alternatives to the proposed project... that could feasibly attain most of the basic objectives of the project but would avoid or substantially lessen any of the significant effects of the project, and evaluate the comparative merits of the alternatives (CEQA Guidelines Section 15126.6(a)).” The DEIR describes each project alternative and discusses the relative potential environmental impacts of each alternative compared to the DEIR Project.

The commenter states that, “some of these alternatives may be more likely to be built than the maximum envelope analyzed in the EIR...so the discussion under the DEIR applies to a project not intended.” The Revised Project Preliminary Development Plan (PDP) is modeled after the Modified Development Alternative (Alternative 2) and incorporates the Subalternative for Heinold's as a separate structure, both analyzed in the DEIR (page V-2 and V-12, respectively). Like Alternative 2 and the Subalternative, the Revised Project PDP would be less intensive than the DEIR Project and would not

introduce any environmental impacts not already studied in the DEIR. Alternative 2 and the Subalternative, and thus the Revised Project, all fall within the scope of impacts and mitigation measures evaluated in the DEIR. The City's ultimate decision between the Revised Project and alternatives, as well as its evaluation of the feasibility of the proposed mitigation measures, will occur subsequent to the certification of the EIR and will consider the range of information and analysis presented in the EIR.

Also see Master Response A, Relationship of the Revised Project and the Final Development Plans (FDP), which explains that the project sponsor has submitted to the City Final Development Plans (FDPs) for eight of the nine development sites, and that the FDPs propose less maximum development than the Revised Project. The project sponsor has indicated that it intends to construct the project according to the FDPs that have been submitted, but that it needs the flexibility of the Revised Project PDP envelope to respond to changes in market demand and other conditions.

- M-7: As discussed on page II-2 of this FEIR, under the heading "Defining the Revised Project for Environmental Analysis," the environmental analysis provided in the DEIR and in this FEIR, seeks to analyze the most-intensive or "worst-case" combination of variants for the project. This approach ensures the most conservative evaluation of the environmental impacts of the project, while allowing flexibility for the project to respond to market conditions for development over time. Also see response to Comment M-6 above and Master Response A, Comparison of the Revised Project and the Final Development Plan (FDP).
- M-8: See response to Comment M-6 above. As discussed in that response, CEQA requires the EIR Summary to specify issues to be resolved. As dictated by this requirement, Section II.E of the DEIR refers to issues that must be deliberated and resolved by the decision-making body of the City after the impacts and mitigations are presented in the EIR. No supplemental EIR is required for this resolution process.
- M-9: The charge of the EIR analysis is to identify and assess project impacts associated with an "historical resource," as determined by CEQA. Chapter IV.E of the DEIR provides a detailed discussion that supports the determination of what buildings, districts, and areas located in or near the project area are considered "historic resources." The considerations for this determination generally include the status of the resource relative to the National Register of Historic Places, Oakland's Local Register of Historic Resources, and/or Oakland's determination about the resource's historical or cultural significance. The Oakland Cultural Heritage Survey (Survey) offers detailed records and information about the history and architecture of many historic resources in Oakland. The Survey was a resource for the DEIR Project analysis (page IV.E-26). The Survey information that was determined to be the most relevant to identifying the "historic resources" within the CEQA context, and to analyzing the potential environmental effects of the project on the resources, is included in the DEIR. Complete Survey information on the historical resources discussed in the DEIR is available for review at the Oakland Cultural Heritage Survey, Oakland Planning and Zoning Division.

M-10: The Produce Market District is located outside of the project area. It is, however, an Area of Primary Importance (API) as determined by the City of Oakland, and is therefore a historic resource for CEQA purposes, as stated the bottom of page IV.E-12 in the DEIR. Although the Produce Market District, as well as the Wholesale Produce Market Building Group (API) and the Lower Broadway District Area of Secondary Importance (ASI) (both of which are located outside of the project area), are not included in the list on DEIR page IV.E-13, to which the commenter refers, each of these resources were included in the environmental analysis and are discussed under the less-than-significant Impact E.6 (Introduction of new multiple story buildings near...Areas of Primary and Secondary Importance) on DEIR page IV.E-23. The DEIR analysis of the effects of the project on traffic and air quality included impacts that would occur within these areas as well.

M-11: See Master Response B, Project Impacts on Other Key Areas in Oakland. Also, see response to Comment F-4, which discusses how the alternatives discussed in the DEIR were selected in accordance with the CEQA Guidelines Section 15126.6(a) reflecting a range of reasonable alternatives to the proposed project, within the “rule of reason.”

M-12: In order for a mitigation measure to be required, there must be a significant environmental impact that would be lessened by such mitigation measure. Impact E.6 (Impact on Historic Districts...), found that the project impact on the Waterfront Warehouse District (district) would be less than significant when measured against the CEQA significance criteria outlined on DEIR page IV.E-16. Specifically, 1) no structures would be constructed within the district, 2) the district currently has buildings ranging up to six stories (relative to the maximum 111-foot tall DEIR Project building on Site G, which is closest to the district), and 3) no physical characteristics of the district that conveys its significance would be altered. As such, no mitigation would be required. Additionally, in the Revised Project, the garage proposed on Site G garage is reduced to in height, compared the DEIR Project.

Chapter IV.B in the DEIR analyzed and proposed adequate mitigations for traffic and parking impacts that would result from the project, including those impacts occurring within or near the Waterfront Warehouse District. The effects of unmet parking demand would be mitigated under the Revised Project by implementation of the same measures required under the DEIR Project (Mitigation Measure B.4). Additionally, the project sponsor would provide a shuttle service to complement and link from the project area to the existing AC Transit and BART services.

Also, DEIR Chapter IV.I analyzed visual quality impacts of the project. No significant environmental impact would result based on the CEQA significance criteria on DEIR page IV.I-4 regarding scenic vistas (including short- and medium-range views). Therefore, no mitigation would be required.

M-13: The DEIR thoroughly analyzed the impacts of vehicular traffic and transit at the Broadway “gateway,” by evaluating the estimated traffic generated by the project

(including transit), accounting for the number of available travel lanes. Mitigation measures were identified for Impacts B.1 through B.3 to reduce congestion and improve traffic flow under project conditions. As demonstrated and explained in the DEIR, with implementation of these mitigation measures, the project would not cause gridlock conditions to occur. Impacts and mitigation measures for pedestrian safety (Impact B.8) and overall site access and circulation (Impact B.9) were presented starting on DEIR page IV. B-57.

Impact E.6 (Introduction of new multiple story buildings near...Areas of Primary and Secondary Importance) on DEIR page IV.E-23 analyzed the potential impacts on the Lower Broadway District, which includes the Overland House. The preservation potential of this historic structure is not within the scope of the proposed Jack London Square Redevelopment Project or the environmental review. To the extent that there are design issues regarding the proposed project, such concerns will be addressed through the City's design review process.

- M-14: See Master Response B, Project Impacts on Other Key Areas in Oakland. The Washington Inn is located within the Downtown / "Old Oakland" area; the effects of the proposed project on hotels in that area are discussed in the Master Response.
- M-15: See response to Comment G-2 above. Under the Revised Project analyzed in this FEIR, no portion of Heinold's would be demolished, and no new construction would adjoin the existing, freestanding structure.
- M-16: The continuous operation of Heinold's during project construction would be considered an economic matter, not an environmental issue requiring analysis under CEQA. See Master Response B, Project Impacts on other Key Areas in Oakland. Regardless, although there is no guarantee that Heinold's will remain open for business during all phases of construction, the project sponsor is committed to ensuring this, to the extent feasible. . Also see response to Comment G-20, which includes a modification of Mitigation Measure E.3c to avoid the relocation of Heinold's.
- M-17: The Revised Project analyzed in this FEIR incorporates the Subalternative: Heinold's as a Separate Structure. The environmental impacts are discussed starting on page III-7, and Figures III-1 through III-3 show a possible example for the proposed setback, massing and conceptual design of the F1 building relative to Heinold's. See also, response to Comment G-2 regarding the Revised Project design for Site F1, which would not pose a significant impact on the historic resource. Response to Comment M-19 below, which describes the relationship of the adjacent 66 Franklin relative to Heinold's and the Jack London cabin. The DEIR's aesthetic analysis measured the impact of building mass and shadows cast by the project against the CEQA significance criteria for these topics. As no significant environmental impact was identified for aesthetics, views or shadow, no further study (exploring transitional neighboring structures closer in scale to the size of the saloon) was necessary or required. To the extent that the project is considered too large in scale compared to

nearly development, or to which the building design and siting on Site F1 relative to Heinold's is inconsistent with the City's design guidelines, the City will consider such issues during the design review of the project.

- M-18: See response to Comment G-6 regarding how, although not required under CEQA, the project sponsor would provide tours focused on Jack London and related aspects. Also see response to Comment G-23.
- M-19: Figure IV.I-8 that the commenter refers to shows the southwest edge of the Site F1 building in the forefront. Site F1, as most clearly depicted in the example design solution in Figures III-1 through III-3 in this FEIR, would be "held back" so as to not loom over or encase Heinold's or the Jack London cabin. The 66 Franklin building would remain set back approximately 100 feet from the cabin, and although the 66 Franklin building could be up to 100 feet in height at its tallest point (in the "worst-case" variant) and 75 feet on the elevation facing Heinold's and the cabin, it would not result in a "looming" effect that would result in a significant environmental impact on any historic resource.
- M-20: As stated in response to Comment J-16, the Union Pacific Railroad was not directly consulted during preparation of the DEIR, however, as an owner of property within the project area (as well as an entity likely affected by the project), it was included on the mailing list of persons to receive the Notice of Preparation (NOP) for the Environmental Impact Report for the project. Thus, it was provided the opportunity to comment on the project in response to the NOP or at the public hearings for which it was mailed all public notices.

Nonetheless, the potential environmental impacts related to train activity in the project area are discussed in several places throughout the DEIR. Response to Comment K-4 discusses pedestrian interface with train activity. The Methodology section on DEIR page IV.B-32 explains the trains' context in the intersection analyses. Trains and train tracks are also discussed on DEIR pages IV.B-2, IV.B-14, IV.B-15 and IV.B-18 (Setting).

Contrary to the commenter's statement, significant impacts were identified for pedestrian safety due, in part, to the increased at-grade crossings across the Embarcadero and the railroad tracks (Impact B.8 on DEIR page IV.B-57). Also, significant impacts were identified due to construction-related sidewalk closures along the Embarcadero, where there is train traffic, two sets of train tracks, as well as poor pavement existing conditions (Impact B.12 on DEIR page IV.B-67). See response to Comment J-15, which discusses the insubstantial impact of freight train traffic on intersection levels of services, and see Impact C.3 on DEIR page IV.C-18, which shows that, even at the most traffic impacted intersections, carbon monoxide standards would not be exceeded as a result of standing or slow-moving traffic (a "hotspot"). (Note that none of the Embarcadero intersections along the train tracks was a "hot spot.") Despite these findings, the City and the Port of Oakland could consider the commenter's

recommendations for signage or programs aimed at air quality related to the interaction of trains and increased traffic.

Finally, the tours and educational information discussed in responses to Comments G-14 and G-23 would include the contribution of train activity to the history and development of the waterfront.

- M-21: The comment has been noted. To the extent that there are design issues regarding the proposed project, such concerns will be addressed through the City's design review for the project.
- M-22: As thoroughly presented in the DEIR (pages IV.A-4 to IV.A-21), the project supports a host of policies and objectives found in the Oakland General Plan, and namely the Estuary Policy Plan. Given the comprehensive and general nature of policy and goal statements, it is often the fact that a project could or could not meet certain policies based on one's perspective and objectives. However, as presented in the DEIR, the project would meet each of the policies, etc., listed, and it is not unusual that the project supports some policies more readily than others.
- M-23: See response to Comment AA-21 regarding the shuttle service proposed as part of the project. The goal of the proposed shuttle service to be provided by the project sponsor is to complement and link to the existing AC Transit and BART services. While the project sponsor is supportive of better AC Transit bus service to the Jack London District and has informally contacted AC Transit to work toward this end, AC Transit is an independent public agency over which neither the City nor the project sponsor has control.
- M-24: See responses to Comment M-10 and M-12 above, which cover effects of the project on nearby historic districts and areas. The discussion provided under Impact E.6 (Introduction of new multiple story buildings near...Areas of Primary and Secondary Importance) on DEIR page IV.E-23 assesses the potential for the project to meet any of the significance criteria related to historic resources. Namely, the project is not located within or immediately adjacent to a historic district; also, the new construction, although taller than the existing buildings in most of the districts, would not materially (physically) alter the areas' ability to convey their historic significance. As such, the environmental impact on the nearby historic districts and areas of primary and secondary importance is less than significant.
- M-25: As provided in response to Comment J-34, the DEIR text is changed to reflect the corrected reference to "Egghouse." As similarly pointed out in Response to Comment J-34, the "Site Vicinity and Land Use" section of the DEIR Project Description chapter referred to by the commenter is intended to generally summarize, and accurately describe, various land uses and key establishments in and near the project area. As such, the first sentence of the third full paragraph on DEIR page III-3 is revised as follows (additions shown as underlined; deletions as ~~strikeout~~):

The Off-Price Retail District located further west from the Lower Broadway District contains a number of retail establishments such as Cost Plus, Bed & Bath, and the ~~Iguana's~~ Black Sea Gallery Furniture Store.

- M-26: The last sentence starting on DEIR page III-3 is revised as follows (additions shown as underlined; deletions as ~~strikeout~~):

Structures that exist in this area are the Harbor Master, Jack London's Cabin, and Heinold's First and Last Chance Saloon (a designated City of Oakland landmark, and a historic resource on the National Register of Historic Places ~~historic structure~~ that is located between the terminus of Webster Street and the Oakland estuary).

- M-27: The commenter states concerns with the potential detrimental effects of the project on the Fourth of July celebration, the farmer's market, and the visibility of boat events compared to existing conditions. The project includes approximately 80,000 square feet of new open space. This new space may be used for the suggested public assembly purposes. It is correct that the Fourth of July celebration is dependent on public funding and could be canceled if sufficient funding is not made available for the event; however, no restriction of open space as part of the project would cause cancellation of the effects to the July 4th celebration or the farmer's market would not be an environmental impact under CEQA.

Visibility of boat events will not be diminished from the shore, as no buildings are proposed to be constructed along the shore.

- M-28: See Master Response A, Relationship of the Revised Project and the Final Development Plans (FDP).. Pursuant to the proposed Preliminary Development Plan, any future development must be consistent with the Design Guidelines developed by the City. The DEIR studied the maximum building envelope of the Preliminary Development Plan proposed for approval, and thus the maximum impacts that could occur as a result of the development. The only situation in which additional or different impacts could occur would be the proposal of development that is outside this maximum building envelope; any such proposal would be subject to CEQA review and City approval.

- M-29: The DEIR includes a simulation of the view corridor down Harrison Street (see Figure IV.I-12). As shown in DEIR Figure IV.I-1, the proposed project would construct buildings on sites that would continue the existing street grid of blocks in the Jack London District in the north southward into the project area—that is, building footprints would not extend into the open street areas to obstruct existing north-south view corridors to the Oakland Estuary. Additionally, project buildings would incorporate setbacks and other elements such as screening to further reduce upper-level building mass. Aside from such architectural treatments, “wider” north-south views to the estuary would not be possible, because the street grid determines the width of the view corridors.

With respect to nighttime lighting, please refer to response to Comment G-12 above.

- M-30: The project's incorporation of sustainable development measures, namely Green Building Standards referred to by the commenter, will be addressed by decision-makers during their consideration of the project.
- M-31: Under CEQA, the City as lead agency has the discretion to determine if the project objectives are appropriate. It is also up to the City as lead agency and the project sponsor (whose project objectives are at issue) to determine whether or not those objectives are adequately met by the project. The particular objectives cited in the comment are Estuary Policy Plan policies. The "Land Use, Plans and Policies" section of the DEIR analyzes project's consistency with the Estuary Policy Plan, as well as zoning and other land use regulations. As discussed on page IV.A-18 of the DEIR, the proposed project is, in fact, compatible with the land use objectives of the Estuary Policy Plan, including the goals of orienting public activities to the water and respecting cultural and historical resources. In order to meet the referenced project objective and be consistent with the Estuary Policy Plan, it is not required that every use (such as the cooking school) be water-related or oriented toward the water. The project orients a sufficient number of public activities and use spaces to the water to satisfy the project objective and the Estuary Policy Plan. See also response to Comment M-29 with respect to views of and toward the water. With respect to the commenter's concerns regarding the capacity of public open spaces to accommodate open-air events, see response to Comment M27 above.
- M-32: See Master Response B, Project Impacts on Other Key Areas in Oakland.

General Plan Policy D1.11 (Supporting the Jack London District) wholly supports the importance of improving various transportation and transit linkages from Jack London Square to downtown. On DEIR page IV. B-11, several "transit services are discussed, each of which would be considered to provide "nodes" related to the Jack London Square and/or downtown vicinity, namely the Broadway corridor. These include BART, AC Transit, the Broadway Shuttle, Oakland Ferry Service, and Amtrak. The goal of the proposed shuttle service to be provided by the project sponsor is to complement and link to the existing AC Transit and BART services. See response to Comment AA-21.

In the Revised Project, the building on Site F1 no longer surrounds Heinold's First and Last Chance Saloon. Instead, there will be a minimum of a twenty-foot buffer area around Heinold's, as well as an open-area in front of that building. For more information on the Revised Project as it relates to Heinold's, please refer to DEIR Chapter II, The Revised Project, and the Cultural Resources section of Chapter III, Environmental Impact of the Revised Project. Furthermore, as discussed in Master Response B, Project Impacts on Other Key Areas in Oakland, there is no evidence that the proposed project will negatively impact the Produce Market District and Waterfront Warehouse District. To the extent that there are design concerns regarding the project, such concerns will be addressed through the City's design review process.

M-33: The project would improve existing open spaces throughout the site, and specifically at the foot of Broadway and Franklin Street, where automobile traffic would be pushed to the north to keep Water Street clear of vehicles along the entire length of the improved pedestrian corridor.

With regard to view corridors, the project would not exceed any of the criteria considered for significant aesthetic impacts (DEIR Chapter IV.I, Aesthetics section). Although the project would result in changes to the short- and long-range views in the Jack London Square area (which offers scenic value from the shoreline, estuary waters, and the City of Alameda), the flat topography of the area limits existing views of the estuary to those seen through the existing view corridors created by the city street pattern. No aspect of the project would significantly impact these corridors. New buildings would obstruct some existing views of downtown, but would ultimately frame and strengthen other views from public viewing locations. See also response to Comment M-29 above regarding the project's impact on view corridors.

As mentioned in response to Comment F-10, under the Revised Project, there would be a substantially lower unmet parking demand in both Phase I and full buildout of the project (FEIR page III-4). The effects of the unmet demand would be mitigated in the Revised Project by implementation of the same measures required of the project applicant for the DEIR Project (DEIR, page IV.B.53-54).

M-34: The need for a variance is not itself a CEQA issue, provided that the subject of the variance is included within the project description and the project description has itself been adequately analyzed under CEQA. In the case of the "fast food" variance at issue, that variance is necessary because of the broad definition of "fast food restaurants" in the Oakland Planning Code. Section 17.10.290 of the Planning Code broadly defines "Fast-Food Restaurant Commercial Activities" to include all retail sales of "ready-to-eat prepared foods and beverages, for on- or off-premises consumption, whenever the foods and beverages are available upon a short waiting time and are primarily served in or on disposable wrappers, containers, or plates." This definition would include establishments such as gourmet burrito shops, crepe kitchens, and specialty food kiosks. These types of establishments are popular inclusions in high-end retail and entertainment locales, and therefore fall within both the proposed project description that was thoroughly analyzed in the DEIR ("office, retail and restaurant space, hotel, conference/banquet space, theatre, residential, and supermarket uses as well as associated parking," as well as the project sponsor's objectives, started on pages III-9 through III-11 of the DEIR. It should also be noted that this variance is only required for the portion of the proposed project that is located to the east of Harrison Street, because there are no "fast food" radius restrictions applicable to the rest of the project.

M-35: See Master Response D, California State Lands Commission / Public Trust Doctrine.

M-36: As stated on page II-10 to II-11 of this FEIR, the Revised Project's objectives include providing new permanent open space areas and extending pedestrian walkways along

the estuary. This would provide locations for the passive recreational needs of local residents and visitors to occur and would enhance the waterfront access experience for visitors and employees..

Specifically, the project aims to retain and enhance the outdoor area at the foot of Broadway as a gathering place for the city and as a place to hold special events. Additional new public open spaces would include a new Jack London Plaza - a flexible use space that could accommodate public events, including a farmer's market, on the east area of the project area. A large public space called the Marina Green (or East Green), located on the water (south) side of Site F1, would be a green, open space with a sculpture garden aimed at children's interests, and an open grass area. Each space would be approximately an acre in size.

With respect to "public uses" within the context of the Public Trust Doctrine, see Master Response D, California State Lands Commission / Public Trust Doctrine, which explains that the new public open space and all ground floor uses (including stores, restaurants and recreational facilities) in the project would be consistent with the intent of public use, and the uses proposed on the upper floors do not differ substantially from the existing uses at Jack London Square.

- M-37: See Master Response B, Project Impacts on Other Key Areas in Oakland. Regarding the alleged negative impacts that could occur from focusing new, duplicative development on the periphery of downtown, as discussed on DEIR page IV.A-5, General Plan Policy D1.2 (Identify Distinct Districts) states that the Jack London waterfront is one of the distinct districts that make up downtown, and General Plan Policy D1.1 (Defining Characteristic of Downtown) goes further to say that the close proximity of the Jack London waterfront to downtown is one of the characteristics that makes downtown unique, and thus, Jack London Square should be enhanced and used to strengthen the downtown. Also See response to Comment F-6 above.
- M-38: One of the City's goals is to foster downtown as a primary office center, and the proposed project is not inconsistent with this policy. The City also holds the policy to encourage office and hotel uses in the Jack London Square area, as discussed in the Estuary Policy Plan: "[Between Clay and Webster Streets] the Estuary Policy Plan recommends the intensification of retail, dining, office, hotel, and entertainment activities." (Estuary Policy Plan, page 58). Furthermore, as state on page IV.A-17 of the DEIR, Policy JL.2.1 of the Estuary Policy Plan explicitly supports office uses above the street level in the redevelopment of Phase II of Jack London Square (between Webster and Alice Streets).
- M-39: See Master Response B, Revised Project Impacts on Other Key Areas a, and response to Comment M-38 above.
- M-40: Residential uses are not being provided as part of the Revised Project analyzed in this FEIR. However, in regards to the project analyzed in the DEIR (to which the

commenter refers), General Plan Policy D10.2 (Locating Housing encourages downtown housing within walking distance of BART stations in the downtown areas and in other locations where compatible with surrounding uses) would be fulfilled. The DEIR analyzed traffic and transit impacts of residential uses within the DEIR Project. AC Transit has adequate existing service that would accommodate the anticipated increase in ridership from the Jack London Square area (DEIR page IV.B-55), and each AC Transit line serving the Jack London Square area serves at least two of the downtown BART Stations without the need to transfer to another bus line (DEIR page IV.B-13). Additionally, existing and planned bicycle routes in the area would provide the opportunity for safe, on-street bicycle access to nearby BART Stations (DEIR page IV.B-14 and Figure IV.B-2) No significance criteria for impacts on transit or pedestrian safety were exceeded by the project.

- M-41: The development of the project will require that the project sponsor obtain a host of building related permits from the City of Oakland. The provision of public restroom facilities will be ensured for all non-residential facilities pursuant to the applicable building codes and requirements. The provision of independent public restrooms as part of the project would be indicated in the development plans (specifically the Final Development Plans (FDPs) for each development site), which the City must review and approve. The provision of public restroom facilities is not an environmental impact issue related to public services.
- M-42: See responses to Comments G-6 regarding how, although not required under CEQA, the project sponsor would provide tours and education related to the history of the Jack London Square and related waterfront aspects. Response to Comment G-14 addresses the feasibility of a permanent museum or similar facility.
- M-43: See response to Comment F-7 above regarding the alteration of existing green, open space in the project areas and the resulting net increase of green spaces. Considerations about the provision of public open space, specifically the proportion of new paving compared to the loss of existing green areas, and, as discussed in response to Comment C-31 above, the inclusion of a specific plant species that would be implemented in the project, all would be considered in the detailed review of the project, likely as part of the Final Development Plans (FDPs) for each site. The appropriateness of how the project balances the degree of hardscape and softscape is a policy issue that the decision-makers will establish by their action on the project. This is not an environmental issue and does not pertain to the adequacy of the environmental analysis. Also, as described in the Project Description of both the DEIR Project (DEIR Chapter III) and the Revised Project (FEIR Chapter II), no existing green space along the waterfront will be removed. In fact, as stated on page II-9 of this document, the Meadow Green (or West Green) at Site C would be reconfigured and relocated so that open space would be immediately adjacent to the estuary shore. Also, approximately 40,000 square feet of new, permanent open space adjacent to the estuary would be provided in the area west of the hotel (Site F3) and south of Site F1.

- M-44: DEIR page IV.B-11 identifies and discusses the several “transit services in the Jack London Square area. These include BART, AC Transit, the Broadway Shuttle, Oakland Ferry Service, and Amtrak. The project would include a peak-hour shuttle between Jack London Square and downtown, which is discussed in response to Comment M-32 above. This is an essential component of the project and will strengthen the existing linkages from Jack London Square to key transportation corridors that stem from the downtown.
- M-45: As stated above in response to Comment M-22, the project supports a host of policies and objectives found in the Oakland General Plan, and namely the Estuary Policy Plan (DEIR pages IV.A-4 to IV.A-21). Given the comprehensive and general nature of policy and goal statements, it is often the fact that a project could or could not meet certain policies based on one’s perspective and objectives. However, as presented in the DEIR, the project would meet each of the policies, etc., listed, and it is not unusual that the project supports some policies more readily than others. The role of the Land Use Policies and Plans chapter of the DEIR (page IV.A-1) is to describe and relate policies to the project (as well as identify potential conflicts with land use regulations). For the purposes of analysis under the California Environmental Quality Act (CEQA), a conflict with a General Plan policy may not, in itself, indicate a significant effect on the environment. (Sec. 15358[b]). To the extent the decision-makers identify a General Plan Policy conflict that has physical effects on the environment, the environmental effects of such a conflict would be analyzed prior to the decision-makers’ actions.
- M-46: The commenter has interpreted the reference text correctly. Under the Revised Project, no residential uses would be included, thus, the last sentence of the paragraph would apply: “The policy to maximize infill housing opportunities in the downtown would not be achieved.”
- M-47: See response to Comment M-45 above.
- M-48: See response to Comment F-7 regarding the change in open space that would result under the project, and the creation of public spaces that would accommodate a farmer’s market.
- M-49: As discussed on page IV.A-17 of the DEIR, the Estuary Policy Plan (Policy JL2.1) explicitly supports housing uses above the street level, in the redevelopment of Phase II of Jack London Square (between Webster and Alice Streets). The Mixed Use District (MUD) of the Estuary Policy Plan extends from Harrison (west) to Oak Street (east), which encompasses Webster and Alice Streets. Therefore, residential uses would be consistent with the MUD Area. However, as stated in response to Comment M-47 above, if residential uses would not be provided, as is the case under the Revised Project analyzed in this FEIR, the project would not meet the objectives related to housing.
- M-50: See response to Comment M-34, which includes discussion of fast-food uses relative to the project. In order for a mitigation measure to be required, there must be a significant environmental impact that would be lessened by such mitigation measure. The DEIR

provides a thorough assessment of how the project would comply with existing land use policies (DEIR pages IV.A-4 to IV.A-21), and inasmuch as there is no applicable policy related to a specific type of food-related use, the environmental document would not address the issue of fast-food or its merits or lack thereof. This matter would be considered by the decision-makers of the project prior to acting on the project.

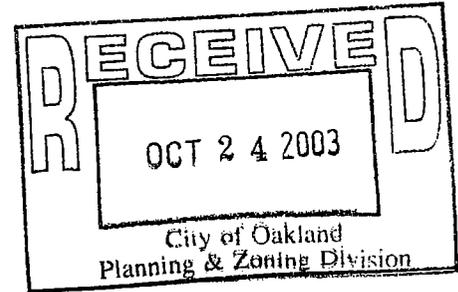
- M-51: Please refer to response to Comment M-29. The proposed project would result in less-than-significant effects on views down existing public view corridors, such as those views of the estuary down north-south into the project area (*e.g.*, Clay, Washington, Broadway, Franklin, Webster, Harrison, and Alice Streets).
- M-52: The comment has been noted. Also see responses to Comments M-2 and M-3 above. Also see Master Response C, Extension of 45-Day Public Comment Period.

Oakland Chinatown Coalition  
Oakland Chinatown Chamber of Commerce  
Asian Health Services

October 24, 2003

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RE: Jack London Square Redevelopment Project  
SCH #2003022086

Dear Ms. Cappio:

Embedded in our comments on the Jack London Square Redevelopment DEIR are two values shared by the Oakland Chinatown Chamber of Commerce and Asian Health Services. First, we support efforts to rejuvenate Jack London Square. We believe that Oakland can and should promote the development of a vibrant waterfront district. We believe just as fervently that Oakland has a responsibility to protect the existing vitality of Chinatown from risks posed by the Project's unintended effects on the environment, such as spillover traffic, air pollution and noise. This DEIR unfortunately does not account for the Project's long-term impacts on Oakland Chinatown.

N-1

The DEIR is designed to review the environmental effects of all entitlements that this Project will need through its 2025 buildout. Given the inevitable uncertainties of market for development so far into the future, the DEIR takes the *theoretically* conservative approach of defining a Project that "will likely be less than the maximum envelope of development analyzed in the EIR."<sup>1</sup>

In *practice*, however, the conservatism that defines an overly-large project does not carry through to other aspects of the analysis. For example,

N-2

- the Region of Impact is not large enough to encompass all of the impacts that the overly-large Project would generate ;
- proposed mitigations do not match the Project's size (i.e., more effective and extensive mitigations than those proposed would be feasible for a project of the defined size);
- no alternatives with lesser impacts are examined; and
- the Project is actually larger than the Project Description when all parking is included.

The DEIR reflects little concern that the over-sized Project will generate unavoidable impacts that are substantially greater than a more realistically sized project in apparent anticipation that Findings of Overriding Need will unquestionably be made. If this DEIR is not substantially

N-3

<sup>1</sup> Page III-4

revised, any development project fitting under the umbrella of the over-sized Project could be built. Among the impacts likely to be overlooked and to escape mitigation by this process are those in Chinatown. This deficiency of the DEIR is structured into some of the study's most basic assumptions.

N-3

## PROJECT DESCRIPTION

### Clarify the application.

The Project evaluated in the DEIR is presented as "the most intensive combination of ... proposed variations and uses, considered to be the worst-case scenario from an environmental impact perspective"<sup>2</sup>. Please clarify whether approval of the approved Project will apply to only the specific development programs described in Appendix A; e.g., would the parking area in Site G would have to be *either* 380ksf (Variant 0), *or* 260 ksf (Variant 1), *or* 420 ksf (Variant 2)? Or would approval of Project would allow Site G to include any amount of parking within the described range (e.g., between 260 ksf and 420 ksf.)? Or do the areas in the matrix represent maximum amounts, with no minimum requirements?

N-4

The Project description<sup>3</sup> states that the Project mentions approximately 1,293 parking spaces, comprising 480 ksf of parking, located on two sites (F2 and G)<sup>4</sup>. Appendix A indicates the area devoted to parking could be more than 1 ½ greater (751 ksf on three sites (F2, G, and F3). Since high parking availability contributes to high single occupancy vehicle (SOV) rates and lower transit use, the maximum number of parking spaces should be the basis for a conservative analysis of modal split and trip generation.

N-5

### The amount of parking included in the Project Description gives a misleading picture of the amount that will be required.

In addition to the 1,293 spaces lists, buildings will be required to include their own parking as mitigation for the impact of inadequate parking<sup>5</sup>. For example, the hotel on Site F3 will be required to include additional parking at the rate of 1 – 1.25 spaces per room. The Project Description therefore gives an incomplete and misleading picture of the scale of the Project, which could be easily corrected by incorporating this mitigation into the Project. The massive amount of additional parking has not been factored into the vehicle trip generation numbers that are the basis for the analysis of traffic operating conditions. The additional parking will change the numbers, if for no other reason than its effect on the modal split. Since there is no analysis of the impact of the parking mitigation (as CEQA requires), the integrity of the entire transportation analysis is compromised.<sup>6</sup>

N-6

<sup>2</sup> Page III-4

<sup>3</sup> Page III-6

<sup>4</sup> Page III-7

<sup>5</sup> Page IV B-53

<sup>6</sup> Shoup, Donald, « The Trouble with Minimum Parking Requirements », *Transportation Research Part A*, Vol. 33 (1999), pp. 549-574

## LAND USE, PLANS AND POLICIES

### Does the Project comply with Public Trust requirements?

The text indicates that the Project area is subject to the Public Trust.<sup>7</sup> Please include a map that indicates Public Trust boundaries. Clarify whether office, retail, and entertainment uses that are programmed for Public Trust sites will be Trust-compliant, water-related uses. If they are not, indicate how the Project would be modified to bring it into compliance.

N-7

## TRANSPORTATION, CIRCULATION, AND PARKING

### The Project Study Area, or Region of Impact (ROI) for Traffic Operating Conditions needs to include Chinatown.

The ROI for traffic operations is too small to capture all of the traffic impacts for a project this large. Chinatown intersections are conspicuously missing from the study area. One of the consequences of this omission is that the DEIR does not contain data on Chinatown intersections that is comparable to information on the intersections in the study area. Field surveys were used to modify— or validate — the LOS calculated by the traffic model for intersection in the study area.

The omission of Chinatown is inconsistent with the three factors that the DEIR nominally relied on to select intersections defining the study area: (1) proximity, (2) importance to traffic circulation in the area, and (3)“expected dispersion of project-generated traffic volumes on the area’s road network.”<sup>8</sup> A fourth factor needs to be added: (4) intersections impacted by non-Project traffic that has been diverted by Project congestion.

N-8

Each of the four factors argues for inclusion of Chinatown intersections in the Study Area.:

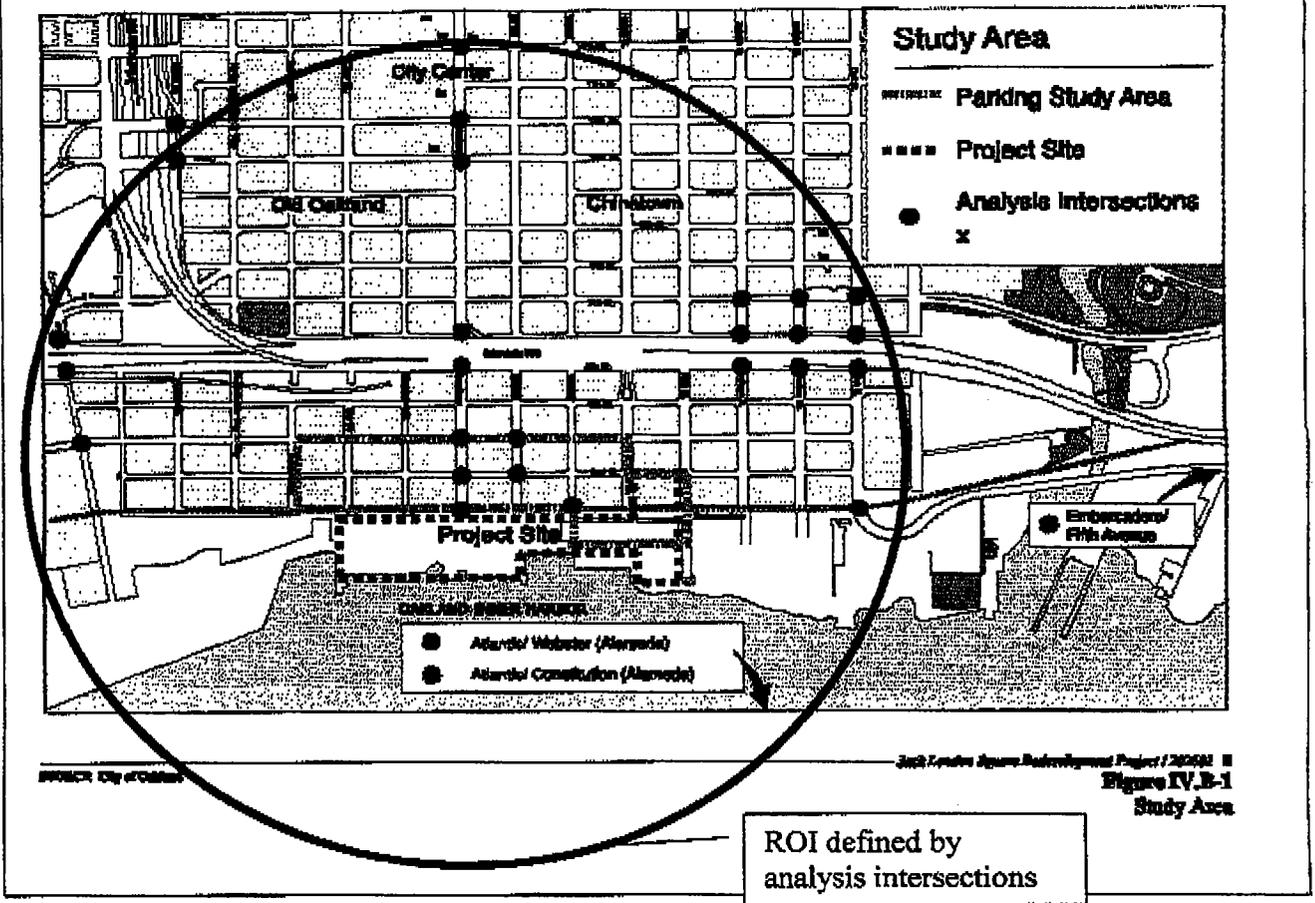
1. The intersections that the DEIR screened into the study can be used to define “proximity to the project site” Chinatown clearly falls within a circle comprised of the analyzed intersections. See Figure A.
2. Webster Street intersections must be included among those important to the area’s traffic circulation. It is only southbound arterial, between Broadway and Oak, connecting Grand Avenue to the Embarcadero. The DEIR itself acknowledges the importance of Webster as the connecting link between Chinatown and the Jack London District.<sup>9</sup> It also is the primary route for traffic traveling to the Jack London District from a large portion of the city north of Grand.
3. Chinatown intersections — especially along Webster, Harrison, and Franklin — belong in the study area because they will host Project traffic trying to escape unavoidable LOS F delays at intersections along Broadway.

<sup>7</sup> Page IV A-1

<sup>8</sup> Page IV B-4

<sup>9</sup> Page IV B-3

Figure A



- The most compelling reason to include Chinatown intersections in the study area is that they will be heavily impacted by traffic bound for Alameda that is diverted by congestion on Broadway and 5<sup>th</sup>.

The intersections serving the Webster Tube and the Tube must be considered part of an integrated subsystem in the study area. The DEIR explains that Project Phase I traffic will cause conditions at 5<sup>th</sup> and Broadway to deteriorate from existing LOS F during the PM peak hour, and that Phase II traffic will cause further deterioration, because of backups from the Webster Tube. Since vehicles traveling to Alameda have the option of entering the Tube from Webster Street, it is reasonable to assume that traffic will switch over to Webster whenever the delays at 5<sup>th</sup> and Broadway are longer.

Webster is also likely to become the favored secondary route for vehicles approaching the Webster Tube from 980 and 580 since it connects to both with Grand Avenue.

We should not that we are not advocating that Webster take on an additional burden for

N-8

delivering traffic to Alameda. However, , given projections of Project traffic we recognize that the long delays at along Broadway caused by the Project will change the routes that Alameda commuters choose unless there are serious efforts to mitigate the congestion.

N-8

**Traffic diverted by Project congestion will worsen the existing conflict on Webster Street between through traffic heading for the Tube, and its role as the "critical pedestrian and bicycle link from the waterfront to Chinatown"**<sup>10</sup>

Determining whether the Project is consistent with the Pedestrian Element must study traffic conditions in addition to volume and LOS, which primarily address the problems of drivers. Impacts on cyclists and pedestrians occur, for example, if the proportion of turning cars increases. Similarly, to the extent the Webster supplements 5<sup>th</sup> Street and Broadway when those routes become impassable, cyclists and pedestrians will be confronting angry and impatient drivers.

N-9

**The Criteria of Significance used in the intersection analysis discriminates against downtown residents, including those in California.**

An impact occurs in the Downtown area when traffic degrades to F, as compared to areas outside the Downtown, where falling to LOS E is deemed an impact.<sup>11</sup> There is similar disparity between Downtown and other neighborhoods when the LOS is unacceptable. Given the income levels and ethnicity of Oakland's downtown population, this appears to be inconsistent with Environmental Justice principles as expressed in AB 1553.

N-10

**The Criterion for a Parking Impact will undermine the effectiveness of transit incentives and other measures designed to reduce vehicle trips.**

"... although not mandated by CEQA, for purposes of this EIR, project effects on parking would be considered significant if the project's estimated parking demand would not be accommodated by the proposed onsite parking supply or by the existing parking supply within a reasonable walking distance of the project site."<sup>12</sup>

This standard for parking impacts potentially will result in a Project that provide an oversupply parking space because it precludes mitigation of unacceptable traffic conditions with parking disincentives. In a practical sense, this Criterion could make transit mitigations financially infeasible because parking spaces are an expensive tradeoff to transit.

N-11

**The Criterion for Pedestrian Safety gives the false impression that it addresses Chinatown issues.**

The threshold for pedestrian safety impacts is too vague to be useful. It says that impacts on safety occur when there are unsafe conditions.<sup>13</sup>

N-12

**The DEIR proposes traffic mitigations that manage traffic flows and ignore vehicle trip reduction techniques.**

Proposed traffic mitigations include installation of traffic signals and signs, and reconfiguration of lanes, and other measures designed to increase the through-put of vehicles. Although the massive scale of the Project presents opportunities to incorporate innovative mitigations into the Project, such as prioritizing Project street use for transit and other HOVs, subsidizing transit

N-13

<sup>10</sup> Page IV B-18

<sup>11</sup> Page IV b-21

<sup>12</sup> Page IV B-22

<sup>13</sup> Page IV B-23

operators, or including transit fares in admission to entertainment, none are proposed. TDM measures appear only in the chapter on air quality rather than transportation. The single transit incentive – a peak hour shuttle service – is inadequate (increased use of transit is discouraged trips have to fit into short, rigid schedules). It is also interesting that it, unlike the thousands of additional parking spaces, are incorporated into the Project itself rather than required as mitigations that could not easily be canceled and would be monitored.

N-13

**The impacts of street “improvements” and traffic controls that the DEIR proposes as mitigations of traffic impacts have not been evaluated for their potential impacts.**

For example, would the reconfiguration of turning lanes at 5<sup>th</sup> and Broadway (increasing the lane space available to vehicles turning south onto Broadway to reach the Jack London District) contribute to additional delay for vehicles approaching Alameda through this intersection, and divert traffic onto Webster Street in Chinatown?

N-14

**Calculate the maximum of parking spaces that Parking Mitigation adds to the Project.**

What are the impacts of the parking spaces added to the Project as a mitigation? How much square footage will the required parking add to the Project? What will be the effects in terms of esthetics, stormwater run-off, energy use?

N-15

**The discussion of pedestrian safety impacts in Chinatown is inconsistent with the DEIR analysis of transportation impacts.**

The following is a list of flaws in the DEIR discussion of the Project’s pedestrian safety impacts in Chinatown:<sup>14</sup>

- There is no description of baseline safety/hazard conditions;
- The discussion of pedestrian safety in Chinatown is unrelated to the very general Criterion of Significance (“result in unsafe conditions in high pedestrian activity areas”)
- The analysis appears to equate traffic volume with unsafe conditions, but does not explain the relationship between the variables;
- The analysis appears to that the only increase in volume will come from vehicles traveling to Jack London Square from Chinatown and City Center, and fails to account for traffic diverted from the very congested conditions on Broadway.

N-16

The DEIR’s estimate of increased volume at buildout on Webster, 7<sup>th</sup>, and 8<sup>th</sup> Streets is 50 vehicles in the a.m. and 65 in the p.m. The DEIR concludes that there is no impact because the additional trips will contribute less than 3 % additional volume to “the existing traffic at the major intersections along those streets in Chinatown”.<sup>15</sup> It is not clear which intersections this statement refers to. The additional vehicles on 7<sup>th</sup> and Webster account for more than 3%.

N-17

In any case, these numbers are not consistent with estimates of trips the Project will generate:

Vehicle Trips Generated by Jack London Square Redevelopment<sup>16</sup>

<sup>14</sup> IV B-58

<sup>15</sup> IV B-58

<sup>16</sup> IV B-25

Weekday Trips	daily	am	pm
phase I	18,232	1,200	2,200
Phase II	29,914	1,734	3,035

The DEIR states that half of the Project's traffic will use the freeway system to access the Project area,<sup>17</sup> leaving 1,517 trips on City streets. The DEIR contention that only 65 trips pass through Webster, 7<sup>th</sup> and 8th would mean only 4% of the trips approach the Project by means of Chinatown. The remaining 96% of the trips would use Broadway, 5<sup>th</sup> Street, and other streets with impaired access.

N-17

**A proper characterization of Chinatown safety conditions is needed, including an analysis of pedestrian and bicycle collisions.**

N-18

**PROJECT ALTERNATIVES**

The comparison of alternatives<sup>18</sup> indicates that the level of impacts generated by the Project is exactly the same as the level of impacts generated by each of the alternatives, except the No Project Alternative. This indicates that the range of alternatives is too narrow. CEQA requires analysis of at least one alternative that has lesser impacts and achieves Project goals.

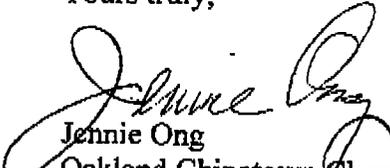
N-19

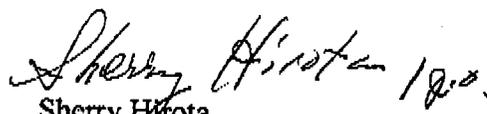
The objectives listed for this Project are extremely failure to provide an acceptable alternative deprives the public

**CONCLUSION**

Thank you for providing this opportunity to comment. We look forward to a Final EIR that fully addresses our concerns. Let us know if we can be of assistance.

Yours truly,

  
 Jennie Ong  
 Oakland Chinatown Chamber of Commerce

  
 Sherry Hirota  
 Asian Health Services

<sup>17</sup> IV B-58

<sup>18</sup> Pages V-15 - 34

## N. OAKLAND CHINATOWN COALITION, OAKLAND CHINATOWN CHAMBER OF COMMERCE AND ASIAN HEALTH SERVICES

N-1: Regarding traffic, the screening analysis described in response to Comment J-3 (the standard practice for how specific intersections were selected for the traffic analysis) explains how intersections located in the “core” Chinatown were not included in the project study area. The traffic analysis in the DEIR was based on the a project study area that would adequately cover the potential project-generated traffic impacts, therefore, the analysis of long-term traffic impacts (those at full buildout of the project or year 2025) would effectively work also to affect traffic conditions in Chinatown to the extent that impacts are generated by the project or the project’s contribution to any significant cumulative impact.

Localized air quality impacts are aligned with traffic analyses and address “sensitive receptors” defined by CEQA. Similarly, noise impacts are also measured against “sensitive receptors.” Given the relatively far distance of Chinatown from the project area, it can be concluded as very unlikely that localized air quality or long-term noise impacts from the project would affect “sensitive receptors” located in the Chinatown area. See response to Comment N-8.

N-2: See response to Comment M-7 above regarding the “conservative approach” of the environmental analysis provided for the DEIR Project and the scaled back Revised Project. As this “conservatism” involves assessing the impacts the would result from the most intensive development scenario, the impacts that emerge from the analysis reflect the size and intensity of the project, and the mitigation measures are prescribed in proportion to the impact being mitigated, as appropriate. Generally, the CEQA significance criteria do not change based on project size. The commenter states that the project is “overly-large,” but again, however large a project is proposed to be, the extent and significance of the resulting environmental impacts of that project naturally reflect the project’s degree of “largeness.”

Contrary to the commenter’s statement, as concluded in the DEIR on page V-13, the Modified Development Alternative would have fewer environmental impacts compared to the DEIR Project. It would result in less impacts on historical resources. The Enhanced Open Space Alternative reduce impact on parking demand. The Revised Project analyzed in this FEIR is modeled on the Modified Development Alternative and the Subalternative: Heinold’s as a Separate Structure, which together, reduce impacts identified for the DEIR Project. Thus, alternatives with lesser impacts than the DEIR Project were indeed examined.

As described on page II-2 and throughout this FEIR, the environmental analysis completed for the DEIR Project and the Revised Project reflected the “most massive” or more intensive variants for the development. The building mass envelopes analyzed for visual quality in Chapter IV.I of the DEIR, and starting on page III-12 of this FEIR,

reflect the buildings as they would result from maximum buildout, which includes the parking on each site. Thus, the actual project would not be larger than described in the Project Description as the commenter asserts. In fact, the ultimate development would likely be smaller than that described in the Project Description based on the Final Development Plans (FDPs) that the project sponsor has submitted for consideration and approval on eight of the nine development sites.

- N-3: The role of the DEIR is to disclose potential environmental impacts that would result from the project, and to identify appropriate mitigation measures to reduce such impacts where feasible. Where no feasible mitigation measure exists, a significant and unavoidable impact is identified. Under the DEIR Project, two significant and unavoidable impacts are defined. Under the Revised Project, the two significant and unavoidable impacts were eliminated related to the historic resource, Heinold's First and Last Chance Saloon on Site F1. As the City considers the merits of the proposed project, it will balance the proposal against a number of design, environmental, economic, and policy considerations, among others. The City's consideration to adopt a Statement of Overriding Decision for the project would be a policy decision. See response to Comments M-28 and N1 above. Also see Master Response A, Relationship of the Revised Project and the Final Development Plans (FDP).
- N-4: The variants represent the maximum amounts of development to be allowed. There are no minimum develop requirements set forth in the Preliminary Development Plan (PDP), though the City through the Development Agreement (DA) may require a minimum-sized project to be built within a certain time frame. Under the PDP as proposed, the uses could be blended among or between the variants for a development site so long as the maximum physical development site does not exceed the maximum amount of square footage allowed for that use in any of the variants for that site. Also see Master Response A, Revised Project Compared to the Final Development Plan (FDP).
- N-5: As described on DEIR page III-4, the project sponsor is seeking entitlements for a maximum buildout scenario that allows flexibility to develop the project in response to market conditions. The project sponsor submitted an application with variations in uses and building configurations for specific development areas (presented in DEIR Appendix A). For the purposes of providing a conservative analysis, the EIR evaluated as the "project" the most intensive combination of the variations and uses, which, for purposes of the traffic analysis, represents the highest level of peak-hour trip generation. See response to Comment N-6 regarding the effect of a change in parking supply on project trip generation. In reality, full buildout of the project will likely be less than the maximum envelope of development analyzed in the DEIR.
- N-6: The commenter has misinterpreted Mitigation Measure B.4 (DEIR pages IV.B-53 and IV.B-54), and the use of the tables of peak parking demand rates contained in that measure. The 1,293 parking spaces that the project proposes to provide under project

buildout conditions are intended to accommodate parking demand generated by the proposed uses (*i.e.*, the hotel on Site F3, etc.). There is no requirement for project buildings to include their own parking spaces in addition to the 1,293 spaces. Mitigation Measure B.4 requires that the project as a whole provide an adequate number of parking spaces within the project area, or within a reasonable walking distance from the subject site as determined by the City, to meet the higher (weekday versus weekend) parking demand calculated using peak parking demand rates contained in this mitigation measure. The requirement to provide an adequate parking supply for the project as a whole would apply upon initial occupancy of each new building. It should be noted that the parking demand rates in Mitigation Measure B.4 are the same that were used in the DEIR to estimate peak parking demand for the proposed project. It should also be noted that the project massing cannot become bigger to accommodate parking in compliance with Mitigation Measure B.4. Masses are limited by the Preliminary Development Plan (PDP), so the project sponsor may need to build less new space to meet Mitigation Measure B.4 and to stay within the PDP.

Parking availability was not quantitatively factored into the adjusted vehicle trip generation rates used to compute project trips (DEIR Tables IV.B-7 and IV.B-8); see revision to the affected DEIR text, below. The adjusted trip rates were obtained by applying the transit usage / captive market percentages to the standard trip rates published by the Institute of Transportation Engineers (ITE) and the San Diego Association of Governments (SANDAG). As stated in the DEIR, ITE and SANDAG rates do not accurately reflect the urban, mixed-use nature of the Jack London District. These published trip rates originate from surveys which, while conducted in a variety of settings throughout the United States and Canada, are primarily conducted in suburban locations with ample supplies of parking. Taking all of the above points into consideration, a change in parking supply to meet parking demand would not change the vehicle trip generation numbers that were the basis for the DEIR analysis of traffic operating conditions.

The fourth sentence of the first paragraph under Vehicle Trip Generation, on DEIR page IV.B-24, is revised as follows (additions shown as underlined; deletions as ~~strikeout~~):

The estimated vehicle trip generation presented herein addresses the relationship between travel mode choices and the proposed off-street parking supply, as well as the availability of public transportation from AC Transit in the project vicinity and the degree of a captive market in the Jack London Square area.

- N-7: See Master Response D, California State Lands Commission / Public Trust Doctrine. An illustrative map showing the Tidelands Trust Grant lands ownership is included in the Estuary Policy Plan on page 54. The proposed project is consistent with the Estuary Policy Plan, and thus there are no public trust conflicts.

N-8: See response to Comment J-3 regarding how the study intersections were selected for the EIR based on the proposed project's expected trip distribution and on travel route patterns derived from the Alameda County CMA's travel demand model. The DEIR applied the first two factors cited by the commenter (proximity and importance to traffic circulation in the area) to select candidate intersections to include in the screening process described in response to Comment J-3. The DEIR applied the third factor (dispersion of project trips on the area's road network) to select study intersections, and conversely to eliminate intersections from further analytical consideration because project-generated traffic would represent less than three percent of the total intersection traffic. See response to Comment N-17 for specific information about the candidate intersections in Chinatown (on Webster and Harrison Streets). After implementation of mitigation measures identified in the DEIR, traffic flow conditions under project conditions would not cause drivers to divert in any substantial way to other streets (including those within Chinatown, such as Webster, Harrison or Franklin Streets) because on the whole traffic levels of service would be acceptable.

The fourth factor suggested by the commenter (drivers changing their usual travel paths to avoid congestion) is not considered applicable to the DEIR analysis because as stated above, after implementation of mitigation measures identified in the DEIR, traffic flow conditions under project conditions on the whole would be acceptable, and there would be no reason for drivers to change their driving habits. As described on DEIR page IV.B-9, the poor overall level of service at the intersection of 5th Street and Broadway during the weekday PM peak hour is due to backups on 5th Street; drivers on Broadway generally experience shorter backups than do drivers on 5th Street. Similar to delays caused by trains on the Embarcadero (see response to Comment J-15), there are currently periodic instances when downstream bottlenecks in the Webster Tube result in backups on Broadway that cause drivers to divert from their usual travel route. However, the proposed project would not cause the frequency of such downstream bottlenecks to increase, nor (despite the commenter's assertion) would the project cause long delays along Broadway, and therefore existing travel patterns exhibited by drivers (including any degree of diversion) captured in the turning movement count data used for the EIR analysis would continue. Whatever "diversion" would occur under project conditions is already occurring.

N-9 See response to Comment N-8 regarding traffic diversion caused by the proposed project under mitigated conditions.

N-10: The significance criteria for signalized intersections in the DEIR (and used by the City of Oakland for all of its EIRs) is consistent with criteria established by many urban jurisdictions in recognition of (1) different expectations by drivers in a downtown business district compared to those in a non-downtown area, (2) generally greater physical constraints to increasing capacity at downtown intersections, and (3) adverse impacts of capacity-enhancing measures on the downtown environment.

- N-11: The mechanism of Mitigation Measure B.4 (*i.e.*, requiring review of parking demand versus supply prior to the issuance of the building permit for each new building within the project, or each structural addition to an existing building that creates new gross square footage) would allow the City to judge conditions prior to approving the proposed provision of additional parking spaces in the project area (*i.e.*, would allow the City to take steps to avoid provision of an oversupply of parking spaces).
- N-12: The significance criterion for pedestrian safety (DEIR page IV.B-23) is based on the CEQA Initial Study checklist, which relates a significant impact to a project substantially increasing hazards due to a project change to a design feature of the surrounding roadway network, or to a project and its traffic being incompatible with other uses in the area. Because the safety assessment is less quantifiable than other analyses (*e.g.*, intersection levels of service), standard practice for determination of significant safety impacts is to use professional judgment (which was done for the DEIR).
- N-13: Designation of priority usage of public streets by transit and high-occupancy vehicles (as suggested by the commenter) is beyond the scope and ability of a single development project to enact. In addition, trip reduction measures (like those identified in the DEIR Air Quality section) would not in and of themselves fully mitigate the significant traffic impacts identified in the DEIR, though successful reduction of vehicle trips from these measures would naturally reduce peak-hour vehicle trips (which would lessen the effects of the project on traffic congestion). That is, as described in the DEIR Alternatives chapter, and in Chapter III of this document, development that would generate as many as 40 percent fewer peak-hour vehicle trips would by and large create significant project impacts, requiring capacity-enhancing mitigation measures similar to the proposed project. See response to Comment AA-12 regarding transportation-related mitigation measures presented in the DEIR Air Quality section. See response to Comment AA-21 regarding the shuttle service proposed as part of the project. The proposed shuttle service would be part of the mitigation monitoring program and/or the conditions of project approval, and therefore would be enforced by the City.
- N-14: The DEIR examined traffic flow and levels of service with identified mitigation measures in place (see DEIR Tables IV.B-13 and IV.B-15 for levels of service and average vehicle delay under mitigated conditions). The commenter misinterpreted Mitigation Measure B.1e (reconfiguration of northbound lanes and installation of directional signs at 5th Street and Broadway). Implementation of this measure would improve traffic flow conditions for vehicles on northbound Broadway, not for vehicles turning south onto Broadway (as asserted by the commenter). Nonetheless, while (as described in the DEIR) downstream bottlenecks in the Webster Tube would continue to cause substantial backups and delay on 5th Street approaching Broadway, implementation of Mitigation Measure B.1e would not contribute to additional delay for vehicles approaching Alameda through this intersection or to diversion of traffic onto Webster Street in Chinatown because the same number of travel lanes would be

available as now, as would the amount of traffic signal green time provided for drivers. The poor overall weekday PM peak-hour level of service at the 5th Street / Broadway intersection is due to backups on 5th Street; drivers on Broadway generally experience shorter backups than do drivers on 5th Street. There are currently periodic instances when downstream bottlenecks in the Webster Tube result in backups on Broadway that cause drivers to divert from their usual travel route. Because implementation of this measure would not cause the frequency of such downstream bottlenecks to increase, nor would the measure cause long delays along Broadway, existing travel patterns exhibited by drivers (including any degree of diversion) captured in the turning movement count data used for the EIR analysis would continue. Whatever “diversion” would occur under project conditions is already occurring.

- N-15: See response to Comment N-6 regarding provision of parking and limits of project massing tied to provisions of the PDP. The PDP envelopes will have to include all uses, including parking to meet demand. Some parking could be provided off-site, but if any new parking structures were proposed to be built, additional CEQA environmental review and project approvals would be required.
- N-16: Various factors affect pedestrian safety (as described on DEIR pages IV.B-57 and IV.B-58), and an increase in traffic volume is one of those factors. In the professional opinion of the EIR transportation analysts, an increase in traffic volume of less than three percent was judged to have a less-than-significant effect on pedestrian safety (*i.e.*, would not result in unsafe conditions) because it falls within the typical daily fluctuation of roadway and intersection traffic volumes (*i.e.*, lower than the standard plus-or-minus five percent fluctuation that typically occurs and that is imperceptible to the average driver). The presence of traffic signals with pedestrian signals, and the prohibition of right turns on a red light, at intersections in Chinatown also support the DEIR’s findings. Similar to the screening of study intersections (see response to Comment J-3), the use of the three-percent threshold made presentation of baseline safety/hazard conditions unnecessary. See response to Comment N-8 regarding diversion of traffic under project conditions.
- N-17: The statement cited by the commenter refers to the intersections of Webster Street / 7th Street and Webster Street / 8th Street, which were included in the initial screening of 42 candidate intersections (see response to Comment J-3). Project-generated trips traveling through these intersections under project buildout would increase existing AM peak-hour traffic volumes by up to 2.5 percent, and by up to 2.4 percent during the PM peak hour, (*i.e.*, less than the three percent threshold established to warrant detailed study in the DEIR [as stated on DEIR page IV.B-58]). Another intersection in Chinatown that was identified as a candidate intersection, but eliminated from the detailed DEIR analysis is Harrison Street / 8th Street; project-generated trips traveling through that intersection under project buildout would increase existing AM and PM peak-hour traffic volumes by 2.7 percent, less than the above-cited three percent threshold. See response to Comment Q-1 regarding the project’s percent contribution to

cumulative 2025 traffic volumes. The Alameda County CMA Countywide Travel Forecasting Model, used to estimate project trip distribution percentages to and from Jack London Square, assumed future development, and any new roadway or transit improvements, by 2025, and the results indicated very little traffic traveling through Chinatown and heavier “bands of traffic” using the Embarcadero, and Oak, Market, Brush and Castro Streets, as well as Broadway, for local access.

N-18: See responses to Comment N-16 above.

N-19: See response to Comment N-2, second paragraph, above. Also, see response to Comment F-4, which discusses how the alternatives discussed in DEIR were selected in accordance with the CEQA Guidelines Section 15126.6(a) reflecting a range of reasonable alternatives to the proposed project, within the “rule of reason.”

**Cappio, Claudia**

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**From:** bricyncairo@yahoo.com  
**Sent:** Friday, October 24, 2003 2:01 PM  
**To:** ccappio@oaklandnet.com  
**Subject:** Draft Environmental Impact Review/Case File Number ER 03-0004

October 24, 2003

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Oakland City Planning & Zoning Department  
250 Frank Ogawa Plaza Suite 2114  
Oakland, CA 94612

Re: Draft Environmental Impact Review/Case File Number ER 03-0004

Dear Ms. Cappio and Ms. Henderson:

The Lakeside Apartment Neighborhood Association (LANA) believes that the Draft Environmental Impact Report for the subject environmental review is an inadequate and incomplete study. Furthermore, we believe that the proposed mitigation measures are inadequate and that the proposed Site F1 should be relocated.

In particular, our comments address the Report's Section E. Cultural Resources and reiterates statements we have made at public meetings:

Respect for our historic and cultural resources is not confined within the parameters of a specific property line, a line on a map. A building adjacent to a historic and cultural resource impacts the setting and character of the historic building as well as the adjacent historic district.

It is a specious argument to suggest that "The proposed project would also not further adversely affect the aspects or qualities of integrity related to setting or association. The existing historic resource is currently an isolated building without any historic context. All of the buildings with which it was associated have been demolished over the years, leaving Heinold's as an individual relic of the past without integrity of setting and context of its former surroundings. As the surrounding environment has already been compromised, the proposed project would not further contribute to the existing loss of setting and context and would not constitute a significant effect in this regard." (IV.E-22)

An equally false but equivalent argument would be that the Camron Stanford House could be encased in a glass mall because it is the only Victorian building left standing along the banks of Lake Merritt and such a proposed project would not constitute a significant effect.

The most important factor is that Heinolds First and Last Chance remains in its original location adjacent to the waterfront that is its former and current setting and surroundings. Instead of cherishing its

relevance and significance as the sole historic survivor, "a stand alone, one story structure," intact in its original location and giving it pride of place and setting on the waterfront, the proposal reflected illusions of Disneyland: tiny Heinolds encapsulated in glass like a museum relic.

O-1

After community input and outcry City staff recognized its landmark designation which "applies not only to the building, but to an area extending 20 feet out from the building as well." (October 22, 2003 staff report) I presume that this would protect the signs located above the line of the roof.

O-2

However, even a 20-foot setback is not sufficient given the out of scale mass and bulk of the proposed construction.

The vision of a proposed "retail centerpiece" called Harvest Hall is in the wrong location. As a concept it could be implemented to its full potential through the adaptive reuse of the 9th Avenue Terminal. Any new construction at Jack London Square, in the vicinity of Heinold's First and Last Chance Saloon, if built in a similar scale and mass as Heinold's or the 5th Avenue artist colony would have less of a negative impact on the historic building and its historic setting and location.

O-3

The proposed mitigation measures are inadequate in general and absurd in particular. Mitigation Measure E.3c states "If vibration during the construction on Site F or 66 Franklin would exceed this allowable vibration threshold, the Heinold's building shall be temporarily relocated during construction to a location where it would be protected from such vibration."

O-4

If construction will cause damage to a historic resource it is not the historic resource that should be removed, temporarily or otherwise, but the proposed "Harvest Hall" that should be relocated. I continue to be amazed at the lack of respect that developers demonstrate in their "vision."

Those of us who regularly walk to Jack London Square from the Lakeside Apartment historic district enjoy the open space and existing connection with the waterfront. We attend and enjoy public events such as Portfest and the Dragon Boat races and appreciate that Heinold's First and Last Chance Saloon is the lone survivor of previous trends in "development." Heinold's is unique in Oakland, unique in California, and unique in the United States. It should be protected and enhanced not to the letter of the law, but to the full extent and spirit of stewardship of our historic and cultural resources.

O-5

In summary, the proposed mitigation measures are inadequate and the proposed Site F1 is inappropriate. Again we refer to the NYT article titled, "Planet Oakland" (August 29, 2003) when people throughout the world learned that Oakland is a place where developers "who seem to be running the town, continue to abuse landmarks and erase Oakland's history."

Respectfully submitted,

Cynthia L. Shartzter  
1528 Alice Street, Apt. 12  
Oakland, CA 94612

510-763-7173

Co-Chair, Lakeside Apartment Neighborhood Association

Website: [www.oaklandlana.org](http://www.oaklandlana.org)

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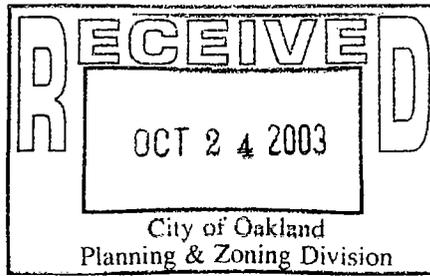
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## O. LAKESIDE APARTMENT NEIGHBORHOOD ASSOCIATION

- O-1: As mentioned in Impact E.4 on page IV.E-22 of the DEIR, the project would not affect the location of the Heinold's property. Although changes to the setting are proposed, there will be no substantial adverse change in the significance of the resource, since there will be no changes to the physical characteristics of the resource that convey its historical significance. As discussed on FEIR page III-7 the Revised Project also would not affect the location of the Heinold's property, and it would eliminate the significant and unavoidable impacts that would result from new buildings being built immediately adjacent to and over the Heinold's property in under the DEIR Project. Also, although the new construction of the Site F1 building in the Revised Project will still be taller and more massive than Heinold's, the new construction would not affect the historic resource's integrity related to its conveyance of design and feeling as a stand alone, one-story structure.
- O-2: See response to Comment G-2 above and the discussion of historic resource impacts related to Heinold's associated with the Revised Project, starting on page III-7 of this FEIR. Figure II-10, and Figures III-1 through III-3 show the mass and bulk of the proposed construction adjacent to Heinold's. The pulled back Revised Project would leave Heinold's intact and thus not impact the existing building signage.
- O-3: The commenter suggests an off-site location, the historic 9<sup>th</sup> Street Terminal, and an alternative project site option that could result in less historic resource impacts. However, at that location, the project would fail to meet the basic project objective of revitalizing Jack London Square.
- O-4: See response to Comment G-3 above, and the resulting changes to Mitigation Measure E.3c.
- O-5: See response to Comment G-29 pertaining to pedestrian access to the waterfront. Regarding Heinold's, the Revised Project would not alter the historic resource as was proposed with the DEIR Project. See response to Comments G-2 regarding how the Revised Project would pull back new construction on Site F1 from Heinold's to allow the saloon to maintain its integrity as a historic resource. Response to Comment G-6 describes the project sponsor's plans to conduct historical walking tours featuring Heinold's First and Last Chance Saloon, although not required under CEQA.



