

# 426 ALICE STREET PROJECT

## *Final Environmental Impact Report*

*ER00-0025*

*SCH# 2000072091*

*May 30, 2002*

*Prepared for:*

*City of Oakland  
Community and Economic  
Development Agency*

700 University Avenue, Suite 130  
Sacramento, California 95825  
(916) 564-4500

436 14<sup>th</sup> Street, Suite 600  
Oakland, California 94612  
(510) 839-5066

200177

225 Bush Street, Suite 1700  
San Francisco, California 94104  
(415) 896-5900

4221 Wilshire Boulevard, Suite 480  
Los Angeles, California 90010  
(323) 933-6111

2685 Ulmerton Road, Suite 102  
Clearwater, Florida 33762  
(727) 572-5226

700 Fifth Avenue, Suite 4120  
Seattle, Washington 98104  
(206) 206-0900



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# CHAPTER I

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## INTRODUCTION

### A. CEQA PROCESS

On January 30, 2002, the City of Oakland (Lead Agency) released for public review a Draft Environmental Impact Report (Draft EIR or DEIR) on the proposed 426 Alice Street project (ER0000-25). The 62-day public review and comment period on the Draft EIR began on January 30, 2002, and closed on April 1, 2002 (incorporating an extension of 12 days from March 20, 2002) (see Appendix D or notice of extension). The Planning Commission held a public hearing on the Draft EIR on March 20, 2002. The Landmarks Preservation Advisory Board held a public hearing on the design review aspects of the project which included comments on the Draft EIR on March 11, 2002. The Board's comments were forwarded to the Planning Commission and are also included in this document.

The Draft EIR for the 426 Alice Street project, 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.

## **B. METHOD OF ORGANIZATION**

This Final EIR for the proposed 426 Alice Street project contains information in response to issues 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 March 20, 2002.

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 March 20, 2002, and the response to the comment received during the public hearing.

## CHAPTER II

### REVISIONS TO THE DRAFT EIR

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#### 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 the Planning Department staff.

On the FEIR cover, the following text is added for clarification:

SCH #2000072091 [A-1]

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On p. II-1, the first paragraph is revised for clarification as follows:

The project would demolish an existing vacant<sup>1</sup> warehouse in the Waterfront Warehouse District in the Jack London District of downtown Oakland...

<sup>1</sup> The project site is currently used on a temporary basis by a non-rent paying community non-profit agency with two employees, but for purposes of this EIR, the site is considered vacant. [I-2]

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On p. IV.B-5, the following paragraph is added just prior to "Parking":

There is an Amtrak station on 2nd Street between Alice and Harrison Streets, two blocks from the project site. The Capitol Corridor provides nine round trips per day between this station and Sacramento, and four daily round trips between this station and San Jose.  
[L-3]

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On p. IV.B-12, Table IV.B-3 is replaced with the following table to provide Total Project PM Peak-Hour Vehicle Trips (which were inadvertently omitted from the table in the DEIR, and are indicated by double underlining below):

**TABLE IV.B-3 (Revised)  
PROJECT TRIP GENERATION**

Land Use	Daily Trips		AM Peak Hour Trips				PM Peak Hour Trips			
	Rate <sup>a</sup>	Total	Rate <sup>a</sup>	Total	In	Out	Rate <sup>a</sup>	Total	In	Out
<u>Residential (94 units)</u>										
Person Trips	a	618	a	49	9	40	a	58	39	19
Vehicle Trips <sup>b</sup>		525		41	7	34		50	33	17
<u>Office (9,800 sq. ft.)</u>										
Person Trips	11.01	108	1.56	15	13	2	1.49	15	3	12
Vehicle Trips <sup>b</sup>		91		13	11	2		12	3	9
<b>Total Project</b>										
Person Trips		<b>726</b>		<b>64</b>	<b>22</b>	<b>42</b>		<b>73</b>	<b>42</b>	<b>31</b>
Vehicle Trips <sup>b</sup>		<b>616</b>		<b>54</b>	<b>18</b>	<b>36</b>		<b><u>62</u></b>	<b><u>36</u></b>	<b><u>26</u></b>

<sup>a</sup> Trip rates are trips per 1,000 square feet of floor area, except for residential uses (see below).

Using the following logarithmic equations for residential use:

Daily:  $\ln(T) = 0.850 \ln(X) + 2.564$

AM Peak:  $\ln(T) = 0.790 \ln(X) + 0.298$

PM Peak:  $\ln(T) = 0.827 \ln(X) + 0.309$

where, T = Average Trips; X = Number of Dwelling Units

<sup>b</sup> Reflects application of 15-percent vehicle trip reduction factor to person trip rates for the residential and office uses, which takes into account the expectation that some of the project-generated trips would be made by a non-auto travel mode, such as public transit, walking, bicycle, etc. (see text for further discussion).

SOURCE: ITE, *Trip Generation*, 6th Edition, 1997, and Environmental Science Associates, 2001

On p. IV.B-23, the second and third full paragraphs are revised as follows:

Access to the project’s parking garage and loading dock would be provided on 5th Street. The new curb-cuts (driveways) would replace the existing series of curb-cuts along the project frontage, and there would be a net reduction of four standard on-street parking spaces along that segment of 5th Street. Given the relatively narrow (32-foot curb-to-curb) width of 5th Street, drivers of trucks backing into the loading dock might need multiple back-and-forth maneuvers to complete the turn (depending on the size of the truck and the skill of the driver). Because of the relatively low traffic volume on this block of one-way 5th Street, and the sporadic nature of tenant move-ins and move-outs

(the primary use of the loading dock), however, truck maneuvers into the loading dock would not result in significant delays to traffic flow. It is recognized that the efficiency of the backing maneuver would be greater if the available width to turn were increased by removal of parking spaces on the north side of the street (opposite the loading dock). If the City chose to remove two parking spaces opposite the loading dock, the total loss of on-street parking on 5th Streets due to the proposed project would be six spaces. The project would have no effect on the 15 angled parking spaces currently along the Alice Street frontage of the project site.

A request for a white-curb passenger loading zone in front of the residential lobby on Alice Street might be made in the future; no such request has yet been made by the project sponsor. If such a designation were implemented, one of the 15 angled parking spaces along the project site's Alice Street frontage would be lost.

The project's alterations to curb treatments along the site frontage, in total, would result in a net gain of about three. In total, the proposed project would result in no change to the supply of public (standard) on-street parking spaces (i.e., plus seven on 4th Street, likely minus one on Alice Street, and perhaps up to minus four-six on 5th Street), a marginally beneficial-less than significant effect on parking conditions in the area. [K-21]

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On p. IV.C-3, the first paragraph is revised as follows:

Criteria air pollutant concentrations are collected at the Air District's Oakland (Alice Street) air quality monitoring station, located at 822 Alice Street, approximately 0.5 miles northeast of one mile south of the project site and the San Leandro air monitoring station, located approximately 3,000 feet from the project site. [K-25]

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On p. IV.C-3, the following is added as the sixth paragraph:

**Existing PM10 Concentrations at the Port of Oakland**

Table IV.C-2 provides additional PM10 monitoring data for the Port of Oakland and environs. This data indicates that the 24-hour average PM10 standard of 50 micrograms per cubic meter is occasionally violated in the Port area while the annual Geometric mean standard of 30 micrograms per cubic meter is not generally violated. [K-24]

**TABLE IV.C.2 [Added table]  
MEASURED PM10 CONCENTRATIONS <sup>a</sup>**

	<b>24-hour Maximum Concentration</b>	<b>Annual Average Concentration</b>	<b>Days Above Standard</b>
<b>National Standard</b>	<b>150</b>	<b>50</b>	
<b>State Standard</b>	<b>50</b>	<b>30</b>	
<b>Monitoring Site</b>			
Port of Oakland Site (7 <sup>th</sup> /Middle Harbor Road)			
1997	83	25.5	2
1998	76	26.5	6
1999	72	34.6	14
2000	60	30.6	2
2001 (through (8/29)	68	NA	7
West Oakland (Filbert/24 <sup>th</sup> Street)			
1997	77	23.6	1
1998	65	22.2	1
1999	81	25.5	4
2000	59	25.0	2
2001 (through (8/29)	83	NA	3

<sup>a</sup> All values are micrograms per cubic meter (ug/m3) of particulate matter (PM10). The 7<sup>th</sup> Street location is approximately 2.5 miles northwest of the project site while the Filbert Street locations is approximately 1.5 miles north of the project site.

NA: Annual average data not yet available as the entire years worth of data for 2001 have not yet been compiled.

SOURCE: Port of Oakland

[K-24]

On p. IV.C-3, the following test is added as the seventh paragraph:

**PM10 Measurements at the Project Site**

Project site-specific ambient air monitoring of particulate concentrations was performed in April of 2002 using a MIE model PDR-1000 airborne particulate monitor. Construction activity was observed to be occurring at parcels within a two-block radius of the project site during the monitoring effort. Particulate concentrations monitored at the project site ranged from 9 to 11 micrograms per cubic meter, as indicated in Table

IV.C-6, and were below the state 24-hour standard of 30 micrograms per cubic meter. Measurements are considered to be conservative when compared with 24-hour averages since they were conducted during daytime when particulate generating activity is at its greatest and nighttime meteorological effects (i.e., dew and fog, which reduce the tendency for particulate matter to become airborne) are not present. While these measurements were conducted during a single day and cannot represent the fluctuations expected day-to-day, they do indicate that PM10 concentrations on the day monitored in the project area were substantially below state standards.

**TABLE IV.C.3 [Added Table]  
MONITORED PARTICULATE MATTER CONCENTRATIONS <sup>a</sup>**

<b>Location</b>	<b>Particulate Concentration (micrograms per cubic meter)</b>	<b>Averaging Time (minutes)</b>
Jackson Street/5 <sup>th</sup> Street	11	10
Jackson Street/4 <sup>th</sup> Street	11	10
Alice Street/4 <sup>th</sup> Street	9	30

<sup>a</sup> All values are micrograms per cubic meter (ug/m3) of particulate matter.

SOURCE: Environmental Science Associates

[K-24]

On p. IV.C-4, the following title is revised for editing purposes:

~~TABLE IV.C-2~~ C-4  
OAKLAND/SAN LEANDRO AIR POLLUTANT SUMMARY (1993-1997)

[K-24]

On p. IV.C-9, the following title is revised for editing purposes:

~~TABLE IV.C-3~~ C-5  
ESTIMATED DAILY EMISSIONS FOR THE PROPOSED PROJECT (YEAR 2003)

[K-24]

On p. IV.C-10, the following and reference is revised for editing purposes:

TABLE IV.C-4 C-6  
PROJECTED CARBON MONOXIDE CONCENTRATIONS<sup>a</sup>

[K-24]

On p. IV.C-11, the following table reference is revised as follows:

When emissions from other future cumulative downtown growth are added to predicted project emissions (Table IV.C-5C-6), cumulative emissions would exceed BAAQMD significance thresholds... [K-26]

On p. IV.D-3, Table IV.D-1 is revised as follows:

TABLE IV.D-1  
MAXIMUM ALLOWABLE RECEIVING NOISE STANDARDS FOR  
RESIDENTIAL AND CIVIC LAND USES, dBA

Cumulative Number of Minutes in either the Daytime or Nighttime one hour period	Daytime 7:00 a.m. to 10:00 p.m.	Nighttime 10:00 p.m. to 7:00 a.m.	Project Specific Adjusted Noise Standards (dBA) <sup>a</sup>	
			Daytime	Nighttime
20	65	45	<del>69</del> <u>72</u>	62
10	70	50	<del>70</del> <u>73</u>	64
5	75	55	<del>74</del> <u>75</u>	70 <sup>b</sup>
1	80	60	<del>77</del> <u>80</u> <sup>b</sup>	72 <sup>b</sup>
0	85	65	<del>84</del> <u>86</u>	81

<sup>a</sup> Adjusted noise standards apply to the proposed project because existing ambient noise monitored on the project site exceeds the published standard for some time periods (refer to Section 17.120.050 of the City of Oakland Planning Code Related to the Zoning Standards and Regulations for Noise and Vibration).

<sup>b</sup> Because of statistical limitations of monitoring equipment, these values are estimates.

SOURCE: Oakland Noise Ordinance No. 11895, 1996, Environmental Science Associates.

[K-29]

On p. IV.D-4, Table IV.D-2 is revised as follows:

**TABLE IV.D-2  
MAXIMUM ALLOWABLE RECEIVING NOISE STANDARDS FOR  
TEMPORARY CONSTRUCTION OR DEMOLITION ACTIVITIES, dBA**

Operation/Receiving Land Use	Daily 7:00 a.m. to 7:00 p.m.	Weekends 9:00 a.m. to 8:00 p.m.
Short-Term Operation (less than 10 days)		
Residential	80	65
Commercial, Industrial	85	70
Long-Term Operation (more than 10 days)		
Residential	65	55
Commercial, Industrial	<del>69</del> <sup>a</sup> 72	60

<sup>a</sup> This site-specific standard was adjusted to compensate for the existing ambient noise levels monitored at the project vicinity. Weekend standards were not adjusted.

SOURCE: Oakland Noise Ordinance No. 11895, 1996

[K-29]

On p. D-10, the title for the mitigation measures for pile-driving and other extreme noise generating activities is revised as follows:

**Pile-Driving or Noise Over 90dBA Requirements and Conditions (to be implemented only if pile driving required or other extreme noise activities occur)**

On p. D-10, the following mitigation measures are to be added as the last bullets of Mitigation Measure D.1d as follows:

- A third-party peer review, paid for by the applicant, shall be required to assist the City in evaluating the feasibility and effectiveness of the noise reduction plan submitted by the applicant.
- A special inspection deposit is required to ensure compliance with the noise reduction plan. The amount of deposit shall be determined by the Building Official and the deposit shall be submitted by the project sponsor concurrent with submittal of the noise reduction plan. [K-33]

On p. IV.D-11, Table IV.D-5 is revised as follows:

Using the FHWA traffic-noise prediction model, roadside traffic noise levels were predicted for existing, 2005 base, 2005 plus the proposed project, and 2020 cumulative growth conditions. The results of this modeling effort are shown in Table IV.D-5 ~~IV.F-4~~. [G-15]

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On p. IV.E-23, the first paragraph is revised for clarification as follows:

The Standards are used as a review tool to gauge impacts when a proposed project includes the rehabilitation, restoration, preservation, or reconstruction of an historic building. While the Standards include guidelines for additions to historic buildings, they do not include guidelines for new construction. [I-5]

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On p. IV.E-24, Mitigation Measure E.1b is revised as follows:

The project shall contribute its fair share to be determined by the City for the placement of signs or markers throughout the Waterfront Warehouse District indicating important structures and features of the district, including a plaque or commemorative marker at the project site providing information on the historical significance of the resource. The project applicant shall fund its fair share of the development and implementation of a historic interpretive and improvement program which may include: (a) identification signs, interpretive or information plaques or other elements depicting the history of the Waterfront Warehouse District; (b) establishment of a grant or loan program, following the existing framework and guidelines of the Redevelopment Agency's "Façade Improvement Program" to improve and rehabilitate, as feasible, potential contributor buildings to meet contributor status; and/or (c) printed guide to the Waterfront Warehouse District with education features. [Master Response -1]

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On pp. V-2 and V-7, respectively, the following text is added to the titles of each of the alternatives:

REDUCED DENSITY – RESIDENTIAL AT THE STREET LEVEL

D. ALTERNATIVE 4: REDUCED DENSITY ALTERNATIVE (PARKING ONLY AT THE STREET LEVEL) [G-16]

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On p. VIII.C-12, paragraph 2 is revised as follows:

The existing waterlines serving Alice, Fourth, Fifth, and Jackson Streets are connected to the project site. The lines in Alice and Fourth Streets are 8-inch which connect to a 24-inch main trunk line. Based on estimated demand of 20,500 gpd and a peak rate of 69 gpm, these waterlines appear sufficient to provide average daily and peak domestic water demand flows to the project. Further, as the City of Oakland in compliance with Senate Bill 2095 has recently adopted an ordinance that applies to new development occurring within a water reuse zone, and as EBMUD has determined that the District will be able to provide recycled water to the project, the project sponsor, as part of standard development practices, would incorporate water conservation and recycling measures for both internal and external use of the project prior to the issuance of building permits.  
[E-1]

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# CHAPTER III

## 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 during the Draft EIR review period (January 30, 2002, through April 1, 2002).

<u>Person/Agency/Organization and Signatory</u>	<u>Date</u>
A. Governor's Office of Planning and Research, State Clearinghouse Terry Roberts, Director	March 18, 2002
B. Landmarks Preservation Advisory Board Una Gilmartin, Chair	March 14, 2002
C. Department of Toxic Substances Control Barbara J. Cook, P.E. of Chief of Northern California-Coastal Cleanup Operations Branch	February 28, 2002
D. Department of Transportation Jean C. R. Finney, District Branch Chief	March 14, 2002
E. East Bay Municipal Utility District William R. Kirkpatrick, Manager of Water Distribution Planning	March 20, 2002
F. California Regional Water Quality Control Board Peggy Olofson, Water Resource Control Engineer	March 14, 2002
G. City of Alameda Greg Fuz, Planning and Building Director	March 14, 2002
H. Oakland Heritage Alliance Naomi Schiff, Vice President of Preservation Action	March 20, 2002
I. South of the Nimitz Improvement Council Gary Knecht, President	April 1, 2002
J. Knecht and Knecht Gary Knecht	March 31, 2002

K. Jack London Neighborhood Association Peter Birkholz, AIA, Executive Board Member	April 1, 2002
L. Christopher Pederson	March 16, 2002
M. Rosemary Allen	April 1, 2002
N. Squeak Carnwath, Property Owner, Carnwath Studio	March 29, 2002
O. Jananne L. Mead	April 1, 2002
P. Lynne Hunting	April 1, 2002
Q. Naomi Schiff, Vice President of Preservation Action Oakland Heritage Alliance	April 1, 2002
R. Wilda White	April 1, 2002

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

The following persons provided public testimony at the Oakland City Planning Commission Public Hearing on the Draft EIR, held at City Hall on Wednesday, March 20, 2002.

- Naomi Schiff, Oakland Heritage Alliance
- Steve Lowe
- Gary Knecht, South of the Nimitz Improvement Council
- Rosemary Allen
- Joyce Roy
- Alexander Witz
- Peter Birkholz, Jack London Neighborhood Association
- Jane Lawhon, Jack London Neighborhood Association

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.

## **C. COMMENTS MADE AT THE LANDMARKS PRESERVATION ADVISORY BOARD PUBLIC HEARING**

At its March 11, 2002 meeting, the Landmarks Preservation Advisory Board members asked that comments raised on the Draft EIR be forwarded to the City Planning Commission for consideration. These comments, documented in a letter are included in Chapter IV of this document as Letter B, followed by responses.

