

BROADWAY/ MACARTHUR/SAN PABLO REDEVELOPMENT PLAN

Final Environmental Impact Report

*ER99-06
SCH No. 99052061*

June 2, 2000

*Prepared for
City of Oakland
Community and Economic
Development Agency*

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CHAPTER I

INTRODUCTION

A. CEQA PROCESS

On April 13, 2000, the City of Oakland (Lead Agency) released for public review a Draft Environmental Impact Report (Draft EIR or DEIR) for the proposed Broadway/MacArthur/San Pablo Redevelopment Plan (ER99-06).¹ The 45-day public review and comment period on the Draft EIR began on April 13, 2000, and closed on May 30, 2000. The Planning Commission held a public hearing on the Draft EIR on May 10, 2000.

The Draft EIR for the Broadway/MacArthur/San Pablo Redevelopment Plan, together with this Response to Comments, constitute the Final EIR 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) 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.

¹ As noted in the DEIR, the project proponent is the Redevelopment Agency of the City of Oakland. The lead agency for environmental review purposes is the City of Oakland.

B. METHOD OF ORGANIZATION

This Final EIR for the proposed Broadway/MacArthur/San Pablo Redevelopment Plan contains information in response to concerns raised during the public comment period.

Following this introductory Chapter I, Chapter II of this document contains text changes (initiated by the Oakland Community and Economic Development Department staff and those resulting from comments on the Draft EIR) and errata to the Draft EIR.

Chapter III contains a list of all persons and organizations that submitted written comments on the Draft EIR and that testified at the public hearing held on May 10, 2000.

Chapter IV contains comment letters received during the comment period and the responses to each comment. Each comment is labeled with a number in the margin and the response to each comment is presented immediately after the comment letter.

Chapter V contains a summary of the public comment received during the public hearing held on May 10, 2000, and the response to the comment received during the public hearing.

CHAPTER II

REVISIONS TO THE DRAFT EIR

CHANGES TO THE DEIR

The following corrections and changes are made to the Draft EIR and are incorporated as part of the Final EIR. Revised or new language is underlined (except where all of the indicated text is new). Deleted language is indicated by ~~strikethrough~~ text.

Where a change is made as part of a response to a comment on the Draft EIR, the comment number is noted in brackets at the end of the text change. Where no comment number is given, the change is initiated by City staff.

On DEIR, p. 1-1, the second sentence is revised as follows:

The project proponent is the ~~Oakland~~ Redevelopment Agency of the City of Oakland.

On DEIR, p. 4.E-8, the last sentence is revised as follows, based on information from the East Bay Municipal Utility District (EBMUD):

~~The Plant is expanding its dry weather capacity to meet projected increases in demand in Oakland.~~ EBMUD states that it has adequate dry weather capacity to serve the proposed project (EBMUD, 2000). [A-3]

On DEIR, p. 4.E-9, the following sentence is deleted, based on information from EBMUD and from the City of Oakland indicating that development could not exceed the maximum allowable peak wastewater flow from each sub-basin:

~~The capacity of the system could be increased if growth were to exceed projections.~~ [A-4]

On DEIR, p. 4.E-9, the following additional paragraph is added to the *Wastewater* section, based on information from the City of Oakland:

The City of Oakland would prohibit development that resulted in increases in wastewater discharge in excess of the maximum allowable peak wastewater flow from each sub-basin. Proposed developers would be required to replace sewer lines, as needed, in order to accommodate any project as a part of the Broadway/MacArthur/San Pablo Redevelopment Plan. The City of Oakland is currently working to initiate citywide wastewater system repairs and upgrades. [A-5]

CHAPTER III

PERSONS AND ORGANIZATIONS COMMENTING ON THE DRAFT EIR

A. PERSONS AND ORGANIZATIONS COMMENTING IN WRITING

- A. East Bay Municipal Utility District May 17, 2000
William R. Kirkpatrick, Manager of Water Distribution Planning
- B. Bay Area Rapid Transit System (BART) May 31, 2000
William R. Kirkpatrick, Manager of Water Distribution Planning

B. PERSONS COMMENTING AT THE PUBLIC HEARING

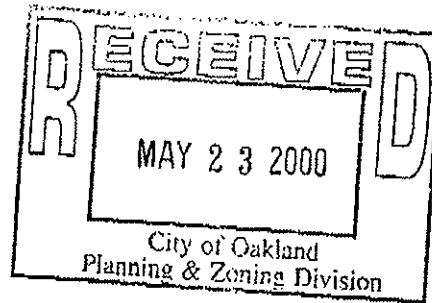
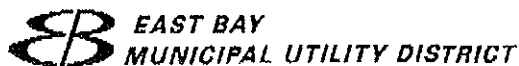
Public testimony was provided at the Oakland City Planning Commission Public Hearing on the Draft EIR, held at City Hall on Wednesday, January 5, 2000, by Planning Commissioners Clark, Hausrath, Jarvis, Lighty, and Reyes.