October 24, 2003

Planning Commission  
1 City Hall Plaza  
Oakland CA 94612  
Attn: Claudia Cappio

**Re: Jack London Square, Phase II EIR (Supplementary Remarks)**

Dear Claudia:

In my previous EIR response letter to the Commission on June the 11th of this year, I commented on the themes of Historic Preservation and Building a Destination. Because of the comments made in the Design Review Committee meeting just this Wednesday, I'd like to elaborate somewhat and also address a number of ancillary issues that have arisen since then, which, in that same context, also bear consideration:

Lower Broadway and the Produce Market are obviously historic City assets which the Phase II Project (Project) inadvertently threatens for reasons previously given. Mark McClure's frustration with the potential for delay that entertaining such a sentiment presents is completely understandable, and I for one sympathize with him: no one wants to contribute to the impairment of the Project or its Developer by creating impossible barriers, particularly if those barriers seem to be mostly philosophic and not pragmatically derived solutions.

However, in consideration of the "highest and best" for Oakland and the responsibility of the Commission to honor not only the intent of the Estuary Plan but also the opportunity to reverse the years of spot development which have led us to this impasse, consideration of an alternative plan or an expansion of the Project (as requested in the July 11 letter) is really not all that unreasonable, especially if, **a**) there's no question that an expanded Project will lead to a win=win which will accrue as much to the neighborhood — residents, businesses, retailers, Estuary Plan activists, etc. — as to the Developer, and, **b**) it folds into a more comprehensive plan for the entire City, something that even Hal Ellis during various speeches to the Chamber and elsewhere has identified as one of Oakland's missing components.

I believe Mark feels that the Developer should not have to bear the burden of the entire District's inadequacies, and I agree wholeheartedly; conversely, it is just as unfair to place that same burden on the neighborhood, particularly when it is, after all, the residents here who will have to suffer more than anyone else from the huge increases in pollution and congestion which the Project promises to bring — and for which there may be no solution other than to bet that within twenty years or so science will have found a way to clean up the atmosphere and, I guess, pare down on the amount of vehicular traffic that will, in 2020, be coming through already the second-most congested corridor in the United States today: I-880.

P-1

P-2

Planning Commissioners  
October 24, 2003  
Page Two

Therefore, it could as easily be reasoned that there should be no Project at all, and everyone should walk away before all these documented prognostications are allowed to kick in. Or there should be a more comprehensive plan placed into effect that everyone will want to participate in, help speed the Developer's buildout and let Oakland emerge into the 21st century as truly the "World-class City" we've been hearing about ever since I came here almost 30 years ago. As much as I liked hearing that phrase over and over and then some, it really can't happen without world-class planning, and it seems to me, happily, that our Design Review Committee has the right stuff to step into that role and, given the abundance of unique assets here, figure out how to make the Jack London District one of the most fabulous destinations anywhere in the Bay Area.

The winds of change that have blown through Oakland recently are laden with opportunity: some of the senior staff who had no real love for this town are gone, leaving us with a clear canvas and clearly ready for a masterpiece. Bill Claggett told me, when I approached him and Andy Altman years ago with endorsements from every CDD and Councilperson in Oakland (plus an EDA/OEDE-sanctioned Study!) in hand in strong support of relocating the produce wholesalers out to the Army Base and, simultaneously, reusing our historic Produce Market as a Pike Place-like retail mecca, that "Oakland was not Seattle" — case closed. I don't wish to imply that Bill was a bad guy necessarily, but as CEDA's caretaker the Oakland vision, something was surely missing in his assessment of the single area of Oakland that most people in the Bay Area think of as a positive. If Hal Ellis and City (and Port) staff now think it's a great idea, as per the Harvest Hall, there must obviously have been a disconnect operating at the time, one that has brought us into our current situation.

And though I don't want to wallow in the past, it goes to the very heart of the problem to say that it's really quite unfair for the pre-Omar Port to have expended public funds in an effort to quash that Study and then turn around in support today of a Project that will all but assure the inexorable demolition of the Produce Market itself. That's not Hal's fault, to be sure, nor Omar's either, but the unfairness of it remains, especially since the community folks who want to save the Produce Market are the ones who, on top of the all the pollution mentioned earlier, will be made to sit by and suffer that loss too. Buying a toxic site (or a city asset) doesn't excuse either the new owner or the former owner from continuing responsibility to the surrounding neighborhood.

So I propose (yet again) coming up with an expanded plan which the community will endorse that: **a)** gets us the Jack London BART station at 4th & Broadway as soon as possible, **b)** gets us the Exhibition Hall/Convention Center Oakland needs, **c)** saves Lower Broadway and the Produce Market as historic preserves, **d)** relocates the produce wholesalers out onto the Army Base in a new, modern facility, **e)** brings two new Port-sized garages with their own direct-to-freeway offramps to flank the new Exhibition Hall/Convention Center/BART complex, **f)** presents a new gateway from downtown to our Waterfront as the most cogent symbol possible of Oakland's connection to the Pacific Rim.

P-2

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October 24, 2003  
Page Three

If we are not going to take responsibility for that “highest and best,” then it will not happen now or ever; for the window of opportunity will close, and we’ll instead be left with something that could all too easily turn out to be as insufferable for us Jack London area residents as it will be for the Developer, especially if the crowds necessary to patronize the Project fail to materialize for lack of proper access:

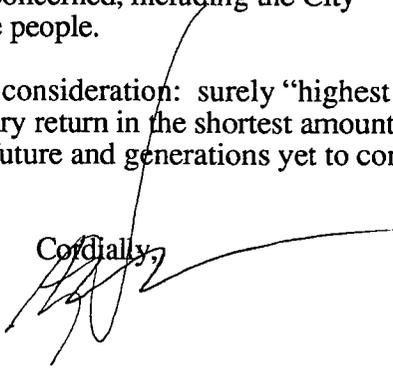
The environmental consultant, whom presumably one would hope actually cares about the environment, even in Oakland, may wish to duck these issues and point to some technological point or other as to why meaningful answers can’t be forthcoming with respect to these critical issues of highest and best; however, it’s high time our myriad of overlapping boards, commissions, agencies, etc., became a little bit less interested in endless process and whole lot more concerned with trying to guarantee everyone can actually have access to the kind of quality we’re constantly told this and that developer can deliver, else why even bother to provide for public input at all if, all my tirades notwithstanding, the mere granting of entitlements is all this hullabaloo is really about?

Well, where’s the money, one (our Mayor?) typically might ask? And the answer is that no one really has really given much thought as to how the rest of such an expanded Project might be wrapped up in conjunction with the County and offered out for bid as other communities have done for their own waterfronts or downtown revitalizations; however, it can’t happen at all unless there’s first a want to explore the notion that such a higher and better Project can indeed happen proactively — as opposed to going forward with a process that can only engender the kind of reactivity that leads to outright resistance.

Also, where are the owners? Mark seemed (and I apologize for constantly reading things into his remarks that may never have been there at all) almost impatient with the fact that the same old (some more than others) faces were there to critique the Project and no one representing the businesses, landlords, retailers, etc. came along to verify or deny the claims that were being made. I think that in the ten years and more that I’ve been attending meetings (usually about three or four a month, at least) to discuss the Jack London District specifically, those others who have had an interest one way or another have become dazed, confused and, ultimately, just plain tired. Better outreach may be the key, but I’m willing to bet that the stimulus of participating in a better, infinitely more exciting plan for the area will prove not only rewarding for everyone concerned, including the City itself, but will also attract six or seven times more people.

I trust this alternative to the Project is worthy of consideration: surely “highest and best” can’t mean only that which returns the greatest monetary return in the shortest amount of time when such a profound effect on Oakland’s long term future and generations yet to come is concerned.

Cordially,



## **P. URBAN SPACE**

- P-1: See Master Response B, Project Impacts on Other Key Areas in Oakland.
- P-2: The commenter discusses several matters, all that appear to relate to the question of the ‘highest and best use: for the Jack London Square, and the need for the community to develop an “expanded plan” aimed at implementation of a Jack London BART station; and Exhibition Hall/Convention Center; saving Lower Broadway and the Produce Market; relocating produce wholesalers; bringing new Port-sized garages to the area; and presenting a new gateway from downtown to the waterfront. The commenter’s points do not address the adequacy of the DEIR. Establishing a new BART station would certainly be categorized as a long-range endeavor that would be driven by policy- and decision-makers beyond the scope of this project. The project proposes additional parking facilities, including a 1,086-car parking garage on Site G. A conference hotel would be included on Site F3. Master Response B addresses the Project Impact on Other Key Areas of Oakland, and response to Comment M-24 above addresses the Revised Project’s impact in these two areas.

**Cappio, Claudia**

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**From:** Colland@aol.com  
**Sent:** Friday, October 24, 2003 3:55 PM  
**To:** ccappio@oaklandnet.com  
**Subject:** Jack London Square Redevelopment DEIR

Ms. Cappio:

I want to reiterate my concerns about traffic and pedestrian safety impacts the Jack London Square Redevelopment project will have on Oakland Chinatown. The absence of intersections in the heart of Chinatown has to be addressed given the importance of Chinatown streets for local and regional travel. As we saw in the Uptown Mixed Use Project DEIR, Chinatown streets were recognized as being an integral part of the circulation network for these major projects.

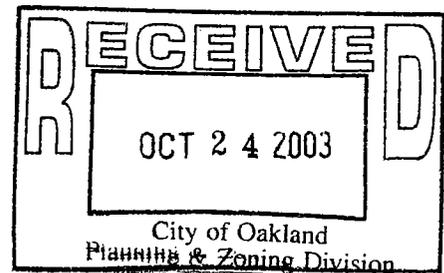
While it could be argued that streets surrounding Chinatown provide direct project routes, common sense tells us, for example, that traffic at intersections such as Broadway/5th Street (which operates currently at LOS F) spillover into adjacent streets. Those adjacent streets, Franklin and Webster, happen to be in the Chinatown core.

It is necessary and prudent to study and measure the cumulative impacts these projects will contribute as well as formulating mitigation measures for this Oakland neighborhood.

Respectfully submitted,

Colland Jang, City of Oakland Planning Commissioner

Q-1



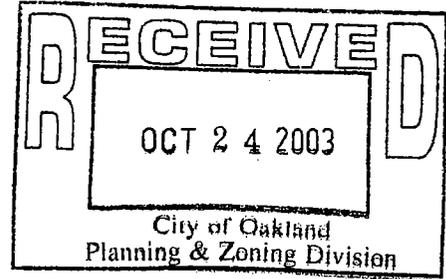
**Q. COLLAND JANG, OAKLAND PLANNING COMMISSIONER**

Q-1: See response to Comment J-3 regarding how the study intersections were selected for the EIR. See response to Comment N-8 regarding diversion of traffic from the 5<sup>th</sup> Street and Broadway intersection. Even if significant cumulative traffic and pedestrian safety impacts were assumed to occur at locations within Chinatown as a result of existing conditions plus projected future development, the project's contribution to such cumulative traffic and pedestrian safety impacts would be so small that the project's incremental effect less than cumulatively considerable. Indeed, the project's contribution to traffic volumes on streets in Chinatown would be less than three percent (*e.g.*, up to 2.0 percent at Webster and 7th Streets, up to 2.2 percent at Webster and 8th Streets, up to 2.7 percent at Harrison and 7th Street, and up to 2.1 percent at Harrison and 8th Streets. An increase in traffic volume of less than three percent is judged to have a less-than-significant effect on traffic conditions because it falls within the typical daily fluctuation of roadway and intersection traffic volumes (*i.e.*, lower than the standard plus-or-minus five percent fluctuation that typically occurs and that is imperceptible to the average driver).

# Heinold's First and Last Chance

October 23, 2003

Ms. Claudia Cappio  
Oakland Major Dev. Proj. Mgr.  
City Hall  
250 Frank Ogawa Plaza Ste 3330  
Oakland, California, 94612



Dear Ms. Cappio,

Re: Case File No. ER 03-0004  
EIR Heinold's First and Last Chance Saloon  
Oakland Landmark #3  
National Literary Landmark No 29, 1998  
National Register of Historic Places Sept 1, 20000

My name is Carol Brookman and I have been the proprietor of Heinold's for 20 years. I am the first proprietor who is not a member of the Heinold Family.

This is the only intact historical site in Jack London Square that has been in continuous operation and open to the public since June 1, 1883. Along with the cabin which was used by London and where he met "Buck" the dog in "The Call of the Wild", the saloon remains a major worldwide tourist attraction. It is referred to 17 times in his book, "John Barleycorn". When the railroad put up fences to keep Oakland citizens away from the waterfront, Jack London and his friends hid in Heinold's saloon and in the middle of the night went out and tore some of them down. Shots were fired and this brought the problem to the attention of Oakland citizens who hired a young lawyer who won the case, otherwise all this property would have been owned by the railroads.

Tourists arrive from all over the world, not just the US and Canada, to soak up a little history and have a drink in Jack London's favorite rendezvous. A complete history of the saloon and Jack London's relationship with Heinold and Oakland, the Yukon cabin and Oakland can be read in "The

First and Last Chance Saloon” by ex Senator from Iowa, Otha Donner Wearin, and “Jack London’s Cabin” by Dick North. More complete information is available on our application for the National Register or directly from me. National Register Information can be found in the Landmarks Preservation Advisory Board Staff Report dated October 6, 2003. It is often referred to as the historic showplace of Oakland.

R-1

The building is extremely fragile and is in need of constant maintenance. With completion of Phase I of the Estuary Plan, when our 2 mature shade trees were eliminated, the building is now exposed without protection to constant daily western sun, wind and rain. During construction of Phase I, tons of very toxic mud and dirt were removed over a period of 28 months which caused cracks in the floor. The restroom area was also affected by serious damage to both the porcelain toilet and considerable open cracks in the concrete floor making the restroom unusable. Contributing to this damage was the continuing excavation by Cal Trans in the adjacent parking lot. Therefore, we are very concerned with the impact of a multi-story construction in the immediate vicinity of the building.

R-2

It should not be shaved off, moved, removed or changed in any way except for a possible re-installation of the front overhang and water trough. To be enveloped within another building or moved to another spot would cause us to certainly lose our National Registration status. Should any part of it be destroyed, a very expensive, lengthy, careful, difficult and demanding project would be required to save the integrity of the building.

R-3

The building also contains historic memorabilia from all US war involvement since WWII when servicemen who left for the Pacific Theatre of War left dollars pinned to the back of the bar so that they would have ready cash for a beer when they returned. To this day we are still receiving war trophies and hats.

R-4

The saloon and cabin are listed in every tour book worldwide as a must-see in Oakland.

October 23, 2003

Page 3

Articles are published constantly in magazines and newspapers. After all, Jack's books are still translated into 40 languages.

R-4

I am not opposed to development if it suits the estuary type of waterfront we have in the Square. However, I do feel we have an obligation to cherish and protect this very historic site. Surely, a cultural, historic center could be designed around the saloon, the cabin, the fountain, the wolf, Jack's statue and/or bust etc, and incorporate in close proximity a museum somewhat like the very popular and complete museum that was in Jack London Village. In this center would be a courtyard between Heinold's and the cabin with beautiful landscaping, trees and plants, permanent umbrella tables and chairs where everyone could have lunch or snacks, take photos, and generally relax and learn something about Jack London and Oakland history.

R-5

If we want to attract more people to the Square, we need to offer something other than food and drink since shopping seems to be out of the question. A cultural center would provide a comfortable and appealing climate for tourists as well as families to have refreshment and to learn about Jack London and his life in Oakland and the world. It also presents perfect photo opportunities in a safe, contained area. I think we are missing a unique marketing plan – many cities would be delighted to have this kind of opportunity for their benefit and I hope we don't ignore it. We should showcase these aspects to our advantage.

Very sincerely,



Carol Brookman, Proprietor  
**Heinold's First and Last Chance**  
[www.heinoldsfirstandlastchance.com](http://www.heinoldsfirstandlastchance.com)  
[firstandlastchance@sbcglobal.net](mailto:firstandlastchance@sbcglobal.net)

## **R. HEINOLD'S FIRST AND LAST CHANCE SALOON**

- R-1: The commenter has been noted. Although not required under CEQA, the project sponsor has indicated a willingness to sponsor walking tours of Jack London Square to encourage public knowledge and understanding of the historic, cultural, economic, and environmental context.
- R-2: See response to Comment G-24 above, which discusses the existing conditions of the Heinold's structure.
- R-3: No alterations are proposed to the free-standing Heinold's, and new construction on Site F1 under the Revised Project would be set back at least 20 feet from the building.
- R-4: The Revised Project would not involve any alterations, including demolition, to the interior of Heinold's, thus any existing historic memorabilia would remain. As stated in response to Comment G-6, although not required under CEQA, the project sponsor plans to conduct historical walking tours featuring Heinold's First and Last Chance Saloon, Jack London's cabin, the Potomac, and other historical features of Jack London Square.
- R-5: As stated in response to Comments G-6 and R-4 above, the project sponsor is committed to providing a History Walk project that highlights facts about Jack London, the waterfront, and the Port of Oakland. Also, as stated in response to Comment G-23, the sponsor is investigating the feasibility of a museum or similar space.

**Cappio, Claudia**

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**From:** Carol Brookman [firstandlastchance@sbcglobal.net]  
**Sent:** Friday, October 24, 2003 11:15 AM  
**To:** Claudia Cappio  
**Subject:** ER 03-0004 Jack London Square Development

Hi Claudia, Has anyone even mentioned building the garage by Amtrac for parking BEFORE tearing up these parking lots between Webster and Alice in Jack London Square. After construction starts, there will be a serious parking problem around here - all the trucks and equipment take up lots of room. Thanks. Carol Brookman

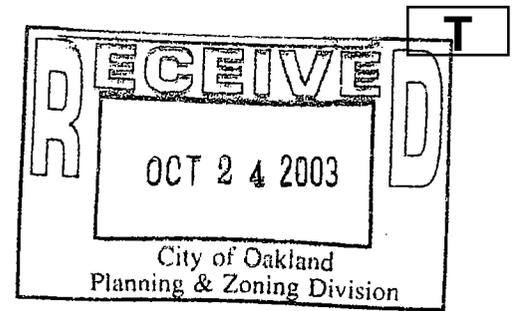
S-1

## **S. HEINOLD'S FIRST AND LAST CHANCE SALOON**

- S-1: See response to Comment J-26 regarding the impacts of construction phasing related to Site G. Additionally, because it would be necessary for the project sponsor to develop parking simultaneously with uses that will fund that parking, the commenter's suggestion that the Site G garage (Amtrak lot) be constructed before displacing other existing parking lots with new development may not be economically feasible for the project. Impact B.12 (DEIR page IV. B-65) identifies the significant effect of construction activities on parking supply. The resulting Mitigation Measure B.12 (DEIR page IV. B-67) requires that the project sponsor clearly identify the elimination and relocation of employee and public parking during construction.

Oct 23, 2003

Diane Henderson, Project Manager  
City of Oakland Community and Economic Development Agency  
Planning and Zoning Division  
250 Frank H. Ogawa Plaza  
Oakland, CA 94612



RE: Draft Environmental Impact Report for the Jack London Square Redevelopment Project, Case File Number ER03-0004

Dear Diane Henderson:

Please accept this letter to serve as my comments on the Draft Environmental Impact Report for the Jack London Square Redevelopment, prepared by Environmental Science Associates and dated September 8, 2003.

I am a historical archaeologist and have a M.A. in anthropology/archaeology from the University of California, Berkeley, the top school in this field, where I am currently a Ph.D. candidate in historical archaeology. My training focuses specifically on historic urban built environments has included graduate work in U.S. historic landscapes and urban forms with historian Dr. Mary Ryan and architect/architectural historian Dr. Paul Groth, nationally-renown specialist in Bay Area historic architecture and city landscapes. My extensive research experience includes working on staff in prominent public-stewardship projects such as Andrew Jackson's Hermitage and archaeological research for the Presidio Trust at the Presidio of San Francisco.

The DEIR for the Jack London Square Project is incomplete and inadequate. While conducting archaeological research, I happen to have recently also accessed the Northwest Information Center's records for the greater downtown Oakland area using the Oakland West USGS 7.5-minute quadrangle map Environmental Science Associates viewed in the preparation of this DEIR (DEIR page IVE-3). Based on what I saw at the Northwest Information Center, it is my opinion that the DEIR may be underreporting the number of prehistoric archaeological sites recorded adjacent to or in the project area. This seems to leave the project planners unprepared for what may be a likely scenario of the construction project encountering the subsurface remains of Native Californian shellmound sites and their associated human burials. This scenario seems quite probable, as the DEIR reports both that a 2000 cultural resources survey by W.L. Nelson "cover[ed] much of the Jack London Square", and "Recent surveys have noted that subsurface components of CA-ALA-314 may exist in the area (p. IV.E-4)."

Given that the DEIR—regardless of possible underreporting of confirmed prehistoric sites in the area—already anticipates the existence of Native Californian archaeological remains in the project area, it would facilitate the project's completion in accordance with city, CEQA, and Section 106 guidelines to involve in the early planning stages relevant Native Californian groups, and especially Native American monitors/consults who are themselves qualified archaeologists or Native American monitors/consultants working in conjunction with qualified archaeologists.

The Native American Heritage Commission reminds us:

"When developers and public agencies assess the environmental impact of their projects, they must consider "cultural resources" as an aspect of the environment in accordance with Article 5, Section 15064.5 (formerly known as Appendix K) of the California Environmental Quality Act

T-1

Guidelines,. These resources can include Native American graves and artifacts; natural resources used for food, ceremonies or traditional crafts; and places that have special significance because of spiritual power associated with them. **When projects are proposed in areas where cultural resources are likely to be affected, one way to avoid damage to cultural resources and minimize litigation associated with the project is to perform archaeological testing, with a Native American monitor/consultant on site.** In sensitive areas, it may be appropriate to have a monitor/consultant on site during part or all of the construction work.”<sup>1</sup>

The Native American Heritage Commission further explains the benefits of early involvement of a Native American Monitor/consultant to a project’s successful and timely completion:

“By working with and acting as a liaison between Native Americans, archaeologists, developers, contractors and public agencies, **a Native American monitor/consultant can see that cultural resources are treated appropriately** from the Native American point of view. **This can help others involved in a project to coordinate mitigation measures and avoid obstacles to project completion.**”

Involvement of local Native Americans has the potential to help best facilitate the project. The Native American Heritage Commission recommends “that preference for monitor/consultant positions be given to local Native Americans. These local people usually have knowledge of the local customs and traditions. They are also aware of the local leaders and elders that may need to be contacted should an unusual situation occur. Since it is their traditional area being impacted, local Indians have vested interest in the project.”

As indicated by the above, Native Californians should be involved in the planning process as potential stakeholders and as Native American monitors/consultants. From the content of the DEIR it seems that relevant Native American / Native Californian groups were not contacted for EIR-scoping comments. This is another inadequacy of the DEIR.

In an area recognized as likely to contain unique archaeological resources in the form of subsurface remains of a registered Native Californian archaeological site, like this project area, Native Californian groups should be contacted regarding the scoping of the DEIR. Native Californian groups should also be invited to comment on the DEIR at a minimum, and should early on be invited into the planning process to contribute to determining the scope for adequate study of the area and possible mitigation alternatives.

<sup>1</sup> From the Native American Heritage Commission’s “Guidelines for Monitors/Consultants, Native American Cultural, Religious, and Burial Sites,” Final Approval date 7/10/89, online at <http://ceres.ca.gov/nahc/guidelines4mon.html>. Also relevant is “Professional Guide for the Preservation and Protection of Native American Remains and Associated Grave Goods: A Resource Guide For Coroners, Native American Most Likely Descendants, Tribal Governments, Tribal Organizations, Archeologists, Law Enforcement Officials, City and County Planners, Property Owners, and Developers,” which excerpts from California law concerning Native American human remains Chapter 1492, Statutes of 1982, which added Section 7050.5 to the Health and Safety Code, amended Section 5097.94 of the Public Resources Code and added Sections 5097.98 and 5097.99 to the Public Resources Code; online at <http://ceres.ca.gov/nahc/profguide.html>

T-1

T-2

Regarding Historical Resources, and particularly Heinhold's First and Last Chance Saloon, a City of Oakland Landmark listed on the California Register of Historic Resources and National Register of Historic Places, the DEIR's studies of impacts and proposed mitigation measures are inadequate.

T-3

At the Oct 22nd Planning Commission Design Review Committee meeting, a representative of Jack London Square Partners, LLC, indicated that the developers would be willing to devote space in the project to a Jack London museum. This museum could take the form of a small, freestanding building of one or two stories that could provide a transition between Heinhold's and the massive Harvest Hall structure. As part of their mitigation measures, Jack London Square Partners, LLC, could endow an Oakland Museum of California position that would be dedicated to programming for and managing this Jack London-themed museum as a satellite of the main museum. Such an alternative is worthy of study and should be pursued as part of the EIR.

T-4

The DEIR is also inadequate in that the project described in the DEIR is not the project the developers are currently pursuing. It may be that a new DEIR should be prepared to reflect the project the developers are planning.

T-5

Finally, given the complexity of the proposed project and proposed entitlements, if a new DEIR is not prepared, more time should be provided for public comment on this DEIR.

T-6

Sincerely,



Anna Naruta  
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P.O. Box 1514  
Oakland, CA 94604  
naruta@sscl.berkeley.edu

Cc: Native American Heritage Commission  
City of Oakland Landmarks Preservation Advisory Board  
Oakland Heritage Alliance  
Heinhold's First and Last Chance Saloon

Sources Cited:

Environmental Science Associates, 2003, *Draft Environmental Impact Report for the Jack London Square Redevelopment*, dated September 8, 2003; publicly available at City of Oakland Community and Economic Development Agency, Planning and Zoning Division.

Native American Heritage Commission, "Guidelines for Monitors/Consultants, Native American Cultural, Religious, and Burial Sites," Final Approval date 7/10/89, online at <http://ceres.ca.gov/nahc/guidelines4mon.html>, Native American Heritage Commission, 915 Capitol Mall Room 364, Sacramento, CA 95814

Native American Heritage Commission, "Professional Guide for the Preservation and Protection of Native American Remains and Associated Grave Goods: A Resource Guide

For Coroners, Native American Most Likely Descendants, Tribal Governments, Tribal Organizations, Archeologists, Law Enforcement Officials, City and County Planners, Property Owners, and Developers,” which excerpts from California law concerning Native American human remains Chapter 1492, Statutes of 1982, which added Section 7050.5 to the Health and Safety Code, amended Section 5097.94 of the Public Resources Code and added Sections 5097.98 and 5097.99 to the Public Resources Code; online at <http://ceres.ca.gov/nahc/profguide.html>

W.L. Nelson, 2000, *Cultural Resources Survey for the Level (3) Communications Long Haul Fiber Optics Project, Segment W507, Oakland to San Jose*, on File at the Northwest Information Center, File No. 22820; cited in ESA’s DEIR, especially Table IV.E-1, “Identified Cultural Resources and Surveys Conducted Within the Project Area,” page IV.E-4

## T. UNIVERSITY OF CALIFORNIA, BERKELEY, ANTHROPOLOGY DEPARTMENT/ARCHEOLOGICAL RESEARCH FACILITY

T-1: Consistent with standard practice for the environmental assessment of cultural resources, the two designated cultural resources sites shown in the DEIR Table IV.E-1 constitute the results of the records search completed by the Northwest Information Center (NWIC) for the area bounded by the Oakland Estuary, the Embarcadero, Clay and Alice Street, plus one block bounded by the Embarcadero, Harrison, 2<sup>nd</sup>, and Alice Streets. The information received from the NWIC is based on State of California Office of Historic Preservation records, base maps, historic maps, and literature for Alameda County on file with the NWIC office. Based on the profession experience of the environmental consultants, the NWIC often releases more detailed information to archaeologists that is not provided to standard inquiries for routine environmental analysis. See also response to Comment G-34 due to the confidential nature of the information. However, on page IV.E-18, the DEIR recognizes that this information does not preclude the existence of other subsurface cultural resources, and therefore identifies a potentially significant impact on currently unknown cultural resources resulting from construction activities (Impact E.1).

In response to the comment, Mitigation Measure E.1a and E.1b have been modified to further ensure the early identification and appropriate treatment of any cultural resource discovered during construction activities, particularly as it relates to Native Californian archaeological remains (deleted text has been shown in ~~strike out~~ and new text has been shown underlined):

**Mitigation Measure E.1a: The project sponsor shall retain a qualified archaeologist to conduct on-site monitoring and consultation during all ground disturbing activities. In the event that any prehistoric or historic subsurface cultural resources are discovered during ground disturbing activities, all work within 100 feet of the resource shall be halted. AThe qualified archaeologist shall evaluate the find and assess the significance of the find. If any find is determined to be significant, representatives of the project sponsor and the qualified archaeologist shall meet to determine the appropriate avoidance measures or other appropriate mitigation, subject to approval by the City of Oakland, which shall assure implementation of appropriate mitigation measures recommended by the archeologist. All significant cultural materials recovered shall be subject to scientific analysis, professional museum curation, and a report prepared by the qualified archaeologist according to current professional standards.**

**Mitigation Measure E.1b: In the event that human skeletal remains are uncovered during construction activities for the proposed project, the project sponsor shall immediately halt work, contact the Alameda County Coroner to evaluate the remains, and follow the procedures and protocols pursuant to Section 15064.5 (e)(1) of the CEQA Guidelines. If the County Coroner**

**determines that the remains are Native American, the City will contact the California Native American Heritage Commission, pursuant to subdivision (c) of Section 7050.5 of the Health and Safety Code, and all excavation and site preparation activities will cease until appropriate arrangements are made. The project sponsor shall identify a Native American monitor/consultant who is either a qualified archaeologist, or who shall work in conjunction with a qualified archaeologist, who shall be on call in the event that Native American remains are discovered.**

- T-2: The Native American Heritage Commission (NAHC) was contacted on November 7, 2003, thus the following text is inserted into DEIR page IV.E-4, immediately following the Section titled Survey Findings (new text is shown as underlined, deleted text as ~~strikeout~~):

### **NATIVE AMERICAN CONSULTATION**

The Native American Heritage Commission (NAHC) was contacted on November 7, 2003, in order to request a database search for sacred lands or other cultural properties of significance to local Native Americans. A record search of the sacred land file failed to indicate the presence of Native American traditional cultural properties in the project area. The NAHC provided a list of Native American contacts that may have further knowledge of the project area with respect to cultural resources and potential impacts to those resources that could occur as a result of the proposed project. Letters were sent requesting information about locations of importance to Native Americans and what treatment of such resources would be recommended. No responses were received.

- T-3: See response to Comment G-2, which describes the adequacy of the cultural resources analysis regarding the environmental impacts of the project on Heindol's, and which describes the reduction of the previously identified impact under the Revised Project.
- T-4: See responses to Comments G-6 and G-14 regarding how, although not required by CEQA since no impact has been identified, the project sponsor intends to provide tours and education related to the history of the Jack London Square, and regarding the feasibility of a museum or similar facility.
- T-5: See response to Comment M-3.
- T-6: See Master Response C, Extension of 45-Day Public Comment Period.

# Comments on the Jack London Square Redevelopment Project Draft Environmental Impact Report

Simon Waddington 10/24/2003

RECEIPT CONFIRMED  
BY EMAIL  
10/24/03 CC

255 Third Street, #305  
Oakland, California  
Email: [simon@jacklondondistrict.org](mailto:simon@jacklondondistrict.org)

These are my comments on the Draft EIR document for the Jack London Square Redevelopment Project. I am a resident of the Jack London District and have lived here for nine years. I am also a co-owner of a retail business located at Third and Alice.

## General issues

### Issue 1: Neighboring development projects already approved

Page III-3 mentions an office development on Broadway but the impact of this development is apparently not mentioned or analyzed elsewhere. In fact there are five buildings approved, or soon to be approved for development in the Jack London District area that are immediately adjacent to the project site, and within the traffic and parking study areas.

Approved projects are:

426 Alice Street (Site 3 on my Map A):  
182,000 sf including: 94 residential units and 9,800 sf of ground floor retail.

300 Harrison St (Site 2 on my Map A):  
139,000 sf including: 91 residential Units

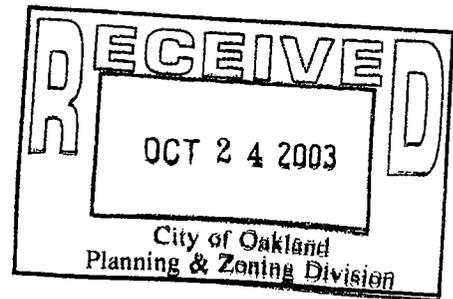
200-228 Broadway (Site 1 on my Map A):  
355,000 sf including: 109 residential units, ground floor retail, four levels of office space

121-129 Second Street (Site 7 on my Map A):  
100 residential units

Submitted:  
206 Second Street (Site 4 on my Map A)  
75 residential units

These five projects include allowance for:

- Approximately 470 residential units,



- 120,000 square foot of office space
- 30,000 square foot of flex commercial/retail space

The total off-street parking included with these projects is only 754 spaces. The office space included above is not insignificant, it is equivalent to one-third of the total office space in the JLS redevelopment project (360,000 sf).

It seems unreasonable that the impact of the above projects with 1/3 of the office space of the JLS redevelopment project, and such a large amount of residential units with their associated additional pedestrian traffic is not analyzed explicitly in the JLS redevelopment project EIR.

There is not even an iteration of the projects above, or a map showing their locations. This information is extremely relevant to understanding the impact of the location of the parking garage at site G, the air quality issues both during and after construction, and traffic issues that result.

In addition what is the guarantee to the neighborhood that several projects analyzed in isolation will not come to fruition simultaneously with disastrous consequences on traffic, parking, transit and pedestrian flow both during and after construction.

What is the possible justification for not explicitly studying the combined impact of other currently approved projects, or even mentioning their scope and location or including them in photo-simulations of new buildings in relation to other projects?

I believe it is a grave error for the City of Oakland to independently analyze six different projects and then build them all within a three year time frame with no explicit consideration for the cumulative impact.

#### **Issue 2: Isolation of JLS pedestrians in contradiction of General Plan**

Jack London Square is considered to be part of Downtown Oakland in the General plan. The LUTE part of general plan says, "linkages such as the Bay Trail, bicycle lanes, and pedestrian walks to downtown Oakland and the airport should be improved" (Policy D2.1).

In general the Draft EIR studies traffic flow and the mitigations for traffic flow, but does not consider how the increased traffic flow leaves less time and opportunity for pedestrian flow. An essential part of any vital and attractive retail and residential neighborhood is its walk-ability and safety for pedestrians.

Page IV.A-22 discusses the pedestrian master plan (PMP) but in terms of this projects consistency with the PMP it only lists the proposed pedestrian bridge over Embarcadero. The reference to improvements to intersections in section IV.B in fact leads to comments about as yet unplanned PMP projects for improving Broadway between 6<sup>th</sup> and Embarcadero.

U-1  
Cont.

U-2

There is no indication in the Draft EIR that its impact on traffic at boundary traffic intersections will have anything but negative impacts on pedestrian flow and safety. I believe the dramatic increase in traffic at 5th and Broadway and 5th and Oak (as shown in Table IV.B-12 and Table IV.B-14) will make JLS impervious to pedestrian flow from 12<sup>th</sup> Street and Lake Merritt BART stations, and downtown and Chinatown areas. This will further isolate the residents of this area south of 880.

U-2  
Cont.

### **Issue 3: Conflicts with current residential areas and objectives**

- Objective D3 of the General Plan is to "create a pedestrian-friendly downtown".
- Policy N1.4 of the General Plans states that, "Traffic generated by large scale commercial developments should be directed to arterial streets and freeways and not adversely affect nearby residential streets".
- Policy N1.5 "Commercial development should be designed in a manner that is sensitive to the surrounding residential uses".

For those residents already in the area (approximately 2000 people in 1000 to 1500 residential units) the dramatic increase in traffic will also significantly reduce the pedestrian friendly nature of our JLS streets.

Current residents of the Jack London Historic Warehouse District enjoy a substantial freedom to travel the neighborhood by foot. However choices in the proposed development such as locating a 1000+ space parking garage at the corner of a major residential area (2<sup>nd</sup> and Harrison) seem to directly threaten the pedestrian-friendly downtown goal.

Traffic from Site G will only be able to exit along and through the residential streets turning 2<sup>nd</sup> and 3<sup>rd</sup> Streets into major traffic arteries that pose a hazard to pedestrians seeking to utilize the many current and planned retail spaces.

Foot traffic to the proposed grocery store will be severely impeded by continuous flow of cars in and out of the garage – we might even have to get in our cars to drive the one or two blocks to it!

Map B shows the primary traffic route from Site G to the northbound freeway routes – along 2<sup>nd</sup> to Jackson and up Jackson to 6<sup>th</sup> and Jackson.

Map C shows the primary traffic route from Site G to the southbound freeway routes – along 2<sup>nd</sup> to Oak and either left to the 5<sup>th</sup> and Oak 880S entrance or right to Embarcadero.

Both of these routes bring direct conflict with pedestrians trying to cross to the grocery store planned for Site G, or to access the Jack London Square arc via the Site G pedestrian footbridge.

U-3

The traffic heading up Jackson to 880N will pass through a major intersection 3<sup>rd</sup> and Jackson which has commercial use ground floor spaces and already attracts a major amount of foot traffic. In addition 3<sup>rd</sup> street is a truck route and has a constant flow of large trucks using it for much of the day to access and leave the produce market area.

U-3  
Cont.

#### **Issue 4 Provision of needs for residents of IS**

Policy D9.2 of the General Plan says that "downtown residents should have access to goods and services to meet their daily and long term needs within the downtown area".

Therefore it should be a requirement that a grocery store and other such services be a part of the development plan for this area and not just a "nice to have" that might be in the new development.

The experience of the current community has been that developers have not done a good job at providing retail spaces that are actually suitable for retail in terms of facilities, size and type. For example retail spaces in the Allegro building have required extensive and expensive remedial work to be used for such an obvious use as a café.

U-4

What guarantee is there that a space on the development plans designated to be a grocery store would actually be developed in a form suitable for that use, rather than having to require an expensive retrofit that would make it unattractive to such a user and most likely lay empty?

Has due consideration been given to locating a grocery store elsewhere in the neighborhood that wouldn't require pedestrian traffic to cross over 2<sup>nd</sup> street?

Will the City encourage subsequent developments to include retail spaces developed to standards suitable for neighborhood serving retail uses?

#### **Issue 5 Provision of parking**

Policy D13.2 of the General Plan requires that adequate amounts of parking designed to "enhance the pedestrian environment" and to "encourage housing development and the economic vitality of commercial, office, entertainment and mixed use areas".

The comments on provision of parking on page IV.B-47 and the mitigation measure B.4 seem to indicate that the development will be allowed to proceed with a CUP (conditional use permit) that will allow for a smaller amount of parking that would normally be required.

U-5

Users of the Jack London District have seen a dramatic rise in parking issues in this area over the past two to three years. This has gone hand in hand with the many new developments. Retail tenants have found that insufficient short term parking for customers has significantly impacted their ability to do business. Commercial tenants have found that adequate off-street parking is vital for all visitors and employees not onsite before 8am. Residents have found that it is virtually impossible to leave the area

and return to park between 8am or before 4pm. Cars circulating looking for on-street parking contribute significantly to the traffic in the area. Abruptly stopping cars and cars making U-turns to get parking pose a hazard to pedestrians and other road users.

Therefore it is clear to all daily users of this area that any increase in demand for parking in this neighborhood caused by a deficiency in parking provided by the JLS redevelopment project will have a **significant and detrimental impact on the JLS area and the adjacent community** that is contrary to the policy D13.2 of the general plan.

U-5

Can the developer provide details on the alternative parking sites considered before the current large lot at site G?

Could the developer detail what studies they did of alternatives, such as:

- more and smaller garages in current vacant lots (regardless of current ownership of this land which could and should be acquired by eminent domain) to provide more localized parking solutions
- a significant offsite parking structure with shuttle bus or other transit links through the new development.

U-6

It seems that answers to both of the above questions is vital to evaluating the adequacy of the parking provisions studied in the DEIR.

#### **Issue 6: Support & enhancement of existing residential communities**

Policy W9.7 of the General Plan says "The existing residential communities within and adjacent to the waterfront should be supported and enhanced".

U-7

As a member of the existing residential community within and adjacent to the waterfront I request that the due attention to the policies mentioned in Issues 2, 3, 4 and 5 above be taken in accordance with Policy W9.7 of the General Plan.

#### **Issue 7: Enhancement of public knowledge of the JLS area**

Policy W2.11 of the General Plan states, "Waterfront development should incorporate public, educational and interpretive information for waterfront activities to encourage public knowledge and understanding of the historic, cultural, economic and environmental context".

U-8

However there appears to be no due diligence paid to this policy in the redevelopment project.

I fail to understand what in this project helps it meet policy W2.11.

U-8

### ***Issues arising from the Estuary Policy Plan***

#### **Issue 8: Lack of support for water oriented activities**

The General land use and shoreline access objectives of the Estuary Policy Plan say that development should "provide for public activities that are oriented to the water (land use objective 2).

However it appears that the current marina at Jack London Square will be isolated from its current users. This marina currently enjoys significant ground level; close at hand parking that allows boaters adequate and relatively inexpensive access to the marina. Those familiar with boating will realize all these are essential to the success of a marina. If close at hand parking and same-level access is removed then it will become infeasible or very inconvenient to transport the significant amounts of gear that boaters need for sailing activities. As such it may significantly alter the viability of Jack London Square as a marina, or for other water related activities that require access to the waterfront.

U-9

Did the developer study the impact of the development on current water activities?

Did the developer draw comments from current marina users and potential water activity users to assess its applicability for water related activities?

### ***Issues arising from Oakland's "Transit First" Policy Resolution***

#### **Issue 9: Insignificant development of transit use for transport**

Oakland's "Transit First" policy resolution of October 29, 1996 favors modes that have the potential to provide the greatest mobility for people rather than vehicles.

Having studied the plan for this development it is clear it is very car oriented. The location of this project in close proximity to bus, train, BART and ferry transit systems appears to be coincidental and these links are not developed or exploited at all.

There is:

- No study of how the City could increase use of bus services to the location, for example provision of express services to JLS to make this more of a destination.
- No study of how to work with the ferry operators to enhance the Square as a destination from SF

U-10

Also the study was done before recent AC Transit service cut backs that actually reduce the accessibility by transit.

Furthermore the plans to exploit BART as a means to bring people to the location amount to mitigation C.2g that provides a shuttle to and from BART but **only during peak hours**.

However as Table IV.B-10 clearly shows, the **peak hour trips to the redevelopment area will actually contribute only a small percentage of the total**, during the weekday around 10%, and even less during the weekend. Thus it appears that for non-peak hour users they will find themselves faced with an 8 to 12 block walk along Broadway or Oak on some of Oakland's least pedestrian friendly streets.

U-10

Why is there not provision for, and commitment to, a continuous BART shuttle operating during the entire hours of operation of BART?

#### **Issue 10: Underestimate of transit use in transit impact**

Also on page IV.B-24 it states that the Downtown Worker Survey April 2002 showed 24% of workers commuted to JLS by a non-automobile mode. However the figures detailed under Impact B.6 indicate the EIR projects only 270 peak hour BART trips, and 145-peak hour bus trips. At project completion (phase 1 and 2) this represents about 13% of all peak hour trips. So, even assuming **current** levels of transit use, the estimates for Impact B.6 appear to underestimate BART and Bus usage by about 50%.

This neglects any goal to actually increase transit use.

Why do we not have an alternative to a car-oriented development that is in-line with the transit first policy?

U-11

Has the City studied combining this major development of downtown with providing a showpiece state-of-the-art people mover system throughout the JLS, downtown and Oak to 9<sup>th</sup> development area?

Has the City or developer talked to CyberTran about their system currently being explored for Oakland Airport and Alameda transit links?

A system such as CyberTran could easily provide high-speed, low cost and efficient links for JLS to Oakland Airport and via BART to SF and Berkeley. This would be a massive contribution in and of itself to making JLS and Oakland as a whole a true destination that does not require more cars to be jammed into this area.

#### **Issues arising from Section IV Part B: Transportation, Circulation, and Parking**

In considering my issues with Part B please note that it is stated in the Draft EIR page IV.B-2 that:

- Broadway is a *major arterial* street
- Oak, Jackson, 2nd, Embarcadero are *arterial* streets
- 3rd is a *collector* street. 3<sup>rd</sup> is also a truck route.
- All other streets are *local streets*.
- Second street is also a bike route between Broadway and Oak,

U-12

- Broadway is a bike route (part of the SF Bay Trail)

Also page IV.B-3 identifies that the LOS (level of service) information was collected in studies conducted between 1999 and 2002.

#### **Issue 11: Significant neighborhood changes during and since 2002**

Since the beginning of 2002 five major buildings have occupied, or significantly increased their occupation levels, in the Jack London Historic Warehouse District. These are:

Allegro: (the three sites 8 on my map A): 310 units  
Sierra Lofts: (site 5 on my map A): 219 units  
New Market Lofts: (site 12 on my map A): 46 units

These include a total of almost 600 residential units in total and twenty new ground floor retail spaces.

It is difficult to see how the impact of these buildings that were empty or only partially occupied during the study period is including in the baseline conditions. Indeed residents have noticed a significant increase in traffic, both vehicular and pedestrian to this area in the last year. This is with an estimated less than 50% occupation of the total space available in these buildings.

I believe that the figures for traffic flow taken in 2002 (at an unspecified date) may not accurately affect the influx of traffic generated by the new residential and retail spaces, even at their current partial (approximately 50%) total occupation levels.

In conjunction with the other 400+ approved residential units in this area I believe that there may be significant disconnect between the baseline traffic conditions before the JLS redevelopment project begins to attract new traffic.

The presence of additional approved development projects is also noted earlier in **Issue 1** and the questions noted there regarding to explicit study of their impact on this EIR also apply here.

#### **Issue 12: Draft EIR obfuscates scope of traffic impacts caused by project**

The Draft EIR contains a lot of figures, tables and data. As such it is an intimidating document to those who are trying to assess the impact of the JLS redevelopment project that it studies. The current residents and users of the area in and around the project need to have clear and understandable information that will allow them to be assured that the impacts of the project that might affect them have truly been mitigated. Any lack of such information will lead to FUD (fear, uncertainty and doubt) in accepting the project.

U-12

U-13

U-14

To mitigate this situation myself I would like to present the information below for those who have neither the time nor knowledge to interpret the Draft EIR. It is based solely on the information in the report.

### **Current conditions before project**

To understand the scope of changes one should understand that current conditions. These are set forth below.

Table IV.B-1 identifies various levels of service (LOS) at intersections including:

- LOS D is "uncreasingly unacceptable".
- LOS E "high delays and long queues".
- LOS F is "Jammed conditions ... unacceptable to most drivers".

Table IV.B-2 identifies that *current* AM peak condition at 2nd and Franklin as already LOS F, as is 3rd and Franklin - **this is due to the produce market activity that effectively blocks these streets during the morning and evening (after 8pm)**. On the other side of the Tube in Alameda intersections Atlantic and Webster and Atlantic and Constitution are also at LOS D ("increasingly unacceptable").

The PM peak condition 5th and Broadway is at LOS F (jammed conditions). Over in Alameda Atlantic and Webster/Constitution intersections are at D as in the morning.

Note: These AM and PM peak conditions described are already very familiar to residents of the neighborhood.

Table IV.B-3 indicates the area of the project includes 200 underground spaces (under B&N), 590 surface lot spaces (would be displaced by F1 and F2), plus the Washington street garage including 1000 spaces.

IV.B-11 states that: "*on street parking spaces are not assumed to be available to accommodate the projects parking demand*".

IV.B-24: Downtown Worker Survey April 2002 showed 24% commuted to JLS by a non-automobile mode.

IV.B-12 indicates that BART and Bus services during peak hours are currently operating at or beyond full capacity (125% load factor for buses, little or no standing room only for BART).

Note: the Draft EIR does not mention utilization of ferry service and whether it is viable as a future commute option to/from JLS in terms of capacity and frequency.

### **Conditions after Phase 1 of the project**

Note: Phase 1 includes 69% of the total office space, 57% of total parking, and 89% of the total retail space.

IV.B-25 says (in reference to Table IV.B-9) that Phase 1 would generate **18,000 weekday** trips daily, including 1200 in the AM peak and 2200 in PM peak. Table IV.B-10 says on the **weekend** it would generate **23,000 trips** daily.

#### **Conditions after Phase 2 of the project**

Table IV.B-9 shows that after Phase 2 is completed the project will generate **25,000 weekday** trips daily (1700 in the AM peak, 3000 in the PM peak) and **30,000 weekend** trips daily.

#### **Comparative information**

The lighted yacht parade and 4<sup>th</sup> of July activities at JLS attract 20 to 35 thousand visitors. Anyone who lives in the area or attends such events knows that this causes complete breakdown of traffic in the area such that the police have to block off streets in advance and expend significant manpower managing traffic and pedestrians.

Even if we conservatively assume each person comes with one other person to such events that would be 12,500 to 15,000 cars. With greater sharing of cars by families there might actually be significantly fewer cars and yet still the traffic is grid-locked and insufferable during such times.

Thus we can get some idea of the scope of a 25,000 trips daily on the streets in the JLS area, and 30,000 daily on the weekend.

Furthermore, the estimates are for **the quietest period of the year with no special events.**

*IV.B-29: "Analyses in this EIR judge impacts on conservatively based average conditions and do not quantify conditions during the high-season retail period or Port-hosted special events..."*

*IV.B-29: "Analyses in this EIR judge impacts on conservatively based average conditions and do not quantify conditions during the high-season retail period or Port-hosted special events..."*

The report mentions that **Christmas time retail activity could be expected to draw 40% more trips per day.** Thus weekends could be causing an **extra 40,000 plus trips per day** to this area after phase 2 is complete. This would be significantly more trips than the total currently caused by the Fourth of July events so this gives us a very good idea of the significance of the impact on our neighborhood **unless mitigation is extensive, and effective.**

U-14

**Issue 13: Insufficient consideration of westbound traffic to Broadway from Site G**

After Phase 1 in 2005 Page IV.B-33 indicates that the LOS F conditions at 2nd and Franklin, 3rd Franklin, and Embarcadero and Webster after the project are discounted because "the peak-hour volumes at that intersection would not meet Caltrans warrants for a signal".

If the flow of traffic west to Broadway via these streets (Embarcadero, 2<sup>nd</sup> and 3<sup>rd</sup>) is deemed to be too low for a signal, just how does traffic from the site G garage get to Broadway?

Is it anticipated that little if any traffic from Site G heads towards Broadway? If so then how does traffic from Site G garage leave the area to downtown Oakland or Alameda?

**Issue 14: Traffic leaving Site G parking for 880 South**

After Phase 1 in 2005 Impact B.1a and B.1b indicates LOS F at Embarcadero and Oak and Embarcadero and 5th Ave in PM peak hour.

Presumably this LOS F condition is caused by traffic leaving parking garage at Site G and going south to 880 South. But where does all that southbound traffic end up? Naturally it ends up on the 880 South freeway entrances off Embarcadero between 5<sup>th</sup> and 9<sup>th</sup>.

The mitigation measures B.1a predicts LOS A and B after signalization of these two intersections. However they have not considered where all the traffic that was previously backed up at these intersections will go to.

As a resident of this area with a direct view of 880 in this immediate area I can say, for a fact that almost every day during the week in the PM peak hour 880-South is **significantly backed up and traffic moves very slowly, if not at a virtual standstill.** Thus all the southbound traffic released from the Embarcadero intersections by the mitigation will now just backup along Embarcadero because it cannot flow freely onto 880-S.

Why does the Draft EIR not consider the AM and PM congestion on the 880 freeway and its impact on the traffic which be attempting utilize 880 after Phase 1 and Phase 2?

**Issue 15: Evening produce market activity ignored**

After Phase 1 IV.B-32: Impact B.1c indicates 3rd Street and Broadway degrading to LOS F due to "increase in traffic that is assumed to use 3rd Street as a route through the Jack London District".

While it is known that the product market area between Site G and Broadway is generally clear during PM peak hours, during the evening, usually after 8pm these streets are starting to clog again with produce deliveries. In fact streets through the produce market

U-15

U-16

U-17

area are usually only free from 1pm to 8pm and sometimes for a significantly shorter period. This presents less than one third of the day when those streets are usable routes to Broadway.

U-17

How does the Draft EIR account for evening traffic circulating between Site G and Broadway if there is no route between them other than via Embarcadero, or Chinatown (which are clearly not suitable for such traffic)?

In answering the above question please consider:

- That AM and PM peak traffic accounts for only 25% or less of total traffic, therefore a very significant amount MUST be using the streets during the day and evening when produce market activity would clearly be a problem.
- That 3<sup>rd</sup> and Broadway is the site of an approved major office development

U-18

#### **Issue 16: Excessive signalization of Oak**

After Phase 1 impact B.1d notes the traffic conditions at the 3<sup>rd</sup> and Oak intersection, but what about 2<sup>nd</sup> and Oak which is now a major intersection of traffic from Embarcadero to the 880 South on-ramp (at 5<sup>th</sup> and Oak) and traffic to and from the Site G garage from 2<sup>nd</sup>?

It seems that it will be hard to optimize signalization of the 3<sup>rd</sup> and Oak and Embarcadero and Oak intersections for both traffic going in both of these routes. Surely a jam at the unsignalized 2<sup>nd</sup> and Oak will result?

U-19

So are we to find the need to have traffic lights at 3<sup>rd</sup> and Oak, 2<sup>nd</sup> and Oak AND Embarcadero and Oak? Won't three adjacent sets of traffic lights be a necessary but impossible situation?

Has there really being adequate study of traffic flow to and from the garage at Site G and along Oak and along Embarcadero?

It seems to me we really need to think carefully if this is a feasible way to get traffic out of the area. Signage to the appropriate 880 South on-ramp would appear vital.

U-20

Has there been consideration for blocking the right turn from Oak onto 880-S at 5<sup>th</sup> and Oak and making the 880-S on-ramp along Embarcadero the only way onto 880-South?

U-21

This may not be popular, but it may be the most sensible thing to do.

**Issue 17: Optimization of Broadway restricts Chinatown and Downtown access**

After Phase 1, IV.B-36 Impact B.1e indicates LOS F at Broadway and 5th. The mitigation B.1e requires re-stripping the two right hand lanes of Broadway to be right turn only into the tube and onto the freeway.

However this mitigation neglects to mention the impact of restricting flow up Broadway to Chinatown, which are currently major routes of traffic flow. A lot of traffic going up Broadway in peak hours is about to circulate through Chinatown to Jackson or Madison and then down 5<sup>th</sup> onto 880-South. Or it will be headed up into downtown Oakland.

Having only one lane of traffic flowing north under the freeway at this point will surely be impractical.

U-22

**Issue 18: Optimization of Broadway presents a grave hazard to pedestrians**

The mitigation B.1e creates two lanes of traffic turning right from Broadway into the Tube to Alameda or onto the freeway.

Anyone who has every tried to cross that intersection as a pedestrian knows that even with one lane of traffic going into the Tube to contend with it is a very dangerous place to cross. With two it would be a grave hazard.

It seems that having a pedestrian only phase of the lights (or on request crossing) would also not be practical as it would increase to the congestion of traffic flowing up Broadway be reducing flow into the Tube.

U-23

U-24

As best I can tell there appears to be no good solution to increasing traffic into the Tube or onto 880-S at 5<sup>th</sup> and Broadway without making Broadway impassable, or at best even more unattractive to pedestrians than it is now.

As all frequent visitors to the Jack London District know, the lack of connection of JLS with downtown along Broadway has always been a major issue. It is an unattractive, unsafe, and blighted route that suffers from lack of pedestrian traffic. This project will only enhance that separation.

U-25

How does the Draft EIR rationalize the pedestrian friendly policies and objectives of the General plan with jamming more and more traffic along the Broadway route?

**Issue 19: Traffic at 5<sup>th</sup> and Broadway impeded by the Tube**

Mitigation B.1e further acknowledges that it will actually not be effective because of backup in tube, which already exists with current traffic flow.

U-26

What is the solution to congestion caused by traffic backed up as it tries to enter the Tube to Alameda in the AM and PM peak hours?

U-26

Again we have a situation where it is known that the City of Alameda is in the process of a major redevelopment of an area of land adjacent to the estuary across from Jack London Square. This will certainly increase the current amounts of traffic in the Tube as it will draw many people from the Jack London District and surrounding areas to do their shopping. There is no consideration for this future increase in traffic through the tube and its further negation of Mitigation B.1e as a viable solution.

U-27

**Issue 20: Phase 2 2025 mitigations enhance traffic flow toward unmitigated LOS F conditions at 5<sup>th</sup> and Broadway**

Table IV.B-14 (Page IV.B-38) shows that 2025 conditions after 2005 mitigation measures have LOS E or worse all along Market at the number street intersections (3rd, 5th and 7th). Remember that LOS E is "*high delays and long queues*". We also see significant problems on Jackson, Harrison and other streets north of 880 into downtown Oakland.

U-28

In summary, after the project Phase 2 is completed they show that 8 intersections would now be at LOS F, and five more at LOS E, which would be a very significant cumulative impact. One could imagine this entire area starting to look like downtown SF during peak hours.

While the EIR presents mitigations (P. 2a, B.2b and B.2e) they all serve to increase traffic flow onto Broadway. As noted earlier the mitigation to get traffic past 5th and Broadway intersection is flawed due to the inability to get traffic into the Tube.

**Issue 21: Mitigation for 5<sup>th</sup> and Oak has questionable efficacy**

After Phase 2 the Impact B.2f acknowledges that 5th and Oak entrance to southbound 880 will now be at LOS F.

Mitigation B.2f assumes that it is possible to optimize traffic flow onto South 880. However, as already noted for the post Phase 1 conditions, 880-S is already at a virtual standstill during the peak hours **today** let alone with the extra traffic generated by the project. The on-ramp at this intersection is also metered which further throttle flow onto the freeway.

U-29

Why does Mitigation B.2f neglect to consider the inability of 880 to take increased southbound traffic at this intersection during peak hours?

**Issue 22: Traffic problems for such a large project warrant further study**

It is clear to me, as a long term resident of this area, that the impact on traffic of such a large development project as described in this Draft EIR will be difficult to simply calculate. The network of streets in and around the study area is complex, and traffic flow exits to Alameda and the freeway system approach maximum during several periods of the day.

Any mistake in planning will leave this area choked with traffic during much of the day. This project is without a strong transit element in this project to reduce cars and provide alternative transport methods to reach the site. Hence choked streets means people will not come to the area and retail will with and die due to lack of custom as it already has in the current retail spaces.

Most of the mitigations center around getting traffic flowing smoothly along the periphery of the area, however they do not do anything to remove that traffic from the area entirely via the Tube, freeway and streets into downtown.

It also appears that traffic flow does not accurately model the presence of the produce market.

I believe all these issues would clearly been seen if accurate **simulations** of traffic were conducted, instead of simply traffic flow calculations. They would also provide the current community a graphic visualization of where the developer expects traffic to go, and highlight any errors in location of parking resources in respect to the residential areas.

Has the City considered requiring full simulations of traffic in the downtown area to analyze the full impact of this project?

Can the City provide residents maps of the traffic flow assumed for the current traffic calculations?

**Issue 23: Municipal Code parking requirements table neglects removed spaces at site F1**

Phase 1 Table IV.B-17 shows a shortfall, based on Municipal code requirements, of 336 spaces. However this table neglects to mention the impact of removing surface spaces at F1 (next to Spaghetti factory which is half of total at that site - approx 300).

Therefore the shortfall is actually 600 or more spaces by the municipal code.

**Issue 24: Project will generate extreme parking shortages**

Table IV.B-19 shows shortfall based on calculated usage from JLD Transportation Improvement Study information. Here we see a very clear indication of the parking shortage:

U-30

U-31

U-32

U-33

**After Phase 1**

When	Shortfall in parking spaces		
	West of Broadway	East of Broadway	Total
Week day	547	766	1333
Weekend	864	1159	2023

**After Phase 2**

When	Shortfall in parking spaces		
	West of Broadway	East of Broadway	Total
Week day	547	1064	1611
Weekend	864	1715	2579

These figures **include** allowances for shared parking, and parking available from Washington Street garage due to spare capacity. Therefore we can clearly see the project will be generating a parking shortfall of 1,000 or more spaces during the week, and 2000 or more spaces on the weekend.

Remember these figures are for non-busy season, and non-special event periods.

It has already been noted that current on-street parking conditions are at saturation and negatively impacting the ability of the area to attract retail business. This is further noted in the Draft EIR IV.B-11 that the study cannot assume any on-street parking spaces in the areas adjacent to the project could offer an parking capacity.

As a resident of this area who sees the current parking problems day in an day out I simply fail to see how the projected parking this massive development can be entirely accommodated by another Washington Street scale garage at Site G. The figures from Table IV.B-19 seem to agree with me and the mitigation appears to do nothing to explain how the problem will be solved.

A larger garage at Site G does not help either, since its size and it associated traffic will have a highly detrimental impact on the residential areas adjacent to it. The residents of the area will simply not accept a giant and massive tower of parking at that location.

*IV.B-22 says "for purposes of this EIR, project effects on parking would be considered significant if the projects estimated parking demand would not be accommodated by the proposed onsite parking supply or by the existing parking supply within a reasonable walking distance of the project site".*

I believe the only solution to this significant impact is to integrate a strong non-car based transit system with the project as already mentioned in Issue 10 above.

U-33

U-34

U-35

**Issue 25: Impact on pedestrians from BART and Chinatown**

The Draft EIR appears to not consider flow of pedestrians between Jack London Square and 12th St BART, or Chinatown, or Lake Merritt BART.

U-36

Q27: how do pedestrians cross 5th at Broadway, Oak and points in-between???

**Issue 26: Pedestrian access from the Historic Warehouse District**

This project will naturally attract residents from the Jack London Historic Warehouse District, which already has a very significant residential population that is slated to grow significantly in the lifetime of the project.

U-37

How do pedestrians from this area reach the project safely, or the grocery store in site G when 2nd and 3rd are now major traffic bearing arteries???. Do we get in our car and drive?

**Issue 27: Impact of noise from Site G**

Queued traffic on 2nd leaving and entering Garage G will cause a major noise and safety impact on inhabitants of 2nd street developments, Tower Lofts, Brickhouse and Egghouse buildings.

U-38

Is site G truly the only feasible location for parking?

Has the developer adequately considered more remote parking solutions such as park-and-ride?

U-39

**Issue 28: Safety – ability to police area**

Residents and business owners in the area know that on weekends and special events the Jack London Square area is already heavily policed. Prior years have seen extreme problems with high-speed traffic, late night noise, littering, and criminal activity during the late evening. Attracting even more people to JLS will only serve to enhance it as a destination and consequently enhance the associated policing problems.

How does the project impact the safety of the surrounding areas, the ability to provide adequate policing and safety of people visiting JLS?

U-40

Has the developer sort the advice of Oakland Police Department to assess their development plans?

**Issue 29: Delayed fire, police and emergency coverage**

This year Oakland closed the fire station south of the Embarcadero train tracks leaving the entire JLS area susceptible to being isolated from fire coverage if a freight train is passing. The area is also susceptible to delayed police and emergency coverage if

officers cannot cross the tracks. The frequency of freight trains and 12 minute or more delays they can cause is noted in the Draft EIR.

Does the City guarantee to reopen the fire station at Clay and Water Street?

U-40

How will emergency service be provided to the new development?

### **Issue 30: Construction noise**

As can be seen from my Map A the Site G location is very close to several residential buildings either in existence today, or planned for construction. This includes Tower Lofts (site 9) which is approximate 100 ft from the construction site. Other buildings such as The Egghouse (site 10) and American Bag Building (site 11) are almost as close.

There is no mention of the impact on construction noise on these very close buildings.

Since the DEIR notes that pile driving will have the potential to exceed noise limits for buildings in close proximity I am very interested to know the forecast time to drive piles for the Site G garage. Would it not be appropriate to use construction techniques that do not require pile driving? The 300 Harrison project does not use pile driving and I believe the developer should have considered no-pile driving construction (as is required in many cities) as a possible mitigation for construction noise.

U-41

The developer should note that construction noise and vibration issues have lead to litigation in this area before. I have personally experience damage to my property due to vibration effects a building within 100 ft of my location.

The residents will be very conscious and vigilant of conformance to mitigations for this issue so anything they can do to make the mitigations more effective will make for a more pleasant experience all round.

### **Issue 32: Air quality and PM-10 levels**

The section of the Draft EIR that considers air quality impacts does not provide an measurements for current PM10 levels. There are no measurements available for areas in close proximity to the current project.

As table IV.C-4 indicates the total PM-10 emissions are predicted to exceed the limit of significance even with an extended 2020 build-out period. In fact the extended build-out has no impact on the cumulative PM-10 emissions. We will be more than 60% over the BAAQMD threshold.

U-42

As a resident I am also well aware that during construction the level of dust generated is very high, particularly when the residential core of the Jack London District is downwind of the construction project (prevailing winds are mostly from the NW).

Therefore I believe the DEIR should consider the current levels of PM-10, and require mitigations that including local monitoring of PM-10 **during and after** construction. This is the only way we can tell if the mitigations for cumulative PM-10 emissions are having effect. I would suggest such a monitoring station be located in the vicinity of Alice Street between 2<sup>nd</sup> and 4<sup>th</sup> Streets.

U-42

### **Issue 33: Increase in rail and truck traffic expected through 2020**

Recent studies, such as the 2003 Regional Goods Movement Study for the San Francisco Bay Area by Cambridge Systematics (<http://www.mtc.ca.gov/projects/rgm/>) indicates a 5% annual growth in exports from the Port of Oakland. A doubling of truck and rail traffic to the Port has been predicted by 2020 and to a large extent this will be coming along the Embarcadero Union Pacific line and on our local streets. Third Street is a truck route for trucks heading to the Port.

U-43

The Draft EIR did not consider these predictions when analyzing the impact of rail traffic along Embarcadero. We can clearly expect a great increase in delays caused by rail traffic especially along Embarcadero.

The Draft EIR did not consider the truck traffic on Third St. and hence the impact in it increasing. The conflict with continuing to use Third St as a truck route and this development needs to be considered.

### **Issue 34: Impact of development on future development projects**

Current discussions about development in the Oak to Ninth Avenue area include addition of 2000 residential units, which will almost double the residential population in the immediate vicinity of the project.

**I believe it is a grave error to consider the impacts of these two projects separately.**

The combined effect of a large retail and office development plus a large residential project that area almost adjacent and share the same access points to 880 and city streets is **clearly** going to be greater than the sum of the parts. A primary reason is that the Oak to Ninth Avenue project will be sufficiently far from many parts of the Jack London Square project that people in the Oak to Ninth Area will end up **driving** their cars towards the Washington Street garage. Hence the demand for parking will be much higher.