## 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.

#### MASTER RESPONSES

##### Master Response 1 – Mitigation Measures Related to Historic Resources

A number of commenters raised concerns regarding the mitigation measures identified for the demolition of a contributor building in the Waterfront Warehouse District (Impact E.1). Mitigation Measure E.1a requires the project sponsor to provide documentation of the warehouse, and Mitigation Measure E.1b requires the project sponsor to contribute its fair share to the City for the placement of signs/markers.

**Response:** In the discussion of the demolition of the United Grocers Company Warehouse (Impact E.1), the DEIR recognizes on pp.IV.E.23 to E-24 that implementation of the identified mitigation measures would not lessen the impact to a less than significant level; and that the impact would remain significant and unavoidable. With project implementation, no feasible mitigation exists that would preserve this contributor building itself or lessen the impact of its demolition to a less than significant level. Although the Landmarks Preservation Advisory Board has recognized this conclusion, the board suggests that Mitigation Measures E.1b be replaced with two alternate mitigation measures: 1) a historic exhibit in the lobby of the new construction on the United Grocers Company Warehouse site; and 2) that has the project sponsor contribute the equivalent fair share amount identified in Mitigation Measure E.1b towards a fund that would support a program to assist with the rehabilitation of “potential contributors” to the district so that they may qualify as “district contributors.” City staff has considered this idea and is recommending to the Planning Commission that revisions to Mitigation Measure E.1b be made as follows (new language is underlined; delete language indicated by ~~strikethrough~~ text):

~~Mitigation Measure E.1b: The project shall contribute its fair share to be determined by the City for the placement of signs or markers throughout the Waterfront Warehouse District indicating important structures and features of the district, including a plaque or commemorative marker at the project site providing information on the historical significance of the resource. The project applicant shall fund its fair share of the development and implementation of a historic interpretive and improvement program which may include: (a) identification signs, interpretive or information plaques or other elements depicting the history of the Waterfront Warehouse District;~~

(b) establishment of a grant or loan program, following the existing framework and guidelines of the Redevelopment Agency's "Façade Improvement Program" to improve and rehabilitate, as feasible, potential contributor buildings to meet contributor status; and/or (c) printed guide to the Waterfront Warehouse District with education features.

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### **Master Response 2 – General Plan Consistency**

Several comment letters raised concerns regarding the consistency determination of the proposed project with respect to the General Plan, specifically with policies contained within the Land Use and Transportation Element; Estuary Policy Plan; Historic Preservation Element; and Open Space, Conservation, and Recreation Element.

**Response:** As stated in the Land Use, Plans, and Policies section, on p.IV.A-12, the DEIR acknowledges two different aspects of Estuary Policy Plan JL-6 and that “the project would generally meet the policies that encourage new infill developments to construct residential units and office space; however, the project does not appear to meet the preservation and reuse intent of the policy as the project entails demolition of the existing warehouse on site.” It should be noted that Policy JL-6 is to “encourage” the preservation and adaptive reuse of existing building, but does not prohibit the demolition of existing buildings in the Waterfront Warehouse District especially, in this case, adaptive reuse is infeasible. Further, the DEIR states that the proposed project is generally consistent with the General Plan as the proposed project is consistent with policies identified in the Land Use and Transportation Element (DEIR pp. IV.A-4 through A-6); the Estuary Policy Plan objectives (DEIR p. IV.A-7); the Open Space, Conservation, and Recreation Element (DEIR p.IV.A-9); and the Oakland Bicycle Plan (DEIR p. IV.A-9). As described, the proposed project is consistent with policies related to increasing the supply of housing in Oakland particularly in the estuary area (see also response to comment I-1); to provide a mix of uses in the downtown/estuary area; to provide useable open space areas for new residents; to provide parking for autos and bicycles within the development; and to provide new construction with quality design. Thus, the proposed project does not require a general plan amendment.

The DEIR further states that “[t]he General Plan contains many policies which may in some cases address different goals. Neither consistency nor lack of consistency with a policy of the General Plan would, in and of itself, result in a direct or reasonably foreseeable indirect adverse physical effect on the environment. The Planning Commission, in deciding whether to approve the proposed Conditional Use Permit and Design Review application, and any other necessary discretionary actions, must decide whether, on balance, the project is consistent with the General Plan.”

### Master Response 3– Alternatives

Several comment letters raised concerns regarding the adequacy of the alternatives analysis alleging that the DEIR did not consider an adequate range of alternatives and did not provide reasons for rejecting alternatives.

**Response:** The DEIR adequately analyzes a reasonable range of potentially feasible alternatives as required by CEQA to focus on those alternatives that are capable of avoiding or substantially lessening the significant effects of the proposed project. As described in the Alternatives Chapter, the DEIR analyzes the following: 1) No Project Alternative of which the United Grocers Company Warehouse would be retained and would remain vacant; 2) Preservation Alternative which would also retain the United Grocers Company Warehouse and adaptively reuse the building for either office or residential uses; 3) Mitigated Preservation Alternative which would retain the exterior building shell of the United Grocers Company Warehouse and would provide retail and parking on the ground floor with new constructed upper floors for residential units; and 4) Reduced Density Alternative which would provide a lower residential density development than the proposed project and would provide only parking at the street level for consistency with the UBC. Alternatives 1, 2, and 3 are included in the analysis as they would avoid the significant unavoidable impact as a result of demolition of the United Grocers Company Warehouse. Alternative 4 is included as it would lessen the significant traffic impacts from the proposed project.

On DEIR pp.V-2 to V-3, the DEIR also provides reasoning why other alternatives initially considered were rejected as infeasible. The Grocery Retail Use alternative, “would not meet project objectives for developing residential units to help meet housing demand in Oakland. Moreover, a grocery retail use creates a demand for convenient parking that is higher than for most other commercial uses” (DEIR p. V-2). As this alternative did not meet project objectives and would have significant impacts related to parking, the grocery retail use was rejected. To provide the Lead Agency with additional information, the project team has provided the City with additional information regarding its economic feasibility (see Appendix B).

The Reduced Density Alternative, which provides residential units at the street level as recommended by the Estuary Policy Plan, “would not be feasible to construct under the Unified Building Code (UBC). The UBC does not allow the construction of four floors with wood-frame construction above a concrete podium structure that contains residential space” (DEIR p.V-2). It should be noted that wood-frame construction was considered to be more economically viable than other types of construction for the number of units the building would provide; thus wood frame construction was assumed for this alternative (and for Alternative 4: Reduced Density with parking at the street level).

The Off-Site Alternative which relocates the United Grocers Company Warehouse to an alternative site to maintain the contributor building and avoid demolition was considered in the DEIR on pp. V-2 and V-3 with reasons for rejecting it as infeasible. This alternative recognizes that another site “would need to be acquired within the District by the City of Oakland or the project sponsor” (DEIR p. V-2). To avoid aspects of the historic resource impacts, the building

would need to be relocated to another site within the historic district of which it contributes. Another project is currently being proposed on the one remaining vacant site within the district (300 Harrison site), and the configuration of the site could not physically accommodate the warehouse. For these reasons as well as others including the project sponsor's lack of control over any other site in the area, the fact that the 426 Alice site is currently adequately serviced by available infrastructure, and that general plan policies and zoning regulation would allow development on the 426 Alice site, this alternative was considered infeasible.

Further, in the Notice of Preparation (NOP) process, the City received a letter from the JLNA that specifically identified alternatives to consider in the EIR. The letter dated August 24, 2000 (DEIR Appendix B) identified alternatives for consideration and were incorporated into the DEIR as follows:

- a) "Eminent domain and resale to a buyer who will use the building without destroying the building's or the Waterfront Warehouse District's historic integrity..."

The DEIR includes this discussion in the Off-Site scenario stating, "[a]lthough Policy 3.4 of the Historic Preservation Element provides the City a means to consider preservation of the United Grocers Company Warehouse on its current site through eminent domain procedures, the policy is intended to be applied 'only to the most important properties (e.g. existing or eligible Class I landmarks)' "(DEIR pp.V-2 to V-3).

- b) "Live-work project within the existing structure with on- and/or off-site parking"
- c) "Office space within the existing structure with off-site parking"

These two alternative are similar to Alternative 2: Preservation Alternative as it preserves the United Grocers Company Warehouse and adaptively reuses it for either office or residential, as described on DEIR p. V-4. Regarding parking, the DEIR states, "Regardless of the use, parking would not be provided on site as the building is built to the property lines" and that parking would not be required for the uses as per the zoning regulations. The impact analysis concludes that this alternative would result in significant parking impacts.

- d) "An upscale, urban grocery store,...within the existing structure incorporating off-site valet parking, free delivery, and off-site self parking"

As previously stated, the DEIR included this as the Grocery Retail Use considered but rejected as infeasible discussion in DEIR p. V-2. The DEIR provides adequate discussion as follows: "No vacant site in the area is available for parking, as the project site is located in a built-out area...Long-term availability of the space under Interstate 880 cannot be ensured for parking to serve the grocery retail use due to Caltrans' auction process to lease these areas for a limited duration of time. Even if parking could be provided off-site, its inconvenience would likely be too great to attract potential patrons; making the space undesirable for a grocery store of this size (about 30,000 square feet). The potential for providing valet parking for this type of use is not feasible given the average high turnover of parking spaces, the costs versus the return on food

sales, and the fact that it would not likely....cover costs and provide a reasonable return on investment.”

- e) “Mixed-use retail and parking on the ground floor with one- to two-story addition for office or residential designed in a manner consistent with the Secretary of Interior Standards...”

This alternative is similar to Alternative 3: Mitigated Preservation Alternative in DEIR pp. V-5 and V-6 as it would include about 8,000 square feet of retail space along with parking spaces on the ground floor. The alternative also assumes that the new construction would be consistent with the *Secretary of Interior Standards for Alterations to Existing Facilities*, if possible.

The DEIR has described a reasonable range of alternatives that could feasibly accomplish most of the basic objectives of the proposed project and would avoid or substantially lessen any of the significant environmental impacts of the proposed project. Generally, the Preservation Alternative (DEIR pp. V-3 to V-4) and Mitigated Preservation Alternative (DEIR pp. V-5 to V-6) would avoid demolition of the United Grocer’s Company Warehouse and thus avoid a significant historic impact of the building itself and cumulatively considerable impact on the District. The latter alternative would also reduce traffic impacts of the proposed project as the alternative is a less intensive development. Similarly, the Reduced Density Alternative (DEIR pp. V-7 to V-8) is a less intensive development; thus, significant traffic impacts would be less than the proposed project. The analysis also provides sufficient information about each alternative and provides a comparison with the proposed project. Thus, the DEIR is adequate in its application of CEQA Guidelines 15126.6. A supplemental DEIR is not necessary.

Another alternative suggested in the JLNA comment letter on the Draft EIR (see comment K-54) is the preservation of the United Grocers Company Warehouse for the reuse of a grocery store or retail use and associated parking with three levels of housing (30 units) above the parking. This alternative is similar to Alternative 3: Mitigated Preservation Alternative discussed in the DEIR (pp. V-5 to V-6) which incorporates retail and parking within the warehouse and 30 residential units above. This alternative, provides only 8,000 square feet of retail space due to the amount of square footage dedicated to the required associated parking spaces (60 spaces). The DEIR also discusses the grocery store scenario and its related parking impacts, above. Although not required by CEQA to evaluate the feasibility of the alternatives, the project sponsor has provided the economic feasibility of this new alternative for informational purposes in Appendix C.

While CEQA provides guidance for developing the range of alternatives, CEQA does not require the EIR to evaluate the feasibility of the alternatives. Rather, it guides the Lead Agency with the following definition in CEQA Guidelines Section 15364, “capable of being accomplished in a successful manner within a reasonable period of time, taking into account economic, environmental, legal, social, and technological factors.” In order to provide information to the Lead Agency (City of Oakland) in evaluating the feasibility of alternatives, the project team has prepared a *Development Alternatives Feasibility Assessment* which evaluates all the alternatives identified in the DEIR and describes the methodology used and conclusions regarding their economic feasibility. This assessment is included for informational purposes as Appendix A, B,

and C (for the new alternative suggested in JLNA's letter) and will be considered by the Planning Commission when evaluating the merits of the project.

#### **Master Response 4– Urban Design Issues regarding Height and Massing, Views, and Light and Glare**

Several comment letters raised concerns regarding the proposed building height and overall massing of the building, specifically as it relates to being out of character with the neighborhood (without specific reference to the character of the historic district), blocking existing views and light to and from adjacent structures, and introducing new glare into the site vicinity.

#### **Response:**

##### Urban Design Issues

Visual Quality, Shadow, and Light and Glare impacts are discussed in DEIR section IV.F. The DEIR adequately analyzes whether the proposed project would substantially degrade the existing visual character of the site and its surroundings (Impacts F.1 and F.2) per the significance criteria stated on DEIR p.IV.F-3:

“A project would be considered to have a significant effect if it would:

- have a substantial adverse effect on a scenic vista;
- substantially damage scenic resources; or
- substantially degrade the existing visual character of the site and its surroundings.”

Visual quality is discussed in DEIR Appendix C (Impacts Initially Reviewed and Found To Be Less Than Significant) and includes a discussion of aesthetics (DEIR p.VIII.C-1), including visual quality effects with regards to scenic vistas and scenic resources. Appendix C concludes that the project would not result in a significant effect relative to visual quality because, “the proposed project area is located in a built-out urban area, immediately adjacent to Interstate 880 and surrounded by industrial and warehouse structures.” Further, “although the proposed project will be about 85 feet tall at the roofline, the project will be located on a relatively flat, infill urban site in an area that is already well developed with existing buildings.”

The DEIR acknowledges on DEIR p.IV.F-1, “Most existing buildings in the Waterfront Warehouse District are less than 50 feet tall with the exception of two buildings directly across 4<sup>th</sup> Street from the project site to the south ... the Fourth Street Lofts (about 60 feet) and the former Safeway Headquarters Building at 4<sup>th</sup> and Jackson Streets (soon to be about 82 feet) ... ” As mentioned by several comment letters, and acknowledged on DEIR p. IV.F-5, “The proposed project, with a building height of about 85 feet, 4 inches would be the tallest structure in the Waterfront Warehouse District ... the additional height would be apparent from surrounding buildings and would be most directly seen from the Fourth Street Loft building and former Safeway Headquarters Building.”

Further, the DEIR acknowledges on DEIR p.IV.F-5, that “the proposed project would cover half a city block; thus, its building footprint would be larger than most other buildings in the Waterfront Warehouse District.” However, as stated on DEIR p.IV.F-5, “the building footprint ... is comparable to those of recently approved projects in the vicinity,” including Buildings 1, 2, and 3 of the Allegro Project, 311 Oak Street Project, and the former Safeway Headquarters Building. Further, “The project would incorporate certain characteristics of an industrial architectural style ... the exterior of the building would consist of an exposed concrete frame with stucco infill panels that would match the concrete structure and would contain large spans of industrial-style windows ... typical of other structures in the surrounding area.” Visual simulations showing the existing setting, the proposed project in the existing setting, and the proposed project with approved projects are provided on DEIR pps.IV.F-7 to IV.F-14. These illustrative figures (IV.F-1 to IV.F-10b) show the proposed project in context of the surrounding neighborhood and further support the conclusion that the proposed project would not substantially degrade the existing visual character of the site and surroundings.

The DEIR states on p.IV.F-6, “Although visual quality is subjective, given that the project site is at the edge of both the Waterfront Warehouse District and Jack London District and immediately adjacent to I-880, it cannot be concluded that the proposed building would result in a substantial, demonstrable negative aesthetic effect, or that it would substantially degrade the existing visual character of the site and surroundings” per the above-stated Significance Criteria. Therefore, the DEIR has adequately addressed the potential visual quality effects of the proposed project.

The proposed project’s overall scale and design will be considered by the Planning Commission as part of the design review process. To be approved, the project would have to be found by the Planning Commission to be consistent with the Design Review criteria in Section 17.136.070 of the Planning Code. The Design Review process is separate from environmental review, and a separate discussion and analysis as to whether or not the project conforms to the applicable Design Review criteria will be presented to the Planning Commission.

Contrary to public comment, the project plans, elevations, and simulations provided on pp.III-4 to III.15, and IV.F-7 to IV.F-14 accurately portray the proposed building height, mass, and architectural detail, and adequately meet the requirements of CEQA *Guidelines* Section 15147 (Technical Detail). For environmental review purposes, the project description, plans, elevations, and simulations provide the needed information for adequate analyses in the EIR. As stated under Section 15147, “The information contained in an EIR shall include *summarized* technical data, maps ... Placement of highly technical and specialized analysis and data in the body of the EIR should be *avoided* ... ” (emphasis added). Therefore, no additional project plans or other information is necessary.

#### Views

As mentioned by several commenters and acknowledged on DEIR p.IV.F-2, “Views in the area are limited because of the urban context ... Views within and outside of the District are generally limited by existing buildings ... as well as the I-880 freeway just north of the project site.” Within this urban context, the project would not result in an unreasonable or significant blocking of

views. In addition, the project would not result in a wall along the building frontages, but rather a building with active habitable spaces and windows, as shown in visual simulations (Figures IV.F-1 to IV.F-10b) provided on DEIR pps. IV.F-7 to IV.F-14.

Furthermore, a project-related effect on a scenic view or vista is determined to be significant only for publicly accessible open spaces and/or scenic highways, not private vantage points as per the significance criteria. As stated on DEIR p.IV.F-5, “The proposed building would not obstruct any publicly available scenic views or have a substantial adverse effect on any scenic vista.” The DEIR concludes on p.IV.F-5, “the project site is located at the northern edge of both the Waterfront Warehouse District and the overall Jack London District and adjacent to an elevated I-880 freeway. As such, any development here would have less potential to affect surrounding properties than would a project at the center of the District.”

#### Light and Glare

The DEIR adequately analyzes whether the proposed project would unreasonably block sunlight for neighboring buildings or open space, or introduce substantial new light or glare (Impacts F.3, F.4, and F.5) per the significance criteria stated on DEIR p.IV.F-3 and F-4:

“A project would have a significant impact if it would unreasonably block sunlight for neighboring buildings or open space . . . Specifically, a project would unreasonably block sunlight for neighboring buildings if it would:”

- introduce landscape that would now or in the future cast shadow on existing solar collectors (in conflict with California Public Resources Code Section 25980-25986);
- casts shadow that substantially impairs the function of a building using passive solar heat collection, solar collectors for hot water heating, or photovoltaic solar collectors;
- casts shadow that substantially impairs the beneficial use of any public or quasi-public park, lawn, garden, or open space; or
- casts shadow on a historic resource, as defined by CEQA Section 15064.5(a), such that it would substantially diminish/impair its eligibility for listing in the National Register of Historic Places, California Register of Historical Resources, or in a local register of historical resources or a historical resource survey as defined by the Public Resource Code.”

Further, “A project would have a significant effect if it would create a new source of substantial light or glare which would adversely affect daytime or nighttime views in the area.”