A summary of the comments made at the public hearing is included in Chapter V of this document. A response is provided following the summary of each comment.

CHAPTER IV

RESPONSES TO WRITTEN COMMENTS ON THE DRAFT EIR

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



May 17, 2000

Ms. Katrina A. Koh, Planner III
 City of Oakland
 Community and Economic Development Agency – Planning Division
 250 Frank Ogawa Plaza, Suite 3330
 Oakland, CA 94612

Re: Draft Environmental Impact Report and Broadway/MacArthur/San Pablo
 Redevelopment Plan, April 2000.

Dear Ms. Koh:

Thank you for the opportunity to review the subject document. East Bay Municipal District (District) has the following comments.

Water Service

The Draft Environmental Impact Report (EIR) projects infill development of approximately 700 residential units, 185,000 square feet of medical office space and 180,000 square feet of commercial and retail development over a twenty year period, up to 2020.

The Plan area is served by the Central and Aqueduct Pressure Zones, which span the elevation range of 0-100 feet and 100-200 feet, respectively. The District's existing water distribution system seems adequate to provide water service to the proposed new development over the next twenty years. However, this growth may require upgrade of existing pipeline, at the respective developer's expense, to meet the fire flow requirements of the Oakland Fire Department.

To help mitigate the impact of additional water demands on the District's finite water supply (aptly described on page 4.E-10 of the Draft EIR), the District recommends that water conservation measures for internal and external use be required as a standard feature in the design and construction of proposed new development. The District encourages the use of equipment, devices, and methodology that furthers water conservation and provides for long-term efficient water use. The District also recommends the use of drought resistant plants, use of inert materials and minimal use of

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turf areas in landscape planning and design. The District's Manager of Water Conservation (510- 287-0591) should be contacted for more information.

Reclamation

EBMUD is currently working on the East Bayshore Recycled Water Project. This project will provide recycled water to the Oakland area for nonpotable purposes, such as landscape irrigation, toilet water and washdown water. The District's Policy 73 mandates that customers use non-potable water for nondomestic purposes when it is available at reasonable cost, not detrimental to public health and not injurious to plant, fish and wildlife. The Broadway/MacArthur/San Pablo Redevelopment Plan appears to meet these criteria and is located in the Oakland/Berkeley Reuse Zone. If the project includes areas with significant amounts of landscaping, the District suggests that the City of Oakland recommends dual plumbing for irrigation of these landscaped areas and other non-consumptive purposes such as decorative fountains. If you have any questions, please contact the District's Office of Reclamation at (510) 287-2063.

2

Wastewater

The statement on page 4.E-8 that reads "The Plant is expanding its dry weather capacity to meet projected increases in demand in Oakland", is not correct. The District has no plans to expand the dry weather capacity of its wastewater system. However, the District has adequate dry weather capacity to serve this project.

3

The statement on page 4.E-9, second paragraph that reads "The capacity of the (wastewater) system could be increased if growth were to exceed projections", is not necessarily true. The District has no plans at this time to expand the capacity of its wastewater system and such an expansion would require approval from other agencies.

4

As stated in past requests for information regarding new developments, the City of Oakland's Infiltration/Inflow (I/I) Correction Program set a maximum allowable peak wastewater flow from each sub-basin and the District agreed to design and construct wet weather conveyance and treatment facilities to accommodate these flows. The District prohibits discharge of wastewater flows from each sub-basin above the agreed flow allocation. Conveyance and treatment capacity for wet weather flows may be adversely impacted by flows above the agreed limit. The developer for this project should confirm with the City of Oakland Public Works Department that there is available flow allocation

5

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Page 3

capacity within the sub-basin that this project would be tributary to and that it has not been allocated to other developments. Information should be provided on the projected average daily and peak wet weather wastewater flows from this project.

In general, all major developments should address the replacement or rehabilitation of the existing sanitary sewer collection system to prevent an increase in I/I. A provision to control or reduce the amount of I/I should be addressed in the environmental documentation for this project. As the collection system ages and I/I increases, replacement/rehabilitation is necessary to control I/I.

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

Sincerely,



WILLIAM R. KIRKPATRICK
Manager of Water Distribution Planning

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CONT.