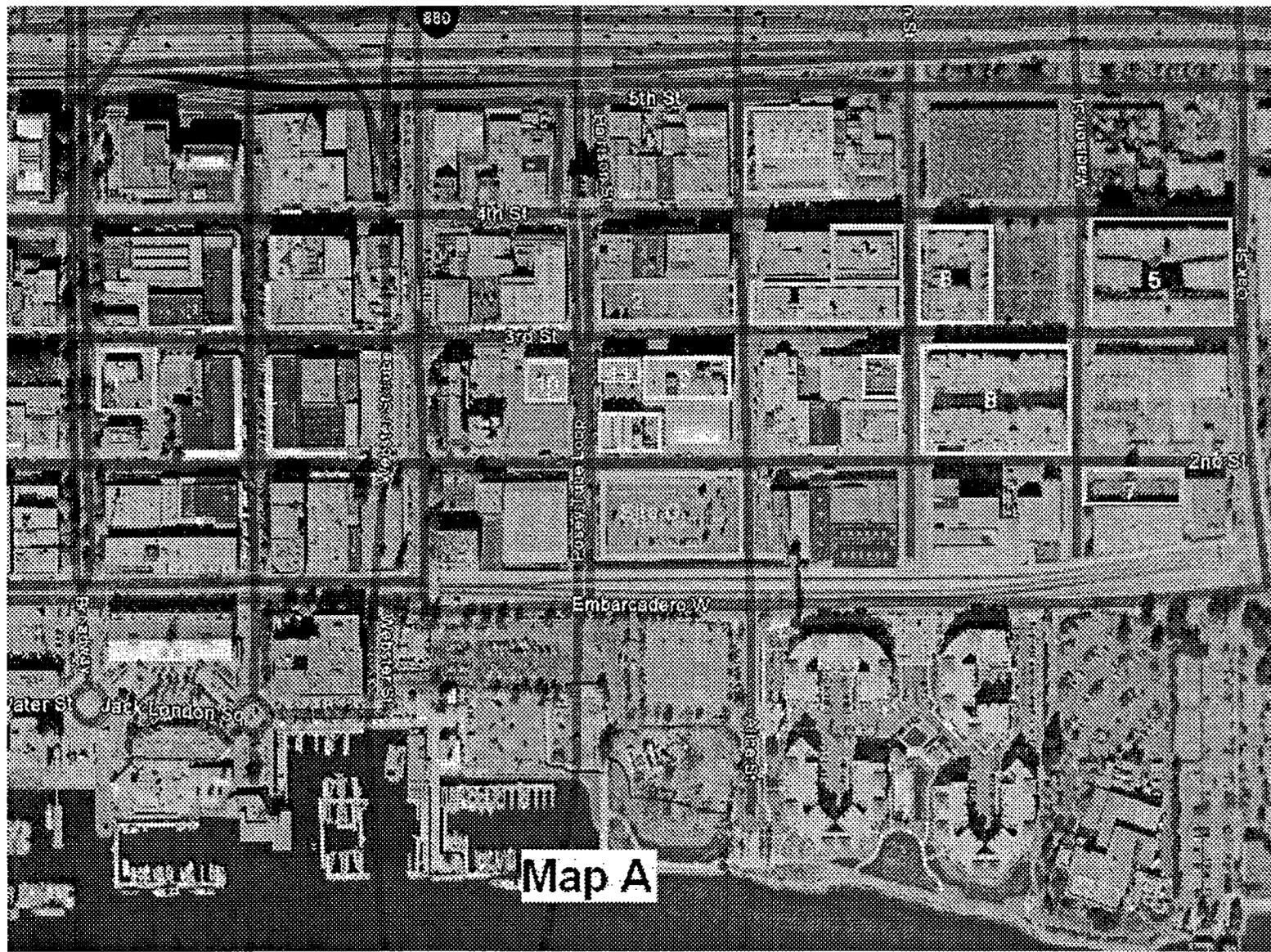
U-44

I believe the DEIR **must** consider the mitigations that will be usable by both projects such as, but not limited to:

- Comprehensive simulation of traffic flow and predictions of the impact of future development, both internal and external to the area.

- Better distribution of parking facilities
- A transit first policy to removing as many cars from the district as possible and allowing all neighboring residents to access Jack London Square without resorting to use of personal vehicles.
- Consideration of how both projects can co-exist with the essential commercial, residential and industrial areas surrounding them, and the consequent traffic (rail and truck) generated by them.

1c



Map A





## U. SIMON WADDINGTON

- U-1: See response to Comment I-3 regarding inclusion of development projects in the Jack London District in the transportation analysis. All five of the developments cited by the commenter were included in the baseline traffic volumes developed for 2005 and 2025 to judge project and cumulative impacts.
- U-2: See response to Comment H-3 regarding general pedestrian safety. See response to Comment U-23 below regarding pedestrian issues on 5<sup>th</sup> Street in particular.
- U-3: DEIR Chapter IV.A recognizes that the project would support the General Plan objective and policies cited by the commenter. The General Plan considers Jack London Square to be a part of downtown, and the following discussion details how the project aligns with the objective of a pedestrian-friendly downtown (Objective D3). See responses to Comments H-3 and N-16 regarding the DEIR analysis of pedestrian safety. Safety concerns associated with access for the proposed Site G parking garage are addressed in the DEIR under Impact B.9, and as stated there, with implementation of Mitigation Measures B.9a and B.9b, the project impact would be less than significant. See response to Comment U-37 regarding the estimated level of traffic on 2nd and 3rd Streets under project conditions and how the presence of sidewalks and traffic control devices (*i.e.*, stop signs) at intersections would allow residents of the Jack London Warehouse District to safely walk within the area. In particular, traffic at the intersection of 3rd and Jackson Streets cited by the commenter is controlled by stop signs on all four approaches, which provides gaps in traffic for pedestrians to cross the street.
- U-4: The City can encourage the development of a grocery store use by adopting policies and zoning designations that encourage and support such a use. Although a 40,000 square-foot grocery store is included in the description of the Revised Project on Site G (page II-6 of this FEIR), unless required through the Development Agreement (DA) between the project sponsor and the City of Oakland, the project sponsor would not be required to establish this retail use. The project sponsor has not put for the opportunity to locate a grocery store elsewhere in the project site. Consistent with General Plan Policy D1.10, which looks for “moderate-scale retail outlets in Jack London Waterfront area, and Policy D9.2 (Meeting Daily Needs) cited by the commenter, the City would make every effort to encourage suitable neighborhood-serving retail uses.
- U-5: The commenter has mistakenly linked the discussion of the project sponsor’s application for a Conditional Use Permit for shared parking to reduce the Planning Code-required number of off-street parking spaces (DEIR page IV.B-47), and Mitigation Measure B.4 (DEIR pages IV.B-53 and IV.B-54), which pertains to the accommodation of the project’s parking demand. It is the latter, not the former, that addresses potential impacts. Mitigation Measure B.4 requires that the project as a whole provide an adequate number of parking spaces within the project area, or within a reasonable walking distance from the subject site as determined by the City, to meet the higher

(weekday versus weekend) parking demand calculated using peak parking demand rates contained in this mitigation measure. The mechanism of Mitigation Measure B.4 (*i.e.*, requiring review of parking demand versus supply prior to the issuance of the building permit for each new building within the project, or each structural addition to an existing building that creates new gross square footage) would allow the City to judge conditions prior to approving the proposed provision of additional parking spaces in the project area (*i.e.*, would allow the City to take steps to avoid provision of either an undersupply or an oversupply of parking spaces). It is on the basis of the above-cited requirement that an adequate number of parking spaces be provided upon building occupancy that the DEIR judged the impact less than significant after implementation of the mitigation measure.

- U-6: The commenter requests information on any studies performed regarding alternative and/or additional parking sites throughout the Project area, the Estuary Policy Plan discourages parking on the south side of the Embarcadero (JL-Policy 2.1). However, CEQA does not require that an EIR consider alternatives to a component of the project. Instead, CEQA focuses on alternatives to the project as a whole. Site G is the only site under project sponsor's control that is north of the Embarcadero. Therefore, the project sponsor intends that Site G perform a significant parking function. Additionally, as stated in response to Comment U-34, implementation of Mitigation Measure B-4 (DEIR page IV.B-53) requires that no building be built without sufficient parking being in place to meet the parking demand generated by the uses in that building. Under mitigation measure B-4, the provision of a portion of such adequate parking could possibly be outside the project area, but within reasonable walking distance as determined by the City. Thus, it is conceivable that the commenter's suggestions would be implemented. To date, however, neither the City nor the project sponsor has identified off-site properties that would provide opportunities for additional parking to serve the project. Thus, the development of such adjunct parking is speculative and not reasonably foreseeable. It remains the project sponsor's primary goal to provide all project parking within the project site.
- U-7: See response to Comment U-2, U-3, U-4, U-5, and U-6 above.
- U-8: The project sponsor has indicated a willingness to sponsor walking tours of Jack London Square, although not required under CEQA since no significant impact was identified that tours would mitigate. In addition to providing information about Jack London, his association with the waterfront, as well as other historical features of Jack London Square, these walking tours would encourage public knowledge and understanding of the historic, cultural, economic, and environmental context.
- U-9: It is not required that every use in the project be water-related or oriented toward the water to be consistent with the Estuary Policy Plan. The project orients a sufficient number of public activities and use spaces to the water to satisfy the project objective and the Estuary Policy Plan. Although not required by CEQA, the City of Oakland has evaluated parking conditions as a potential environmental impact (DEIR pages IV.B-46

and IV.B-47). It is recognized that the lack of parking could result in decreased availability, increased parking costs, and ultimately a change in people's mode and pattern of travel. While the commenter suggests that the relocation of existing parking may result in parking being located farther away from the existing marina uses, the provision of parking within and near the project area, and at a level that meets the parking demand of the project, are intended to ensure the retention of sufficient parking for the marina uses. Under the Revised Project, new parking facilities will be constructed within approximately two blocks (500 feet) from marina located at the foot of Harrison Street.

Overall, as discussed in Master Response B, Project Impacts on Other Key Areas in Oakland, there is no evidence of economic impacts that would cause environmental effects with respect to the marina. In fact, the introduction of new uses that would attract visitors as well as daily employees would provide greater exposure to the marina uses and could result in beneficial economic effects.

- U-10: The suggested studies of how the City could increase use of bus and ferry services to the project area go beyond the scope of analysis of a single development project. See responses to Comments AA-3 and AA-4 regarding changes to AC Transit service to the area. Provision of shuttle service between the project site and the 12th Street BART station during peak traffic hours would capture the primary time when employee trips would occur, and would serve to reduce vehicle trips during the hours when such trips have the most adverse effect on traffic congestion. Expansion of the hours of shuttle service could be considered as a condition of project approval by the Oakland Planning Commission and City Council during the project review process.
- U-11: As described on DEIR page IV.B-24, the transit share of office workers was set somewhat lower (20%) than the level found in the Downtown Worker Survey (24%) to reflect a slightly higher (conservative) "auto use". In addition, the project's estimated transit trips also would be generated by uses other than office space, and transit percentages for the proposed uses range from 5% to 20%, and therefore, it makes sense that the percentage of trips made by transit modes would be higher than 5% and lower than 20%. See response to Comment U-10 regarding possible higher use of transit for project-generated trips than assumed in the DEIR analysis.

The project's support of the Oakland "Transit First" Policy is discussed on page IV.A-23 of the DEIR. Generally, the project site has ample access to alternate modes of transportation: the Oakland Ferry Service to San Francisco, AMTRAK, and the Broadway Shuttle and AC Transit, which have direct lines between Jack London Square and BART. Additionally, the transit strategies included under Mitigation Measure C.2 would be required to make transit use as high as possible in the future, including the construction of new transit facilities to serve AC Transit, and improvements to accommodate bicycle and pedestrian access. The project sponsor would provide a shuttle service from the project area to complement and link to the existing AC Transit and BART services.

The suggested studies of how the City could combine the proposed project with a people-mover system go beyond the scope of analyses of a single development project. In addition, a search of Internet sites (including the CyberTran information page) indicates that such a system is a new concept under development and is in a testing phase only.

- U-12: The commenter's characterization of the DEIR's descriptions is by-and-large accurate, although Broadway is part of the Bay Trail only south of Second Street.
- U-13: See response to Comment I-3 regarding inclusion of development projects in the Jack London District in the transportation analysis.
- U-14: The commenter's characterizations of the DEIR's descriptions and findings are by-and-large accurate, although the percentages of total proposed office space, total parking, and total retail assigned to Phase 1 of the project are not correct. See response to Comment U-10 regarding use of ferry service for project trips. In addition, the commenter's descriptions of "comparative information" are for the most part not relevant comparisons. For example, the link between effects from the number of people who come to special events and those from the project's estimated daily trip generation is not supported by the data. The hours of the day during which people travel to and from the lighted yacht parade and 4th of July activities is much smaller than the hours when project trips would be generated, and therefore, the traffic impacts would be considerably less with the project than with these special events. Lastly, the DEIR analysis examined average conditions, not "the quietest period of the year".
- U-15: It is estimated that 24 percent of peak-hour project-generated traffic would travel to and from the project site on or across Broadway (see Table IV.B-11, DEIR page IV.B-31); *i.e.*, Bay Bridge (8%), Old Oakland (2%), Downtown (6%), West Oakland (7%), and North Oakland (1%). Travel between the Site G garage and Broadway would use 3rd Street. Tube-bound trips (7% of the project's peak-hour trips) would use 4th Street to Broadway. There would be little, if any, use of either the Embarcadero or 2nd Street.
- U-16: The DEIR analysis assigned project-generated traffic to three parking garages (the existing Washington Street garage, and the proposed parking garages on Sites G and F2). The significant project impact at the unsignalized (minor-street stop-controlled) intersection of Embarcadero / Oak Street would be caused by project traffic traveling from Site F2 that would turn left from the Embarcadero onto Oak Street. Left turns from a stop-controlled street (through gaps in the traffic streams on the uncontrolled street) are the most constrained turning movement, and installation of a traffic signal (Mitigation Measure B.1a) would allow safe and efficient left turns, with the overall intersection operating at LOS A, and without being adversely affected by downstream conditions on I-880. The significant project impact at the unsignalized (all-way stop-controlled) intersection of Embarcadero / 5th Avenue would be caused by project traffic traveling from the three above-cited parking garages to East Oakland, and vice versa (via the Embarcadero). Installation of a traffic signal (Mitigation

Measure B.1b) would more efficiently allocate right-of-way to traffic movements at this intersection. The DEIR analysis assigned these outbound trips as being made on the Embarcadero past the I-880 on-ramp to East Oakland (*i.e.*, not as traffic diverted from entering the freeway). See response to Comment D-3 regarding the effect of traffic operating conditions on I-880 on the DEIR's analysis of intersection levels of service.

- U-17: Standard traffic analysis practice for EIRs is to focus on periods of the day when the highest (peak) combination of existing and project traffic volumes occur. Those periods typically are (and specifically are in the case of the proposed project) the weekday commute hours (commonly the peak hour within each of the 7:00 AM – 9:00 AM and 4:00 PM – 6:00 PM peak periods). Traffic volumes in the overall project area, as well as project trip generation, after 8:00 PM are lower than during the AM and PM peak hours, and are not high enough to warrant analysis in the EIR.
- U-18: See response to Comment U-17 regarding standard traffic analysis practice for EIRs to focus on periods of the day when the highest (peak) combination of existing and project traffic volumes occur. Project-generated traffic outside the weekday AM and PM peak hours would be spread over the other hours of the day when background (non-project) traffic volumes are lower. Drivers would have uncongested streets available to them in lieu of traveling on streets through the produce market during times when the latter streets are congested. See response to Comment I-3 regarding inclusion of development projects in the Jack London District (*e.g.*, the approved development at 3rd Street and Broadway) in the transportation analysis.
- U-19: As stated in the DEIR's Mitigation Measures B.1a and B.1d (Oak Street at 3rd Street and the Embarcadero, respectively), optimization of traffic signals installed at these intersections shall be done with due consideration to coordination with signal phasing and timing of adjacent intersections. Such coordination would minimize backups of vehicles on Oak Street between 3rd Street and the Embarcadero, and traffic movements at the 2nd and Oak Streets intersection would thus not be unduly affected. Implementation of Mitigation Measures B.1a and B.1d would not necessitate installation of traffic signals at 2nd/Oak Streets.

Although not readily quantifiable, it is reasonable to expect that an effect of installing traffic signals at the 3rd/Oak Streets intersection would be that some drivers who need to turn left onto northbound Oak Street would decide to turn at the signalized 3rd Street intersection instead of turning at the unsignalized 2nd Street intersection. That diversion of traffic from 2nd Street to 3rd Street (similar to the situation at the Broadway intersections with 2nd and 3rd Streets) would decrease the traffic volume at 2nd/Oak Streets, without adversely affecting traffic operating conditions at 3rd/Oak Streets. The level of service (LOS C or better) at 3rd/Oak Streets under cumulative conditions with project mitigation measures (as shown in Table IV.B-15) would remain at acceptable levels. In addition, having traffic signals on Oak Street at 3rd Street and the Embarcadero could create better gaps in the traffic streams on Oak Street for drivers turning from 2nd Street onto Oak Street.

- U-20: The commenter's concern, given the best available information and the professional judgment of City staff and the EIR consultants, is adequately addressed in DEIR Section IV.B.
- U-21: Prohibiting right turns from Oak Street to southbound I-880 was not considered as part of the DEIR analysis, and the City does not consider such a change in access to I-880 to be warranted because dispersal of traffic to different on-ramps is better than concentrating the vehicles to a single on-ramp).
- U-22: The commenter misinterpreted Mitigation Measure B.1e. The three lanes on northbound Broadway at 5th Street have an existing configuration wherein the left-hand and center lanes carry through traffic only, and the right-hand lane accommodates right-turn traffic only. The recommended change to the lane configuration (*i.e.*, convert the center lane to a shared right-turn and through lane) would result in a future configuration wherein the left-hand lane would carry through traffic only, the center lane would carry both through and right-turn traffic, and the right-hand lane would accommodate right-turn traffic only. Contrary to commenter's assertion, northbound traffic on Broadway would not be unduly restricted because there would continue to be two lanes for traffic flowing north under the freeway after implementation of this measure (albeit with one of the lanes shared with right-turning traffic).
- U-23: The commenter's opinion about the effect of Mitigation Measure B.1e on the safety of pedestrians crossing 5th Street east of Broadway is noted. Given the presence of pedestrian crossing signals for this crosswalk, and the amount of time pedestrians have to cross the street, the project is not expected to have a significant effect on pedestrian safety (*i.e.*, the project would not create unsafe conditions for pedestrians at this crossing).
- U-24: The commenter's opinion about his suggested measure is noted. See response to Comment U-23 for more regarding this pedestrian crossing.
- U-25: As stated on DEIR page IV.B-65, the constrained capacity of the tube is an issue of multi-jurisdictional concern (solutions are being explored by the cities of Oakland and Alameda, Caltrans, and the Alameda County Congestion Management Agency), and no feasible measures to increase the tube's capacity have been identified to date (*e.g.*, the tube cannot simply be widened as can a roadway). The commenter's opinion about the project's effect on pedestrian flow between the Jack London District and downtown is noted. Mitigation measures were identified in the DEIR to reduce congestion and improve traffic flow and pedestrian safety under project conditions. With implementation of these mitigation measures, the project would have a less-than-significant impact on pedestrian flow.
- U-26: As stated on DEIR page IV.B-36, implementation of Mitigation Measure B.1e would improve traffic flow conditions on northbound Broadway (where most project-generated traffic would travel), but the previously described existing LOS F conditions for the

overall 5th Street and Broadway intersection would continue because downstream bottlenecks in the Webster Tube would continue to cause substantial backups and delay on 5th Street approaching Broadway. As also stated, the constrained capacity of the tube is an issue of multi-jurisdictional concern (solutions are being explored by the cities of Oakland and Alameda, Caltrans, and the Alameda County Congestion Management Agency), and no feasible measures to increase the tube's capacity have been identified to date.

- U-27: See response to Comment I-3 regarding the basis of traffic growth in baseline conditions used for the transportation analysis. The Alameda County Congestion Management Agency's Countywide Travel Demand Model includes development plans by the City of Alameda.
- U-28: The commenter's characterizations of the DEIR's descriptions and findings about traffic conditions in 2025 are noted. Mitigation Measure B.2a (signalize the intersection of Embarcadero / Broadway) would decrease the excessive delay on the westbound Embarcadero approach, but would not have an appreciable effect on traffic flow onto Broadway. Mitigation Measure B.2b (signalize the intersection of Embarcadero / Webster Street) would decrease the excessive delay on the northbound Webster Street approach, but would have no effect on traffic flow onto Broadway. There is no Mitigation Measure B.2e referred by the commenter; see response to Comment U-26 regarding Mitigation Measure B.1e (reconfiguration of northbound lanes on Broadway at 5th Street).
- U-29: See responses to Comments U-16 and D-3.
- U-30: The effects of project-generated traffic on traffic flow and congestion conditions were analyzed and presented in the DEIR in accordance with standard traffic analysis practices and procedures used for assessments of projects like the proposed development in a study area like the one in which the project is located. Mitigation measures were identified to reduce congestion and improve traffic flow under project conditions. As demonstrated and explained in the DEIR, with implementation of these mitigation measures, the project would not cause gridlock conditions to occur. Mitigation measures were identified where needed, and where mitigation would be feasible. As stated on DEIR page IV.B-65, the constrained capacity of the tube is an issue of multi-jurisdictional concern (solutions are being explored by the cities of Oakland and Alameda, Caltrans, and the Alameda County Congestion Management Agency), and no feasible measures to increase the tube's capacity have been identified to date (*e.g.*, the tube cannot simply be widened as can a roadway). Based upon the professional judgment and experience of the DEIR traffic consultants and the City, the City does not believe that computer simulation of traffic flow in the downtown area is needed to analyze the impact of the proposed project.
- U-31: Tools used for the analysis of potential traffic impacts associated with the proposed project included computer spreadsheets and a level of service analysis software program

(*i.e.*, Traffix). Maps of traffic flow were not created, and therefore, are not available for dissemination.

- U-32: See response to Comment J-22 regarding revisions to DEIR Table IV.B-17 (Code parking requirements) reflecting displacement of existing spaces by the proposed project.
- U-33: The commenter's presentation of information from the DEIR is noted. See response to Comment U-34, below, regarding how implementation of Mitigation Measure B.4 would reduce the project effect on parking to less than significant. Also, see responses to Comments N-11 and U-5 for more discussion of parking conditions.
- U-34: As stated in Mitigation Measure B.4 (on DEIR pages IV.B-53 and IV.B-54), prior to the issuance of the building permit for each new building within the project, or each structural addition to an existing building that creates new gross square footage, the project applicant shall provide to the City a calculation of the peak parking demand (*i.e.*, the higher of demands determined by two methods prescribed in Mitigation Measure B.4) generated by (i) the net new amount of each use that has been already developed on Sites C, D, Pavilion 2, Water I Expansion, 66 Franklin Street, F1, F2, F3, and G as part of the project as of the time in question, plus (ii) the net new amount of each use to be provided within the new building. Upon occupancy of the new building, the project applicant shall provide an adequate number of parking spaces within the project area, or within a reasonable walking distance from the subject site as determined by the City, to meet the higher parking demand calculated as stated above. It is on the basis of the above-cited requirement that an adequate number of parking spaces be provided upon building occupancy that the DEIR judged the impact less than significant after implementation of the mitigation measure.
- U-35: The DEIR makes no reference to a parking garage at Site G that is larger than the garage proposed by the project. Also, see responses to Comments U-11 and U-34.
- U-36: The concern cited by the commenter is addressed under Impact B.8 on DEIR pages IV.B-57 and IV.B-58. Pedestrians would cross as they currently do, *i.e.*, on crosswalks at intersections (many of which have pedestrian signals). See response to Comment N-16 regarding analysis of pedestrian safety in Chinatown.
- U-37: Contrary to the commenter's suggestion, the level of traffic volumes on 2nd and 3rd Streets under project conditions would not preclude residents of the Jack London Warehouse District from safely walking to and from the proposed project sites. The presence of sidewalks and traffic control devices (*i.e.*, stop signs) at intersections would provide a safe travel path for pedestrians.
- U-38: This comment refers to the noise impact on residents of nearby lofts and residences from vehicles entering and exiting the garage on 2nd Street. Though vehicles would be queuing up while entering and exiting the garage, these vehicles would be a subset of all

the vehicles on the local roadway network around the project area and the DEIR's noise analysis along the most impacted roadway segments have shown a less-than-significant increase in roadside noise. Hence, the noise impact from a subset of these vehicles entering and exiting the garage would be less than significant. Also, contrary to the implication of the commenter, noise levels are lowest when vehicles are idling and increase with speed. Safety concerns associated with access for the proposed Site G parking garage are addressed in the DEIR under Impact B.9, and as stated there, with implementation of Mitigation Measures B.9a and B.9b, the project impact would be less than significant.

U-39: The Estuary Policy Plan discourages parking on the south side of the Embarcadero (Policy JL-2.1). Site G is the only site under project sponsor's control that is north of the Embarcadero. Therefore, the project sponsor has always intended that Site G perform a significant parking function for the project. See also response to Comment U-6.

U-40: The potential impacts on police protection services are discussed in the DEIR on page IV.J-5. Impact J.1 recognizes that the project would result in an increase in calls for police protection due to the increased development and the increased daytime and nighttime populations. However, this would be a less than significant impact since it would not exceed the significance criteria prescribed by CEQA. Namely, the increase in calls would not warrant a new physical police facility nor worsen the provision of service to the area.

The provision of fire and emergency services to the project area is discussed in the DEIR on page IV.J-2, and as stated on DEIR page IV.J-7, the project area would be specifically served by Station 1 at 1601 Martin Luther King Jr. Way, and Station 3 at 1445 14<sup>th</sup> Street, which also provides response to hazardous materials emergencies. The City's action to reopen the fire station located at Clay and Water Streets is not relevant to the environmental analysis of this project, particularly since the project will not have a significant impact on fire services. See response to Comment J-15 regarding existing, and expected continued future, effects of train activity on traffic flow conditions, which would include emergency vehicles.

U-41: The nearest sensitive receptors to the project site boundary would be the Landing Apartments. The residential uses mentioned by the commenter would be at least half a block away from Site G while the Landing Apartments are located right across the street from the project boundary. Therefore, residents in these apartments would be the most impacted receptors and were chosen for the worst-case analysis. All other receptors in the project vicinity, including the residential uses near the Site G location, would experience lower impacts than the receptors at the Landing Apartments depending on their distance to the project site.

Mitigation Measure D.1c of the DEIR includes a measure to consider alternative, quieter methods to pile driving, if feasible. This cannot be required as its feasibility at the project site is currently not known. Site-specific geotechnical investigations will

determine the feasibility of such methods. Other measures included under Mitigation Measure D.1c directly address pile driving impacts, and their implementation would ensure that impacts from pile driving operations are less than significant. Mitigation Measures D.1a, D.1b and D.1d would also apply to pile driving activities in addition to standard construction activities.

Residents in the area are encouraged to be vigilant of the project sponsor's conformance to the required mitigation measures. Mitigation Measure D.1d includes several measures that inform the public of complaint procedures to the City.

- U-42: The commenter is correct that the DEIR does not provide current PM-10 levels measured in the vicinity of the project site. This is because, at the time the DEIR analysis was performed, it was believed that no monitoring stations existed in the vicinity of the project site to measure PM-10 levels that could be considered representative of PM-10 concentrations in the project area. A BAAQMD monitoring station that measures PM-10 is located in Fremont, almost 20 miles to the south, and that station was thought to be the nearest to the project site. Since PM-10 is a local pollutant, data from Fremont would not have been representative of levels at the project site in Oakland. Subsequent to publication of the DEIR, it has been learned that a PM-10 monitoring station exists in the maritime area, near 7<sup>th</sup> Street.

Nevertheless, the air quality analysis for construction impacts is based on the methodology recommended by the BAAQMD, the regional agency that regulates air quality in the Bay Area. The BAAQMD's methodology does not depend on the existing PM-10 levels in the area nor does it require that monitoring be conducted to determine the level of PM-10 emissions during or after construction. In fact, the BAAQMD considers all PM-10 emissions resulting from construction to be significant without mitigation, even without monitoring. As a result, the BAAQMD has established required PM-10 mitigation measures that it considers would mitigate the impact during construction activities. The BAAQMD mitigation measures generally vary with the size of the project area and the proximity of the project area to sensitive receptors. All of the mitigation measures required and suggested by the BAAQMD have been included under Mitigation Measure C.1a of the DEIR. Therefore existing PM-10 data is not required for the analysis of air quality impacts during construction. And furthermore, locating a new BAAQMD monitoring station in the project's vicinity is neither necessary nor appropriate in light of BAAQMD's established methodology for analyzing PM-10 emissions.

- U-43: The status of the 2003 Regional Goods Movement Study is misrepresented by the commenter. It is not completed, as implied in the comment, and inquiries to the Metropolitan Transportation Commission and the Port of Oakland reveal no information that corroborates the commenter's assertions about a doubling of truck and rail traffic to the Port predicted by 2020, or about a large percentage of that growth coming along 3rd Street or the Embarcadero. Numerous factors would influence how an increase in goods into and out of the Port of Oakland would be transported. Among them is whether an

increase in goods transported by rail would be accommodated by longer trains or the same length trains with double-decked cars. See response to Comment J-15 regarding existing, and expected continued future, effects of train activity on traffic flow conditions. Truck traffic is discussed on DEIR page IV.B-6 as it pertains to traffic conditions observed in the produce market area on 3rd and 2nd Streets.

- U-44: As described in the DEIR and in response to Comment I-3 regarding inclusion of development projects in the Jack London District in the transportation analysis, the Alameda County Congestion Management Agency's Countywide Travel Demand Model was modified with land use, employment and population projections from the Oakland Cumulative Growth Scenario. Development in the Oak to Ninth Avenue area was included in the Oakland Cumulative Growth Scenario, consistent with the City's General Plan and Estuary Policy Plan. Development potential is currently commercial and recreational in nature (*e.g.*, hotel, conference, restaurant, retail and cultural uses). While housing in this area could replace the above-cited uses, and the Port of Oakland is currently exploring that option, such a change would require an amendment to the City's General Plan and to plans administered by the Bay Conservation and Development Commission. It would be speculative to have assumed housing development in the Oak to Ninth Avenue area for this DEIR.

In addition, any future development that is contemplated in the Oak to Ninth area (different from that in the Oakland cumulative growth scenario) is a separate project from the proposed Jack London Square project, and therefore would undergo extensive analysis in its own EIR at the appropriate time. That EIR would include the Jack London Square project as a baseline or approved project. There is no requirement that two separate projects must be studied as one in a single EIR. Other applicable factors that must be considered in response to the commenter's concerns are that (1) there are separate applicants for the two projects; (2) the two projects are not physically adjacent to one another; and (3) the two projects are not dependent upon one another (*i.e.*, approval of the Jack London Square project would not obligate or commit the City to any definite course of action with respect to the Oak to Ninth Avenue area).

October 24, 2003

To: Claudia Cappio, Development Director  
Oakland Planning and Zoning Services Division  
250 Frank Ogawa Plaza, Suite 3330, Oakland CA 94612-2032

Re: Jack London Square DEIR, ER 03-0004

**Overall Concept:** This project has proceeded developing the buildings on each block and working on the relationships between the buildings. But when I look at the Master Plan, I can't find the Jack London Square among these buildings. I see a series of small open spaces along a street that is converted into a walking street, but no overall concept of an urban square. At this point the project should be called the Jack London District Development, or be modified.

The buildings are random heights and sizes in no particular arrangement, other than to follow the old block pattern. This is a missed opportunity to design so many blocks at once and not unify the project with an urban space that ties the development together and gives it a special identity. The current plan is not developing this potential.

Oakland did redevelop 13<sup>th</sup> Street between the 12<sup>th</sup> Street BART Station and the Federal Building to create an easily identifiable plaza that has revitalized the City Center. Frank Ogawa Plaza in front of City Hall is another successful open space that enhances our city. Jack London Square could have this kind of public space, but it is not in this proposal. Other cities have successful recent projects. The New York Port Authority received many proposals to rebuild the World Trade Center, all of them having an overall civic concept. The Boston waterfront is unique and very recognizable from the water. Even San Diego's Horton Plaza has a central space that ties it together and gives it a special identity.

V-1

Great cities around the world are known for their public spaces. A favorite is St. Marks Square in Venice. A variety of buildings surround and define this wonderful plaza, the building fronts are interesting with arcades to businesses and restaurants that spill out into the open, there are towers, sculptures, a main building that creates a focus in one direction and a leg that opens in another direction to the Grand Canal. We don't need to copy this or another city, but we can learn from them to showcase our special city that stretches from the hills to the estuary and the bay, explain our interesting history, and capitalize on our very special and diverse cultures. Is it too much to even think of building a square that stands out from the water, or viewed from land, that would feel unique, different from anywhere else in the world?

**Estuary Plan:** Based on my experience as General Plan Congress Member and two plus terms on the Planning Commission, this plan does not conform to the Estuary Plan and therefore Oakland's General Plan. I think the size to these building can be mitigated by relocating some the height closer to Broadway and reducing some of the height on the edge along the water.

V-2

**Next:** I think the city needs to step back for a moment from looking at colored illustrations of building fronts and street furniture, review the goals for this project, and create a recognizable

V-3

concept for Jack London Square. This is the time that these buildings are still on paper and can be rearranged to fully capitalize on this potential, a sense of place and a character we can all be proud of. Currently there is no Jack London "Square" and "there is no there there".

V-3

Glen Jarvis

## V. GLEN JARVIS

V-1: The “square” in the moniker “Jack London Square” reportedly refers to a rectangular-shaped parking lot that existed decades ago, roughly at the foot of Broadway. Currently, there is no square-shaped open space at Jack London Square, and none is planned. Rather, there would be a series of open spaces linked by Water Street. With respect to the overall design of the project, including the provision of adequate open spaces for public use, the decision-makers of the project will evaluate these characteristics during consideration of the project approvals.

V-2: The DEIR examined the project’s consistency with the Estuary Policy Plan and found the project to be consistent with several of the Estuary Policy Plan policies listed and discussed on DEIR pages IV.A-13 through IV.A-19. Most generally, the project would enhance the mix of activities in the area (Land Use Objective 1), particularly as it would enhance Oakland’s economic development (Land Use Objective 4) and not inhibit the development of other nearby areas (see Master Response B, Project Impacts on Other Key Areas in Oakland). The project would enhance the retail, dining, and entertainment uses in the area (Policy JL-1) and would specifically develop a high-quality hotel and conference center and upper-level office uses along with integrated parking (Policy JL-2.1). The project would introduce new public open spaces and would enhance the ability for people to access the waterfront (Policy JL-9) as discussed in response to Comment G-29.

The commenter suggests that the size of the proposed buildings should be “mitigated,” however, as analyzed in the DEIR, the project would not result in significant impacts on visual quality or specifically, “substantially degrade the existing visual character of the site and its surroundings,” which is the significance criteria under CEQA (DEIR page IV.I-4). Therefore, no mitigation would be required. To the extent that the size of the proposed buildings, particularly the distribution of building heights along key corridors and the water, is a design issue, the City will evaluate the design merits of the project during consideration of the project approvals.

V-3: The City decision-makers’ will consider how the overall project aligns with the goals of the City and the Port of Oakland. The information and analysis provided in the EIR serve to support the City in its evaluation by assessing the environmental impacts that would occur from the project.

October 2, 2003

Ms. Claudia Cappio, Development Director  
Community & Economic Development Agency  
250 Frank Ogawa Plaza, suite 3330  
Oakland, CA 94612

Re: Jack London Square Redevelopment Project, Case File no. ER 03-0004

Dear Ms. Cappio,

Any new development project in this area should not be allowed to surround, encase or aggressively encroach upon the wonderful Heinold's First and Last Chance Saloon. This historic tavern is a unique Oakland treasure; there is nothing else quite like it anywhere in the region. It is an intimate and beloved locale which, along with Jack London's nearby diminutive, wooden cabin brought back to Oakland from the Yukon, are important reminders of our history and of one of our most important writers. We should not loose sight of the fact that this area is designated for recreational and educational purposes. Any additional commercial development should complement these purposes, and not supplant them.

W-1

If there is to be a Harvest Hall in the Jack London Square area, it may be more appropriate to locate it near the existing core of retail spaces along Water Street and the Embarcadero, west of Broadway. It would benefit the existing merchants to concentrate new retail space near them, and would prevent new structures from overwhelming the distinctive, small-scale historic gems near the east end of Water Street.

W-2

The Harvest Hall itself would likely also benefit from not being too much of a sealed-off, air-conditioned space, but rather partly open-air with limited climate control, so that shoppers may easily and directly take in the aromas of the produce, the sounds of the market and harbor, and the gentle sea breezes from the bay, as in traditional market halls of an earlier era. Perhaps more wood and less glass would also be a plus for such a structure, providing a visual link to other wooden structures in the area and allowing for more areas of shade from the sun. The building should not approximate a glass hothouse, overheating the produce and people alike.

Moreover, in planning further development for this part of town, care should be taken to preserve the distinctive and charming structures of the nearby Produce Market, centered along Franklin Street. These historic buildings and arcaded streets form an existing, open-air "Harvest Hall". It is an architectural and historic asset, and these buildings should be saved and helped to prosper so that future generations may also enjoy them.

W-3

Sincerely,  
*Alan Templeton*

Alan Templeton, 315 Park View Terrace no. 304, Oakland, CA 94610

## W. ALAN TEMPLETON

- W-1: See response to Comment G-2 regarding how Heinold's First and Last Chance Saloon will remain a free-standing structure under the Revised Project. Also, the project sponsor is committed to providing a History Walk project that includes Heinold's First and Last Chance Saloon, Jack London's cabin, and facts about Jack London. The project would not result in commercial development that would conflict or supplant the saloon or the Jack London cabin.
- W-2: The location and appearance of the proposed Site F1 building is not an environmental impact issue and will be considered by the City during consideration of the project approvals. Also see response to Comment M-19 regarding the relationship of new development near the Jack London cabin and Heinold's.
- W-3: The project would not pose a significant environmental impact on the Produce Market. Impact E.6 (Impact on ...Areas of Primary and Secondary Importance) determined that the project's impact on the Produce Market District and the Wholesale Produce Market Building Group as cultural resources would be less than significant since no buildings would be built within these areas and new construction would not affect the historic integrity of the areas.

October 23, 2003

Ms. Claudia Cappio, Development Director  
Community & Economic Development Agency  
250 Frank Ogawa Plaza, suite 3330  
Oakland, CA 94612

Re: Jack London Square Redevelopment Project, Case File no. ER 03-0004,  
and the October 22, 2003, Design Review Committee Meeting

Dear Ms. Cappio,

I was encouraged to see at the October 22 Design Review meeting that the developer's team is willing to modify its plans and be more respectful of the wonderful and historic Heinold's First and Last Chance Saloon. However, further revisions still need to be done. I think the best design approach would likely be to have:

1. Open space immediately surrounding the Saloon and the nearby log cabin with high-quality landscaping and a thoughtful variety of flora (no palm trees, please! A good horticulturist with some imagination should be consulted). Some attractive public seating should also be included;
2. follow the landscaped area with a transitional area of low-rise buildings,
3. then a stepping up to the larger structures envisioned.

X-1

The scale of the Saloon and cabin is so modest, their architecture so charming and evocative of an earlier time, it is important not to overwhelm them in the immediate vicinity. Perhaps the new low-rise buildings could include some exterior woodwork and detailing, echoing Heinold's wooden façade and late 19<sup>th</sup>-century architecture in general, and reminding visitors of the waterfront's historic nature.

X-2

The creation of an historical walking tour with a series of permanent sites and objects nearby to view and visit relating to Jack London's life and career is an excellent idea. A brochure for self-guided tours of the walk should definitely be realized. The formation of a Jack London museum and center would also be welcome, if sufficient funding and resources could be acquired.

X-3

Sincerely,

*Alan Templeton*

Alan Templeton  
315 Park View Terrace no. 304  
Oakland, CA 94610

RECEIVED  
OCT 27 2003  
BY: *lu*

## X. ALAN TEMPLETON

- X-1: The Revised Project would provide open space surrounding all sides of Heinold's First and Last Chance Saloon. Specifically, the new building on Site F1 would be set back from Heinold's at least 20 feet as described starting on page III-7 of this FEIR. Figures III-1 through III-3) show an example of how this configuration could occur. The appropriateness of a particular plant species, particularly due to a question of native origin, is not an environmental issue and does not pertain to the adequacy of the environmental analysis. This policy issue will be evaluated and addressed as part of the City's review of this project. Also, the City will evaluate relevant height of buildings, and other design issues during consideration of project approvals.
- X-2: See response to Comment M-19 regarding the relation of the new construction to Heinold's, and specifically any "overwhelming" effect that would result on Heinold's. The finished materials proposed for the project would be a design detail delineated in the Final Development Plans (FDPs) for each site, which the City will evaluate in the design review process. The selection of finished building materials, even with respect to how they could "echo" Heinold's façade, is not an environmental issue addressed in the impact analysis under CEQA.
- X-3: See responses to Comments G-6 and G-23 regarding how, although not required under CEQA since no impact has been identified, the project sponsor's plans for tours and education related to the history of the Jack London Square.

**Cappio, Claudia**

**From:** KnechtGary@aol.com  
**Sent:** Monday, September 29, 2003 9:43 AM  
**To:** Stuart@EllisPartners.com; CCappio@oaklandnet.com  
**Cc:** DMHPLANNER@aol.com  
**Subject:** Re: ER 03-0004 JLS Redevelopment

Hi Stuart and Claudia,

On Friday I requested the information below before I had a chance to look over the plans. Unfortunately They didn't help much, so I am writing to ask "who is going to reply and when can I expect a response?". Here are the questions [with today's comments in brackets]:

Y-1

Do the HOK plans specify building heights in feet? [What sheets for which buildings?] If not, can you provide that information? [a small table would be great]

Y-2

Can you provide the following data for the structure on the Amtrak Station's parking lot (based on current plans)? If any of this data is on VBN's plans, can you direct me to the sheet number(s)?

–height to tallest part of structure (e.g. stair tower or elevator tower room or ???)

–height (avg) to the top of the 2nd Street elevation [Section 1 shows 74.17 – is this for the currently proposed structure?]

–height of each floor

–total number of parking stalls [Is "Scheme A Parking Count" on VBN's Site Plan sheet the correct count for the currently proposed structure?]

Y-3

–number of parking stalls on each level (are they all standard? are any reserved for disabled? are some compact? are there any on the ground level? are there any with plugs for electric vehicles? etc) [What size are H.P., F.S. and C. parking spaces?]

–location and size of the loading dock(s) for the retail space [location is shown on site plan, but not size]

–location and size of the trash room(s) (or equivalent)

How do you envision parking stalls in the Amtrak garage being allocated?

–short term parking to serve retail on ground floor (how many stalls? located where?)

–medium term parking to serve office, retail, restaurant, entertainment across Embarcadero (how many stalls? located where?)

Y-4

–all day parking for employees, Amtrak commuters, etc. (how many stalls? located where?)

–long term parking for Amtrak travellers (how many stalls? located where?)

Also, do you all have ANY sort of site plan [or MODEL] – showing your various buildings – that includes I-880 (and the Jack London District)?

Y-5

Answers to these questions would help alot!

Best,  
Gary

Gary Knecht, President  
 South of the Nimitz Improvement Council (SoNiC)  
 229 Harrison Street  
 Oakland, CA 94607  
 510-893-9829, fax: 510-763-8866; cell: 510-502-9828  
 knechtgary@aol.com

10/28/2003

## Y. GARY KNECHT

- Y-1: The comment has been noted. The comments made in this correspondence do not pertain to the adequacy of the DEIR, but request project information.
- Y-2: Maximum building heights were provided in the DEIR on page III-8 and page IV.I-6. Also, DEIR Appendix A included detailed tables showing the characteristics of each variant for each development site, including maximum building height.
- Y-3: The information requested by the commenter is at a refined level of detail that would not be evaluated in the DEIR. The detailed information requested would be included in the Final Development Plans (FDPs) for each site, which would be specific building plans considered by the City's in the project review process and potentially for the application for building permits.
- Y-4: The allocation of parking stalls by duration of use is not considered in the environmental analysis of the project. For purposes of the analysis, the DEIR evaluated the adequate provision of parking pursuant to the demand generated by the proposed uses, which naturally takes into account the duration of use for each category of user. Also see response to Comment AA-20.
- Y-5: Figure III-1, Project Area Location Map (back of DEIR page III-1), shows the project area in relation to Interstate 880. The Jack London District is not delineated in the DEIR, however it is available on page 58 of the Estuary Policy Plan.

**Cappio, Claudia**

**From:** KnechtGary@aol.com  
**Sent:** Monday, September 29, 2003 12:34 PM  
**To:** ccappio@oaklandnet.com  
**Cc:** joanna@jacklondonmail.com; simon@waddy.org; chris@60mile.net; naomi@17th.com; joyceroy@earthlink.net; DMHPLANNER@aol.com  
**Subject:** JLS Redevelopment DEIR

Hi Claudia,

I'm confused. I really don't know how to analyze and provide useful comments on this DEIR. Mostly because I don't know what the project is, what its potential impacts are, and which of those impacts may be mitigated and which won't.

Z-1

Table II-1 is a Summary of Environmental Impacts and Mitigation Measures. Normally I would start here to get an idea of what the EIR consultants had to say. But this project is changing as I write -- in SIGNIFICANT ways -- that make it a big waste of my time to start with Table II-1.

The staff report for the design review committee meeting last week said "The mitigated plan has been designed to follow the Modified Development Alternative of the DEIR. Specifically, the mitigated plan would result in approximately 1 million new net gross square feet and would demolish up to 131,800 square feet of existing space."

So I'm thinking the table I need to start with is Table V-1, looking at the data in the column under Alternative 2: Modified Dev. Am I correct?

Z-2

Joanna Adler wrote you last week about this same problem. She sent me a copy of your response, which I have copied below. It doesn't address my question about which table I should look at. Have you and the developer come up with the "chart" you refer to in #6? If so, please send me a copy. If not it might be helpful to organize it in the EIR format of Table V-1.

Is there anything you can provide us in writing about this prior to Wednesday's meeting? If not, I think Wednesday's meeting needs to be postponed or continued until you and the developer can agree on what this project is.

We really need some help on this matter.

Thanks,  
 Gary

In a message dated 9/23/2003 3:29:38 PM Pacific Daylight Time, joanna@jacklondonmail.com writes:

Here's the story from where I stand:

- 1) The DEIR is based on a project that is considered to be worst case for purposes of environmental impacts. In other words, the City and the applicant have chosen to study the biggest project that could happen (and that project description was submitted by the project sponsor in Nov. 2002 and is contained in the project description section of the DEIR.)
- 2) The DEIR also contains "variants" that were studied so that we could have the benefit of studying various uses and building alternatives within the context of the large amount of development being considered.
- 3) The DEIR also explores, as required by CEQA, a set of alternatives.

10/28/2003

There is a modified alternative (#2) – which reduces some of the impacts of the proposed project. The plans that were submitted for the September 24 Design Review Committee meeting, from the City's perspective, reflected this alternative # 2 and is the project that the applicant is now considering given the information contained in the EIR, public comments and staff comments.

4) That said – it is my understanding that there have been further changes in the applicant's Sept. 24 plans — and these will be vetted as the project now proceeds through the design review and planning review process.

5) At this point in the process, your comments about the EIR should be focused on the project as described and analyzed in the EIR - which is the larger project or aspects of any of the alternatives or variants that are of concern. Your comments about any of the plans that are the subject of the Design Review Committee meeting should be directed to the buildings proposed for each site as contained in that submittal. I know this may be confusing - but is part of making sure that the environmental review contains all the information and analysis that the City may ultimately need to rely on through its decision-making process.

6) We are working with the applicant to come up with a chart or some other clear way of managing the proposed changes that are now being considered and may continue to be considered - I hope to have this ready to hand out at the DRC meeting tomorrow. More importantly, I believe it is important to continue to track these changes so that you and others will know what is now being considered - and how the project may have changed since the DEIR, the last DRC meeting, etc. You bring up an excellent point.

7) What you can count on is that by the time this project comes up before the Planning Commission, after the environmental process is completed, we will have a clear and complete idea of what the "project", as considered by the Commission, consists of — building by building, site by site - with references to the original project submittal and the interim plans that have been presented for review and discussion.

8) Rather than thinking "bait and switch" – look at this period of design review and ideas as responses to many public comments and the information contained in the EIR. There will be a point certain where the "project" with all the design refinements and changes will be submitted for the City's review and consideration – and City staff will be responsible for specifically describing the changes that have occurred so it is clear what is being considered - and ultimately - what may be approved.

I hope this information and overview has helped – thanks for your comments. Let me know if you need anything else – Regards, Claudia P.S. The EIR should be on line at this point – the link is the CEDA page - Major Projects.

Claudia Cappio  
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510 238-2229  
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## Z. CALIFORNIA DEPARTMENT OF FISH AND GAME

- Z-1: As explained in DEIR Chapter III, Project Description, the DEIR analyzed the Preliminary Development Plan (PDP) for the redevelopment project - the initial, conceptual plan that prescribes the maximum limit to the volume of development on the project site. As such, the PDP is the most conservative source for quantifying the environmental impacts of the project. The PDP is described starting on DEIR page III-4 in text and Tables III-1 and III-2. The potential impacts of the PDP are listed in DEIR Table II-1, which includes the prescribed mitigation measures or significant impacts. See also Letter J in which the commenter articulates specific comments on the DEIR analysis of the PDP.
- Z-2: Upon receiving meaningful public input on the project after release of the DEIR, the project sponsor immediately began working to modify the project to respond to issues and concerns expressed. As discussed in Chapter II of this FEIR, the Revised Project is modeled after the Modified Development Alternative presented in the DEIR and summarized in Table V-1. The changes in the Revised Project compared to the DEIR Project include relatively minor changes to the maximum building envelopes (the PDP), the resulting maximum total floor area allowed on each development site, and the elimination of residential uses (replaced with parking). The most notable change reconfigures the Site F1 building according to the DEIR Subalternative: Heinold's First and Last Chance Saloon as a Separate Structure (DEIR page V-12). As such, the Revised Project introduced in this FEIR is a "significant" change from the DEIR Project; however it does reduce and eliminate previously identified impacts as described in this document. See also Master Response A, Relationship of the Revised Project and the Final Development Plans (FDP).



1600 Franklin Street, Oakland, CA 94612 - Ph. 510/891-4716 - Fax. 510/891-7157

**Kathleen Kelly**  
Deputy General Manager - Service Development

October 30, 2003

Claudia Cappio  
City of Oakland Planning Division  
250 Frank Ogawa Plaza, Suite 3330  
Oakland, Ca. 94612

**Re: Draft Environmental Impact Report (EIR), Jack London Square Redevelopment**

Dear Ms. Cappio:

Thank you for the opportunity to comment on the Draft Environmental Impact Report for Jack London Square Redevelopment. Please accept our apologies for submitting this letter late.

The project consists of over 400,000 square feet of added restaurant and retail space--including a supermarket; a 250 room hotel; a 1,700 seat movie theatre; 380,000 square feet of office space; 120 residential units; and 1,293 parking spaces. Approximately 1,000,000 square feet of building would be added exclusive of parking (net of demolitions). The project would be built between Embarcadero and the Estuary, from Clay St. east to Alice St. (with one site between Embarcadero and 2<sup>nd</sup> St.), alongside existing buildings. We understand that this description represents the maximum anticipated development program, which could be scaled back.

**Overall Comments**

When AC Transit commented on the Notice of Preparation (NOP) for this EIR, we noted that we consider Jack London Square--and Downtown Oakland generally--to be preferred locations for development. Development in Downtown Oakland can draw upon many transit resources and on the close proximity of many businesses and services. In our comments on the NOP, we suggested ways that the project could benefit from this urban setting.

Unfortunately, it is not clear whether the project as described in the EIR will take full advantage of these possibilities. Only a small portion of the project would be residential, despite the success of Jack London Square as a residential area, and despite the trip reduction benefits from including more residential uses. While the EIR incorporates some transit mitigations, it assumes that single occupant vehicles are and will remain the dominant mode of access to the site over a 20 year period. Nor does the EIR as currently drafted assure that these transit mitigations will be implemented.

AC Transit believes that the project could become more supportive of transit and alternative modes. We would greatly appreciate the opportunity to work as an active partner with the City, the developer, and the Port of Oakland to formulate and implement transit-oriented strategies.

**Construction Impacts on Bus Stops**

We appreciate that Mitigation Measure B.12 (p. IVB-67) calls for the identification of transit stop relocations as part of the construction management plan. This Mitigation should also state that AC Transit will be notified as soon as the need for relocation or bus rerouting is known, and that the City and AC Transit will jointly determine how to replace the bus stop during construction. The goal is to minimize disruption for AC Transit operations and passengers.

AA-2

**Current Transit Services**

Jack London Square already has among the best local and regional transit access of any area in the East Bay. It is served by AC Transit lines 58/58X and 72/72M/72R. An Amtrak station and a ferry terminal are within the area. Lake Merritt BART and 12<sup>th</sup> St. BART are slightly over 1/2 mile--generally considered reasonable walking distance to BART--from the project area. Together these provide direct access to all BART stations, the San Francisco Ferry Building, Capitol Corridor stations between Sacramento and San Jose, and (by bus) the San Pablo corridor from Oakland to Richmond. There is additional bus service on 7<sup>th</sup> St. and 8<sup>th</sup> St., with destinations in East Oakland, West Oakland, Emeryville, Piedmont, and Berkeley.

Correcting Table IVB-4: Line 59/59A no longer operates to the Jack London Square area, instead terminating at Lake Merritt BART. Line 72M provides local service--principally via Broadway, San Pablo Avenue, and Macdonald Avenue--from Jack London Amtrak Station to Point Richmond. It follows the same route as the 72 to San Pablo & Macdonald in Richmond then turns west along Macdonald Ave.

AA-3

Line 72R is the San Pablo Rapid service, which operates between 3<sup>rd</sup> & Broadway and Contra Costa College in San Pablo, via Broadway and San Pablo Ave. The Rapid makes several stops in Downtown Oakland and then stops approximately every 1/2-2/3 mile to provide faster service. It operates every 12 minutes on weekdays between 6 a.m. and 7 p.m., and provides significant time savings over the local (and the previous 72L service).

**Future Transit Service Changes--Bus Service and Other Service**

As of December, 2003, because of funding shortfalls, lines 58 and 58X will be discontinued. Lines 72/72M/72R provide nine trips per hour (on weekdays) along Broadway to 20<sup>th</sup> St., the route of the 58. Some additional areas served by line 58 are also served by lines 11 and 62, which will continue to operate on 7<sup>th</sup> St. and serve Lake Merritt BART. In 2004, AC Transit will review Downtown Oakland service to see if revenue-neutral replacement for line 58 service is possible.

In the longer term, when the fiscal situation improves, AC Transit has stated that it plans to add service to the Jack London Square area. Line 51, which now operates through the Tubes to Alameda, would be rerouted to serve lower Broadway (other service would be substituted to Alameda). The 51 line operates primarily via Broadway, College Ave., and University Ave. to City Center, Uptown, Pill Hill, Rockridge, UC Berkeley, Downtown and West Berkeley. The 51 provides very frequent service, every 10 minutes or more on weekdays.

AA-4

AC Transit is also seeking funding to extend the route and the service hours of the San Pablo Rapid (72R).

AC Transit is working with other transit and governmental agencies including the City of Oakland to explore possibilities for locally-oriented service in Downtown Oakland. Along with line 51, this service would replace--and hopefully improve upon--service provided by the former Broadway shuttle.

AA-5

The proposed increase in bridge tolls if passed by the voters in March, 2004 would fund additional ferry service from Jack London Square. The Measure would also fund late night "owl" bus service along the BART corridors.

AA-6

It is also our understanding that additional service on the Capitol Corridor is anticipated.

AA-7

These improvements to AC Transit bus service and other transit would further enhance transit access to the area.

AA-8

**PARKING AND TRANSPORTATION ALTERNATIVES**

The EIR focuses its access strategy on providing parking. In its Air Quality analysis, the document outlines a set of transit, ridesharing, and bicycle mitigations--we comment on and propose revisions to these below. <sup>1</sup> Unfortunately, the potential effectiveness of these transit/alternative mode measures is undermined by the large proposed additions of parking. Oakland, as the EIR acknowledges, has passed a Transit First policy. That policy makes it incumbent on the City to make every effort to encourage transit and modes other than single occupant vehicles.

AA-9

We therefore propose, as part of the discussion below, a new Mitigation B.4.a concerning charging for parking, and substantial modifications to Mitigation C.2. We have *italicized* proposed language for mitigations.

It is also very puzzling that the City of Oakland has chosen to treat projected parking "shortfalls" as environmental impacts, even though a court decision states that doing so is no longer required. This approach is likely to generate a vicious circle of high levels of parking encouraging high levels of driving, which in turn will require further parking.

AA-10

The EIR's conclusions about high demands for parking are based on unclear and questionable assumptions. The result is detrimental both in environmental and urban design terms. The EIR proposes 480,000 square feet of parking--the equivalent of 11 acres, and roughly half the size of the development itself. The project will apparently create a large parking structure just west of the Amtrak station, an inappropriate feature for an increasingly important gateway to Oakland.

AA-11

<sup>1</sup> We were surprised by the fact that these mitigations were set forth in the Air Quality chapter of the EIR, rather than the Transportation Chapter. Although vehicle emissions have air quality impacts, these mitigations are generally found in Transportation Chapters. At a minimum, the EIR should include a clear cross-reference to Mitigation C.2 in the Transportation Chapter.

AA-12

**Induced Travel and Traffic Impacts**

By providing excessive levels of parking, the project is likely to induce automobile travel above what would otherwise occur. This traffic could create impacts on Broadway, the primary transit corridor into the area. While the EIR finds relatively modest traffic impacts, it does not attempt to assess the impact on buses specifically. Congestion often has different impacts on buses than on other modes. This traffic could also impact a number of already congested intersections in Chinatown. The EIR has no analysis of traffic impacts on Chinatown.

AA-13

AA-14

**Mode Split Assumptions**

The EIR attempts to analyze the overall picture of parking demand in the Jack London Square area. It seeks to take account of the possibilities for shared parking, walk trips, and transit use. There is no estimate of bicycle travel, even though the EIR includes provisions for bicycle facilities. The document does not provide adequate information to assess the validity of the baseline walking and transit related statistics. For example, the EIR states (on p. IV.B-25) projected "Captive Market" (walk) shares of travel for various uses. There is no documentation of how these figures were derived. The one figure we are familiar with--the transit share of office workers--is set somewhat below the level found in the Downtown Oakland survey.

AA-15

**Transit to the Supermarket**

We particularly question the assumption (p. IV.B-24) that only 5% of weekday supermarket trips and no weekend supermarket trips would be on transit. The supermarket would be the closest major grocery store for many car-free residents of Downtown Oakland and West Oakland. In particular, the Acom-Prescott Neighborhood Transportation Plan highlighted the importance of transit service from that neighborhood to shopping opportunities. It estimated that 40-50% of neighborhood households do not own cars. Therefore, it may be appropriate to increase your estimate.

AA-16

**High Parking Demand Assumptions**

The EIR also uses parking demand numbers at least in part derived from the Institute for Transportation Engineers--whose data comes from auto-dependent suburbs--to set levels of parking provision. Since the EIR sites multiple sources for its parking demand analysis, it is unclear which figures came from which source. The demand figures used in the EIR are substantially above the parking requirements set by the City of Oakland Zoning Ordinance, which presumably reflects the City's judgement of appropriate levels of parking.

AA-17

**Proposed Mitigation B.4.a:**

The EIR acknowledges the value of charging for parking (p. III.B-49) in limiting parking demand, but includes no mitigations requiring parking charges. Therefore, we propose the following mitigation:

AA-18

*All parking created pursuant to this EIR shall be charged for at market rates, as determined by the City of Oakland. Commercial or residential tenants leasing parking shall pay for that parking separately, and shall have the option not to lease parking.*

**No Increase in Walk and Transit Shares**

The EIR assumes that there will be no improvement in transit or walk shares for the project over a 20 year period (p.IV.B-25 and p. IV.B-49). The population of the Jack London Square area is expected to increase by more than 3,000 between 2000 and 2020 (Table C-3, Appendix C) which would tend to increase the "Captive Market" walk share. The expected increase in employment in the area would also tend to increase the walk share for retail, restaurant, and supermarket uses. These changes would also help the area support the additional transit service that is already planned for it. For these reasons, both the "Captive Market" and the transit share of trips should be increased over time, reducing parking demand. Transit improvements would of course be more effective at capturing passengers if coupled with a strategy that limited additions of parking.

AA-19

**Alternative Modes Mitigation C.2 generally**

Mitigation C.2 (p. IV.C-17-18) outlines a set of mitigations designed to support ridesharing, transit, shuttle service, and bicycle and pedestrian access. We appreciate the inclusion of these elements in the EIR. Mitigation C.2.c, requiring construction of bus facilities that AC Transit finds necessary, is particularly helpful.

If all of these mitigations were systematically implemented, they could lead to a substantial reduction in single occupant vehicle trips and an increase in trips using alternative modes. If these mitigations were used in combination with reduced parking requirements, the mitigations could also actually reduce the cost of the project to the developer. These mitigations could be substantially less expensive to implement than structured parking, which has a capital cost of at least \$20,000 per space as well as ongoing operating and maintenance costs.

AA-20

Currently, however, these mitigation measures are not structured in a manner that will assure effective implementation. Many of the measures are phrased in terms of "encouraging" rather than "requiring." This is true of Mitigation C.2a --Carpool/Vanpool Programs; C.2b--Ridesharing Incentives; C.2.e-"Encourage tenants to meet minimum employee ridesharing requirements"; and C.2f--Parking Cashout

This language of "encouraging" indicates positive directions, but provides no assurance that these measures will be implemented. A more defined approach that provides more certainty of implementation is required if quantifiable trip reduction (as noted p.IV.C-18) is to be achieved. AC Transit suggests retaining the types of mitigations required by Mitigation C.2 (except for C.2g, shuttles, discussed below), as well as exploring additional approaches such as carsharing. We would place the mitigations into an administrative framework designed to assure their implementation and evaluation in the context of a quantified overall strategy for trip reduction that would also allow for reductions in parking requirements.

Our proposed language to add to Mitigation C.2 is as follows:

*\*The developer, prior to issuance of a building permit for any building, either establish a Transportation Management Association (TMA) to implement trip reduction programs or contract for the implementation of these programs--with the approval of the City of Oakland--with an existing organization with trip reduction experience; and*

*\*The developer, prior to issuance of a building permit for any building, shall prepare a Trip Reduction Strategy stating how the specific mitigations that are part of Mitigation C.2 will be implemented, and what the target reductions in vehicle trips and parking required will be. This Strategy will be reviewed and approved by the City of Oakland, in consultation with transit and congestion management agencies; and*

*\*The Strategy shall be reviewed and updated by the City of Oakland--in consultation with affected agencies--once every two years; or whenever the developer applies to construct a new building, whichever is sooner; and*

*\*The developer shall assure--to the satisfaction of the City of Oakland-- that there is a dedicated funding source for trip reduction efforts--including any shuttle or transit services--as defined in the Trip Reduction Strategy. This funding could be derived from lease payments or assessments from tenants; and*

*\*The otherwise applicable parking requirements for buildings established by Mitigation IV.B.4 shall be reduced by the target parking reduction in the Strategy, during the effective period of the Strategy as defined above (up to two years). When the strategy is reviewed, levels of parking provided and required will also be reviewed.*

AA-20

**Mitigation C.2.g--Shuttle Service**

Mitigation C.2.g calls upon the developer to "Provide shuttle service from project to transit stations/multimodal centers during peak hours." This Mitigation is explained with a note that "The project sponsor would provide a private shuttle service for employees of, and visitors to, the project site, between the project site and 12<sup>th</sup> Street BART station during peak traffic hours."

While AC Transit supports the goal of increasing transit access from the project to the regional transit system, this Mitigation, and especially the note explaining it, is stated too specifically. The implementation of this condition will not necessarily result in the most effective, efficient, or equitable addition to transit service in the area.

AA-21

The Mitigation and Note specify a service type (private shuttle), destination (12<sup>th</sup> St. BART), and span of service (peak hours). However, there is no analysis supporting any of these service choices. The proposal for this type of shuttle would seem to imply certain types of transit deficiencies, but the EIR does not document these deficiencies.

The parameters in the Mitigation and Note may or may not represent the best service plan. It might be more efficient, for example, for the developer to contribute to the general replacement for the Broadway shuttle described above, rather than operate a separate service. It is also not clear that peak hour service would meet the needs of this project, or best serve to reduce air quality impacts. Retail, restaurant, and supermarket uses all draw travelers and passengers over a number of hours. If additional transit/shuttle service is needed in this situation, it might well be better to spread that service over more hours. As a policy matter, we are also concerned about the equity and environmental justice implications of establishing private shuttles in a context where many other people might benefit from improved transit service.

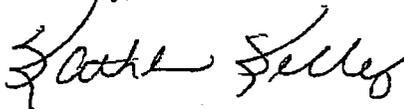
AA-21

These service planning issues require careful consideration, and cannot be fully resolved in the EIR. The EIR should provide a framework for this type of service. We would suggest the following language as part of our revised Mitigation C.2:

*The Trip Reduction Strategy for the project shall analyze the potential ridership for shuttle and transit service between the project and transit stations/multimodal centers. It shall identify and provide ongoing funding to the most effective and efficient means of meeting that demand, through shuttles, assistance to other transit service, or other means.*

AC Transit looks forward to working with Oakland to facilitate the development of Jack London Square in a transit-friendly manner. If you have any questions about this letter, please contact Nathan Landau, Senior Transportation Planner, at 891-4792.

Sincerely,



Kathleen Kelly  
Deputy General Manager  
Service Development Department

Cc: AC Transit Boardmembers  
Jim Gleich  
Tina Spencer  
Jon Twichell,  
Nathan Landau

## AA. AC TRANSIT

AA-1: Neither the City nor the analysis in the DEIR state assumptions about the modes of travel that users would use to access the site in the future. However, to be conservative in the environmental analysis, trip generation rates did not assume high transit use, but did assume that the transit strategies included under Mitigation Measure C.2 would be required to make transit use as high as possible in the future. The transit strategies also provide for the construction of new transit facilities to serve AC Transit, as well as specific facilities and improvements to accommodate bicycle and pedestrian access. The City shall require implementation of these measures as conditions of project approval, and their implementation will be monitored through the Mitigation Monitoring and Reporting Program (MMRP).

AA-2: As stated in Mitigation Measure B.12 (DEIR page IV.B-67), the construction management plan, which the project applicant would be required to develop for review and approval by the City Traffic Engineering Division, shall include at least *[emphasis added]* the items and requirements listed in the DEIR. The following additional requirement is added to that list (deleted text has been shown in ~~strikeout~~ and new text has been shown underlined):

“Notification procedures for AC Transit regarding bus stop relocation and bus re-routing; the City and AC Transit would jointly determine how to replace the bus stop(s) during construction.”

AA-3: The cited changes to existing bus service in the study area made by AC Transit subsequent to the publication date of the DEIR are noted. The following text revisions are made to the DEIR:

The first sentence of the first paragraph under AC Transit, on DEIR page IV.B-12, is revised as follows (additions shown as underlined; deletions as ~~strikeout~~):

“Four AC Transit bus lines operate within three blocks of Jack London Square: Lines 58/58X, 59/59A, 72R, and 72/72M, which provide service to downtown Oakland for direct connections to other bus lines as well as BART trains.”

The last sentence of the second paragraph under AC Transit, on DEIR page IV.B-12, is deleted.

~~“Bus line 59/59A operates during the weekdays from 6:00 AM to 7:30 PM and during the weekends from 8:00 AM to 7:00 PM.”~~

The text about Line 59/59A in Table IV.B-4, on DEIR page IV.B-13, is replaced with the following text about Line 72R:

<u>Line</u>	<u>Route Description</u>	<u>Frequency</u>
72R	Jack London District (2nd Street / Clay Street) to and from Contra Costa College in San Pablo via Broadway and San Pablo Avenue.	Weekdays only (6:00 a.m. to 7:00 p.m.): 12 minutes

The above changes to existing bus service in the study area does not materially affect the DEIR analysis because the number of buses during the peak traffic hours is about the same as when the DEIR analysis was prepared.