In response to comments regarding blockage of light to adjacent buildings, DEIR p.IV.F-5 states, “As the proposed project is located to the north of both the Fourth Street Loft and former Safeway buildings, direct access to sunlight would generally not be affected.” In addition, the EIR concludes on DEIR p.IV.F-15 that “[a]lthough the proposed project would cast shadow on nearby buildings, it does not result in an unreasonable blocking of light to these properties as it

was observed that none of the affected adjacent buildings were designed for passive solar heating or are equipped with photovoltaic or solar hot water collectors.”

In response to comments regarding the creation of new glare on the surrounding neighborhood, DEIR p.IV.F-3 states, “The project site is in a built out urban area, among a variety of existing sources of light and glare from associated industrial, warehouse, residential, commercial, and live-work loft uses ... situated in a context of local roadways and adjacent to the I-880 freeway where street lighting projects light and glare during evening and nighttime hours.” The DEIR acknowledges on p.IV.F-23 that “[t]he project would be a more intensive use than the existing, vacant warehouse building ... The amount of light and glare emitted from the site would therefore be increased.” However, and contrary to public comment, the DEIR concluded on p.IV.F-23, “As the project would use non- to low reflective exterior building materials and include lighting that would be typical of other residential buildings in the area, it cannot be concluded that the proposed project would result in substantial negative light or glare impacts.”

A. Terry Roberts, Director  
State Clearinghouse  
(March 18, 2002)

(1/ of 2 Pages)

A. Terry Roberts, Director  
State Clearinghouse  
(March 18, 2002)

(2 of 2 Pages)

**RESPONSES TO LETTER A – GOVERNOR’S OFFICE OF PLANNING AND  
RESEARCH, STATE CLEARINGHOUSE**

- A-1)** Comments noted. The ten digit State Clearinghouse number was inadvertently omitted from the cover of the Draft EIR. The following revision is made to the cover of the Draft EIR and is included on the cover of the Final EIR. (new language is underlined; deleted language indicated by ~~striketrough~~ text):

SCH# 2000072091

B. Una Gilmartin, Chair  
Landmarks Preservation Advisory Board  
(March 14, 2002)

(1 of 2 Pages)

B. Una Gilmartin, Chair  
Landmarks Preservation Advisory Board  
(March 14, 2002)

(2 of 2 Pages)

**RESPONSES TO LETTER B – LANDMARKS PRESERVATION ADVISORY BOARD**

- B-1)** Consistent with standard City practices, relevant policies from the Historic Preservation Element as well as from other elements of the General Plan are discussed in the Historical Resources section of Chapter IV on pp.IV.E-19 to E-21. It is also noted that in the introductory discussion of the General Plan on p. IV.A-3 of the Land Use, Plans, and Policies section, the Historical Resources section of the same chapter is referenced. Due to the importance of the historic resource issues, a separate Section E was included in the EIR and dedicated to such issues to provide more detailed analysis and discussion regarding the project’s potential impacts. As stated on p.IV.A-12, “The General Plan includes the Land Use and Transportation Element, the Open Space, Conservation, and Recreational Element, the Housing Element, Noise Element, Environmental Hazards Element, the Estuary Policy Plan, the Bicycle Master Plan, and the Historic Preservation Element.” The DEIR thoroughly discusses and analyzes all relevant policies of the General Plan in Chapter IV, Environmental Setting, Impacts and Mitigation Measures.
- B-2)** See Master Response 1 – Mitigation Measures Related to Historic Resources.
- B-3)** See Master Response 1 – Mitigation Measures Related to Historic Resources.
- B-4)** The DEIR adequately assessed the impact of demolition and new construction on the continued eligibility of the Waterfront Warehouse District for listing on the National Register of Historic Places and on the California Register of Historical Resources. The analysis in the DEIR was based on the criteria set forth by the National Register of Historic Places and the California Register of Historical Resources. As stated on DEIR, pp. IV.E-12 to E-15, the National Register of Historic Places and the California Register of Historical Resources have specific criteria for evaluating historical resources including “buildings, structures, sites, objects, and districts that possess historic, architectural, engineering, archaeological, or cultural significance at the national, state, or local level.” The evaluation of historical resources must be based on these criteria regarding the potential eligibility for the National Register. On p.IV.E-13, the discussion further states that “A resource may be considered significant in American history, architecture, archaeology, engineering, and culture if it meets the above listed criteria and it possesses integrity” (emphasis added). Integrity is defined as location, design, setting, materials, workmanship, feeling, and association, and is further described on p.IV.E-13. Size of the buildings is considered in the analysis of integrity as it contributes to feeling and association (see DEIR pp. IV.E-13 and 14 as well as Appendix G).
- B-5)** Comments are noted and will be forwarded to the Planning Commission for its consideration. The overall design of the project will be considered as part of the design review by the Planning Commission. The project would have to be found to be consistent with the Design Review criteria in Section 17.136.070 of the Planning Code. The Design Review process is separate from environmental review, and a separate discussion and analysis as to whether or not the project conforms to the applicable Design Review criteria will be presented to the Planning Commission.

C. Barbara J. Cook, P.E.  
Department of Toxic Substances Control  
(February 28, 2002)

**(10 pages)**

**RESPONSE TO LETTER C – DEPARTMENT OF TOXIC SUBSTANCES CONTROL**

- C-1)** Regarding having an adequate description of the property's past uses and that site uses prior to 1973, a more thorough discussion of historical uses is included in Section IV.E. Historical Resources. In addition, DEIR Appendix C (Impacts Initially Reviewed and Found To Be Less Than Significant) includes a discussion of Hazards and Hazardous Materials (DEIR p. VIII.C-6) and provides a discussion of conditions regarding past uses of hazardous materials. As discussed on DEIR p. IV.E-1, the proposed project site contains a one-story, United Grocers Company Warehouse that was constructed in 1932, and surveyed as part of the Oakland Cultural Heritage Survey (OCHS) in 1983. Information that the existing building was constructed as the United Grocers Company Warehouse in 1932 and that this warehouse has stood on the site since that time, is adequate historical evidence of the site history prior to 1973. Since the past uses of the property since 1932 have been clearly documented, and because there is no evidence of past hazardous materials use, storage, or release, as confirmed in the December 1999 environmental site assessment, it is reasonable to conclude that past uses of the property did not result in contamination from hazardous materials.
- C-2)** Regarding remarks of asbestos existing in the interior spaces, the DEIR discusses asbestos, asbestos sampling, and abatement requirements, including applicable OSHA requirements and compliance with the Bay Area Air Quality Management District (BAAQMD) in the Hazards and Hazardous Materials (DEIR p. VIII.C-6, second full paragraph). The discussion concludes that the friable asbestos would therefore not create a significant hazard to the public or the environment.

D. Jean C.R. Finney, District Branch Chief  
Department of Transportation  
(March 14, 2002)

(1 of 2 pages)

D. Jean C.R. Finney, District Branch Chief  
Department of Transportation  
(March 14, 2002)

(2 of 2 pages)

**RESPONSE TO LETTER D – DEPARTMENT OF TRANSPORTATION**

- D-1)** The estimated trip distribution for project trips is presented in Table IV.B-4 (p. IV.B-12) of the DEIR. Traffic volume data and level of service calculations have been made available to the commenter. This information is also available for review at the Community and Economic Development Agency, 250 Frank H. Ogawa Plaza, Suite 3330, Oakland, by contacting case planner Scott Miller, (510) 238-2235.
- D-2)** Contrary to the commenter's assertion, the DEIR discussed potential impacts to State highway facilities by evaluating regional roadways in the project area (Impact B.2, pp. IV.B-14 to IV.B-15), and the I-880 freeway ramp intersections at Jackson Street and Oak Street (Impacts B.1 and B.10, pp. IV.B-11 to IV.B-14, and IV.B-28 to IV.B-29). In addition, mitigation measures identified in the DEIR state that the project sponsor shall pay its fair share of those measures.
- D-3)** Project and cumulative impacts to the intersection cited by the commenter were analyzed in the DEIR as part of Impacts B.1 and B.10, with corresponding mitigation measures, on pp. IV.B-11 to IV.B-14, and IV.B-28 to IV.B-29.
- D-4)** Mitigation Measure B.1, recommended to mitigate the project impact at the 5th and Jackson Streets intersection under 2005 conditions, would modify the traffic signal phasing to provide a phase for southbound Jackson Street traffic (through and left turn) in advance of a phase for simultaneous north-south traffic movements, and would also change the signal timing to shift the Green time provided for different movements. Currently southbound and northbound traffic receive a Green signal simultaneously, and drivers wishing to make left turns from southbound Jackson onto 5th Street have to wait for a gap in opposing northbound traffic, which has the effect of delaying drivers wishing to continue through on southbound Jackson Street. Instances have been observed when a queue of southbound vehicles backup toward 6th Street (upstream from 5th Street). In addition, the current signal timing is not optimized (i.e., Green time is not provided in proportion to the relative traffic volumes on the different approaches), and the testing of the effectiveness of the recommended mitigation measure used the current fixed 45-second cycle length that is in-place at the series of signalized intersections on 5th Street (Jackson to Oak) and 6th Street (Oak to Jackson).

The commenter's suggested alternative measure (i.e., addition of a second southbound lane, which would provide a separate left-turn lane and a through lane) is noted. However, because of the resulting loss of about seven on-street parking spaces (between 5th and 6th Streets), signal modification was identified as the best option.

As stated on p. IV.B-14, the project sponsor would coordinate with Caltrans and the City of Oakland to implement Mitigation Measure B.1. On that same page, the DEIR acknowledges that the City of Oakland, as Lead Agency, could not implement the improvement without Caltrans' approval.

- D-5)** As stated on p. IV.B-28 of the DEIR, Mitigation Measure B.10 is to implement Mitigation Measure B.1 (which is described on p. IV.B-14). As described in the response to Comment D-4, above, this improvement measure would (1) modify the traffic signal phasing to provide a phase for southbound Jackson Street traffic in advance of a phase for simultaneous north-south traffic movements, which would reduce delays experienced by drivers on the southbound approach to the intersection, and (2) change the signal timing (which currently is not optimized) to shift the Green time provided for different movements.

Contrary to the commenter's assertion, levels of service are defined in terms of the vehicle delay experienced by the average driver, and LOS F is defined as conditions when that average delay exceeds 60 seconds per vehicle. Evaluation of signal modifications indicate that capital improvements (i.e., more travel lanes to increase the intersection's capacity) are not needed to mitigate the impact.

- D-6)** The Alameda County Congestion Management Agency (CMA), within its Congestion Management Program (CMP), evaluates roadway segments, not intersections. Deficient links are designated by the CMA on the basis of average speed observed along a roadway segment (highways and arterials), not average vehicle delay experienced by drivers making various turning movements at an intersection. As stated in the Alameda County's CMP, the methods of assessing levels of service "are not designed to replace the more detailed procedures that local agencies are likely to use for non-CMP purposes (such as local impact studies), which are typically concerned with an intersection's ability to handle individual turning movements". Therefore, the DEIR's calculation of existing levels of service (LOS) at intersections in the project area, including 6th and Jackson Streets at the I-880 On-ramp, as LOS C or better is not, in and of itself, incompatible with the CMA's designation of a "deficient link" from Webster/Atlantic (City of Alameda) to 6th/Jackson/I-880 On-ramp (City of Oakland).

- D-7)** As stated in Footnote 3, p. IV.B-3 of the DEIR, study intersections were selected on the basis of their proximity to the project site and the expected dispersion of project traffic volumes on the area's road network. Project-generated peak-hour trips were distributed to "gateways" through which that traffic would travel between the project site and various destination areas. The configuration of the road network serving the project site, the location of access for the project parking garage, and the project site's proximity to freeway ramps at Jackson and Oak Streets served to reasonably judge that intersections to the west (toward and on Broadway) would not be used to the degree that would warrant inclusion as study intersections.

E. William R. Kirkpatrick, Manager of Water Distribution Planning  
East Bay Municipal Utility District

(March 20, 2002)

(1 of 2 pages)

E. William R. Kirkpatrick, Manager of Water Distribution Planning  
East Bay Municipal Utility District

(March 20, 2002)

(2 of 2 pages)

**RESPONSE TO LETTER E – EAST BAY MUNICIPAL UTILITY DISTRICT**

**E-1)** Comment noted. Utilities and service systems are discussed on pp. VIII.C-11 and VIII.C-12 of DEIR Appendix C (Impacts Initially Reviewed and Determined To Be Less Than Significant). Appendix C concludes that the project would not create any significant physical impacts on the environment as a result of standard development practices that would be implemented prior to water service connection. As stated on DEIR p. VIII.C-12, “If sufficient distribution capacity in existing water . . . facilities is not available to serve the proposed project, the project sponsor would be required to provide any infrastructure improvements and pay required installation and hookup fees to the affected service providers to ensure adequate service, prior to service connection. Further, as part of standard development practices, the project sponsor would need to contact East Bay Municipal Utility District to address service needs required for the project.” Issues to be discussed at that time would likely include the incorporation of suggested water conservation and water recycling measures into project design and operation. As a result, specific mitigation measures are not identified. However, to further clarify the project’s compliance with the District’s water service requirements, the following text is added on DEIR p. VIII.C-12, paragraph 2 as follows (new language is underlined; deleted language indicated by ~~strikethrough~~ text):

The existing waterlines serving Alice, Fourth, Fifth, and Jackson Streets are connected to the project site. The lines in Alice and Fourth Streets are 8-inch which connect to a 24-inch main trunk line. Based on estimated demand of 20,500 gpd and a peak rate of 69 gpm, these waterlines appear sufficient to provide average daily and peak domestic water demand flows to the project. Further, as the City of Oakland in compliance with Senate Bill 2095 has recently adopted an ordinance that applies to new development occurring within a water reuse zone, and as EBMUD has determined that the District will be able to provide recycled water to the project, the project sponsor, as part of standard development practices, would incorporate water conservation and recycling measures for both internal and external use of the project prior to the issuance of building permits.

This letter is part of the record and will be forwarded to the Planning Commission for consideration as a condition of approval for the project.

**E-2)** See Comment E-1, above.

F. Peggy Olofson, Water Resource Control Engineer  
California Regional Water Quality Control Board

(March 14, 2002)

**(8 Pages)**

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**RESPONSE TO LETTER F – CALIFORNIA REGIONAL WATER QUALITY CONTROL BOARD**

- F-1)** The comment states that the project consists of redevelopment of a commercial area, and there may be soil and groundwater contamination. The commenter should note that a discussion of historical uses is included in the DEIR in the Section IV.E Historical Resources. In addition, DEIR Appendix C (Impacts Initially Reviewed and Found To Be Less Than Significant) includes a discussion of Hazards and Hazardous Materials (DEIR p. VIII.C-6) and provides a discussion of conditions regarding past uses of hazardous materials. An environmental site assessment for the project site was completed in December 1999. A records database search conducted as part of the assessment indicates that the site was not listed as a hazardous materials site pursuant to Government Code Section 6596.5 and is not listed as having underground storage tanks. The underground storage tanks located in the near vicinity are not anticipated to affect the groundwater beneath the project site. The proposed project site contains the one-story, United Grocers Company Warehouse that was constructed in 1932 as surveyed as part of the Oakland Cultural Heritage Survey (OCHS) in 1983. Information that confirms the existing building was constructed as the United Grocers Company Warehouse in 1932 and that this warehouse has stood on the site since that time, is adequate historical evidence of the site history. In addition, by establishing the past uses of the property and considering findings of the December 1999 site assessment that found no evidence of past hazardous materials use, it is reasonable to conclude that past site uses did not result in contamination from hazardous materials.
- F-2)** The DEIR addresses potential dewatering conditions in the Hydrology and Water Quality section of DEIR Appendix C (Impacts Initially Reviewed and Found To Be Less Than Significant) (DEIR p. VIII.C-7, third paragraph). The DEIR states that the applicant shall be required to comply with applicable standards and regulations and will comply with applicable provisions of the Clean Water Act with regard to preparing a storm water discharge plan.
- F-3)** The DEIR discusses impervious surfaces and amount of storm water runoff from the site in the Hydrology and Water Quality section of DEIR Appendix C (Impacts Initially Reviewed and Found To Be Less Than Significant) (DEIR p. VIII.C-7, third paragraph). In that discussion the DEIR states that, “[t]he amount of impervious surface area on the project site would not change as a result of the project as it is located within a built-out urban area and currently contains a structure built to the property lines. Therefore, the project would not substantially increase or decrease the amount of runoff to the City’s storm water drainage system.”

G. Greg Fuz, Planning and Building Director  
City of Alameda

(March 14, 2002)

**(4 Pages)**

**RESPONSE TO LETTER G – CITY OF ALAMEDA**

- G-1)** Contrary to the commenter's suggestion, the issuance of a new NOP is not necessary. The additional three residential units and approximately 9,800 square feet of office space are not considered significant modifications to the project description. The DEIR provides a complete analysis of all impacts associated with the currently proposed project.
- G-2)** Public services, hydrology and water quality, and utilities and services systems are addressed in Appendix C of the DEIR (pp. VIII.C-9 to C-11; pp. VIII.C-7 to C-8; and pp. VIII.C-11 to C-13). These environmental issues were initially reviewed and found to be less than significant.
- G-3)** See response to Comment D-7 from Caltrans regarding the criteria used to select study intersections for the DEIR. Factors considered in the assignment of peak-hour project trips include the location of access to the project parking garage and the street system serving the project (including the various one-way streets). The need to weave across off-ramp lanes at Jackson Street dictates that project vehicles would travel on 5th Street to Oak Street, where they would turn left (except those destined for I-880 toward San Leandro). As shown in Table IV.B-4, on p. IV.B-12 of the DEIR, project-generated vehicle trips to/from the City of Alameda would amount to about five percent of peak-hour project traffic, which was judged not high enough to warrant analysis of project effects on the Webster/Posey Tubes or at intersections on 8th Street. (It is noted that, contrary to the commenter's assertion, 5th and Jackson Streets is a study intersection in the DEIR.)
- G-4)** The mislabeled study intersection #8 on Figure IV.B-1 is noted, and a replacement figure is included on the following page.
- G-5)** The six study intersections on 5th and 6th Streets (at Jackson, Madison and Oak Streets) were counted at the same time, and the other four study intersections (i.e., paired intersections on 7th Street and on Oak Street) were likewise counted at the same time. Therefore, the count data is considered representative of conditions at adjacent intersections and thus valid for use in the DEIR.
- G-6)** The significance criteria used for City of Oakland EIRs was established on the basis of CEQA guidelines, review of recent EIR analyses in Oakland, and consultation with traffic engineers (private consultants and City staff) who conduct analyses in the City.
- G-7)** As indicated by the source citation on pp. IV.B-9 and IV.B-29 of the DEIR, the description of planned improvements in the vicinity of the I-880 / Broadway-Jackson interchange was based on information provided on November 21, 2001 by Caltrans' project manager for that improvement project. As stated, Caltrans (in cooperation with the Alameda County Congestion Management Agency) is currently conducting the necessary environmental studies, and construction is tentatively scheduled to start

2005-06. A follow-up e-mail exchange with Mr. Fathollahi at Caltrans on April 19, 2002 confirms the accuracy of the DEIR's description of the status of the improvements and the expected start of construction.