RESPONSES TO LETTER A – EAST BAY MUNICIPAL UTILITY DISTRICT

A-1) Suggestion noted.

A-2) Suggestion noted.

A-3) Comment noted. The DEIR text on p. 4.E-8 is revised as follows (new language is underlined; deleted language is indicated by ~~strikethrough~~ text):

~~The Plant is expanding its dry weather capacity to meet projected increases in demand in Oakland.~~ EBMUD states that it has adequate dry weather capacity to serve the proposed project (EBMUD, 2000).

A-4) Comment noted. The following DEIR text on p. 4.E-9 is deleted:

The capacity of the system could be increased if growth were to exceed projections.

A-5) Comment noted. The following paragraph is added to the DEIR text on p. 4.E-9, under the *Wastewater* section:

The City of Oakland would prohibit development that resulted in increases in wastewater discharge in excess of the maximum allowable peak wastewater flow from each sub-basin. Proposed developers would be required to replace sewer lines, as needed, in order to accommodate any project as a part of the Broadway/MacArthur/San Pablo Redevelopment Plan. The City of Oakland is currently working to initiate citywide wastewater system repairs and upgrades.

DRAFT

B

May 31, 2000
SD-00-0170

Ms. Claudia Cappio
Manager of Major Projects
City of Oakland
CEDA Planning
250 Frank H. Ogawa Plaza, Suite 3330
Oakland, CA 94612

**Subject: *Comments on the DEIR for Broadway/MacArthur/San Pablo
Redevelopment Plan***

Dear Ms. Cappio:

BART would like to thank the City of Oakland for the opportunity to provide comments on the *DEIR for the Broadway/MacArthur/San Pablo Redevelopment Plan*. The Redevelopment plan focuses on three Subareas: 1) Subarea 1, which includes Auto Row, Pill Hill, MacArthur/Broadway/ Piedmont, and Telegraph Avenue corridors; 2) Subarea 2, which includes the MacArthur BART environs; 3) and Subarea 3, which consists of the San Pablo Avenue corridor. The following comments pertain to the mixed-use commercial and residential developments proposed for the MacArthur BART Station in Subarea 2.

In May 1993 BART, the City of Oakland, community residents, and representatives of neighborhood organizations and businesses formed the *Citizens Planning Committee* (CPC) in order to establish goals and define a planning process for the MacArthur BART Station area. As such, BART has been actively involved with the CPC in developing planning designs that would balance various opportunities and constraints associated with public safety, development, and traffic congestion. As demonstrated with BART's involvement over the last seven years, BART supports the designation of S-15 transit oriented zoning for the MacArthur BART Station, as well as the revitalization of the adjacent neighborhoods and of the commercial corridors along Telegraph Avenue, MacArthur Boulevard, and San Pablo Avenue.

During the planning process of the MacArthur BART Station, jointly funded by the City and BART, three alternative conceptual site plans were developed, including: 1) Alternative A "The Crescent"; 2) Alternative B "Regional Plaza"; and 3) Alternative "Market Village". In these alternatives, the housing density ranged from high in Alternatives A (310 to 390 units or 41-51 DU/Acre) and C (310 to 440 units or 64-85 DU/Acre), to moderate density in Alternative B (115 to 170 units or 22-29 DU/Acre) (Please refer to the attached chart that summarizes the conceptual alternatives, as

outlined in the *MacArthur BART Station Area Planning Process* (1995)). The proposed Redevelopment Plan should be consistent and reflect the extent of proposed developments generated by the community plans for the entire Subarea 2. BART is concerned that the proposed 150 residential units is substantially less than what the community generated plans developed. In addition, the current zoning allows for 125 residential units per gross acre. Thus, current zoning allows for much higher housing densities than outlined in the Redevelopment Plan. BART believes that the market and community-generated plans should dictate the residential housing density. Consequently, the number of proposed residential units should be re-evaluated based on the ongoing community planning for the MacArthur BART Station. It is our recommendation that the higher residential densities developed in *MacArthur BART Station Area Planning Process Report*, ranging from 310-440 units, should be adopted in the FEIR.

1
CONT.

Similarly, since the DEIR refers to the entire Subarea 2, which includes properties outside the MacArthur BART station along Telegraph Avenue, MacArthur Boulevard, 40th Street and Martin Luther King Way, the proposed development of 50,000 sf of commercial space appears to be lower than what could be supported through successful revitalization of this area.