- AA-4: The commenter’s description of future changes to bus service in the study area has been noted. The effects of the recent discontinuation of Lines 58 and 58X are reflected in response to Comment AA-3 (*i.e.*, the number of buses during the peak traffic hours is about the same as when the DEIR analysis was prepared). The possible longer-term bus service improvements in the study area could serve to encourage greater use of public transportation to travel to and from the project area, which would reduce the number of vehicle trips compared to the estimate of such trips in the DEIR.
- AA-5: The comment has been noted. See response to Comment AA-4 regarding the effects of possible improved service in the future.
- AA-6: The comment has been noted. See response to Comment AA-4 regarding the effects of possible improved service in the future.
- AA-7: The comment has been noted. See response to Comment AA-4 regarding the effects of possible improved service in the future. Additional Amtrak passenger trains would marginally increase the incidence of delays to traffic crossing the Embarcadero, but its impact on congestion would be less than significant because, as described on DEIR page IV.B-18, passenger trains typically block crossings for less than one minute.
- AA-8: The comment has been noted. See response to Comment AA-4 regarding the effects of possible improved service in the future.
- AA-9: See responses to Comments AA-18 and AA-20, below.
- AA-10: Recognizing that parking is a major concern in the Jack London District, and of existing residents and visitors to the area, the City of Oakland chose to go beyond the Court of Appeal decision that determined parking to not be part of the permanent physical environment, and thus not an environmental impact (DEIR page IV.B-22). However, the DEIR analysis was based on not only the objective to provide adequate parking, but also to ensure measures to lessen parking demand (by encouraging the use of non-auto travel modes). This approach is conservative and does not preclude transit measures or the ability to provide less parking in the future if trends shift toward higher transit use.

- AA-11: The comment does not indicate what aspects of the DEIR's estimate of the proposed project's parking demand are unclear or questionable, and therefore a specific response can not be given. However, urban design issues, such as which uses should to where, will be addressed by the City during its consideration of the Planned Unit Development (PUD).
- AA-12: Mitigation Measures C.2.a through C.2.1 (Air Quality) are intended to reduce operational emissions of pollutants (pounds per day) from daily vehicle trips generated by the project. It is true that successful reduction of vehicle trips from these measures would reduce peak-hour vehicle trips (which would lessen the effects of the project on traffic congestion). While these mitigation measures could also be presented in the Transportation section of an EIR, the project sponsor shall be required to implement the measures no matter where in the EIR they are described, so they will have beneficial effects on traffic congestion issues.
- AA-13: See response to Comment N-6 regarding the relationship of parking supply and trip generation. It is acknowledged that traffic congestion can affect buses in ways different from other modes (*e.g.*, increased travel time or decreased frequency of service), but after implementation of mitigation measures identified in the DEIR, traffic flow conditions under project conditions would generally be acceptable, and bus service would not be significantly affected.
- AA-14: See response to Comment J-3 regarding how the study intersections were selected for the EIR. See response to Comment N-17 regarding project effects on intersections in Chinatown.
- AA-15: Bicycle trips are typically a very small percentage of the total trips generated by development projects, and as such, standard practice is to not quantify the bicycle trip generation for project EIRs. This ensures a more conservative traffic analysis. As described on DEIR page IV.B-24, the captive market and transit percentages used to adjust the standard trip generation rates are consistent with those adjustments applied to reduce the trip generation in the Jack London District Transportation Improvement Study (which were based on a shopper intercept survey conducted in Jack London Square), with the exception of the transit percentage for the theatre and residential uses. The transit usage for theatre patrons was reduced to 10 percent, which was consistent with the results from the vehicle occupancy survey for the existing theatre. The residential transit percentage was also reduced to 10 percent on weekdays due to the project site's distance from Broadway, where most of the transit service is concentrated. As also described on DEIR page IV.B-24, the transit share of office workers was set somewhat lower than the level found in the Downtown Worker Survey to reflect a slightly higher (conservative) "auto use." The captive market and transit/alternative modes percentages presented in DEIR Table IV.B-6 represent the mode split adjustment factors expected to be applicable after completion of the proposed project.

- AA-16: The proposed supermarket was assumed to primarily serve the local neighborhood, which is reflected in the high captive market percentages and the low transit percentages. It is acknowledged that people from nearby neighborhoods (*e.g.*, Acorn-Prescott) shopping at the project supermarket could support increased transit service.
- AA-17: As stated on DEIR page IV.B-49, the project's parking demand was estimated on the basis of parking demand rates data from the Jack London District Transportation Improvement Study (JLD-TIS) and the more recent Oakland Downtown Worker Survey, which included the Jack London District. Data published by the Institute of Transportation Engineers and Urban Land Institute were adjusted for transit usage and captive market in the same manner that vehicle trip generation was adjusted.
- AA-18: Impact B.4 (Increase in Parking Demand) is based on the inability for the parking that would be supplied by the project (or existing parking) to meet the parking that would be demanded by the proposed project uses. Mitigation Measure B.4 is aimed at ensuring that there would be adequate parking as the project develops over time. The discussion on DEIR page IV.B-49 merely provides information to the reader regarding the complex nature of parking demand. Implementation of Mitigation B.4 would mitigate the parking demand impact that would result from the Revised Project. Nevertheless, the project sponsor anticipates that all parking with the project will require a fee. The amount of such fee would have to be flexible to account for competitive conditions, and validation may reduce patron parking costs, perhaps to zero.
- AA-19: The fact that the adjustments to project vehicle trip generation related to transit availability and captive market factors were held constant for both analysis periods ensures that the project's effects on traffic flow conditions were not underestimated. The commenter's description of future changes to bus service in the study area (see Comment AA-4) is acknowledged, but fiscal uncertainties make it prudent for the DEIR analysis to assume that the transit share would remain the same in both 2005 and 2025. Regarding the captive market assumptions, they were based on a shopper intercept survey conducted in Jack London Square, and in the absence of definitive data to quantify an increase in the walk share, it was judged best to err on the side of a more-conservative assessment of traffic impacts. See response to Comment N-11 regarding the mechanism of Mitigation Measure B.4 (*i.e.*, requiring incremental review of parking demand versus supply prior to the issuance of the building permits). The City would be able to judge conditions prior to approving the proposed provision of additional parking spaces in the project area (*i.e.*, would be able to take steps to avoid provision of an oversupply of parking spaces).
- AA-20: The commenter suggests that the positive effects of Mitigation Measure C.2 would be greater if combined with reduced parking requirements. As explained on DEIR page IV.B-49, the parking requirements (demand) identified in the environmental analysis rely on the Jack London District Transportation Improvement Study, which incorporates the Institute of Transportation Engineers data (industry standard). The Oakland Downtown Workers Survey, which included Jack London District, was also

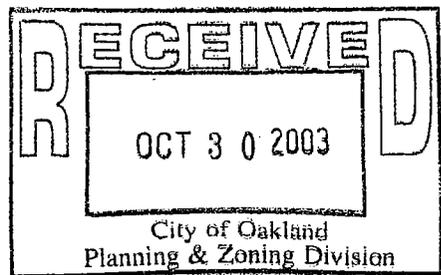
relied upon. Parking requirements are also prescribed by the Oakland Planning Code. The consideration of reduced parking rates or requirements (or demand rates) for this project would be inconsistent with the EIR methodology that relies on existing standards or City policy.

The specific strategies cited in Mitigation Measures C.2a , C.2b, C.2e, and C.2f aimed at reducing the air quality impacts from the project operations would not be within the sole control of the project sponsor. The prescribed mitigation measures are encouraged by the Bay Area Air Quality Management District (BAAQMD), which has found that implementation of the specific actions/programs can reduce motor vehicle trips by 15 to 20 percent, however, whether or not future tenants implement the strategies, the significant impact on air quality (operational impacts) would remain, and is thus, a significant and unavoidable since no additional feasible mitigation is available. As stated above in response to Comment AA-18, the extent to which the mitigation measure provided in the DEIR would adequately address the significant impact will be considered by the decision-making bodies that would ultimately certify the EIR and approve the project. The Mitigation Monitoring and Reporting Program (MMRP) will identify the monitoring responsibility for each mitigation measure to ensure implementation, and in this case, diligent effort toward “encouraging” tenants to adopt the specific actions/programs where feasible is expected. The strategies identified under Mitigation Measure C.2 shall be required as conditions of approval of the project.

AA-21: Mitigation Measure C2.g specifies “a shuttle service from the project to transit stations/multimodal centers during peak hours.” The mitigation measure targets the source of the air quality impact, added vehicle trips, which would be most severe during peak hours. Providing a specific service that would transport people between the project site and a transit station/multimodal center would certainly work to reduce the number of vehicle trips. The project sponsor has opted to provide a shuttle service to the 12<sup>th</sup> Street BART Station, which is also a major AC Transit transfer hub, during the primary time when employee trips would occur. Expansion of the hours of shuttle service could be considered as a condition of project approval by the Oakland Planning Commission and City Council during the project review process. In addition, the Mitigation Monitoring and Reporting Program will provide that if, in the implementation of the shuttle mitigation strategy, it appears that the transit service could be better provided by a public agency or through some other means such as suggested by the commenter, adjustments may be made accordingly.

October 30, 2003

City Council  
1 Frank H. Ogawa Plaza, 2<sup>nd</sup> Floor  
Oakland, CA 94612



Re: Jack London Square Redevelopment Project (November 18 presentation)

Distinguished Members of the City Council,

I was encouraged to see at the October 22, 2003, City Of Oakland Planning Commission Design Review meeting that the developer's team is willing to modify its plans and be more respectful of the wonderful and unique, 120-year-old Heinold's First and Last Chance Saloon. However, further revisions still need to be made. I think the best design approach would likely be to have:

1. Open space immediately surrounding the Saloon and the nearby Jack London log cabin with high-quality landscaping and a thoughtful variety of flora (no palm trees, please! A knowledgeable horticulturist and a talented landscape architect, both with some imagination, should be consulted). Some inviting and comfortable public seating should also be integrated with the landscaping;
2. follow the landscaped area with a transitional zone of low-rise buildings;
3. then a stepping up to the larger structures envisioned.

The scale of the Saloon and cabin is so modest, their architecture so charming and evocative of an earlier time, it is important not to overwhelm them in the immediate vicinity. Perhaps the new low-rise buildings could include some exterior woodwork and attractive architectural details, echoing Heinold's wooden façade and late 19<sup>th</sup>-century architecture in general, and reminding visitors of the waterfront's historic nature.

The creation of an easily accessible, historical walking tour with a series of permanent sites and objects nearby to view and visit relating to Jack London's life and career is an excellent idea which has been suggested. A brochure for self-guided tours of the walk should definitely be realized. The formation of a Jack London Museum and Study Center would also be most welcome, if sufficient funding and resources could be acquired. The Port of Oakland and the developers should be encouraged to pursue these aims.

We should not lose sight of the fact that this area is designated primarily for recreational and educational purposes. Any additional commercial development should complement these existing purposes, and not supplant them.

Jack London (1876-1916) is one of the most important writers the American west has ever produced, and he spent his formative years right here in Oakland. Our city's waterfront, with its colorful collection of sailors, fishermen, adventurers, dreamers and

BB-1

BB-2

BB-3

scoundrels, had a profound influence on him. In time, his vivid depictions of these characters would define Oakland and the west for readers all over the world. For a brief taste, please consider this passage from his novel, *John Barleycorn*, published in 1913 (excerpt from chapter 10);

I little dreamed that the time would come when the Oakland water-front, which had shocked me at first would be shocked and annoyed by the devilry of the things I did. But always the life was tied up with drinking. The saloons are poor men's clubs. Saloons are congregating places. We engaged to meet one another in saloons. We celebrated our good fortune or wept our grief in saloons. We got acquainted in saloons.

Can I ever forget the afternoon I met "Old Scratch," Nelson's father? It was in the Last Chance. Johnny Heinold introduced us. That Old Scratch was Nelson's father was noteworthy enough. But there was more in it than that. He was owner and master of the scow-schooner *Annie Mine*, and some day I might ship as a sailor with him. Still more, he was romance. He was a blue-eyed, yellow-haired, raw-boned Viking, big-bodied and strong-muscled despite his age. And he had sailed the seas in ships of all nations in the old savage sailing days.

I had heard many weird tales about him, and worshipped him from a distance. It took the saloon to bring us together. Even so, our acquaintance might have been no more than a hand-grip and a word-- he was a laconic old fellow--had it not been for the drinking.

"Have a drink," I said, with promptitude, after the pause which I had learned good form in drinking dictates. Of course, while we drank our beer, which I had paid for, it was incumbent on him to listen to me and to talk to me. And Johnny, like a true host, made the tactful remarks that enabled us to find mutual topics of conversation. And of course, having drunk my beer, Captain Nelson must now buy beer in turn. This led to more talking, and Johnny drifted out of the conversation to wait on other customers.

The more beer Captain Nelson and I drank, the better we got acquainted. In me he found an appreciative listener, who, by virtue of book-reading, knew much about the sea-life he had lived. So he drifted back to his wild young days, and spun many a rare yarn for me, while we downed beer, treat by treat, all through a blessed summer afternoon.

If Salinas could muster the will to make the very impressive National Steinbeck Center a reality, then certainly the Port and City of Oakland, with additional help from the developer and other sources, can create an analogous institution dedicated to Jack London, and there would be no better location than within sight of the water at Jack London Square, a short walk from Heinold's First and Last Chance Saloon.

Sincerely,  
*Alan Templeton*

Alan Templeton, 315 Park View Terrace no. 304, Oakland, CA 94610

BB-3

BB-4

**BB. ALAN TEMPLETON**

BB-1: See responses to Comments X-1, X-2, and X-3..

BB-2: The project would not result in commercial development that would conflict or supplant the saloon or the Jack London cabin.

BB-3: The comment has been noted.

BB-4: The comment has been noted.



# City of Alameda • California

October 24, 2003

Ms. Claudia Cappio  
Development Director, City of Oakland  
250 Frank H. Ogawa Plaza, Suite 3330  
Oakland, CA 94612

**Subject: Comments on Jack London Square Redevelopment Draft EIR**

Dear Ms. Cappio:

Thank you for the opportunity to comment on the Jack London Square Redevelopment Draft EIR ("JLS EIR"). Over the course of the last few years, the City of Alameda has received numerous requests from the City of Oakland to conduct detailed and comprehensive traffic analyses of traffic conditions in Downtown Oakland and the potential effects of development on existing conditions in Downtown Oakland. In response to these requests, the City of Alameda has accumulated an extensive database of existing and projected traffic conditions throughout downtown Oakland. This database is continually updated using City of Oakland traffic studies, the Alameda County Congestion Management Agency (CMA) regional traffic model, and ongoing in-field observations.

In recent months, the City of Alameda and the City of Oakland have had extensive discussions about the existing and projected traffic problems at the "gateways" to Oakland, which are also used by Alameda residents and businesses. We received written communications from both former City Manager Robert Bobb and former Planning Director Leslie Gould claiming that the City of Alameda underreported potential impacts at these critical locations. In contrast to the City of Oakland's stated concerns to the City of Alameda about these future traffic conditions and traffic impacts on Oakland Chinatown, the City of Oakland's JLS EIR future year ("baseline") projections (which is supposed to include full build out of Alameda Point) fails to recognize most of these well-known problems, fails to acknowledge any impact of the development on Chinatown, fails to evaluate the project's contribution to these problems, and fails to take any responsibility for the additional traffic that the proposed project's approximately one million square feet of commercial development will contribute to these well-know problem areas. It therefore appears that the JLS EIR includes a number of faulty assumptions, which have resulted in an underreporting of significant impacts to the transportation system that is shared by all of the cities in Alameda County.

In the interest of providing the public with consistent information about the state of our shared transportation system, please provide written clarification on the following specific concerns about the JLS EIR.

Planning and Building Department

2263 Santa Clara Avenue, Room 190  
Alameda, CA 94501  
510 748.4530 • Fax 510 748.4593 • TDD 510 522.7538

CC-1

Letter to Claudia Cappio  
November 4, 2003

Page 2

1. **I-880 On-ramp at 6<sup>th</sup> and Jackson Intersection:** The JLS EIR states that this intersection will operate at acceptable levels of service over the next twenty years, with complete buildout of Downtown Oakland and Alameda Point. This finding is inconsistent with all past traffic studies prepared by the City of Oakland (See City of Oakland Land Use and Transportation Element EIR, City of Oakland Estuary Plan EIR, City of Oakland 426 Alice Street EIR, City of Oakland 220 Broadway EIR) the City of Alameda GPA EIR, studies prepared by the CMA related to 1998 SR 260 Deficiency Plan, and studies prepared by Caltrans related to the Broadway Jackson Project Study Report. Either the technical analysis is faulty or the EIR assumes some type of improvement at this location that will relieve the projected LOS F conditions at this location *in addition to those that are currently underway as part of Broadway Jackson Phase I Improvements*. The EIR does not identify any such improvements.

CC-2

The City of Oakland, the City of Alameda, Caltrans, and ACTIA are currently working cooperatively on the *Broadway Jackson Phase II* improvements planning effort to remedy the projected poor traffic conditions at this location. At this time there are no improvements proposed or funded for this location at this time beyond those that are currently underway as part of Broadway Jackson Phase I Improvements.

CC-3

The Jack London Square Project will clearly add significant traffic to this congested location. The JLS EIR clearly missed this important environmental impact. It also failed to acknowledge that the congestion at 6<sup>th</sup> and Jackson causes traffic to detour through Chinatown to other freeway access points; thus further contributing to traffic volumes in Chinatown.

CC-4

2. **I-24 off ramp at 12<sup>th</sup> and Brush and 11<sup>th</sup> and Castro:** The JLS EIR assumes that these locations will operate at acceptable conditions in future build out years with full build out of Downtown Oakland and Alameda Point and that the JLS project will not in anyway impact these locations. In fact, the EIR assumes that the 11<sup>th</sup> and Castro intersection *will improve over the next 20 years*. None of these assumptions is supported by the numerous City of Oakland and City of Alameda traffic studies that have addressed this problem "gateway" to the City of Oakland, Jack London Square, and the Webster Posey Tubes. The City of Oakland's own Land Use and Transportation Element EIR, City of Oakland City Center EIR, and City of Oakland Housewives Market EIR identified significant impacts at these locations and committed the City to mitigations that were never implemented by the City of Oakland, despite the fact that this gateway to Oakland regularly backs up onto Highway 24 on a regular basis in the AM peak hour. Given the City of Oakland apparent concern about conditions in Chinatown, it should be noted that if the City of Oakland continues to neglect its adopted mitigations to improve this access point to Jack London Square AM traffic destined for the new Jack London

CC-5

Letter to Claudia Cappio  
November 4, 2003

Page 3

Square development will choose to cut through downtown Oakland and Chinatown to access Jack London Square.

Please explain how it was determined that this gateway to Oakland would be operating at acceptable levels in future years given the long history of congestion at this location and the lack of any long term improvement plans for this location.

CC-5

**4. I-880 SB On Ramp 5th/Oak Street:** The proposed mitigation is to optimize signal timing; however, the EIR fails to acknowledge that the ramp is metered, which may render the mitigation infeasible and incapable of reducing the impact to a level of less than significant. It is likely that a more substantial mitigation is needed such as an additional ramp lane to avoid ramp queuing into the intersection and/or an auxiliary lane on the freeway for the merge. Please address how the ramp metering affects the proposed signal timing. If such mitigations are infeasible, then the impact must be identified as significant and unavoidable.

CC-6

**5. SR 260 - Webster Posey Tubes:** The JLS EIR establishes an unfortunate precedent for future efforts to actually finding and implementing solutions to ongoing transportation problems by avoiding any responsibility to contribute to a solution. This precedent is most evident on pages IV.B-41 and IV.B-65 of the document. According to the JLS EIR, the project cannot be expected to reduce as little as 28 trips from the number of project trips in the Webster/Posey Tubes. Therefore the EIR concludes that the impact to the Tubes is significant and unavoidable. The EIR does not propose a single mitigation to either reduce the project trips or facilitate regional solutions to remedy this regional problem. The JLS EIR must propose feasible mitigations if those mitigations would reduce the impact, even if those reductions do not reduce the impact to a less than significant level.

Examples of feasible mitigations that should be adopted by the City of Oakland for this impact can be found in the City of Alameda Alameda Point General Plan Amendment EIR which also found the Webster/Posey Tubes to be a significant unavoidable impact, but committed all future projects to an extensive list of *required mitigations* including funding of TDM/TSM requirements to reduce trips and a fair share funding commitment to help fund an eventual solution to this problem.

CC-7

Please explain why similar feasible mitigations were not proposed for the JLS Project to minimize its impacts on this critical roadway. Please demonstrate why they are not feasible.

**6. Trip Distribution through the Tubes:** Trip Distribution shows only 7% of trips going through the Webster/Posey Tubes. This distribution is not credible considering the proposed commercial uses will draw more heavily from Alameda. These assumptions must be reviewed and better supported. Given Alameda's demographics and lack of similar commercial development, the 7% figure is not defensible. Please provide copies of the Project market studies completed by the applicant for this project that support the 7% trip distribution assumption.

CC-8

Letter to Claudia Cappio  
November 4, 2003

Page 4

7. **Table IV.B-6:** Please provide modal split data for the Transit/Alternative modes. Please provide supporting data for the captive market. Indicate how the ITE rates were further adjusted, since the developed ITE rates include limited transit in the study area. It is likely that further adjustment for both captive market and transit may be unrealistic and unachievable goal.

CC-9

8. **Table IV.B-7 & Table IV.B-8:** Please explain which AC Transit and/or BART ridership data support the assumptions in these tables.

CC-10

9. **Table IV.B-12:** The level of service calculations for Intersections #4003 and #4006 assume physical improvements that would result in an improved level of service over time. This improvement in level of service is not supported by the data or any documentation in the EIR, despite increased traffic throughout the area.

CC-11

10. **Table IV.B-14:** The level of service for Intersection #5004 shows improvement from 2005 to 2025, despite an increase in traffic in the area and no known improvements at the intersection. Please explain this inconsistency.

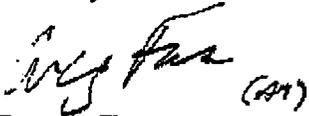
CC-12

11. **Table IV.B-21:** The 5<sup>th</sup> Street segment, east of MLK, appears to be operating at LOS C or better under both 2005 & 2025; this is not indicative of any downstream queue problems at Webster tubes. Please explain this inconsistency.

CC-13

Thank you for your consideration of our concerns. We look forward to working cooperatively with the City of Oakland to identify solutions, funding mechanisms, and shared responsibility for improving our shared transportation system.

Sincerely,

  
Gregory Fuz,  
Planning and Development Director

xc: City Manager  
Deputy City Manager, Alameda Point  
City Attorney  
Mayor and City Council

## CC. CITY OF ALAMEDA

- CC-1: The traffic analysis presented in Chapter IV.B of the DEIR for the proposed project identified and addressed each of the issue areas raised by the commenter. As mentioned throughout both the DEIR and this FEIR, the analysis employed a conservative approach to ensure that the potential impacts resulting from the project were aptly identified and fully reported. See responses to Comment I-3 regarding the basis for baseline traffic volumes against which project-generated traffic was compared, and regarding inclusion of development projects (planned, and approved but not yet built) in Alameda (including the Alameda Point project). See responses to Comments N-8, N-17, Q-1, and CC-4, which, together, provide a comprehensive response concerning the potential traffic impacts in Chinatown, as well as response to Comment J-3 which explains the screening approach used to identify the specific intersections to be studied further in the DEIR and how Chinatown intersections failed to exceed the standard threshold to warrant detailed intersection analysis under this proposed project. Cumulative effects of the proposed project were thoroughly analyzed and presented throughout the DEIR within each environmental topic area and summarized starting on DEIR page VI-3. Finally, the City has identified feasible mitigation measures to reduce the level of traffic impacts that would result from the project.
- CC-2: Traffic turning movement data collected more recently than the cited traffic studies were used to compute existing levels of service (LOS) at the referenced intersection because of the suspect nature of some of the volumes in previous count data. The improvements planned for at this intersection, as described on DEIR page IV.B-23, were used for future LOS conditions, as were traffic signal timing changes reasonably expected to accompany those improvements. In addition, as described on DEIR page IV.B-30 (and in DEIR Appendix C), future conditions were assessed using the Alameda County CMA Countywide Model, which was modified with land use, employment and population projections from a more-recent Oakland Cumulative Growth Scenario than used in previous traffic studies.
- CC-3: It is understood that a Scoping Study for Phase II of the I-880 / Broadway – Jackson Street Interchange project is currently scheduled to be completed in Spring 2004, but that no timetable for design or construction of further improvements has been set.
- CC-4: On the basis of analysis of the proposed project’s generated vehicle trips, and the distribution of those trips on the street system in the area, the DEIR concluded that the project would have a less-than-significant impact on the 6th/Jackson Streets intersection. Furthermore, the project’s less-than-significant effect at this intersection means that the project would not cause traffic to detour through Chinatown to other freeway access points.
- CC-5: It is believed that the commenter mistakenly opined about findings in the DEIR for the freeway off-ramp at 12th Street / Brush Street; that intersection was not analyzed in

detail in the DEIR. (Note: The freeway in this area, west of I-580, is designated I-980; State Route 24 is the continuation of I-980 east of I-580.) See response to Comment J-3 for a list of candidate study intersections that were included in the screening process, but were eliminated from further analytical consideration because project-generated traffic would represent less than three percent of the total intersection traffic. Regarding the intersection of the I-980 off-ramp at 11th Street / Castro Street, contrary to the commenter's assertion, the levels of service reported in the DEIR are consistent with those reported in all recent Oakland EIRs, as well as in the Alameda Point General Plan Amendment EIR. Several of the mitigation measures identified to reduce impacts at these intersections under other City of Oakland project EIRs mentioned by the commenter have not occurred as of the publication of this FEIR. However, this does not undermine the DEIR's assumption or conclusions.

- CC-6: See response to Comment D-3 regarding the effect of traffic operating conditions on I-880 on the DEIR's analysis of intersection levels of service.
- CC-7: See response to Comment AA-12 regarding DEIR Mitigation Measure C.2 and its effect on the project's peak-hour vehicle trip generation. Those measures will be incorporated as conditions of project approval, and could help reduce the PM peak-hour project-generated trips through the Webster tube. The following text is added after the second sentence of the second paragraph under Impact B.2e on DEIR pages IV.B-41, and after the second sentence of the first paragraph on DEIR page IV.B-65:

“Implementation of Mitigation Measures C.2a through C.2f (i.e., ridesharing and transit transportation demand management measures) could help reduce the number of project trips through the Webster tube during the PM peak hour, but the success rate of those measures to achieve the needed reduction in project trips can not be ensured.”

- CC-8: The trip distribution for the proposed project was based on the regional travel patterns from the Alameda County Congestion Management Agency's Countywide Travel Forecasting Model (ACCMA Model). Trip distribution in the Countywide Model is based on the gravity model, which distributes trips between Traffic Analysis Zones (TAZs), including such “zones” in Alameda, on the basis of two factors (i.e., in proportion to the relative trips produced and attracted by land uses in the TAZs, and in inverse proportion to the relative travel time between TAZs). As such, use of the ACCMA Model provides a reasonable basis for estimating trip distribution patterns anticipated to be used by project-generated traffic into and out of the area through “gateways” serving the project area, and specifically, the ACCMA Model accounts for the fact that land uses at Jack London Square may attract trips from land uses in the City of Alameda. Specific market studies were not conducted for the proposed project.
- CC-9: See response to Comment AA-15 regarding Captive Market and Transit Percentages, and the use of data from the shopper intercept survey conducted in Jack London Square. As stated on DEIR page IV.B-24, sole use of standard trip generation rates from

published sources such as the Institute of Transportation Engineers and the San Diego Association of Governments would not accurately reflect the extent of the use of transit by employees, customers, visitors, and residents of the urban, mixed-use nature of the Jack London District, and it was on that basis that the adjustments were applied to reflect the effects of captive market and transit characteristics.

- CC-10: See response to Comment AA-15 regarding the use of data from the shopper intercept survey conducted in Jack London Square to derive Captive Market and Transit Percentages. AC Transit and BART ridership data was not used for this purpose.
- CC-11: The average delay value for the existing AM peak-hour LOS C at 5th Street / Broadway (Intersection #4003) was mistakenly reported as 30.0 seconds per vehicle, whereas it should have been reported as 27.3 seconds per vehicle. The correct existing delay results in an increase in delay from existing to 2005 conditions, not the incorrect decreased delay cited by the commenter. The calculation of 2005 LOS at 6th Street / Jackson Street (Intersection #4006) reflects channelization of Jackson Street from 7th Street to 6th Street and the addition of an exclusive northbound left-turn lane (as described on DEIR page IV.B-32), and optimization of traffic signal timing (within the current 45-second cycle length) expected to facilitate the above-described improvements.
- CC-12: The relatively small decrease in average delay for Atlantic Avenue / Constitution Way (Intersection #5004) from 2005 to 2025 (PM peak hour only) is explained by the fact that the DEIR transportation analyst used input data (*e.g.*, volumes) provided by Alameda for cumulative conditions so the DEIR would report similar results as reported in the Alameda Point General Plan Amendment EIR for an intersection in Alameda, but in the absence of near-term (2005) data from Alameda, the EIR analyst derived volumes for 2005 conditions in a manner consistent with the rest of the DEIR. The peak-hour levels of service presented in the DEIR for Atlantic Avenue / Constitution Way (Intersection #5004) under cumulative conditions are consistent with the cumulative levels of service reported in the Alameda Point General Plan Amendment EIR, and both EIRs indicate that the peak-hour levels of service would be acceptable (LOS D or better). It is noted that the Alameda Point General Plan Amendment EIR also shows an improved level of service at this intersection during the PM peak hour from existing conditions.
- CC-13: Based on observations during preparation of the DEIR, the queues on 5th Street back from Broadway do not extend beyond Martin Luther King Jr. Way during the PM peak hour.

Paul, Hastings, Janofsky & Walker LLP  
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michaelwoodward@paulhastings.com

November 13, 2003

34099.00018

VIA FACSIMILE (510-238-2226) AND OVERNIGHT MAIL

Ms. Claudia Cappio  
Major Projects Manager  
City of Oakland  
Community and Economic Development Agency  
250 Frank H. Ogawa Plaza, Suite 3330  
Oakland, California 94612-2032

Re: Comments on the Jack London Square Redevelopment Project and Draft  
Environmental Impact Report - CASE NO. ER 03-0004

Dear Ms. Cappio:

We wrote to you a late comment on the above-referenced Draft EIR on November 4, 2003 on behalf of the owners of The Landing at Jack London Square (the "Landing") regarding concerns about the Jack London Square Redevelopment Project (the "Project") relating to land use, noise and construction impacts, circulation, aesthetics, views and open space. Our client has now met with the developers of the Project and received assurances that these concerns will be addressed in the development of the Project. You will be receiving shortly a letter from Cornerstone Real Estate Advisers, Inc., as the managing member of the owner of the Landing, Legacy Partners Landing LLC, a Delaware limited liability company (the "Landing Ownership"), which will replace our November 4<sup>th</sup> comment letter as the comment of the Landing Ownership on the Project. Accordingly, we hereby rescind and withdraw our November 4<sup>th</sup> comment letter and request that you return the original and all copies that we transmitted to you. Thank you for your cooperation.

DD-1

Sincerely,

*Michael S. Woodward*

Michael S. Woodward  
of PAUL, HASTINGS, JANOFSKY & WALKER LLP

cc: John McMorrow  
Rob Giffin  
Kelly Kinnon  
Frank W. Iaffaldano, Esq.

**DD. PAUL, HASTINGS, JANOFSKY & WALKER,  
NOVEMBER 13, 2003**

DD-1: The commenter rescinds and withdraws the November 4, 2003, comment letter submitted on the DEIR after the close of the comment period. The commenter is confident that the issues raised in the letter would be addressed in the project. Nonetheless, though not required by CEQA, the November 4th letter is included in this FEIR as Letter FF, immediately followed by responses to each comment.



November 17, 2003

VIA FACSIMILE (510-238-6538) AND OVERNIGHT MAIL

Ms. Claudia Cappio  
Major Projects Manager  
City of Oakland  
Community and Economic Development Agency  
250 Frank H. Ogawa Plaza, Suite 3330  
Oakland, California 94612-2032

Re: Comments on the Jack London Square Redevelopment Project and Draft  
Environmental Impact Report - CASE NO. ER 03-0004

Dear Ms. Cappio:

We write as the managing member Legacy Partners Landing LLC, a Delaware limited liability company (the "Landing Ownership") to convey our thoughts about the Jack London Square Redevelopment Project (the "Project") which is the subject of the Draft Environmental Impact Report dated September 8, 2003 ("DEIR"). As you are aware, the property known as The Landing at Jack London Square, a 282-unit multi-family apartment complex (the "Landing"), owned by the Landing Ownership, is located on the east side of Alice Street at its waterfront terminus at 99 Embarcadero. The residents of the Landing are the most immediate residential neighbors to the Project site across Alice Street.

We are pleased to report that the Landing Ownership has met with the Project developers, who have been cooperative and proactive in working with us to address our comments. Attached is a letter from the Project developers, pursuant to which they have clarified and agreed to solutions addressing the issues that would impact the Landing. Assuming that all of the agreed upon items contained in the attached letter are included as conditions to the development of the Project, we fully support the Project as described in the DEIR, and believe that the Project will benefit the Jack London Square area as well as the entire the City of Oakland and its residents.

EE-1

Sincerely,

A handwritten signature in black ink, appearing to read "R. Giffin". The signature is fluid and cursive, with the first letter "R" being particularly large and stylized.

Robert Giffin,  
Vice President

cc: John McMorrow  
James Ellis

# ELLIS PARTNERS LLC

November 13, 2003

**SENT VIA FACSIMILE TO: 310 – 234 – 2552**  
[Original will be sent via Overnight Courier]

Mr. Robert K. Giffin, Vice President  
Cornerstone Real Estate Advisers, Inc.  
10866 Wilshire Blvd., Suite 800  
Los Angeles, CA 90024

***RE: Jack London Square Redevelopment***

Dear Rob:

This letter is to follow up on recent conversations regarding the above-referenced project. Clearly this project will ultimately increase the value of the Legacy Landing, and we look forward to working together on any future issues you may have.

In response to some comments that have been made, we wish to clarify the following:

1. The Water Street alignment at the east end of our project will approximately line up with the centerline of the Alice Street gateway into Legacy Landing. This was a conscious design decision to create a visual relationship between the projects and to ensure an attractive, efficient pedestrian connection.
2. Dust control is required under the mitigations that are already included in the Draft EIR for the project. These include watering the site, covering trucks that are hauling loose materials, stabilizing access roads, daily street sweeping, and limiting traffic speeds. In addition, we are required to provide a monitor to ensure the adequacy of the dust control – this person's contact information will be posted at the site in case of any concerns.
3. In general, construction activity is permitted in the City of Oakland from 7:00 a.m. to 7:00 p.m. Monday through Friday. However, extreme noise generating activity is limited to 8:00 a.m. to 4:00 p.m. In addition, the Draft EIR mitigations require a set of site-specific noise attenuation measures to be prepared under the supervision of a qualified acoustical consultant, and these measures are required to be submitted to the City of Oakland to ensure that maximum feasible noise attenuation will be achieved. In order to be sensitive to the residents of your project, we will further restrict construction noise beyond that required under the DEIR mitigations. We will restrict construction noise that creates an audible nuisance at the interior of the units to the hours 8:00 a.m. to 5:00 p.m. Monday through Friday.

111 SUTTER STREET, SUITE 800 • SAN FRANCISCO, CA 94104

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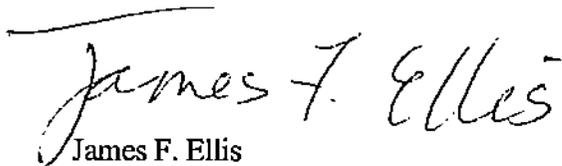
November 13, 2003

Page 2

4. The bike and pedestrian path in front of the Legacy Landing does continue through our site along the water's edge and connects with the center of Jack London Square.
5. The lighting of the garage on the F2 site on Alice will be designed so that it does not shine into the residences at the Legacy Landing. Similarly, the exterior of the building will be designed so that vehicle lights within the building do not shine into Legacy Landing residences.
6. We will prevent noisy activity from occurring at night at the loading dock for the hotel on the F3 site. Any noisy delivery and pick-up functions will be limited to 8:00 a.m. to 6:00 p.m. and trucks will not be permitted to idle in the loading dock.
7. Please see the attached preliminary site plan. The hotel on the F3 site will be located north of the line that is directly west of the approximate mid-point of the Alice Street frontage of the southwest Legacy Landing building as generally illustrated.

I hope the clarifications above answer the questions that you may have had regarding the Jack London Square Redevelopment project. Please call me if you have any questions regarding the above.

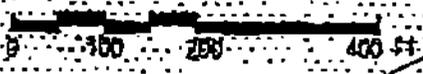
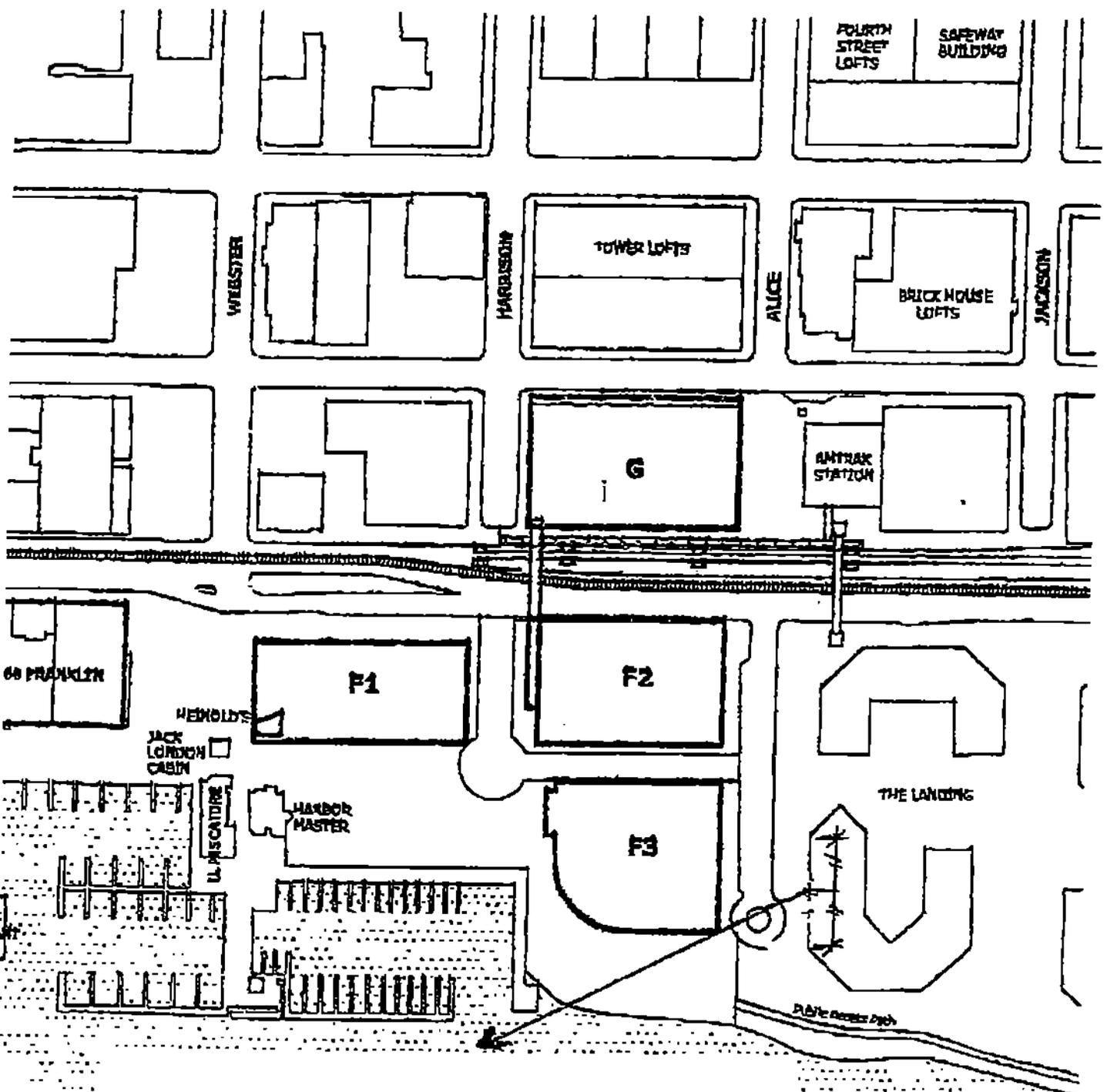
Sincerely,



James F. Ellis  
Principal

JFE/bt 

Attachment (You previously received Preliminary Site Plan, as referenced in #7).



**EE. CORNERSTONE, NOVEMBER 17, 2003**

EE-1: See response to Comment DD-1.

Paul, Hastings, Janofsky & Walker LLP  
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November 4, 2003

34099.00018

VIA FACSIMILE (510-238-6538) AND OVERNIGHT MAIL

Ms. Claudia Cappio  
Major Projects Manager  
City of Oakland  
Community and Economic Development Agency  
250 Frank H. Ogawa Plaza, Suite 3330  
Oakland, California 94612-2032

Re: Comments on the Jack London Square Redevelopment Project and Draft  
Environmental Impact Report - CASE NO. ER 03-0004

Dear Ms. Cappio:

We write on behalf of our client, Legacy Partners Landing LLC, a Delaware limited liability company ("Legacy") to convey its concerns about the Jack London Square Redevelopment Project (the "Project") and the Draft Environmental Impact Report dated September 8, 2003 ("DEIR"). The property known as The Landing at Jack London Square, a 282-unit multi-family apartment complex (the "Landing"), is owned by Legacy and is located on the east side of Alice Street at its waterfront terminus at 99 Embarcadero. The residents of the Landing are the most immediate residential neighbors to the Project site across Alice Street, and the impacts of the proposed Project on these residents will be significant unless appropriately mitigated. We appreciate the opportunity that you have given to submit this comment letter at this time.<sup>1</sup>

FF-1

The Landing residential complex was a pioneer in the Jack London Square area. As one of the first new significant projects to be developed in the area, it created a stimulus for further redevelopment of this area. The Landing was designed and approved by the City, Port and BCDC with generous landscaped setbacks along Alice Street and along the waterfront and an attractive entry corresponding to the future location of Water Street. The buildings in the Landing, which are three stories on top of a podium, were designed to enhance and preserve waterfront and estuary views. Although further development of the Jack London Square is inevitable and even desirable for residents of the Landing, the siting and design of such development should not turn its back on the major residential component in the Square, which the Project seems to do (according to the view

FF-2

FF-3

<sup>1</sup> Permission was previously given to John McMorrow that the comments from the owner of the Landing could be submitted by November 4, 2003 and would be included and responded to in the final EIR. This consideration by the City is much appreciated.

Ms. Claudia Cappio  
November 4, 2003  
Page 2

simulations and shade/shadow studies) by eliminating any setback areas on Alice Street. Instead, residents of the Landing will be confronted with a solid mass of building that will impact not only the views but also the aesthetics and open design that the Landing was designed to achieve.

FF-3

Legacy is generally supportive of development at the Project site, provided that the concerns set forth in this letter are resolved. Our comments are therefore presented in the following areas: (a) Land Use; (b) Noise and Construction Impacts; (c) Transportation/Circulation; (d) Aesthetics and Views; and (d) Open Space.

FF-4

**A. Land Use**

The design details of the Project have not been included in the DEIR, consequently, the DEIR's discussion and conclusions regarding consistency with applicable plans and policies, aesthetics and view impacts have little or no evidence to support them. The largest and tallest components of the proposed Project, consisting of 8-story (125 feet) and 13 story (175 feet) buildings are planned for the west site of Alice Street, on Sites F2 and F3, with little or no setback from Alice Street. According to Views 1, 6 and 8 (Figures IV.I-2, -7, and -9) these structures will be massive and tower over Alice Street and the 3-story buildings of the Landing. This siting and design contrasts with the generous setbacks of the Landing's residential buildings along Alice Street. If permitted, the proposed Project would not be compatible in height with existing development in the area.

FF-5

FF-6

Parking facilities for 550 parking spaces are proposed on Site F2. It is not clear from the DEIR whether this parking will be in a separate structure or a park of the proposed office building. Portions of any above-ground garage structure located along Alice Street should have a solid landscaped wall along the Alice Street side so that residential units in the Landing will be buffered from and not be adversely impacted by headlight beams from cars parked in the garage and noise from car alarms, squealing tires, and racing engines.

FF-7

In terms of parking demand, the DEIR concludes on page IV.B-52 that buildout of Phases 1 and 2 of the Project will generate a peak weekday demand for about 3,254 parking spaces and a peak weekend demand for about 4,122 spaces. However, the Project proposes only to construct 1,293 parking spaces resulting in a shortfall of 1,611 spaces on weekdays and 2,579 spaces on weekends, and the Project is seeking a reduction in the amount of required parking based on shared parking concepts. The DEIR states that east of Broadway, 1,064 spaces "would be needed to meet unmet weekday parking demand." Legacy has a concern that Project workers and visitors could attempt to use parking at the Landing. The DEIR offers only that a parking demand study will be performed for each building and an adequate number of parking spaces will be provided "upon occupancy of the new building" within the Project area or within a reasonable walking distance. What locations are available within walking distance for parking that would meet the unmet demand that has already been identified?

FF-8

Ms. Claudia Cappio  
November 4, 2003  
Page 3

Exterior building and security lights for the parking structure, office and hotel buildings along Alice Street should be shielded, or otherwise directed downward, so as to not impact the adjacent residential structures.

FF-9

What public benefits and additional consideration is being proposed by the Project developer in its proposed development agreement that would justify "freezing" the City's regulations for the Project?

FF-10

**B. Noise and Construction Impacts**

The EIR indicates that there will be a high volume of construction noise at the Project site. As an immediately adjacent neighbor to the Project site, we have serious concerns regarding the noise levels associated with Project construction. Specifically, the noise levels across Alice Street that are associated with the east end of Project development will impact sensitive residents in the Landing. The DEIR admits on page IV.D-11 that Project construction will take place as close as 300 feet from the nearest existing sensitive receptors in the Landing and that pile driving (for example) would generate noise levels of 85 dBA making normal conversation extremely difficult, and excavation and exterior finishing activities would create noise levels as high as 73 dBA, Leq. at the apartments. The predicted noise levels at the apartments would exceed the standards of the Oakland Noise Ordinance, which states that for residential receptors, the maximum allowable receiving noise for weekday construction activity of greater than 10 days duration is 65 dBA. Without appropriate mitigation, there would be significant impacts. Please provide adequate mitigation measures to ensure that Project construction noise will be mitigated to reduce impacts to a less-than-significant level. The proposed mitigation measures starting on page IV.D-12, allow construction activities between 7:00 a.m. and 7:00 p.m. with pile driving and other extreme noise generating activities 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 and 1:30 p.m. weekdays or at any time on the weekends (and no construction activity on weekends until the building is enclosed). The DEIR also states that "if feasible" the noisiest phase of construction (such as pile driving) shall be limited to less than 10 days at a time to comply with the local noise ordinance. These provisions are very loosely worded and somewhat inconsistent with one another. The Building Services Division can waive these requirements according to the mitigation measure. Under what circumstances would such a waiver be allowed and would the residents of the Landing be consulted first? The specific extreme noise generating construction activities should be listed, including excavation, erections, exterior finishing and pile driving. Monetary sanctions for violations should be imposed. In addition, we would request a start and finish time for construction activity (until the building is enclosed) to between 8:00 a.m. and 4:30 p.m. Monday through Friday.

FF-11

The Project will involve an extensive amount of excavation and grading. Due to its close proximity to our property, dust migration is a serious concern. Because wind predominately blows from the north & northwest, dust will blow from the proposed

FF-12

Project to the residences at the Landing. Dust control measures must be strict and absolutely enforced. Please provide dust mitigation which includes, among other things, a tall dust screen to prevent dust migration onto adjacent properties. **FF-12**

**C. Transportation/Circulation**

Alice Street is a scenic residential corridor and as such traffic and other activities should be limited. No loading docks or trash collection facilities of any nature should be allowed. Any loading or trash collection activity would disturb residents and the reverse horn on the trucks would be easily heard by the residents. **FF-13**

The entrance to any parking structure located along Alice Street should be off of Embarcadero and not Alice Street. **FF-14**

**D. Aesthetics and Views**

The proposed 13-story hotel structure located on Site F3 and the 8-story office building on Site F2 will block bay and waterfront views from residential buildings in the Landing. Pages IV.A-6 through IV.A-21 of the DEIR refer to numerous City policies and plans that should apply to protect the Landing from the monolithic wall of building mass proposed by the Project along the west side of Alice Street: **FF-15**

Downtown development should be visually interesting, harmonize with its surroundings, respect and enhance important views in and of the downtown (Land Use and Transportation Element, Policy D2.1, Enhancing the Downtown);

Buildings and facilities should respect scenic viewsheds and enhance opportunities for visual access of the waterfront and its activities (Land Use and Transportation Element, Policy W3.4, Preserving Views and Vistas);

The existing residential communities within and adjacent to the waterfront should be supported and enhanced (Land Use and Transportation Element, Policy W9.7, Supporting Existing Residential Communities Along the Estuary); **FF-16**

Developments in this area should be designed to enhance direct access to and along the water's edge, maximize waterfront views and vistas, and make inviting public pedestrian access and spaces (Land Use and Transportation Element, Policy W10.7, Jack London Square Area Design Criteria).

Residential developments should be encouraged to face the street, and orient their units to desirable sunlight and views, while avoiding unreasonably blocking sunlight and views for neighboring buildings, respecting the privacy needs of residents of the development and surrounding properties, providing for sufficient conveniently located on-site open space, and avoiding undue noise exposure (Policy N3.9, Orienting Residential Development).

Punctuate the shoreline promenade with a series of parks and larger open spaces (Estuary Policy Plan, Shoreline Access Objective 2).

Emphasize visual corridors and open space links to surrounding inland areas (Estuary Policy Plan, Shoreline Access Objective 3).

Create new open spaces that expand the opportunities to view, appreciate, and enjoy the water's edge.

To develop additional open spaces, provide setbacks from the water's edge for generous areas of greenways, promenades, and other public gathering places between Clay and Alice Streets. (Estuary Policy Plan, Policy JL-9.2).

Encourage site planning for new development which minimizes adverse visual impacts and takes advantage of opportunities for new vistas and scenic enhancement (Open Space, Conservation and Recreation Element, Policy OS-10.2, Minimizing Adverse Visual Impacts).

Each of these policies speak of preserving and enhancing waterfront views, which the proposed design of the Project of Sites F2 and F3, as noted above, without setbacks on Alice Street and without building setbacks, would not accomplish. To avoid impacts and be consistent with the above-referenced policies, a landscaped setback area comparable to that which exists on the east side of Alice Street should be provided by the Project.

The center line of the extension of Water Street should continue through the proposed Project along an alignment that terminates at the center line of the Landing's Alice Street entrance. It was important to the Port and BCDC when the Landing was approved that the Water Street view corridor terminate with the Landing's entry plaza (which is why the Landing's entry plaza at Alice Street is so elaborate with benches and four large pillars). The DEIR is not clear as to what the alignment of Water Street will be. It says that it will connect to a public path along the estuary shore in front of the Landing. From the View 6 (Figure IV.I-7), the alignment seems to be with the Landing entry plaza, but that should be spelled out in text.

FF-16

FF-17

FF-18

Ms. Claudia Cappio  
November 4, 2003  
Page 6

E. Open Space

The estuary bike path that is in front of the Landing should continue along the waterfront all along the length of the proposed Project. The design standards established by the bike path in front of the Landing should be adhered to in front of the Project.

FF-19

In conclusion, we believe that development on the Project site can be designed to avoid the serious impacts of the Project; however, the information presented in the DEIR does not establish that the serious impacts noted above can be sufficiently mitigated or avoided. For this reason alone we must object to the Project.

FF-20

Please include me on the mailing list for future notices and communications regarding this Project.

Sincerely,



Michael S. Woodward  
of PAUL, HASTINGS, JANOFSKY & WALKER LLP

cc: John McMorrow  
Rob Giffin  
Kelly Kinnon  
Frank W. Iaffaldano, Esq.  
Stacy Gamble Shaw, Esq.

**FF. PAUL, HASTINGS, JANOFSKY & WALKER, NOVEMBER 4, 2003**

- FF-1: The comment has been noted.
- FF-2: The comment has been noted.
- FF-3: The proposed structure on Site F3 (hotel) would be sited far enough north of the Landing to maintain views of the estuary from the midpoint of the façade facing Alice Street. This is depicted in the figure included in the November 13, 2003, letter from the sponsor to the commenter, which is attached to Letter EE in this document.
- FF-4: The comment has been noted.
- FF-5: The DEIR analyzed the Preliminary Development Plan (PDP) for the project and discussed its consistency with plans and policies starting on DEIR page IV.A-1; aesthetics and view impacts starting on DEIR page IV.I-1. As discussed throughout Chapter II of this FEIR and in Master Response A, Relationship of Revised Project and the Final Development Plans (FDP), the actual detailed building plans would be considered as part of the City’s review of the FDPs for each site as part of the project design review.
- FF-6: From the perspective of the environmental analysis, the proposed maximum allowed building heights evaluated in the DEIR would not substantially impair any existing visual resource (DEIR Chapter IV.I). Though the structures may be larger than existing adjacent buildings, and may not be set back from the street, they will not affect any existing view corridors or cast shadows that will result in a significant environmental impact. The siting and design of the project will be evaluated by the City during consideration of the Preliminary Development Plan (PDP) and the Final Development Plans (FDPs) during the design review of the project.
- FF-7: As stated on DEIR page IV.I-45, in the discussion of the less-than-significant Impact I.5 (Increased Light and Glare), the project would follow the Port of Oakland’s Exterior Lighting Policy to prevent potential lighting pollution. The project sponsor has indicated that the Site F2 garage would be designed so that the neither building lighting, nor the vehicular lighting, would shine into The Landing residences. The ultimate design of the structure and lighting treatments will occur during the City’s review of the Final Development Plans (FDPs) for each site as part of the design review project.
- FF-8: The allowance for parking demand to be met through the use of identified, available parking spaces within reasonable walking distance of the project is consistent with the DEIR’s significance criterion for parking, which recognizes that people are willing to walk from their parking place to their destination. No candidate parking locations have been identified for the DEIR analysis. It is primarily assumed that parking would be supplied on the project site.

FF-9: See response to Comment FF-7 above.

FF-10: A Development Agreement (DA) is a type of zoning contract authorized by State Government Code. DAs are used throughout California to regulate large scale development projects and to provide developers with assurances that the project can be successfully and completely built out over time. Such agreements are formal contractual agreements between a developer and the City establishing rights, responsibilities and requirements, and as such, they permit and anticipate that many aspects of the project and many benefits to the community resulting from the project, will be negotiated. The Development Agreement negotiations allow the City and the project applicant to consider and discuss a broad array of issues and benefits.

The key issue to understand in this context is that the developer derives value in having the certainty that the City cannot change land use entitlements or regulations applicable to the project during the life of the DA, and that the applicable land use entitlements will survive well past the standard effective periods. In this case, the project applicant has requested a 15-year term for the DA, during which time the City approvals would be vested and changes in City laws and policies could not apply to the project site. In contrast, the standard period for a PUD entitlement of this scale is two to three years of initial approval, followed by a one year extension that may be granted administratively and a single one year extension that may be granted by the Planning Commission, for a total of six years.

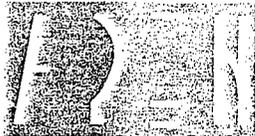
With regard to the Jack London Square Redevelopment, although the specific terms of the DA have not been determined at this time (this will be subject to consideration by the Planning Commission and City Council at public hearings), there are many potential benefits that may result through the intensification and redevelopment of the nine sites, as envisioned in the Estuary Policy Plan (EPP). The development of a minimum project within a specified period (less than the full DA term) is the key incentive for the City to enter into a DA. In addition, at the present time, the project sponsor is also proposing to use the Port of Oakland's standard requirements with regard to utilization of small local business and prevailing wage requirements, as well as the Port's requirements for public art.

FF-11: The mitigation measure for construction noise impacts is patterned after the approach required by the City of Oakland. The City considers construction impacts to be less than significant even if the noise ordinance standards are not met provided that all required mitigation measures are implemented. The mitigation measures required by the City of Oakland for construction noise impacts to be considered less than significant are included under Mitigation Measures D.1a through D.1d. However, the mitigation requirement to limit noisy construction to less than 10 days "if feasible" is an additional measure that is not required to ensure that the impact will be less than significant. This measure, if feasible and implemented, would further reduce construction noise impacts but is not required by the City to consider construction noise impacts from the project to be less than significant. The measure will be included in the MMRP and, if determined

to be feasible, the City will require its implementation. The allowable hours for construction activity are determined by the City of Oakland. However, the project sponsor has committed to limiting construction noise that creates an audible nuisance at the interior of the residential units at The Landing to the hours between 8:00 a.m. and 5:00 p.m., Monday through Friday. See the letter from the project sponsor to the commenter, which is attached to Letter EE in this document. Monetary sanctions cannot be imposed, but the City will monitor implementation of, and compliance with, the noise mitigation measures

- FF-12: Dust mitigation measures patterned after the BAAQMD's Guidelines have been included under Mitigation Measure C.1a of the air quality section of the DEIR. The BAAQMD considers construction dust impacts of projects of this size to be less than significant if adequate dust mitigation measures are implemented. Also, see response to comment C-3 above.
- FF-13: To the extent that Alice Street is a scenic corridor, the project will not result in a significant environmental impact by degrading its visual character. Impact D.2 identifies less-than-significant operational noise impacts from the project on residential uses (DEIR page IV.D-14), therefore no mitigation measure is required. The appropriate location for loading docks and trash collection facilities, and the commenter's preference that such service facilities not be located along Alice Street, would not be environmental issues, and would be considered by the City decision-makers in their review of the project's merits and their consideration of Final Development Plans (FDPs) for sites along Alice Street.
- FF-14: The location of the parking garage entrance is a design issue that the City would evaluate during the design review for the project, when it will consider the detailed Final Development Plan (FDP) for Site G. In the DEIR, the environmental analysis of the parking garage entrance focused on the queuing of vehicles and potential conflicts (safety and operational) with pedestrians, bicyclists and other vehicles. See response to Comment J-19.
- FF-15: As discussed in response to Comment G-12, the significance criteria to determine environmental impacts regarding views is bulleted on DEIR page IV.I.4. Specifically, the DEIR (page IV.I-5) considers the extent of change in the visual environment related to public views from publicly accessible viewpoints. This criterion is consistent with the General Plan policies that pertain to new development, and the project was determined to not have a significant view impact or conflict with the General Plan or specifically the Estuary Policy Plan. Additionally, regarding the impact of Site F3 on bay and waterfront views from residences in The Landing, see response to Comment FF-3 above.
- FF-16: See response to Comment FF-17 below.

- FF-17: For the purposes of analysis under the California Environmental Quality Act (CEQA), a conflict with a General Plan policy may not, in itself, indicate a significant effect on the environment. As stated in the CEQA Guidelines, “Effects analyzed under CEQA must be related to a physical change” (Sec. 15358[b]). The General Plan contains many policies that may address different goals. Upon reviewing projects requiring its approval, the Planning Commission and City Council must decide whether, on balance, the project is consistent with the General Plan. In general, potential conflicts with the General Plan are considered by decision-makers independently of the environmental review process, as part of the decision to approve, modify, or disapprove a proposed project. Any potential non-environmental conflict not identified in the DEIR could be considered in that context, but would not alter any findings made with respect to the physical environmental effects of the proposed project. The DEIR discussion on Land Use, Plans and Policies found the proposed project to be consistent with the Oakland General Plan, and specifically the Estuary Policy Plan (DEIR Section IV.A). To the extent that the decision-makers identify a conflict that has physical effects on the environment, the environmental effects of such a conflict would be analyzed prior to the decision-makers’ actions.
- FF-18: The text corresponding to Viewpoint 6 (Figure IV.I-7 on DEIR page IV.I-18) states that the view is from Alice Street looking northwest from the entry of The Landing. As indicated in the photosimulation, the Water Street alignment at the east end of the project will approximately line up with the centerline of the Alice Street gateway to The Landing. See the letter from the project sponsor to the commenter, which is attached to Letter EE in this document. The project sponsor held this as a conscious design decision to create a visual relationship between the projects and to ensure an attractive, efficient pedestrian connection between the two projects. However, the evaluation of the project’s site plan (with respect to how Water Street aligns with the notable Landing entry plaza) is not an environmental issue, and would be considered a design issue that the project decision-makers will consider during the review of the project.
- FF-19: The project would not alter the estuary bike and pedestrian path along the waterfront, but would continue the path through the project site along the water’s edge to connect with the center of Jack London Square. See the November 13, 2003, letter from the sponsor to the commenter, which is attached to Letter EE in this document. Also, the project’s adherence to any applicable design standards is not an environmental issue and would be considered by the City during its review of the project.
- FF-20: The comment has been noted. Discussion of how the DEIR analyzed and mitigated the issues raised by the commenter are addressed in the previous responses FF-1 through FF-19.



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City Councilmember Henry Chang  
One Frank Ogawa Plaza  
One City Hall Plaza, 2<sup>nd</sup> Floor  
Oakland, CA 94162

November 14, 2003

RE: Jack London Square Redevelopment Project  
SCH #2003022086

Dear Councilmember Henry Chang:

We are writing to express our concern in regards to the Jack London Square Redevelopment Project Draft Environmental Impact Report (DEIR). As a community-based organization in Oakland Chinatown, we are concerned that this DEIR does not account for the Project's long-term impacts on Oakland Chinatown. (Describe your organization here).

Although we fully support efforts to revitalize Jack London Square, and believe that Oakland can and should promote the development of a vivacious waterfront district, we feel just as strongly that Oakland has a responsibility to protect the existing vitality of Chinatown from risks posed by the Project's unintended effects on the environment, such as noise, air pollution, and spillover traffic. Oakland Chinatown has been cited as having the highest concentration of pedestrian, bicycle, and vehicle accidents in the City of Oakland. Although Chinatown is a major pedestrian area with a heavy population density that attracts over 20,000 shoppers, tourists, and residents every weekend, it is also a major thoroughfare for vehicles. This is of significant concern to us since implementation of a major project like the Jack London Square Redevelopment has the potential to result in more adverse congested Downtown traffic conditions that may spillover into Oakland Chinatown and affect residents, our employees, merchants, and visitors.

Chinatown already bears an unjust transportation burden. As a result, we are greatly concerned about the cumulative impacts the Jack London Square Redevelopment project will have on key intersections within Chinatown. We strongly believe that a thorough analysis needs to be conducted on the impacts this major project will have upon Oakland Chinatown.

If this DEIR is not substantially revised, any development project fitting under the umbrella of the over-sized Project could be built. Among the impacts likely to be overlooked and to escape mitigation by this process are those in Chinatown. We look forward to a Final EIR that fully addresses our concerns.

Sincerely,

Ada Chan, Executive Director  
Asian Pacific Environmental Network

GG-1

GG-2

GG-3

## **GG. ASIAN PACIFIC ENVIRONMENTAL NETWORK**

- GG-1: The comments regarding characteristics of Oakland Chinatown have been noted. See responses to Comments N-8 and CC-4 regarding how the project the DEIR analysis found that the traffic generated by the project would not result in “spillover” impacts (from traffic, air quality, or noise) into Chinatown).
- GG-2: See responses to Comment J-3 (regarding how the study intersections were selected for the EIR), Comments N-8 and CC-4 (regarding how traffic flow conditions under project conditions would not cause drivers to divert to other streets, including those within Chinatown), Comment N-16 (regarding the DEIR analysis of pedestrian safety), and Comment N-17 (regarding project trips traveling through the intersections of Webster Street / 7th Street and Webster Street / 8th Street).
- GG-3: The analysis performed in the DEIR ensures a conservative environmental analysis, therefore, impacts from a “smaller” project would, in fact, already be evaluated in this environmental review. See response to Comment M-28 and the discussion on FEIR page II-2 which explains the methodology of the DEIR analysis in detail. Revisions to the DEIR Project are presented and analyzed in this FEIR as the Revised Project.



**EBALDC**

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Gary Wong

Oakland City Council  
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Oakland, CA 94162

November 14, 2003

RE: Jack London Square Redevelopment Project  
SCH #2003022086

Dear Councilmembers:

We are writing to express our concern in regards to the Jack London Square Redevelopment Project Draft Environmental Impact Report (DEIR). As a community-based organization in Oakland Chinatown, we are concerned that this DEIR does not account for the Project's long-term impacts on Oakland Chinatown.

Although we fully support efforts to revitalize Jack London Square, and believe that Oakland can and should promote the development of a vivacious waterfront district, we feel just as strongly that Oakland has a responsibility to protect the existing vitality of Chinatown from risks posed by the Project's unintended effects on the environment, such as noise, air pollution, and spillover traffic. Oakland Chinatown has been cited as having the highest concentration of pedestrian, bicycle, and vehicle accidents in the City of Oakland. Although Chinatown is a major pedestrian area with a heavy population density that attracts over 20,000 shoppers, tourists, and residents every weekend, it is also a major thoroughfare for vehicles. This is of significant concern to us since implementation of a major project like the Jack London Square Redevelopment has the potential to result in more adverse congested Downtown traffic conditions that may spillover into Oakland Chinatown and affect residents, our employees, merchants, and visitors.

Chinatown already bears an unjust transportation burden. As a result, we are greatly concerned about the cumulative impacts the Jack London Square Redevelopment project will have on key intersections within Chinatown. We strongly believe that a thorough analysis needs to be conducted on the impacts this major project will have upon Oakland Chinatown. If this DEIR is not substantially revised, any development project fitting under the umbrella of the over-sized Project could be built. Among the

HH-1

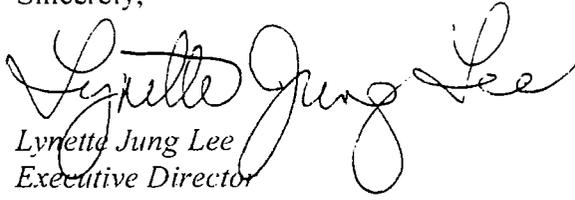
HH-2

HH-3

impacts likely to be overlooked and to escape mitigation by this process are those in Chinatown. We look forward to a Final EIR that fully addresses our concerns.

HH-3

Sincerely,



Lynette Jung Lee  
Executive Director

## **HH. EBALDC**

HH-1: See response to Comment GG-1.

HH-2: See response to Comment GG-2.

HH-3: See response to Comment GG-3.

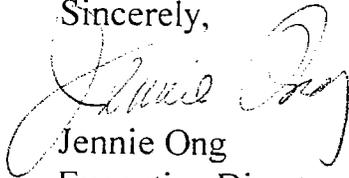
**OAKLAND CHINATOWN COALITION**  
**Oakland Chinatown Chamber of Commerce**  
**Asian Health Services**

Councilmembers:

Our comments are enclosed regarding the Jack London Square  
Redevelopment Project Draft Environmental Impact Report.

If you have any questions about these comments, please contact me  
at (510) 893-8979.

Sincerely,



Jennie Ong  
Executive Director  
Oakland Chinatown Chamber of Commerce

## JACK LONDON SQUARE DEIR

Embedded in our comments on the Jack London Square Redevelopment DEIR are two values shared by the Oakland Chinatown Chamber of Commerce and Asian Health Services. First, we support efforts to rejuvenate Jack London Square. We believe that Oakland can and should promote the development of a vibrant waterfront district. We believe just as fervently that Oakland has a responsibility to protect the existing vitality of Chinatown from risks posed by the Project's unintended effects on the environment, such as spillover traffic, air pollution and noise. This DEIR unfortunately does not account for the Project's long-term impacts on Oakland Chinatown.