**INSERT FIGURE IV.B-1  
PROJECT AREA STREET NETWORK (Revised)  
(RTC G-4)**

**G-8)** The commenter’s opinion about the vehicle trip reduction factor used for the DEIR is noted. As described on pp. IV.B-10 and IV.B-11 of the DEIR, vehicle trip generation rates published by the Institute of Transportation Engineers (ITE) were adjusted to reflect the fact that ITE trip rates originate from surveys that are primarily conducted in suburban locations with low transit usage. Data sources for non-auto travel mode percentages were reviewed to determine an appropriate adjustment factor for this study. On the basis of that travel mode data, it was considered reasonable to assume that the non-auto travel mode percent for this project would be somewhat lower than for projects located in the city center area (i.e., lower than 25%). Professional traffic engineering judgment thus yielded a 15% adjustment factor as appropriate for this study. To corroborate this professional judgment, data from the Metropolitan Transportation Commission (MTC) was reviewed. The MTC’s published data of travel commute modes by residents of different areas indicates that the share of people traveling to work by auto is about 80% for residents of suburban areas (e.g., Sunnyvale / Mountain View, Livermore / Pleasanton, and Concord / Martinez), versus about 65% (or about 20% lower than 80%) for the Oakland / Alameda area. As noted in the DEIR, however, the Alameda portion of the latter MTC zone (“superdistrict”) has no BART service and less AC Transit service than does the project area, and therefore, a bigger difference in auto travel mode would be expected for residents in the project area.

For information disclosure purposes, however, even if a 10% adjustment factor had been used, as suggested by the commenter, the increased vehicle trip generation would have amounted to a total of four more a.m. and p.m. peak-hour vehicle trips than estimated in the DEIR, and the impact determinations would have been the same as presented in the DEIR.

**G-9)** See response to Comment G-3, above, regarding the expected distribution of project-generated peak-hour vehicle trips to/from the City of Alameda, and consideration of those trips in the selection of study intersections for the DEIR. (It is noted that the DEIR study intersections include intersections on 7th Street, at Webster Street and Harrison Street.)

**G-10)** As described on pp. IV.B-23 and IV.B-24 of the DEIR, the project would generate about ten peak-hour person trips by non-auto travel modes (e.g., AC Transit, BART, Oakland-Alameda ferry, walking and bicycling) in both directions (i.e., inbound to, and outbound from, the project site). Regardless of current or projected levels of transit ridership, dispersion of the ten people among the different alternative travel modes, and between directions of travel, was reasonably judged to have a minimal effect on transit capacity utilization, and the project impact on transit would be less than significant.

**G-11)** As described as part of the response to Comment G-3, above, project-generated traffic in the areas cited by the commenter would be minimal, and the effect on pedestrian safety would be less than significant.

- G-12)** The analysis of air quality impacts at roadway intersections is provided in Table IV.C-4 (DEIR p.IV.C-10). The selection of intersections for analysis is based on the recommendations of the Bay Area Air Quality Management District (BAAQMD) in its CEQA Guidelines (BAAQMD, 1999). The BAAQMD-recommended criteria for evaluating impacts to roadway intersections are if the traffic generated by the project would reduce roadway Level of Service of intersections operating at Level of Service E or F, cause a reduction of intersection Level of Service to E or F, or increase traffic volumes on nearby roadways by 10 percent or more. These conditions are not predicted to occur at the intersection of Atlantic and Webster (refer to Section B, Traffic, Circulation and Parking of the DEIR). Consequently, this intersection did not merit analysis for air quality impacts.
- G-13)** As stated in the response to comment G-12, the analysis of air quality impacts to roadway intersections is based on BAAQMD-recommended criteria. Please see response to Comment G-3 regarding analysis of additional intersections in the DEIR.
- G-14)** The analysis of noise impacts along roadway segments is provided in Table IV.D-5 (DEIR p.IV.D-11). The selection of roadway segments for analysis is based on the examining the roadways most affected by project traffic (i.e., those used for direct ingress and egress of the proposed project). Impacts to other roadways would be less than those identified in Table IV.D-5 because project-generated vehicle volumes would be diluted due to distribution of project trips onto other roadways. Therefore, the roadway segments analyzed for noise impacts in the DEIR represent worst-case impacts. Since these roadways are not predicted to experience a significant noise impact resulting from project-generated traffic, other roadways further from the project would also be subjected to a less-than-significant noise impact from project traffic.
- G-15)** The reference to Table IV.F-4 on DEIR p. IV.D-11 is hereby revised to Table IV.D-5 as follows: (new language is underlined; deleted language indicated by ~~strike through~~ text):
- Using the FHWA traffic-noise prediction model, roadside traffic noise levels were predicted for existing, 2005 base, 2005 plus the proposed project, and 2020 cumulative growth conditions. The results of this modeling effort are shown in Table ~~IV.F-4~~ IV.D-5.
- G-16)** On DEIR p. V-2, the Reduced Density Alternative discussed in Alternatives Considered but Rejected as Infeasible incorporates residential uses on the street level which is different from Alternative 4: Reduced Density Alternative evaluated on DEIR pp. V-7 to V-8 which considers only parking on the street level. As the former alternative is considered but rejected as infeasible, no further analysis (including traffic) is required. Unlike the former, the latter would be feasible to construct under the UBC and was evaluated as an alternative in the DEIR. Wood-frame construction is considered less costly than other types of construction relative to the number of units being provided; thus, making the alternative more economically viable to consider, although economic feasibility is more fully described in the *Development Alternatives Feasibility Assessment*

(Appendix A) provided by the project sponsor (see Master Response 3– Alternatives). For clarification, the following text is added to the titles of each of the alternatives on DEIR p. V-2 and DEIR p. V-7, respectfully, as follows (new language is underlined; deleted language indicated by ~~strike through~~ text):

REDUCED DENSITY – RESIDENTIAL AT THE STREET LEVEL

D. ALTERNATIVE 4: REDUCED DENSITY ALTERNATIVE (PARKING ONLY AT THE STREET LEVEL)

H. Naomi Schiff, Vice President  
Oakland Heritage Alliance

(March 20, 2002)

(1 of 2 Pages)

H. Naomi Schiff, Vice President  
Oakland Heritage Alliance

(March 20, 2002)

(2 of 2 Pages)

## RESPONSE TO LETTER H – OAKLAND HERITAGE ALLIANCE

- H-1)** See Master Response 1 – Mitigation Measures Related to Historic Resources.
- H-2)** The commenter's recommendations for the lesser height and bulk building and the reuse of the historic building have been considered in the DEIR as alternatives to the proposed project. On pp.V-4 to V-5, the DEIR analyzes a Preservation Alternative that would preserve and adaptively reuse the existing building. On pp.V-5 to V-6, a Mitigated Preservation Alternative is considered that would reuse a portion or exterior shell of the building with new construction above. On p.V-7, a Reduced Density Alternative was considered that would be a lower residential building of about four floors.
- H-3)** See Master Response 1 – Mitigation Measures Related to Historic Resources.
- H-4)** Architectural Resources Group (ARG), a subconsultant to the City's EIR consultant, Environmental Science Associates (ESA), was not part of the project sponsor's development team, and performed an independent evaluation of the project's impact on the National Register Listed Waterfront Warehouse District (WWD). The results of that evaluation are contained in a January 20, 2002, letter to ESA, which is included as Appendix G in the Draft EIR and is reflected in Section IV.E, Historical Resources.

I. Gary, Knecht, President  
South of the Nimitz Improvement Council

(April 1, 2002)

(1 of 2 Pages)

I. Gary, Knecht, President  
South of the Nimitz Improvement Council

(April 1, 2002)

(2 of 2 Pages)

## RESPONSE TO LETTER I – SOUTH OF THE NIMITZ IMPROVEMENT COUNCIL (SONIC)

- I-1)** The project's objective to help fulfill the City's objective of bringing 10,000 residents to the downtown is in reference to the Mayor's 10K initiative. Although not formally adopted by the City Council, the City's strategy to encourage housing near downtown employment centers, transit stations, and retail areas is reflected in various General Plan policies, including the Land Use and Transportation Element (LUTE). As indicated in DEIR pp. IV.A-4 through A-6, Policy D.1.1, Defining Characteristics of Downtown; Policy D10.1, Encouraging Housing; Policy D10.2, Locating Housing; Policy D10.6, Creating Infill Housing; Policy W9.7, Supporting Existing Residential Communities Along the Estuary; Policy W10.2, Defining Jack London Square Land Uses; Policy W10.4 Defining Jack London Square Mixed Use Characteristics; Policy N3.1, Facilitating Housing Construction; Policy N3.2, and Encouraging Infill Development. Further, the Housing Element and objectives of the County and State encourage and promote increasing housing supply in urban areas.
- I-2)** On p.IV.A-2, the DEIR acknowledges that the "project site is currently used on a temporary basis by a non-rent paying community non-profit agency but for purposes of this EIR, the site is considered vacant." The existing building is being used by a two-person non-profit operation with the permission of the owner, and the EIR considered the building to be vacant as a conservative analytic assumption. For clarification, a footnote has been added to the project description text on DEIR p.II-1 and is revised as follows (new language is underlined; deleted language indicated by ~~striketrough~~ text):

On DEIR p.II-1, 1<sup>st</sup> paragraph:

The project would demolish an existing vacant<sup>1</sup> warehouse in the Waterfront Warehouse District in the Jack London District of downtown Oakland.....

<sup>1</sup> The project site is currently used on a temporary basis by a non-rent paying community non-profit agency with two employees, but for purposes of this EIR, the site is considered vacant.

The commenter's comments regarding the existing building's contributor status to a historic district and its status as an important characteristic of the site is fully described and discussed in the setting of Chapter IV.E, Historic Resources, which specifically addresses and analyzes the relevant historic resource issues related to the proposed project. The DEIR acknowledges the historic resource of the United Growers Company Warehouse (on pp. IV.E-1, E-5, E-6, E-9, E-10, and E-24) as well as significant impacts of its demolition on pp. IV.E-24 and E-25.

- I-3)** See response to Comment B-1.
- I-4)** See Master Response 2 – General Plan Consistency

- I-5)** Discussion on DEIR p.IV.E-23 relating to the *Secretary of Interior Standards* is introductory text to provide the context for the project impact analysis (in which the DEIR identified four different impacts). This introduction describes the principles a CEQA analysis would *generally* follow in considering the significance of an impact. The discussion further describes how the project design has been modified as a response to historical considerations raised earlier in the development process. These modifications may or may not have an effect on the outcome of the analysis, but nonetheless, they were considered in the project impact analysis. The *Secretary of Interior Standards* are not used or referenced in the analysis for the new construction (Impact E.2). For clarification, text is added to the introduction of Project Impacts and is revised as follows (new language is underlined; deleted language indicated by ~~strikethrough~~ text):

On DEIR p.IV.E-23, end of 1<sup>st</sup> paragraph:

The Standards are used as a review tool to gauge impacts when a proposed project includes the rehabilitation, restoration, preservation, or reconstruction of an historic building. While the Standards include guidelines for additions to historic buildings, they do not include guidelines for new construction.

The DEIR does, however, recognize the impact of demolition of the United Grocer's Company Warehouse (DEIR p. IV.E-24) and concludes that it would result in significant and unavoidable impacts. As the proposed project would demolish the existing historic resource, it cannot meet the *Secretary of Interior Standards*.

- I-6)** On DEIR p. IV.E-25, Impact E.2 discusses the impact of demolition of the United Grocers Company Warehouse to a listed National Register Historic District and to an Area of Primary Importance. In addition to evaluating the ratio of contributor to noncontributor resources within the District, the historic resource analysis was also evaluated based on the seven aspects or qualities of integrity as identified in DEIR p. IV. E-13 relating to location, design, setting, materials, workmanship, feeling, and association. This analysis is contained in ARG's letter on pages 6 through 12 in DEIR, Appendix G. In addition, input from the State Historic Preservation office (SHPO) was obtained and considered in the cumulative historic impact analysis. ARG, a subconsultant to ESA, as described above in response to comment H-4, teleconferences with various SHPO officials. The purpose of the teleconferences were to address whether the Waterfront Warehouse District (WWD) would still maintain its eligibility for the National Register considering the cumulative impacts of the project and other past, present and reasonably foreseeable development in the WWD. SHPO's input was reflected in the analysis and conclusion reached by ARG, as stated on page 6 of its January 22, 2002 letter to ESA (see DEIR, Appendix G).

SHPO officials did not expressly address whether the demolition of the contributory United Grocers Warehouse building would, in and of itself, result in loss of National Register eligibility or whether new construction of the proposed project, in and of itself,

would result in loss of National Register eligibility. However, if all cumulative alternations to the District, including the proposed project, would not cause loss of District eligibility, as SHPO has concluded, then it is reasonable to conclude that no individual project considered in the cumulative analysis could cause such a loss, and that therefore the project's individual impact would be less than significant.

Although there is no requirement under CEQA to contact SHPO to request a “determination of eligibility”, SHPO, as indicated above, was consulted as part of ARG’s evaluation during preparation of the DEIR. Moreover, SHPO was also provided a copy of the DEIR, by the State Clearinghouse (as documented in Letter A), and therefore had an opportunity to comment on the DEIR during the comment period. No comments were received from SHPO.

In addition, the City of Oakland’s Landmark Preservation Advisory Board, which implements the Certified Local Government Historic Preservation Program on behalf of the City of Oakland, pursuant to National Historic Preservation Act, did review, consider and comment on the DEIR. The Board determined the DEIR “satisfactory in its consideration of the historic preservation aspects of this project” subject to further considerations unrelated to the issue of loss of eligibility (i.e., substantiate mitigation measures, placement of the Historic Preservation Element discussion in the document, and taking into account the size/massing of buildings in the evaluation of impacts) (see Letter B).

- I-7)** See response to Comment I-6, above.
- I-8)** As stated in Impact E.4, the cumulative effect of this project (demolition of a contributor building and introduction of a new building) “in combination with other past, current, and reasonably foreseeable new construction or alterations to the listed National Register Waterfront Warehouse District would not result in its loss of eligibility as a National Register District.” As explained in DEIR pp. IV.E-28 through IV.E-30, new construction and alterations in the past, present, and foreseeable future would result in 33 buildings and structures, of which 25 would be contributors (76%) and 8 would be non-contributors (24%). The proposed project (demolition of a contributor building and introduction of a new building) “would not reduce the number of contributors to less than a simple majority, as required by the National Register, and would not reduce the number of contributors to less than a two-thirds majority, as required for API status by the OCHS.”

As the CEQA threshold of significance would not be met or exceeded, there would be less than significant effects. As specified on DEIR p. IV.E-22 per the *National Register Bulletin Number 15*, “For a district to retain integrity as a whole, the majority of the components that make up the district’s historic character must possess integrity even if they are individually undistinguished.” In addition to the ratio of contributor resource ratio, the historic resource analysis was also evaluated based on the seven aspects or qualities of integrity as listed in DEIR p. IV. E-13 relating to location, design, setting,

materials, workmanship, feeling, and association. Thus, the DEIR, in the interest of being conservative, recognizes that although the District would retain its eligibility, the District's "ability to convey its sense of an historic environment would be substantially reduced," and the impact could be considered a cumulatively significant unavoidable impact, and "the district's integrity may be compromised" (DEIR p. IV.E-13). It may be argued that the cumulative effect "may physically alter the District's integrity relating to the number of contributors as well as the building size, scale, design, and character." This would result in a cumulatively considerable effect, although the District would still maintain its eligibility for the National Register.

- I-9)** This comment is acknowledged. Further, the City of Oakland finds that the DEIR has considered a reasonable range of alternatives which the commentor essentially acknowledges.

J. Gary Knecht  
Knecht and Knecht

(March 31, 2002)

(1 of 3 Pages)

J. Gary Knecht  
Knecht and Knecht

(March 31, 2002)

(2 of 3 Pages)

J. Gary Knecht  
Knecht and Knecht

(March 31, 2002)

(3 of 3 Pages)

**RESPONSE TO LETTER J – KNECHT AND KNECHT**

- J-1)** As stated in the response to comment B-1, due to the importance of the historic resource issues, a separate Section E was prepared and dedicated to historic issues to provide more detailed analysis and discussion regarding the project’s potential impacts. Relevant policies from the Historic Preservation Element as well as from other elements of the General Plan are discussed in the Historical Resources section of Chapter IV on pp. IV.E-19 to E-21. It is also noted that on p. IV.A-3 of the Land Use, Plans, and Policies section, the introductory discussion of the General Plan refers to the Historical Resources section of the same chapter. As stated on p. IV.A-12, “The General Plan includes the Land Use and Transportation Element, the Open Space, Conservation, and Recreational Element, the Housing Element, Noise Element, Environmental Hazards Element, the Estuary Policy Plan, the Bicycle Master Plan, and the Historic Preservation Element.”

The commenter is correct that the DEIR identifies four impacts associated with the proposed project as described in the Historic Resource section: 1) demolition of the United Grocers Company Warehouse building, in and of itself; 2) demolition of the United Grocers Company Warehouse and its effect on a listed National Register Historic District and Area of Primary Importance; 3) introduction of a new building into a listed National Register Historic District and Area of Primary Importance; and 4) implementation of the proposed project (including demolition and new construction) in combination with other past, current, and reasonably foreseeable new construction and other alternations to the listed National Register Historic District. In the analysis for each of these impact statements, it is important to characterize the impact with respect to the significance criteria presented in DEIR p. IV.E-22, which state that “a project that may cause a substantial adverse change in the significance of an historical resource is a project that may have a significant effect on the environment.” As such, it is important to characterize the historic nature of the resource. As stated in the regulatory setting on p. IV.E-10, “a historical resource under the California Environmental Quality Act (CEQA) is a resource that meets any of the following criteria...” The DEIR further identifies the five criteria, of which the first two specifically address: 1) resources list in, or determined to be eligible for listing in, the National Register of Historic Places or California Register of Historical Resources; and 2) resources included in a local register of historical resources...” Thus, the DEIR adequately and comprehensively analyzes the potential impacts of the proposed project based on the identified significance criteria and regulatory setting, and rewriting of the analysis is not necessary.

- J-2)** Contrary to the commenter’s assertions, the DEIR does characterize and analyze the two distinct resources and the project’s impacts on each resource (see response to Comment J-1, above): Impact E.1 analyzes demolition of the United Grocers Company Warehouse building, in and of itself, and Impact E.2 analyzes the effect of demolition of the United Grocers Company Warehouse on a listed National Register Historic District and Area of Primary Importance.