2

The DEIR information used to characterize the "Mode-to-Work" in Table 4.B-6 was based on Census Tract data. These data conflict with data compiled by BART during 1998 through passenger intercept surveys. The office of External Affairs published the results of the *BART Station Profile Study* (1999) to characterize the travel pattern and demographic data of BART patrons. The BART survey results for the MacArthur Station profile indicated that customers traveled to the station from their home by walking (27%), bus/transit (20%), car (49%), bicycle (4%) and other modes (<1%) (Please refer to the attached table from the above-mentioned report). In contrast, the DEIR reported, for example, that the mode-to-work by place of work was 5.3% for walking, 10% for transit, 75.2% for car, 1.0% for bicycle, and 0.4% for other. BART encourages the City of Oakland to incorporate the MacArthur Station Profile data compiled by BART in the FEIR to accurately reflect the mode-to-work transportation.

3

Thank you for considering these comments. If you have any questions, comments, or need additional information from our files, please don't hesitate to contact me at (510) 464-6178.

Sincerely,

Joan M. Duffield
Senior Environmental Compliance Specialist

Cc: Patricia Hirota-Cohen, BART
Janie Layton, BART
Peter Albert, BART
Jane Brunner, Oakland City Council

RESPONSES TO LETTER B – BART

- B-1)** The commenter is correct in noting that the both the Oakland General Plan Land Use and Transportation Element, and the Redevelopment Plan, allow higher densities than used conceptually as the basis of analysis in the DEIR. The participatory process used to arrive at higher densities for proposed development at the MacArthur BART site is also hereby acknowledged. The DEIR provides information and analysis, at a program level of detail, about potential impacts and mitigation measures to address them. This DEIR does not prohibit the use of the higher densities, as long as these densities are consistent with the Redevelopment Plan and the General Plan.

Both Subareas 1 and 2 are adjacent subareas. The area along Telegraph Avenue, between 27th and 31st Streets is less than one mile from the MacArthur BART Station at its furthest boundary. Since the DEIR was completed, the City has learned that lower densities are very likely for development in Subarea 1 along Telegraph Avenue, between 27th and 31st Streets because of several building constraints. As a result, the number of units in this area will very likely not exceed 150 units (a decrease of 350 units), and may even be considerably less. A preliminary analysis of traffic, air quality and noise impacts generated by development of approximately 570 residential units at the MacArthur BART station (an increase of 420 units) in Subarea 2 indicates that potential impacts would remain nearly the same.² Development along Telegraph, between 27th and 31st Streets, and at the MacArthur BART station would impact most of the same intersections. The mitigation measure would remain the same and the mitigation measures described in the DEIR would also lessen the impact of an additional 420 residential units to a less than significant level.

The projects assumed for the DEIR are described at a program level of detail, and no specific developments or projects have been proposed for the Redevelopment Project area. Further environmental review would likely be required for specific projects submitted to the City of Oakland/Redevelopment Agency.

- B-2)** See response to B-1, above.
- B-3)** Comment noted. No specific projects have been submitted to the City of Oakland/Redevelopment Agency, and the project assumptions used in the DEIR are described at a program level of detail. The updated information provided by BART will be incorporated for project specific environmental review. It should be noted that although the high percentage of persons in the area that walk to the MacArthur BART station may further reduce projected automobile trips, walking to BART would not be counted as the “mode to work,” since these persons are walking to BART, which is the ultimate transit mode.

² Development of 570 units at the MacArthur BART Station could result in a net increase of 70 units over the number of units assumed for both Telegraph Avenue, between 27th and 31st Streets, and the MacArthur BART Station. However, no specific proposals have been submitted to the City for consideration.

CHAPTER V

RESPONSES TO COMMENTS AT THE PUBLIC HEARING ON THE DRAFT EIR

The City of Oakland Planning Commission conducted a public hearing on May 10, 2000, to provide the public an opportunity to comment on the Draft EIR. The following pertinent comments were provided by members of the Planning Commission. No additional public testimony was provided to the Planning Commission.

Comment

COMMISSIONER LIGHTY noted that perhaps some consideration should be given to relocating the Greyhound terminal to the MacArthur BART station.

Response

Comment noted. The comments do not address the adequacy of the EIR and no response is required.

Comment

COMMISSIONER HAUSRATH stated that, based on comments from property owners at previous public hearings, the staff report should clearly indicate that the Redevelopment Plan includes the use of eminent domain:

Response

The comments do not address the adequacy of the EIR and no response is required. Comment noted, however, and the basis of the conceptual numbers used will be addressed by City staff.

Comment

COMMISSIONER CLARK stated that the number of projected residential units is very low.

Response

The comments do not address the adequacy of the EIR and no response is required. Comment noted, however, and the basis of the conceptual numbers used will be addressed by City staff.