The DEIR is designed to review the environmental effects of all entitlements that this Project will need through its 2025 buildout. Given the inevitable uncertainties of market for development so far into the future, the DEIR takes the *theoretically* conservative approach of defining a Project that "will likely be less than the maximum envelope of development analyzed in the EIR."<sup>1</sup>

In *practice*, however, the conservatism that defines an overly-large project does not carry through to other aspects of the analysis. For example,

- the Region of Impact is not large enough to encompass all of the impacts that the overly-large Project would generate ;
- proposed mitigations do not match the Project's size (i.e., more effective and extensive mitigations than those proposed would be feasible for a project of the defined size); and
- no alternatives with lesser impacts are examined.

In apparent anticipation of Findings of Overriding Need, the DEIR concludes that the Project will have impacts that cannot be mitigated. This provides the developer with the approvals needed to develop any sized project that *could* be built, but it may not provide adequate environmental review of the impacts of the project that *will* be built.

Impacts likely to be overlooked and to escape mitigation by this process are those in Chinatown. This deficiency of the DEIR is structured into some of the study's most basic assumptions.

## PROJECT DESCRIPTION

### Clarify the application.

The Project evaluated in the DEIR is presented as "the most intensive combination of ... proposed variations and uses, considered to be the worst-case scenario from an environmental impact perspective"<sup>2</sup>. Please clarify whether approval of the approved Project will apply to only the specific development programs described in Appendix A; e.g., would the the parking area in Site G would have to be *either* 380ksf (Variant 0), *or* 260 ksf (Variant 1), *or* 420 ksf (Variant 2)? Or would approval of Project would allow Site G to include any amount of parking within the described range (e.g., between 260 ksf and 420 ksf.)? Or do the areas in the matrix represent maximum amounts?

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<sup>1</sup> Page III-4

<sup>2</sup> Page III-4

**The amount of parking included in the Project Description gives a misleading picture of the amount that will be required.**

In addition to the 1,293 spaces lists, buildings will be required to include their own parking<sup>3</sup>. For example, the hotel on Site F3 will be required to include additional parking at the rate of 1 – 1.25 spaces per room. The massive amount of parking suggests a higher trip generation rate than shown.<sup>4</sup>

The Project description<sup>5</sup> states that the Project mentions approximately 1,293 parking spaces, comprising 480 ksf of parking, located on two sites (F2 and G)<sup>6</sup>. Appendix A indicates the area devoted to parking could be more than 1 ½ greater (751 ksf on three sites (F2, G, and F3)). Since high parking availability contributes to high single occupancy vehicle (SOV) rates and lower transit use, the maximum number of parking spaces should be the basis for a conservative analysis of modal split and trip generation.

II-4

**LAND USE, PLANS AND POLICIES**

**Does the Project comply with Public Trust requirements?**

The text indicates that the Project area is subject to the Public Trust.<sup>7</sup> Please include a map that indicates Public Trust boundaries. Clarify whether office, retail, and entertainment uses that are programmed for Public Trust sites will be water-related uses.

HH-5

**TRANSPORTATION, CIRCULATION, AND PARKING**

**The Project Study Area, or Region of Impact (ROI) for Traffic Operating Conditions needs to include Chinatown.**

The ROI for traffic operations is too small to capture all of the traffic impacts for a project this large. Chinatown intersections are conspicuously missing from the study area.

This omission is inconsistent with the three factors that were purportedly used to select intersections in the Study Area: (1) proximity, (2) importance to traffic circulation in the area, and (3) “expected dispersion of project-generated traffic volumes on the area’s road network.”<sup>8</sup> A fourth factor needs to be added to the list, to include intersections impacted by non-Project traffic that has been diverted by Project congestions.

II-6

Each of the four factors argues for inclusion of Chinatown intersections in the Study Area.:

1. The intersections that the DEIR screened into the study can be used to define “proximity to the project site” Chinatown clearly falls within a circle comprised of the analyzed intersections. See Figure A.
2. When the importance to the area’s traffic circulation is the standard, Webster Street intersections must be included. It is only southbound arterial, between Broadway and Oak, connecting Grand Avenue to the Embarcadero. The DEIR itself acknowledges the

<sup>3</sup> Page IV B-53

<sup>4</sup> Shoup, Donald, « The Trouble with Minimum Parking Requirements », *Transportation Research Part A*, Vol. 33 (1999), pp. 549-574

<sup>5</sup> Page III-6

<sup>6</sup> Page III-7

<sup>7</sup> Page IV A-1

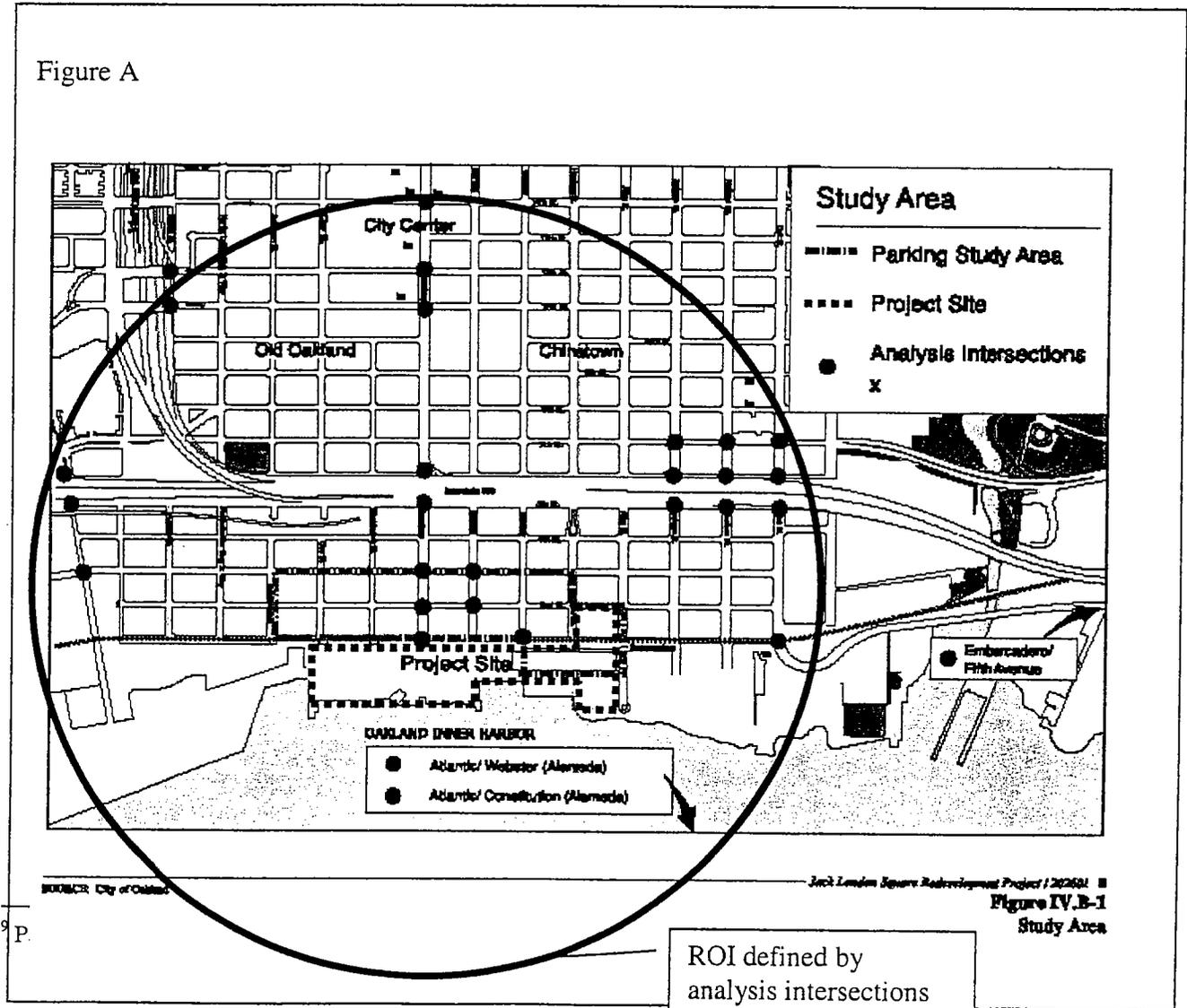
<sup>8</sup> Page IV B-4

importance of Webster as the connecting link between Chinatown and the Jack London District.<sup>9</sup> It also is the primary route for traffic travelling to the Jack London District from a large portion of the city north of Grand.

3. Chinatown intersections – especially along Webster, Harrison, and Franklin – belong in the study area because they will host Project traffic trying to escape unavoidable LOS F delays at intersections along Broadway.
4. The most compelling reason to include Chinatown intersections in the study area is that they will be heavily impacted by traffic bound for Alameda that is diverted by congestion on Broadway and 5<sup>th</sup>. The DEIR explains that Project Phase I traffic will cause conditions at 5<sup>th</sup> and Broadway to deteriorate from existing LOS F during the PM peak hour, and that Phase II traffic will cause further deterioration, because of backups from the Webster Tube. Since vehicles traveling to Alameda have the option of entering the Tube from Webster Street, it is reasonable to assume that enough traffic will switch over to Webster until the delays at Webster intersections are equivalent to those at 5<sup>th</sup> and Broadway.

Webster is the obvious alternate route since it connects with Grand, which in turn links to both 980 and 580. We are not in favor of Webster taking on an additional burden for Alameda traffic, given projections of Project traffic we recognize that it will be inevitable unless there are serious mitigation efforts.

Figure A



<sup>9</sup> P.

**Traffic diverted by Project congestion will worsen the existing conflict on Webster Street between through traffic heading for the Tube, and its role as the “critical pedestrian and bicycle link from the waterfront to Chinatown”<sup>10</sup>**

II-7

Determining whether the Project is consistent with the Pedestrian Element must not overlook the effects of non-Project traffic that has been diverted to high pedestrian use areas by Project-caused congestions.

**The Criteria of Significance used in the intersection analysis discriminates against downtown residents, including those in California.**

II-8

An impact occurs in the Downtown area when traffic degrades to F, as compared to areas outside the Downtown, where falling to LOS E is deemed an impact.<sup>11</sup> There is similar disparity between Downtown and other neighborhoods when the LOS is unacceptable. Given the income levels and ethnicity of Oakland’s downtown population, this appears to be inconsistent with principles of Environmental Justice as expressed by AB 1553.

**The Criterion for a Parking Impact will undermine the effectiveness of transit incentives and other measures designed to reduce vehicle trips.**

II-9

“... although not mandated by CEQA, for purposes of this EIR, project effects on parking would be considered significant if the project’s estimated parking demand would not be accommodated by the proposed onsite parking supply or by the existing parking supply within a reasonable walking distance of the project site.”<sup>12</sup>

This standard for parking impacts encourages the Project to provide a parking space for every driver and precludes mitigation of unacceptable traffic conditions with parking management disincentives.

**The Criterion for Pedestrian Safety gives the false impression that it addresses Chinatown issues.**

II-10

Even though the description of the pedestrian safety threshold mentions Chinatown,<sup>13</sup> it filters out effects that are indirect and complex

**The DEIR proposes traffic mitigations that manage traffic flows and ignore vehicle trip reduction techniques.**

II-11

Proposed traffic mitigations would install traffic signals and signs, and reconfigure lanes to increase the through-put of vehicles. Although the massive scale of the Project presents opportunities to incorporate innovative mitigations into the Project (such as designing Project streets to give priority to transit), none are proposed. The only TDM measures appear as air quality mitigations rather than transportation.

**The impacts of street “improvements” and traffic controls that the DEIR proposes as mitigations of traffic impacts have not been evaluated for their potential impacts.**

II-12

For example, would the reconfiguration of turning lanes at 5<sup>th</sup> and Broadway (increasing the lane space available to vehicles turning south onto Broadway to reach the Jack London District) contribute to additional delay for vehicles going to Alameda?

<sup>10</sup> Page IV B-18

<sup>11</sup> Page IV b-21

<sup>12</sup> Page IV B-22

<sup>13</sup> Page IV B-23

**Calculate the maximum of parking spaces that Parking Mitigation adds to the Project.**

What are the impacts of these mitigations? How much square footage will the required parking add to the Project? What will be the effects in terms of esthetics, stormwater run-off, energy use?

II-13

**The discussion of pedestrian safety impacts in Chinatown is inconsistent with the DEIR analysis of transportation impacts.**

The following is a list of flaws in the DEIR discussion of the Project’s pedestrian safety impacts in Chinatown:<sup>14</sup>

- There is no description of baseline safety/hazard conditions;
- The discussion of pedestrian safety in Chinatown is unrelated to the Criterion of Significance (“result in unsafe conditions in high pedestrian activity areas”)
- The analysis relies on traffic volume as a proxy for safety but does not explain the relationship between the variables;
- The analysis assumes that the only increase in volume will come from vehicles traveling to Jack London Square from Chinatown and City Center, and fails to account for traffic diverted from the very congested conditions on Broadway.

II-14

The DEIR’s estimate of increased volume at buildout on Webster, 7<sup>th</sup>, and 8<sup>th</sup> Streets is 50 vehicles in the a.m. and 65 in the p.m. These numbers are not consistent with estimates of trips the Project will generate:

**Vehicle Trips Generated by Jack London Square Redevelopment<sup>15</sup>**

Weekday Trips	daily	am	pm
phase I	18,232	1,200	2,200
Phase II	29,914	1,734	3,035

II-15

The DEIR states that half of the Project’s traffic will use the freeway system to access the Project area,<sup>16</sup> leaving 1,517 trips on City streets. The DEIR contention that only 65 trips pass through Webster, 7<sup>th</sup> and 8<sup>th</sup> would mean only 4% of the trips approach the Project by means of Chinatown. The remaining 96% of the trips would use Broadway, 5<sup>th</sup> Street, and other streets with impaired access.

**A proper characterization of Chinatown safety conditions is needed, including collision incidence and trends**

II-16

**ALTERNATIVE PROJECTS**

[discussion that alternatives do not meet statutory requirements for lesser impacts]

II-17

<sup>14</sup> IV B-58

<sup>15</sup> IV B-25

<sup>16</sup> IV B-58

## II. OAKLAND CHINATOWN COALITION

II-1: The comment has been noted..

II-2 – II-17: The comments are repeated from Letter N in this FEIR. Therefore, see the corresponding numbered response in Letter N.

MEETING OF THE  
OAKLAND CITY PLANNING COMMISSION

Wednesday, October 1, 2003

6:30 p.m.

City Hall, One Frank Ogawa Plaza  
Hearing Room One  
Oakland, California

PARTIAL TRANSCRIPT OF PROCEEDINGS

JACK LONDON SQUARE DEVELOPMENT PROJECT

Taken before KAREN A. CRANGLE  
Certified Shorthand Reporter  
State of California  
C.S.R. License No. 3816

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On Wednesday, October 1, 2003, at the hour of  
7:00 p.m., at City Hall, One Frank H. Ogawa Plaza,  
Hearing Room One, Oakland, California, before me, KAREN  
A. CRANGLE, Certified Shorthand Reporter, the following  
proceedings were held. Present were:

- Commissioner Clinton Killian, Chairman
- Commissioner Nicole Franklin
- Commissioner Colland Jang
- Commissioner Suzie W. Lee
- Claudia Cappio, Major Projects Director
- Diane Henderson, Contract Planner
- Heather Lee, City Attorney
- Robert Thomas, Administrative Staff

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PROCEEDINGS

CHAIRMAN KILLIAN: Item number one, please.

MS. CAPPIO: This is a public hearing to consider the Draft Environmental Impact Report for a major redevelopment project at Jack London Square proposed by Jack London Partners. Diane Henderson, the project planner, will give the staff report.

MS. HENDERSON: Thank you.

Last November, November of 2003, Jack London Partners submitted an Environmental Review Application to the city to begin the process for consideration of redevelopment of Jack London Square.

As this project has been before you before, I won't go into tremendous detail, but for benefit of people who aren't familiar with the project, it's located on nine individual sites generally located between Clay and Alice and Embarcadero and the estuary. And then a single block just west of the Amtrak station.

The applicant's proposal proposes to construct up to 1.2 million net new square feet and demolish up to 161,800 square feet of existing commercial space.

After the city received the application they hired ESA to prepare an Environmental Impact Report and last February on February 19th held a public scoping session to determine what the contents of that EIR

1 should be.

2 Since that time ESA has worked on preparing the  
3 draft report and on September 8th the Draft  
4 Environmental Impact Report was published and made  
5 available to the public beginning the mandatory 45-day  
6 public review period, and in this case we gave it one  
7 extra day so it's a 46-day public review period.

8 The public review period ends on October 24th at  
9 4:00 p.m. So anyone interested in providing comments  
10 can either do it this evening at this Planning  
11 Commission hearing or can provide them in writing to the  
12 city.

13 It's actually preferable to receive the comments  
14 in writing, then we know that we have a very clear  
15 record of what the comment is.

16 Comments submitted in writing can be done two  
17 ways: They can either be mailed in to Claudia Cappio,  
18 Development Director, Community and Economic Development  
19 Agency, City of Oakland, 250 Frank H. Ogawa Plaza, Suite  
20 3330, and that's Oakland, 94612; or they may be e-mailed  
21 in to CCAPPIO at Oakland net dot com. Again, all  
22 comments need to be in by 4:00 p.m. on October 24th.

23 The purpose of receiving comments during the  
24 public review period is to comment on the accuracy and  
25 completeness of the EIR. The EIR explores potential

1 impacts of the proposed development and looks at  
2 alternatives. It evaluates the potential impacts and  
3 describes possible mitigation measures that may  
4 alleviate such impacts.

5 Tonight we are not talking about the specifics of  
6 the merits of the project but rather we're talking about  
7 the completeness of the EIR. So we ask people to limit  
8 their comments this evening to the EIR itself.

9 As you'll recall, on October 17th,  
10 Director Cappio presented a proposed schedule to you  
11 which the Commission reviewed and concurred with that  
12 sets forth a number of hearings that will be held on  
13 this project in the future.

14 And there will be future opportunities to discuss  
15 the specifics of the project.

16 That concludes my presentation. I'd like at this  
17 time to introduce to you Mr. Harold Ellis with Jack  
18 London Square Partners.

19 MR. ELLIS: Good evening, Mr. Chairman,  
20 commissioners. We look forward to hearing the comments  
21 from you commissioners this evening as well as members  
22 of the public.

23 We are listening to these comments very, very  
24 carefully. We will further shape and refine the project  
25 application to address each of these comments as we move

1 through the public review process.

2 I'd like to call upon Anna Shimko who is our  
3 entitlement counsel to make a few comments having to do  
4 with process. Anna?

5 MS. SHIMKO: Thank you, Mr. Ellis.

6 Commissioner Jang, I apologize, you've heard all  
7 of this before, but we did discuss this at the Design  
8 Review Committee of the Planning Commission last week  
9 for clarity purposes.

10 And before we get into the substance of the  
11 environmental impacts, I'd just like to mention a couple  
12 of things with respect to the process because there has  
13 been a bit of confusion expressed by members of the  
14 public in the past.

15 Jack London Square Partners in November of 2002  
16 applied for exactly what is discussed as the project in  
17 the Environmental Impact Report.

18 Jack London Square Partners also in September of  
19 2003 submitted an application for a Planned Unit  
20 Development Plan, Preliminary Development Plan, Major  
21 Conditional Use Permits, Variances, and a number of  
22 other things.

23 The PDP that we have applied for is also  
24 precisely the same as the project study in the  
25 Environmental Impact Report.

1           At the same time, Design Review Applications were  
2 submitted for most of the proposed building sites within  
3 the project. And you will see very briefly the  
4 buildings that have been proposed this evening before we  
5 take public comment.

6           However, the Design Review Applications for the  
7 buildings submitted basically represents a smaller  
8 envelope than the envelope of buildings in terms of both  
9 uses and potential square footage, height and bulk, than  
10 is represented in the PUD.

11           So if the PUD is approved, and the Design Review  
12 Applications are approved, it is highly likely that what  
13 has been proposed through the design review and final  
14 development plan applications will be built at this  
15 time; however, because we're looking at a project that's  
16 going to be built out over a series of years, it's very  
17 important to the developer to maintain flexibility to  
18 response to economic concern, to economic changes in  
19 terms of both use and size. So there could be changes  
20 over time.

21           Therefore, the project that is in the EIR remains  
22 the project that is the PUD, even though we have also  
23 applied for what is, in my view, a subset of that in the  
24 Design Review Application.

25           Now, as I mentioned last week, the project

1 applicant has also embraced at this point the Modified  
2 Development Plan alternative in the EIR, so we will be  
3 most likely making changes to our PDP application to  
4 reflect the Modified Development Plan alternative, and,  
5 depending on the comments received, possibly even  
6 something smaller than that.

7 So it could be by the time we get back to the  
8 Planning Commission for action, that the PDP Application  
9 becomes closer to the Design Review Applications but  
10 there will still be a size and use gap between those  
11 because the developer does need to maintain flexibility  
12 over time.

13 For the purposes of this hearing, obviously since  
14 it's the EIR that's being considered, the public, I  
15 would expect, and any comments, should focus on the  
16 broader envelope of the PUD application. Thank you.

17 CHAIRMAN KILLIAN: Thank you.

18 MR. ELLIS: We started working on this project  
19 with the Port of Oakland about three years ago. And the  
20 challenge that we saw at that time as we looked at it  
21 was that there were a few restaurants that did well,  
22 there were a small and struggling group of retailers,  
23 there was a large asphalt surface, series of parking  
24 lots, and limited open space for public use and access  
25 to the water. That's what we saw.

1           In looking at that, we felt that there were some  
2 significant opportunities. The most significant ones  
3 are we wanted to be able to create usable open space per  
4 the Estuary Plan; to create a new feature attraction  
5 that will draw people from the neighborhood, from the  
6 East Bay cities and from the region; add sources of  
7 employment that could enjoy the waterfront location and  
8 support the restaurants and retailers during the day;  
9 rehab and upgrade the existing buildings; strengthen the  
10 list of restaurants there; and add some entertainment  
11 venues.

12           The vision that we have come up with in pondering  
13 those challenges and opportunities is that it's a \$300  
14 million waterfront redevelopment with new office,  
15 retail, restaurant and entertainment spaces, along with  
16 a very high quality hotel and spa.

17           The project's centerpiece is the California  
18 Harvest Hall, a new 185,000 square foot consumer  
19 marketplace pavilion that will house the largest  
20 permanent celebration of food, wine, cooking and  
21 agriculture in the United States.

22           The California Harvest Hall will include a  
23 professional cooking school for vocational training and  
24 for recreational classes as well; Fresh Flavors, a daily  
25 fresh market of fruits, vegetables, meats, seafood

1 pastas, cheeses, baked goods and others; waterfront  
2 restaurants and California flavor quick cafes which are  
3 essentially extensions of local restaurants reflecting  
4 the vitality and rich diversity of California and the  
5 East Bay;

6 Special attractions such as the Chefs' Hall of  
7 Fame, which is a celebration of the lives, menus,  
8 restaurants and personalities of the great chefs  
9 complete with an annual induction ceremony;

10 Specialty retail shops that relate to food and  
11 its preparation;

12 A showcase expo of California food and wine  
13 companies, producers and agricultural products;

14 Outdoor family events themed to food, wine and  
15 cooking.

16 Harvest Hall is but a part of a larger vision of  
17 Jack London Square that includes a 250-room, four-star,  
18 full-service urban conference center hotel and spa; a  
19 new office building and the restoration of 66 Franklin  
20 Street to its original facade; a new state-of-the-art  
21 theater with six stadium seating auditoriums; additional  
22 restaurants; additional parking garage which will  
23 include neighborhood-serving retail.

24 The new Jack London Square will be distinctively  
25 different from any project that exists today, but it

1 will contain elements of San Francisco's Ferry Building,  
2 Copia in the Napa Valley, Pike's Place Market in  
3 Seattle, the Farmer's Market in Los Angeles, along with  
4 others across the country.

5 California Harvest Hall will be larger than any  
6 of these venues and more comprehensive as an ongoing  
7 celebration of California foods and harvest.

8 We've assembled a very strong and very bright and  
9 very talented team of consultants and experts to help us  
10 develop this concept and to move into the implementation  
11 phase as soon as we are entitled to do so.

12 On benefits, this will be a major implementation  
13 of the Estuary policy plan that was adopted in 1999; it  
14 will produce annual tax revenues to the city and county  
15 of \$3 million; 2,000 permanent jobs plus construction  
16 jobs; and importantly dozens of new entrepreneurial  
17 opportunities that arise out of the small business  
18 concentration or emphasis in the California Harvest Hall  
19 concept.

20 At the end of the day, this should be the most  
21 outstanding example of smart development anywhere in the  
22 Bay Area combining employment, entertainment, recreation  
23 and residential land uses all in proximity to strong  
24 transportation linkages.

25 I'd like to turn the presentation over for a

1 brief review of the physical aspects of the project to  
2 Steve Worthington of Hellmuth, Obata and Kassabaum.  
3 Steve is the head of design in the San Francisco office  
4 of HOK.

5 MR. JANG: How long is the slide presentation?

6 MR. WORTHINGTON: Four to five minutes. I'm  
7 going to go through this very quickly here.

8 This is an overall view of the project from the  
9 south looking at the development sites.

10 There's nine sites in total that begin from the  
11 left stepping across and line Water Street ending at  
12 Alice on the right side.

13 This is the basic idea plan for the development  
14 of the master plan which has as its heart Water Street  
15 developing a vibrant series of open spaces that are new  
16 to Jack London Square and refurbished and a series of  
17 tightly knit retail quarters that connect existing  
18 retail with additional retail and service venues and  
19 entertainment venues along Water Street's spine.

20 There's a series of new open spaces and modified  
21 and enhanced open spaces beginning with Site C which is  
22 at the western edge of the project site. And it  
23 envisions developing a new green and retail space at  
24 that corner.

25 The refurbishment of the foot of Broadway and the



1 movement of some of the vehicle drop-offs closer to  
2 Embarcadero providing greater access along Water Street  
3 from east to west.

4 The creation of a new plaza between the Harvest  
5 Hall on the right, the foot of Webster and 66 Franklin  
6 on the left that we're calling Celebration Plaza that's  
7 a very major focus for all of our events that are food  
8 related, it will be a garden, it will be a festival  
9 marketplace.

10 And the last of series of four spaces is the  
11 creation of a new green we're calling the East Green  
12 that is in front of the Harvest Hall adjacent to  
13 Harrison and Webster, foot of Webster, and it's  
14 envisioned to be like the Marina Green like along  
15 Aquatic Park in San Francisco.

16 This is an elevation of Site C, which is a  
17 two-story retail building.

18 The Port building is on the right.

19 This is Site D, the new art house for six  
20 theaters and retail space at the foot of Broadway.

21 This is the site for Pavilion 2 which are two  
22 small pavilions in front of Barnes and Noble. This is  
23 an elevation looking at it from Water Street.

24 This is 66 Franklin, the existing facade that's  
25 refurbished behind the 66 renovation. This is an

1 elevation facing the green of the Harvest Hall.

2 And this is Site G, the parking structure that's  
3 adjacent to the Amtrak station, and this is F-2, office  
4 building on the left, parking structures, hotel and  
5 office on the right.

6 And this is the new proposed hotel, 250-room  
7 convention, conference hotel.

8 Thank you.

9 CHAIRMAN KILLIAN: Are we ready for the public  
10 speakers? Ms. Cappio has your card.

11 If you wish to speak, please fill out a card, a  
12 white card for speakers. Miss Cappio will call five  
13 cards. How many speakers do we have?

14 MS. CAPPPIO: I think at last count 18 or 19.

15 CHAIRMAN KILLIAN: She'll call you in sections of  
16 five. Please come forward, state for name for the  
17 record, and please speak clearly into the podium.

18 Again this is just to obtain comments on the  
19 Draft EIR.

20 MS. CAPPPIO: Per speaker how much time?

21 CHAIRMAN KILLIAN: Two minutes. This is just for  
22 your comments so they can be responded to and there's no  
23 vote being taken tonight and there's no approval  
24 tonight. This is simply a session for public to voice  
25 their input into the Draft EIR procedures.

1           So with that would you call the first five  
2 speakers?

3           MS. CAPPIO: Naomi Schiff, Joyce Roy, Sandra  
4 Threlfall, Gary Knecht, and Simon Waddington.

5           CHAIRMAN KILLIAN: Please come forward.

6           MS. SCHIFF: Naomi Schiff, Oakland Heritage  
7 Alliance. I'm only going to -- I'm going to try to  
8 limit myself. Alan Templeton has ceded me some time; I  
9 hope I may use that.

10           First thing I would like to do is show a picture  
11 which is a tracing of something which appeared in this  
12 colored Xerox thing. Can you see this? Do you see the  
13 little black spot in the corner of this ugly tracing?  
14 That little spot is Heinold's First and Last Chance  
15 Saloon. You'll notice that it is really small in  
16 comparison to the big square.

17           The big square is the large building looming over  
18 it. Heinold's has a square footage of under 1100 square  
19 feet and Oakland Heritage Alliance believes that it has  
20 not been sufficiently studied by this EIR, how to make  
21 it work in this project.

22           It certainly does not need to become a mascot for  
23 a gigantic glassy building. It must stand free of the  
24 building and it needs to be treated so that it doesn't  
25 just become pheasant under glass as part of the food

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1 hall; it really has an existence in its own right and  
2 should not really become an exhibit.

3 And the EIR is entirely inadequate in addressing  
4 this. It does admit that it is a historic landmark in  
5 many different categories and that it is a valuable  
6 building, and when we have a valuable building then we  
7 need some really serious mitigations, and those  
8 mitigations are not presented.

9 The only things we have here as mitigations are  
10 measures for keeping it from sinking into the drink and  
11 that is not adequate.

12 The area is named for a person named Jack London.  
13 Jack London was not a real estate developer. The  
14 connection needs to be reinforced rather than glossed  
15 over.

16 There needs to be much more attention paid in the  
17 EIR to strengthening the relationships between  
18 Heinold's, the non-historic but nonetheless interesting  
19 log cabin, the wolf memorabilia, and to make some kind  
20 of connection with the past. It will help this market  
21 area named after Jack London to do so and it really  
22 should be part of the mitigations that should be  
23 addressed.

24 One of the things about the Estuary Plan --

25 CHAIRMAN KILLIAN: Excuse me. Your time -- oh.

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1 MS. CAPPPIO: We have Alan Templeton.

2 MS. SCHIFF: You know, the developer spoke for an  
3 hour and 45 minutes at the Design Review Hearing --

4 CHAIRMAN KILLIAN: Hold it, Ms Schiff --

5 MS. SCHIFF: -- and I didn't get to speak.

6 CHAIRMAN KILLIAN: Hold it. This is not the  
7 forum for this. First of all, any comments you wish to  
8 make in writing can still be submitted --

9 MS. SCHIFF: I will do that --

10 CHAIRMAN KILLIAN: Out of courtesy to everyone  
11 else who is here to speak, please be aware that everyone  
12 is going to adhere to the time, so if you ceded --

13 MS. SCHIFF: Alan Templeton.

14 CHAIRMAN KILLIAN: Thank you. Please continue.

15 MS. SCHIFF: The Estuary Plan does not seem to be  
16 adhered to in this development.

17 Movie-going is an indoor activity; shopping does  
18 not constitute a recreational activity related to the  
19 water. Educational and cultural programs and  
20 interpretive facilities seem to be non-existent insofar  
21 as things that might be related to a spectacular  
22 waterfront location and as required by the Estuary Plan.  
23 We will cite chapter and verse in our letter. But this  
24 doesn't really make sense in regards to our own General  
25 Plan and our Estuary Plan.

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1           Therefore, the EIR needs to address those things  
2 and to tell us how it's going to fit in and what  
3 alternatives and mitigations might apply.

4           I question why there is an 18-story hotel here  
5 instead of at 12th and Broadway as planned.

6           I believe this EIR should address competitive  
7 uses both with this hotel and also with the produce  
8 market.

9           The single most serious problem with this EIR is  
10 that it does not address the fact that this is an  
11 installation of a use which may well kill our historic  
12 wholesale produce market, the source of Alice Waters'  
13 vegetables, and a very important historic use very close  
14 to this place.

15           This is an opportunity, and I want to urge  
16 Planning Commission to really stress in reviewing this  
17 EIR, that this is our chance to really make use of our  
18 own wholesale produce district, to preserve its  
19 interesting architecture, to find a way to serve the  
20 small businesses that are in the produce district, to  
21 get them some truck docks, and to make that coordinate  
22 with this new plan.

23           It is really a misunderstanding I think in this  
24 Environmental Impact Report that you could simply create  
25 a food area for the city and not take any notice of the

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1 historic way that that has developed in our city both in  
 2 Chinatown and in the produce market.

3 And I want to stress that the produce market is  
 4 something we have been watching for many years before  
 5 this project came up so it is a well-known controversy  
 6 and difficult to deal with it but that doesn't mean we  
 7 can ignore it.

8 Thank you very much.

9 CHAIRMAN KILLIAN: Thank you. Next speaker,  
 10 please?

11 MR. WADDINGTON: My name is Simon Waddington.  
 12 I'm a resident of the area for nine years; I live on  
 13 3rd Street.

14 I'd like to make some comments. I believe this  
 15 Draft EIR document does not include the conclusions of  
 16 the Bay Conservation Development Commission, Seaport  
 17 Plan, that predicts a doubling of truck and rail traffic  
 18 through the area by 2020.

19 I believe it does not consider the impact of  
 20 proposed mitigations for lost air conditions at 5th and  
 21 Broadway on pedestrian safety and access up Broadway to  
 22 12th Street BART.

23 I believe it does not consider the traffic flow  
 24 out of the area by 880 south which is severely  
 25 restricted at peak p.m. hours. I see this from my

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1 window every day that traffic on the freeway is a total  
2 crawl. And all the mitigations just improve traffic  
3 flow through the intersections onto the freeway but once  
4 it's on the freeway there's no way to go right now.

5 And there are several of those onramps that are  
6 now metered and will not be able to take any more  
7 traffic.

8 I believe the EIR does not offer an effective  
9 mitigation that accounts for the limited traffic flow to  
10 Alameda via the tube during peak p.m. and a.m. hours.

11 I believe it does not account for the  
12 impossibility of using 2nd, 3rd and 4th Streets past  
13 Franklin during all hours except 2:00 p.m. to 8:00 p.m.  
14 which is caused by the produce market activity.

15 Anyone who lives in that area knows those streets  
16 are impossible during those times.

17 And I believe it does not account for the impact  
18 of all the new developments that have been approved  
19 including 600 -- 400 residential units and 160,000  
20 square feet of office and commercial space and five  
21 major buildings including 600 residential units and 20  
22 retail units that were built since -- or occupied since  
23 the traffic flow studies were done in 2002.

24 Anyone who lives in that area has seen a dramatic  
25 increase in traffic already. And I believe it really

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1 needs to be studied in the Draft EIR.

2 If anyone would cede some time I have a few more  
3 comments.

4 MR. BURKHALTER: Peter Burkhalter cedes time.

5 MR. WADDINGTON: Okay. The Draft EIR does not  
6 fully account for BART and bus usage. The figures for  
7 BART and bus trips in the Draft EIR only account for 13  
8 percent of the total trips. That are protected.

9 And a recent -- the 2002 Downtown Worker Survey  
10 actually had that figure that 24 percent of all trips  
11 were made by transit. I believe the Draft EIR does not  
12 fully consider the impact of this project on current  
13 transit and necessarily allow for things that will  
14 improve transit use.

15 I do not believe it accounts for extra traffic  
16 caused by cars circulating looking for parking in the  
17 area because as I think someone will point out later,  
18 there is a predicted shortfall of at least 1,000,  
19 possibly 2,000 parking spaces caused by this  
20 development.

21 In summary, I fail to see how the predicted  
22 average 24,000 trips per day to this area can be  
23 accommodated, let alone the 30,000 trips on the weekend  
24 or projected 40,000 trips per day during peak times such  
25 as Christmas and much, much higher trips during events

1 such as the lighted boat parade and 4th of July.

2 Anyone who lives in that area knows the place  
3 comes to a complete standstill even with the current  
4 levels of traffic such that the Oakland PD frequently  
5 has to shut off most of the streets.

6 And I believe this Draft EIR desperately needs to  
7 include a more extensive and detailed traffic study.  
8 And I would suggest we have a computer simulation of  
9 traffic flow that adequately accounts for the limited  
10 traffic flow through the tube, limited traffic flow on  
11 880 during peak hours, the fact that there's virtually  
12 no traffic flow through the produce market outside of  
13 2:00 p.m. to 8:00 p.m., anticipated doubling of truck  
14 and rail traffic in this area by 20/20, and the effect  
15 of circulating traffic looking for parking.

16 Thank you.

17 CHAIRMAN KILLIAN: Thank you. Next speaker,  
18 please.

19 MS. CAPPPIO: Mr. Chairman, Gary Knecht, two  
20 speakers have ceded their time to him.

21 CHAIRMAN KILLIAN: This is not Mr. Knecht  
22 speaking.

23 MS. CAPPPIO: I'm sorry. I thought you were  
24 speaking, Gary. Joyce Roy.

25 MS. ROY: My name is Joyce Roy and I'm speaking

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1 tonight on behalf of the Sierra Club, a northern Alameda  
2 County group.

3 Jack London Square was designated in the Estuary  
4 Plan for recreational and educational purposes, not for  
5 a shopping mall.

6 People come to the estuary for its fresh air, for  
7 its light, for a view of the waterfront from open  
8 spaces, not to shop in an air-conditioned mall.

9 They come for festivals that fill the spaces like  
10 the space in front of the Oakland Port building which  
11 they propose a building on that space. And that now,  
12 that whole space, the green and the parking is used for  
13 festivals.

14 The downtown and upper Broadway, that is the  
15 place for retail, that is the place for hotels, that is  
16 a transit location for these uses. These uses do not  
17 belong in a transit-challenged area like this. I mean  
18 you can see from the humongous kind of parking garages  
19 that they propose down here that this is not a  
20 transit-friendly place; this is not a place to put large  
21 activities, this regional sort of shopping mall.

22 Shopping malls at the edge of cities are known to  
23 create suffering in the downtown areas of cities all  
24 over and we're just saying that this is -- this can  
25 happen here. And it's okay, we're not looking.

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1 I think that this Planning Commission should  
 2 insist that the EIR look at the larger picture and its  
 3 effect on the whole of Oakland for this project. How is  
 4 it going to deplete development, possible development,  
 5 in our downtown area near transit.

6 Thank you.

7 CHAIRMAN KILLIAN: Thank you. Next speaker,  
 8 please.

9 MR. KNECHT:

10 MR. KNECHT: For the record I'm Gary Knecht; I'm  
 11 present of SONIC, South of the Nimitz Improvement  
 12 Council. My wife and I have been business owners, we  
 13 have been property owners, and we have resided in this  
 14 district for more than 21 years.

15 Are we worried about the time that I have?

16 CHAIRMAN KILLIAN: Just keep talking. We'll  
 17 figure it out.

18 MR. KNECHT: But I'd love to be able to talk to  
 19 you directly.

20 I have been before this body on any number of  
 21 occasions to talk about parking in this area.

22 Tonight I want to do something that includes  
 23 parking but also has a couple of other points.

24 I would love for the new restaurants, for the  
 25 access to fresh food, and for the art house movie

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1 theater that are part of this project to be there today.  
2 And I absolutely support that.

3 Today we're here, however, to talk about the  
4 Environmental Impact Report. And I doubt that any of  
5 you really sat down and read the section that Simon  
6 talked about a little bit earlier and understood it. I  
7 certainly didn't and I've looked at a lot of these.

8 And there are just two things I want to point  
9 out. The first is that this area, the projects at the  
10 bottom of this map here, this area, the Jack London  
11 district, if you like, has been described in a number of  
12 different places as a limited access area.

13 And I don't think the Environmental Impact Report  
14 really tells you that, really deals with that question.  
15 And I think if you look at the red arrows on this plan  
16 (indicating), you see where you get into the area to the  
17 project, and where you can leave it.

18 And there are, on the west end, two streets that  
19 are two-way and one that brings you in 5th Street.

20 On the north side you have 880 freeway and you  
21 can get through two ways, on MLK, on Washington, which  
22 only goes to 10th, and on Broadway.

23 You then have a little cuplet that I don't want  
24 anyone to know about because it's my secret back way in  
25 on Webster and Webster Place, then you have Jackson

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1 Street which is a major freeway access point, it runs  
2 two ways, Madison Street one way into the district, and  
3 Oak Street.

4 Oak Street most people think of as a one-way  
5 street but it's actually two ways and it brings traffic  
6 coming from San Jose direction on the freeway into the  
7 district. As does Broadway.

8 Then you have the freeway onramp which obviously  
9 is one way; and finally, you have Embarcadero, which  
10 takes you towards Fifth Avenue.

11 There are basically 12 access points. And the  
12 traffic analysis has looked more or less at parts of all  
13 of them, some of them in great detail. It has  
14 identified significant and unavoidable problems at  
15 Broadway and 5th, and at Oak and 5th. And that's  
16 just -- it's also identified problems with air pollution  
17 as a result of vehicles waiting and looking for parking  
18 and looking for ways in and out of the district.

19 If you've ever been there, any of the major  
20 events, it's, as Simon said earlier, the place can close  
21 down, they close the freeway on and offramp, and what  
22 you have to ask, you have to ask your EIR consultants to  
23 do, is to take a very simple look at the capacity of the  
24 existing roads to handle vehicles.

25 Because no matter what alternative mode of

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1 transportation you use, if it has four rubber wheels and  
2 operates on existing road surfaces, even if it carries  
3 50 people, there will be a problem.

4 And nowhere in this EIR do I get any sense of  
5 whether -- I get a sense that we're asking for trouble  
6 and we're pushing the envelope here.

7 And because I want this project to be a success,  
8 I know you want this project to be a success, I know the  
9 developers want this project to be a success, I think  
10 this is a critical missing element from everything we've  
11 talked about.

12 Because if, as someone described it, this is a  
13 shopping mall, parking becomes a highly important  
14 factor, and a lot of folks are going to arrive by  
15 automobile rather than alternate modes of transit. And  
16 I think Oakland has a Transit First policy that it's got  
17 to pay attention to and got to make work and figure out  
18 how, through the mitigation process, to make it work.

19 I urge you to tell the EIR consultants to go back  
20 and look at each of these and make a very simple  
21 explanation of what the overall capacity is. We're told  
22 in the EIR this project is going to generate 25,000  
23 daily trips and 30,000 on the weekends.

24 Help me understand. How many trips are there  
25 today? Does anybody have any idea whether this is a

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1 2 percent increase or a 200 percent increase?

2 I'm sorry. Was that four minutes or six minutes?

3 MS. CAPPPIO: Five.

4 MR. KNECHT: Do I get my other minute?

5 CHAIRMAN KILLIAN: Maximum ceded time is five  
6 minutes, sir. You've had over five minutes now.

7 MR. KNECHT: I have six minutes of material.

8 CHAIRMAN KILLIAN: You can submit any comments in  
9 writing as well and they will be considered. Our rules  
10 say that the maximum that can be ceded to you is five  
11 minutes.

12 MR. KNECHT: I did not see that in the written  
13 material I looked at.

14 CHAIRMAN KILLIAN: Right here in every material  
15 we have (indicating).

16 MR. KNECHT: May I ask indulgence for one more  
17 minute?

18 CHAIRMAN KILLIAN: Why don't you let the speaker  
19 standing behind you have her turn to speak and you can  
20 wrap up then.

21 MR. KNECHT: Thank you.

22 MS. THRELFALL: Good evening, Commissioners. My  
23 name is Sandra Threlfall.

24 I don't think I'm adding very much new. The  
25 gentleman two before me had mentioned that the Port plan

1 is to get up to 50 trains a day in that very corridor.  
2 And I see on B.2a, traffic signals at Embarcadero and  
3 Broadway, Embarcadero and Webster, 3rd and Broadway,  
4 signals have a way of backing up, trains have a way of  
5 backing up.

6 My concern, and I think Gary is doing it much  
7 better with graphics, is that we're creating a log jam,  
8 we're creating a -- every time a signal turns red we  
9 hope cars stop. Trains don't stop for colored lights.  
10 So there's a real issue of how we move people around  
11 within the district in a safe way. And I think this is  
12 something that the EIR needs to take to the next level.

13 I'm also very concerned about pedestrian safety.  
14 Yes, there is an addition of one bridge, there is a  
15 citation that there will be a pedestrian signal at  
16 Embarcadero and Broadway. Again, you're competing with  
17 trains. And the cars that have backed up behind lights.

18 Bridges are expensive but bridges are safe. We  
19 could try undergrounding but you get into water table  
20 issues. Along the waterfront.

21 The issue I would like to see explored in the EIR  
22 is the notion of storm runoff, water quality, and  
23 recycled water use to keep the dust down.

24 All of these issues are very critical to the  
25 health of the estuary. There are some very cutting edge



1 things going on to reduce almost to zero any runoff  
2 issues which is also a way of replenishing our water  
3 table.

4 I would like the EIR to explore these  
5 alternatives. I think it's important for the health of  
6 the estuary and all of us.

7 Thank you very much.

8 CHAIRMAN KILLIAN: Thank you. Now Mr. Knecht,  
9 you can have one more minute.

10 MR. KNECHT: I appreciate your indulgence. Thank  
11 you.

12 Very serious concern comes in addressing the  
13 infrastructure improvements that are going to be  
14 required under any mitigation. The question is who pays  
15 for them? How much are we paying for? How much are we  
16 deferring till another City Council comes in to have to  
17 deal with, and how much is the developer picking up?

18 One other point, I can't leave without mentioning  
19 parking. There is Table IV B.17 that deals with city  
20 off-street parking requirement by phase site. It shows  
21 a shortfall of 116 spaces but it doesn't recognize the  
22 removal of an additional 688 spaces by new construction.  
23 And you have an obligation to make sure those 688 spaces  
24 existing spaces are not lost from the inventory in the  
25 area.

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1 And with that I am done. Thank you very much.

2 CHAIRMAN KILLIAN: One thing. Do you have a  
3 reduced graphic of this model?

4 MR. KNECHT: I'm sure KTOP could provide it. I'm  
5 sure your traffic consultant --

6 CHAIRMAN KILLIAN: No, since you did present it  
7 it should be part of the EIR package --

8 MR. KNECHT: It certainly will be part of the  
9 submittal that I make.

10 CHAIRMAN KILLIAN: Just reduce it so the graphics  
11 can be part of it.

12 MR. KNECHT: Thank you.

13 CHAIRMAN KILLIAN: Could you call the next five  
14 speakers?

15 MS. CAPPPIO: Christoher Invernarity, Anna Naruta,  
16 Julia Liou, Cynthia Shartzter, and Steve Lowe.

17 MR. INVERNARITY: Good evening, Commissioners.  
18 Christopher Invernarity. I've been a resident of the  
19 district for a little over two years.

20 A project of this scope and size requires a large  
21 amount of parking to be successful. Building G is the  
22 structure that is supposed to satisfy the bulk of  
23 parking requirements for this project.

24 Unfortunately, even after this project is  
25 completed, or actually after this parking structure is

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1 completed, there will be an extreme shortage of parking  
2 in the neighborhood as a whole.

3 Phase I, Table IV.17, shows a shortfall of 336  
4 parking spaces after construction of Building G.  
5 Unfortunately Table IV.17 neglects to mention the impact  
6 of removing surface spaces at Site F1 next to the  
7 Spaghetti Factory. That lot will lose half  
8 approximately of its spaces; that's about 300 spaces.

9 So actually what you end up with is a shortfall  
10 of well over 600 spaces just in terms of the Municipal  
11 Code parking requirements.

12 When we look further into the EIR we see even  
13 more extreme problems. After Phase I there will be a  
14 shortfall of over 1300 parking spaces on a non-peak  
15 weekday and over 2,000 on a weekend. This problem of  
16 course grows as the project hits Phase II.

17 These figures include allowances for shared  
18 parking and parking available from the Washington Street  
19 garage and are for the non-business season special event  
20 periods.

21 With the construction of the project we see an  
22 increase in traffic in areas that already have an LOS  
23 rating of F and a lowering of areas that are not yet  
24 rated as F.

25 The project will also attract residents from Jack

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1 London warehouse district which has a significant  
2 residential warehouse population. And we're not sure  
3 how pedestrians from the district reach the project  
4 safely, or the grocery that's proposed for Site G when  
5 2nd and 3rd Streets become major traffic thoroughfares.

6 Along with the increase in traffic come  
7 significant increases in noise and safety -- can I just  
8 wrap up?

9 CHAIRMAN KILLIAN: Sure.

10 MR. INVERNARITY: -- never-ending chorus of car  
11 alarms set off by trains in the garage and will also  
12 have an increase in pollution. I don't believe the  
13 noise factor has been addressed in the EIR.

14 To close, I'd just like to say the plans to  
15 increase our quality of life and land values, that's  
16 great. But if the plans mostly revolve around  
17 increasing traffic, pollution and noise and decreasing  
18 the quality of life in the district, that's not okay.

19 We need to find a plan that doesn't unduly burden  
20 the district with traffic and pollution and we certainly  
21 want to see this be a successful plan for the retailers  
22 as well.

23 Parking is extremely important to them and  
24 traffic is important as well and we need to find a way  
25 to make that work.

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1 Thank you very much for your time.

2 CHAIRMAN KILLIAN: Thank you. Next speaker,  
3 please.

4 MS. NARUTA: My name is Anna Naruta and I'm a  
5 resident of downtown Oakland.

6 One week ago when we were treated to a lengthy  
7 presentation from the developer we heard Hal Ellis say  
8 when they were thinking about the concept for this  
9 development we landed on the concept of food. Okay.

10 This concept, the problem with this development  
11 is it's not being tied to the place that's there  
12 already.

13 I mean this is a classic example of you want to  
14 set something up where somebody says, "There's no there  
15 there," we don't want to destroy the historic resources  
16 that are there.

17 He's describing this week this development as  
18 something that makes Oakland, has a little bit of  
19 San Francisco pier, little bit of Napa, little bit of  
20 etcetera.

21 Well, Oakland is not San Francisco pier, Oakland  
22 is not Napa, and for very important reasons. We have  
23 our own history, and our own development, and so we will  
24 really want to take time and study and see what kind of  
25 project we can make in this area that actually

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1 incorporates the history that's there, incorporates the  
2 produce district, incorporates the warehouse district.

3 These two districts are contiguous or connecting  
4 with also the Chinatown district and the 7th Street  
5 Harrison district. We really have one of the most  
6 preserved kind of corridors or areas of Old Oakland from  
7 its formative development so I'd like to see the EIR  
8 take a look at these important districts there and how  
9 should the project think about those districts.

10 Also to echo what Joyce Roy was saying, the EIR  
11 should take a look at the impact of this project on all  
12 of Oakland, particularly the downtown commercial areas.  
13 Or it's not being fair to Oakland.

14 And one last thing to mention. Heinold's, you  
15 know, it's tiny, it's little, but it is important; it's  
16 from a really intensely formative period of Oakland and  
17 we don't want to just kind of wall it up into something,  
18 have it absorbed or be a mascot of something; we want it  
19 to be interpretive as its own thing.

20 Thank you very much.

21 CHAIRMAN KILLIAN: Thank you. Next speaker,  
22 please.

23 MS. LIOU: First I want to thank the Planning  
24 Commission for this opportunity to come speak to you  
25 today.

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1 My name is Julia Liou and I'm here on behalf of  
 2 the Oakland Chinatown Coalition and Chinatown community.  
 3 Although we're still in the process of reviewing the  
 4 EIR, we're very concerned whether this EIR scrupulously  
 5 fulfills the requirements of CEQA. But I'd like to make  
 6 a couple of specific points.

7 First, the general approach of the Draft EIR  
 8 undermines serious environmental review, defines a  
 9 project that is larger and more grandiose than what is  
 10 likely to ever be developed. It acknowledges its  
 11 impacts cannot be mitigated and as a result it seems  
 12 apparent that the city staff expects the Planning  
 13 Commission and the City Council to make findings that  
 14 the city should consider these environmental impacts as  
 15 an acceptable price to pay.

16 This would then mean that the developers would be  
 17 free to develop whatever they like with no further  
 18 environmental review necessary and no serious effort to  
 19 reduce or eliminate impacts.

20 My second point. The EIR almost completely  
 21 ignores impacts on Chinatown. Chinatown is not  
 22 considered part of the vicinity of the proposed project.  
 23 We are very surprised that no intersections within  
 24 Chinatown are evaluated. Impacts of air quality, noise,  
 25 the land use conflicts and traffic on Chinatown need to

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1 be considered and mitigated. Mr. Falaschi, one of the  
2 developers, has met with some Chinatown (unintelligible)  
3 and has stated that Chinatown will not be impacted. We  
4 would like the studies that indicate minimal impact or  
5 no impact on Chinatown.

6 Third, we would like to request that the review  
7 period be extended to 90 days. The review period set by  
8 the city barely satisfies an absolute minimum required  
9 by state law for this project which requires a review by  
10 a number of state agencies. It is also a very  
11 complicated EIR.

12 Lastly, we'd like the Planning Commission to  
13 start thinking about the findings of overriding  
14 considerations that they will be called upon to make if  
15 they decide to approve this project. We understand the  
16 need for development of parts of the city but really  
17 this shouldn't be done at the expense of the Chinatown  
18 community.

19 Thank you.

20 CHAIRMAN KILLIAN: Thank you. Next speaker,  
21 please.

22 MS. SHARTZER: My name is Cynthia Shartzter. I'm  
23 a member of the Lakeside Apartment Neighborhood  
24 Association. I support the previous speakers. And I  
25 continue to speak to the importance of respecting

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1 historic resources, their views and settings.

2 I've had the good fortune to visit waterfronts  
3 from Sydney Harbor to Alexandria Egypt; each reflects  
4 the history, scale, open space and culture of the  
5 respective waterfront. Sydney Harbor is Sydney, not  
6 Oakland. I love downtown Oakland because of its  
7 walkability, open space and waterfront. I've enjoyed  
8 Jack London Square during the Port Fest Dragon Boat  
9 Races and Farmers Market.

10 Historic Heinold's First and Last Chance Saloon  
11 is unique to Oakland and Jack London Square. I appeal  
12 to the commissioners to respect and preserve the unique  
13 quality that makes Oakland special.

14 Thank you.

15 CHAIRMAN KILLIAN: Thank you. Next speaker,  
16 please.

17 MR. LOWE: Steve Lowe, Jack London area resident  
18 for 13 years. And developer here for 30. Failed  
19 developer now.

20 But anyway, it's kind of weird to come in here  
21 and talk to you about a project in Jack London and have  
22 to comment on the Army base at the same time.

23 It makes absolutely no sense if you're going to  
24 mitigate traffic coming through the Jack London area  
25 that the Port -- that's the destination to put a Costco

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1 on the Army base to complicate the matter of throughput  
2 for the area.

3 So I think that what's missing here, as several  
4 other people have addressed, is that this project is not  
5 big enough. It really needs to be more comprehensive,  
6 include the area across the tracks at whose expense it  
7 is being built, so that the produce market can be saved  
8 and lower Broadway which has very significant buildings  
9 on it can also be incorporated into this project. And  
10 that the whole area will seem like a destination to  
11 people who would come here from elsewhere to participate  
12 in it.

13 How can it make sense for somebody to have to  
14 walk through the Embarcadero area right now with its  
15 porn shops and all that kind of stuff just to get over  
16 to the Emerald Isle or whatever it is that's going to be  
17 created there in Jack London Square. Which,  
18 incidentally, is, you know, subsidized by the Port and  
19 at the expense of everybody who lives across the tracks.

20 And I'm not wanting at all for this project to  
21 fail. I think it's an important project, it's -- a lot  
22 of it is well thought out, but it needs to be  
23 incorporated into the district across the tracks. And  
24 the Chinatown, Old Oakland, the whole setup. We have to  
25 start thinking more comprehensively about planning in

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1 this city.

2 CHAIRMAN KILLIAN: Thank you. Could you call the  
3 next five persons, please.

4 MS. CAPPIO: There's only four left so I'll call  
5 the remaining speakers.

6 Kevin Dawson, Joanna Adler, Sanjiv Handa and Ormo  
7 Sooson.

8 MR. DAWSON: Good evening. My wife and I are  
9 residents, property owners, business owners in the  
10 district. We've been here about two years.

11 Looking at --

12 CHAIRMAN KILLIAN: State your name for the  
13 record, please.

14 MR. DAWSON: Kevin Dawson. I'm sorry.

15 In looking at the plan, I'm genuinely excited  
16 about the plan. It brings things that I think are much  
17 needed to the area: Additional restaurants, the art  
18 house theater, food, hopefully more festivals, certainly  
19 more retail.

20 But when I look at the EIR I'm very concerned  
21 certain things are not being addressed adequately in  
22 that.

23 Specifically I have two general issues. First of  
24 all, the cultural resources, and secondly, the  
25 transportation.

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1           On the cultural issues, we seem to have kind of a  
2 lack of a cohesive plan. It looks like point solutions  
3 center around these nine tracks of land. The  
4 landscaping, you know, the architecture, the estuary;  
5 none of these things seem to relate to each other.

6           And how that affects the cultural resources, the  
7 Port area specific to Jack London has a very rich  
8 cultural history. There's a Jack London -- Heinold's  
9 has been mentioned; there's also the container cranes  
10 which I think add certainly an interesting architectural  
11 element which could be exploited into further --  
12 emphasize the cultural emphasis of Oakland specific to  
13 itself, not to San Francisco.

14           The green spaces, one of the green spaces is  
15 being cut in half. Specifically the one that is in  
16 front of the Port building now. Simply putting that  
17 somewhere else doesn't produce significance that we're  
18 actually reducing the amount of green space that  
19 currently exists and moving it over there and making it  
20 smaller. It's obvious no one looks at the way it's  
21 being used now.

22           Finally, transportation. Very quickly, the EIR  
23 does not seem to address trash pickup and deliveries.  
24 How is that going to get in and out of here? Because  
25 that's very significant; if we have two floors of retail

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1 how are we going to get trash in and out of there and  
2 what sort of impact?

3 It's car-centric. Parking doesn't address the  
4 dangers and pedestrian dangers.

5 CHAIRMAN KILLIAN: Thank you. Next speaker.

6 MS. ADLER: Hello. My name is Joanna Adler. I  
7 represent the Jack London Merchants Association as well  
8 as being a business owner myself in the area.

9 I'm also a resident of the area for the last four  
10 or five years.

11 I want to speak to a couple of things that I  
12 mentioned back in November when the plan first came  
13 about. And that's public transportation in the  
14 district.

15 And that one idea that we had was to find a way  
16 to bring public transportation and make that in and of  
17 itself an attraction, something along the lines of a  
18 cybertran or a monorail or something to help traffic get  
19 in and out of the area versus just saying it's  
20 unmitigatable, that the traffic is going to be a  
21 problem.

22 The other thing I want to address is placement of  
23 the buildings just doesn't make sense. Putting a  
24 parking garage three blocks away, four blocks away from  
25 the core area of Broadway and Embarcadero in the

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1 residential area, first of all I don't want to hear the  
2 car alarms every time the train goes by because we hear  
3 them now with the limited parking that is done in the  
4 train station lot as it exists now.

5 If the retail could be improved, all of the  
6 merchants would love that and you'd see less merchants  
7 pulling out than you see now. There's a lot of empty  
8 merchant spaces, retail spaces empty in the Jack London  
9 Square proper area along Water Street as it exists now.  
10 The plan doesn't make that better for those merchants  
11 and it doesn't attract more merchants. It simply  
12 spreads them out even further by adding Harvest Hall.

13 I'm not against Harvest Hall; I just think it  
14 could be placed closer to the core area and it could be  
15 improved with the district that already exists in that  
16 area, to have a better feel for someone coming down to  
17 the end of Broadway and seeing that there's lots of  
18 places to walk in a very more dense area.

19 That's all I have to say. Thanks.

20 CHAIRMAN KILLIAN: Thank you. Next speaker,  
21 please.

22 MS. SOOSON: My name is Ormo Sooson. I'm with  
23 the Lakeside Apartments Historic District.

24 We've tried in the past several times to develop  
25 Jack London Square and we need to look beyond simply,

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1 well, if we build it they will come.

2 For one thing, these streets are awfully narrow.  
 3 They cannot carry very much traffic. You don't have,  
 4 you know, like three lanes in either direction; you have  
 5 maybe one.

6 Restaurants do have -- are a high-risk business,  
 7 and before we embark on this, we need to think about the  
 8 late Jack London Village which had a charm that this  
 9 project lacks but failed.

10 Of course we should have restaurants and events  
 11 and all of that, but I think we should be thinking about  
 12 what went wrong and not just build a big glass box.  
 13 Yet again, with hopes rather than -- with understanding  
 14 why things succeed or fail.

15 We're concerned about quality of life in our own  
 16 town. Oakland is and should be Oakland, not Disneyland.  
 17 We should be thinking about succeeding, not failing.

18 Thank you very much.

19 CHAIRMAN KILLIAN: Thank you. Next speaker,  
 20 please.

21 MR. HANDA: For the record, I'm Sanjiv Handa,  
 22 East Bay News Service.

23 First just a few procedural points, the first of  
 24 which is your rules do say two minutes but they're  
 25 preceded by the word "generally".

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1           And I just want to remind this commission that  
2 the discussion that took place in committee was that if  
3 it was a more complicated project, or if it was a  
4 shorter agenda, as Kenny Katzoff did several times, the  
5 speaker time was extended to three minutes.

6           Additionally, there was discussion and general  
7 agreement, although it's not codified in your rules,  
8 that if it is an organization that has a number of  
9 speakers, that they could arrange for a block of time,  
10 that they would not be subject to that five-minute  
11 limit.

12           But I think perhaps your rules and procedures  
13 committee needs to revisit those two areas to clarify a  
14 little bit further. So that the organizations know  
15 through the rules printed that they can organize as a  
16 block of 15 to 20 people. The Leona project  
17 neighborhood group was allotted one full hour and  
18 actually only took 42.

19           Comment period of 45 versus 90 days. Clearly 45  
20 is bare minimum required by law. I'm sure the  
21 developers in the Port of Oakland as well as many  
22 members of the public, given that this is going to be  
23 years in the making, 45 days is not going to be a make  
24 or break thing.

25           I just give you an example of 1992 and 1993 when

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1 the City of Emeryville chose not to extend the comment  
2 period for Kaiser Hospital; that alone brought lawsuits  
3 and brought that project to a halt. And Emeryville has  
4 regretted that since that time.

5 I'll also remind you when several people  
6 appeared, in excess of 300, at Emeryville City Council  
7 hearings on Kaiser, each and every speaker  
8 was given five full minutes. They met night after night  
9 after night. There are a lot of negatives about  
10 Emeryville but that is one thing to remember.

11 Final two things. Part of the EIR, it should be  
12 noted that A.C. Transit has made severe service cuts to  
13 that area and they're now of the philosophy that anybody  
14 who wants additional bus service has to pay for it. So  
15 that needs to be considered in the EIR whether there  
16 will be additional service.

17 On the traffic, there should be also  
18 consideration of the cumulative impact of all the  
19 projects in Alameda including Alameda Pointe as well as  
20 the Oakland Army Base because they all pass through that  
21 area.

22 And lastly let me just note there is a unique  
23 situation because the Port, the environmental consultant  
24 and the developer all have on their staffs, somebody who  
25 has been a part of city staff, has gone through the city

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1 processes internally, so there's a lot of sensitivity I  
2 think as to all the parties as to what the issues are  
3 but there is (unintelligible) to allow the state  
4 agencies to comment. As you know for state agencies 45  
5 days is not adequate.

6 CHAIRMAN KILLIAN: Any more speaker cards?

7 MS. CAPPPIO: No.

8 CHAIRMAN KILLIAN: We're going to close the  
9 public hearing. Again, written comments may be  
10 submitted.

11 Ms. Cappio, could you give the address and e-mail  
12 address?

13 MS. CAPPPIO: Yes. Community Economic Development  
14 Agency, to my attention, Claudia Cappio, and it's Suite  
15 3330 of the building at 250 Frank Ogawa Plaza in  
16 Oakland.

17 And then my e-mail address is C, and then another  
18 CAPPPIO at Oaklandnet, all one word, all lower case, dot  
19 com.

20 CHAIRMAN KILLIAN: Could you give the date for  
21 the comment period?

22 MS. CAPPPIO: Sure. I believe it's Monday,  
23 October 24th at 4:00.

24 CHAIRMAN KILLIAN: Also, if you get a chance, if  
25 you look at the --

1 MS. CAPPPIO: It's a Friday, October 24th.

2 CHAIRMAN KILLIAN: Friday, October 24th. At 4:00  
3 p.m.

4 If you look at page 7 of the staff report you  
5 will see an outline of the calendar of hearings and  
6 review process of the project.

7 We're currently on the fourth entry of  
8 approximately 20 entries. There will be more  
9 opportunities as we progress with this project for  
10 public input. I urge you to participate in those  
11 hearings as well. Thank you for coming out. And -- oh,  
12 that's right. Staff.

13 MR. KNECHT: A procedural question?

14 CHAIRMAN KILLIAN: Just ask it to Ms. Cappio.

15 Any staff comments regarding this project,  
16 Commissioners? Start with Ms. Lee.

17 Commissioner Lee, do you have any comments or  
18 questions?

19 MS. LEE: No, not at this point.

20 CHAIRMAN KILLIAN: Commissioner Jang?

21 What is it?

22 MS. CAPPPIO: It's a question of wanting or  
23 recommending that the time period for review of the  
24 Draft EIR be extended.

25 CHAIRMAN KILLIAN: We'll deal with that issue

1 after we have Commissioner comments. Thank you.

2 Commissioner Jang?

3 MR. JANG: Thank you.

4 Previously it was mentioned Commissioner Lighty  
5 and myself had an opportunity to view this project as  
6 far as design review, so we won't cover that ground  
7 here.

8 Question, couple questions that I have related to  
9 the transportation circulation parking section. In  
10 prior EIRs I noted that there was always a look at the  
11 cumulative impacts of other projects in the area. And I  
12 didn't quite get a sense that that was covered in this  
13 Draft EIR, and that needs to be clarified, at least  
14 responded to.

15 What I saw in other EIRs was that there was  
16 always a look at the project with and without it being  
17 built out. Because once you look at the cumulative  
18 impacts of other projects in an area, you get a sense of  
19 if the project wasn't built out it would still be  
20 impacts on the area given other projects going on in  
21 Alameda as well as Oakland.

22 So I need to really get a clarification on those  
23 project forecasts for 2005 and 2025. So perhaps that  
24 could be more clearly defined as far as cumulative  
25 impacts.

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1           And there's another table that I saw in that same  
2 section and it talks about project trip distribution.

3           I think that when I look at the project, it's not  
4 clear to me when you look at origin and destination,  
5 whether there's an accurate distribution of where people  
6 are coming from and where they'll be leaving the site.

7           There's a table, Table IV B.11, and I need to --  
8 I know that it's considered a standard formula for  
9 determining trip distribution, but I'd like to know, for  
10 example, what the margin of error these percentages are  
11 being allocated.

12           For example, when I look at the table, there  
13 seems to be a fairly small percentage of traffic  
14 generated through the Webster Posey Tube. So that would  
15 suggest that you're not expecting people from Alameda,  
16 for example, to patronize the project.

17           So according to this table it's seven percent of  
18 the total. And so that seems rather low to me  
19 intuitively.

20           So I'd like to know what margin of error and if  
21 there are other standard types of formulas that are  
22 being used.

23           So I think parking has been pretty much covered.  
24 I'm not going to repeat any of that.

25           Those are items that I'd like to have looked at

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1 in the response to the Draft EIR.

2 CHAIRMAN KILLIAN: Thank you. Commissioner  
3 Franklin?

4 MS. FRANKLIN: I just have one question about  
5 traffic circulation.

6 If there will be some type of computer-generated  
7 model that accounts for various cars coming in on a  
8 cumulative basis as well as the trains. I don't know if  
9 we have a schedule on the trains, how often trains come  
10 through and how long on average they stop. When they do  
11 come through?