- J-3)** The regulatory setting and the significance criteria are two different topics, each of which is fully addressed in the DEIR. As indicated in CEQA Guidelines Section 15125, the EIR should include enough setting information to provide a meaningful context for discussing the environmental impacts, alternatives, and mitigation measures. In addition, CEQA Guidelines Section 15064 state that the EIR should define the threshold of significance with an explanation of the criteria used to determine the project’s potential impacts. The discussion of relevant National Register criteria is described in DEIR p. IV.E-12 through IV.E-14 and applied in the analysis to determine whether “the significance of an historic resource is materially impaired (CEQA Guidelines Section 15064(b)(i))” (DEIR p. IV.E-22). The regulatory setting and the significance criteria are fully addressed in the DEIR.
- J-4)** Although the page number references cited in the commenter’s comments do not appear to match, the comment’s intent is related to the discussion under the heading “Project Impacts” and the *Secretary of Interior Standards*. See response to Comment I-5.
- J-5)** Contrary to the commenter assertion, the discussion of the local designation, PDHP, is relevant to the analysis in Impact E.1, as this designation adds to the historic nature of the United Grocers Company Warehouse and its contribution to the Waterfront Warehouse District as an Area of Primary Importance. As described in DEIR p. IV.E-10, a historical resource under CEQA is a resource that is “included in a local register of historical resources, as defined in Section 5020.1(k) of the Public Resources Code...” (item 2 of the 5 listed criteria). Although the existing building in and of itself is not individually listed on, or determined eligible for, the national or state registers, the project would demolish a locally designated PDHP contributing to an Area of Primary Importance. The significance criteria state, on DEIR p. IV.E-22, that as the project would cause a substantial adverse change to this historic resource through its demolition, the impact would be significant (DEIR p. IV.E-24). Regarding general plan purposes, see Master Response, General Plan Conformity.
- J-6)** As stated on DEIR p. IV.E-24, the mitigation measures have been provided to recognize the resource and document its use and characteristics. No mitigation measure would mitigate the demolition of the building to a less than significant level. The commenter’s comments regarding Policy 3.9 of the Historic Preservation Element were the basis for the alternatives, particularly the Preservation Element and the Mitigated Preservation Alternative in DEIR pp. V-4 through V-6. See Master Response 3– Alternatives and Appendix A and B.
- J-7)** See response to Comment I-6.
- J-8)** Comment noted.
- J-9)** See response to Comments I-6, I-8 and J-1.

- J-10)** The DEIR acknowledges the change in the number of contributing and non-contributing buildings and structures as a result of the proposed project (see response to Comment I-8). The DEIR analyzes the impacts based on the boundaries identified by the National Register Nomination Form for the Waterfront Warehouse District (DEIR Appendix E); consideration of a boundary amendment to the district is too speculative for analysis in the DEIR. Regarding Policy JL-6, see Master Response 2- General Plan Conformity.
- J-11)** See response to Comment I-6. Impact E.4 considered the 300 Harrison site as stated on DEIR p. IV.E-29. The proposed project for that site is considered to “provide about 91 residential units in a six-story (about 62 feet), concrete and cement plaster building with an additional story set back from the property lines, 10 feet from the front and sides and 21 feet from the rear. This would result in a building about 70 feet, 9 inches at the top floor.” Mitigation measure for this cumulative impacts could be the proposed and additional mitigation measure as suggested by the Landmarks Preservation Advisory Board (see Master Response 1 – Mitigation Measures Related to Historic Resources), but such measures would not reduce the impacts to less than significant levels. Adoption of a 50-foot height limit and a S-7 overlay are not considered effective or feasible mitigation. The City has repeatedly declined to adopt a height limit for the Waterfront Warehouse District in the recent past. Furthermore, ensuring that a particular project is compatible in terms of design with the district (which would be required under an S-7 zoning) does not necessarily ensure that cumulative impacts would be reduced to a level of less than significance. The historic preservation consultant in this case has concluded that, on a project-specific basis, there are no impacts to the district; however, there are still significant and unavoidable cumulative impacts due to the impact of new development in the district.
- J-12)** Comment noted.

K. Peter Birkholz, Executive Board Member  
Jack London Neighborhood Association

(April 1, 2002)

**(28 Pages)**

**RESPONSE TO LETTER K – JACK LONDON NEIGHBORHOOD ASSOCIATION**

- K-1)** See response to Master Response 2 – General Plan Consistency and response to Comment I-1.
- K-2)** On DEIR p. IV.A-12, the project’s calculated floor area ratio (FAR) is 4.5:1 which excludes parking. With a General Plan allowed density of FAR 5.0 for mixed use projects and of 133 residential units per net acre for the Waterfront Warehouse District (Estuary Policy Plan), the proposed project is within the allowable densities. On December 5, 2001, the City Planning Commission revised the “Guide to Determining General Plan Conformity” to reaffirm and clarify that the calculations of FAR excluded parking [emphasis noted]. This was a final [emphasis noted] determination by the Planning Commission. A CEQA Notice of Exemption was filed with the County Clerk on December 7, 2001. No legal challenge to the Planning Commission’s final determination has been (timely) filed.
- K-3)** See Master Response 2 – General Plan Consistency
- K-4)** See response to comments I-6 and I-8.
- K-5)** See Master Response 2 – General Plan Consistency
- K-6)** The C-45 Commercial Shopping Zone designation permits a range of uses including residential use and other commercial uses beyond retail sales; the zoning designation does not mandate specific uses. In addition to residential uses, specific permitted office uses include Consultative and Financial Service, Consumer Laundry and Repair Service, Administrative, and Business and Communication Service (Section 17.56.050, Permitted Activities). Thus, the proposed project is not inconsistent with the zoning regulations for the site. Further, “[a]s neither consistency nor lack of consistency with a policy of the General Plan would, in and of itself, result in a direct or reasonably foreseeable indirect adverse physical effect on the environment, no impacts are identified” (DEIR p. IV.A-3).
- K-7)** The proposed project is generally consistent with Policy OS-10.2, Minimizing Adverse Visual Impacts as the project does not create any adverse visual impacts as specified per CEQA (see Significance Criteria and impact analysis in the Visual Quality, Shadow, Light and Glare section of the DEIR). For additional responses to the visual quality impacts, see Master Response 5- Urban Design Issues Related to Height and Massing, Views, and Light and Glare. Regarding Policy OS-11.11, Access to Downtown Open Space, the proposed project is generally consistent as the project includes accessible and useable open space above the garage podium as stated on DEIR p. IV.A-9. The open space is not enclosed and designed to be open to the sky. For further discussion regarding General Plan conformity, see Master Response 2 – General Plan Consistency.
- K-8)** See Master Response 2 – General Plan Consistency

- K-9)** See Master Response 2 – General Plan Consistency
- K-10)** See responses to Comments K-12 and K-23, below.
- K-11)** The assignment of project-generated vehicle trips for the DEIR analysis reflected circulatory patterns dictated by the proposed location of vehicle access for the building on one-way 5th Street, and the difficulty of drivers on the project block of 5th Street to weave across the off-ramp lanes in order to make a left turn to Jackson Street. No such movement was assumed as part of the analysis of traffic impacts associated with the project. The commenter's assertion that the project would have a significant impact on traffic conditions at the 5th and Jackson Streets intersection matches the conclusion reached by the DEIR (see Impact B.1, pp. IV.B-11 to IV.B-14).
- K-12)** Mitigation Measure B.1 would improve level of service conditions at the 5th and Jackson Streets intersection by reducing delays on Jackson Street, and thus overall delays at the intersection. The commenter's description of the travel path of vehicles leaving the project garage on 5th Street through the 5th and Jackson Streets intersection matches the assignment of such project trips used in the DEIR's analysis of traffic conditions at this intersection.
- K-13)** As stated in response to Comment K-12, the DEIR assigned all vehicles leaving the project garage to 5th Street through the 5th and Jackson Streets intersection. The commenter has misinterpreted the cited statement in the DEIR that peak-hour project trips would be distributed over several routes as applying solely to the roads immediately adjacent to the project site. The statement refers to the fact that as drivers travel from the project site to their various destinations, they would use more and more different roads the farther away from the project they go. Some of the trips would use local streets only, while others would use local streets to connect with regional roadways such as I-880, I-980, Lakeshore Avenue, and Harrison Street. It is that dispersion of travel paths that would ensure that the project's effect on any one regional roadway would be less than significant.
- K-14)** The intersections cited by the commenter are unsignalized (with Stop signs on all four approaches). The only project traffic that would travel through 4th and Jackson Streets during the peak traffic hours would make right turns from Jackson onto 4th, which is the least disruptive movement (i.e., has the fewest conflicts with other movements) at all-way Stop-controlled intersections. On the basis of expected distribution of project-generated peak-hour vehicle trips (shown in Table IV.B-4, p. IV.B-12, of the DEIR), project traffic would not travel through 3rd and Jackson Streets. Therefore, it was judged that inclusion of these intersections in the DEIR analysis is not warranted.
- K-15)** Comment noted. The requested conditional use permit and variance will be reviewed and considered separately by the Planning Commission. Findings must be made to grant a conditional use permit and variance, including minimizing potential impacts to adjacent neighbors. Figures III-7 and III-8, on pp. III-10 and III-11 of the DEIR, show the

proposed layout of parking spaces on the two levels of the garage; the type of parking space is designated by letter (standard [S], compact [C], tandem/compact [T/C], and handicapped [H]). See response to Comment K-16, below, regarding the omission of the third proposed handicapped parking space on Level One of the garage.

- K-16)** The project proposes to provide three handicapped parking spaces (two spaces for residential uses, including one van-accessible space, and one van-accessible space for office uses), not two such spaces as asserted by the commenter. Figure III-7 inadvertently omitted designation of the third handicapped space on Level One of the garage; a corrected figure is provided on the following page. Section 1118A of the California Building Code requires that two percent of the 94 dwelling units be provided with accessible parking spaces (i.e., 2% of 94 equals 1.88, or 2 spaces). Table 11B-6 of the California Building Code requires one accessible space when there are 1 to 25 parking spaces; as describe on p. IV.B-16 of the DEIR, the project would provide 8 single stalls and 3 pairs of tandem spaces for office uses. The project’s provision for handicapped parking spaces also would conform with Title 24 of the California Administrative Code, which is stipulated in the Oakland Planning Code.
- K-17)** Comment noted. As stated on p. IV.B-16 of the DEIR, “[t]he proposed number of compact spaces would exceed the number permitted under Code Section 17.116.200 (i.e., no more than one-third of the spaces may be compact spaces), and the project would require a variance to the Planning Code.” The requested variances will be reviewed and considered separately by the Planning Commission.
- K-18)** The DEIR respectfully disagrees with the commenter’s assertion about parkers’ use of the project garage. Implementation of Mitigation Measure B.3 (an on-site parking management plan, with stipulated review and approval by the City, and monitoring of its success), as a Condition of Approval for the project, would ensure effective use of parking spaces in the project garage. Modification of traffic signal phasing/timing at the 5th and Jackson Streets intersection (see Mitigation Measure B.1) would improve traffic flow at that intersection, which would reduce delays experienced by drivers (including people arriving at and leaving the project parking garage) traveling on 5th Street and through 5th/Jackson. See response to Comment K-15, above, regarding the project design review by the City, and review and consideration of requested variance by the Planning Commission.

**INSERT FIGURE III-7  
LEVEL ONE PLAN (Revised)  
(RTC K-16)**

- K-19)** Electrical and telephone rooms would abut parking spaces on the northeast (interior) property line on both floors of the project garage. Access to these rooms, limited to service activity and affecting at most two parking spaces, would be through one door (opening into the rooms) on each floor. The need to access these rooms is expected to be infrequent and for short periods of time, and would be coordinated in advance with property owners. The need for access to the electrical and telephone rooms, therefore, is not seen as an impediment to parkers' use of the project garage.
- K-20)** As stated on p. IV.B-22 of the DEIR, Mitigation Measure B.3 stipulates that, as part of the requirements for the project, the project sponsor shall establish an on-site parking management plan (subject to review and approval by the City), and that the parking management plan shall be monitored one year after final occupancy of the project building to ensure that the parking demand for the project does not exceed the on-site parking supply or the supply within a reasonable walking distance of the site. The monitoring study, and further recommendations (as needed) to meet unmet demand, shall be submitted for review and approval by the City. As part of the project review process, mitigation measures, revised as appropriate by the Planning Commission and/or the City Council, shall be included as Conditions of Approval, which ensures that the parking management plan is enforceable by the City. Members of the general public can monitor the plan through inquiries of City staff and/or their Councilmember.
- K-21)** 4th Street frontage: The key to the impact determination is the difference between standard parking spaces and non-standard spaces (defined as 90-degree spaces where no sidewalk, curb or gutter exist, straight-in spaces on driveways, and parallel spaces across obsolete driveways). In this case, the approximate 17 spaces perpendicular to 4th Street are not public spaces. As described on p. IV.B-23 of the DEIR, there are signs on the existing building on the project site that restrict the use of these spaces to building tenants (i.e., they are private spaces). Parking occupancy levels in the project area, as characterized in the DEIR, were computed on the basis of the number of vehicles parked in all on-street parking spaces (standard plus non-standard) and the supply of standard parking spaces only; non-standard spaces were excluded from the supply because they are subject to removal as a result of curblin improvements (e.g., installation of curb/gutter and sidewalk), parking enforcement, and development projects. Because the approximate 17 non-standard spaces were not considered part of the public parking supply, their elimination was not treated as a net loss of on-street parking spaces. Therefore, the DEIR's characterization that the project would result in an increase of about seven spaces is correct.

As described on p. IV.B-23 of the DEIR, under project conditions, the curblin along the project frontage of 4th Street would be constructed in-line with the curblin on adjacent blocks, and the provision for on-street parking would have a similar configuration as spaces on adjacent blocks (i.e., parking spaces parallel to the curb). The commenter's characterization of the width of 4th Street, the extent of intrusion of the diagonal parking

spaces opposite the project site into 4th Street, and remaining pavement width between parking spaces is incorrect. 4th Street is 44 feet wide, not 40 feet as asserted by the commenter. The diagonal spaces do not intrude 18 feet into the street as asserted by the commenter; the striped spaces intrude 16 feet (within which the majority of parked vehicles fit), with larger vehicles observed to intrude an extra foot, or 17 feet into the street. The remaining pavement width is therefore 27 to 28 feet, and subtracting the 7-foot-wide parallel parking space would leave 20 to 21 feet width to accommodate two-way traffic flow. The future configuration of the roadway cross section in the project block (i.e., parallel parking, two travel lanes, and diagonal parking) would match the cross section on 4th Street between Madison and Jackson Streets.

Alice and 5th Streets frontages: The proposed project would have an off-street (on-site) loading dock, which would preclude the need for an on-street (yellow-curb) loading space on Alice Street. It is acknowledged, however, that while the project sponsor has not indicated as such, a request for a white-curb passenger loading zone in front of the residential lobby on Alice Street might be made in the future. If such a designation were implemented, one of the 15 angled parking spaces along the project site's Alice Street frontage would be lost. The net loss of parking spaces on 5th Street due to new curb-cuts (driveways for access for the project's loading dock and parking garage) that would replace the existing series of curb-cuts along the project frontage would total four spaces (as described on p. IV.B-23 of the DEIR, and indicated on Attachment No. 7 to the commenter's letter). Given the relatively narrow (32-foot curb-to-curb) width of 5th Street, drivers of trucks backing into the loading dock might need multiple back-and-forth maneuvers to complete the turn (depending on the size of the truck and the skill of the driver). Because of the relatively low traffic volume on this block of one-way 5th Street, however, back-and-forth maneuvers into the loading dock would not result in significant delays to traffic flow. Also, loading activity associated with the project would be primarily related to tenant move-ins and move-outs, which are typically sporadic in nature. It is recognized that the efficiency of the backing maneuver would be greater if the available width to turn were increased by removal of parking spaces on the north side of the street (opposite the loading dock). If the City chose to remove two parking spaces opposite the loading dock, the total loss of on-street parking on Alice and 5th Streets due to the proposed project would be seven spaces (i.e., one space on Alice, four spaces on the project side of 5th, and two spaces on the opposite side of 5th).

In total, the proposed project would result in no change to the supply of public (standard) on-street parking spaces (i.e., plus seven on 4th Street, likely minus one on Alice Street, and perhaps up to minus six on 5th Street).

On p. IV.B-23, the second and third full paragraphs are revised as follows (new language is underlined; deleted language indicated by ~~strikethrough~~ text):

Access to the project's parking garage and loading dock would be provided on 5th Street. The new curb-cuts (driveways) would replace the existing series of curb-cuts along the project frontage, and there would be a net reduction of four

standard on-street parking spaces along that segment of 5th Street. Given the relatively narrow (32-foot curb-to-curb) width of 5th Street, drivers of trucks backing into the loading dock might need multiple back-and-forth maneuvers to complete the turn (depending on the size of the truck and the skill of the driver). Because of the relatively low traffic volume on this block of one-way 5th Street, and the sporadic nature of tenant move-ins and move-outs (the primary use of the loading dock), however, truck maneuvers into the loading dock would not result in significant delays to traffic flow. It is recognized that the efficiency of the backing maneuver would be greater if the available width to turn were increased by removal of parking spaces on the north side of the street (opposite the loading dock). If the City chose to remove two parking spaces opposite the loading dock, the total loss of on-street parking on 5th Streets due to the proposed project would be six spaces. The project would have no effect on the 15 angled parking spaces currently along the Alice Street frontage of the project site.

A request for a white-curb passenger loading zone in front of the residential lobby on Alice Street might be made in the future; no such request has yet been made by the project sponsor. If such a designation were implemented, one of the 15 angled parking spaces along the project site's Alice Street frontage would be lost.

The project's alterations to curb treatments along the site frontage, in total, would result in a net gain of about three. In total, the proposed project would result in no change to the supply of public (standard) on-street parking spaces (i.e., plus seven on 4th Street, likely minus one on Alice Street, and perhaps up to minus four-six on 5th Street), a marginally beneficial less than significant effect on parking conditions in the area.

- K-22)** Contrary to the commenter's assertion, the DEIR identified the impact of the project-generated increase in traffic at local intersections in the project area (Impact B.1, pp. IV.B-11 to IV.B-14) as a significant impact, requiring mitigation. See response to Comments K-12, below, regarding Mitigation Measure B.1, which if implemented, would reduce the project impact to a less than significant level.
- K-23)** Current pedestrian traffic on the project's 5th Street block has been observed to be low in numbers. It is acknowledged that project residents and office workers could choose to walk on this block between the project building and the Lake Merritt BART Station. It is further acknowledged that there would be instances of conflicts between those pedestrians and vehicles crossing the curb cuts for building access driveways. However, the level of pedestrian activity is not expected to be sizeable, and more importantly, the frequency of conflicts between pedestrians and vehicles is not anticipated to be high. Therefore, DEIR's judgment that the project would not substantially increase traffic hazards to pedestrians is considered reasonable, as is its determination the impact would be less than significant.