12 CHAIRMAN KILLIAN: Okay. Thank you.

13 Does staff have any comment or suggestion  
14 regarding the extension of the 45-day period?

15 MS. CAPPPIO: Yes. At this point, given that it's  
16 October 1st and the comment period runs through the  
17 24th, staff sees no reason to extend the comment period  
18 beyond the 45 days, that is the standard review period  
19 for not only CEQA but for the city itself, and we have  
20 sent it to the state clearing house. There are  
21 available copies. It's up on line. So let the comments  
22 come forward. Up until the 24th.

23 CHAIRMAN KILLIAN: Any recommendation or comment  
24 from the Commissioners regarding extension of the time?  
25 None appearing, then that will close our public hearing

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1 tonight.

2 Thank you very much for coming. And we'll see  
3 you at the next meeting.

4 (Hearing concluded at 8:10 p.m.)

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STATE OF CALIFORNIA )  
 ) SS  
COUNTY OF ALAMEDA )

I, Karen A. Crangle, hereby certify that the foregoing proceedings were held at the time and place herein named; that the testimony was reported by me, a certified shorthand reporter and a disinterested person; and thereafter transcribed with computer-aided transcription.

Date: October 14, 2003.

Karen A. Crangle  
KAREN A. CRANGLE, S.S.R.

## CHAPTER VIII

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### RESPONSES TO COMMENTS AT THE PUBLIC HEARING ON THE DRAFT EIR

The Planning Commission held a public hearing on the Draft EIR (DEIR) on October 1, 2003. The following are responses to comments that were made at the public hearing. Each comment is noted on the following transcript of the public hearing. Responses are provided following the transcript.

- PH-1: The DEIR recognizes Heinold's First and Last Chance Saloon as listed on the National Register of Historic Places (DEIR page IV.E-9), the California Register of Historical Resources (DEIR page IV.E-12), and a designated Oakland Landmark (DEIR page IV.E-10). Furthermore, the DEIR identified significant impacts on the Heinold's due to the relationship of new construction and partial demolition. See response to Comment G-2 which discusses Heinold's under the Revised Project.
- PH-2: Although not required under CEQA, the project sponsor plans to conduct historical walking tours featuring Heinold's First and Last Chance Saloon and Jack London's cabin to highlight Jack London and his association with the waterfront, as well as other historical features of Jack London Square and the waterfront, such as the Potomac. The tours would provide a History Walk with additional guided and /or self-guided tours throughout Jack London Square.
- PH-3: See responses to Comments M-22 and V-2.
- PH-4: See Master Response B, Project Impacts on Other Key Areas in Oakland, which discussed economic or competitive issues, which are not environmental impacts.
- PH-5 See Master Response B, Project Impacts on Other Key Areas in Oakland.
- PH-6: See response to Comment U-43.
- PH-7: See responses to Comments U-23 and U-25.
- PH-8: See response to Comment D-3.
- PH-9: See response to Comment U-25.
- PH-10: See responses to Comments U-17 and U-18.
- PH-11: See response to Comment I-3.

- PH-12: See response to Comment U-11.
- PH-13: The commenter’s opinion about the adequacy of the DEIR’s transit impact analysis is noted. See responses to Comments U-11 and AA-13.
- PH-14: Implementation of Mitigation Measure B.4 (DEIR page IV.B-53) would reduce the impact of unmet parking demand to a less-than-significant level, which would likewise reduce the occurrence of drivers circulating looking for parking spaces.
- PH-15: See responses to Comments J-9, J-10, J-18 and U-14. The commenter’s concerns, given the best available information and the professional judgment of City staff and the EIR consultants, are adequately addressed in the DEIR.
- PH-16: See response to Comment U-30.
- PH-17: See response to Comment I-6 regarding the enlargement and relocation of the existing open space adjacent to Port of Oakland building (the Meadow Green, or West Green).
- PH-18: See response to Comment F-6, which discusses how the development of Jack London Square as a region-serving destination is consistent with the Oakland General Plan, and specifically the Estuary Policy Plan. Also see response to Comment M-37.
- PH-19: See Master Response B, Project Impacts on Other Key Areas in Oakland.
- PH-20: The comment has been noted.
- PH-21: See response to Comment J-18.
- PH-22: The commenter’s characterization of the DEIR’s findings of project impacts on traffic conditions at the intersections of Broadway and 5th Street, and Oak and 5th Streets is by-and-large accurate, although the determination that the impact at Oak/5th would be significant and unavoidable is (as stated on DEIR page IV.B-42) because the City of Oakland, as lead agency, could not implement the identified mitigation measure without the approval of Caltrans; as stated in DEIR, in the event that the improvements could be implemented, the impact would be less than significant. However, the commenter’s characterization of the DEIR’s findings of air quality impacts as due to drivers waiting and looking for parking, and looking for ways in and out of the district is not accurate. As described on DEIR pages IV.C-15 to IV.C-20, the project would result in an increase in pollutant emissions primarily due to the projected number of additional daily vehicle trips generated by the project. The project impact associated with increases in localized carbon monoxide concentrations at intersections in the project vicinity (*i.e.*, adverse effects due to vehicle idling) would be less than significant.
- PH-23: See responses to Comments J-8 and J-18.

- PH-24: The commenter’s opinion about the adequacy of the DEIR’s impact analysis has been noted. The commenter’s concerns, given the best available information and the professional judgment of City staff and the EIR consultants, are adequately addressed in the DEIR.
- PH-25: See response to Comment U-11.
- PH-26: See response to Comment J-8.
- PH-27: See response to Comment U-43.
- PH-28: See responses to Comments J-18 and K-3.
- PH-29: See responses to Comments H-3 and K-4.
- PH-30: As discussed starting on DEIR page IV.G-9, the project would result in less-than-significant impact on water quality, including the impact of storm water runoff. The project would be required to prepare a grading and drainage plan required by the City of Oakland; to obtain a federal National Pollutant Discharge Elimination System (NPDES) permit; and be required to prepare a Storm Water Pollution Prevention Plan (SWPPP) – all of which would minimize the impacts on water quality.
- PH-31: See response to Comment D-2.
- PH-32: See response to Comment J-22.
- PH-33: The reduced graphic referred to in the comment is provided in Letter J in this FEIR.
- PH-34: See responses to Comments J-5, J-22 and U-34.
- PH-35: See response to Comment J-18.
- PH-36: See responses to Comments U-36 and U-37.
- PH-37: The project would not introduce parking areas any closer to train tracks than those parking areas that already exist. However, the project would increase the number of vehicles parked in close proximity to the train tracks. The parking areas proposed by the project closest to the train tracks would be within parking structures, which would dampen the noise and vibration impacts of passing trains on the parked cars, reducing the chances to set off car alarms. Setting off car alarms is more of an issue in surface parking lots in close proximity to train tracks. Lastly, car alarm noise, though annoying, is not regulated by the City’s noise ordinance.
- PH-38: The comment has been noted.
- PH-39: The project sponsor recognized the historical value of Oakland and specifically, the contributions of the waterfront and Jack London Square its formation. See response to

Comment PH-33 above, and Master Response B, Project Impacts on Other Key Areas in Oakland.

- PH-40: See Master Response B, Project Impacts on Other Key Areas in Oakland.
- PH-41: See response to Comment G-2 regarding how the DEIR Project is revised under the Revised Project, which would avoid a significant impact on Heinold’s First and Last Chance Saloon.
- PH-42: The comment has been noted.
- PH-43: See the discussion of “Environmental Review” within Master Response A, Relationship of the Revised Project and the Final Development Plans (FDP), on FEIR page VI-2. See also response to Comment M-28.

Regarding the commenter’s assertion that the DEIR analysis identified impacts that could not be mitigated, Chapter IV of the DEIR presents a complete analysis of each environmental impact topic and provides feasible mitigation measures for most significant impacts. To the extent that there was no feasible mitigation to reduce a significant impact to less than significant, the impact is considered significant and unavoidable. In its consideration of the merits of the project, the City shall weigh these unavoidable impacts and determine the appropriateness of approving the project despite such impacts.

- PH-44: See responses to Comments J-3 and N-17.
- PH-45: Several responses to comments have addressed impacts to Chinatown. The commenter offers a generalized statement regarding impacts on Chinatown. See responses to Comments N-8, N-17, Q-1, and CC-4, which, together, provide a comprehensive response.
- PH-46: See Master Response C, Extension of 45-Day Public Comment Period.
- PH-47: The comment has been noted. Also, see response to Comments PH-45 and PH-47 above.
- PH-48: The comment has been noted.
- PH-49: The project sponsor has proposed a Jack London Square redevelopment project that is defined by nine development sites within the sponsor’s control, and that would address the goals of the Jack London Square District as outlined in the Oakland General Plan and Estuary Policy Plan. Incorporation of surrounding areas, such as the Produce Market or Lower Broadway, would not be feasible since these properties are under separate ownership, notwithstanding not being within the objectives of the project. See also Master Response B, Project Impacts on Other Key Areas in Oakland.

- PH-50: The comment has been noted.
- PH-51: The comment has been noted..
- PH-52: The comment has been noted and responded to in the commenter's following Comments PH-55 through PH-57.
- PH-53: See response to Comment PH-39.
- PH-54: See response to Comment I-6.
- PH-55: See response to Comment J-13.
- PH-56 See responses to Comments J-18, H-3, K-3 and K-4.
- PH-57: See responses to Comments U-10 and U-11.
- PH-58: See responses to Comment U-6 and PH-39.
- PH-59: One of the primary objectives of the project is to revitalize the retail, entertainment, office and existing uses in the Jack London Square area through the intensification of retail, entertainment, office uses and public amenities. Through its evaluation of the project, the City will determine the appropriateness of the distribution of proposed uses and buildings throughout the project area.
- PH-60: See response to Comment J-18.
- PH-61: To the extent that the proposed project meets the City's goals for the type of development desired in the Jack London District, and that the City desires to see occur at this time, the decision-makers of the proposal will approve, modify or disapprove the project. The likely economic success of the project is not an environmental issue considered in the EIR.
- PH-62: The comments have been noted.
- PH-63: The comments have been noted.
- PH-64: See Master Response C, Extension of 45-Day Public Comment Period.
- PH-65: The comments have been noted.
- PH-66: See responses to Comments AA-3 through AA-8.
- PH-67: See responses to Comments I-3 and U-27.
- PH-68: The comment has been noted.

- PH-69: DEIR Impact B.3 (DEIR pages IV.B-42 to IV.B-46) described the project's contribution to cumulatively significant impacts at local intersections in 2025. DEIR Impact B.2 (DEIR pages IV.B-37 to IV.B-42) described intersection conditions in 2025 with and without buildout of Phases 1 and 2 of the project. DEIR Impact B.11 (DEIR pages IV.B-64 to IV.B-65) described 2025 conditions on regional and local roadways. Also, see response to Comment I-3.
- PH-70: See responses to Comments J-3, J-12 and CC-8 There is no margin of error associated with the Alameda County CMA Model, or with transportation computer models in general.
- PH-71: The comment has been noted.
- PH-72: See responses to Comments U-30 and J-15
- PH-73: City Staff responds to the public request to extent the 45-day comment period. The comment is consistent with Master Response C, Extension of 45-Day Public Comment Period.

# APPENDICES

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Appendix A. Site by Site Comparison of Change in Variant Options for the Revised Project to Variant Options for the DEIR Project

Appendix B. Revised Project Description Tables as Submitted by Project Sponsor

Appendix C. Revised Project Preliminary Development Plan

Appendix D. Correspondence from Native American Heritage Commission

## **APPENDIX A**

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### **SITE BY SITE COMPARISON OF CHANGE IN VARIANT OPTIONS FOR THE REVISED PROJECT TO VARIANT OPTIONS FOR THE DEIR PROJECT**

**APPENDIX A - SITE BY SITE COMPARISON OF REVISED PROJECT  
VARIANTS TO DEIR PROJECT VARIANTS**

Site	Variant	Characteristic	DEIR Project	Revised Project	Difference
C	0	Retail Area	32,000	33,000	+1,000
		Office Area	16,000	0	-16,000
		Height	58'	45'	-13'
		Footprint	18,000	18,000	0
	1	Retail Area	17,000	17,000	0
		Office Area	31,000	16,000	-15,000
		Height	52'	45'	-7'
		Footprint	18,000	18,000	0
D	All variants unchanged				
Pavilion 2	0	Retail Area	52,000	15,000	-37,000
		Height	64'	24'	-40'
		Footprint	20,000	15,000	-5,000
	1	Variant eliminated			
	2	Variant eliminated			
	3	Variant eliminated			
Water I Expansion	Unchanged				
66 Franklin	0	Retail Area	2,400	2,400	0
		Office Area	85,300	85,300	0
		Height	94'	94'	0
		Footprint	37,000	37,000	0
	1	Unchanged			
	1b	Retail Area	26,400	26,400	0
		Office Area	31,300	-35,700	-67,000
		Parking Area	158,250	158,250	0
		Parking Stalls	422	422	0
		Height	135'	112'	-23'
Footprint		37,000	37,000	0	

	2	Office Area	61,200	84,700	+23,500
		Height	92'	112'	+20'
		Footprint	Addition to existing building	Addition to existing building	No change
F1	0	Retail Area	40,000	40,000	0
		Office Area	198,000	141,000	-57,000
		Height	136'	94'	-42'
		Footprint	42,000	42,000	0
		Heinold's	Enveloped Heinold's	Set back 20' from Heinold's	
	1	Retail Area	133,000	123,000	-10,000
		Office Area	134,000	77,000	-57,000
		Height	148'	108'	-40'
		Footprint	45,000	45,000	0
		Heinold's	Enveloped Heinold's	Set back 20' from Heinold's	
F2	0	Retail Area	10,000	10,000	0
		Health Club Area	40,000	40,000	0
		Parking Area	216,000	216,000	0
		Parking Stalls	576	576	0
		Height	88'	73'	-15'
		Footprint	57,000	57,000	0
	1	Unchanged			
	3	Retail Area	10,000	10,000	0
		Office Area	60,000	30,000	-30,000
		Parking Area	218,000	218,000	0
		Parking Stalls	545	545	0
		Height	87'	73'	-12'
		Footprint	57,000	57,000	0
	4	Retail Area	15,000	15,000	0
		Office Area	92,000 to 209,000 depending	134,000	

			<b>on office area on Site F1</b>		
		<b>Parking Area</b>	<b>220,000</b>	<b>220,000</b>	<b>0</b>
		<b>Parking Stalls</b>	<b>550</b>	<b>550</b>	<b>0</b>
		<b>Height</b>	<b>153'</b>	<b>125'</b>	<b>-28'</b>
		<b>Footprint</b>	<b>57,000</b>	<b>57,000</b>	<b>0</b>
<b>F3</b>	<b>Unchanged</b>				
<b>G</b>	<b>0</b>	<b>Unchanged</b>			
	<b>1</b>	<b>Variant Eliminated</b>			
	<b>2</b>	<b>Unchanged</b>			

## **APPENDIX B**

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### **REVISED PROJECT DESCRIPTION TABLES AS SUBMITTED BY PROJECT SPONSOR**

**JACK LONDON SQUARE REVISED SUBMITTAL PROJECT DESCRIPTION GSF**

November 17, 2003

Site Designation \_\_\_\_\_

Occupancy Date (by end of) \_\_\_\_\_

	SITE C				SITE D											
	2005				2005											
	Variant 0		Variant 1		Variant 0		Variant 1		Variant 2		Variant 2b		Variant 3		Variant 4	
	GSF	Land Use	GSF	Land Use	GSF	Land Use	GSF	Land Use	GSF	Land Use	GSF	Land Use	GSF	Land Use	GSF	Land Use
<b>New Development</b>																
level 1 use 1	18,000	Retail	17,000	Retail	17,000	Retail	36,000	Retail	33,000	Retail	33,000	Retail	23,000	Retail	20,000	Retail
level 1 use 2			1,000	Office	2,000	Office										
level 1 use 3					19,000	Theater			3,000	Theater	3,000	Theater			3,000	Theater
level 2	15,000	Retail	15,000	Office	38,000	Theater	38,000	Retail	38,000	Theater	38,000	Retail	25,000	Retail	25,000	Theater
level 3					25,000	Office	25,000	Office	25,000	Office	38,000	Theater	25,000	Office	25,000	Theater
level 4					25,000	Office										
level 5					25,000	Office										
level 6					25,000	Office										
level 7					25,000	Office										
level 8																
level 9																
level 10																
level 11																
level 12																
level 13																
<b>Total GSF New</b>	<b>33,000</b>		<b>33,000</b>		<b>201,000</b>		<b>201,000</b>		<b>201,000</b>		<b>214,000</b>		<b>175,000</b>		<b>175,000</b>	
<b>Less Existing Development</b>																
level 1					-12,000	Retail	-12,000	Retail	-12,000	Retail	-12,000	Retail				
level 2					-12,000	Office	-12,000	Office	-12,000	Office	-12,000	Office				
level 3																
<b>Total GSF Existing</b>					<b>-24,000</b>		<b>-24,000</b>		<b>-24,000</b>		<b>-24,000</b>		<b>0</b>		<b>0</b>	
<b>TOTAL NET GSF</b>																
OFFICE			16,000		115,000		115,000		115,000		90,000		127,000		102,000	
RETAIL	33,000		17,000		5,000		62,000		21,000		59,000		48,000		20,000	
THEATER					57,000				41,000		41,000				53,000	
HEALTH CLUB																
HOTEL																
CONFERENCE																
RESIDENTIAL																
RESIDENTIAL UNITS																
PARKING																
PARKING STALLS																
Max. Bldg. Ht. (top of parapet)	45		45		144		114		134		140		114		150	
Notes	V-shaped wing roof		V-shaped wing roof													

**JACK LONDON SQUARE**

November 17, 2003

Site Designation

Occupancy Date (by end of)

	Pavilion 2		Water I Expnsn		66 Franklin							
	2020		2020		2020							
	Variant 0		Variant 0		Variant 0		Variant 1		Variant 1b		Variant 2	
	GSF	Land Use	GSF	Land Use	GSF	Land Use	GSF	Land Use	GSF	Land Use	GSF	Land Use
<b>New Development</b>												
level 1 use 1	15,000	Retail	20,000	Retail	35,000	Retail	35,000	Retail	28,500	Retail		
level 1 use 2					2,000	Office	2,000	Office	2,000	Office		
level 1 use 3									47,250	Parking*		
level 2			20,000	Retail	37,000	Office	37,000	Retail	30,500	Retail		
level 3					37,000	Office	37,000	Office	37,000	Parking		
level 4					23,500	Office	23,500	Office	37,000	Parking	30,600	Office
level 5					23,500	Office	23,500	Office	37,000	Parking	30,600	Office
level 6					23,500	Office	23,500	Office	23,500	Office	23,500	Office
level 7												
level 8												
level 9												
level 10												
level 11												
level 12												
level 13												
<b>Total GSF New</b>	<b>15,000</b>		<b>40,000</b>		<b>181,500</b>		<b>181,500</b>		<b>242,750</b>		<b>84,700</b>	
<b>Less Existing Development</b>												
level 1			-14,000	Retail	-32,600	Retail	-32,600	Retail	-32,600	Retail		
level 2					-30,600	Office	-30,600	Office	-30,600	Office		
level 3					-30,600	Office	-30,600	Office	-30,600	Office		
<b>Total GSF Existing</b>			<b>-14,000</b>		<b>-93,800</b>		<b>-93,800</b>		<b>-93,800</b>			
<b>TOTAL NET GSF</b>												
OFFICE					85,300		48,300		-35,700		84,700	
RETAIL	15,000		26,000		2,400		39,400		26,400			
THEATER												
HEALTH CLUB												
HOTEL												
CONFERENCE												
RESIDENTIAL												
RESIDENTIAL UNITS												
PARKING									158,250			
PARKING STALLS									422 rough est.			
<b>Max. Bldg. Ht. (top of parapet)</b>	<b>24</b>		<b>44</b>		<b>94</b>		<b>100</b>		<b>112</b>		<b>112</b>	
Notes	Pavilion 2 will consist of two buildings adjacent to Water St.								*parking at 3 levels behind retail levels 1 and 2	This variant is an addition of 2 and a half floors to the existing building		

**JACK LONDON SQUARE**

November 17, 2003

Site Designation

Occupancy Date (by end of)

Site Designation Occupancy Date (by end of)	SITE F1				SITE F2				SITE F3					
	2005				2020				2005					
	Variant 0		Variant 1		Variant 0		Variant 1		Variant 3		Variant 4		Variant 0	
	GSF	Land Use	GSF	Land Use	GSF	Land Use	GSF	Land Use	GSF	Land Use	GSF	Land Use	GSF	Land Use
<b>New Development</b>														
level 1 use 1	40,000	Retail	43,000	Retail	10,000	Retail	10,000	Retail	10,000	Retail	15,000	Retail	30,000	Hotel
level 1 use 2	2,000	Office	2,000	Office	45,000	Parking	47,000	Parking	47,000	Parking	2,000	Office	10,000	Retail
level 1 use 3					2,000	Health Club					220,000	Parking*	15,000	Conference
level 2	32,000	Office	40,000	Retail	57,000	Parking	57,000	Parking	57,000	Parking	20,000	Office	26,000	Hotel
level 3	32,000	Office	40,000	Retail	57,000	Parking	57,000	Parking	57,000	Parking	20,000	Office	17,000	Hotel
level 4	25,000	Office	25,000	Office	57,000	Parking	57,000	Parking	57,000	Parking	20,000	Office	17,000	Hotel
level 5	25,000	Office	25,000	Office	38,000	Health Club			30,000	Office	18,000	Office	17,000	Hotel
level 6	25,000	Office	25,000	Office							18,000	Office	17,000	Hotel
level 7											18,000	Office	17,000	Hotel
level 8											18,000	Office	17,000	Hotel
level 9													17,000	Hotel
level 10													15,800	Hotel*
level 11													15,800	Hotel*
level 12													7,100	Hotel*
level 13													7,100	Hotel*
<b>Total GSF New</b>	<b>181,000</b>		<b>200,000</b>		<b>266,000</b>		<b>228,000</b>		<b>258,000</b>		<b>369,000</b>		<b>220,000</b>	*
<b>Less Existing Development</b>														
level 1														
level 2														
level 3														
<b>Total GSF Existing</b>														
<b>TOTAL NET GSF</b>														
OFFICE	141,000		77,000						30,000		134,000			
RETAIL	40,000		123,000		10,000		10,000		10,000		15,000		10,000	
THEATER														
HEALTH CLUB					40,000									
HOTEL														250 Rooms
CONFERENCE														15,000
RESIDENTIAL														
RESIDENTIAL UNITS														
PARKING					216,000		218,000		218,000		220,000			
PARKING STALLS					576 rough est.		545 rough est.		545 rough est.		550 rough est.			
Max. Bldg. Ht. (top of parapet)	94		108		73		47		73		125		175	
Notes	Heinhold's shall remain as distinct freestanding structure		Heinhold's shall remain as distinct freestanding structure								*Parking is in 6-level structure behind office		* Floor areas are max footprint at each level. Total floor area will not exceed 220,000 SF.	

**JACK LONDON SQUARE**

November 17, 2003

Site Designation

Occupancy Date (by end of)

**SITE G**

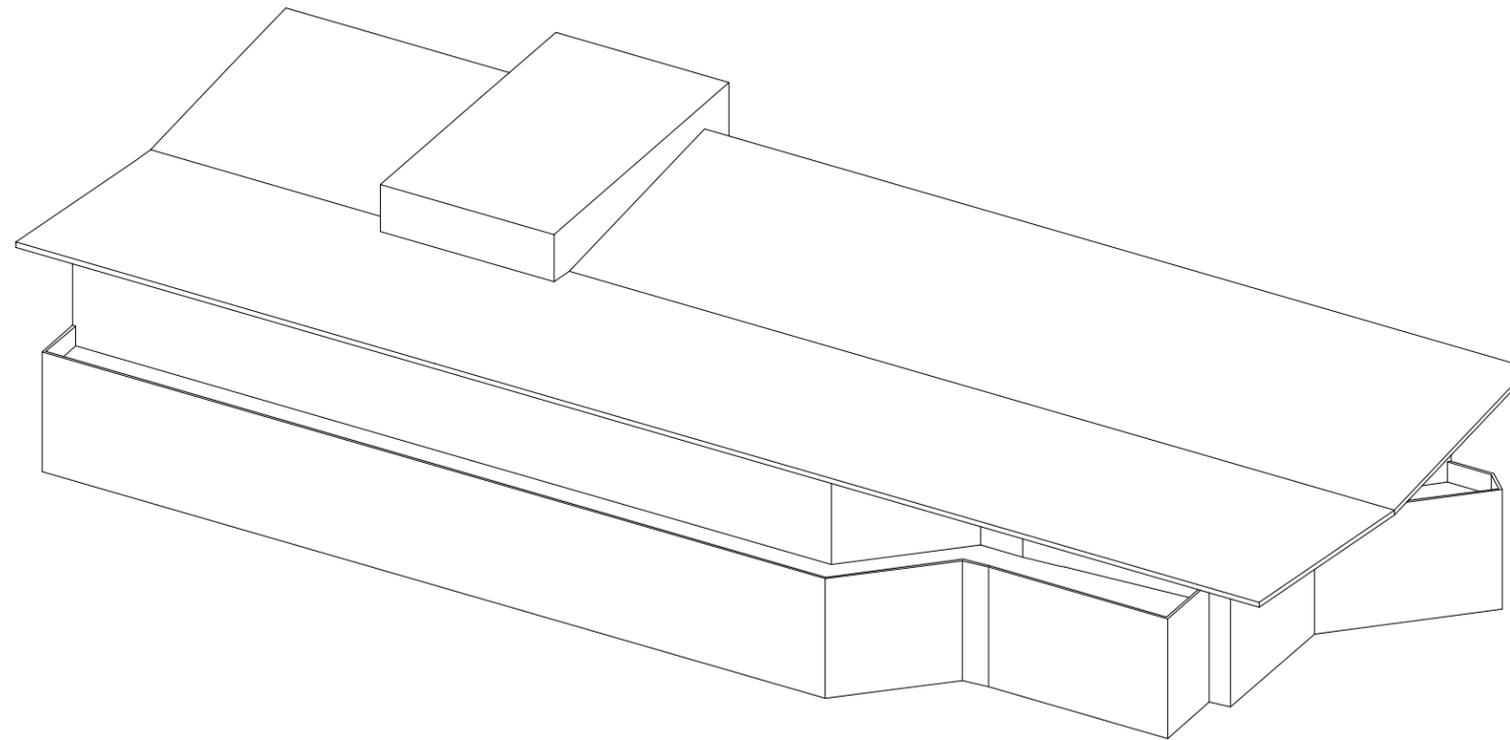
2005

	Variant 0		Variant 2	
	GSF	Land Use	GSF	Land Use
<b>New Development</b>				
level 1 use 1	40,000	Retail	60,000	Parking
level 1 use 2	20,000	Parking		
level 1 use 3				
level 2	60,000	Parking	60,000	Parking
level 3	60,000	Parking	60,000	Parking
level 4	60,000	Parking	60,000	Parking
level 5	60,000	Parking	60,000	Parking
level 6	60,000	Parking	60,000	Parking
level 7	60,000	Parking	60,000	Parking
level 8				
level 9				
level 10				
level 11				
level 12				
level 13				
<b>Total GSF New</b>	<b>420,000</b>		<b>420,000</b>	
<b>Less Existing Development</b>				
level 1				
level 2				
level 3				
<b>Total GSF Existing</b>				
<b>TOTAL NET GSF</b>				
OFFICE				
RETAIL	40,000			
THEATER				
HEALTH CLUB				
HOTEL				
CONFERENCE				
RESIDENTIAL				
RESIDENTIAL UNITS				
PARKING	380,000		420,000	
PARKING STALLS	1086 rough est.		1200 rough est.	
Max. Bldg. Hl. (top of parapet)	88		88	
Notes				

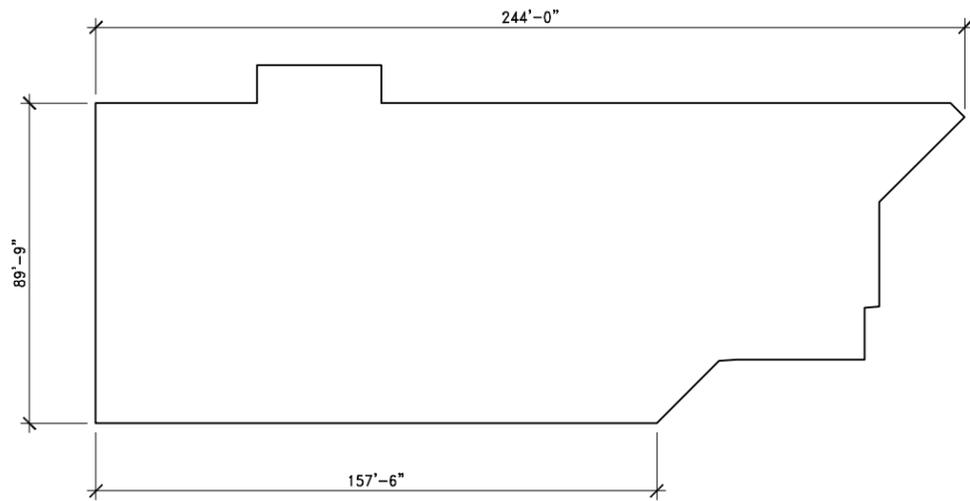
# APPENDIX C

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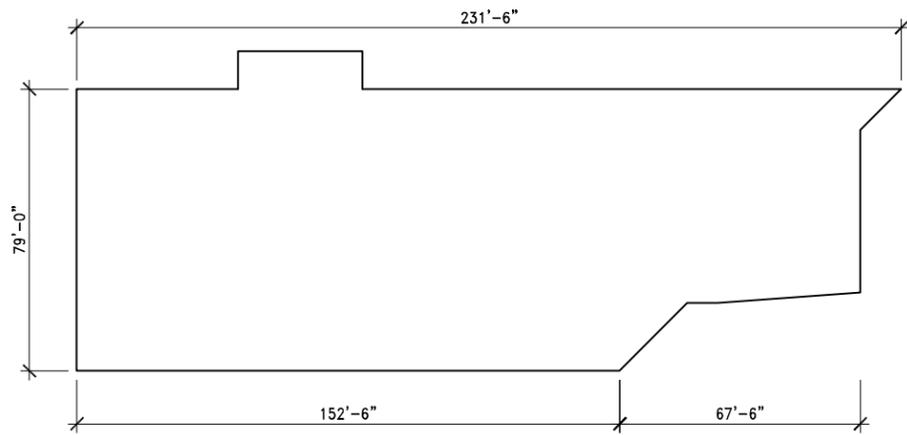
## REVISED PROJECT PRELIMINARY DEVELOPMENT PLAN



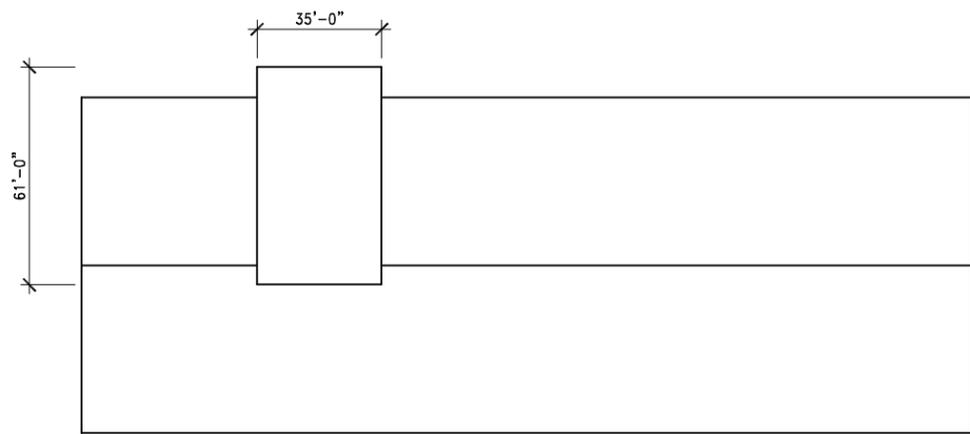
Axonometric View Looking North



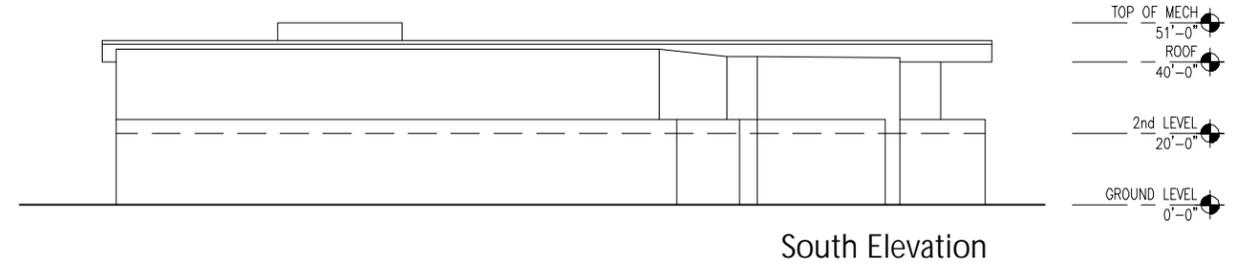
Ground Level Plan



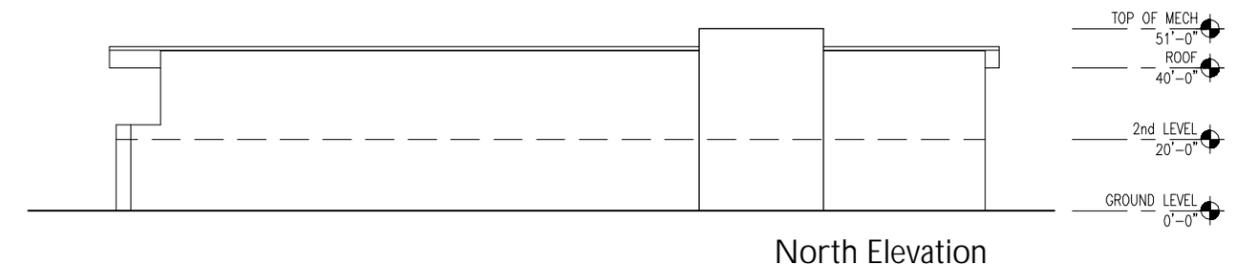
2nd Level Plan



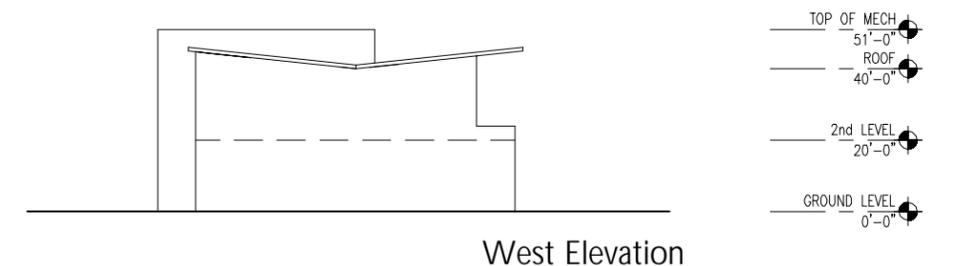
Roof Plan



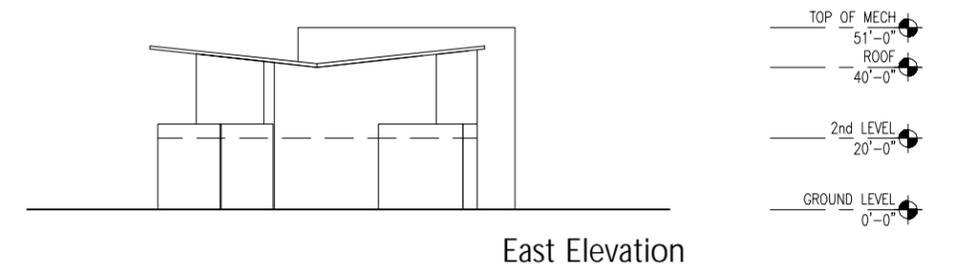
South Elevation



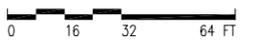
North Elevation

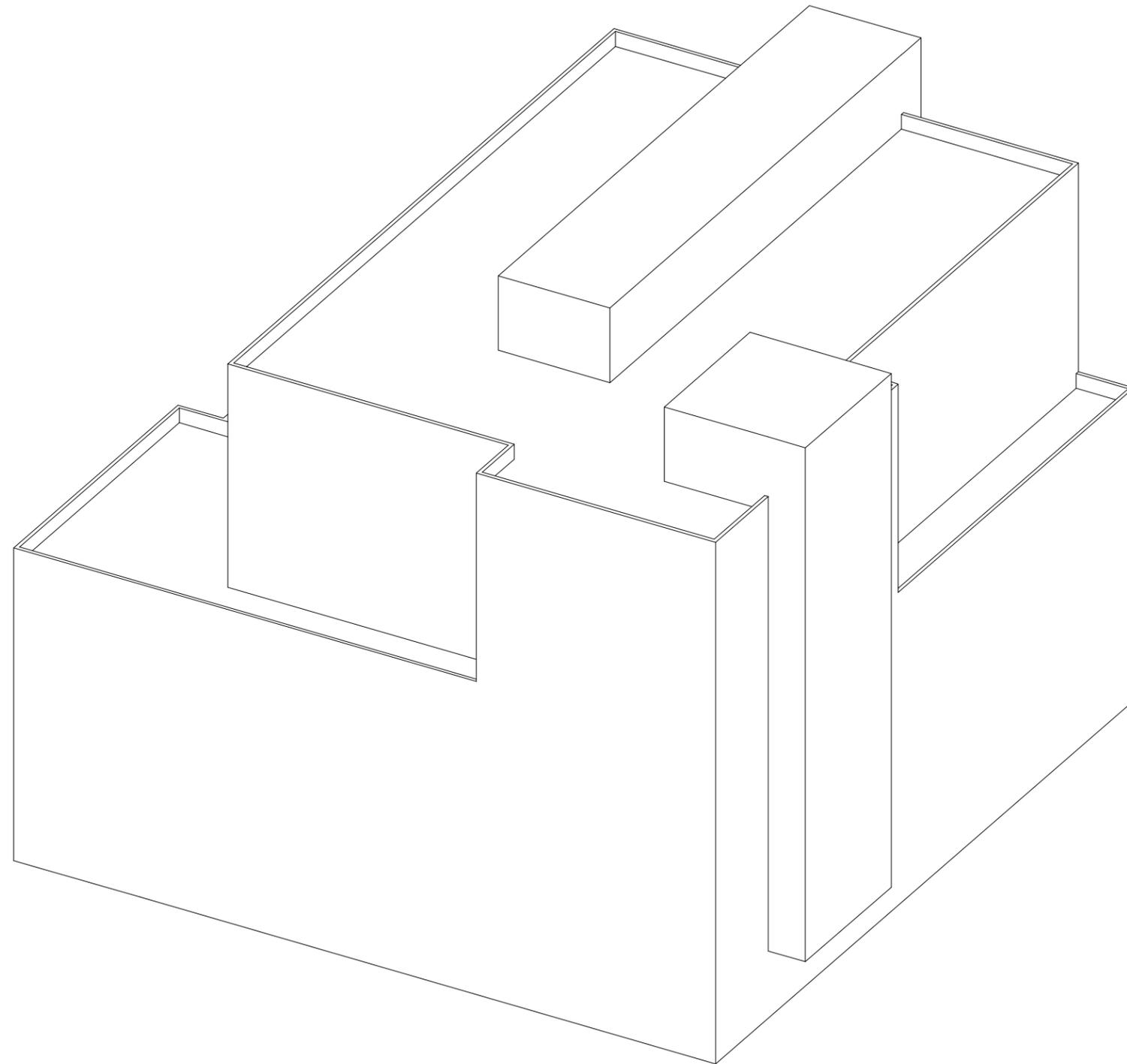


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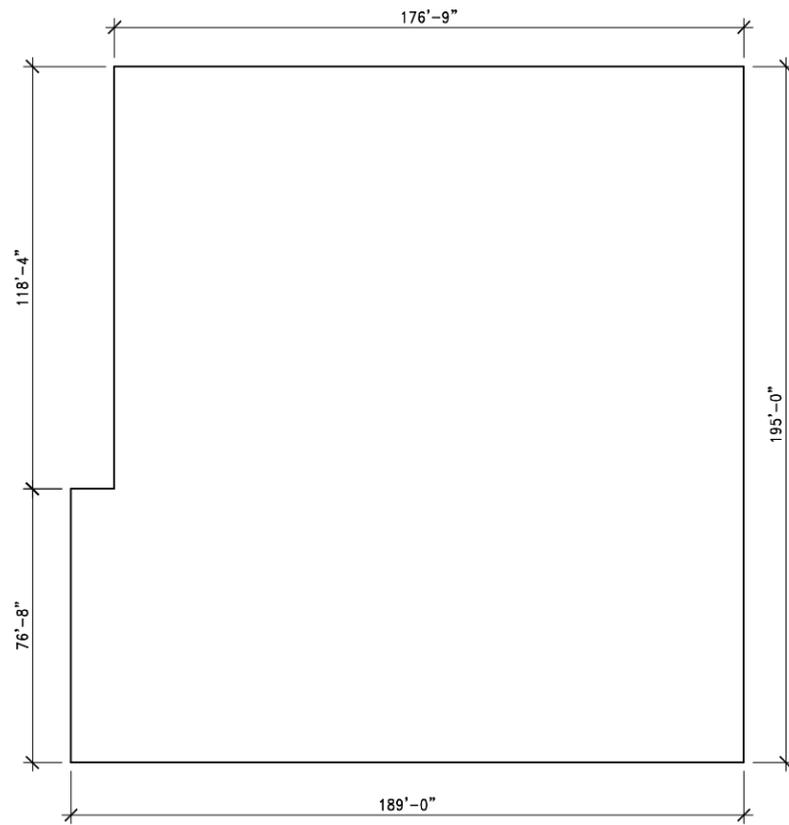


East Elevation

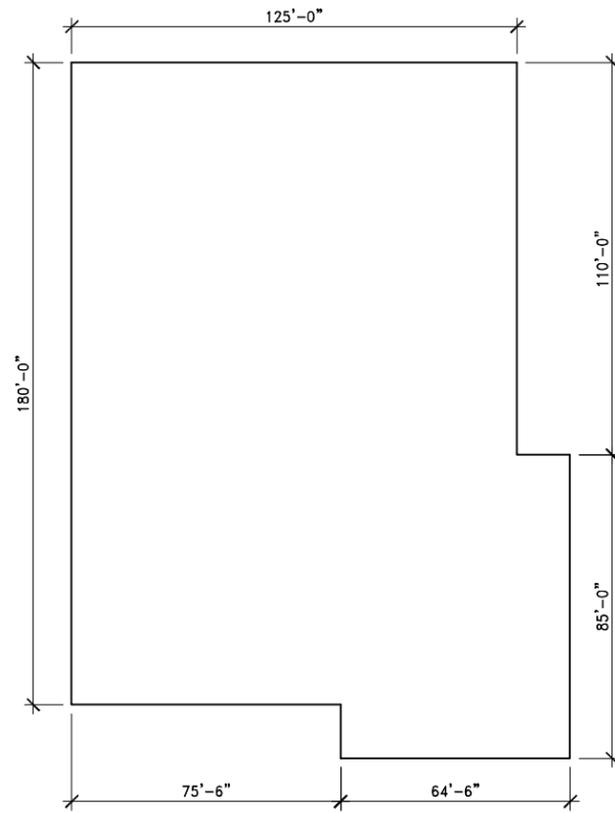




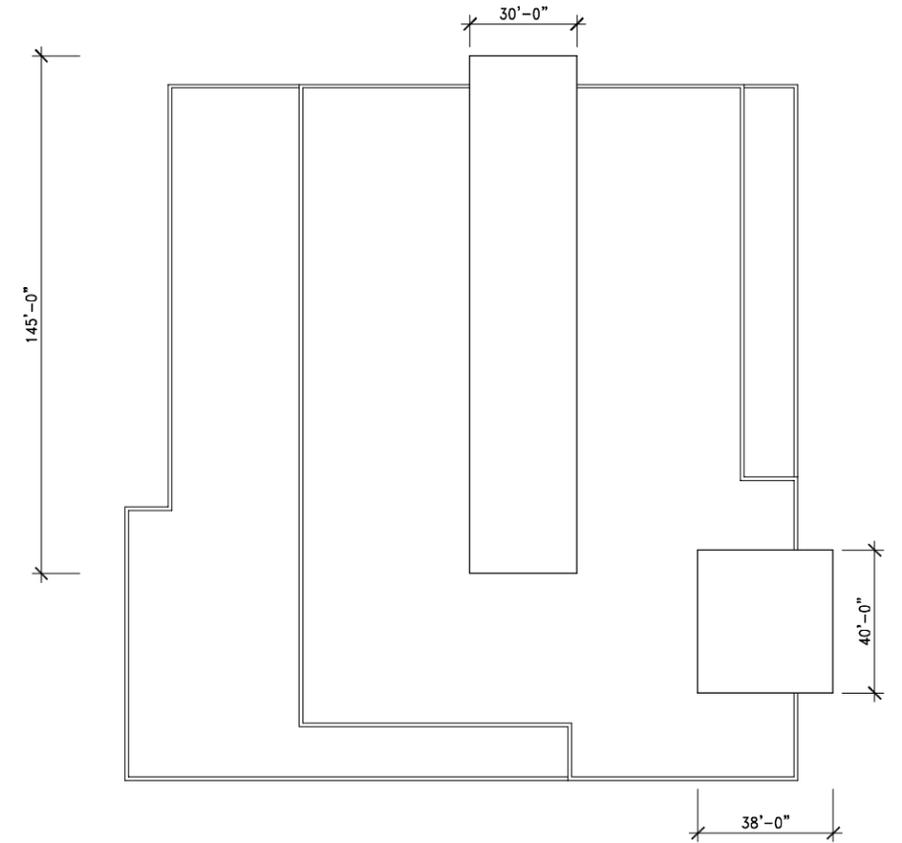
Axonometric View Looking North



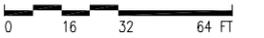
Ground - 4th Level Plan

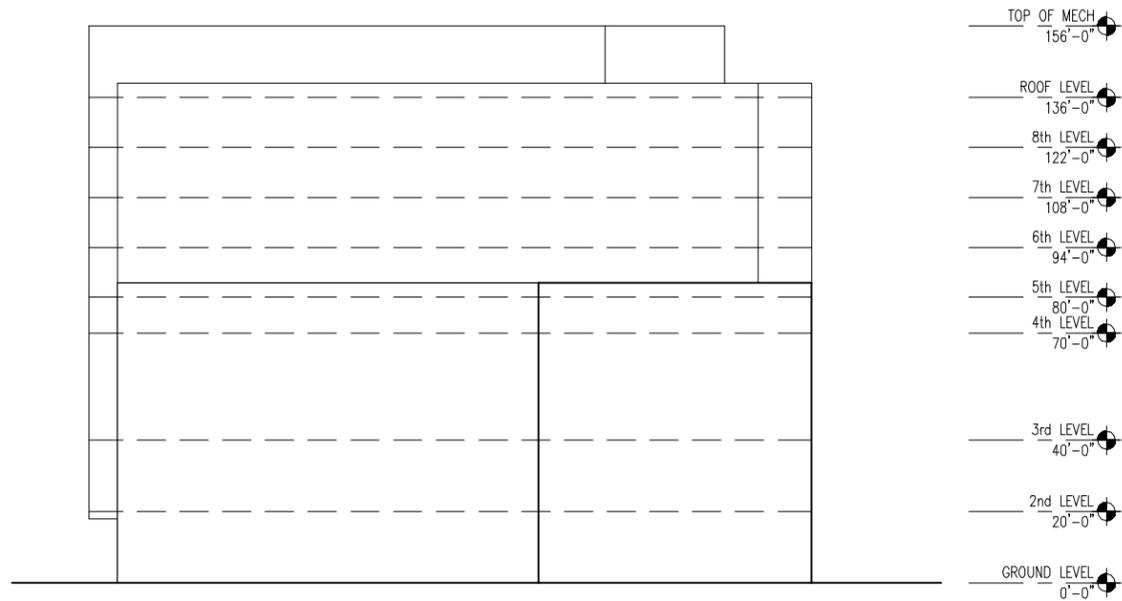


5th - 8th Level Plan

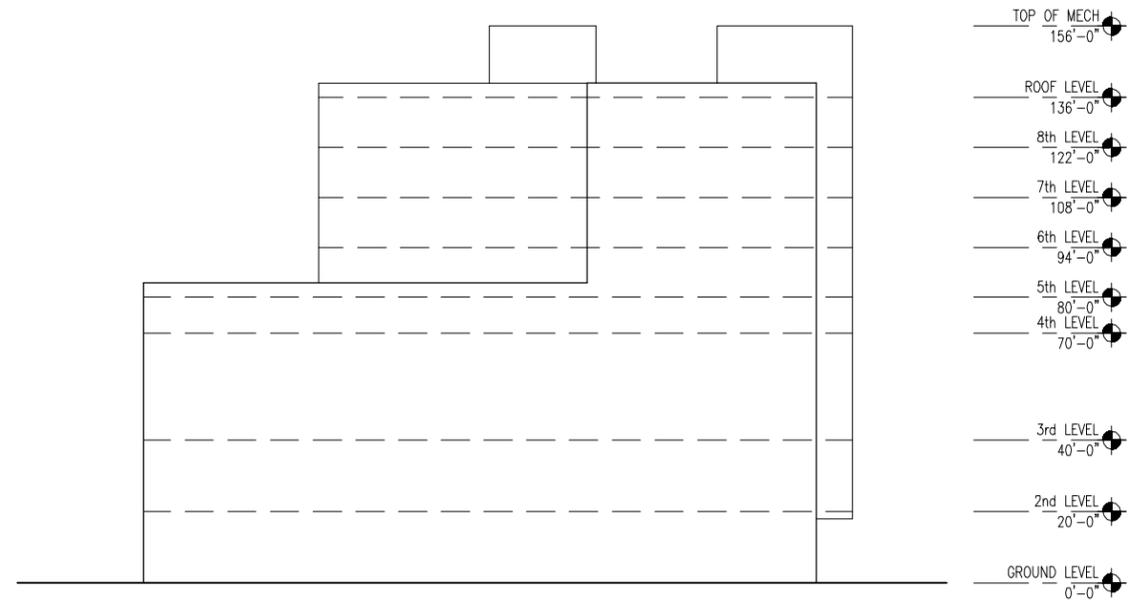


Roof Plan

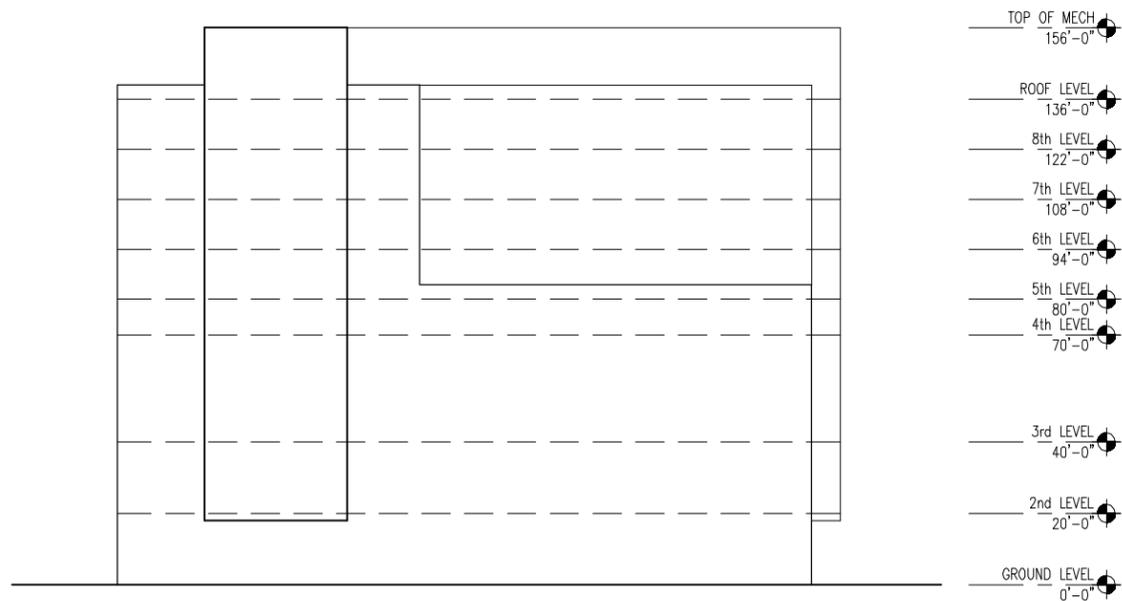




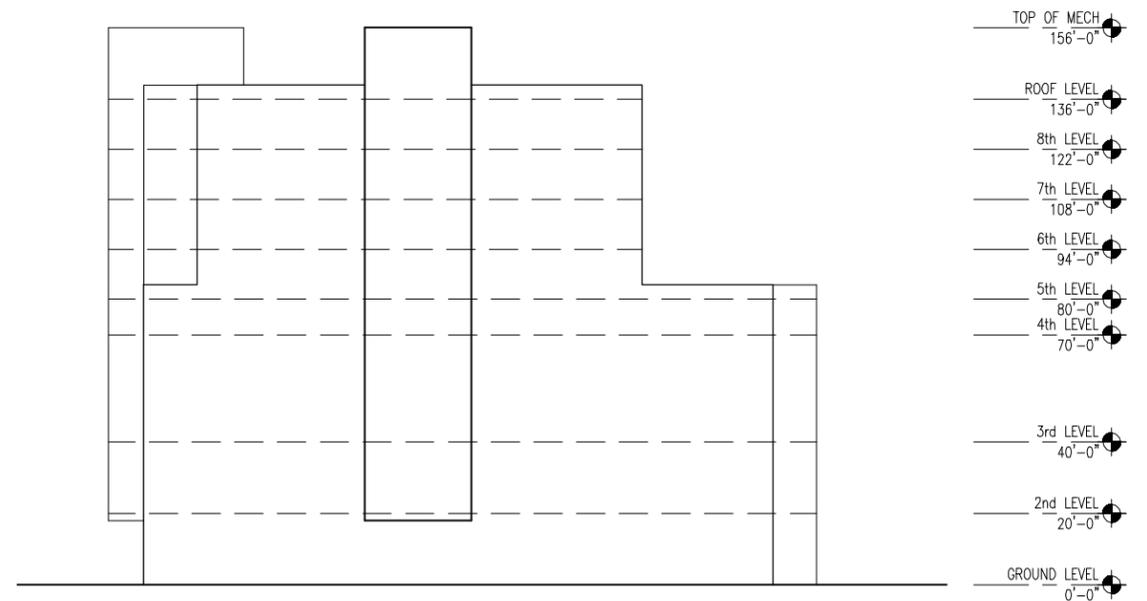
West Elevation



South Elevation

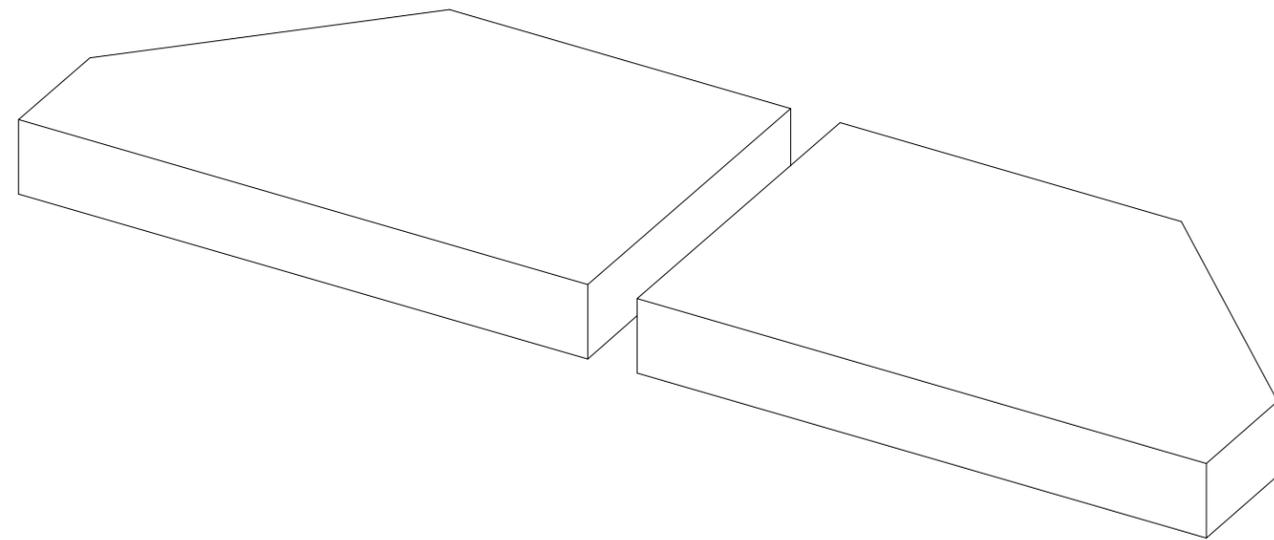


East Elevation

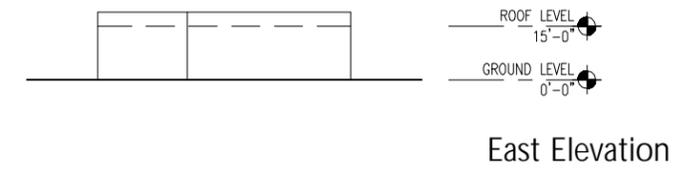
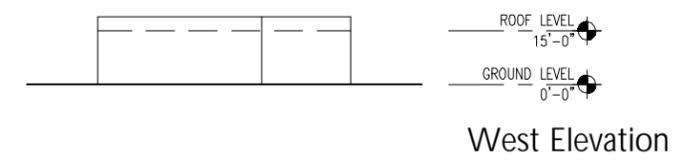
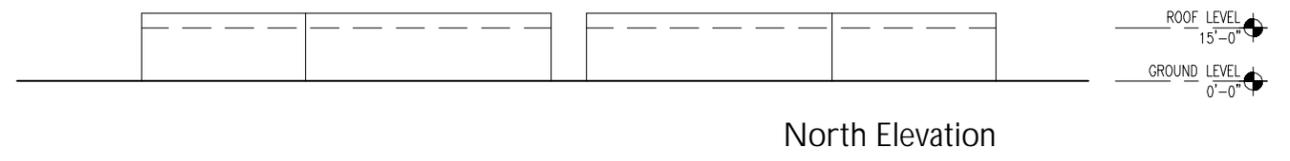
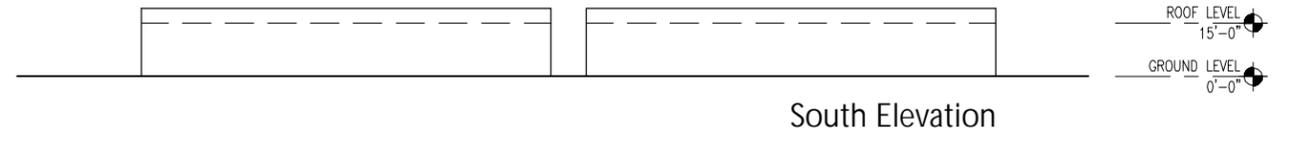
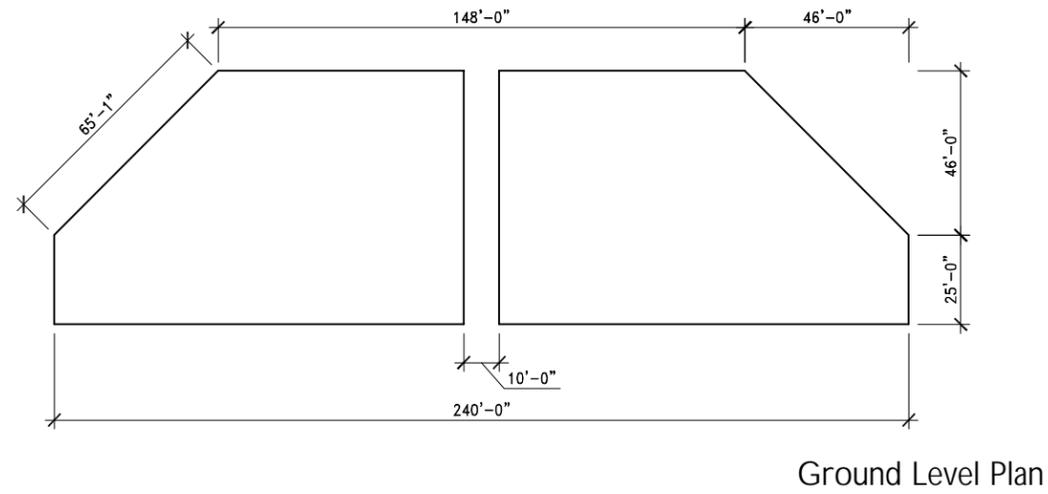


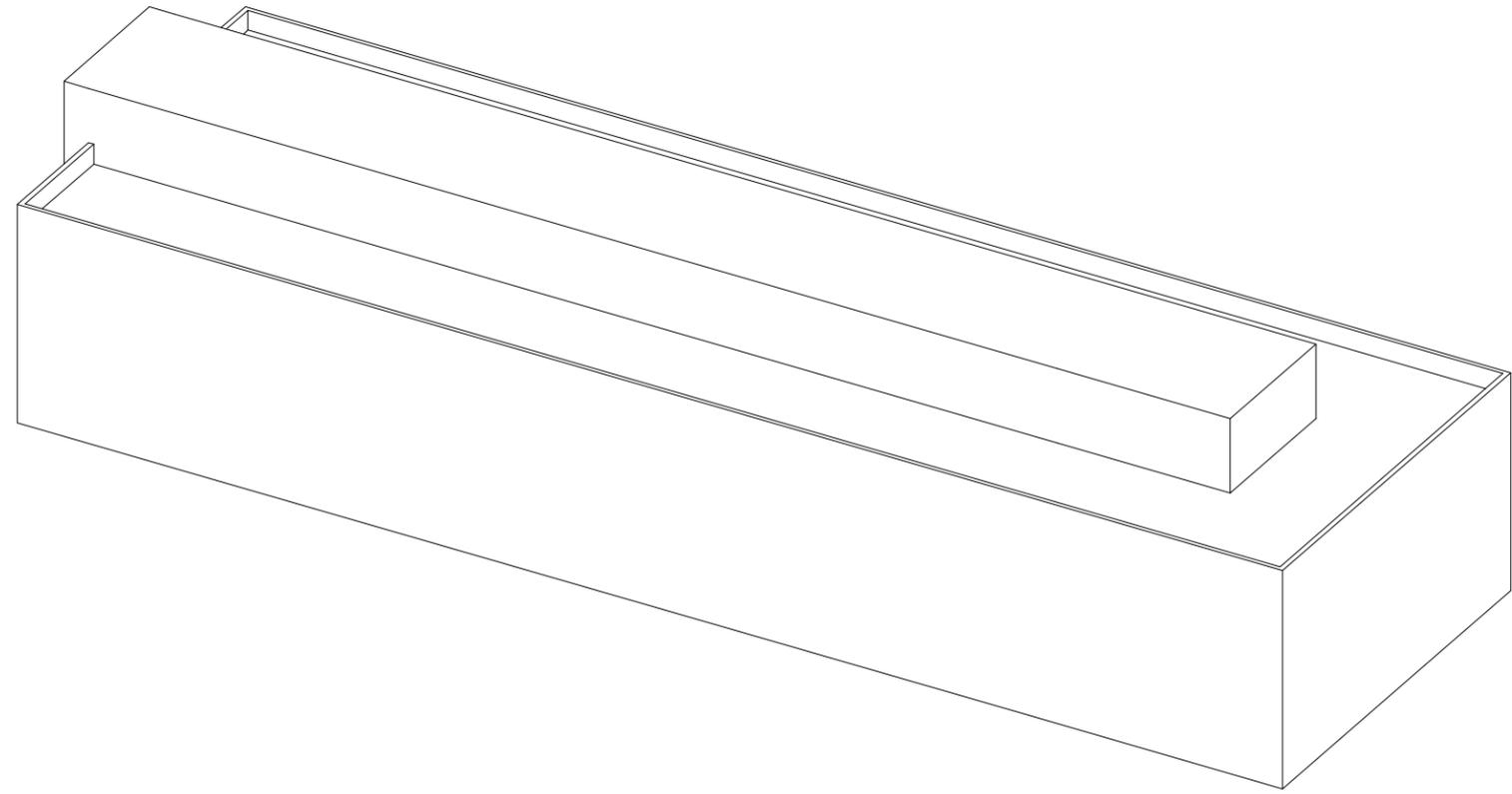
North Elevation



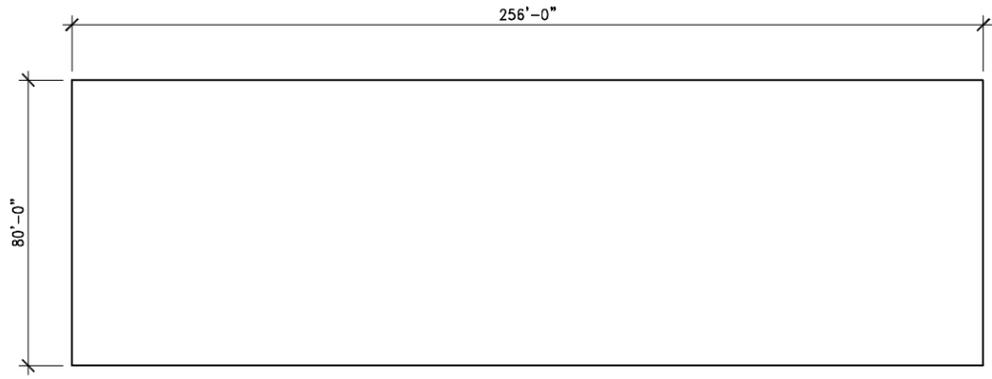


Axonometric View Looking North

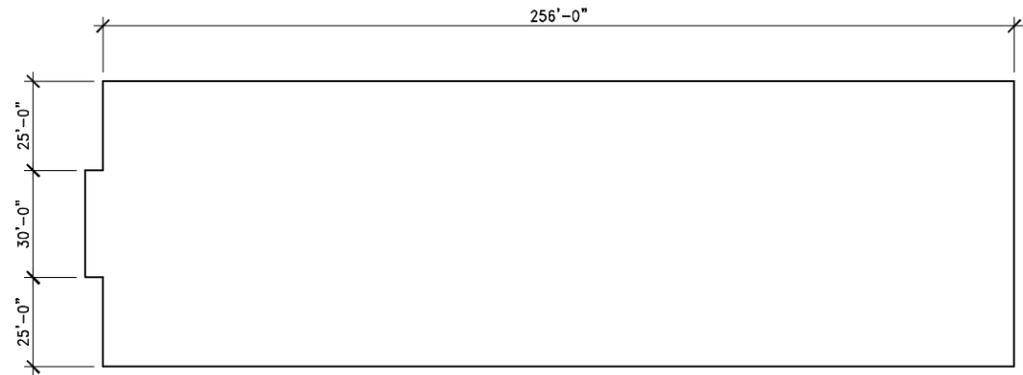




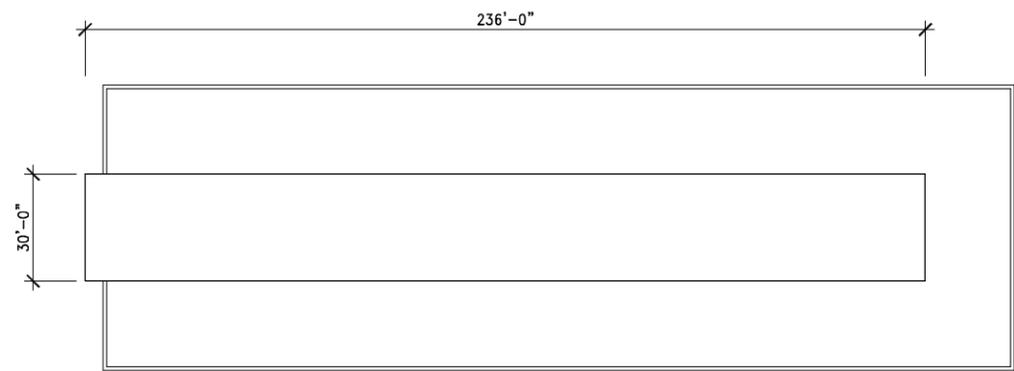
Axonometric View Looking North



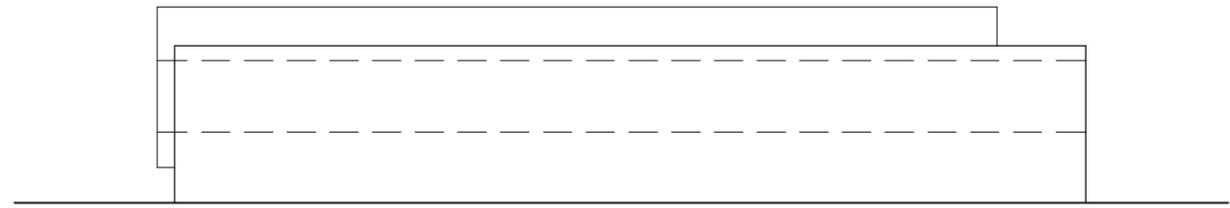
Ground Level Plan



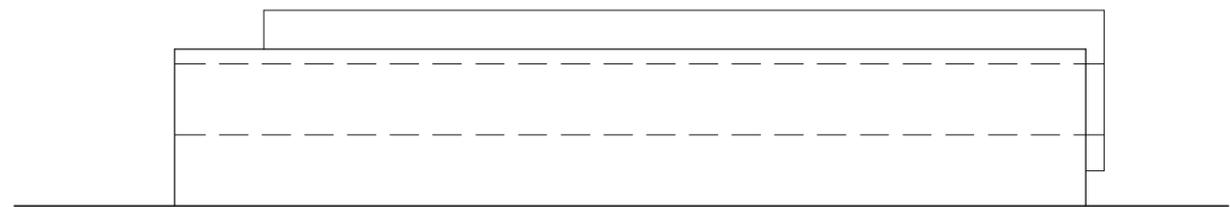
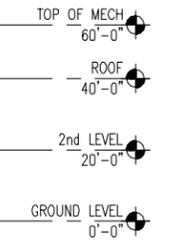
2nd Level Plan



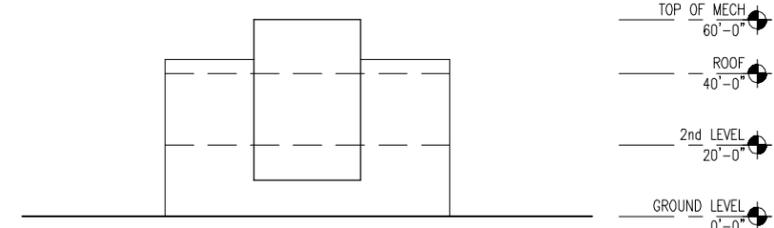
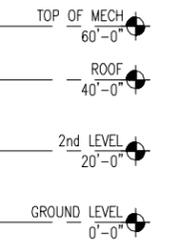
Roof Plan



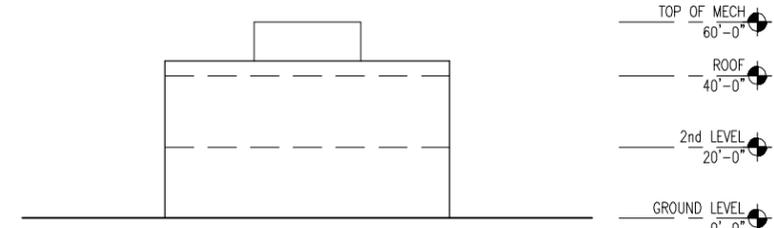
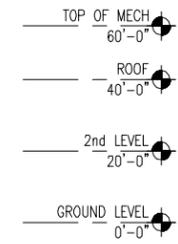
South Elevation



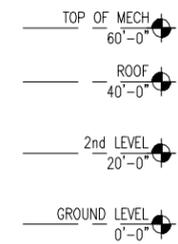
North Elevation

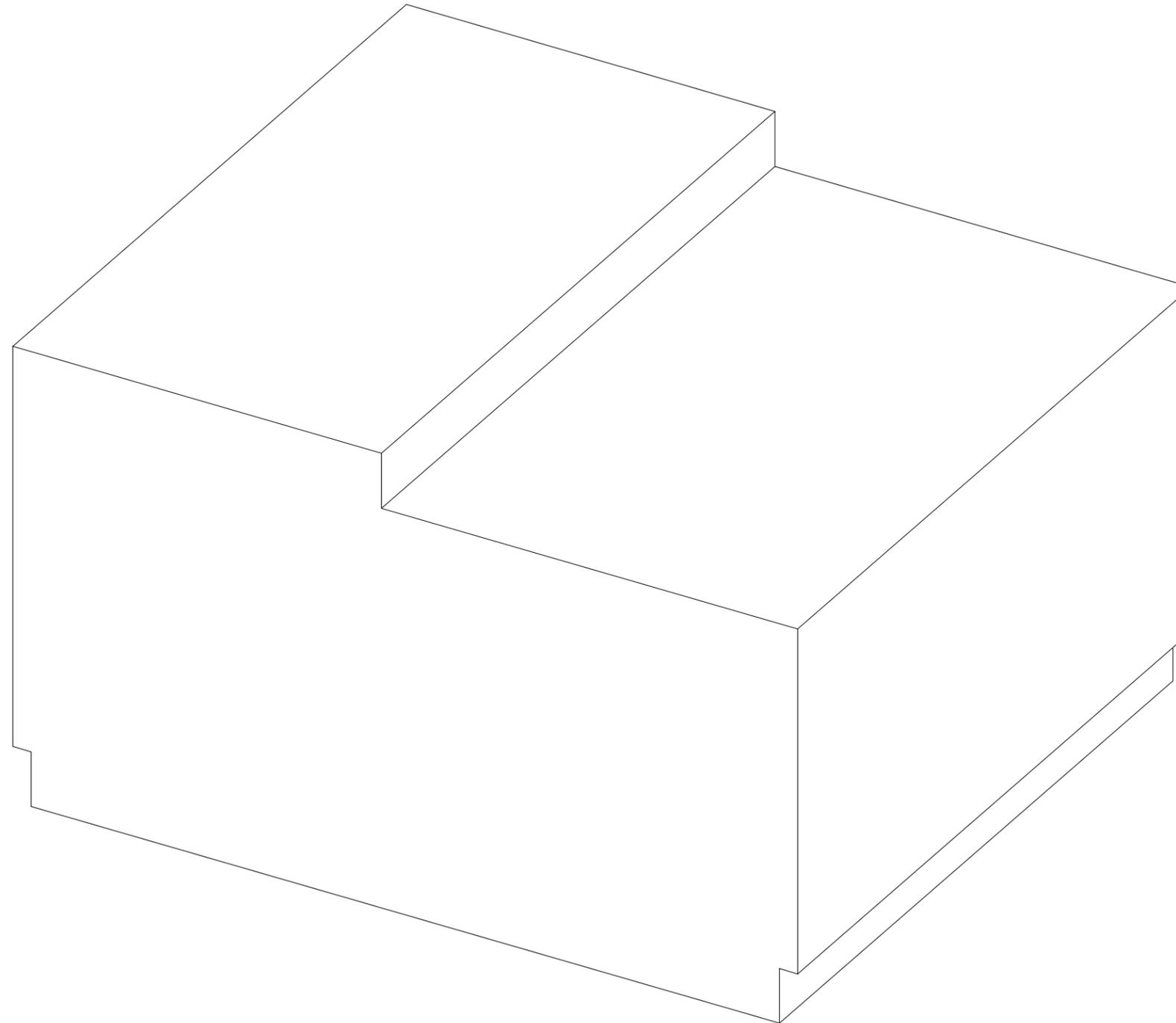


West Elevation

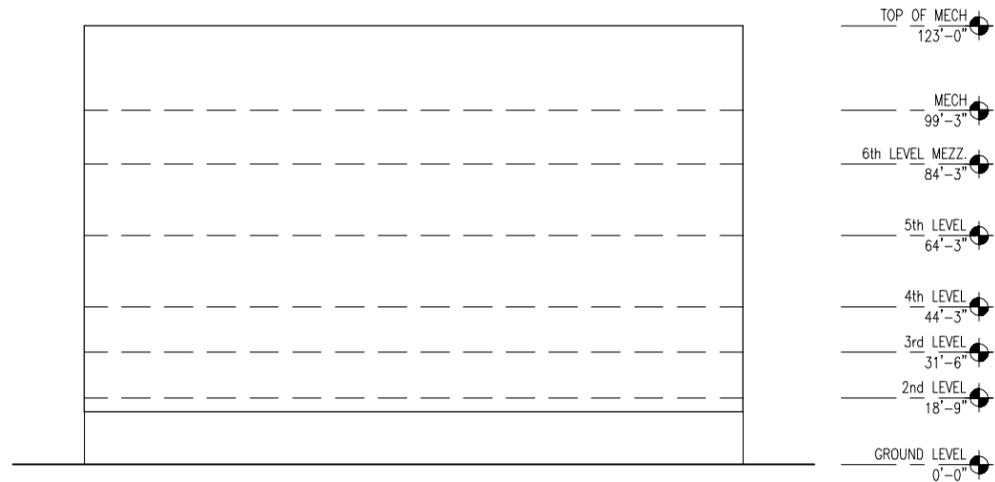


East Elevation

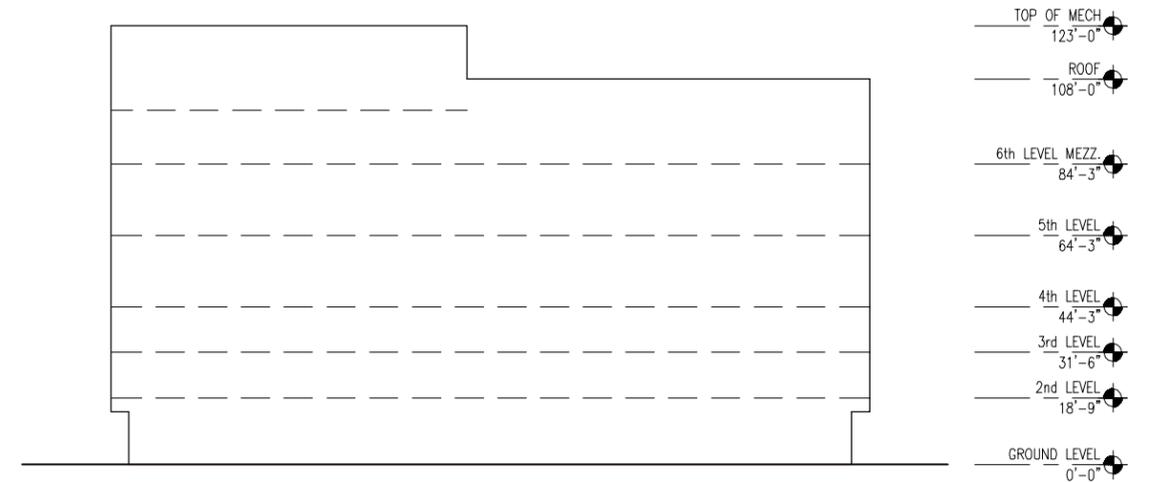




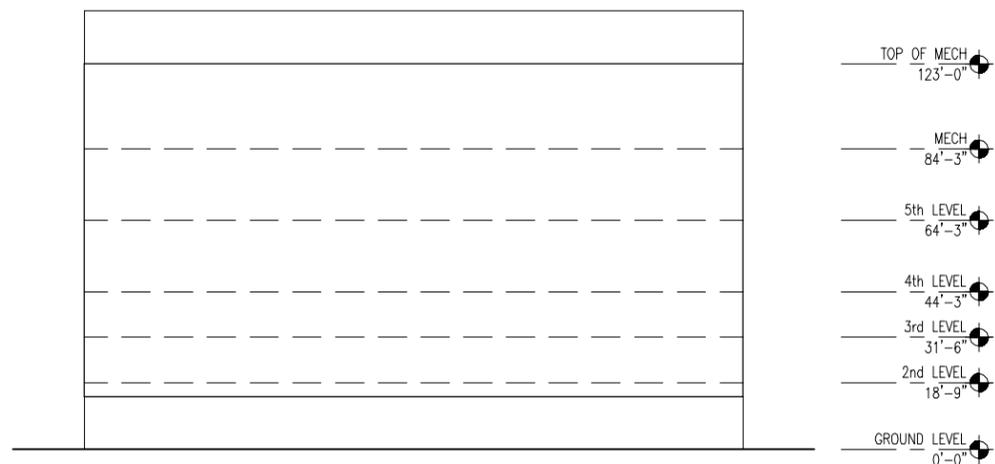
Axonometric View Looking North



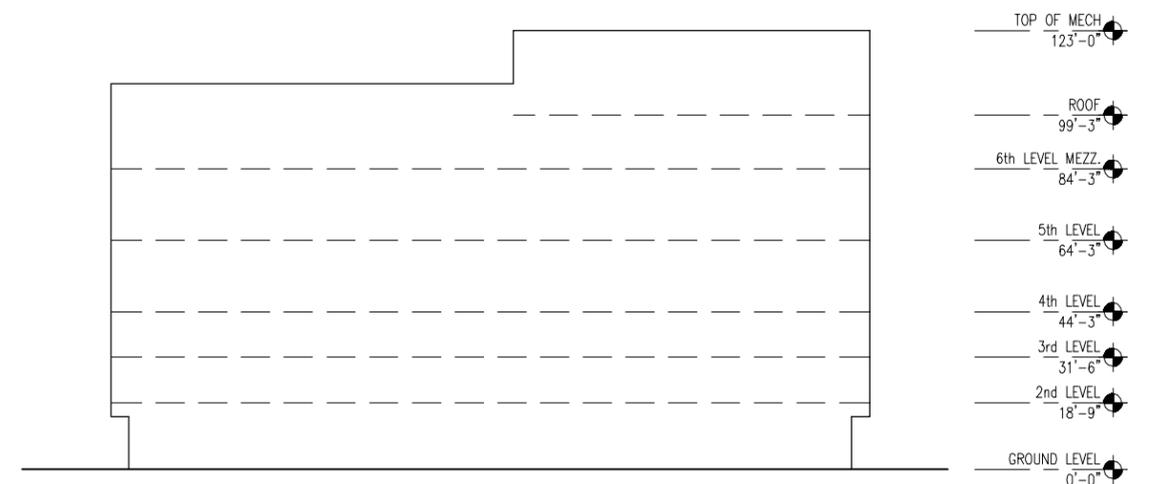
West Elevation



South Elevation

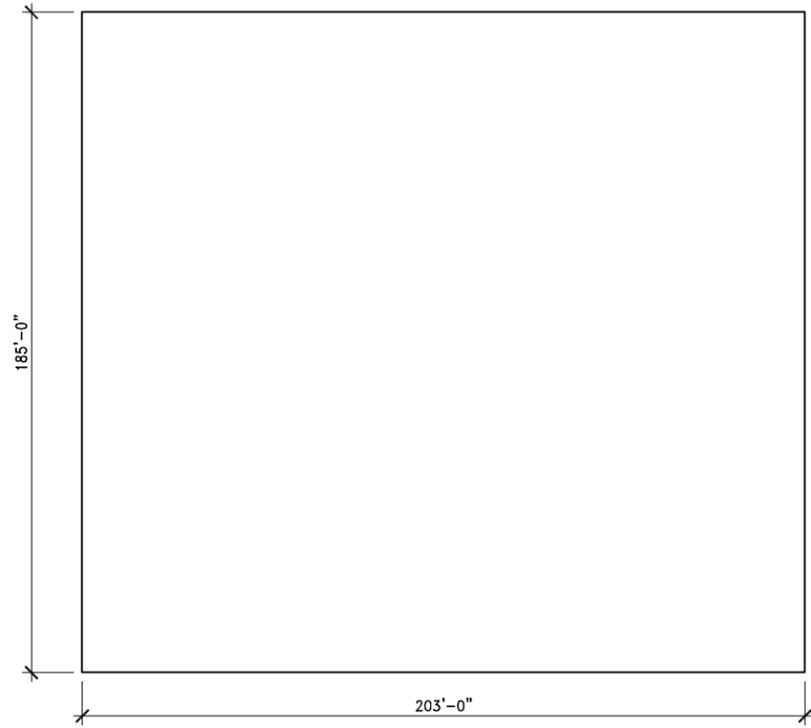


East Elevation

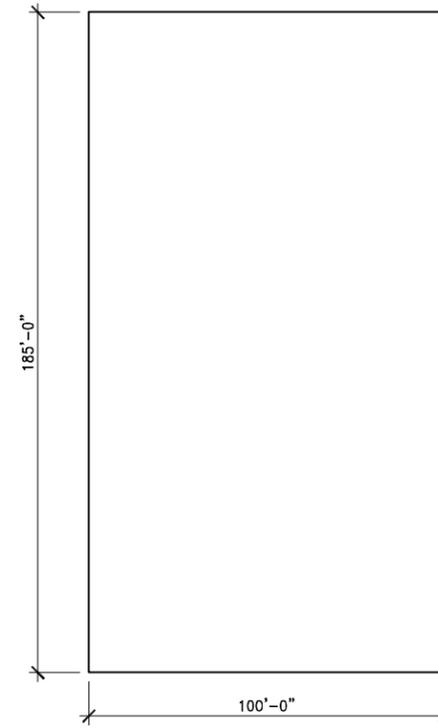


North Elevation

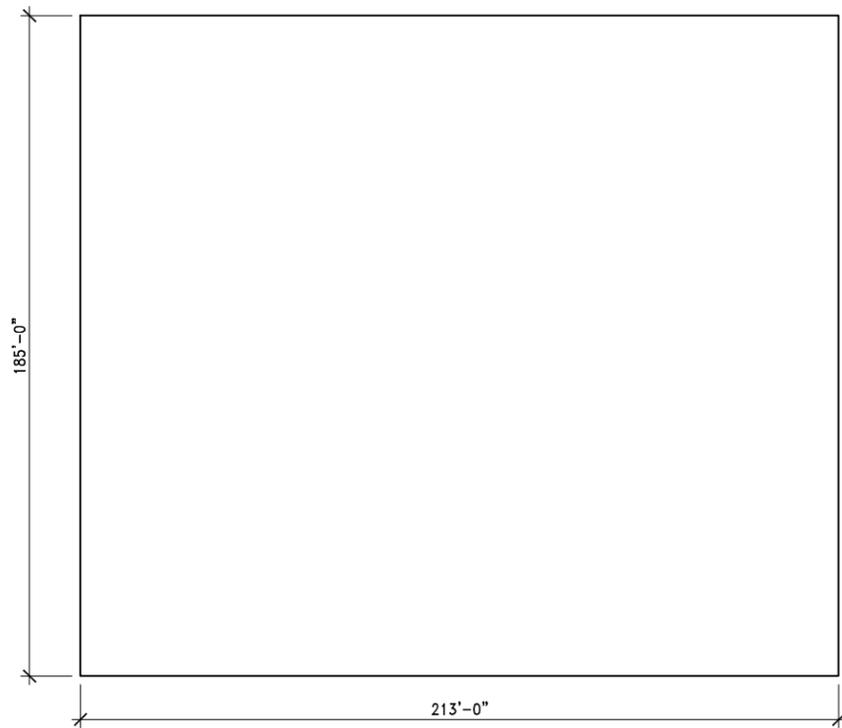




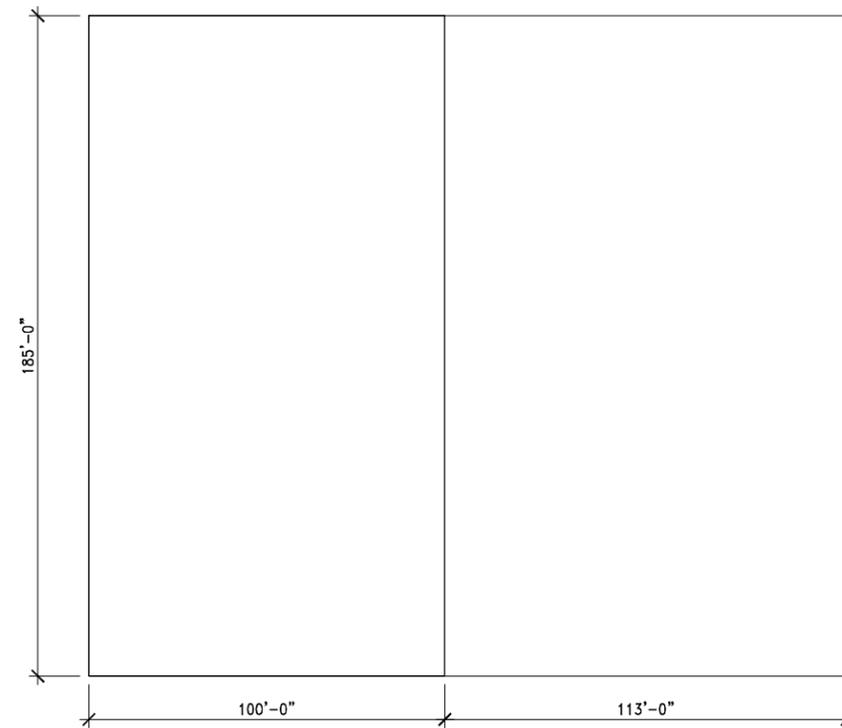
Ground Level Plan



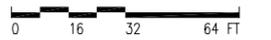
6th Level Mezzanine Plan

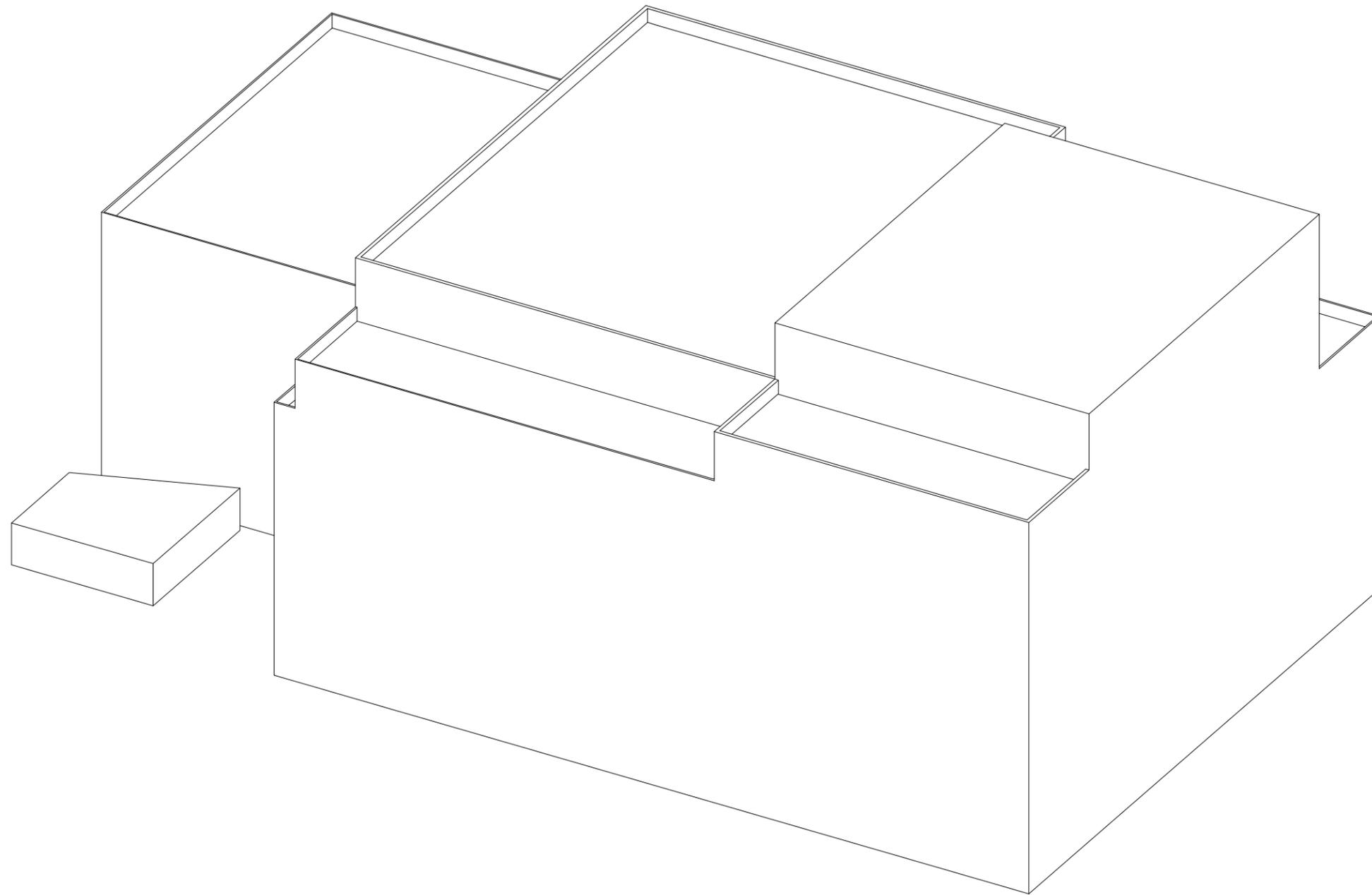


2nd - 5th Level Plan

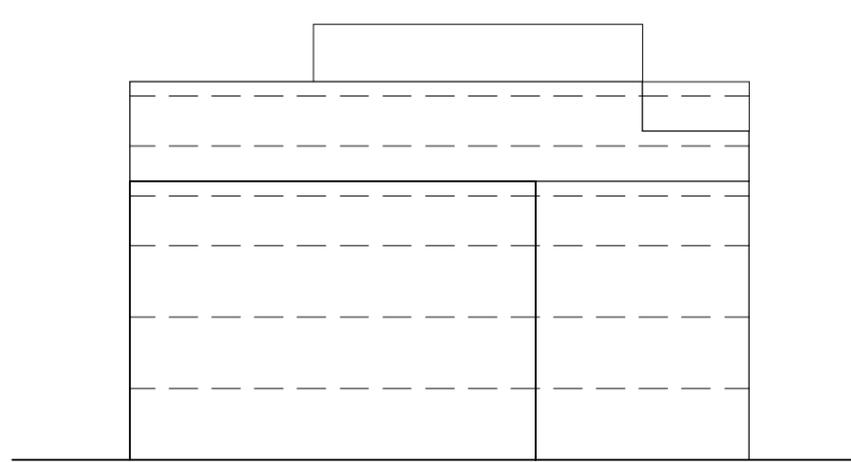


Roof Plan



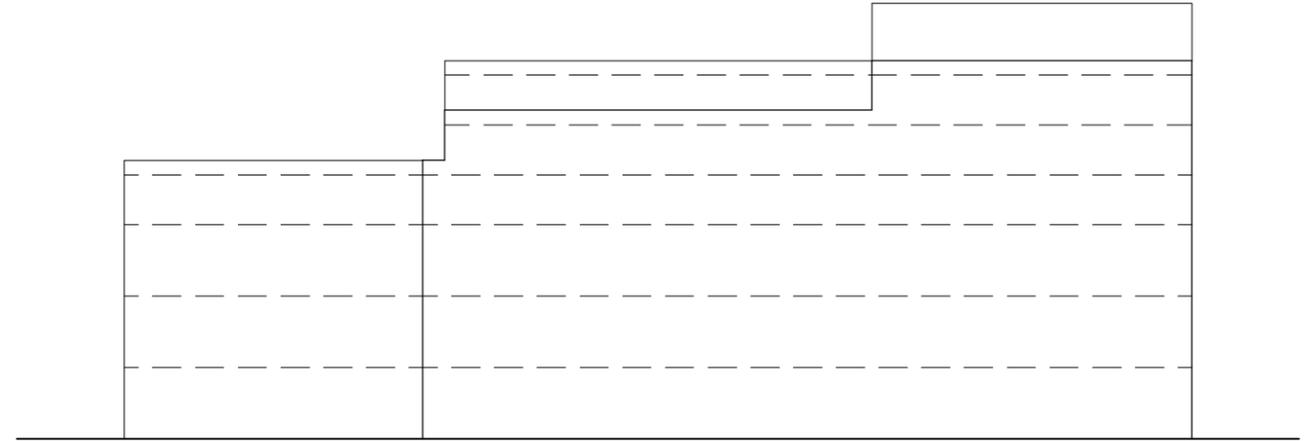


Axonometric View Looking North



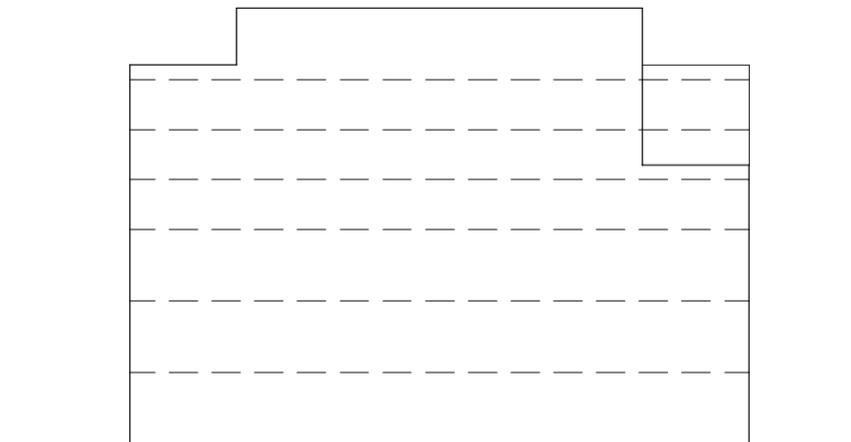
- TOP OF MECH 122'-0"
- ROOF 102'-0"
- 6th LEVEL 88'-0"
- 5th LEVEL 74'-0"
- 4th LEVEL 60'-0"
- 3rd LEVEL 40'-0"
- 2nd LEVEL 20'-0"
- GROUND LEVEL 0'-0"

West Elevation



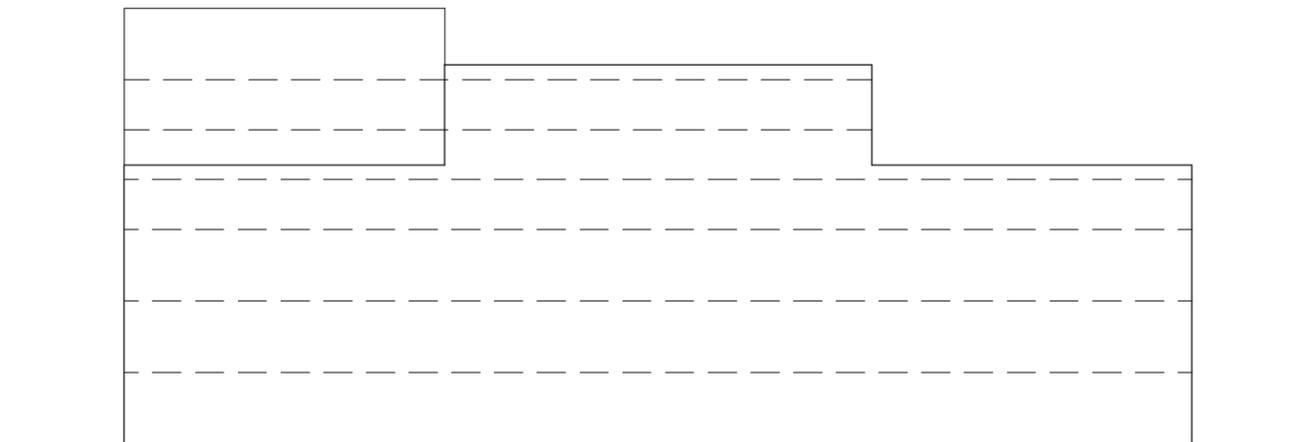
- TOP OF MECH 122'-0"
- ROOF 102'-0"
- 6th LEVEL 88'-0"
- 5th LEVEL 74'-0"
- 4th LEVEL 60'-0"
- 3rd LEVEL 40'-0"
- 2nd LEVEL 20'-0"
- GROUND LEVEL 0'-0"

South Elevation



- TOP OF MECH 122'-0"
- ROOF 102'-0"
- 6th LEVEL 88'-0"
- 5th LEVEL 74'-0"
- 4th LEVEL 60'-0"
- 3rd LEVEL 40'-0"
- 2nd LEVEL 20'-0"
- GROUND LEVEL 0'-0"

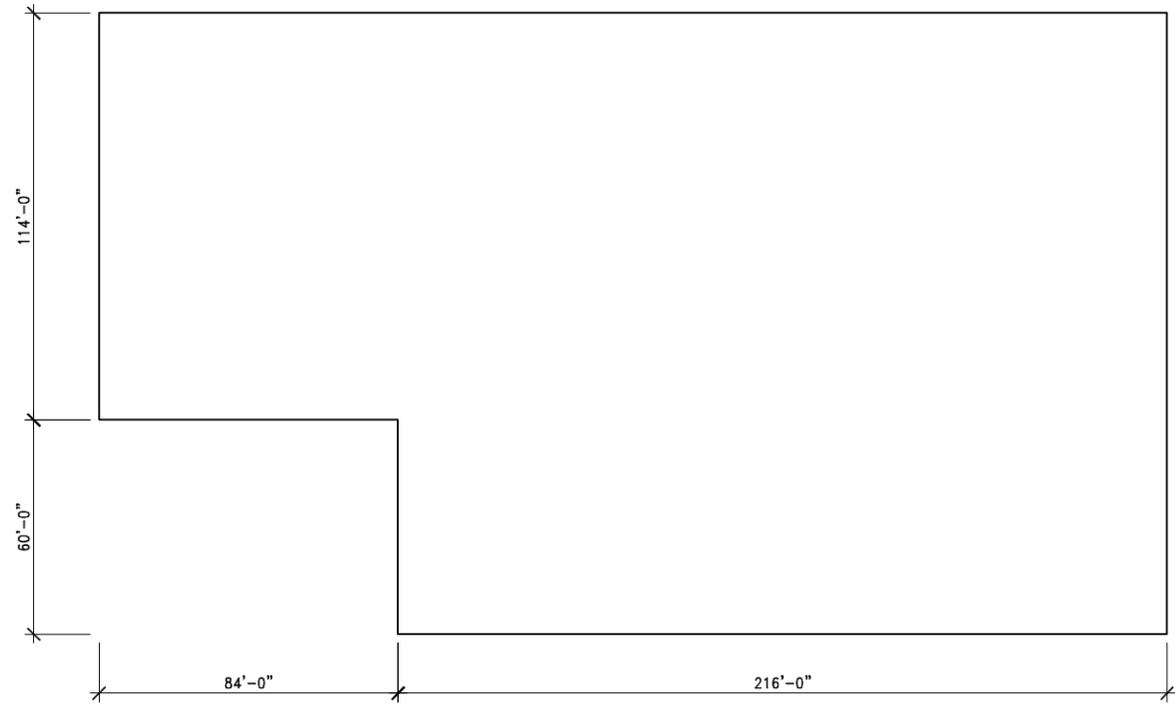
East Elevation



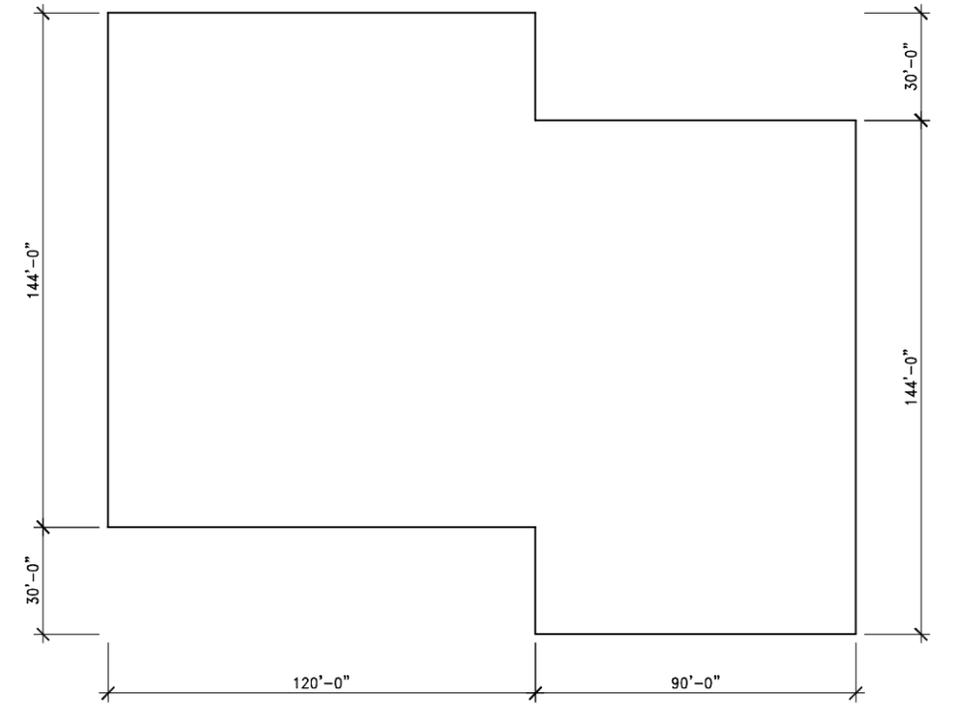
- TOP OF MECH 122'-0"
- ROOF 102'-0"
- 6th LEVEL 88'-0"
- 5th LEVEL 74'-0"
- 4th LEVEL 60'-0"
- 3rd LEVEL 40'-0"
- 2nd LEVEL 20'-0"
- GROUND LEVEL 0'-0"

North Elevation

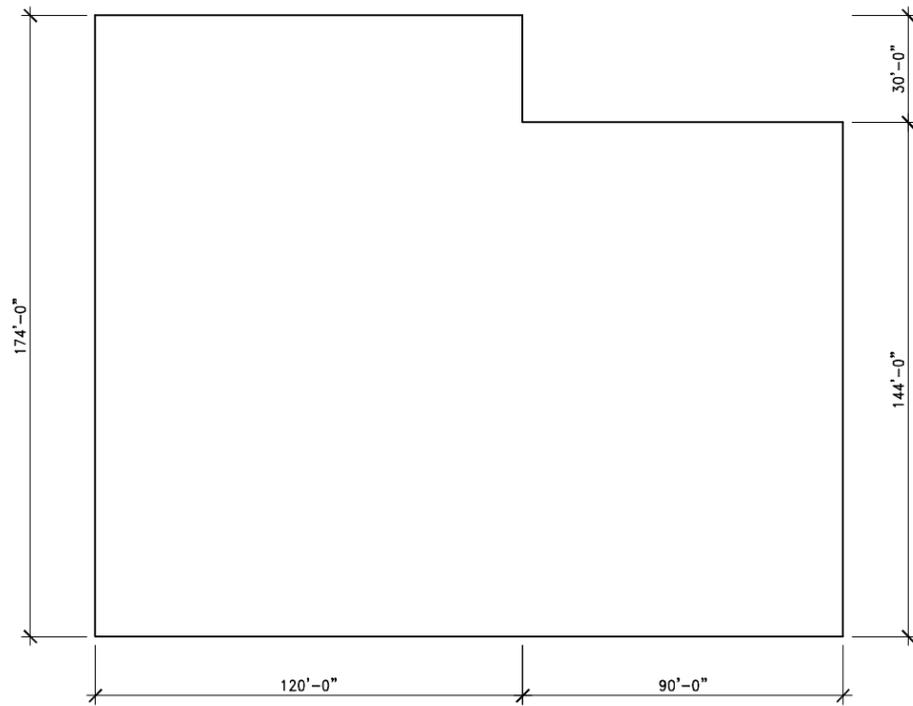




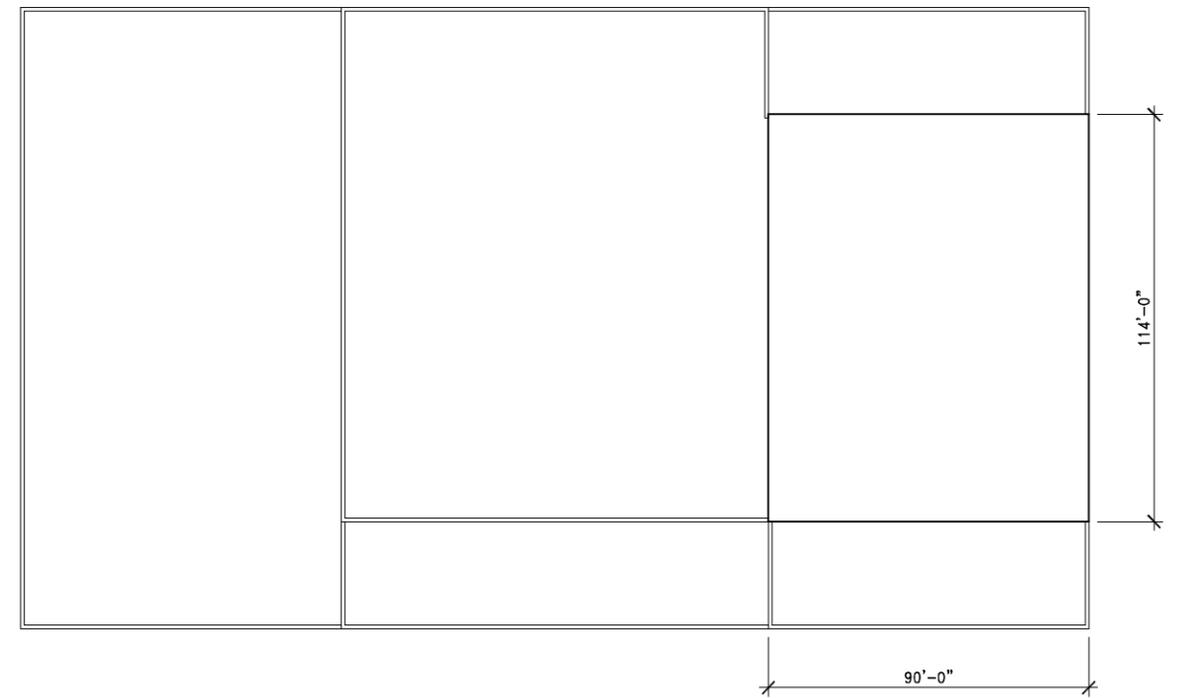
Ground - 4th Level Plan



6th Level Plan

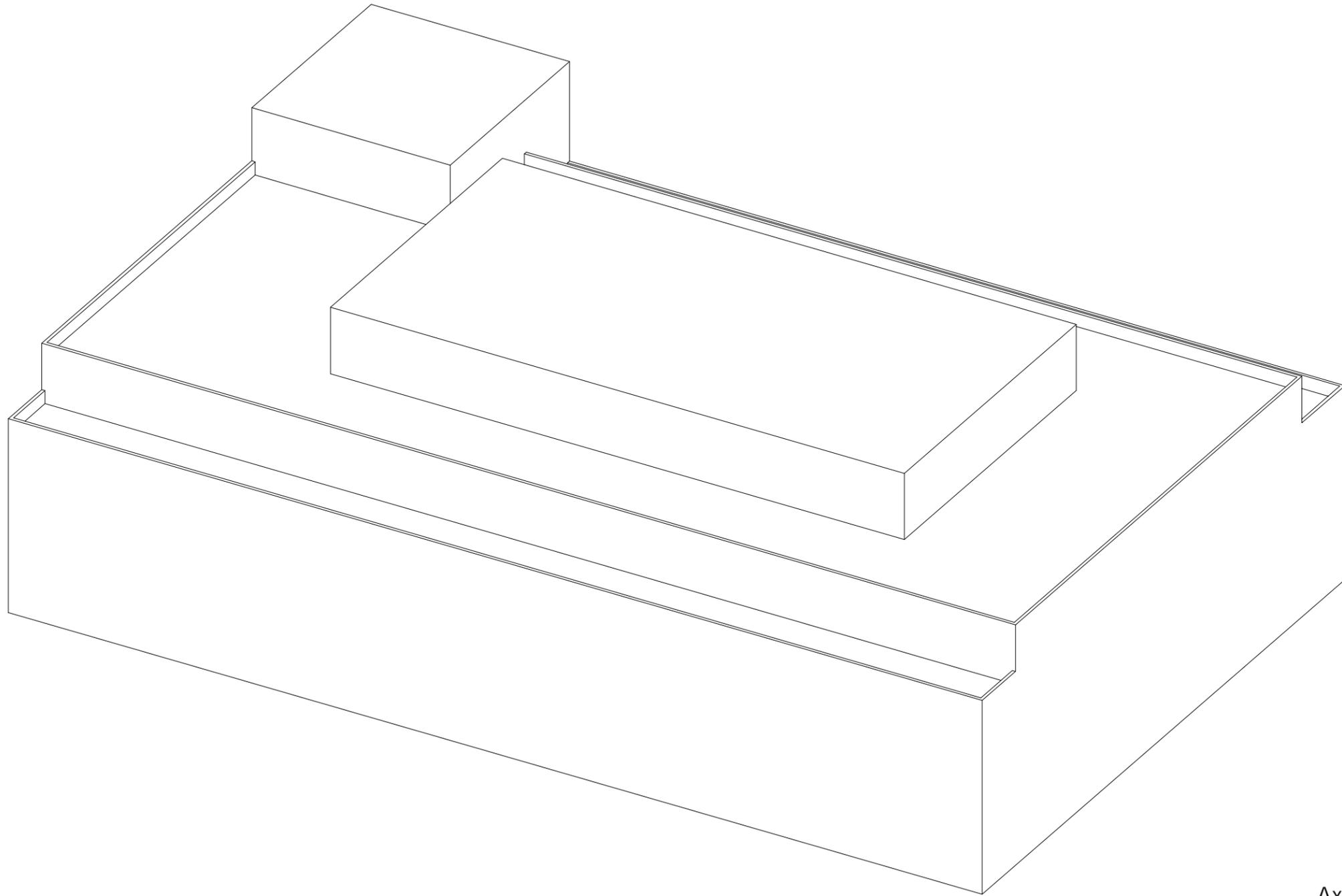


5th Level Plan

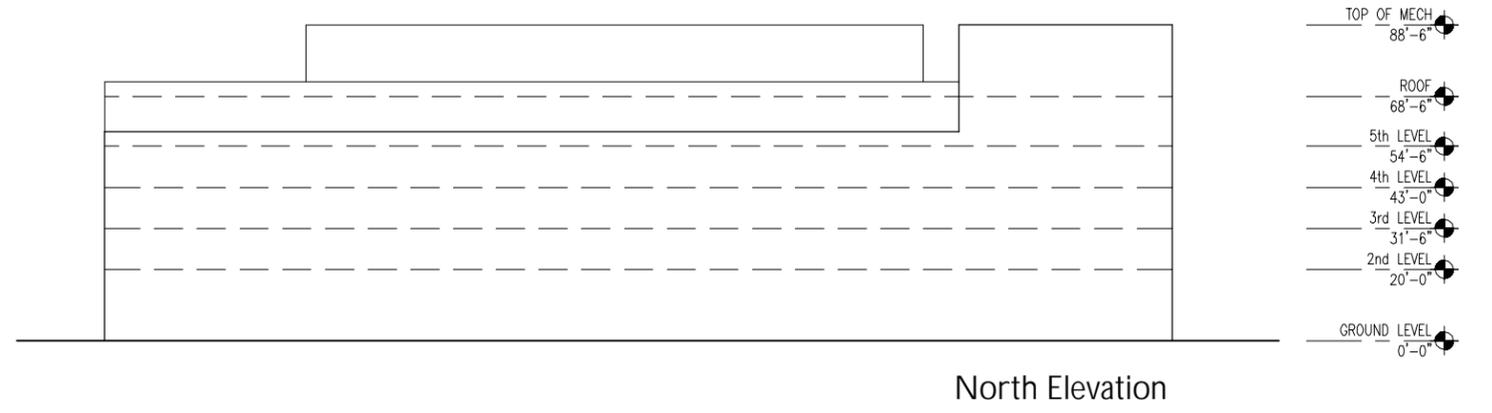
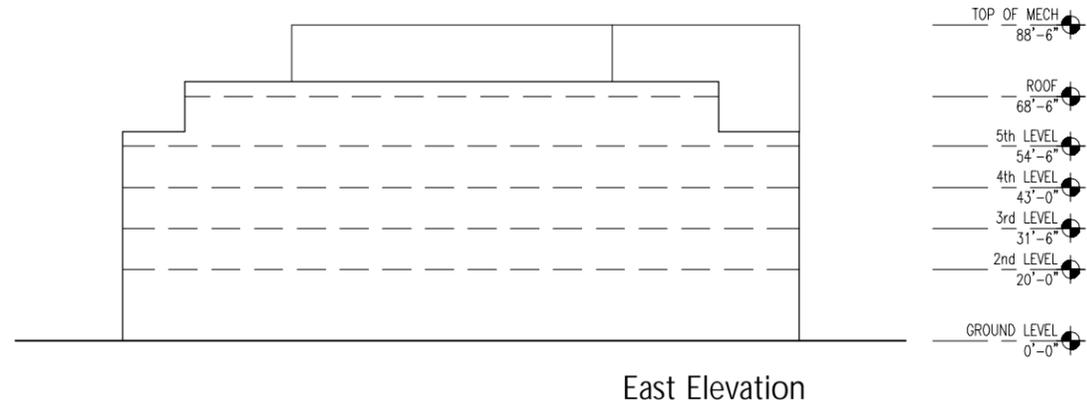
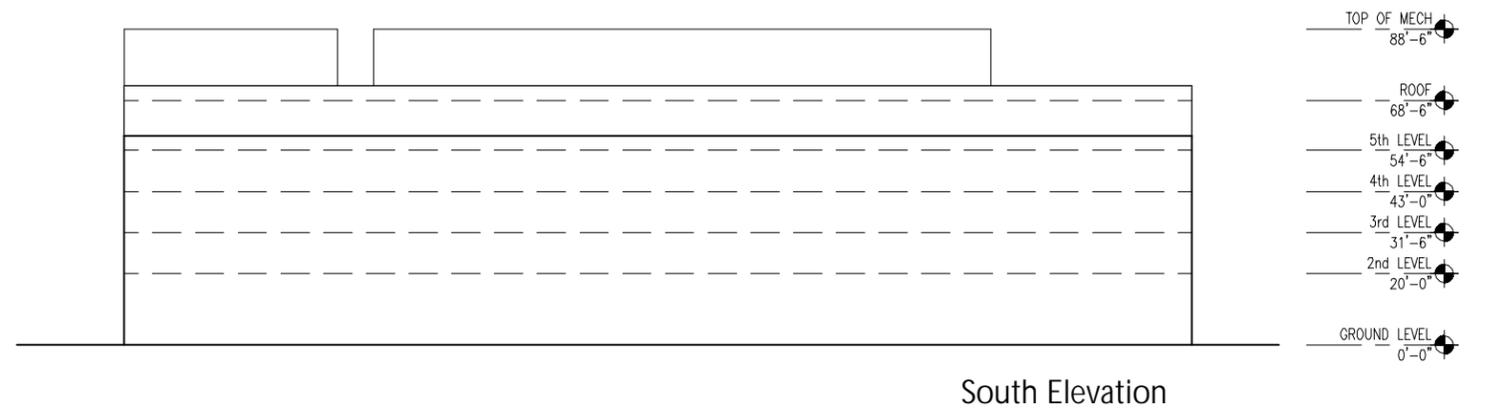
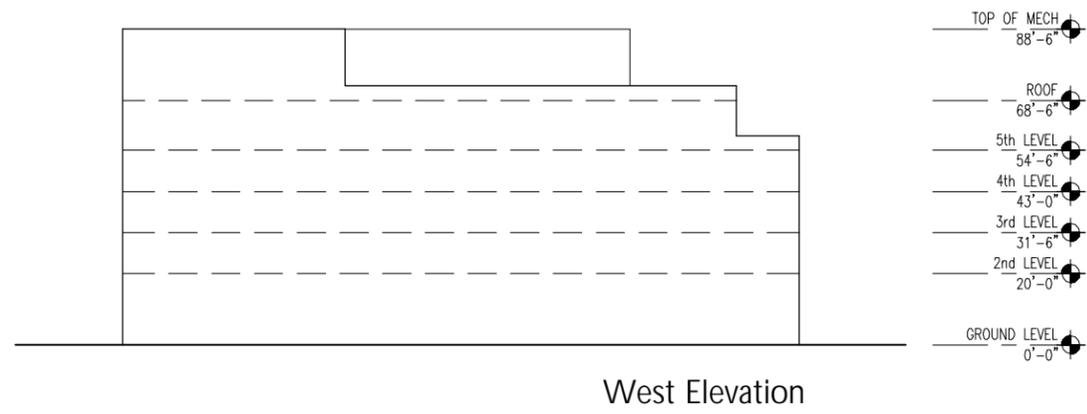


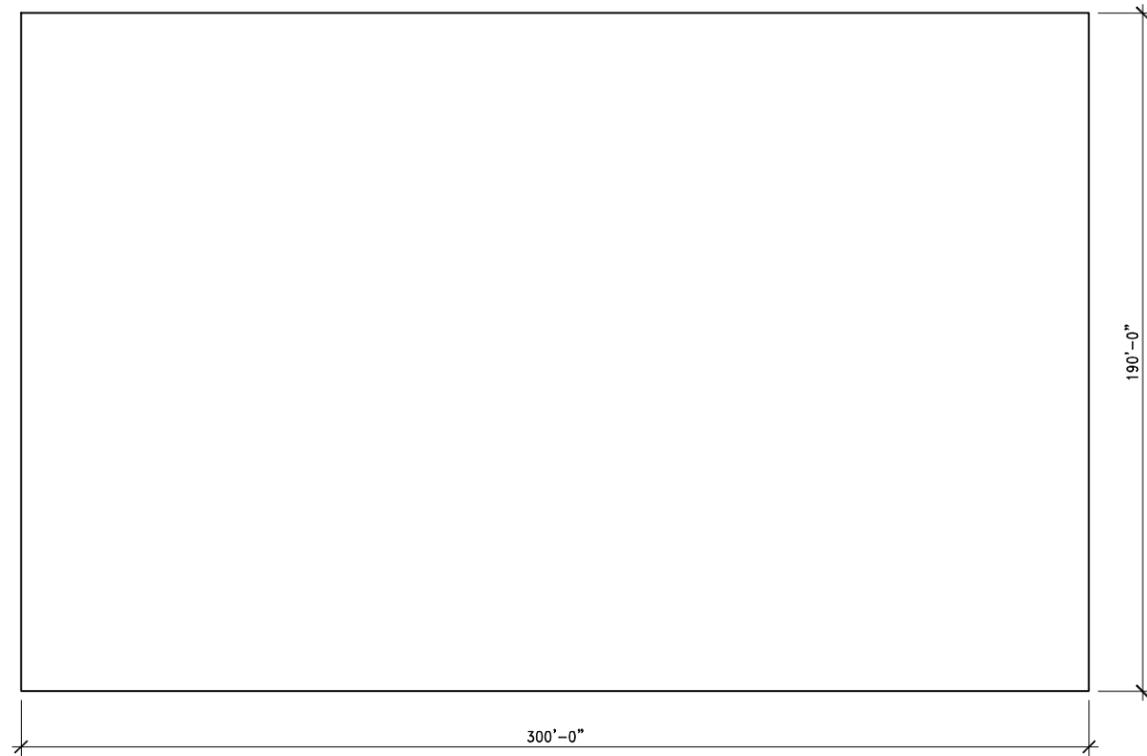
Roof Plan



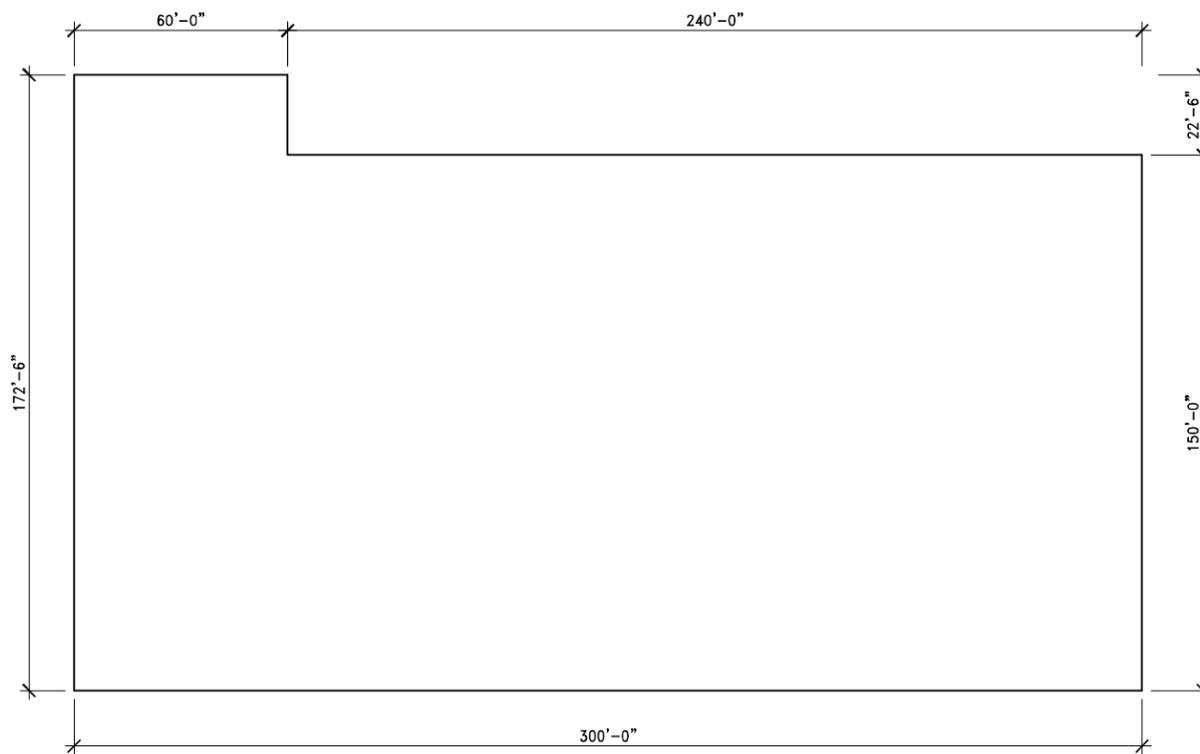


Axonometric View Looking North

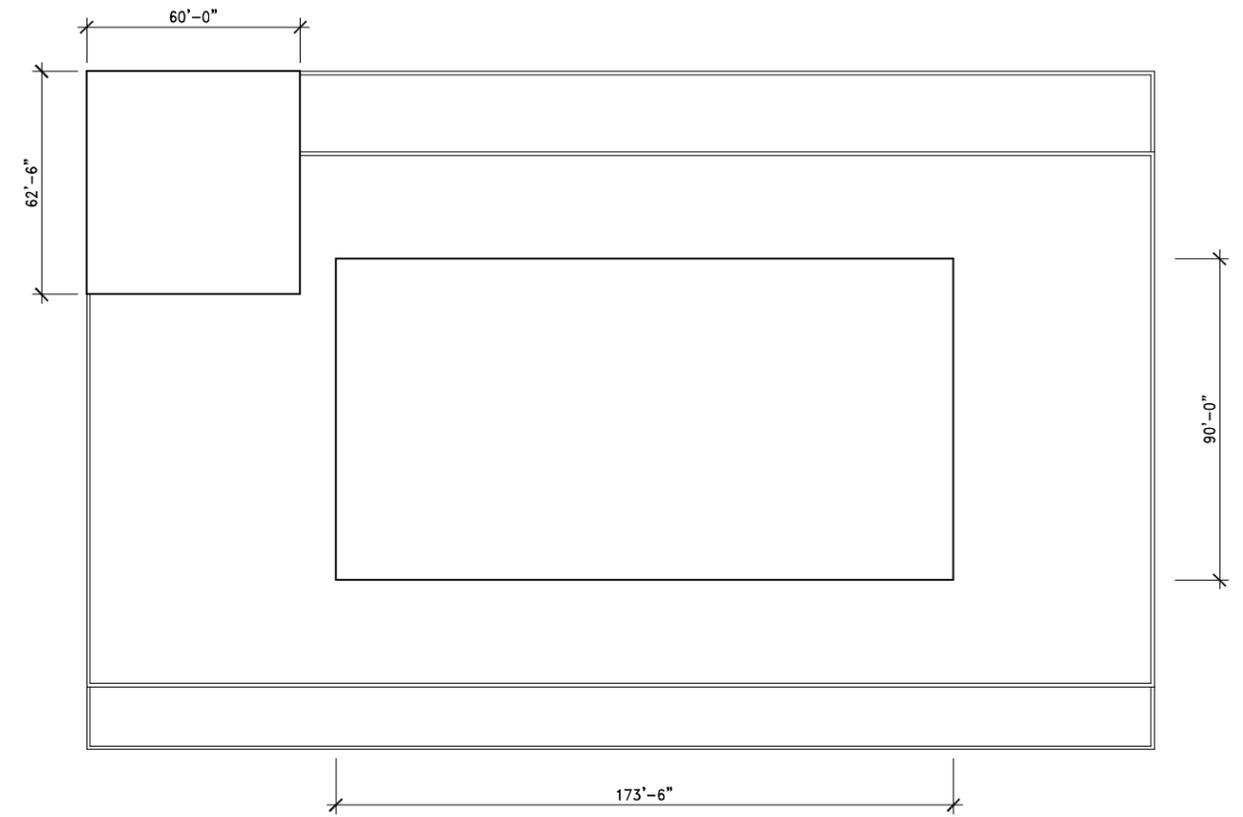




Ground - 4th Level Plan

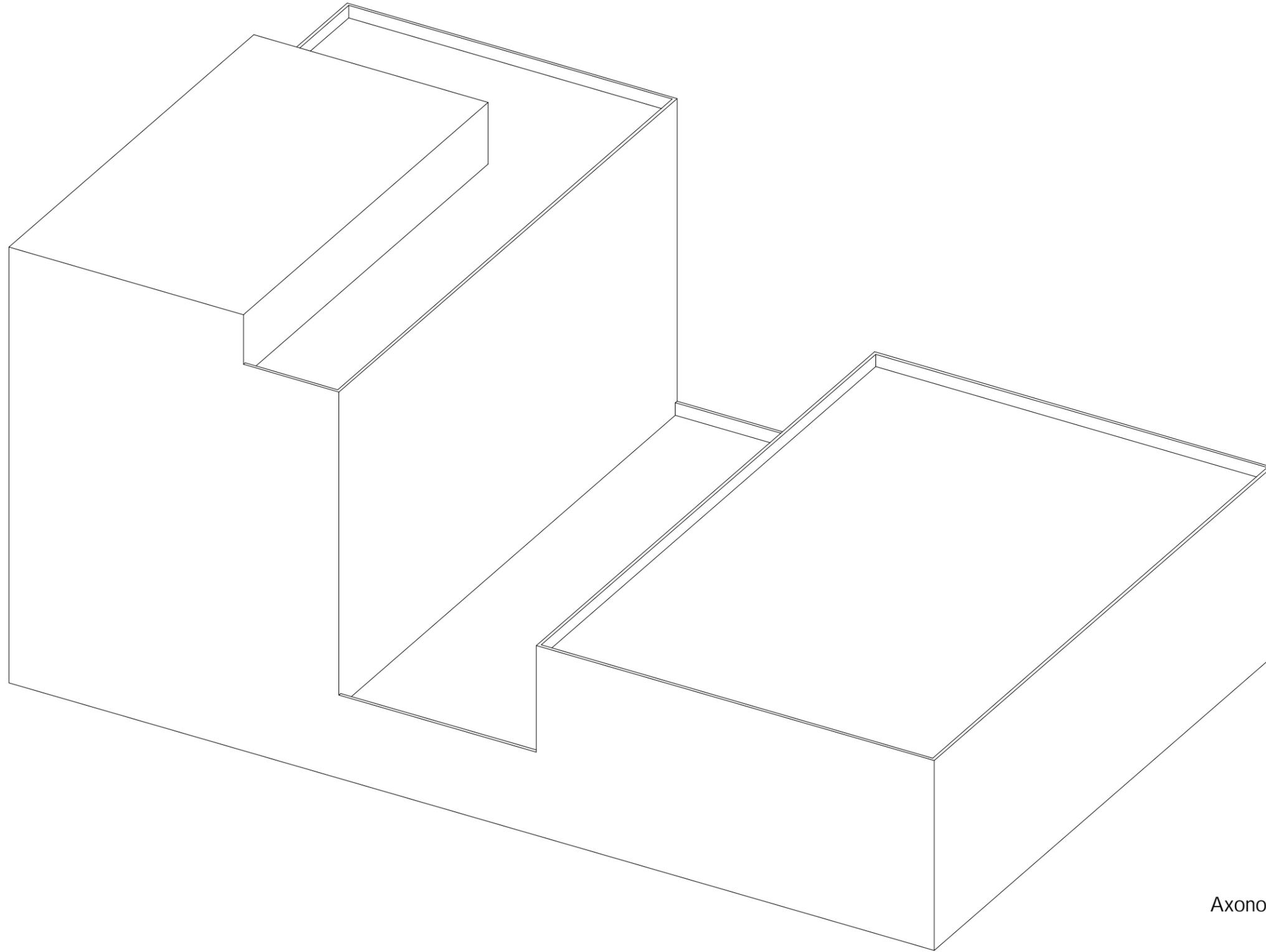


5th Level Plan

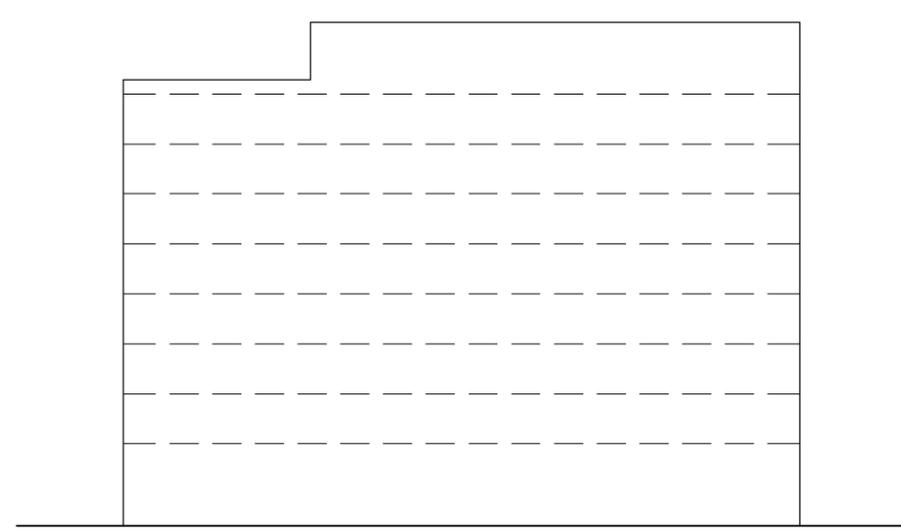


Roof Plan

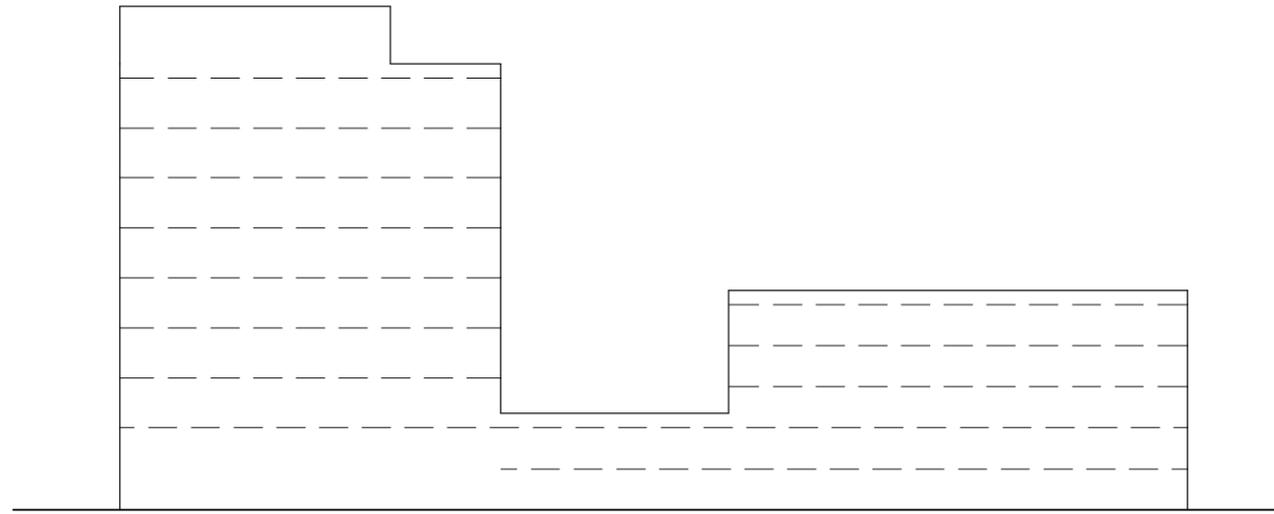
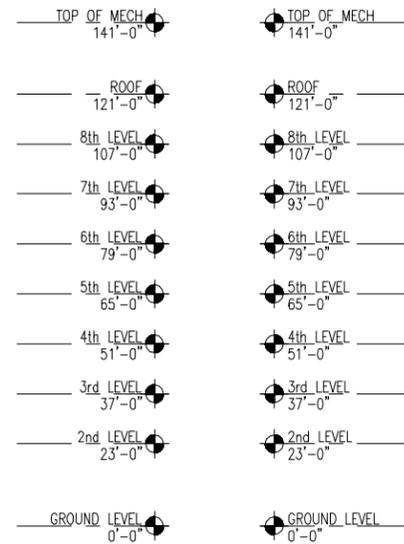