**K-24)** The following monitoring data of particulate matter concentrations was collected at the Port of Oakland between 1997 and 2000. This data should be added as the sixth paragraph of DEIR p. IV.C-3 with the following text (new language is underlined; deleted language indicated by ~~strike through~~ text):

**Existing PM10 Concentrations at the Port of Oakland**

Table IV.C-2 provides additional PM10 monitoring data for the Port of Oakland and environs. This data indicates that the 24-hour average PM10 standard is violated in the Port area while the annual geometric mean standard is not generally violated.

**TABLE IV.C.2 [Added table]  
MEASURED PM10 CONCENTRATIONS <sup>a</sup>**

	<b>24-hour Maximum Concentration</b>	<b>Annual Average Concentration</b>	<b>Days Above Standard</b>
<b>National Standards</b>	<b>150</b>	<b>50</b>	
<b>State Standards</b>	<b>50</b>	<b>30</b>	
<b>Monitoring Site</b>			
Port of Oakland Site (7 <sup>th</sup> /Middle Harbor Road)			
1997	83	25.5	2
1998	76	26.5	6
1999	72	34.6	14
2000	60	30.6	2
2001 (through (8/29)	68	NA	7
West Oakland (Filbert/24 <sup>th</sup> Street)			
1997	77	23.6	1
1998	65	22.2	1
1999	81	25.5	4
2000	59	25.0	2
2001 (through (8/29)	83	NA	3

<sup>a</sup> All values are micrograms per cubic meter (ug/m3) of particulate matter (PM10). The 7<sup>th</sup> Street location is approximately 2.5 miles northwest of the project site while the Filbert Street locations is approximately 1.5 miles north of the project site.

SOURCE: Port of Oakland

The following text should be added as the seventh paragraph of DEIR p. IV.C-3 (new language is underlined; deleted language indicated by ~~strikerthrough~~ text):

**PM10 Measurements at the Project Site**

Project site-specific ambient air monitoring of particulate concentrations was performed in April of 2002 using a MIE model PDR-1000 airborne particulate monitor. Construction activity was observed to be occurring at parcels within a two-block radius of the project site during the monitoring effort. Particulate concentrations monitored at the project site ranged from 9 to 11 micrograms per cubic meter, as indicated in Table IV.C-6, and were below the state 24-hour standard which is 30 micrograms per cubic meter. Measurements are considered to be conservative when compared with 24-

hour averages since they were conducted during daytime when particulate generating activity is at its greatest and nighttime meteorological effects (i.e., dew and fog, which reduce the tendency for particulate matter to become airborne) are not present. While these measurements were conducted during a single day and cannot represent the fluctuations expected day-to-day, they do indicate that PM10 concentrations on the day monitored in the project area were substantially below state standards.

**TABLE IV.C.3 [Added Table]  
MONITORED PARTICULATE MATTER CONCENTRATIONS <sup>a</sup>**

Location	Particulate Concentration (micrograms per cubic meter)	Averaging Time (minutes)
Jackson Street/5 <sup>th</sup> Street	11	10
Jackson Street/4 <sup>th</sup> Street	11	10
Alice Street/4 <sup>th</sup> Street	9	30

<sup>a</sup> All values are micrograms per cubic meter (ug/m3) of particulate matter.

SOURCE: Environmental Science Associates

The Bay Area is a non-attainment area with respect to the State of California’s 24-hour average PM10 standard (50 micrograms per cubic meter). The federal 24-hour PM10 standard is 150 micrograms per cubic meter. The Bay Area is designated as unclassified with respect to the federal standard and ambient monitoring throughout the Bay Area and indicate that few, if any violations of the federal standard have been recorded in the past five years.

As indicated by the project site-specific ambient air monitoring, ambient PM10 concentrations in the project site vicinity are less than 50 micrograms per cubic meter and would not be considered to be a health hazard.

**Indoor Air Quality**

Existing elevated interior particulate matter concentrations monitored in the dwelling located at 247 4<sup>th</sup> Street #201 in Oakland, adjacent to the project site, are likely the result of inadequate ventilation systems in a building not originally designed for residential occupancy (Indoor Air Diagnostics, 2001) and do not indicate the level of outdoor particulate concentrations. Given that ventilation in this apartment is apparently not capable of providing a sufficient number of air changes for the maintenance of good air quality and the ambient PM10 concentration data collected at the Port of Oakland and the project site, it is likely that the source of unusually high PM10 concentrations within this unit are the result inadequate ventilation and not due to PM10 concentrations in the ambient air, which appear to be at concentrations that typically occur throughout the bay area. The proposed project would not contribute to further degradation of the

ventilation capabilities of this dwelling and is therefore not required to mitigate any existing problems.

### **Construction Impacts**

The DEIR states that construction-related PM10 emissions would be a short-term impact of the proposed project that would be considered less than significant with implementation of Mitigation Measure C.1 (P. IV.C-7 to C-8), which includes all measures identified by the Bay Area Air Quality Management District (BAAQMD). Because the BAAQMD is the agency empowered with enforcing the ambient air quality standards in the San Francisco Bay Area and it has set the criteria by which short-term dust emissions impacts are to be evaluated, the findings and mitigation measures of the DEIR are consistent with accepted criteria for maintaining air quality.

### **Operational Impacts**

The DEIR also contains emission estimates associated with project operation (i.e., emissions from motor vehicles), which would be less than quantified significance standards published by the BAAQMD.

The proposed structure could have an affect on wind patterns in the immediate vicinity of the building. Generally, building wake effects create a bubble of constant concentration around a given structure. Air currents would be redirected around the building, depending on the wind direction at a given time. While any change in air flow would have the potential to redistribute ambient air in the immediate vicinity of the building, it would not serve to concentrate ambient air pollutant concentrations off-site due to the lack of an enclosed or semi-enclosed off-site collection point (i.e., a “u-shaped” structure) and a lack of a point source (i.e., an emission stack) in the immediate project vicinity. The proposed project would include a “U-shaped” structure that could potentially act as a collection point for ambient air pollutant concentrations when the wind direction is out of the southeast. However, there is no discrete stationary emission source in project vicinity and redistributed air would result in ambient air concentrations moving from one location to another and the predominant winds are from the west northwest as noted on DEIR p. IV. C-1.

While Attachment #1 to comment letter K identifies nine pollutant sources within a four block radius of the project site, most of these are mobile emission sources (vehicles and trains) that distribute a consistent emission plume linearly and would not result in isolated hot spots of PM10 emissions. None of the stationary source emissions in Attachment #1 are a major emitting facilities as identified by the BAAQMD in its most recent Emission Inventory Summary Report (May 1998). Local and on-site monitoring indicate that PM10 concentrations can occasionally exceed the state 24-hour standard, but are not unusually high for the San Francisco Bay Area Air Basin. Moreover, the project will not contribute to a significant increase in these existing emission sources.

As a result of the above added tables, subsequent table numbers and references to them should be revised as follows (new language is underlined; deleted language indicated by ~~striketrough~~ text):

On DEIR p.IV.C-4:

TABLE IV.~~C-2~~ C-4  
OAKLAND/SAN LEANDRO AIR POLLUTANT SUMMARY (1993-1997)

On DEIR p.IV.C-9:

TABLE IV.~~C-3~~ C-5  
ESTIMATED DAILY EMISSIONS FOR THE PROPOSED PROJECT (YEAR 2003)

On DEIR p.IV.C-10:

TABLE IV.~~C-4~~ C-6  
PROJECTED CARBON MONOXIDE CONCENTRATIONS<sup>a</sup>

- K-25)** Emissions of ozone precursor pollutants from construction activities district-wide are included in the inventory of pollutants compiled by the BAAQMD and are not expected to impede attainment of the state ozone standard (BAAQMD, 1999). The DEIR also contained emission estimates for ozone precursors associated with project operation (i.e., emissions from motor vehicles), which would be less than quantified significance standards published by the BAAQMD.

Ozone monitoring data for the Alice Street Station for the year 2001 has become available since publication of the DEIR. The highest recorded ozone concentration at Alice Street station in 2001 occurred on May 30 and was 0.07 parts per million, which is below the state and federal ambient air quality standards and equal to or less than the highest recorded values in the two previous years. The second sentence of the first paragraph of DEIR, p. IV.C-3 should be revised as follows (new language is underlined; deleted language indicated by ~~striketrough~~ text):

Criteria air pollutant concentrations are collected at the Air District's Oakland (Alice Street) air quality monitoring station, located at 822 Alice Street, approximately 0.5 miles northeast of one mile south of the project site and the San Leandro air monitoring station, located approximately 3,000 feet from the project site.

- K-26)** The reference to Table IV.C-5 on DEIR p.IV.C-11 should be revised to Table IV.C-6 of the FEIR (or IV.C-4 of the DEIR). This table shows that predicted carbon monoxide concentrations at intersections most affected by the proposed project in the year 2020 with traffic from cumulative build out would be less than state and federal standards, indicating a less than significant cumulative impact. The last column of this table presents the carbon monoxide concentrations at local intersections of concern when

cumulative traffic conditions in year 2020 are operating as follows (new language is underlined; deleted language indicated by ~~striketrough~~ text):

When emissions from other future cumulative downtown growth are added to predicted project emissions (Table IV.~~C-5-C-6~~), cumulative emissions would exceed BAAQMD significance thresholds....

- K-27)** See response to comment K-24 regarding site-specific particulate monitoring.
- K-28)** The project applicant is required by law to implement all Conditions of Approval on a proposed project, as designated by the City subsequent to certification of the EIR. Mitigation Measure D1.b on DEIR p.IV.D-9 would require the applicant and his contractors to provide a point of public contact to address noise-related issues as a method to ensure all measures are implemented when necessary and feasible.
- K-29)** The purpose of on-site noise monitoring is to evaluate the appropriateness of locating the proposed residential land use adjacent to a major noise source (I-880). The monitoring location at 5<sup>th</sup> Street is selected because it is the location on the project site with unshielded exposure to southbound traffic on I-880 and its access ramp. Locations on 4<sup>th</sup> Street can be expected to experience lower noise levels due to the increased distance from I-880 and shielding of existing buildings. Monitoring was conducted over a 15-minute time period using Caltrans published monitoring procedures (Caltrans, 1998). Long-term monitoring was not conducted because of daytime construction noise adjacent to the project site at the time of DEIR preparation. However, because the predominant noise source at the project site is I-880, Caltrans methodology could be reasonably employed to estimate noise levels in terms of the day-night noise level descriptor (Ldn).

To validate the monitoring data collected in 2001, additional monitoring was conducted on April 30, 2002. This data indicated that daytime ambient noise levels at the corner of 5<sup>th</sup> and Jackson Streets are 72 dBA, Leq, the same as monitored in September of 2001. Additionally, noise was monitored at the corner of 4<sup>th</sup> and Alice Streets. At this location ambient daytime noise levels were 69 dBA, Leq.

Long-term noise monitoring was not conducted because of on-going construction in the area. Consequently, short-term noise monitoring was conducted to establish existing ambient noise levels at the project site. Adjusted daytime noise standards presented in Table IV.D-1 on DEIR p.IV.D-3 were based on daytime noise monitored at the eastern edge of the project site. These adjusted standards have been revised to reflect quieter noise levels monitored on the western corner of the project site. Adjusted nighttime noise standards are based on long-term monitoring previously conducted at a location approximately 200 feet southwest of the project site and reflect quieter conditions on the western side of the project site. Based on the additional data collected, the data does not change the conclusions reached in the DEIR.

Based on the additional data collected at 4<sup>th</sup> and Alice Streets, Tables IV.D-1 and IV.D-2 of the DEIR should be revised as below (new language is underlined; deleted language indicated by ~~strickthrough~~ text):

On DEIR p.IV.D-3:

**TABLE IV.D-1  
MAXIMUM ALLOWABLE RECEIVING NOISE STANDARDS FOR  
RESIDENTIAL AND CIVIC LAND USES, dBA**

Cumulative Number of Minutes in either the Daytime or Nighttime one hour period	Daytime 7:00 a.m. to 10:00 p.m.	Nighttime 10:00 p.m. to 7:00 a.m.	Project Specific Adjusted Noise Standards (dBA) <sup>a</sup>	
			Daytime	Nighttime
20	65	45	<del>69</del> <u>72</u>	62
10	70	50	<del>70</del> <u>73</u>	64
5	75	55	<del>74</del> <u>75</u>	70 <sup>b</sup>
1	80	60	<del>77</del> <u>80</u> <sup>b</sup>	72 <sup>b</sup>
0	85	65	<del>84</del> <u>86</u>	81

<sup>a</sup> Adjusted noise standards apply to the proposed project because existing ambient noise monitored on the project site exceeds the published standard for some time periods (refer to Section 17.120.050 of the City of Oakland Planning Code Related to the Zoning Standards and Regulations for Noise and Vibration).

<sup>b</sup> Because of statistical limitations of monitoring equipment, these values are estimates.

SOURCE: Oakland Noise Ordinance No. 11895, 1996, Environmental Science Associates.

It should be noted that for practical purposes, the above Table IV.D-1 from the Noise Ordinance is to be applied to evaluate the compliance of stationary noise sources. Because the proposed project does not propose stationary noise sources, the above changes do not change the determination of significant impacts in the DEIR.

On DEIR p.IV.D-4:

**TABLE IV.D-2  
MAXIMUM ALLOWABLE RECEIVING NOISE STANDARDS FOR  
TEMPORARY CONSTRUCTION OR DEMOLITION ACTIVITIES, dBA**

Operation/Receiving Land Use	Daily 7:00 a.m. to 7:00 p.m.	Weekends 9:00 a.m. to 8:00 p.m.
Short-Term Operation (less than 10 days)		
Residential	80	65
Commercial, Industrial	85	70
Long-Term Operation (more than 10 days)		
Residential	65	55
Commercial, Industrial	<del>69</del> <u>72</u> <sup>a</sup>	60

<sup>a</sup> This site-specific standard was adjusted to compensate for the existing ambient noise levels monitored at the project vicinity. Weekend standards were not adjusted.

SOURCE: Oakland Noise Ordinance No. 11895, 1996

It should be noted that the change to Table IV.D-2 does not change the determination of significant impacts in the DEIR.

- K-30)** Construction noise in the City of Oakland is regulated through implementation of the City’s Noise Ordinance. With implementation of identified mitigation measures, the City considers that the project would be in compliance with the Noise Ordinance. The City’s Noise Ordinance recognizes that construction is a noise activity that occurs throughout the City. Construction activity is limited to certain hours during the weekday and to more limited hours during the weekend to reduce the impact to adjacent land uses as presented in Table IV.D-2 of the DEIR. Project construction activities occurring within the constraints of the City’s Noise Ordinance would be considered to be less than significant.
- K-31)** Construction noise in the City of Oakland is regulated by the City’s Noise Ordinance and is, therefore, enforced by the City of Oakland. With implementation of identified mitigation measures, the City considers that the project would be in compliance with the Noise Ordinance.
- K-32)** The chart below compares the noise reduction mitigation measures for the proposed project with those approved for the Allegro project, located in the Jack London area and approved by the City in December 1998 (#CMD98-131 and ER98-16). While noise reduction measures required during standard construction practices are essentially the same, the significant difference is the addition of substantial noise reduction measures if

pile-driving is undertaken or if noise over 90dBA occurs during construction. If pile-driving is undertaken or if noise over 90dBA occurs during construction then (a) a noise reduction plan must be submitted to the City for approval; (b) the applicant shall fund a third party peer reviewer to assess the effectiveness and feasibility of the submitted plan; (c) the plan shall be implemented under the direction of a qualified acoustical consultant; (d) periodic noise measurements shall be conducted to assess the actual effectiveness of the plan; (e) such noise generating activity is limited to the hours of 8am-4pm, excluding one mid-day hour; (f) businesses and residents shall be provided 30 days written notice of the start date of such noise generating activities; (g) a designated on-site complaint and enforcement manager shall respond to and track complaints; (h) signs shall be posted at the site; (i) a pre-construction meeting shall be held to discuss mitigation measures; and (j) the applicant shall provide a special inspection deposit to the City (see the chart below for more information).

<b>Comparison of Noise Mitigation Measures 426 Alice Street Project (ER0000-25) Allegro Project (ER98-16)</b>		
<b>Mitigation Measure</b>	<b>426 Alice Street Project</b>	<b>Allegro Project</b>
<b>Hours of Construction (non-pile driving)</b>	<ul style="list-style-type: none"> <li>• 7am-7pm Monday-Friday;</li> <li>• After fully enclosed, allowed on Sat. and Sunday, 7am-7pm</li> </ul>	<ul style="list-style-type: none"> <li>• Mitigation measure with the same intent included in the Allegro project (or as subsequently modified)</li> </ul>
<b>Noise Reduction Requirements during Construction</b>	<ul style="list-style-type: none"> <li>• The following measures shall be implemented throughout construction as feasible:                             <ul style="list-style-type: none"> <li>- Utilize the best available noise control techniques, i.e. improved mufflers, equipment redesign, intake silencers, ducts, engine enclosures and noise attenuating shields or shrouds on all equipment and trucks.</li> <li>- Impact tools shall be hydraulically or electrically powered. Use exhaust mufflers on compressed air exhaust. Use external jackets on tools. Use drills instead of impact equipment and other quieter procedures.</li> <li>- Place stationary const. equipment as far from sensitive receptors as possible.</li> </ul> </li> </ul>	<ul style="list-style-type: none"> <li>• Mitigation measure with the same intent included in the Allegro project.</li> </ul> <p>Same</p> <p>Same</p> <p>Same</p>

	<ul style="list-style-type: none"> <li>- Use acoustical shielding on stationary equipment when feasible.</li> </ul> <p>(See mitigation for pile driving and noise over 90dBA below)</p>	<p>Same</p> <ul style="list-style-type: none"> <li>- Use noise barriers around the entire construction site, such as plywood barriers.</li> <li>- Use noise control blankets on the proposed building itself to reduce noise emissions from site.</li> <li>- Evaluate installing noise control at the receiver’s site to improve noise reduction at adjacent buildings.</li> </ul>
<p><b>Noise Reduction Requirements if pile-driving is used or noise over 90 dBA occurs</b></p>	<ul style="list-style-type: none"> <li>• The applicant shall submit and implement a noise reduction plan containing site-specific noise attenuation measures to ensure maximum feasible noise attenuation (feasible shall be as defined by CEQA). Noise reduction plan shall be approved by City. Applicant shall fund a third party peer review of said plan and place a special inspection deposit with the City to ensure compliance. Noise reduction plan may include, but not be limited to, the following:             <ul style="list-style-type: none"> <li>- Use noise barriers around the entire construction site, such as plywood barriers.</li> <li>- Use “quite” pile driving technology based on soils and structural requirements, as feasible.</li> <li>- Use noise control blankets on the proposed building itself to reduce noise emissions from site.</li> <li>- Evaluate installing noise control at the receiver’s site to improve noise reduction at adjacent and nearby buildings.</li> </ul> </li> <li>• Limit hours to 8am-4pm. Exclude 12:30pm-1:30 pm or other mid-day hour as estab. and</li> </ul>	<p>Not required for the Allegro project</p>

	<p>posted. Saturday only with City approval based on neighbor and business input, prohibited on Sundays and holidays.</p> <ul style="list-style-type: none"> <li>• Noise reduction measures shall be implemented under the supervision of an acoustical consultant.</li> <li>• The effectiveness of noise attenuation shall be evaluated by taking noise measurements during construction.</li> <li>• Provide surrounding residents and businesses (min. 300' radius) at least 30 days written notice of start date and duration of pile driving and noise over 90dBA.</li> </ul>	
<b>Noise Complaints</b>	<ul style="list-style-type: none"> <li>• Designate City contract to respond to noise complaints and ensure implementation of noise reduction measures.</li> <li>• Post signs at const. site with allowed hrs. of construction and phone # of complaint contact person.</li> <li>• City to have inspector avail. to respond to complaints on off-hours and weekends.</li> <li>• On-site complaint and enforcement manager shall respond to and track noise complaints.</li> </ul>	<ul style="list-style-type: none"> <li>• Mitigation measure with the same intent included in the Allegro project.</li> </ul> <p>Not required with Allegro project</p> <ul style="list-style-type: none"> <li>• Mitigation measure with the same intent included in the Allegro project.</li> </ul> <p>Not required with Allegro project</p>
<b>Pre-Construction Requirements</b>	<p>Hold pre-construction meeting with general contractor, city inspectors and on-site const. manager to confirm that noise mitigation measures and practices are completed prior to issuance of building permit and adhered to throughout construction.</p>	<p>Not required with Allegro project</p>
<b>Noise levels inside residential units of the proposed building</b>	<ul style="list-style-type: none"> <li>• Comply with requirements of California Building Code.</li> </ul>	<p>Mitigation measure with same intent included in the Allegro project.</p>

- K-33)** Quiet pile driving techniques would employ the use of a vibratory pile driver or pre-drilling of pilot holes to limit the duration of pile-driving activities. The feasibility of these optional methods depends upon geotechnical conditions beneath the project site. Preliminary geotechnical studies indicate that pile driving will not be a required element of project development.