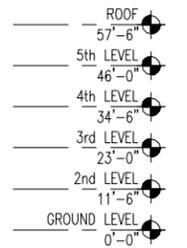
Axonometric View Looking North



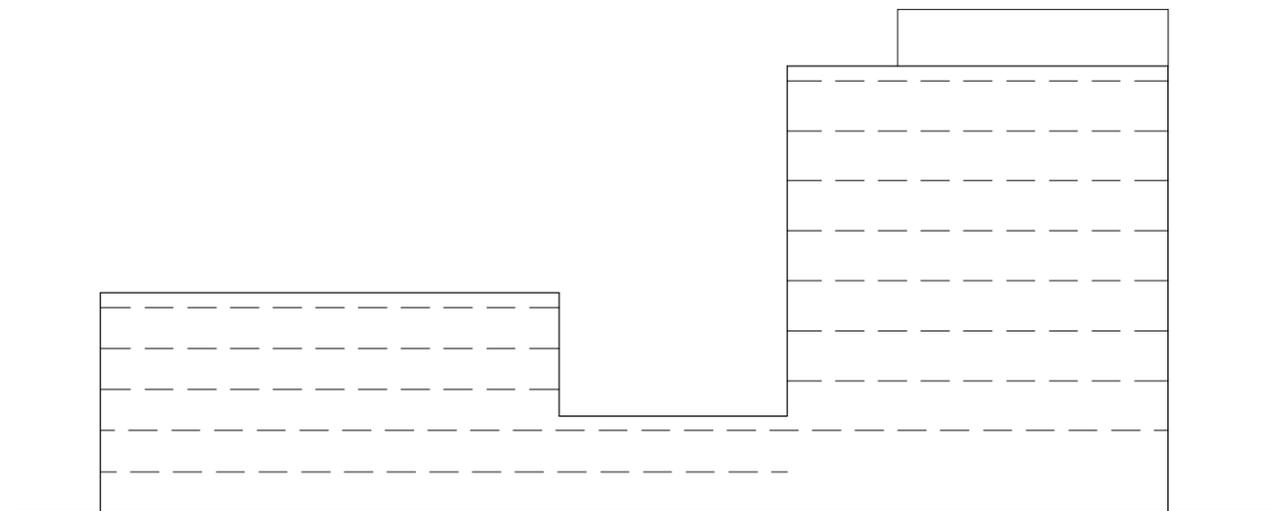
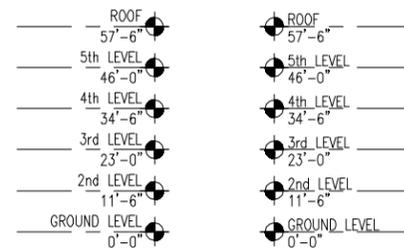
West Elevation



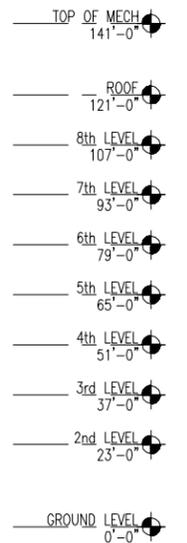
South Elevation

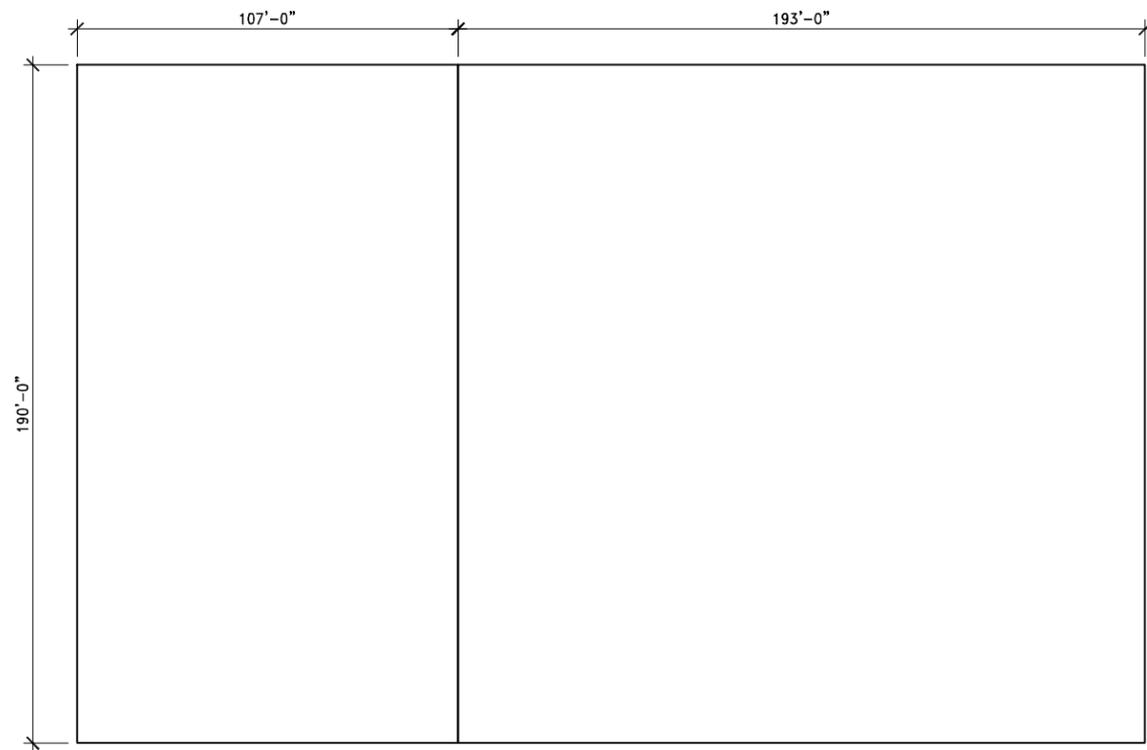


East Elevation

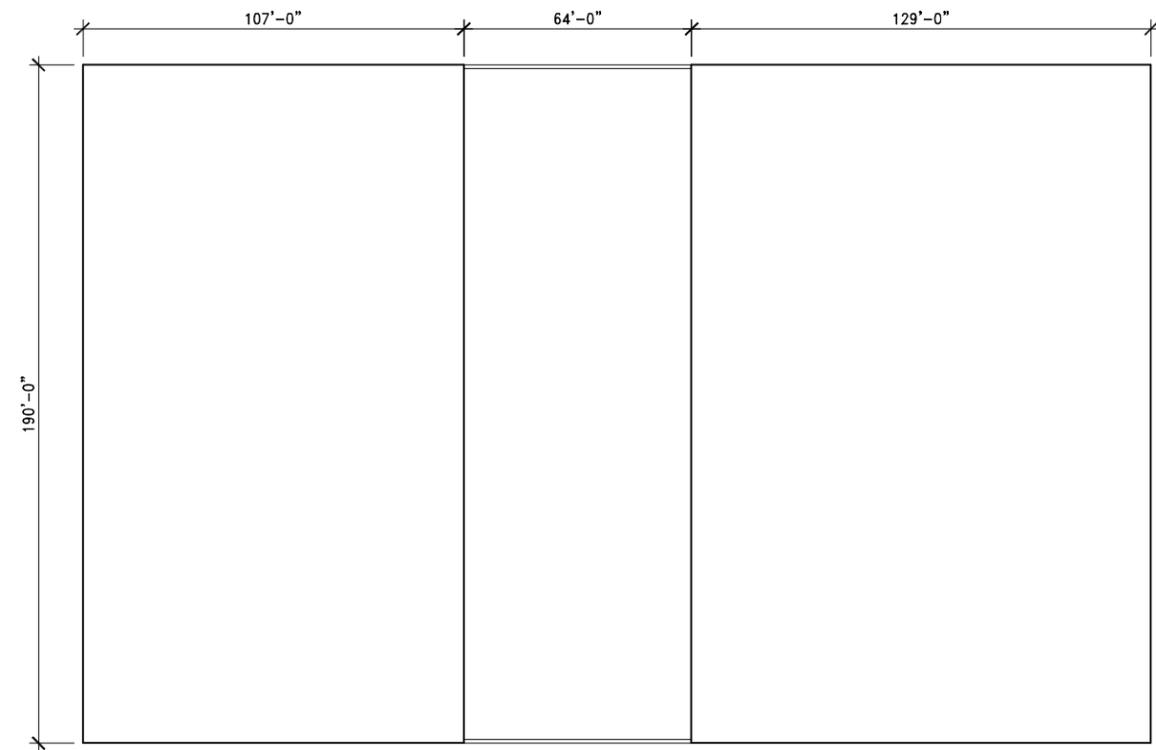


North Elevation

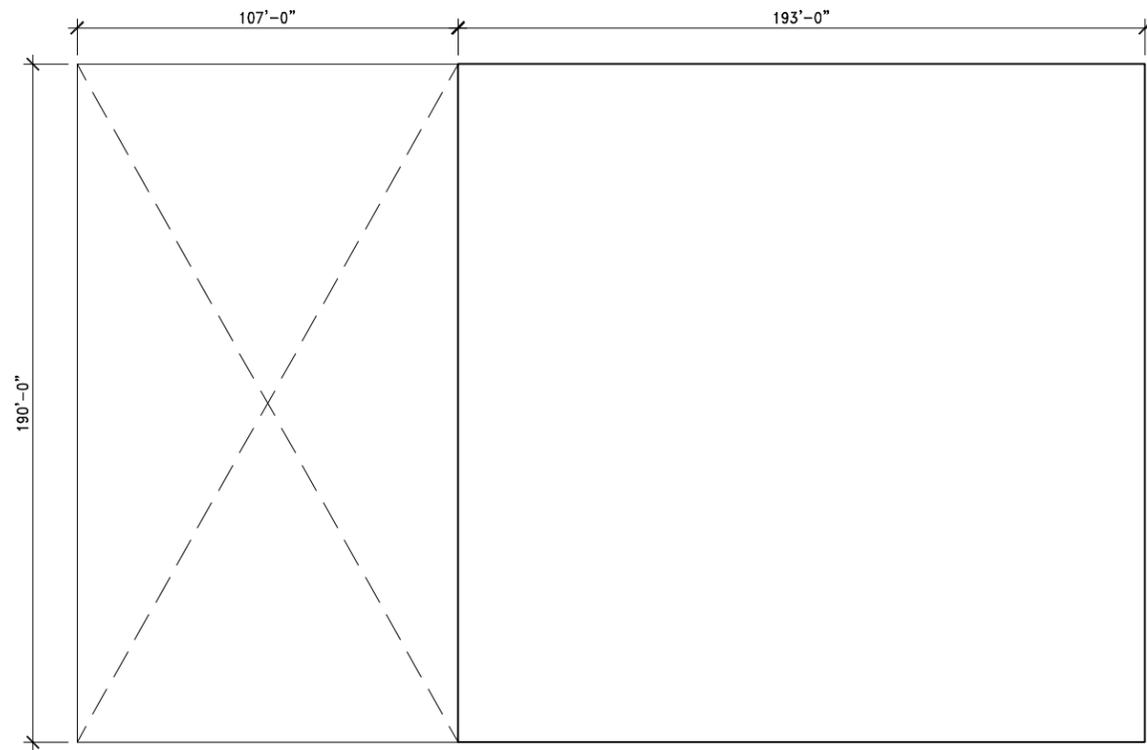




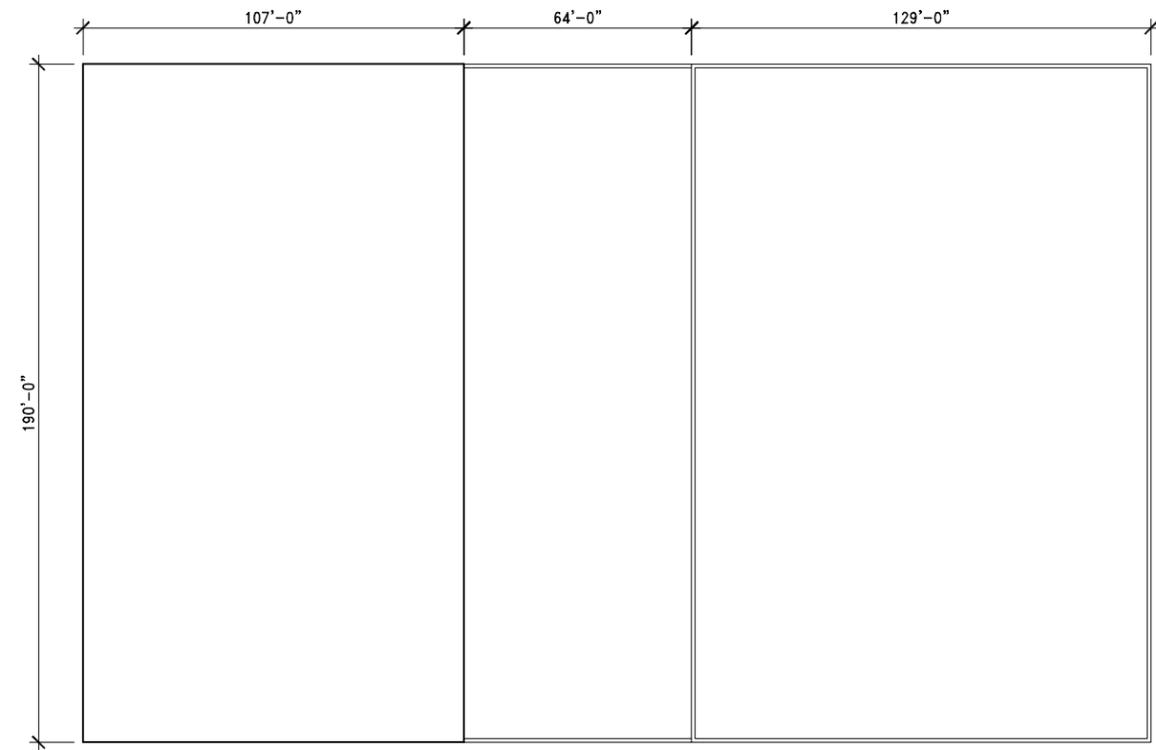
Ground Level Plan



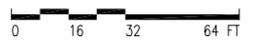
2nd - 4th Level Plan

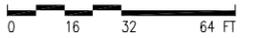
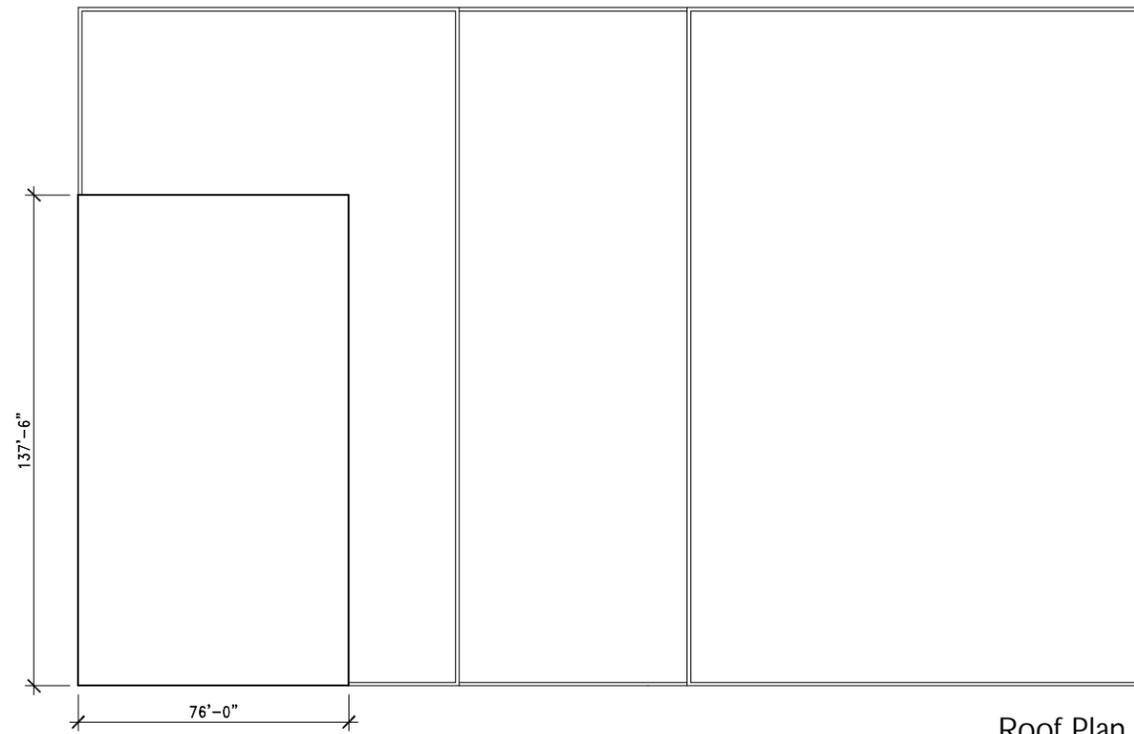


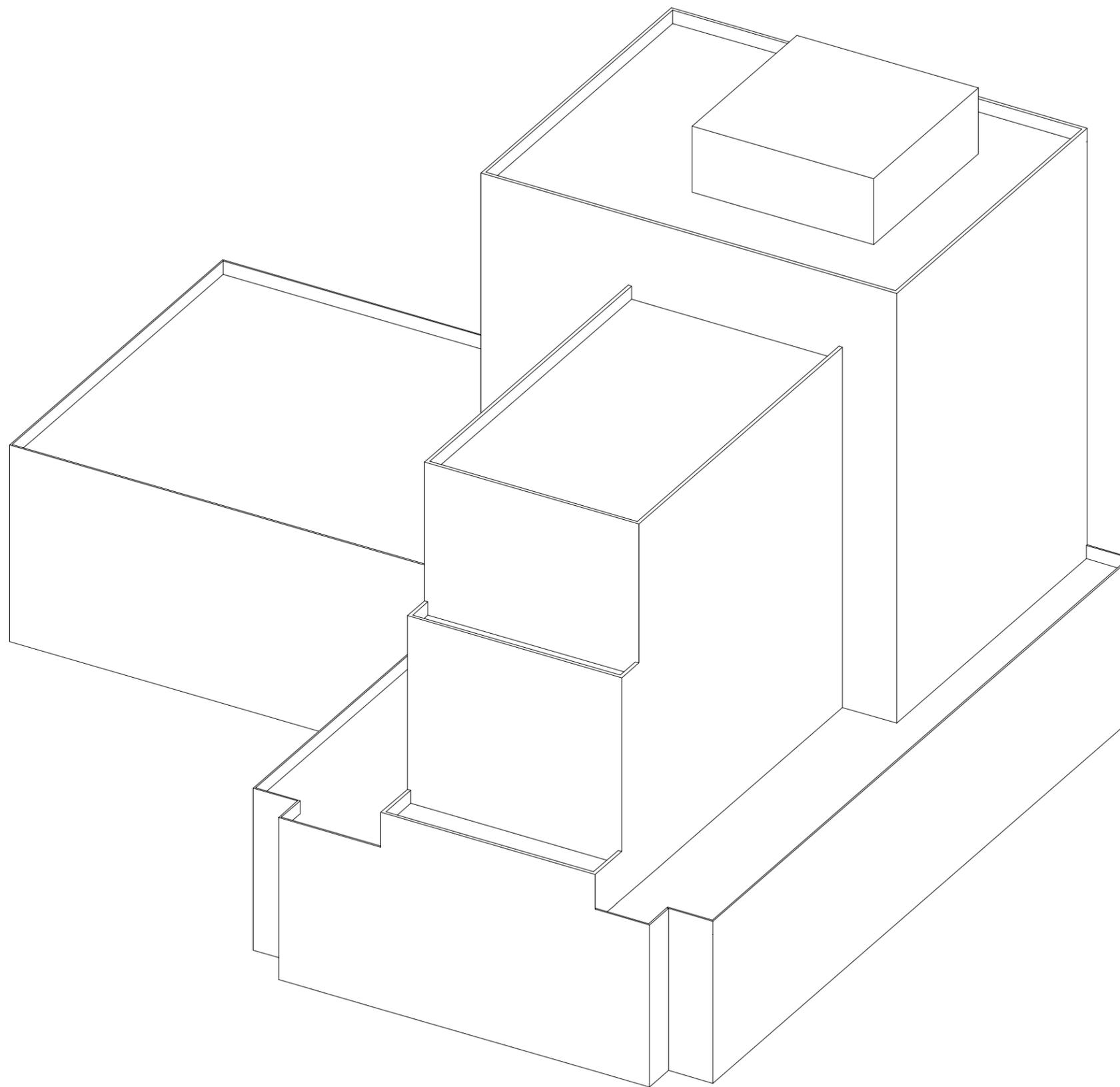
Mezzanine Level Plan



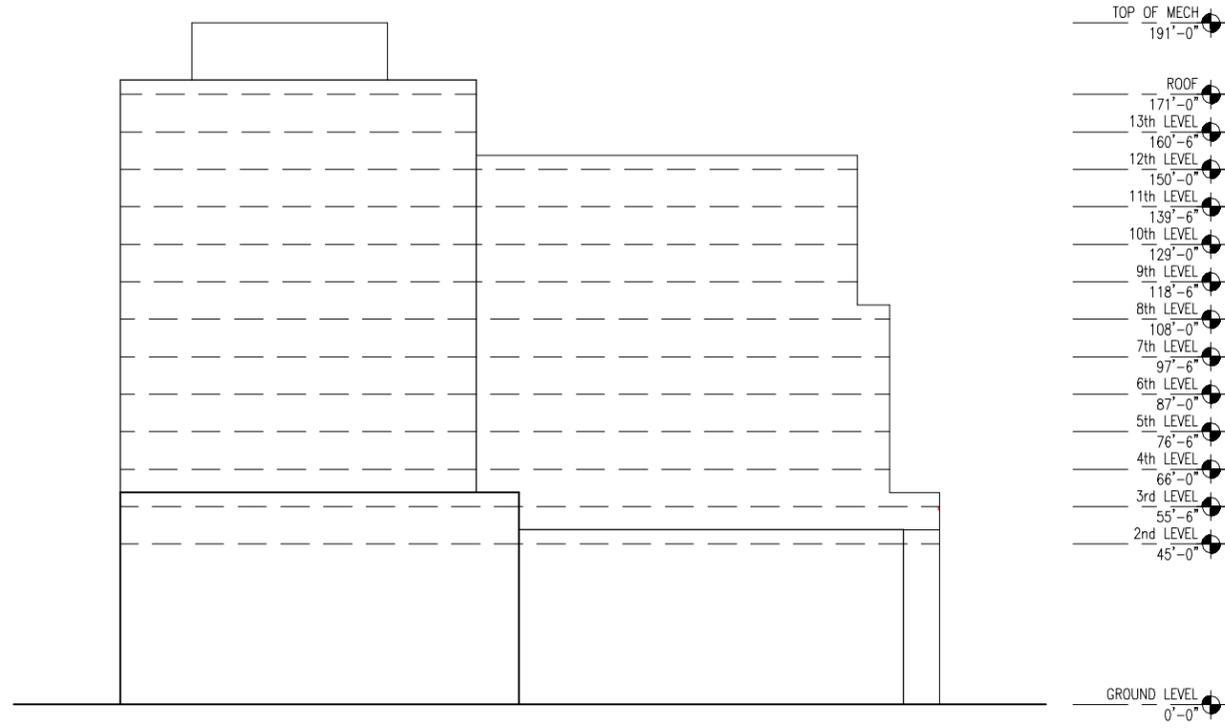
5th - 8th Level Plan



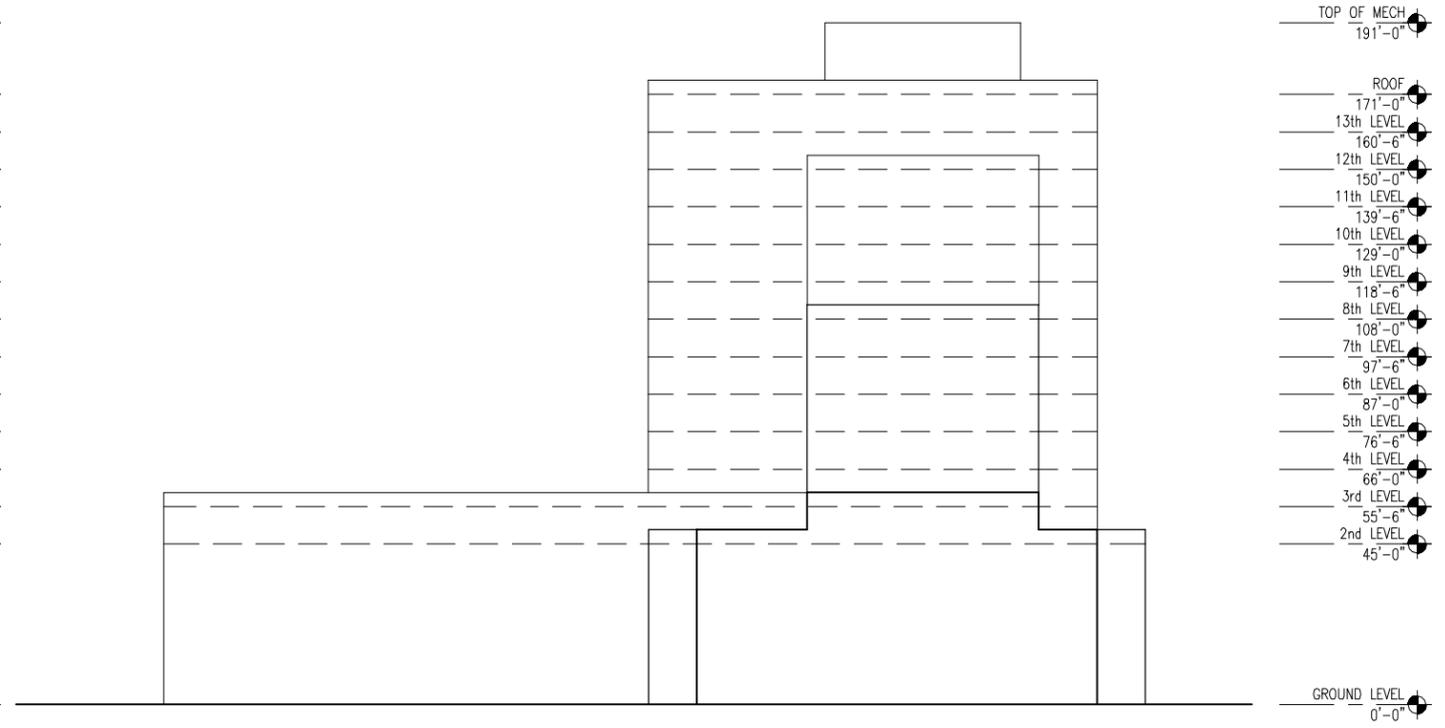




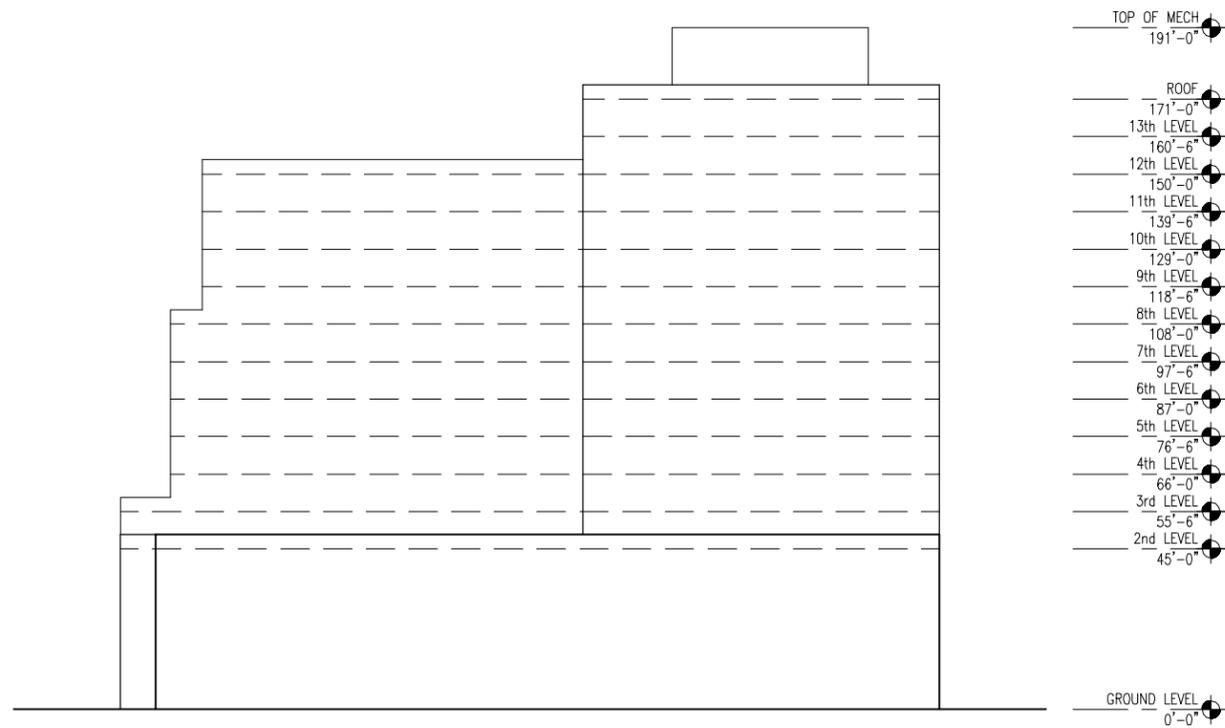
Axonometric View Looking North



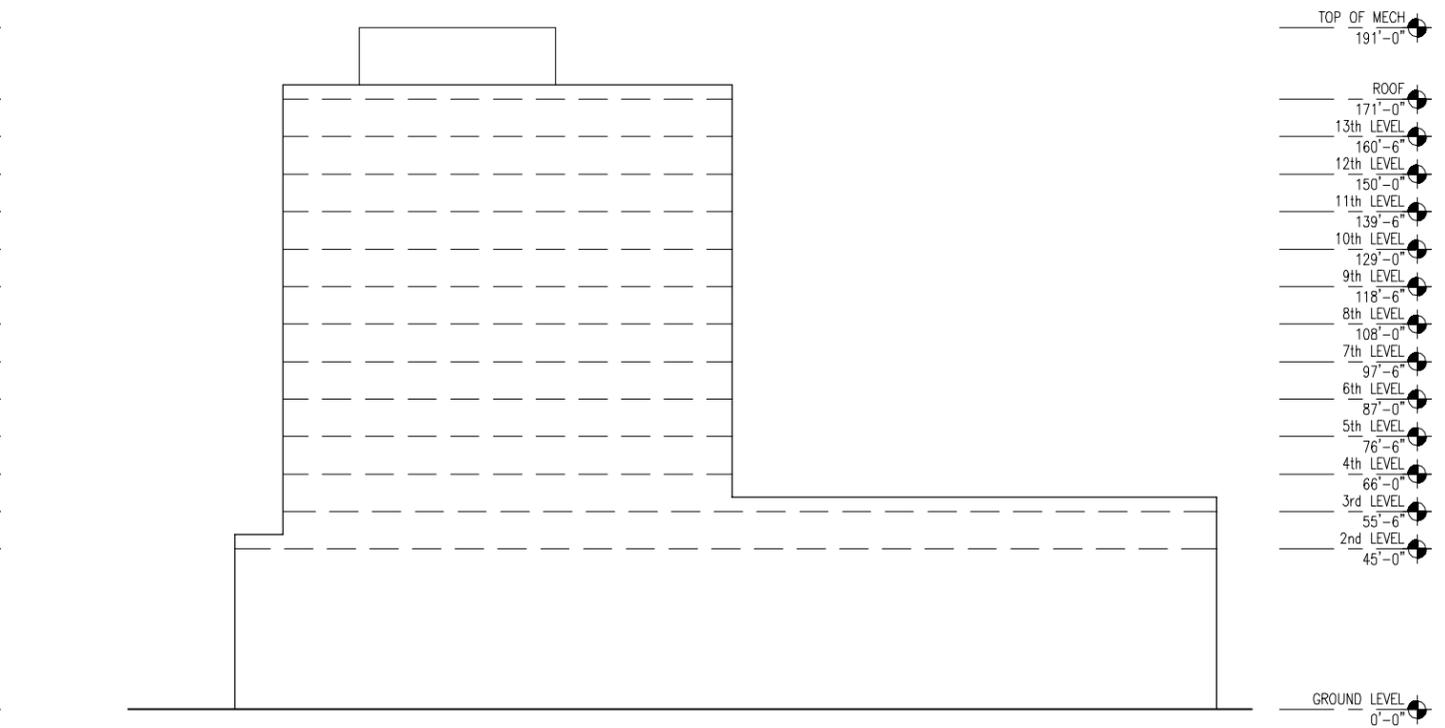
West Elevation



South Elevation

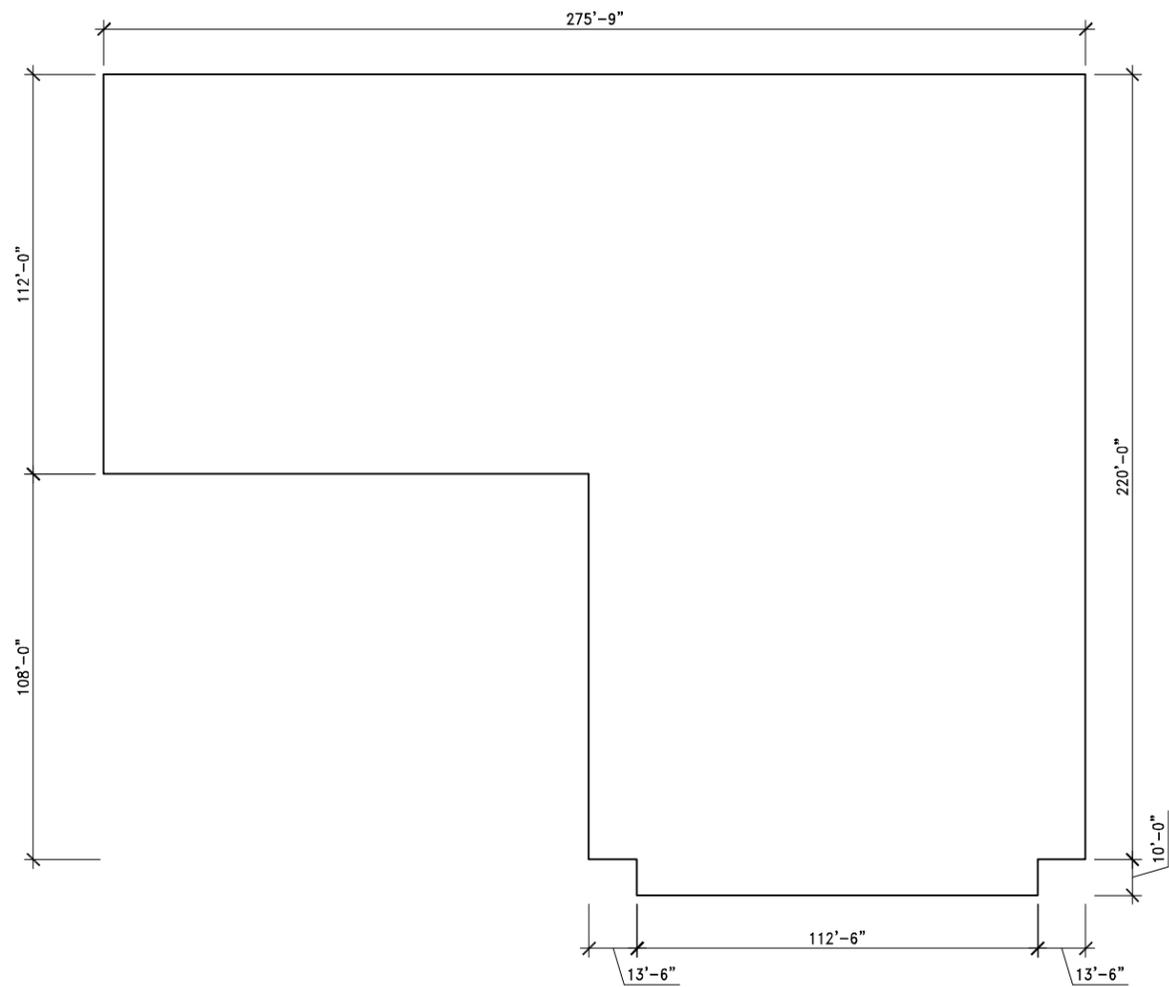


East Elevation

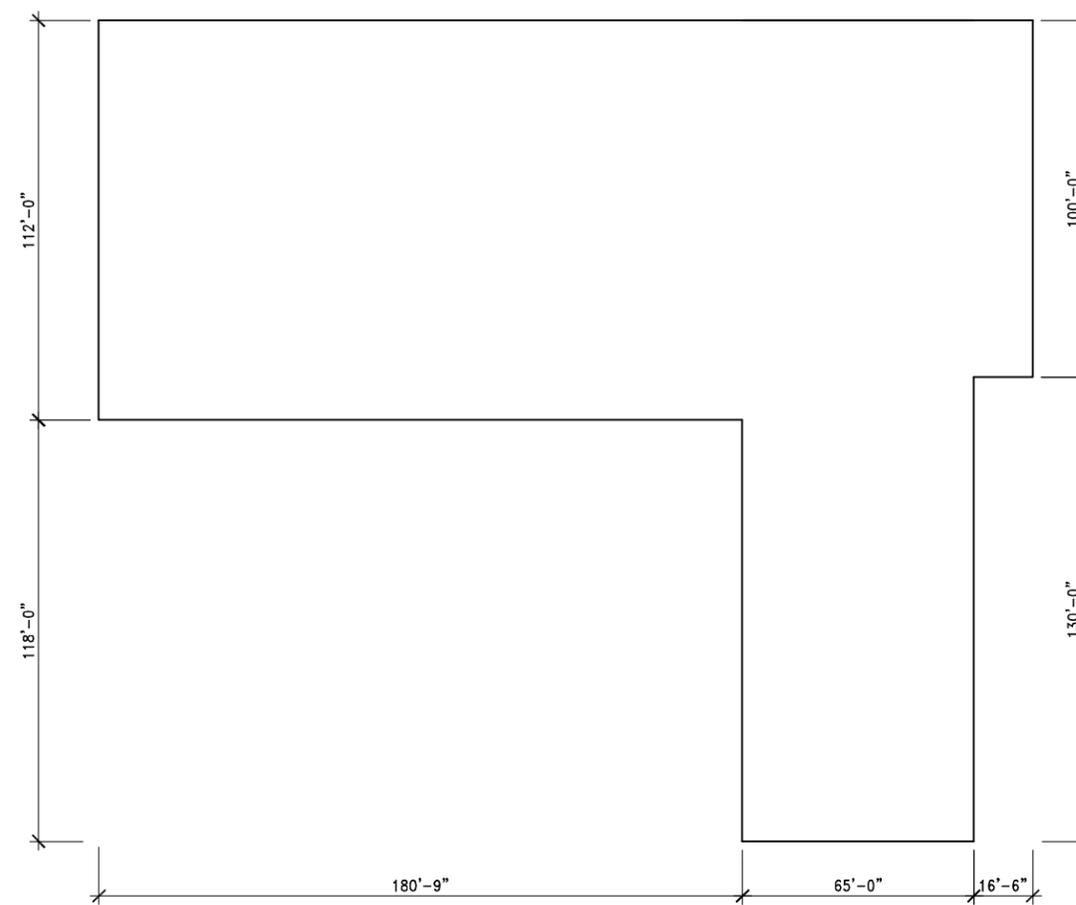


North Elevation



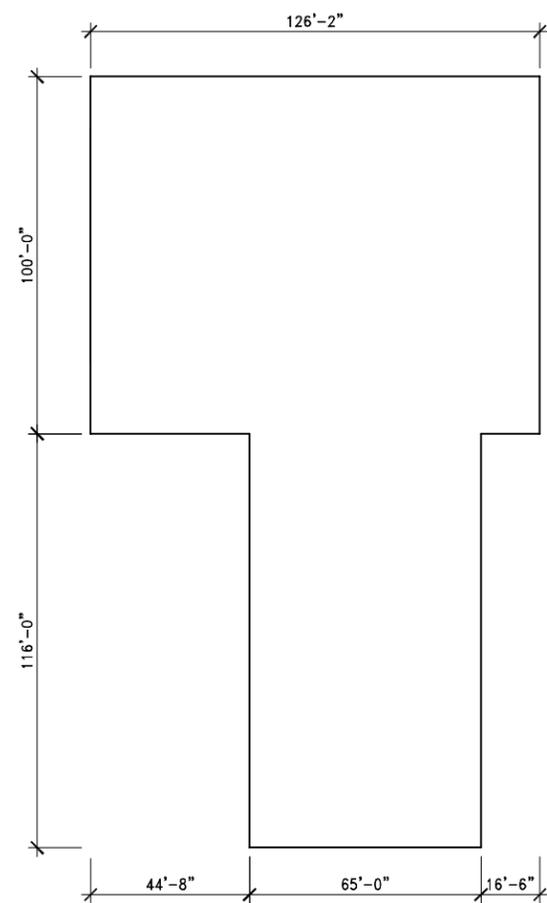


Ground Level Plan

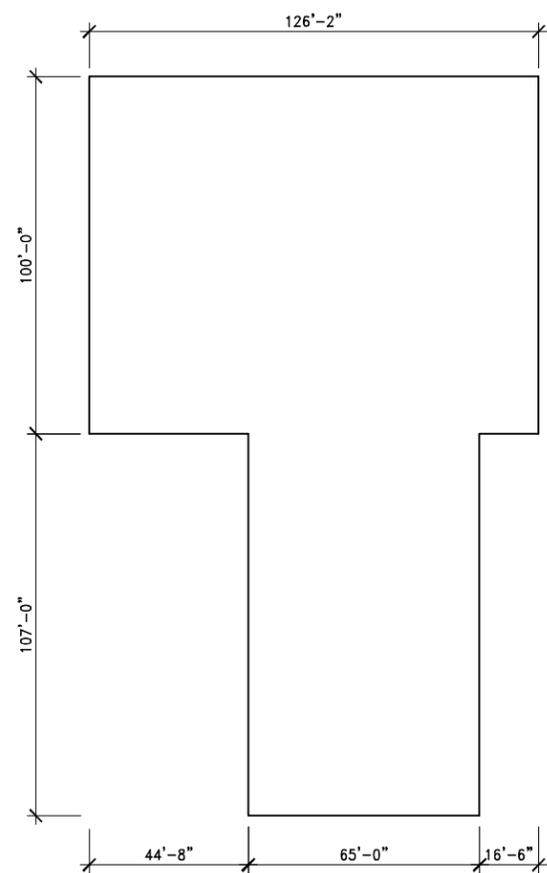


2nd Level Plan

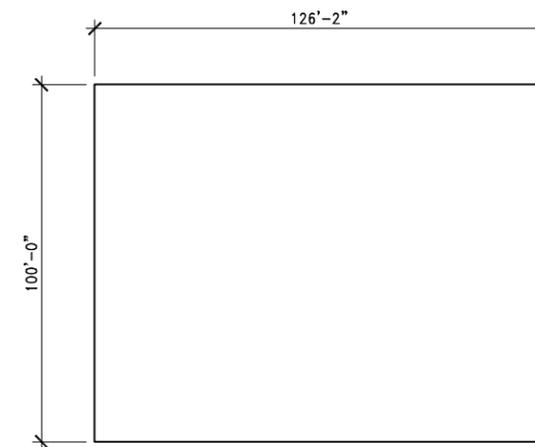




3rd - 7th Level Plan

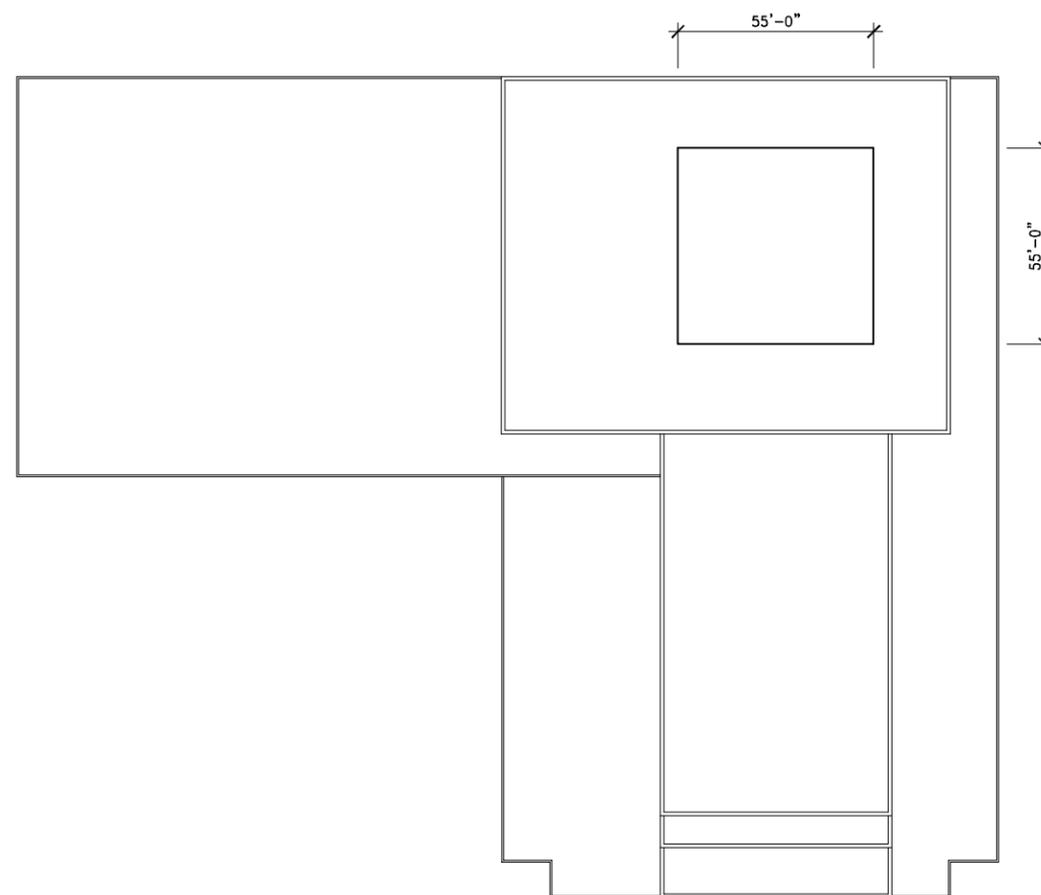


8th - 11th Level Plan



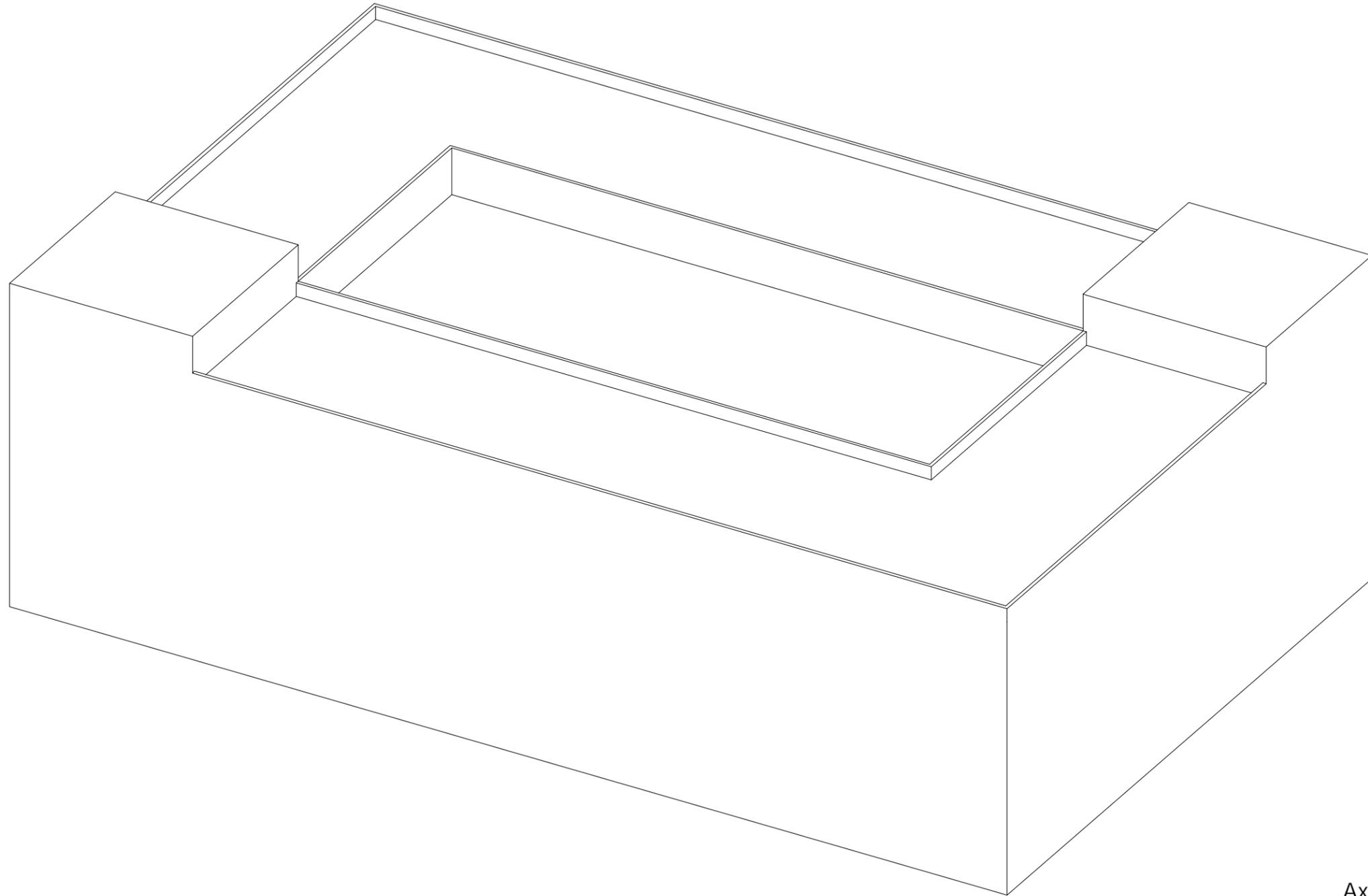
12th - 13th Level Plan



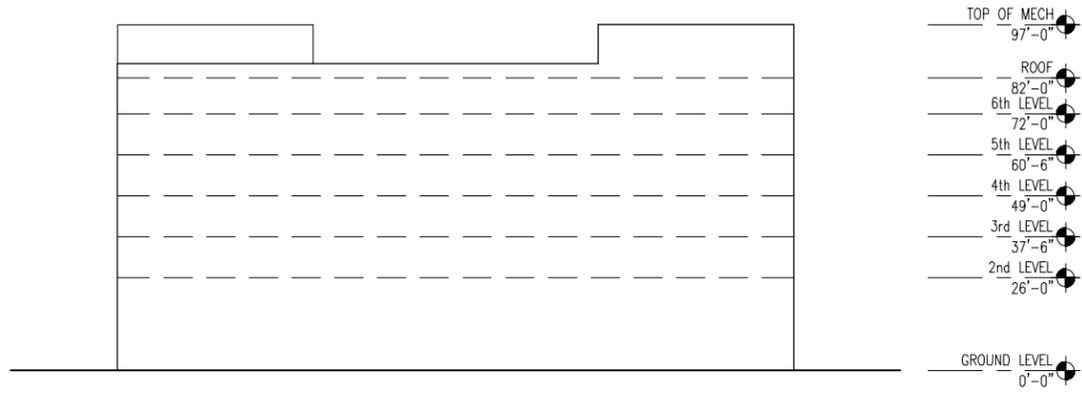


Roof Plan

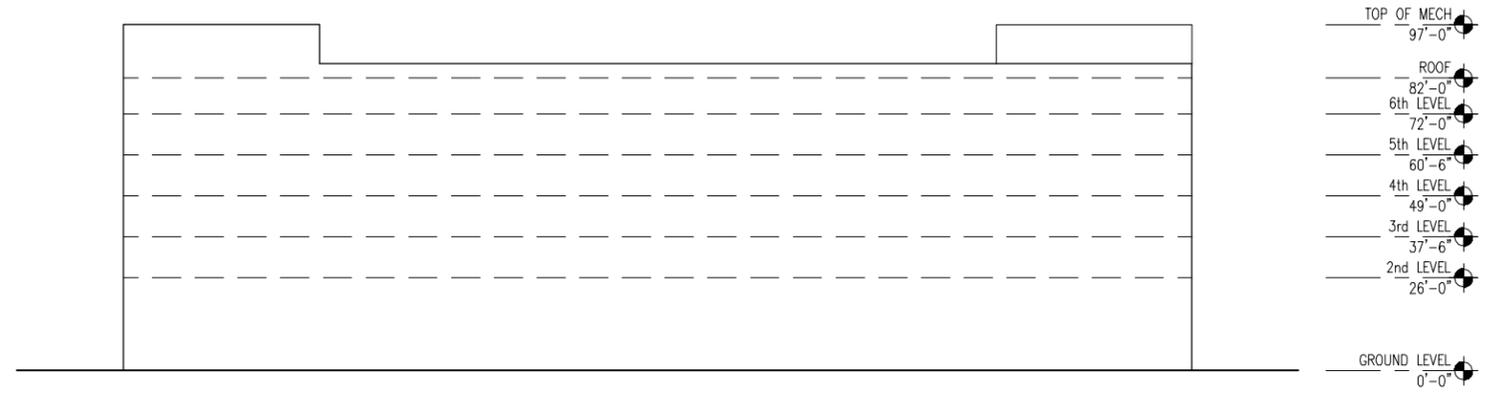




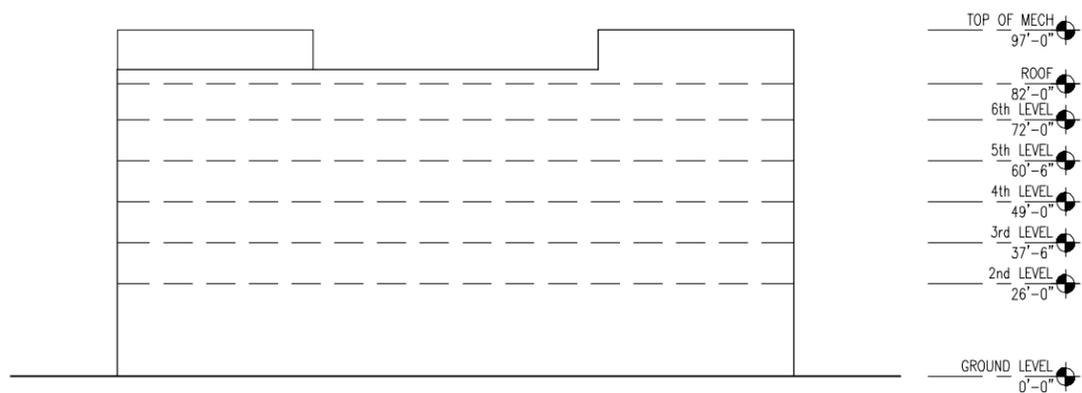
Axonometric View Looking North



West Elevation



South Elevation

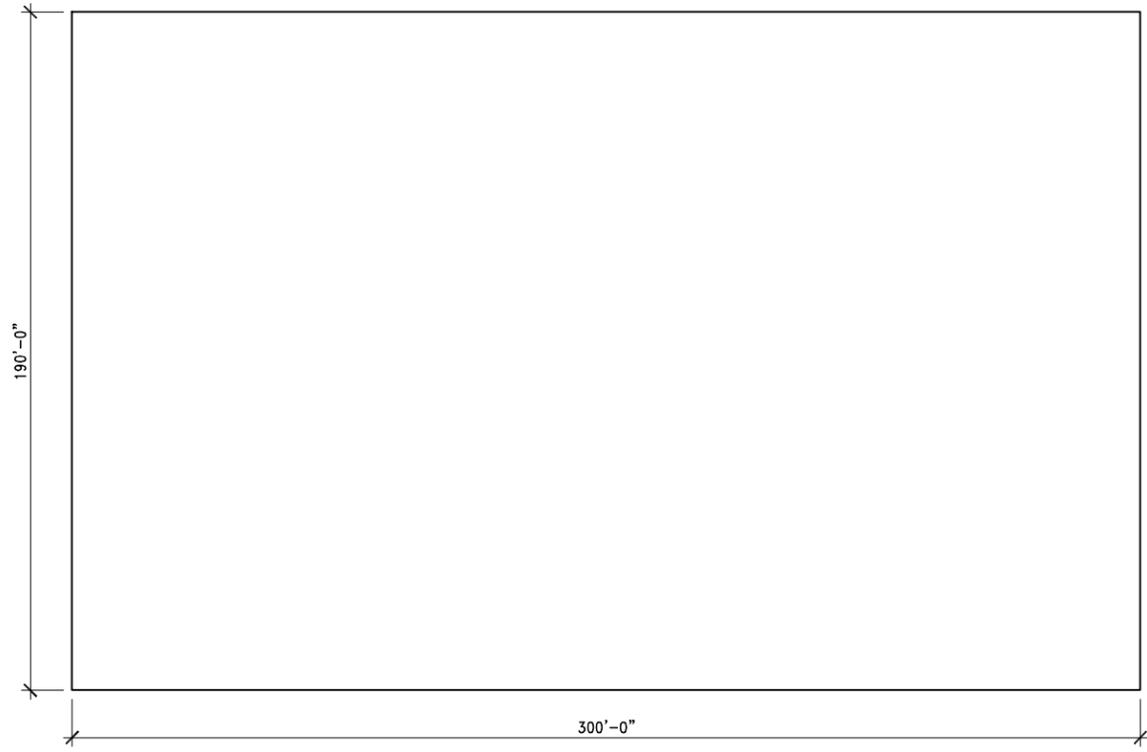


East Elevation

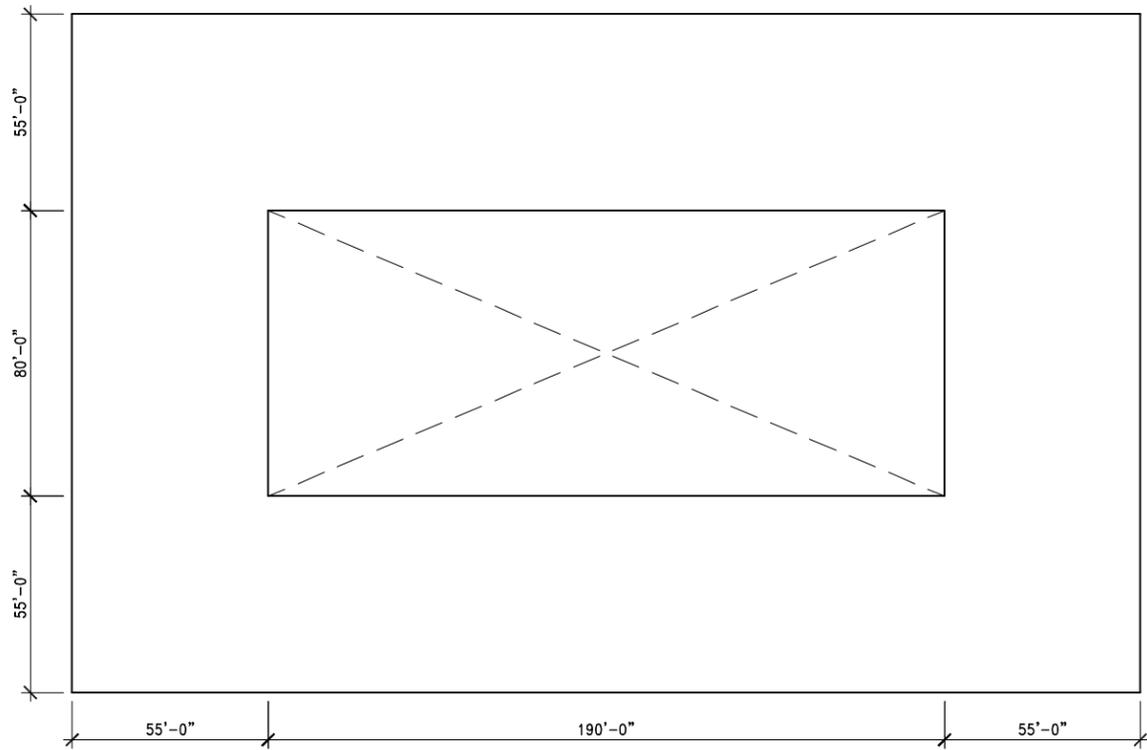


North Elevation

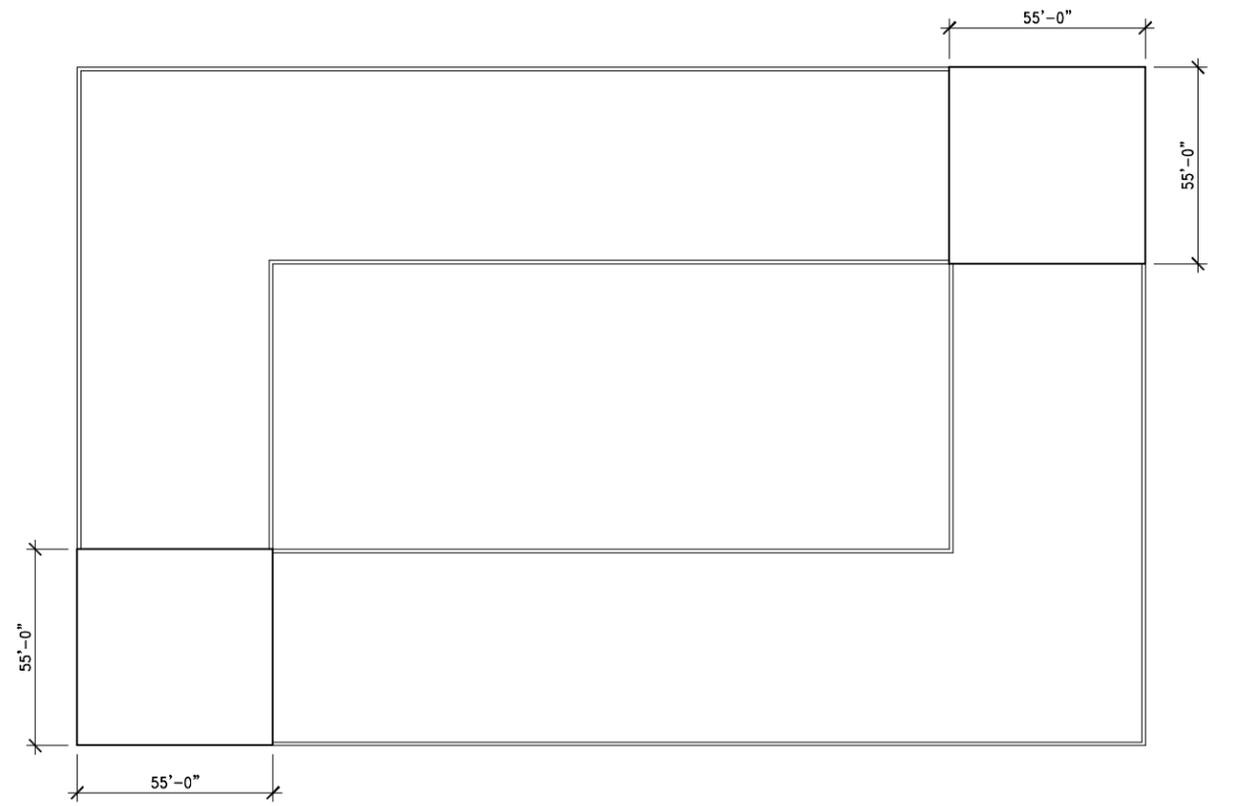




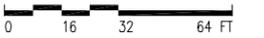
Ground - 5th Level Plan



6th Level Plan



Roof Plan



## **APPENDIX D**

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### **CORRESPONDENCE FROM NATIVE AMERICAN HERITAGE COMMISSION**

STATE OF CALIFORNIAGray Davis, Governor**NATIVE AMERICAN HERITAGE COMMISSION**

915 CAPITOL MALL, ROOM 364  
SACRAMENTO, CA 95814  
(916) 653-4062  
Fax (916) 657-5390  
Web Site [www.nahc.ca.gov](http://www.nahc.ca.gov)



November 7, 2003

Dean Martorana  
ESA  
8950 Cal Center Drive, Suite 300  
Sacramento, CA 95826

Sent by Fax: 916-564-4501  
No of Pages: 3

RE: Proposed Jack London Redevelopment, Alameda County.

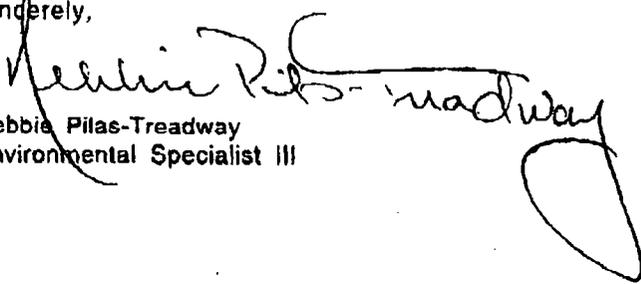
Dear Mr. Martorana:

A record search of the sacred land file has failed to indicate the presence of Native American cultural resources in the immediate project area. The absence of specific site information in the sacred lands file does not indicate the absence of cultural resources in any project area. Other sources of cultural resources should also be contacted for information regarding known and recorded sites.

Enclosed is a list of Native Americans individuals/organizations who may have knowledge of cultural resources in the project area. The Commission makes no recommendation or preference of a single individual, or group over another. This list should provide a starting place in locating areas of potential adverse impact within the proposed project area. I suggest you contact all of those indicated, if they cannot supply information, they might recommend other with specific knowledge. If a response has not been received within two weeks of notification, the Commission requests that you follow-up with a telephone call to ensure that the project information has been received.

If you receive notification of change of addresses and phone numbers from any these individuals or groups, please notify me. With your assistance we are able to assure that our lists contain current information. If you have any questions or need additional information, please contact me at (916) 653-4038.

Sincerely,

  
Debbie Pilas-Treadway  
Environmental Specialist III