If unanticipated geological conditions indicate that pile driving will be necessary, Mitigation Measure D1.d of the DEIR identifies control measures, in addition to time restriction, including quiet pile driving technology and erection of temporary barriers if feasible.

Additionally, the following mitigation measures are to be added as the last bullets of Mitigation Measure D.1d on p. DEIR IV.D-10 as follows (new language is underlined; deleted language indicated by ~~striketrough~~ text):

- A third-party peer review, paid for by the applicant, shall be required to assist the City in evaluating the feasibility and effectiveness of the noise reduction plan submitted by the applicant.
- A special inspection deposit is required to ensure compliance with the noise reduction plan. The amount of deposit shall be determined by the Building Official and the deposit shall be submitted by the project sponsor concurrent with submittal of the noise reduction plan.

For clarification, the title for the mitigation measures for pile-driving and other extreme noise generating activities is revised on p. D-10, as follows (new language is underlined; deleted language indicated by ~~striketrough~~ text):

**Pile-Driving or Noise Over 90dBA Requirements and Conditions (to be implemented only if pile driving required or other extreme noise activities occur)**

- K-34)** The City’s Noise Ordinance does define construction activities in excess of ten days as long-term activities. However, noise impacts related to construction activities do not occur over a period equal with the construction period itself. Noisy activities likely to exceed standards would be associated with building demolition or operation of excavation equipment. These sources do not typically operate constantly throughout the construction period, but rather, occur intermittently over segments of the overall construction schedule. Consequently, while the duration of the construction period may be defined as long-term for the purposes of applying Noise Ordinance standards, the duration of noise impacts as assessed in the DEIR are characterized as occurring over the short-term.

- K-35)** Construction noise impacts affecting sensitive receptors in excess of noise ordinance standards would primarily occur during demolition, excavation of the southwestern side of the project site (along 4<sup>th</sup> Street) and when pumping exterior finishes to the 4<sup>th</sup> Street side of the building. The last bullet of Mitigation Measure D.1b in the DEIR requires shielding or enclosing stationary equipment (such as concrete pumps). Demolition activities would occur within 10 days and activities would be less than 85 dBA at the nearest receptor during daytime hours. Thus, the City would consider the noise effects of

this activity to be in compliance with the Noise Ordinance.. While there may be occasional periods where these activities exceed the Noise Ordinance construction standards, these activities would be of limited duration and are typical of construction activities that occur throughout the City on a daily basis.

- K-36)** Comment noted. The City of Oakland Planning Department will determine whether a Mitigation Monitoring Plan shall be a necessary Condition of Approval for the proposed project. Mitigation Monitoring Plans are implemented by independent private entities and submitted to the lead agency on a regular basis during implementation of measures. Specific contents of a Mitigation Monitoring Plan related to noise may include establishing long-term monitoring locations, issuing of weekly data reports comparing monitored noise levels to relevant standards, details of any activity-specific spot noise monitoring performed, and a summary of noise complaints and responses/corrective action taken.
- K-37)** The roadway selected for traffic analysis was 5<sup>th</sup> Street between Alice and Jackson Streets because this is where vehicular access to the project site is proposed and, consequently, the greatest increase in vehicle trips would occur (30 peak hour vehicle trips). It should be noted that the predicted noise levels due to vehicle traffic on 5<sup>th</sup> Street shown in Table IV.D-5 of the DEIR would be insignificant when compared to monitored noise levels at both 4<sup>th</sup> and 5<sup>th</sup> Streets due to existing vehicle traffic on I-880.
- K-38)** Impact D-5 of the DEIR identifies a less than significant noise impact from cumulative construction noise based on the attenuation principals of noise propagation in addition to the existence of noise ordinance restrictions. With regard to increases in A-weighted noise level, the following relationships occur:
- except in carefully controlled laboratory experiments, a change of 1 dBA cannot be perceived;
  - outside of the laboratory, a 3-dBA change is considered a just-perceivable difference; and
  - a change in level of at least 5 dBA is required before any noticeable change in human response would be expected

These relationships occur in part because of the logarithmic nature of sound and the decibel system. The human ear perceives sound in a non-linear fashion; hence, the decibel scale was developed. Because the decibel scale is based on logarithms, two noise sources do not combine in a simple additive fashion, rather logarithmically. For example, if two identical noise sources produce noise levels of 50 dBA, the combined sound level would be 53 dBA, not 100 dBA.

Because construction noise occurring at a distant location would be attenuated due to that distance, the overall increase in noise from this additional source would be less than 3 dBA and would not represent a perceivable change to the noise environment of a given receptor.

- K-39)** Master Response 4– Urban Design Issues regarding Height and Massing, Views, and Light and Glare

- K-40)** Master Response 4– Urban Design Issues regarding Height and Massing, Views, and Light and Glare
- K-41)** Master Response 4– Urban Design Issues regarding Height and Massing, Views, and Light and Glare
- K-42)** The proposed project building would be approximately 85 feet in height. Surrounding buildings vary in height from 14 feet to 82 feet. Consequently, the proposed project would extend between 3 and 71 feet above surrounding buildings. Generally speaking, alterations of wind patterns by a structure are not substantial until buildings extend 100 feet above surrounding structures (this is the height at which the City of San Francisco requires a wind analysis). In Oakland, alteration of wind patterns by a structure are considered significant if they were to result in a safety hazard. Because there is not a substantial height difference between the proposed and existing buildings, the proposed structure would not be expected to result in a substantial effect on wind currents.
- K-43)** The DEIR identifies demolition of the United Grocers Company Warehouse as a significant unavoidable impact on DEIR pp. IV.E-24 to E-25. See Master Response 1 - Mitigation Measures Related to Historic Resources.
- K-44)** See response to Comment I-6 and I-8.
- K-45)** See response to Comment I-6 and I-8.
- K-46)** In the Historic Resource section of the DEIR, recognition is given to the designations of the building by the Oakland Cultural Heritage Survey (OCHS) and the buildings contributing status to the API district as well as the building’s contributing status to a historic district listed on the National Registry of Historic Places. See response to Comment J-5.
- K-47)** See response to Comment I-8.
- K-48)** See response to Comment I-6.
- K-49)** See response to Comment I-8. The analysis in DEIR pp. IV.E-28 through IV.E-30 and supplemented with Figure IV.E-6 is based on information provided by the National Register Nomination Form for the Waterfront Warehouse District submitted by JLNA (contained in the DEIR Appendix E) and by the City of Oakland. The information included the demolition of the United Grocers Company Warehouse, the introduction of the new building, the introduction of a new building on 300 Harrison, as well as other past, current, and reasonably foreseeable new construction or alterations in the district. City staff has received confirmation with representatives of the Environmental, Historic, and Engineering disciplines of Caltrans that the structures at 287 5th Street and 432-438 Harrison are not planned for demolition for any existing or future Caltrans project,

including the Posey Tube retrofit and I-880 Broadway-Jackson Improvements (telephone conversation, May 20, 2002).

Regarding the railroad track spur, the National Register Nomination identified 24 contributing buildings and one contributing structure (DEIR, Appendix E). No objects or features, including the railroad track spur, are counted as resources within the property or district. While there are various remnants of historic railroad spur tracks throughout this area of Oakland, they are in various states of disrepair or have been greatly altered or covered over. These features do not possess enough integrity of design, materials, or workmanship to be considered contributors to the historic district.

- K-50)** Comment noted. See Master Response 3– Alternatives and Appendix B.
- K-51)** See Master Response 3– Alternatives and Appendix B and C.
- K-52)** See Master Response 3– Alternatives, Master Response 2 – General Plan Consistency, and response to Comment I-1.
- K-53)** An alternative that analyzes retail and parking within the existing building is similar to an alternative for a grocery retail use with parking that was considered but rejected as infeasible (see Master Response 3– Alternatives and Appendix C).
- K-54)** See Master Response 3– Alternatives. The City of Oakland, jointly with the Port of Oakland, has completed a Jack London District Transportation Improvement Study which evaluated the traffic, parking, transit, and other transportation related issues of the district. Existing conditions as well as future anticipated conditions were analyzed, based on several possible development-intensity scenarios, extending out over a 20+ year timeframe. The study was designed as a policy document to provide staff and decision-makers with a list of potential solutions to improve transportation issues in the district as growth continues. The study was recently completed and the potential solutions will be discussed by policy-makers in the next few months, in order to determine the most practical and feasible solutions. Included, among the potential solutions, is a residential permit parking program, improved bus transit within the district, a shuttle system to BART stations, re-evaluated parking requirements, and new parking garages.
- K-55)** See Master Response 3– Alternatives.
- K-56)** See Master Response 3– Alternatives and Appendix B, C, and D.
- K-57)** Comment noted. The Planning Commission will provide any necessary or required statements of overriding considerations during the consideration of the merits of the project.
- K-58)** Comment noted. See Master Response 2 – General Plan Consistency and response to comment I-6 and I-8.

- K-59)** See Master Response 2 – General Plan Consistency; Master Response 5- Urban Design Issues Related to Height and Massing, Views, and Light and Glare; response to comments K-10 through K-23 regarding parking and traffic; and Master Response 1 – Mitigation Measures Related to Historic Resources; responses to comments B-1 through B-3, H-1 through H-4, I-1 through I-9, and J-1 through J-12 for historic resources.
- K-60)** See Master Response 2 – General Plan Consistency; Master Response 5- Urban Design Issues Related to Height and Massing, Views, and Light and Glare; response to comments K-10 through K-23 regarding parking and traffic; and Master Response 1 – Mitigation Measures Related to Historic Resources; responses to comments B-1 through B-3, H-1 through H-4, I-1 through I-9, and J-1 through J-12 for historic resources. Regarding alternatives, see Master Response 4- Alternatives and Appendix B, C, and D.
- K-61)** Comment noted. Contrary to the commenter’s remarks, the proposed project is a private development and no funding is being provided by the City or with any federal funds. Moreover, City staff’s interactions with this project applicant are similar to other projects. The files for this project are available for public inspection, pursuant to the State Public Records Act and the City’s Sunshine Ordinance.

L. Christopher Pederson

(March 16, 2002)

**(4 Pages)**

**RESPONSE TO LETTER L – CHRISTOPHER PEDERSON**

- L-1)** The commenter’s opinion about the location of the proposed project is noted. The comment contains no reference to the DEIR, and therefore, no further response is required.
- L-2)** As stated on p. IV.B-16 of the DEIR, the proposed project would be required to provide 94 off-street parking spaces. The project garage would contain 105 independently-accessible parking spaces (87 single stalls, plus 18 independent spaces paired in tandem with 18 dependent spaces), which are required by zoning regulations to satisfy Code requirements for off-street parking. The provision of 11 spaces above the Code requirement is not considered excessive.

The relevant comparison for analysis of impacts, however, is supply versus demand, not supply versus Code requirements. As described on pp. IV.B-16 to IV.B-18 of the DEIR, the project’s parking demand, derived on the basis of data published by the Institute of Transportation Engineers (adjusted to reflect project size and proximity to public transit), as well as data provided by the Jack London Neighborhood Association, is estimated to be about 134 spaces (109 spaces for the residential units plus 25 spaces for the office uses), which (without mitigation) is expected to exceed the on-site parking supply (under proposed use designation, residents and office users) by about 14 spaces during midday hours and by about 15 spaces during nighttime hours. Therefore, the project would not provide an excessive supply of parking spaces to accommodate its demand.

- L-3)** The AC Transit bus lines (and Broadway Shuttle) identified by the commenter are noted. However, those bus routes operate outside the typical two-block radius used in analyses to describe bus service availability in proximity to the project site. The Lake Merritt BART Station was included in the DEIR description of existing public transit service in the project area because it is the closest BART station to the project site, not because it is located within the above-referenced two-block radius.

The following text is added to p. IV.B-5 of the DEIR:

There is an Amtrak station on 2nd Street between Alice and Harrison Streets, two blocks from the project site. The Capitol Corridor provides nine round trips per day between this station and Sacramento, and four daily round trips between this station and San Jose.

- L-4)** It is unclear to what the phrase “both versions of the project” refers. Contrary to the commenter’s assertion, the residential parking demand data from the Institute of Transportation Engineers’ *Parking Generation* is for condominiums, not “luxury” condominiums; there are no demand rates for luxury condos in the ITE publication. As stated in response to Comment L-2, the project’s parking demand was derived on the basis of ITE data (adjusted downward 15 percent to reflect project size and proximity to public transit), as well as data provided by the Jack London Neighborhood Association.

The latter was auto ownership data for residents of the project area at the time of the 1998 and 1999 surveys.

- L-5)** The commenter’s opinion about the effect of parking supply versus demand on travel decisions is noted. However, another effect of the above comparison is potential secondary physical environmental impacts. That is, unmet parking demand that results in a deficit of parking spaces in an area can lead to vehicles circling the block, looking for a parking space, which may cause increased traffic congestion at intersections, and air quality and noise effects caused by that congestion. See response to Comment L-2 regarding the commenter’s opinion that the proposed project would provide an excessive supply of parking spaces.
- L-6)** DEIR Section IV.B identified an improvement measure that, if implemented, would reduce project impacts on traffic conditions at the intersection of 5th and Jackson Streets to a less than significant level; all other traffic effects would be less than significant without mitigation. Also, as stated on p. IV.B-21 of the DEIR, the project would provide on-site short-term and long-term bicycle parking spaces in compliance with the City’s *Bicycle Master Plan*. Transportation Demand Management (TDM) strategies are primarily applicable to employee-based land uses, such as office space, and the success of TDM programs gets better as the size of the office space increases (e.g., a TDM program for the 100,000 sq.-ft. office space proposed for the 200-228 Broadway project would be more likely to succeed than such a program for the 9,800 sq.-ft. office space proposed for this project).
- L-7)** Comment noted. See Master Response 3 – Alternatives. The commenter’s suggestion to reduce the number of parking spaces required for projects to encourage more use of public transportation is considered a policy matter that would need to be considered by the Planning Commission.
- L-8)** Regarding shared parking, the DEIR acknowledges this comment as Mitigation Measure B.3 on DEIR p. IV.B-22.

M. Rosemary Allen

(April 1, 2002)

(1 of 2 Pages)

M. Rosemary Allen

(April 1, 2002)

(2 of 2 Pages)

**RESPONSE TO LETTER M – ROSEMARY ALLEN**

- M-1)** Regarding historic resource impacts, see Master Response 1 – Mitigation Measure Related to Historic Resources, and response to comments B-1 through B-3, H-1 through H-4, I-1 through I-9, and J-1 through J-12. Regarding aesthetic issues, see Master Response 5- Urban Design Issues Related to Height and Massing, Views, and Light and Glare.
- M-2)** Comment noted.
- M-3)** See Master Response 4- Urban Design Issues Related to Height and Massing, Views, and Light and Glare and responses to comment B-5.

N. Squeak Carnwath  
Carnwath Studio

(March 29, 2002)

(1 of 2 Pages)

N. Squeak Carnwath  
Carnwath Studio

(March 29, 2002)

(2 of 2 Pages)

## **RESPONSE TO LETTER N – SQUEAK CARNWATH**

- N-1)** As noted by the commenter, the DEIR is for the 426 Alice Street project. A separate environmental review may be required for the commenter’s specific property depending on the nature of the potential project.
- N-2)** As noted in the response to Comment I-6, the District would still be listed on the National Register and the Local Register as an Area of Primary Importance, and properties within the District would still be eligible for federal and state historic tax credits and use of the State Historic Building Code. The project applicant was aware of these tools and the use of them was considered in the project’s analyses and alternatives.
- N-3)** The City has yet to determine the merits of the proposed project and has not approved the project. The Planning Commission will consider the EIR prepared for the project and required permit and design review applications for the proposed project and take action in a public hearing to be scheduled and noticed to the public.
- N-4)** See Master Response 2 – General Plan Conformity. Relevant policy analysis for the commenter’s property would need to be considered under a separate environmental review.
- N-5)** Comment noted. See response to Comment N-2, above, and Comment I-6. See Appendix A regarding the use of tax credits for the Preservation Alternative and Appendix C regarding the use of tax credits for the Mitigated Preservation Alternative.
- N-6)** See response to Comment N-3, above.

O. Jananne L. Mead

(April 1, 2002)

(1 page)

**RESPONSE TO LETTER O – JANANNE L. MEAD**

- O-1)** Comment noted. The project has been designed consistent with the UBC which provides regulations regarding the items mentioned in the commenter's remarks. Specific building specifications will be reviewed separately and independently by the City's Building Department to ensure compliance with the UCB prior to issuance of building permits.
  
- O-2)** See Master Response 4- Urban Design Issues Related to Height and Massing, Views, and Light and Glare.
  
- O-3)** See response to Comment N-3.

P. Lynne Huntting

(April 1, 2002)

(1 Page)

**RESPONSE TO LETTER P – LYNNE HUNTTING**

- P-1)** See Master Response 4- Urban Design Issues Related to Height and Massing, Views, and Light and Glare.
- P-2)** See Master Response 4- Urban Design Issues Related to Height and Massing, Views, and Light and Glare and response to comments K-24 through K-27 and R-1 though R-4.
- P-3)** Air quality impacts of the proposed project are addressed in Section IV-C of the DEIR. See response to comments K-24 through K-27 and R-1 though R-4 for air quality issues. Regarding parking, see response to comments K-15 through K-23.
- P-4)** See Master Response 4- Urban Design Issues Related to Height and Massing, Views, and Light and Glare, Master Response 1 – Mitigation Measure Related to Historic Resources, and response to comments B-1 through B-3, H-1 through H-4, I-1 though I-9, and J-1 through J-12.

Q. Naomi Schiff

(April 1, 2002)

(1 of 2 Pages)

Q. Naomi Schiff

(April 1, 2002)

(2 of 2 Pages)

**RESPONSE TO LETTER Q – NAOMI SCHIFF**

- Q-1)** See response to comments for Letter H and Master Response 1 – Mitigation Measures for Historic Resources
- Q-2)** Comment noted.
- Q-3)** Comment noted.

R. Wilda L. White

(April 1, 2002)

**(9 Pages)**

**RESPONSE TO LETTER R – WILDA WHITE**

- R-1)** Air quality impacts of the proposed project are addressed in Section IV-C of the DEIR and in response to comment K-24 in this FEIR. Toxic Air Contaminants (TACs) are not assessed in the DEIR because the proposed project does not propose any new substantial sources of TACs. The BAAQMD monitors TACs in Oakland at 198 Oak Road. While 1,3-butadiene is not specifically monitored at this location, benzene concentrations are and 1,3-Butadiene concentrations may be extrapolated from this data. In 2000, benzene concentrations in Oakland peaked at 0.90 parts per billion (ppb) (BAAQMD, 2002). Using a measured correlation of benzene to 1-3-butadiene concentrations in the bay area, this corresponds to approximately 0.29 ppb as a peak 1,3-butadiene concentration in Oakland in 2000.

The project proposes to add 615 vehicle trips per day to the local roadway network. Currently, 190,000 vehicles per day use I-880 in the project area (Caltrans, 2001). Consequently, the proposed project would increase vehicle emissions in the project area by less than 0.3 percent, including a proportional amount of 1,3-butadiene.

The additional increment of vehicle exhaust generated by the proposed project would not be considered to be cumulatively considerable. The BAAQMD is the regional agency that enforces air quality standards for both criteria pollutants and toxic air contaminants in the Bay Area. Generally, the BAAQMD does not require a detailed air quality analysis for projects generating less than 2,000 vehicle trips per day (BAAQMD, 1999). The project contribution of an estimated 615 vehicle trips per day indicates that BAAQMD would typically not consider this additional volume of vehicles substantial enough to warrant in-depth air quality analysis for either criteria air pollutants or toxic air contaminants.

- R-2)** The commenter's reference to the displacement of existing businesses is not clear; however, the DEIR acknowledges the non-profit agency using the warehouse rent-free on a temporary basis with the property owner's permission (see response to comment I-2). As the term of the agreement is for a temporary basis, displacement is not an issue.
- R-3)** Air quality impacts of the proposed project are addressed in Section IV-C of the DEIR, and noise impacts are addressed in Section IV.D of the DEIR. Please refer to the response to comment K-24 in reference to changes in air dispersion from the proposed building. Regarding parking, traffic, and circulation, see response to comments K-10 through K-23. Regarding alternatives, see Master Response 3 – Alternatives.

The commenter's reference to cumulative impacts is vague; however, the EIR analysis does include cumulative impacts related to traffic (DEIR pp. IV.B-27 through B-29), parking (DEIR p. IV.B-22), air quality (DEIR p. IV.C-11), noise (DEIR pp. IV.D-12 to D-13), and historic resources (DEIR, pp. IV.E-28 through E-31). See response to R-2, above regarding displacement. Municipal services are discussed under Public Services on pp. VIII.C-9 through C-11 of DEIR Appendix C (Impacts Initially Reviewed and Determined To Be Less Than Significant). Appendix C concludes that the project is not anticipated to result in significant impacts on public services due to standard City review practices to ensure adequate resources or measures for fire services and police protection services. The project sponsor would be required to pay a school impact fee to offset any

impacts to school facilities. The project site is located in an urban area of downtown that is serviced by a number of existing parks with future plans for improving and expanding existing parks and creating new open space areas in the vicinity of the project. Further, “[t]he Community Services Analysis prepared for the Land Use and Transportation Element of the General Plan stated that future in-fill development through the General Plan horizon year of 2015 would not be likely to impose a burden on existing public services” (DEIR p. VIII.C-11).

- R-4)** Air quality impacts of the proposed project are addressed in Section IV-C of the DEIR. Please refer to additional PM10 monitoring data, including site-specific measurements in response to comment K-24.
- R-5)** See Master Response 3– Alternatives.
- R-6)** See Master Response 3– Alternatives.
- R-7)** See Master Response 3– Alternatives and Appendices B and C.
- R-8)** See Master Response 3– Alternatives and Appendices A, B, and C.
- R-9)** As stated in the Master Response 3 – Alternatives, the EIR analysis provides sufficient information and analysis of the project impacts and alternatives, and a supplemental DEIR is not necessary. No new significant information has been added or is required.
- R-10)** See response to comments R-1, above, and G-12 to G-13 and K-24 through K-27.
- R-11)** Enclosure noted.
- R-12)** Enclosure noted.
- R-13)** See response to comments R-1, above, and G-12 to G-13 and K-24 through K-27.
- R-14)** See response to comments R-1, above, and G-12 to G-13 and K-24 through K-27.
- R-15)** Enclosure noted.
- R-16)** The parking survey data gathered by the Jack London Neighborhood Association in August 1998 and May 1999, and submitted to the City of Oakland Community and Economic Development Agency in September 2000, is acknowledged. The material included in the attachment to the commenter’s letter is the same material that was used as part of the DEIR’s estimate of project-generated parking demand (see pp. IV.B-16 to IV.B-21 of the DEIR), as indicated by the source citation on pp. IV.B-16 and IV.B-29 of the DEIR.
- R-17)** See response to comment K-2.
- R-18)** Enclosure was not submitted. Reference to the web page is noted.

- R-19)** Enclosure noted.
- R-20)** Enclosure noted. In DEIR Appendix C (Impacts Initially Reviewed and Found to be Less than Significant) states, “[t]he proposed project site is located in an urban area of downtown Oakland that is served by a number of parks in the area including nearby Estuary Park located a few blocks to the southeast and Lake Merritt located a few blocks to the north of the project site. Implementation of the shoreline access and public space plan identified in the Estuary Policy Plan (EPP) would add to the area’s public open space and would include the expansion of Estuary Park, development of a Meadow Green located a few blocks to the southwest of the project site, and development of a Marina Green located a few blocks to the south of the project site. Further, an uninterrupted, public access walkway along the estuary shoreline and the future development of the Oak to Ninth Avenue District would provide additional public open spaces and recreational facilities for nearby residents, providing a system of open spaces and recreational facilities along the estuary” (DEIR p. VIII.C-10). The discussion continues with, “[t]he City and Port of Oakland have committed resources for the initial implementation of this system of public open spaces. A project manager/open space planner has been hired to implement the open space plan. Through grants, State park bonds, private initiatives, potential local bonds, and other sources the City is actively working toward funding and implementation of the open space goals outlined in the OSCAR and the EPP” (DEIR p. VIII.C-10 to C-11). Further, “[t]he additional persons generated by the project site would represent a small incremental increase to the existing population already served by public parks, recreational facilities and open space. In addition, the proposed project includes required open space through the project’s approximately 8,700 square foot, landscaped courtyard and through private balconies” (DEIR p. VIII.C-11) and therefore resulting in less than significant impacts.
- R-21)** Enclosure noted. See DEIR pp. IV.B-22 and B-23, and response to comment K-21, for a discussion of the proposed project’s effect on on-street parking in the study area.
- R-22)** Enclosure noted.
- R-23)** See response to comment R- 3, above.

# CHAPTER V

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## RESPONSES TO COMMENTS AT THE PUBLIC HEARING ON THE DRAFT EIR

### **Planning Commission**

The City of Oakland Planning Commission conducted a public hearing on March 20, 2002, to provide the public an opportunity to comment on the Draft EIR. The following comments were received from members of the public and Planning Commission.

#### ***Comment***

NAOMI SCHIFF (Oakland Heritage Alliance). Concerned about the incremental biting of the historic district as the project removes a contributor building. Mitigation are not adequate and challenges the Planning Commission and developer to come up with stronger, positive mitigation beyond plaques and documentation.

#### ***Response***

Please see Master Response 1 – Mitigation Measures Related to Historic Resources.

#### ***Comment***

STEVE LOWE. Requested that the Planning Commission direct staff to start preparation of an Estuary Specific Plan as part of mitigation measures. Believes that there is an erosion of the historic fabric and it needs to be preserved in the Jack London area.

#### ***Response***

Please see Master Response 1 – Mitigation Measures Related to Historic Resources and responses to comments B-1 through B-3, H-1 through H-4, I-1 through I-9, and J-1 through J-12. The Estuary Policy Plan (EPP), adopted in 1999, provides no recommendation for the formulation of a Specific Plan for the Jack London District, as it does for certain other areas. However, in 1999, interim development controls for the Waterfront Warehouse District were adopted, including yards (setbacks) and requirements for design review approval. Currently, City staff is working on completing zoning regulations for the Jack London District, including permitted uses and development regulations which will further the concepts and direction of the EPP. City staff anticipates bringing these regulations forward for adoption within the next year.

#### ***Comment***

GARY KNECHT (SoNIC). Disagrees with Draft EIR that states that demolition of the warehouse is not significant to the eligibility of the district and calls for an opinion by the State

Historic Preservation Organization (SHPO). Impact E.2 could be a significant impact. Disagrees also with the consistency analysis and that the project is consistent with the Estuary Policy Plan. Believes that Policy JL-6 for the Waterfront Warehouse District was not intended to allow for the demolition of contributors; rather, that the policy was intended to encourage adaptive reuse of existing buildings and new infill development was intended only on the remaining vacant lots. States that a general plan amendment is required.

***Response***

Please see Master Response – Mitigation Measures Related to Historic Resources, Master Response 2 – General Plan Consistency, and response to comments I-1 through I-9 and J-1 through J-12.

***Comment***

ROSEMARY ALLEN, (Artist working in the Greeno Building). The character of the district is changing and does not want to be cut off from downtown and greater Oakland. Believes that this project will block her views of greater Oakland and the hills beyond the freeway.

***Response***

Please see Master Response 4 – Urban Design Issues Regarding Height and Massing, Views, and Light and Glare.

***Comment***

JOYCE ROY. The Estuary Policy Plan policies did state taller buildings next to the freeway with a stepping down of buildings to the water. Need to be careful about the quality of new development. Believes that the architect for the Allegro Project is horrible and that this project belongs somewhere other than the historic district.

***Response***

Comment noted. Overall quality of the development will be addressed in the design review process that will be considered separately by the Planning Commission as to whether the project conforms to applicable Design Review criteria of the Planning Code.

***Comment***

ALEXANDER WITZ. Raised inconsistencies in the air quality monitoring and notes monitoring station location discrepancies in Draft EIR and questions the accuracy of the analysis in the Draft EIR. Concern over pollutant levels at site for residents and the details regarding the proximity to the freeway, the General Plan contingency rating of C, and Policy D.6.2 . Questions the economic feasibility of 8 stories as there is no economic justification for the height along with demolition and questions whether there is asbestos in the structure. There are no mitigation measures that address the cumulative impact. The project will be the tallest in the historic district and how does that meet JL-6 which distinguishes it in quarter blocks. Concern over the loss of views from I-880 into historic district. The architecture of the building is not consistent with the character of the district.

***Response***

Please see response to comments K-24 through K-27 and R-1 through R-4 for air quality; Master Response 2 – General Plan Consistency for general plan policies; Master Response

3 – Alternatives for feasibility issues; and Master Response 4 - Urban Design Issues Regarding Height and Massing, Views, and Light and Glare for views and character of the district. Potential asbestos is discussed in the Hazards and Hazardous Materials section of Appendix C (Impacts Initially Reviewed and Found to be Less than Significant) (DEIR pp. VIII.C-6). No mitigation measures were required as the “the applicant will be required to comply with all applicable OSHA regulations regarding worker safety, consistent with standard City practice. The demolition of buildings containing asbestos requires retaining contractors who are licensed to conduct asbestos abatement work and notifying the Bay Area Air Quality Management District (BAAQMD) ten days prior to initiating construction and demolition activities. All identified asbestos containing materials would be removed and appropriately disposed of by a state certified asbestos contractor, pursuant to an asbestos abatement plan developed by a state-certified asbestos consultant. The possible presence of friable asbestos would therefore not create a significant hazard to the public or the environment” (DEIR p. VIII.C-6).

***Comment***

PETER BIRKHOLZ (Jack London Neighborhood Association). The purpose of JLNA is to preserve the Waterfront Warehouse District and the estuary. Concern over the destruction of a contributor building; believes there is a glitch in the number of contributor buildings. Likes the wood-frame buildings that are lower in height. Believes the FAR calculation should include parking garage. The Estuary Policy Plan says that there should be active streetscape and wants retail in lieu of office space. Concerned about the traffic problems and adequacy of the mitigation to re-time signals; pedestrian conflicts; proposed parking with 75% of the parking being substandard per the code and the ratio of compact spaces; and proposed parking spaces on the street (4<sup>th</sup> Street) and that street spaces will be taken first. Questions the noise mitigation measures and would like to see the geotechnical reports on pile driving and states that City monitoring of construction and conditions are horrible; monitoring should be done by outside consultants with penalties if conditions are not met. There are no adequate drawings. Prefers the Mitigated Preservation Alternative and would like to have a grocery store, sidewalk café, two to three stories of residential and parking below. The Landmarks Preservation Advisory Board comments in staff report are unreadable.

***Response***

Please see response to comments K-1 through K-60, Master Response 2 – General Plan Consistency, Master Response 3 – Alternatives, and Master Response 4 - Urban Design Issues Regarding Height and Massing, Views, and Light and Glare.

***Comment***

JANE LAWHON (Jack London Neighborhood Association). Raises air quality problems and issues as they are 2,000 times the legal state limit in her unit; the Draft EIR does not test particulate matter near the site and there is antiquated buildings in the warehouse district. There is not testing at the San Leandro monitoring station or in the Waterfront Warehouse District. Cannot conclude that there is an incremental increase and less than significant if the testing is not in the analysis; need an air quality test before there is an approval of the project.

***Response***

Please see response to comments K-24 though K-27.

***Comment***

PLANNING COMMISSIONER LIGHTY. Concerned that particulate matter is not measured at the 426 Alice Street site. Questioned and received clarification that the Landmarks Board perspective found the analysis in the EIR satisfactory, agreed with the conclusions, and that the project design was strong with minor comments regarding window quality and the upper floors. Believed that there needs to be adequate air quality analysis and monitoring is needed on the site. Agrees with the Draft EIR regarding the cumulative impacts and that they should preserve the remaining buildings in the district (acknowledged the Landmarks Board's mitigation measure). Acknowledged the construction noise impacts and stated that it should be addressed; the pile driving is too vague. Noted the proposed parking use versus the zoning standards for compact spaces, and that further assessment of additional measures to mitigate parking effects is needed.

***Response***

Please see response to comments K-24 through K-27 for air quality, K-28 through K-38 for noise, K-15 through K-23 for parking, and Master Response 1 – Mitigation Measures Related to Historic Resources.

***Comment***

PLANNING COMMISSIONER KILLIAN. Received clarification that the use on the ground floor of Alice and 4<sup>th</sup> Street is office. Believed that the office in the building would provide an interaction with the streetscape during the daytime rather than providing parking on the ground floor. Retail would result in parking issues which is a greater concern than the office.

***Response***

Comment noted.

***Comment***

COMMISSIONER JANG. Need to balance the historic preservation issues with development. The Planning Commission needs to get tougher when it approaches the two-thirds threshold. The existing building is not architecturally significant. There is a parking issue and there should be a parking management plan. Questioned other alternative measures and received answer that the City is looking at the Jack London District Parking Study for district-wide improvements in the next four to six months.

***Response***

Comment noted. Please see response to comments K-15 though K-23 and K-54.

***Comment***

PLANNING COMMISSIONER JARVIS. Believes that the height and massing of the project meets the Estuary Policy Plan and likes the industrial aesthetic of the building, unlike the Allegro project. This project is different from Allegro with positive industrial character and design. The office can become retail if the demand is there in the future. Acknowledged the air quality

monitoring issue and noted that the contributor nature of the existing building is not with the design but with its previous use.

***Response***

Comment noted. Please see response to comments K-24 through K-27.

***Comment***

PLANNING COMMISSIONER KATZOFF. The historic threshold is not met with this building/project and will not be like the Allegro project. This project is of high quality and will be a contribution to Jack London and Oakland. The historic mitigation efforts beyond the plaques need to be addressed and acknowledges the mitigation that would contribute to other existing buildings.

***Response***

Comment noted. Please see Master Response 1 – Mitigation Measures Related to Historic Resources.

# CHAPTER VI

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## APPENDICES

- Appendix A. Development Alternatives Feasibility Assessment
- Appendix B. Food Market Feasibility Assessment Letter
- Appendix C. “New” JLNA Alternatives Feasibility Letter
- Appendix D. City of Oakland Notices on Extension of Draft EIR Public Comment Period and Correction of Draft EIR (first batch)

# **APPENDIX A**

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## **DEVELOPMENT ALTERNATIVES FEASIBILITY ASSESSMENT**

A. Development Alts Feasibility Assessment, Connely Report Slip Sheet  
(40+ Pages)

# **APPENDIX B**

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## **FOOD MARKET FEASIBILITY LETTER**

B. Food Market Feasibility Letter Slip Sheet (2 Pages)

# **APPENDIX C**

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## **“NEW” JLNA ALTERNATIVES FEASIBILITY LETTER**

C. “New” JLNA Alts Feasibility Letter Slip Sheets (4 Pages)

# **APPENDIX D**

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## **CITY OF OAKLAND NOTICE OF PUBLIC COMMENT PERIOD EXTENSION AND CORRECTION ON DRAFT EIR**

D. City of Oakland Notice of Public Comment Period Extension and Correction on Draft EIR (2 Pages)